ORIGINAL

No. 20-1793

IN THE

Supreme Court of the United States

AURA MOODY on behalf of her minor child, JM,

Petitioner,

JULIAN MOODY,

Plaintiff,

v.

NATIONAL FOOTBALL LEAGUE,

Respondent.

On Petition for Writ of Certiorari to the U.S. Circuit Court for the Second Circuit

PETITION FOR WRIT OF CERTIORARI

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June 18, 2021

QUESTIONS PRESENTED FOR REVIEW

This Petition for a Writ of Certiorari gives this Court an opportunity to decide important questions of deferral law regarding statutory standing doctrine in the context of a claim that is based on constitutional rights violations. The questions presented below are essential and deserve the Supreme Court of the United States' attention. **The questions for this Court are**:

1. WHETHER THE COURT OF APPEALS HAD THE AUTHORITY TO DISMISS THE APPEAL BECAUSE IT ALLEGEDLY "LACKS AN ARGUABLE BASIS EITHER IN LAW OR IN FACT" WITHOUT GIVING PETITIONER THE OPPORTUNITY TO PRESENT HER EVIDENCE AND BE HEARD ON THE ISSUES PRESENTED TO THEM FOR REVIEW ON THE MERITS, WITHOUT ENFORCING RESPONDENT'S COMPLIANCE WITH FEDERAL RULES OF APPELATE PROCEDURE ("FRAP") AND COURT'S LOCAL RULES ("LOCAL RULES"); AND WHETHER THESE ISSUES WERE PROPERLY ADDRESSED BY THE COURT PRIOR TO RENDERING ITS DECISION?

2. WHETHER THE COURT OF APPEALS' JUDGEMENT IS PROCEDURALLY DEFICIENT AND CONSTITUTIONALLY INVALID SINCE IT DENIED PETITIONER'S MOTION FOR LEAVE TO AMEND THE CAPTION OF THE CASE, ADD PARTIES, SUPPLEMENT THE PLEADINGS, COMPELL THE DISCLOSURE-PRODUCTION OF DOCUMENTS AND RELIEF FROM JUDGMENT-ORDER ("MOTION FOR LEAVE TO AMEND") OVERLOOKING THE FACT THAT RESPONDENT DID NOT FILE AND SERVE A RESPONSE TO

THE MOTION IN DISREGARD OF FRAP AND LOCAL RULES, AND THE COURT FAILED TO DEMAND A RESPONSE; WHETHER THE COURT MISCARRIAGED JUSTICE BY NOT RENDERING A TIMELY DECISION ON THE MOTION; AND WHETHER THESE ISSUES WERE PROPERLY ADDRESSED BY THE COURT PRIOR TO ITS DECISION ON PETITIONER'S MOTION?

3. WHETHER THE DISTRICT COURT'S JUDGEMENT IS PROCEDURALLY DEFICIENT AND CONSTITUTIONALLY INVALID SINCE IT DENIED PETITIONER'S MOTION TO VACATE JUDGMENT, INTRODUCE NEW EVIDENCE AND REOPEN THE CASE ("MOTION TO VACATE THE JUDGMENT") WITHOUT AFFORDING HER AN OPPORTUNITY TO BE HEARD ON THE ISSUES PRESENTED TO THEM FOR REVIEW ON THE MERITS AND RECEIVING RESPONDENT'S ANSWER TO THE MOTION; WHETHER THE COURT FAILED TO ORDER A DEFAULT JUDGMENT GIVEN RESPONDENT'S NON-COMPLIANCE WITH FEDERAL RULES OF CIVIL PROCEDURE ("FRCP") AND LOCAL RULES; WHETHER THE COURT FAILED TO ENFORCE COMPLIANCE WITH FRCP AND LOCAL RULES BY NOT DEMANDING RESPONDENT'S ANSWER AND IMPOSING SANCTIONS FOR SUCH VIOLATIONS; WHETHER THESE ISSUES WERE ADDRESSED BY THE DISTRICT COURT PRIOR TO RENDERING ITS DECISION; AND WHETHER THESE ISSUES WERE PROPERLY REVIEWED AND ADDRESSED BY THE CIRCUIT COURT ON APPEAL?

4. WHETHER THE COURT OF APPEALS' JUDGMENT IS PROCEDURALLY DEFICIENT AND CONSTITUTIONALLY INVALID AS IT OVERLOOKED THE FACT THAT RESPONDENT DID NOT FILE AND SERVE THE ACKNOWLEDGMENT AND NOTICE OF APPEARANCE FORM IN DISREGARD OF FRAP AND LOCAL RULES; WHETHER THE COURT FAILED TO ENFORCE COMPLIANCE WITH FRAP AND LOCAL RULES BY NOT DEMANDING RESPONDENT'S ANSWER AND IMPOSING SANCTIONS FOR SUCH VIOLATIONS; AND WHETHER THESE ISSUES WERE PROPERLY ADDRESSED BY THE COURT PRIOR TO RENDERING ITS JUDGMENT?

5. WHETHER THE COURT OF APPEALS' JUDGMENT IS PROCEDURALLY DEFICIENT AND CONSTITUTIONALLY INVALID SINCE IT OVERLOOKED THE FACT THAT RESPONDENT DID NOT FILE AND SERVE A BRIEFING SCHEDULE; WHETHER THE COURT FAILED TO ENFORCE COMPLIANCE WITH FRAP AND LOCAL RULES BY NOT DEMANDING RESPONDENT'S ANSWER AND IMPOSING SANCTIONS FOR SUCH VIOLATIONS; AND WHETHER THESE ISSUES WERE PROPERLY ADDRESSED BY THE COURT PRIOR TO RENDERING ITS DECISION?

6. WHETHER THE COURT OF APPEALS' JUDGEMENT IS PROCEDURALLY DEFICIENT AND CONSTITUTIONALLY INVALID AS IT OVERLOOKED THE FACT THAT RESPONDENT DID NOT FILE AND SERVE A RESPONSE BRIEF AND APPENDIX; WHETHER THE COURT FAILED TO ENFORCE COMPLIANCE WITH FRAP AND LOCAL RULES BY NOT DEMANDING

RESPONDENT'S ANSWER AND IMPOSING SANCTIONS FOR SUCH VIOLATIONS; AND WHETHER THESE ISSUES WERE PROPERLY ADDRESSED BY THE COURT PRIOR TO RENDERING ITS DECISION?

7. WHETHER THE DISTRICT COURT'S JUDGMENT IS PROCEDURALLY DEFICIENT AND CONSTITUTIONALLY INVALID AS IT OVERLOOKED THE FACT THAT PETITIONER HAS ASSERTED HER OWN MERITORIOUS CLAIMS (DIFFERENT FROM JULIAN'S) IN PARAGRAPH "22" OF THE AMENDED COMPLAINT, AND THAT HER INDIVIDUAL CLAIMS WERE NOT RESOLVED BEFORE THE CASE WAS CLOSED; WHETHER THE COURT ADDRESSED THE IMPROPER REMOVAL OF PETITIONER'S NAME FROM THE CAPTION OF THE CASE, WITHOUT CONSENT AND NOTIFICATION, ALTHOUGH SHE ALERTED THE COURT ABOUT SUCH A IRREGULARITY; WHETHER THE COURT OVERLOOKED THE FACT THAT NEITHER PETITIONER NOR HER SON JULIAN MOODY SOUGHT REMOVAL OF HER NAME FROM THE AMENDED COMPLAINT; WHETHER THESE ISSUES WERE REVIEWED AND ADDRESSED BY THE COURT PRIOR TO RENDERING ITS DECISION ON PETITIONER'S MOTION TO VACATE THE JUDGMENT; AND WHETHER THESE ISSUES WERE PROPERLY ADDRESSED BY THE CIRCUIT COURT ON APPEAL?

8. WHETHER THE COURT OF APPEALS' JUDGMENT IS PROCEDURALLY DEFICIENT AND CONSTITUTIONALLY INVALID AS IT OVERLOOKED THE FACT THAT THE DISTRICT COURT DEPARTED FROM THE ESSENTIAL

REQUIREMENTS OF THE LAW WHEN THE CASE WAS SETTLED WITH PETITIONER'S SON JULIAN MOODY (BEHIND HER BACK) BASED ON RESPONDENT'S TRICKERY MISINFORMATION AND DISREGARD OF THE PRE-REQUISITE CONDITIONS FOR THE MEDIATION ALTHOUGH THE COURT WAS AWARE OF SUCH PRIOR TO THE DISMISSAL OF THE CASE; WHETHER THE DISTRICT COURT ERRED BY FAILING TO VACATE THE SETTLEMENT AFTER PROPER AND TIMELY NOTIFICATION BY PETITIONER OF THE IRREGULARITIES OF THE MEDIATION; AND WHETHER THESE ISSUES WERE PROPERLY ADDRESSED BY THE CIRCUIT COURT ON APPEAL?

9. WHETHER THE DISTRICT COURT'S JUDGMENT IS PROCEDURALLY DEFICIENT AND CONSTITUTIONALLY INVALID AS IT OVERLOOKED THE FACT THAT RESPONDENT DID HAVE REPRESENTATIVE CAPACITY TO PROSECUTE CLAIMS ON BEHALF OF HER SON JULIAN MOODY; WHETHER RESPONDENT AND COUNSEL FOR BOTH PARTIES ADHERED TO FRCP AND LOCAL RULES WHEN EXCLUDING PETITIONER FROM THE MEDIATION AND SETTLEMENT OF THIS CASE; AND WHETHER THESE ISSUES WERE PROPERLY ADDRESSED BY THE LOWER COURTS ON PETITIONER MOTIONS TO VACATE THE JUDGMENT AND FOR LEAVE TO AMEND?

