No. 20-354

In The

Supreme Court of the United States

In re LORCAN T. KILROY

Petitioner,

v.

LOS ANGELES UNIFIED
SCHOOL DISTRICT BOARD OF EDUCTION et al.,

Respondents

REPLY TO BRIEF IN OPPOSITION TO PETITION FOR EXTRAORDINARY WRIT OF MANDAMUS

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Petitioner is now compelled to plead for some form of public admonishment or discipline of Los Angeles Unified School District, (LAUSD), and other individual defendants and counsel.

Following the lead of the ninth circuit court of appeals, defendants and LAUSD defense counsel Melinda Cantrall have chosen the path to simply ignore the petition's points, substantively deny existence of the motion for summary judgment that petitioner filed first, and just ignore fact of their own admissions to certain undisputed material facts, as detailed in the petition. Cantrall also tries to make the case that to substantiate mandamus, there ludicrously must be direct evidence that ninth circuit jurists were thinking about protecting Kamala Harris when they exercised their bias. This is not so. The circumstantial evidence, and jurists

veering so far away from the path law led them to, suffices.

Instead, in this most public United States court docket, defendants and lawyers Melinda Cantrall and Thomas C. Hurrell enter in their opposition what are, (because of closed lower court dockets with no evidence now supporting their false assertions), just falsified, sexualized, ad hominem defamatory Supreme Court docketed attacks against petitioner. Los Angeles Unified School District defendants and their LAUSD lawyers Melinda Cantrall and Thomas Hurrell repeatedly lie throughout their opposition that Los Angeles Unified schoolchildren made allegations of sexual misconduct against Art teacher petitioner. These lies are cleverly, craftily, in devious fashion, disguised by lawyer Cantrall with such labels as "*statement of facts*". (See in contrast the only filed classroom student declared witness statements ,(which dispute Cantrall's lies), as USDC 2:16-cv-09068-DMG-JDE documents 217- 219.) Given this "'*lie to win if you can get away with it*" brutal lawyering , petitioner thus pleads that the court have clerks back track and check any of defendants's "facts" considered to be determinative, against each referenced SER, and moreover double check each SER against corresponding lower USDC docketed records , to guard against possible sly forgeries having been "slipped in" amongst filed excerpts.

Instead of countering points in the petition as is appropriate, defendants and Los Angeles Unified School District lawyer Melinda Cantrall appear to have intent to inflame the vastly seasoned jurists of the United States Supreme Court, simply by sprinkling their paper with false impute to petitioner, of humankind's rightly most loathed disease, (pedophilia). They hope disgusted jurists ignore distinctions of what is, and what is not, evidence, and reject questions presented. (Or Los Angeles Unified School District lawyer Cantrall is simply sexually sick herself and is motivated to try to palpably harm petitioner via sexualized malice , by latent or underlying sexual or psychosexual pathology).

Either way, such utterly sordid falsified "pedophilia scare" tactic by public school district individuals and their lawyer is appallingly disrespectful and inappropriate to this highest court, and laughable in that Cantrall appears to think justices will succumb to her scheme. Los Angeles Unified School District lawyer Melinda Cantrall, (with her partner Thomas Hurrell over her shoulder), is playing with a legal license granted her by admission to this court, and petitioner respectfully pleads a stop be put to it.

The attacks are sickeningly sly. They come in the form of continuing horrific sexualized lies that Los Angeles Unified School District schoolchildren made sexual allegations against schoolteacher petitioner, factual assertion unsupported by any admissible evidence. Lower court dockets are closed. The defamations are thus nakedly ad hominem. Cantrall slyly only references readers to buried inadmissible Los Angeles Unified School District administrative, and other inadmissible hearsay, lies, deep in ninth circuit and USDC dockets. She falsely imputes loathsome disease of pedophilia to petitioner, referencing as her evidence defendants "SER" (supplemental excerpts of record), in the lower court record, records which necessitate a 'PACER' account and some minimal legal knowledge to access. In this way Los Angeles Unified School District, the individual defendants, and their lawyer Melinda Cantrall know that forever, the layperson public looking at the filings in the United States Supreme Court docket, and prospective employers of petitioner, even legal community members, will fail to access those SER records, and, even if they do, they will fail to know that they are undeclared and inadmissible hearsay. The reading public, and even legal professionals, prospective employers, and others, will basically