10. WHETHER THE DISTRICT COURT AND COURT OF APPEALS' JUDGMENTS ARE PROCEDURALLY DEFICIENT AND CONSTITUTIONALLY INVALID SINCE BOTH COURTS OVERLOOKED THE FACT THAT IN

ADDITION TO THE NATIONAL FOOTBALL LEAGUE ("NFL"), THE NEW YORK CITY DEPARMENT OF EDUCATION ("DOE") AND THE PUBLIC SCHOOLS ATLHETIC LEAGUE ("PSAL") VIOLATED PETITIONER'S DUE PROCESS RIGHTS UNDER THE XIV AMENDMENT TO THE CONSTITUTION BY NOT GIVING HER NOTICE OF THE ACTION TAKEN BY THE FOOTBALL COACH AGAINST HER SON JULIAN MOODY; WHETHER THE "DOE" AND "PSAL" SHOULD BE HELD LIABLE FOR ALLOWING THE VIOLATION OF JULIAN MOODY'S CONSTITUIONAL RIGHTS PURSUANT TO SECTION 504 OF THE REHABILITATION ACT ("SECTION 504") AND THE AMERICAN WITH DISABILITIES ACT ("ADA") CONSIDERING THAT HE WAS A STUDENT ENTRUSTED TO THESE PUBLIC AGENCIES AND WERE COMPLICIT IN EXCLUDING JULIAN MOODY FROM PARTICIPATING IN THE NATIONAL TOURNAMENT; WHETHER THE COURTS ERRED BY NOT ALLOWING PETITIONER TO AMEND THE CAPTION OF THE CASE TO SUPPLEMENT THE PLEADINGS AND ADD THE "DOE" AND "PSAL" AS DEFENDANTS TO THIS ACTION FOR THESE VIOLATIONS; WHETHER PERTITIONER AND HER SON JULIAN MOODY ARE ENTITLED TO RELIEF FROM THESE AGENCIES; AND WHETHER THESE ISSUES WERE PROPERLY ADDRESSED BY THE LOWER COURTS ON PETITIONER'S MOTIONS TO VACATE THE JUDGMENT AND FOR LEAVE TO AMEND?

11. WHETHER THE DISTRICT COURT'S JUDGMENT IS PROCEDURALLY DEFICIENT AND CONSTITUTIONALLY INVALID AS IT OVERLOOKED THE

FACT THAT RESPONDENT DISCRIMINATED AGAINST PETITIONER UNDER THE EQUAL PROTECTION CLAUSE OF THE XIV AMENDMENT; WHETHER PETITIONER SHOULD HAVE BEEN ALLOWED TO AMEND THE CAPTION OF THE CASE TO SUPPLEMENT HER PLEADINGS AND ADD PARTIES TO THIS ACTION; WHETHER PETITIONER IS ENTITLED TO RELIEF FOR SUCH VIOLATIONS; AND WHETHER THESE ISSUES WERE PROPERLY ADDRESSED BY THE LOWER COURTS ON PETITIONER MOTIONS TO VACATE THE JUDGMENT AND FOR LEAVE TO AMEND?

12. WHETHER THE DISTRICT COURT AND THE COURT OF APPEALS' JUDGMENTS ARE PROCEDURALLY DEFICIENT AND CONSTITUTIONALLY INVALID AS BOTH COURTS OVERLOOKED THE FACT THAT THE UNITED STATES DEPARTMENT OF EDUCATION-OFFICE FOR CIVIL RIGHTS ("OCR") AND THE UNITED STATES DEPARTMENT OF JUSTICE ("DOJ") VIOLATED PETITIONER'S DUE PROCESS AND EQUAL PROTECTON RIGHTS BY NOT INVOLVING HER IN THE INVESTIGATIONS OF THE DISCRIMINATION COMPLAINTS SHE FILED AGAINST THE "DOE" AND "NFL"; WHETHER THESE AGENCIES VIOLATED THE BASIC NORMS AND PRINCIPLES THAT GOVERN THE INVESTIGATION OF COMPLAINTS; WHETHER PETITIONER SHOULD HAVE BEEN ALLOWED TO AMEND THE CAPTION OF THE CASE TO SUPPLEMENT THE PLEADINGS AND ADD THE "DOJ AND "OCR" AS DEFENDANTS TO THIS ACTION FOR THESE VIOLATIONS; WHETHER PETITIONER IS ENTITLED TO RELIEF FOR THESE AGENCIES' FAILURE TO

COMPLY WITH PERTINENT REGULATIONS ON THE INVESTIGATION OF DISCRIMINATION COMPLAINTS; AND WHETHER THESE ISSUES WERE PROPERLY REVIEWED AND ADDRESSED BY THE LOWER COURTS ON PETITIONER'S MOTIONS TO VACATE THE JUDGMENT AND FOR LEAVE TO AMEND?

13. WHETHER THE DISTRICT COURT'S JUDGMENT IS PROCEDURALLY DEFICIENT AND CONSTITUTIONALLY INVALID SINCE IT OVERLOOKED PETITIONER'S ASSERTIONS THAT RESPONDENT AND COUNSEL FOR BOTH PARTIES ENGAGED IN BAD FAITH AND UNETHICAL BEHAVIORS THAT LED TO AN UNFAIR SETTLEMENT AND DISMISSAL OF THIS CASE VIA STIPULATION; WHETHER RESPONDENT AND COUNSEL FOR BOTH PARTIES SHOULD HAVE BEEN SANTCIONED BY THE COURT UPON NOTIFICATION OF SUCH IMPROPER PRACTICES; AND WHETHER THESE ISSUES WERE PROPERLY ADDRESSED BY THE LOWER COURTS ON PETITIONER'S MOTIONS TO VACATE THE JUDGMENT AND FOR LEAVE TO AMEND?

14. WHETHER THE COURT OF APPEALS' JUDGMENT IS PROCEDURALLY DEFICIENT AND CONSTITUTIONALLY INVALID AS IT IGNORED PETITIONER'S REQUEST FOR RECUSAL OF JUDGES FROM THIS PROCEEDING DUE TO LACK OF IMPARTIALITY; WHETHER PETITIONER IS ENTITLED TO A RESPONSE TO HER REQUEST FOR RECUSAL; AND WHETHER THIS ISSUE WAS PROPERLY ADDRESSED BY THE COURT?

LIST OF PARTIES TO THE PROCEEDINGS

The following individuals and entity are parties to the proceedings below:

The Petitioner is Aura Moody (hereinafter referred as "Petitioner", "Plaintiff", "Appellant", "Mother", "Parent"), "Ms. Moody", "Aura"). Petitioner is a Black Hispanic woman. She is the mother of Julian Moody, who originally commenced legal action on his behalf and herself. Julian was a minor when Respondent took the adverse action. During the pendency of this litigation, he became an adult. Following the retention of Counsel, Mr. Moody provided Ms. Moody with a durable Power of Attorney to act on his behalf, and never revoked or terminated it. **Pt.App.32-33**. Therefore, Petitioner did have representative capacity to prosecute claims on Julian's behalf. Petitioner practically made all the decisions since the inception of this case, but she was maliciously excluded by Counsel when it came to the mediation and settlement, despite Julian instructing them that settlement issues had to be discussed with his mother prior to him making a decision, as per an email sent to Petitioner by Counsel on July 24, 2015. **Petitioner is acting Pro Se**.

Julian Moody ("Plaintiff", "Main Plaintiff", "Son", "Mr. Moody", "Julian") is an American Citizen of Colombian and African-American descent. He suffers from a **disability** as defined by the American with Disabilities Act ("ADA") and Section 504 of the Rehabilitation Act ("Section 504"), to wit, diabetes. At the time the incident that led to this action took place, Julian was a student at Bayside High School, a public school run by the New York City Department of Education ("DOE"),

where he was the starting Quarterback on the school's football team. He was an active member of the National Football League/High School Player Development Program ("HSPD"). The Public Schools Athletic League ("PSAL") is an organization that promotes student athletics in the public schools of New York City. It was founded to provide and maintain a sports program for students enrolled in New York City public schools, in this case, Bayside High School. Football has been one of Julian's passions since he was a young child. While managing his diabetes, he continued playing football. He was very good in both the football field and classroom. Julian became the recipient of numerous academic and athletic awards Citywide. **Pt.App.12-31; Appendix to Appellant's Brief at 101-128.**

The Respondent is the National Football League ("NFL", "Respondent", "Defendant", "Appellee"). The NFL is an American football league consisting of 32 teams. Upon information and belief, it is the highest professional level sport league of American football in the world. The HSPD is an independent program sponsored and operated by the NFL, and this program uses DOE and other public facilities. Respondent hired and compensated the Football Coaches for their work in the HSPD program. The Coaches were also employed by the DOE. **Pt.App.12-14.** Respondent is believed to be represented by Brewer Attorneys & Counselors.

RELATED CASES

The following cases are directly related to the case in this Court:

Moody v. NFL, No. 15-cv-01072, United States District Court for the Eastern District of New York, Judgment entered on March 11, 2020.

Moody v. NFL, No. 20-1551cv, United States Court of Appeals for the Second Circuit, Judgment entered on January 21, 2021.

Moody v. NFL, No. 16-4315cv, United States Court of Appeals for the Second Circuit, Judgment entered on May 3, 2018.

Moody v. NFL, No. 18-393, Supreme Court of the United States, Judgment entered on February 19, 2019.

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INTRODUCTION

The United States of America is the pioneer in the promulgation and preservation of civil and human rights in the world. As such, it is expected that the judicial branch enforce the laws that protect its citizens, including those with special needs.

In this certiorari proceeding, the Supreme Court of the United States is required to determine whether the decisions of the United States Court of Appeals for the Second Circuit ("Court of Appeals", "Circuit Court", "Second Circuit") and the United States District Court for the Eastern District of New York ("District Court", "EDNY") were supported by competent substantial evidence, whether there was a departure from the essential requirements of the law, and whether due process was accorded.

This matter involves a **lawsuit against the NFL as a result of Respondent's violations of a number of federal, state and city laws-regulations** by depriving Julian **(a then 16 year old insulin-dependent diabetic)** of his right to represent the New York Jets in a National Tournament held from July 12 through July 15, 2012 in Indianapolis, Indiana ("National Tournament") on the **basis of his disability**, denying him a once in a lifetime opportunity to be exposed to a national experience that could have led to possible recruitment and scholarship offers by colleges in this country. On June 25, 2012, **Julian was abused and humiliated by his NFL/HSPD Coach in front of his teammates and another Coach, removed from his all-star winning team**

and replaced by a less qualified player from the losing team without justification. Although Julian was a minor, his parents were not notified in any manner of the adverse decision. When Petitioner learned about the HSPD Coach's abuse and maltreatment that **endangered Julian's welfare**, his parents reached out to NFL officials, ranging from the HSPD Coach to the Commissioner, but they were indifferent. Appendix to Appellant's Brief dated August 27, 2020 at 28-62. They had a legal and moral duty to take action but failed to do so. Petitioner believes that the HSPD Coach's cruel action and Respondent's disdain amount to negligence, child abuse and breach of fiduciary responsibility pursuant to the ADA, Section 504, NYS Executive Law, NYS Human Rights Laws, NYS Education Laws, NYS Child Abuse and Neglect Regulations, NYC Human Rights Laws, NYC Education Laws, as well as the regulations of the NFL, PSAL and American Diabetes Association, among others. Pt.App.45. They should be held countable for civil and criminal violations.

The NFL is a private organization that uses facilities financed by the government such as school buildings, parks and sport fields. The DOE and PSAL are public institutions funded by taxpayers. The ADA and Section 504 prohibit 'any program or activities receiving federal funding from discriminating against disabled individuals.' Under these statutes, Respondent was required to make reasonable accommodations for Julian's disability to enable him to perform his essential functions, but it failed to do so. Insomuch, Congress has emphasized that it is extremely important that agencies rigorously observe applicable procedural

requirements when making decisions that affect the citizens of the United States, including but not limited to provide the requisite notice to the parties involved. Under both the First and Fourteenth Amendments, the NFL, DOE and PSAL were required to provide Petitioner with certain procedural safeguards and notices before Julian was deprived of his rights to participate in the National Tournament. However, Petitioner was not given notice prior or immediately after Respondent's adverse action against Julian.

On February 2, 2015, **Petitioner brought a lawsuit against the NFL**. The Complaint alleged that Respondent prohibited Julian from competing with his all-star team at the National Tournament because of his disability, in violation of Section 504, the ADA and other relevant statutes. On July 7, 2015, **the complaint was amended** to substitute Julian as the sole Plaintiff. **Instead of adding Julian's name and other parties to the Original Complaint, Petitioner's name was removed from the caption of the case as a party of interest, although she has her own meritorious claims against Respondent, as asserted in Paragraph "22" of the Amended Complaint**,[1] which reads: "The announcement was extremely devastating to Plaintiff as he had earned his place to participate in this tournament and he was a member of the winning team. Plaintiff was publicly humiliated in front of his peers and no one informed his parents of the decision to exclude Julian from the program, even though when the events occurred Julian Moody was a minor." Pl.App.16. At the Status Conference held on September

[1] The Complaint involves claims for injunctive relief, retaliation, intimidation, obstruction of justice, breach of contract, concealment/tampering of evidence, failure to investigate allegations of child abuse and neglect, cover up, intentional and negligent infliction of emotional distress, among others.

15, 2016, **Respondent advised Judge Block that her name had been removed from the Amended Complaint and that she should have been part of the case because she has her own claims such as loss of consortium, but he did not address these issues.** Docket Entry No. 23, page 7. The Supreme Court has concluded that parents of a child with a disability are "parties aggrieved" and are entitled to relief for procedural infractions.

On January 6, 2016, **Julian reached an agreement with the NFL and settled this case for $1,000.00 and a ticket to watch a football game**. Pt.App.37-39. Petitioner opposed to the paltry settlement of this case based on the irregularities she observed during the mediation by addressing a letter to the Judge Block on January 12, 2016, but he did not respond. Docket Entry No. 21. On August 12, 2016, **Counsel for both parties signed and filed a Stipulation, behind Petitioner's back, and the District Court dismissed the case**. At the Status Conference, **our Counsel acknowledged that the settlement was "basically a nuisance value", that "there was an strong disagreement between Mrs. Moody", that "Respondent's Counsel forwarded a settlement agreement which memoralized what had taken place at the mediation," approximately 3 or 4 weeks after the mediation was concluded, that he "forwarded the email to Julian," and that "it took a few weeks for Julian to sign the agreement and send it back to him.**" Docket Entry No. 23, pages 3-6. In his opening statement, Judge Block said: "**I invited you all into court today. This is a very unusual situation when we get a letter here by Mrs. Moody**

on behalf of her son and I have never had this in 22 years, but you know obviously Mrs. Moody spent a great amount of time and is very upset about the way this matter has unfolded and how it was settled... I thought I'd invite you into the court here since you seem to be so distressed..." Docket Entry No. 23, pages 2-3. The fact that Julian waited several months from the date of the mediation to the signing of the settlement agreement suggests that he was reluctant to accept the initial offer but was pressured into signing a settlement. Petitioner has not allowed this action to become dormant. She been actively moving it through the procedural ladder from the time that Order was issued by the District Court on August 12, 2016 and thereafter to advance this case on the merits.

The dismissal of Petitioner's appeal by the Circuit Court, despite compelling arguments and supportive evidence, was an error. A review of the facts and evidence in the record shows that Aura and Julian have viable claims that should have been legally submitted to a jury for adjudication on the merits. Unfortunately, the lower Courts did not afford Petitioner a hearing on the disputed issues of facts at hand. The Courts failed to recognize the injury that both Julian and his family have suffered as a direct result of Respondent's wrongful actions. The District Court's decision rendered on May 11, 2020 and the Circuit Court's Orders issued on October 5, 2020 and January 21, 2021 continue the deprivation by not reopening this case and allowing Aura and Julian to re-plead their meritorious claims.

In a series of decisions, the Supreme Court has described the government's intolerance of human rights violations and has made decisions in favor of the

aggrieved parties. This Petition asks whether the Second Circuit conflicts with the decisions of the Supreme Court and other Circuit Courts. The Supreme Court has jurisdiction to review issues of denial of due process by the State Court, e.g. *Chambers v. Mississippi*, (1973) 410 US 284, and issues of equal protection clause violation, e.g. *Minnesota v. Clover Leaf Creamery Co.*, (1981) 449 US 456. Jurisdiction is also invoked pursuant to 28 U.S.C. §1257(a) where the validity of statutes, orders and appellate procedures of State is drawn in question on the ground of its being repugnant to the First and Fourteenth Amendments on civil rights. *Dodge v. Woolsey*, (1855) 59 U.S. 331. It is Petitioner's good faith belief that the lower Courts' decisions were not conducted in accord with the relevant federal, state and city statutes/laws, as decided by the Supreme Court in *Chambers v. Mississippi.*

Petitioner submits this Petition for a Writ of Certiorari ("Petition") to challenge the constitutionality of the procedures used by the lower Courts. Petitioner asks for unsettled issues in important federal questions with public importance related to violations of Petitioner's procedural and substantive due process and equal protection rights guaranteed under the XIV Amendment and other statutes, as well as to Respondent's violations of Julian's constitutional rights.

OPINIONS AND ORDERS BELOW

The District Court's Order-Transcript of Civil Cause for Status Conference held on September 15, 2016 is included as **Appendix 1 (12-23) to the Appendix of Appellant's Brief dated August 27, 2020**. It is reported in its record under Docket Entry No. 23.

The District Court's Electronic Order issued on March 11, 2020 is reported in its record under Docket Entry No. 40.

The Circuit Court's Order dated October 5, 2020 is attached as **Appendix 1 to this Petition**.

The Circuit Court's Order dated January 21, 2021 (issued as a Mandate on January 29, 2021) is attached as **Appendix 11 to this Petition.**

JURISDICTION

The date on which the United States Court of Appeals decided this case was October 5, 2020.

A timely Petition for Rehearing and Rehearing En Banc was denied by the Second Circuit on January 21, 2021.

An extension of time to file this Petition was not needed. This Court extended the time for filing from 90 days to 150 days from the date of the entry of the final judgment or denial of a timely filed petition for rehearing in the United States Court of Appeals amid the COVID-19 coronavirus global pandemic.

Upon information and belief, the jurisdiction of this Court is invoked under 28 U.S.C. §1254(1), 28 U.S.C. §1257(a) and 28 U.S.C. §2071.

STATUTORY AND REGULATORY PROVISIONS INVOLVED

Some of the relevant statutory and regulatory provisions are set out in the Appendix at 45.

STATEMENT OF THE CASE

Petitioner assumes the Court's familiarity with the underlying facts, evidence, procedural history of the case and issues on appeal, to which she refers only as necessary.