be duped into believing that schoolchildren made monstrous sexual allegations against Kilroy when lack of any admissible witness statements show only LAUSD adults like lawyer Cantrall lied hearsay throughout this case about sexual allegations having been made. Because children often have a natural honesty and a natural basic sense of justice, this vicious falsified attribution to them by Cantrall makes the lies more plausible and prejudices petitioner's liberty and livelihood even more, scarring his name for the remainder of history. Defendants and Melinda Cantrall and Thomas Hurrell know this. Resultantly unemployable and destitute petitioner pleads for relief, for law and order of this court to stop Los Angeles Unified School District individuals and rogue lawyers Melinda Cantrall and Thomas Hurrell's vile course unbefitting any bar member or public employee. Petitioner pleads the court consider a public order that all LAUSD administrative defamatory and otherwise hearsay inadmissible documents authored by adults falsely, in hearsay fashion, imputing pedophilia to petitioner, be now deleted from the lower court dockets and this docket. He is aghast that lower courts silently allowed, without even

comment, these harmful inadmissible hearsay documents to be permanently filed in support of defendants' court movements.

In evaluating these inappropriate sleazy ad hominem attacks to try to influence the court, the court should be aware that the only declared admissible witness statements ever filed in both related cases, (the instant case and Supreme Court case No. 18-9663), and in all of the vast volume of related lower court filings, (alongside petitioner's own uncontroverted declarations), support that no sexual misconduct allegations by children were ever made. (see scant declarations of Millikan Middle school students harvested by petitioner in instant lower court case 2:16-cv- 09068-DMG-JDE as documents 217- 219, but "last minute" juvenile declarants obviously "prepped" by LAUSD lawyers.) To the point, none of those direct witnesses ever declare that they ever made any sexual allegations against petitioner in the Los Angeles Unified School District. No admissible statements from any students supporting that such allegations were made, exist in the now closed lower court proceedings. Cantrall is thus knowingly directly lying to United States Supreme Court justices when she repeats ad nauseum as "statement of the case" and "statement of facts", that schoolchildren accused petitioner of

sexual misconduct, (see oppo.) United States courts should not tolerate such vile conduct by any sworn officer.

It is of note that, as of signing, unidentified court staff effected, (accidentally or deliberately), a critical page to be missing from their scan of pro se petitioner's,(paper filed), appendix into the online docket, and petitioner has filed application to Justice Elena Kagan, (with Justice Kavanaugh as intended designee upon any denial), to have the clerk restore that page. (Calls and emails to the clerk's office were unreturned). The missing,(second to final), appendix page is an exhibit of Pg. 55 of 65 from lower court docket in USDC 2:16-cv-09068-DMG-JDE, document 155. Petitioner did check all pages when paper filing the petition and the page was intact in the paper volume he Fedexed to the court at filing. (See Decl. Kilroy to application to Justice Kagan received via Fedex,(tracking # 397551836991), at the Supreme Court on 10/08/2020, signed for by a J. Konos, but not docketed as of signing of this reply). Petitioner served a courtesy copy on Senator McConnell's staff and delivered a courtesy copy to Justice Kavanaugh's clerk. Petitioner reasonably pleads deliberations upon request for mandamus not proceed until an intact petition is distributed, (including the whole intact petition as customary to any

Justice(s) who do not participate in the pool).

Defense law firm partners Thomas Hurrell & Melinda Cantrall, alongside LAUSD defendants, orchestrated, as a "lawyer trick", the middle school campus falsification of sexual "dirt" on a pro se schoolteacher plaintiff, (petitioner Kilroy), but have now failed, at the end of California federal litigation, to enter even one iota of admissible evidence showing any child made any such allegations. They have only entered their tellingly unsworn adult administrative hearsay LAUSD "forms" and a criminally tampered with, (missing author's signature/final page 11 of 11), so-called "Student Safety Team Investigative Report" (USDC 2:16-cv-09068 Doc. # 154-6, Pgs. 6-15), created by secret author not in the classroom setting of the falsifications. These absurd corrupt unsworn school documents with outrageously missing author signatures claimed that then twelve year unblemished veteran Art teacher Kilroy's character supposedly suddenly changed one day after he had filed a thorny lawsuit against them, and that he suddenly took it upon himself one day to stare at 7th grade female students' buttocks and look into an illegally rigged up broom closet "changing room" in the dance classroom they had disparately placed him in to substitute in Fall of 2015. In contrast, petitioner has entered student classroom witness declarations exonerating him.