STATEMENT OF THE FACTS

In the Spring 2012, Julian was selected to participate in the HSPD program via the recommendation of his football coach from Bayside High School (Mr. Jason Levitt), which initially consisted of nearly 200 students-athletes. Appendix to Appellant's Brief at 119. Julian advanced throughout all the phases of the citywide competition. On June 23, 2012, the HSPD had a final football game, and Julian's team was victorious. On June 25, 2012, Julian and the other players on the winning team reported to Roy Wilkins Park in Queens for practice and trip arrangements. On that date, Mr. Willie Beverly (HSPD Coach, who was the Coach of August Martin High School's football team) abruptly removed Julian from the all-star travel team from New York City, embarrassed and ridiculed him in the presence of Mr. James Desantis (HSPD Coach, who was the Coach of Flushing High School's football team) and his teammates. Julian was replaced by a less qualified player from the losing team, a member of Jamaica High School's football team. Feeling publicly humiliated, deeply shocked, saddened and devastated by this sudden turn of events, in a zombie like state, **Julian took the bus home. He later called the trip back home as "the longest ride of my life.**" Julian's parents were not notified by the NFL, DOE or PSAL of Respondent's decision. Pt.App.22-31. Afterwards, **the NFL and DOE claimed that <u>none</u> of the Coaches was aware**

of Julian's disability. Docket Entry No. 24.Exh.7. This denial is egregious! Julian's parents submitted the proper medical documentation to the DOE and NFL prior to him engaging in the physical sport. Julian's medical record was in the custody of Respondent. After the denial proving otherwise, **Julian's medical documents were located in the files maintained by Respondent and produced to the District Court** by Mr. Jerry Horowitz (Senior Director in the Football Operations Department) on March 7, 2015. Appendix to Appellant's Brief at 130-133. As to the National Tournament, Julian's qualification was based strictly on the established rules that allow the citywide winning team to compete nationwide. Julian was physically ready, willing and able to play. Respondent chickened out for no apparent reason by targeting Julian based on his disability. He was used as an escape-goat. Respondent read his medical records, saw that he has diabetes and decided to use his condition as a means to exclude him from competing nationwide. The fact that the Respondent's decision was not communicated to Petitioner infringed upon her due process and equal protection rights.

When Petitioner learned that Respondent had mistreated Julian and violated his trust as a minor, **his parents sought administrative remedies by reaching out to NFL officials via phone calls and emails, ranging from Coach Al Tongue to Commissioner Roger Goodell, but their good faith efforts were rejected**. They asked for an investigation of the incident, a meeting with the parties involved and the HSPD governing rules, but Respondent denied their requests. Appendix to Appellant's Brief at 28-62; Pt.App.22-31. Respondent's

actions were deliberate, capricious, atrocious, heartless, intentionally discriminatory, extreme in degree and outrageous in character as to exceed the bounds of decent society, causing harm to Julian and his family. Respondent knew that they had done something wrong but failed to take the necessary steps to correct the situation. **Respondent did not even offer an apology.**

PRIOR PROCEEDINGS

Considering that Julian's parents were unable to resolve their grievance amicably with Respondent, **Petitioner sought corrective actions by filing discrimination Complaints with the United States Department of Education-Office for Civil Rights ("OCR")** and **United States Department of Justice ("DOJ").** Both agencies failed to comply with OCR-Article III of the Case Processing Manual and DOJ-Regulations of the U.S. Attorney's Office. **They violated Petitioner's due process and equal protection rights by closing the cases without involving her during the course of their alleged investigations and serving her with Respondents' responsive documents for her perusal and rebuttal.** Petitioner unsuccessfully appealed both decisions. Upon information and belief, both agencies and their officials engaged in inappropriate behaviors and colluded with the DOE and NFL when making their decisions. This lawsuit could have been averted if they had abided by the law. **Petitioner seeks to add the DOE, OCR, DOJ and PSAL as Defendants.**

COMPLAINT AGAINST THE DOE AND NFL FILED WITH THE OCR

On August 3, 2012, Petitioner filed a Complaint with OCR against the DOE and NFL pursuant to Section 504 and the ADA. (Case # 02-12-1303). OCR requested that the DOE respond to a questionnaire of 8 questions. In its unilateral investigation, OCR determined that the HSPD is operated by the NFL and closed the case without Petitioner being involved. Appendix to Petitioner's Motion for Leave to Amend dated May 29, 2020, Exhibit 2.

COMPLAINT AGAINST THE NFL FILED WITH THE DOJ

Following the OCR's dismissal of the Complaint against the DOE, OCR referred the case to the DOJ for an investigation against the NFL pursuant to the ADA. The DOJ requested that the NFL respond to a questionnaire of 12 questions and closed the Complaint solely based on the information obtained from Respondent. Appendix to Petitioner's Motion for Leave to Amend, Exhibit 3. To date, **Petitioner has not seen Respondent's response to her Complaint.** Out of desperation, on August 22, 2016, **Petitioner addressed a letter to then Attorney General Loretta Lynch**, but her concerns fell on deaf ears and no action was taken in her favor. Appendix to Appellant's Brief at 135-140.

THE COURT PROCEEDINGS

Since Petitioner's good faith efforts to seek administrative remedies failed, on December 26, 2013, she retained the services of the Law Firm of Stewart Lee Karlin PC to represent the Moody family in this action. Attorneys assigned for the record were Mr. Stewart Lee Karlin and Ms. Natalia Kapitanova. Pt.App.44.

COURSE OF THE PROCEEDINGS IN THE NYS SUPREME COURT AND DISTRICT COURT AGAINST THE DOE

On March 28, 2014, Petitioner, through Counsel, commenced a lawsuit against the DOE in the Supreme Court of the State of New York. (Index #: 702100/2014; USDC Docket #: 1:14-cv-02763-RMM-RML). On May 2, 2014, the case was removed to the District Court. During the pendency of this case, the DOE claimed not to play any role in the HSPD program, as per an email sent to Mr. Karlin on June 5, 2014 by Mr. Porter (Assistant Corporation Counsel, NYC Law Department). Appendix to Appellant's Brief at 68-70. Petitioner was informed by Counsel about the imposition of sanctions by the Court if the case was not withdrawn. **The case against the DOE was discontinued via Stipulation on October 29, 2014, despite Petitioner's objections. This decision was made under the compromise that the case would be pursued against the NFL. Because Petitioner was prohibited to write down "in dissent" when she signed the Stipulation, on October 30, 2014, she sent an email to Mr. Karlin confirming her position**. Pt.App.42-43. **Petitioner gave her Attorneys instructions to incorporate other claims and parties into the Complaint against the NFL, but they proceeded against her wishes**. Pt.App.40-41.

COURSE OF THE PROCEEDINGS IN THE DISTRICT COURT, COURT OF APPEALS AND UNITED STATES SUPREME COURT AGAINST THE NFL

On February 2, 2015, Petitioner, through counsel, brought a lawsuit against the NFL. (Case # 15-cv-01072). On July 7, 2015, an injustice was perpetrated against Petitioner when **the Complaint was amended and Petitioner's name was removed from the caption of the case without consent and notification**

by the Court or Counsel. Pt.App.12-21. Ms. Moody was not served with a substitution of parties and/or transfer of interest motion, together a notice of hearing. She was not served with the Amended Complaint (final document). Pt.App.40. She did not seek voluntary dismissal and never signed a Stipulation of dismissal. On September 22, 2015, **the Court issued an Order referring the case for mediation**. Docket Entry No. 18. Subsequently, **both parties established pre-conditions that were required prior to the commencement of any negotiation**, being one of them the production of Respondent's response to Petitioner's DOJ Complaint. In addition to a monetary award and reimbursement of Attorney fees, Julian was offered an internship with the NFL. Pt.App.22-31,39-41. Via email dated January 2, 2016, Petitioner requested from Counsel a copy of the Amended Complaint. Pt.App.40. On January 6, 2016, **a mediation conference was held despite Respondent's failure to satisfy the preconditions**. Julian was subjected to a high level of undue influence from the other party. Respondent in conjunction with Counsel and the Mediator used mental games and behavioral ploys to force out of Julian a decision that was contrary to his interests by accepting the first offer that was put on the table before him. They took advantage of Julian's fear of having his school and job prospect affected by this case as a tool to force him to choose between his education and this lawsuit. They even went as far as to preach that the NFL is used to bad publicity and that it has good Attorneys to defend this case, among other remarks. **The NFL offered Julian $1,000.00 and a ticket to watch a football game to settle this case. He was told that Respondent could not give him the promised internship because they are based on merit. Respondent also refused to**

reimburse Petitioner for the paid legal fees (more than $7,000.00). Respondent did not turn over the DOJ's responsive documents. Pt.App.37-39. Petitioner opposed to the settlement by addressing a letter to Judge Block on January 12, 2016, but he did not respond. Docket Entry No. 21. On August 12, 2016, Counsel filed a Stipulation of Dismissal. Appendix to Appellant's Brief at 76. On August 12, 2016, the District Court dismissed the case via Stipulation. Docket Entry No. 22. On August 15, 2016, Petitioner wrote a second letter to the Court opposing to the settlement. Docket Entry No. 23. At the Status Conference, **Respondent's Counsel requested that Petitioner's August 15th letter be under seal** if it was going to remain in the Court because the terms of the settlement were agreed to be confidential. Docket Entry No. 23, page 11. On September 15, 2016, the Court conducted a Status Conference. Docket Entry No. 23; Appendix to Appellant's Brief at 12-23. On September 20, 2016, Petitioner wrote a third letter to the Court asking that the case be reopened. Docket Entry No. 24; Pt.App.22-31. On December 12, 2016, the Court issued an Electronic Order stating that it will take no further action in this case. Docket Entry No. 24. On December 24, 2016, Petitioner filed a Motion for Reconsideration along with a Notice of Appeal. (Case # 16-4315). Docket Entry No. 27. Petitioner's Motion was denied on January 19, 2017 via an Electronic Order. Docket Entry No. 30. On January 13, 2017, Respondent addressed a letter to the Court asking that Petitioner's Motion for Reconsideration be rejected and requested that if the Motion was to proceed, a conference be convened to discuss a briefing schedule and the right of Respondent to

recover expenses incurred in connection with this appeal. Docket Entry No. 30; Pt.App.34-35. Respondent's January 13th letter was not addressed by the Court. On January 19, 2017, Petitioner wrote a fourth letter to the Court in response to Respondent's January 13th letter and requested its Response to her DOJ Complaint. Docket Entry No. 31. On January 19, 2017, the Court denied Petitioner's Motion for Reconsideration via Electronic Order. Docket Entry No. 30. Petitioner appealed the Court's December 12th and January 19th decisions. On January 25, 2017, Petitioner addressed a letter to the Circuit Court informing that she believed Respondent and Counsel were retaliating against her and attempting to obstruct justice. Docket Entry No. 34. On February 9, 2017, Petitioner addressed a fifth letter to the Court inquiring about the status of her January 19th letter, but no determination was made. Docket Entry No. 36. The Court of Appeals denied review of the December 12th and January 19th Court's decisions and dismissed the appeal for lack of jurisdiction via Summary Order dated February 15, 2018 and affirmed the judgment of the District Court. On March 29, 2018, Petitioner filed a Petition for Panel Rehearing and Rehearing En Banc ("Panel Rehearing"), but it was denied. The Circuit Court affirmed the judgment of the District Court by issuing a Mandate on May 3, 2018. On September 24, 2018, Petitioner filed a Petition for a Writ of Certiorari in the Supreme Court of the United States. (Case # 18-393). On December 3, 2018, the Petition was denied. On December 28, 2018, Petitioner filed a Petition for Rehearing, but it was denied on February 19, 2019. On March 11, 2019, Petitioner addressed a letter to the Justices of the Supreme Court expressing

her disagreement with the February 19th decision, but the Court did not respond. Docket Entry No. 39. Following Supreme Court proceedings, on February 24, 2020, Petitioner filed a Motion to Vacate the Judgment with the District Court. Docket Entry No. 40. It was denied on March 11, 2020 via Electronic Order. Pt.App.9. Respondent did not respond and the Court failed to demand an answer. Petitioner appealed the March 11th decision. (Case # 20-1551). Docket Entry 44. A combined Notice of Appeal and Motion for Extension of Time was filed with the District Court on May 6, 2020, and it was granted on May 13, 2020. Docket Entry No. 41. On May 29, 2020, Petitioner filed a Motion for Leave to Amend. On July 31, 2020, Petitioner filed an Amendment to her May 29th Motion. On August 27, 2020, Appellant filed her Brief and Appendix. Respondent did not file and serve Acknowledgement and Notice of Appearance Form, Briefing Schedule and Response Brief with Appendix, in contravention of FRAP and Local Rules. On October 5, 2020, the Court denied Petitioner's Motion for Leave to Amend and dismissed the appeal. Pt.App.1. On October 19, 2020, Petitioner filed a Petition for Panel Rehearing, but it was denied on January 21, 2021. Pt.App.11.

REASONS FOR GRANTING THE WRIT

Upon information and belief, the doctrine of judicial precedent is based on a principle called stare decisis. The term **stare decisis** means the standing by of previous decisions. This principle translates into the following: When a particular point of law is decided in a case, all future cases composing of the same facts and circumstances will be bound by that decision. The questions presented herein are essential and deserve the attention of the Supreme Court of the United States.

There is legal sufficiency to show that Petitioner has standing to appeal the March 11, 2020, October 5, 2020 and January 21, 2021 Court Orders and is entitled to relief. Petitioner believes that the District Court and Circuit Court abused their discretion by denying her Motions and dismissing the appeal.

Firstly, Petitioner seeks certiorai review of the District Court's judgment that disposes of claims with respect to Julian via settlement but failed to address the individual claims of Aura. The Court failed to secure Petitioner's consent to remove her name from caption of the case; failed to properly notify Aura and Julian of such decision, disregarded the Power of Attorney; failed to convene a hearing following Petitioner's notification to the Court of the irregularities of the mediation and removal of her name; and denied Petitioner's Motion to Vacate the Judgment without Respondent's response and holding a hearing. The Court did not demand and impose sanctions to Respondent for non-adherence to FRCP and Local Rules.

Secondly, Petitioner seeks certiorari review of the Circuit Court's Orders denying her Motion for Leave to Amend and dismissing the appeal because it "lacks an arguable basis either in law or in fact." The Court failed to review and address the facts, arguments and evidence in the record; failed to conduct oral argument/panel rehearing; failed to demand Respondent's compliance with FRAP and Local Rules. The Court failed to order that Respondent file and serve Acknowledgement and Notice of Appearance Form, Briefing Schedule and Response Brief with Appendix. Likewise, a review of this matter by this Court is warranted

because Aura and Julian have meritable and viable causes of action that have not been resolved. Unfortunately, through no fault of her own, Petitioner's opportunity to plead those causes of action was short-circuited by Respondent and Counsel on record. Aura's name was removed from the Amended Complaint without approval whereas Julian was forced to settle this case. **Justice has not been served!**

Petitioner believes that the lower Courts overlooked controlling principles of law, misapprehended the facts and disregarded the evidence in the record when rendering their decisions. **The Court of Appeals' decision contradicts and/or ignores numerous standing decisions of the Supreme Court, the Second Circuit and other Circuit Courts.** Certiorari review is necessary to reconcile conflicts within the Circuit's jurisprudence and Supreme Court's precedent and to ensure the provision of federal forum for the redress of law of nations' violations. This Court is requested to exercise its rule-making power rendered by Congress Pursuant to 28 U.S.C. § 2071 to resolve any conflict of law in the State on appeal right involving Petitioner's improper removal of her name from the Amended Complaint and the unlawful settlement of Julian's case. WHEREFORE, **reversal of the lower Courts' Orders and a declaration of mistrial of Julian's case are warranted.** Petitioner should be allowed to assume her rightful place as a Plaintiff in this lawsuit, supplement the pleadings, add other parties, compel the disclosure-production of documents and introduce new evidence. Julian's case should be reopened for a fair and impartial trial before an unprejudiced jury, on proper evidence and under correct instructions as the law lay deem just and proper.

In support of her Petition, Petitioner offers the following facts and arguments to the best of her ability. Considering that Ms. Moody is not an attorney, the cited cases should be looked at with caution. Petitioner respectfully requests that this Court apply the pertinent caselaw/rulings of standing Courts' decisions that are relevant to this case.

QUESTION 1.

Petitioner has standing to appeal the March 11th, October 5th and January 21st Court Orders and is entitled to relief. The appeal is not frivolous or malicious. It was denied without oral argument/panel rehearing, explanation/analysis and Respondent's responsive documents, as required by statutory mandates.

There is no question that the facts, arguments and evidence presented herein support a finding that Respondent unlawfully discriminated against and violated the constitutional rights of Julian and his parent. They have legal interests that may plausibly be said to be affected by the Courts' judgments. Petitioner has her own viable causes of action, but they were underscored by the District Court prior to rendering its decision on May 11, 2020, and the Circuit Court on October 5, 2020 and January 21, 2021. In addition, Julian's settlement of this case was unfair.

FRCP 8 requires that a complaint include facts giving rise to a plausible entitlement to relief. Id. According to *Ashcroft v. Iqbal*, 556 U.S. 652, 678 (2009), a claim has facial 'plausibility' when the plaintiff pleads 'factual contents that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.' Id. The Supreme Court specifically indicated that in determining whether a complaint states a plausible claim for relief under this

standard is 'a context specific tasks that requires the reviewing court to draw on its judicial experience and common sense.'Id at 679. In determining whether a complaint states a claim that is plausible, the Court is required to proceed 'on the assumption that all the factual allegations in the complaint are true,' even if their truth seems doubtful. Id at 185, quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 556, 570 (2007). In the Anderson News case, it was decided that because plaintiff is entitled to the benefit of the doubt, it is therefore 'not the province of the court to dismiss the complaint on the basis of the court's choice among plausible alternatives;' rather, 'the choice between or among plausible interpretations of the evidence will be a tasks for the factfinders.' In reviewing a complaint at the pleading stage, the question is not 'whether there is a plausible alternative to plaintiff's theory; the question is whether there are sufficient factual allegations to make the complaints claims plausible.' *Anderson News LLC v. am Media Inc.*, 680 F3d. 162, 185 (2d Cir. 2012), *cert denied* 133 S. Ct. 846 (2013). The Second Circuit's structuring of the appropriate questions pinpoint that because the plausibility standard is lower than a probability standard, 'there may therefore be more than one plausible explanation of a defendant's words or conduct. Accordingly, although an unobjectionable interpretation of the defendant's conduct may be plausible, that does not mean that the plaintiff's allegations that the conduct was culpable is not also plausible.' Id. at 189-90.

Under FRCP 52(a), a judgment must be supported by findings of fact and conclusions of law, as "In an action tried on the facts without a jury or with an

advisory jury, the court must find the facts specially and state its conclusions of law separately. The findings and conclusions may be stated on the record after the close of the evidence or may appear in an opinion or a memorandum of decision filed by the court. *In New York State,* the review of findings of fact in all non-jury cases, including jury waived cases, is assimilated to the equity review: *York Mortgage Corporation v. Clotar Const. Corp.*, 254 N.Y. 128, 133, 172 N.E. 265 (1930). For examples of an assimilation of the review of findings of fact in cases tried without a jury to the review at law as made in several states. *Clark and Stone, Review of Findings of Fact,* 4 U. of Chi.L.Rev. 190, 215 (1937). In the Santosky case, the New York Supreme Court affirmed the application of the preponderance of the evidence standard as proper and constitutional in ruling that the parent's rights are permanently terminated.