Further, not even one declaration has been entered by defendants of any adult stating under perjury penalty that petitioner committed either of the two sexualized acts he is falsely accused of, only hearsay, and more hearsay. Yet despite this, criminal U.S.C. violation obstructions still stand as the basis for defendants having robbed petitioner of livelihood and liberty for life. Never was the constitutional mantra "*innocent until proven guilty* " observed here, in the rabid criminal haste to cut off money to pro se petitioner's federal action and render him destitute.

After each attack, (*e.g. see* Defts' oppo. pp. 4,18-19,pp 5,13-14,pp10, 4-6,pp 11, 13-14), lawyer Melinda Cantrall convincingly references defendants' "SER", but there is no non-hearsay admissible evidence in any record that shows that any child actually made any sexual misconduct allegation. Lawyer Cantrall knows this. She knows that public viewers of the Supreme Court record in the future are not going to find the SER. She knows she is deliberately permanently harming petitioner with each lie about children. The fact that defense counsel Melinda Cantrall would stoop to do this to another human being, speaks volumes about her possible involvement in orchestrating the original Fall 2015 sexual falsifications at the middle school. What else would sprout such unrelenting monstrous sexualized malice towards another human being?

Perhaps her own psychosexual pathology, but more likely, the fact that she and fellow bar member partner Thomas C. Hurrell were criminally personally individually involved in orchestrating LAUSD lay individuals' acts at the school, an 18 U.S.C. § 1503 violation. They now struggle to keep alive their lie to avoid incarceration and disbarment.

II. DEFENDANTS FAIL TO APROPRIATELY COUNTER THE SPECIFIC POINTS AND SUPPORTING APPENDICES WITHIN THE PETITION

Amidst all of defendants' and LAUSD lawyers Thomas C. Hurrell's and Melinda Cantrall's defamatory, sexualized, pedophilia imputing fabrications, their opposition just hops, skips and jumps over, and completely ignores, the petition's points that show the appeals and lower court jurists defying the path of the law. They obviously hope Supreme Court jurists will follow suit. They ignore petitioner Kilroy's Motion for Summary Judgment crucial statement of uncontroverted material facts, (e.g. case 2:16-cv-09068-DMG-JDE Document148, pages 40-41 (crucial facts # 65-68), filed 06/04/18), and ignore their own supposedly corresponding crucial admissions, (see e.g. 2:16-cv-09068-DMG- JDE Document 155, filed 06/21/2018, pages 54-55 (LAUSD's crucial facts # 66-69 but scrambled numeration not

corresponding to Kilroy's #65-68 numeration)). The opposition just ignores that defendants indeed scrambled their MSJ response numeration, and ignores fact that Kilroy's MSJ was also filed before LAUSD Defendants' MSJ was filed, but never adjudicated in any substantive way. Again, these MSJ documents show the meeting between petitioner and Millikan Middle school Principal PLEVACK did not meet the standards set by Cleveland Board of Education v. Loudermill, 470 U.S. 532 (1985), because PLEVACK received a "red flag", (Kilroy's uncontroverted declaration denying the sexualized falsifications), yet did not enact a Loudermill "check on mistaken decisions." They establish that petitioner never had the termination 'statement of charges' until well after the Dec. 2015 Millikan Principal PLEVACK meeting, and also the supposed "Skelly" meeting, and that he was emailed dozens of obfuscating emails the night before, and supposedly related to, the supposed "Skelly" meeting, thus failing Loudermill's minimal "reasonable time and place" standard. They establish that his salary (property) was cut off indefinitely on a date weeks or months before the state "office of administrative hearings", (OAH), hearing could possibly have taken place, nullifying that offering as being satisfactory of Loudermill as was postured by the ninth circuit appeals court. Defendant's

opposition falls flat when these facts are brought in.