FRAP 25 governs the filing of all papers, service of papers, manner of service and proof of service in the Circuit Court. FRAP 25 (a) (1) provides: "A paper required or permitted to be filed in a court of appeals must be filed with the clerk." Under FRAP 25 (b): "Unless a rule requires service by the clerk, a party must, at or before the time of filing a paper, serve a copy on the other parties to the appeal or review. Service on a party represented by counsel must be made on the party's counsel." The Court failed to demand that Respondent file and serve the required documents prior to rendering its decision.

28 U.S.C. §1915(d) gives the courts "the unusual power to pierce the veil of the complaint's factual allegations and dismiss those claims whose factual

contentions are clearly baseless." Under Section 1915(d), a factual frivolousness finding is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible, whether there are judicially noticeable facts available to contradict them, but a complaint cannot be dismissed simply because the court finds the allegations to be improbable or unlikely. Because the frivolousness determination is a discretionary one, a dismissal is properly reviewed for an abuse of that discretion. In the Denton case, the Supreme Court held that the Court of Appeals incorrectly limited the power granted the courts to dismiss a frivolous case under § 1915(d). Thus, the court is not bound, as it usually is when making a determination based solely on the pleadings, to accept without question the truth of the plaintiff's allegations. However, in order to respect the congressional goal of assuring equality of consideration for all litigants, the initial assessment of the plaintiff's factual allegations must be weighted in the plaintiff's favor. It would be appropriate for a Court of Appeals to consider, among other things, whether the plaintiff was proceeding *pro se,* whether the district court inappropriately resolved genuine issues of disputed fact, whether the court applied erroneous legal conclusions, whether the court has provided a statement explaining the dismissal that facilitates intelligent appellate review, and whether the dismissal was with or without prejudice. With respect to the last factor, the reviewing court should determine whether the District Court abused its discretion by dismissing the complaint with prejudice or without leave to amend if it appears that the allegations could be remedied through more specific pleading. *Denton v. Hernandez,*

504 U.S. 25 (1992). In the Conley case, the Supreme Court held that it was error for the Courts to dismiss the Complaint for lack of jurisdiction. *Conley v. Gibson*, 355 U.S. 41, 45-46 (1957); In applying the Conley standard, the Court will "accept the truth of the well-pleaded factual allegations in the Complaint." In the Franklin case, the Supreme Court ruled that victims may sue a school for monetary damages and mandated that schools take corrective actions regarding discrimination for violation of federal law in athletic programs." *Franklin v. Gwinnett County Public Schools*, 503 US 60, 112 S. Ct. 1028,117 L. Ed. (1992).

The Circuit Court's Order is in contravention of FRAP, Local Rules and the Supreme Court's long standing precedents that gave birth to the plausibility standard. It also places the Court at odds with the jurisprudence of other Circuit Courts. The Second Circuit has essentially declared that it does not accept the facts presented by Petitioner as truth although the Court is required to accept all factual allegations made in the Complaint as truthful.

Upon information and belief, the following decisions conflict with standing decisions of the Supreme Court and prior guidance of Circuit Courts: *Kiobel v. Royal Dutch Petroleum*, 621 F. 3d 111 (2d Cir. 2010); *Khulumani v. National Bank LTD*, 504 f.3d at 277 (2d Cir. 2007); *Kiobell II and Daimler v. Bauman*, 143 S. Ct. 746 (2014); *Michael H. v. Gerald*, 491 U.S. 110 (1989); *Hodgson v. Minnesota*, 497 U.S. 417 (1990); *Vernonia School District 47J v. Acton*, 132 L.Ed.2d 564, 115 S.Ct. 2386 (1995); *Am Jur 2d, Parent and Child § 10* (1987); *H.L. v. Matheson*, 450 US 398, 410 (1991); *Parham v. J.R.*, 442 US 584, 602-606 (1979); *Carey v. Population Services*

International, 431 US 678, 684-686 (1977); *Paris Adult Theater v. Slaton*, 413 US 49, 65 (1973); *Lehr v. Robertson*, 463 US 248, 257-258 (1983); *Thornburgh v. American College of Obstetricians and Gynecologists*, 476 US 747 (1986); *City of Akron v. Akron Center for Reproductive Health Inc.*, 462 US 416, 461 (1983); *Board of Directors of Rotary International v. Rotary Club of Duarte*, 481 US 537 (1987); *Maher v. Roe*, 432 US 464, 476-479 (1977).

QUESTION 2.

FRAP 27 and Local Rule 27 deal with motions in the Circuit Court. Under FRAP 27(3)(A): "Any party may file a response to a motion; Rule 27(a)(2) governs its contents. The response must be filed within 10 days after service of the motion unless the court shortens or extends the time."

On May 29, 2020, Petitioner filed her Motion for Leave to Amend with the Court of Appeals. On July 31, 2020, she filed an Amendment to her May 29th Motion. Respondent did not respond and the Court failed to render a timely decision on the Motion. It was filed on May 29, 2020 and denied on January 21, 2021 (7+ months after filing) without affording a hearing. The Court failed to sanction Respondent for disregarding FRAP and Local Rules.

QUESTION 3.

FRCP 12 and Local Rule 6 govern motions in the District Court. FRCP 15 deals with Amended and Supplemental Pleadings. FRCP 60 allows a party to motion the Court for relief from a judgment or order. According to FRCP and Local Rules, all parties must serve and file a response to a motion within a specified timeframe. FRAP 15 deals with Review or Enforcement of an Agency Order.

The Eastern District of New York has expressed that there is "little practical difference between Rules 15 and 21, since they both leave the decision whether to permit or deny an amendment to the District Court's discretion;" *Amaya v. Roadhouse Brick Oven Pizza, Inc.*, 285 FRD 251, 253 (E.D.N.Y. 2012), courts have actually granted motions to amend that add or subtract parties pursuant to both those rules. *Hernandez v. Sikka,* No. 17 CV 4792SJFSIL, 2019 WL 1232092, at * 5 (E.D.N.Y. March 15, 2019). In *Hernandez v. BMNY Contracting Corp.,* No. 17 CIV. 9375 (GBD), 2019 WL 418498, at * 1 (S.D.N.Y. January 17, 2019), the court opted to apply Rule 21 rather than Rule 15, when it was deciding plaintiff's request to add new parties without asserting new claims. Where Rule 15(a) is concerned, the United States Supreme Court has determined that (([i]n the absence of ... undue delay, bad faith or dilatory motive ... futility of amendment, etc. – the leave sought should ... be freely given." *Foman v. Davis,* 371 U.S. 178, 182 (1962).

FRCP 60(b)(2) allows a party to motion the court for relief based on newly-discovered evidence that with reasonable diligence could have been discovered. *Klapprett v. United States*, 335 U.S. 601, 615 (1949). Relief under Rule 60(b)(6) is an "extraordinary remedy," and in order to succeed under Rule 60(b)(6), one must make a showing of "extraordinary or exceptional circumstances." *Neimaizer v. Baker*, 793 F.2d 58, 61 (2d. Cir. 1986). The Second Circuit has spelled out that in deciding a Rule 60(b)(6) motion, the court must generally balance the policy in favor of hearing a litigant's claim on the merits against a policy in favor of finality. Courts overall require that the evidence being offered in support of a motion to vacate a

judgment pursuant to Rule 60(b) be highly convincing and to ensure that such evidence does not impose undue hardship on other parties. *Kotlicky v. U.S. Fidelity and Guar. Co.*, 817 F. 2d 6, 9 (2d Cir., 1987). In Pierce, the Court of Appeals for the Six Circuit remanded Pierce's case to the Trustees for consideration of the additional evidence Pierce had submitted to support his claim that his work-related injury disabled him from further work in the coal industry. *Pierce v. United Mine Workers of America Welfare & Retirement Fund for 1950 & 1954,* 770 F.2d 449 (6th Cir. 1985).

On February 24, 2020, Petitioner filed a Motion to Vacate the Judgment with the District Court pursuant to FRCP 60(b). She introduced highly convincing evidence in support of her Motion that should have been considered by the Court to move for a new trial. Pt.App.34-36. Respondent did not answer. The Court denied the Motion on March 11, 2020 without affording Petitioner an opportunity to be heard on the issues presented to them for review on the merits. The Court failed to enforce compliance with FRCP and Local Rules. No sanctions were imposed.

QUESTION 4.

FRAP 12 deals with Docketing the Appeal, Filing Representation Statement, and Filing the Record. Local Rule 12.3 governs Acknowledgement and Notice of Appearance Form in Appeals. Rule 12.3(a) Acknowledgment and Notice of Appearance Form: "Within 14 days after receiving a docketing notice from the circuit clerk assigning a docket number and enclosing a copy of the appellate docket sheet, all parties must file the Acknowledgment and Notice of Appearance Form." Rule12.3 (c) Failure to Comply: "The Petitioner's failure to take any of the above

actions may result in dismissal of the appeal. The appellee's failure to take any of the above actions may bar the appellee from being heard on the appeal."

Unequal application of the justice system is evident in this case. On May 26, 2020, Petitioner filed her Acknowledgment and Notice of Appearance Form with the Circuit Court. Respondent failed to do so, in violation of FRAP and Local Rules. The Court failed to enforce compliance. **Are standards the same for Pro Se litigants and big corporations?** Are there different systems of justice?

QUESTION 5.

Local Rule 31.2 deals with Briefing Schedule, Regular and Expedite Appeals Calendars. Rule 31.2(a) Briefing Schedule: "Except for appeals on the Expedited Appeals Calendar discussed in (b), the parties must submit scheduling requests for filing briefs in accordance with the procedures described." Rule 31.2(d) Failure to File: "The court may dismiss an appeal or take other appropriate action for failure to timely file a brief or to meet a deadline under this rule."

The Circuit Court ignored controlling principles of law when rendering its decision. On June 5, 2020, Petitioner submitted her Briefing Schedule. Respondent failed to do so, in contravention of FRAP and Local Rules. The Circuit Court failed to ensure compliance and sanction, requiring vacatur of the judgment by this Court.

QUESTION 6.

FRAP 31 governs serving and filing Briefs. FRAP 31(a)(1) TIME TO SERVE AND FILE A BRIEF: "The Petitioner must serve and file a brief within 40 days after the record is filed. The appellee must serve and file a brief within 30 days after the Petitioner's brief is served. The Petitioner may serve and file a reply brief within 21

days after service of the appellee's brief but a reply brief must be filed at least 7 days before argument, unless the court, for good cause, allows a later filing. FRAP 31(c) CONSEQUENCE OF FAILURE TO FILE: "If an appellant fails to file a brief within the time provided by this rule, or within an extended time, an appellee may move to dismiss the appeal. An appellee who fails to file a brief will not be heard at oral argument unless the court grants permission."

On August 27, 2020, Petitioner filed her Brief and Appendix. Respondent failed to do so, in disregard of FRAP 31 and Local Rule 31.2. The Circuit Court did not demand an answer and impose sanctions for non-compliance. **The fact the Respondent did not answer suggests agreement with Petitioner's claims and evidence. "Silence is acceptance."** A default judgment was warranted.

QUESTION 7.

FRCP 15 deals with amendments and supplemental pleadings during and after trial. FRCP 25 governs the substitution of parties. Pursuant to FRCP 15, a party may move at any time, even after judgment to amend the pleadings to conform them to the evidence and to raise an unpleaded issue. Supplementation may be permitted although the original pleading is defective in stating a claim or defense. Rule 15(a) provides that the "court should freely give leave [to amend] when justice so requires." The "liberality in granting leave to amend applies to requests to amend a complaint to add new parties." *Brown v. Kelly*, 244 F.R.D. 222, 227 (S.D.N.Y. 2007), aff'd in part, vacated in part on other grounds, 609 F.3d 467 (2d Cir. 2010). In interpreting Rule 15(a), the Second Circuit has explained that "district courts should not deny leave unless there is a substantial reason to do so,

such as excessive delay, prejudice to the opposing party, or futility." *Friedl v. City of New York,* 210 F.3d 79, 87 (2d Cir. 2000); *Block v. First Blood Assocs.*, 988 F.2d 344, 350 (2d Cir. 1993) ("The rule in this Circuit has been to allow a party to amend its pleadings in the absence of a showing by the non-movant of prejudice or bad faith."). Because it will promote the interests of justice and given the lack of undue prejudice to the current defendant of adding these new parties and related allegations, allowing amendment of the complaint is entirely in keeping with the liberal amendment policies of the FRCP as interpreted by the Second Circuit. Permitting amendment of the complaint to assert new pleadings, modify the caption of the case, add parties and pursue relief based on new relevant facts learned during the pendency of this case will serve the interests of justice. As this Court has explained, there is a well-established "presumption in favor of granting leave" to amend under Rule 15. *Sigmund v. Martinez*, No. 06 CIV. 1043 RWS MHD, 2006 WL 2016263, at *1 (S.D.N.Y. July 13, 2006) (*citing Foman v. Davis,* 371 U.S. 178, 182 (1962)); In re *United Brands Co. Sec. Litig.*, No. 85 CIV. 5445 (JFK), 1990 WL 16164, at *2 (S.D.N.Y. Feb. 15, 1990). The United States District Court for the Eastern District of Washington has also recognized that the good standard for amendment of pleadings applies to a party who is seeking relief for good cause when in Write v. United States granted plaintiffs' motion for leave to file amended complaint. *Write v. United States*, No. 2:15-cv-0305-TOR. Given the presumption that granting leave favors the interests of justice, "it is rare that such leave should be denied, especially when there has been no prior amendment to include new claims and add other

parties." *Ricciuti v. N.Y.C. Transit Auth.*, 941 F.2d 119, 123 (2d Cir. 1991). Courts in this District have repeatedly followed this same principle, granting leave to amend where the movant has uncovered new evidence through discovery and acted on that information without undue delay. *In S.E.C. v. DCI Telecommunications, Inc.*, 207 F.R.D. 32, 33–34 (S.D.N.Y. 2002), the court granted the plaintiffs' motion to amend to add new facts learned approximately three months prior in discovery. Even when plaintiffs learn new information many months or even years into a proceeding, this Court has allowed amendment based on new evidence uncovered during discovery. e.g., *Soroof Trading Dev. Co. v. GE Microgen, Inc.*, 283 F.R.D. 142, 149 (S.D.N.Y. 2012) (allowing amendment one year and seven months after initial deadline for amendment where amendment was based on new facts learned during discovery and plaintiff added no new claims for relief); *Am. Med. Ass'n v. United Healthcare Corp.*, No. 00CIV2800LMM, 2006 WL 3833440, at *4 (S.D.N.Y. Dec. 29, 2006) (allowing amendment of complaint two-and-a-half years after the previous complaint to add new claims because "the basis for Plaintiffs' Proposed Amendments was formed, at least in part, during ... discovery"). **Like all of these cases, Appellant seeks leave to amend based on material new information learned during the pendency of this case.**

There are two Plaintiffs of record. The fact that the adverse action against Julian was not communicated to Petitioner infringed upon her XIV Amendment rights. Her claims, are meritorious. **Respondent acknowledged that Petitioner is a party to this action.** Appellee's Response Brief at 14 under Docket No. 16-

4315. **The Courts refer to Aura as Plaintiff.** Petitioner considers herself a direct victim who has been damaged and suffered as a result of Respondent's actions, and she obviously has an interest that is affected by the Court's judgment. *Hispanic Soc'y of the N.Y. City Police Dep't v. N.Y. City Police Dep't,* 806 F.2d1147, 1152 (2d Cir. 1986). Petitioner has been anguished and invested a great amount of time and money, as recognized by Judge Block at the Status Conference.

On July 7, 2015, Petitioner's name was abruptly removed from the caption of the case although she has viable claims. She was not served with a substitution of parties and/or transfer of interest motion, together a notice of hearing. Petitioner was not afforded an opportunity to immediately appeal. Julian was pressured to settle this case. Upon learning about the removal, Petitioner attempted to have her name restored to assert her own claims but was ignored by the Court.

Under the ADA, Section 504, IDEA and XIV Amendment, a parent may assert claims on her own behalf in federal court. *Cent. States Se. Areas Health & Welfare Fund v. Merck-Medco Managed Care, LLC,* 433 F.3d 181 (2d Cir., 2005). *Citing Winkelman v. Parma City Sch. Dist.,* 500 U.S. 516 (2007), the Court asserts that the Supreme Court held that parents have standing to prosecute IDEA claims on their own behalf. Section 1983 also provides remedy for Constitutional violations. *Crispim v. Athanson,* 275 F. Supp. 2d 240, 244 (D. Conn. 2003). In the Fitzgerald case, the Supreme Court ruled that the victim, in addition to seeking money damages from the school and school officials based on their violation of Title IX, may also seek money damages for violations on their rights under the Equal

Protection Clause of the XIV Amendment using a federal law titled 42 U.S.C. § 1983, that provides for civil damages against institutions and representatives. *Fitzgerald v. Barnstable School Committee,* US 246 (2009).

QUESTION 8.

Julian was forced to settle this case. Should have Petitioner been consulted before Julian secretly signed the agreement, the outcome would have been different. Such notice would have afforded Petitioner an opportunity to rebut the decision prior to the dismissal of this action. The lower Courts erred by not declaring a mistrial and reopening this case to allow Aura and Julian to re-plead their claims.

One of Petitioner's newly discovered evidence is a **text message that Julian sent to Petitioner** just over 3 months after this case was closed via Stipulation. The text states as follows: "**Mom. Can please stop with the lawsuit. Because they are going to make me pay lawyer fees if you continue. Stop. Let it go. Please just move on. Its not funny anymore.**" Pt.App.36. The text appears to indicate that Julian was threatened with attorney's fees by someone involved in this action. Whatever the case may be, no one has a right to threaten Julian because Petitioner is exercising her rights to continue this case. Petitioner believes that the text from Julian presents an extraordinary circumstance of a real fear on his part and a threat of imposition of attorney's fees that such fear actually prompted him to write the text. Such action on the part of the other party makes one believe that Julian was also pressured to sign the settlement that led to the closure of this case. Petitioner believes that Counsel colluded with Respondent to dupe Julian into

signing a settlement. Moreover, **Petitioner infers these acts as retaliation and obstruction of justice**. Respondent nor Counsel contested Petitioner's assertions.

On the grounds of new-found evidence discovered after the settlement, **Petitioner respectfully asks this Court to compel Respondent to produce all type of documents-correspondence-logs related to the mediation and settlement of this case, as well as the documents pertaining to the DOJ and OCR Complaints**. They may be highly probative of Respondent's intent and strategy used to have Julian sign the settlement and dismiss Aura's Complaints.

QUESTION 9.