III. DEFENDANTS SPOILED THE FACE PAGE OF THEIR OPPOSITION BRIEF AT INITIAL FILING, WITH INTENT TO DECEIVE JUSTICES

In reflexive shifty criminal manner defendants in scheme spoiled the face page of their opposition brief when initially filing it on Oct. 7, 2020. They fabricated a fictitious case number and entered incorrect caption, (no "*In Re*" or initial "*T.*"), and then labeled their opposition as being to a non-existent case in the "*Supreme Court of California.*" (They have perhaps already corrected it all as of the docketing of this reply, anticipating this critique.) These shenanigans, (violating rules 34.1(a)(b)(c)), were obviously in hopes United States Supreme Court justices would believe they casually "mistook" the instant petition for a state case in California. Based on scrutiny of their Oct. 7, 2020 e-filed paper, they could only have entered such errata in a deliberate strategy, to feign casualness, because no such state docket number exists and their "*oops, wrong case*" mistake was thus deliberately created from scratch. They also clumsily reveal that the whole thing was staged, (based on their seven-year

docket habit of always filing on the due date for their respective briefs to disallow petitioner excess response time), by disparately filing a week before due date to allow them to step in and "correct" their "mistake" before due date if clerk required it. (Petitioner noticed Cantrall by email that he was wise to the whole scheme on Oct. 12, 2020.) On the other hand, perhaps the court is just fine with such activity.

CONCLUSION

Legally, because it was a (false) criminal allegation of sexual misconduct with children, from the onset the burden should have been on Los Angeles Unified School District defendants to prove the truth of their sordid abrupt mid-litigation false sexualized allegations, (obstructions.) The burden should not have been on petitioner to prove his innocence. Legally, Kilroy had a constitutional right to remain "*innocent until proven guilty.*" This was in the wake of his unearthing of Sen. Kamala Harris' snowballed involvement,(as CAG), in the Los Angeles police commission's politically motivated upholding of the corruption and cover up of Los Angeles police detective's report 12-09-11015, (white schoolteacher perpetrator/minority student battery victim). Petitioner's constitutional rights were robbed, (see also uncontroverted affidavit re, Harris within appendix of related

Supreme Crt. No. 18-9663.)

Angry defendants and Kamala Harris' former colleagues in the Los Angeles Police Department, (LAPD), angrily criminally conspired together, (perhaps even with Harris' camp), to make sure "*innocent until proven guilty*" would not be the course for petitioner. They agreed together to outrageously refer any police investigation, (referral that defendants repeatedly openly admit), and even refer punishment, of a reported supposed, (though falsified), crime involving minors, back to a public school district, (LAUSD), not a law enforcement agency. (*See* e.g. USDC 2:16-cv-09068-Document 157-2, pg. 6, Millikan assistant principal Paula Greene's own perjury declared "incident report" stating " *LAPD* (Los Angeles Police Department*) took SCAR* (suspected child abuse report), *and* <u>*said to handle the situation administratively.*</u>*")* This was, and is, unbelievable RICO or RICO like illegal activity to weasel around any law enforcement investigation, which still has not happened.

To ignore the petition's points, and continue to defame and smear, was defendants' boorish approach to their opposition. This case shows that, in regard to the precedent set by Loudermill, the ninth circuit will abandon vertical stare decisis

when it suits them, to protect their national political figure Kamala Harris from criminal exposure. Instead, they just invent their own twisted version of Loudermill, in this case damaging petitioner by severing his property interest, (salary), months and months, if not a year or more, before the state's OAH hearing supposedly satisfactory of Loudermill was possible, undermining the foundation of the precedent itself. How many other invisible victims of this tactic also exist in the ninth circuit?

This is a rare case, truly fit for mandamus, that boggles the mind in unprecedented fashion and demands unprecedented extreme remedy. For justice to be served, a court order for a vigorous and impartial non-California federal grand jury investigation is warranted, as crime/fraud exception to privilege testimony will need to be squeezed out from tight lipped squirming lawyers and employees of Los Angeles county, and former attorney general colleagues of Kamala Harris and Los Angeles police commission members.

The court should thus grant petitioner's request for an extraordinary writ of mandamus, in full, and order the extraordinary unprecedented removal and remand requested.

Respectfully submitted,

Dated October 12, 2020

By: *s/s Lorcan T. Kilroy*

LORCAN T. KILROY
Petitioner In Pro Se