The Supreme Court has acknowledged several family-related rights, including the rights of parents to raise their children as they see fit. As the parent of Julian, Petitioner is compelled to advocate on his behalf. In the Santosky case, the Court recognized a "fundamental liberty interest of natural parents in the care, custody, and management of their child." Parents also have a fundamental right to keep their family together, as well as to control the upbringing of their children. *Santosky v. Kramer,* 455, US (1982). In the Pierce case, the Supreme Court also upheld this fundamental right. *Pierce v. Society of Sisters,* 268 U.S. 510 (1925).

Pursuant to the New York General Obligations Law, a person can assign an agent to act on his behalf after signing a Power of Attorney before a notary public. If the person is revoking or terminating the agent's power of attorney, he should provide written notice of the revocation to the prior agent(s) and to any

third parties who may have acted upon it, including the financial institutions where the accounts are located.

Julian provided Petitioner with a Power of Attorney to act on his behalf, but she was excluded during mediation and settlement despite Julian instructing Counsel that settlement had to be discussed with Petitioner, as verified by an email sent to Ms. Moody by Ms. Kpitanova on July 24, 2015. Docket Entry No. 24.Exh.13. Petitioner was not formally informed by the Court or Counsel that she did not have representative capacity to assert claims on Julian's behalf. She was not notified when the case was closed. The disregard of the Power of Attorney prejudiced the rights of Petitioner and Julian's ability to resolve this case on the merits and to his benefit. Pt.App.32-33,37-39,44.

QUESTION 10.

Petitioner has a valid due process claim since she was not given notice by the NFL, DOE or PSAL of the action taken against Julian. Contrary to Mr. Porter's assertions, Petitioner believes that all agencies have a role to play in Respondent's adverse action against Julian, a student attending a public school. Respondent was timely notified by Petitioner of the violations and did nothing to correct the situation. Appendix to Appellant's Brief at 28-62,66-70; Pt.App.16,40-41,44.

The Due Process Clause is meant to ensure that the procedures by which laws are applied are evenhanded to prevent arbitrary exercise of power. *Hagar v. Reclamation Dist.,* 111 U.S. 701, 708 (1884). It is also meant to minimize

substantially unfair or mistaken deprivation of one's protected interests. *Fuentes v. Shevin,* 407 U.S. 67, 81 (1972).

Under the Fifth and Fourteenth Amendments, neither the federal nor state governments may deprive any person "of life, liberty, or property without due process of law." The Court held in *Truax v. Corrigan,* 257 US 312, 42 SCt. (1921) that "The due process clauses require that every man shall have the protection of his day in court, and the benefit of the general law, a law which hears before it condemns, which proceeds not arbitrarily or capriciously, but upon inquiry, and renders judgment only after trial, so that every citizen shall hold his life, liberty, property and immunities under the protection of the general rules which govern society." These clauses provide for certain procedures and provision of notices.

QUESTION 11.

The Supreme Court has consistently protected parental rights, including those rights deemed fundamental. **Petitioner is a Black Hispanic woman**. The Equal Protection Clause of the XIV Amendment requires that similarly situated people be treated in the same manner. Likewise, the equal protection clause states that no State shall deny to any person within its jurisdiction the equal protection of the law. To set forth a claim pursuant to 42 U.S.C. Section 1983, plaintiff must plead that the defendants violated statutory or constitutional rights. *Chan v. City of New York,* 1 F3d 96, 102 (2d Cir. 1993). As a fundamental right, parental liberty is to be protected by the highest standard of review: the compelling interest test. The Court decisively confirmed these rights in the case of *Troxel v. Granville.*

Petitioner was deprived of her XIV Amendment rights to be treated equally on the issues presented for review. Her rights were violated here in that the equal protection clause requires that similarly situated people be treated in the same manner. Respondent and its servants (some of whom worked for the DOE) subjected Petitioner to capricious and irrational treatment as she persisted in her attempts to find out the true reason behind the decision against Julian, causing her mental anguish/emotional distress. Petitioner would have been treated fairly if she was Caucasian or male. Appendix to Appellant's Brief at 28-62. Pt.App.16,40-41,44. The Courts were cognizant of Petitioner's discrimination claims based on race, national origin and gender, but failed to address them.

QUESTION 12.

We the People are entitled to petition the government for our grievances. Before Petitioner embarked in this lawsuit, she filed Complaints with OCR and the DOJ seeking for redress. Both agencies disregarded the investigation procedures and improperly closed the cases. They are complicit and should be added as parties to this action. Appellant's Motion for Leave to Amend, Exhibits 2-3; Pt.App. 40-41,45. The lower Courts did not address/make a determination on this issue.

Petitioner believes that the Circuit Court's decision contradicts and/or ignores the mandate of long-standing decisions by the Supreme Court, the Second Circuit and other Circuit Courts regarding constitutional rights violations. The Supreme Court has granted motions to amend that add or subtract parties pursuant to Rule 15." *Foman v Davis,* 371 U.S. 178, 182 (1962). Upon information

and belief, Court decisions related to this case-claim are: *Amaya v. Roadhouse Brick Oven Pizza, Inc.*, 285 FRD 251, 253 (E.D.N.Y. 2012); *Hernandez v. Sikka,* No. 17 CV 4792SJFSIL, 2019 WL 1232092, at * 5 (E.D.N.Y. March 15, 2019); *Hernandez v. BMNY Contracting Corp.*, No. 17 CIV. 9375 (GBD), 2019 WL 418498, at * 1 (S.D.N.Y. January 17, 2019).

QUESTION 13.

According to 22NYCR§1210.1, clients are entitled to be treated with courtesy and consideration by their lawyer; to have him/her handle their legal matter competently and diligently, in accordance with the highest standards of the profession; to have their lawyer's independent professional judgment and undivided loyalty uncompromised by conflicts of interest; to be kept informed as to the status of their matter and to promptly comply with their requests for information to allow them to participate meaningfully in their matter and make informed decisions.

Petitioner believes that Respondent and Counsel engaged in improprieties in this legal process, in violation of their own policies and Code of Ethics/Rules of Professional Conduct. For instance, Respondent failed to honor the terms and pre-requisites of the mediation. On January 13, 2017, Respondent attempted to obstruct justice by threatening Petitioner with the payment of Attorneys' fee and expenses incurred in connection with any appeal of the December 12th Court Order. Pt.App.34-35. Although Julian had settled this case, on January 24, 2017, someone contacted and threatened him with payment of legal fees if Petitioner continued with this lawsuit. Pt.App.36. Our Counsel of record misrepresented our interests.

They failed to follow Petitioner's directives, failed to secure Julian a fair settlement, disregarded the Power of Attorney, removed Petitioner's name from caption of the case without approval and failed to add other parties to the Amended Complaint, just to quote some examples. Pt.App.32-44. Counsel's behaviors are reprehensible and violate the **NYS Bar Association's Code of Ethics** that governs attorney's professional conduct. Counsel for both parties should be disqualified for being neglectful, untruthful and disloyal. Respondent and Counsel have not refuted her assertions. Petitioner timely notified the lower Courts of these irregularities but did nothing to correct these bad actors' practices. **Petitioner should not be penalized for our Counsel's misrepresentation while litigating this case.**

QUESTION 14.

Judges are expected to be independent actors on the bench. 28 U.S.C. § 455 (a) requires that any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned. The congressional goal of assuring equality of consideration for all litigants has not been observed in this case.

Petitioner believes that the Judges have favored Respondent when rendering their decisions despite non-compliance with FRCP, FRAP and Local Rules. Such actions might contravene Section 455(a)'s language and its purpose of promoting public confidence in the integrity of the judicial system. They have not been impartial when interpreting and applying the rule of law. They disregarded the relevant facts and evidence in the record. They denied Petitioner a

fair opportunity to litigate her claims and prevented her from receiving adequate redress. They denied her a hearing. They failed to demand Respondents' responses and impose sanctions. They should have been disqualified from this proceeding, but the Circuit Court did not address Petitioner's request. **It is undisputable that the NFL is a powerful organization, but it should not be above the law**.

Petitioner would like the Court to take judicial notice that Respondent has taken action when incidents involving publicity have occurred. For instance, in 2017, when the controversy over the National Anthem arose, the NFL took a position on the players who refused to honor our flag and country. In 2020, Respondent endorsed the Black Lives Matter movement. In this case, the NFL and its executives knew about Julian's civil rights violations but failed to act and make corrections. **ALL LIVES MATTER**! Upon information and belief, **this case paved the way to the implementation of new policies in New York City, New York State and perhaps nationwide**. During its pendency, the NFL, DOE and PSAL revised/created policies and launched new programs in response to the issues raised by Petitioner. **The NFL updated the HSPD rules. The PSAL set forth procedures for recruitment of students-athletes, staff conduct and appeal. The DOE enacted Chancellor's Regulations A-830 and A-421** setting forth anti-discrimination policies and internal review procedures. Pt.App.246-256 under Docket No. 18-393; Agencies' Websites. The fact that these organizations have taken action to correct these misdeeds suggests acknowledgment of wrongdoing on their part that has not been rectified in this case. In all humility, **it is entirely**

plausible that these changes have been made because of the instant case (Moody vs NFL). However, Petitioner has not been acknowledged or given credit.

Based on the forgoing, **Petitioner submits and prays that this Court reverse the rulings of the lower Courts and that this case be sent back to the District Court for trial on the merits, as a matter of justice.**

An exhaustive review of the history of this case shows that Respondent has shown a lack of respect for the rule of law, Petitioner, Julian and the Courts. **Petitioner respectfully requests that this Court order Respondent to file and serve a response to this Petition, as well as a Notice of Appearance of Counsel of Record, as per statutory mandates.**

CONCLUSION

The Petition for a Writ of Certiorari should be granted.

Respectfully submitted,

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