

Case No. 20-606

IN THE SUPREME COURT

OF THE UNITED STATES OF AMERICA

TATYANA E. DREVALEVA,

Petitioner,

vs.

DEPARTMENT OF INDUSTRIAL RELATIONS OF THE STATE OF
CALIFORNIA

Respondent

On Petition for Writ of Certiorari to the California Supreme Court

Alameda County Superior Court, case No. RG17881790

Court of Appeal for the First District, Division Four
Appeal No. A155165, A155187, A155899 (consolidated)

The California Supreme Court, Petition for Review S260407 - denied

The California Supreme Court, Petition for Writ of Mandate S260480 - denied

The California Supreme Court Petition for Writ of Mandate S262066 - denied

CERTIFICATE, Rules of the U.S. Supreme Court, Rule 44(2.)

Tatyana E. Drevaleva, Petitioner Pro Se
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I am certifying that this Petition for Rehearing is restricted to the grounds specified in the Rules of the U.S. Supreme Court, Rule 44(2) and that this Petition for Rehearing is presented in good faith and not for delay.

The grounds for this Petition for Rehearing are limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.

The facts that I discovered after filing my Petition for Writ of Certiorari No. 20-606 clearly demonstrated that the Narayan Travelstead Professional Law Corporation was not authorized to represent client Alameda Health System in any lawsuit, Appeal, and Petition. The facts that I discovered after filing my Petition for Writ of Certiorari clearly demonstrated that all California Courts knew that the NTPC was not authorized to represent client AHS, and therefore all California Courts intentionally and maliciously entered Judgments in favor of DIR, AHS, and the NTPC as a manifest of a criminal conspiracy with these Defendants, and this conspiracy was aimed to intentionally prevent me from obtaining relief.

I declare under the penalty of perjury and under the Federal laws and under the laws of the State of California that all foregoing is true and correct. Executed at San Francisco, CA on January 07, 2020.

Respectfully submitted,



s/ Tatyana Drevaleva

Petitioner-Appellant Pro Se

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Date: January 07, 2020

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PETITION FOR REHEARING

Tatyana E. Drevaleva, Petitioner Pro Se
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On April 15, 2020, the California Supreme Court denied my Petition for Review No. S260407 of the December 20, 2019 unpublished Opinion of the California Court of Appeal for the First District, Division Four in Appeal No. A155165, A155187, A155899 (consolidated) that affirmed all fraudulent Orders of the Superior Court of Alameda County in case No. RG17881790 *Drevaleva v. Department of Industrial Relations of the State of California*. On January 16, 2020, the Hon. Justice Jon Streeter denied my Petition for Rehearing and recklessly disregarded my valid legal arguments. On April 15, 2020, the California Supreme Court denied my Petition for Review No. S260407 and denied my Petition for Writ of Mandate No. S260480.

On August 31, 2020, the Court of Appeal for the First District, Division Four declared me a vexatious litigant pursuant to C.C.P, § 391(b)(1) - (3.) I moved for reconsideration. On September 28, 2020, the Court of Appeal for the First District, Division Four withdrew its August 31, 2020 Order and entered a new Order that declared me a vexatious litigant pursuant to C.C.P, § 391(b)(3.)

On October 08, 2020, I diligently and in good faith moved for reconsideration of the September 28, 2020 Order that declared me a vexatious litigant. On October 11, 2020, I filed an “Additional Information to my Motion for Reconsideration of the September 28, 2020 Order that declared me a vexatious litigant pursuant to C.C.P. § 391(b)(3.)”

On October 12, 2020, I filed a “SECOND ADDITIONAL INFORMATION TO MY MOTION FOR RECONSIDERATION OF THE SEPTEMBER 28, 2020 ORDER THAT DECLARED ME A VEXATIOUS LITIGANT PURSUANT TO C.C.P.

§391(b)(3)." In this document, I listed the following valid legal argument, "Previously, I already discussed that Governmental Entity the California Department of Industrial Relations was not eligible to claim Governmental immunity pursuant to Government Code Section 820.2, 821.6, 815.2(b), and 818.8 for ministerial acts of omission, and DIR was not eligible to claim privilege pursuant to Civil Code Section 47(b.)

In my previous filings, I cited labor Code Section 98.7(b) that mandated Deputy of the Labor Commissioner Ms. Catherine Daly to do the following, where appropriate:

- 1) To interview a claimant and a respondent
- 2) To interview witnesses
- 3) To review the documents.

Also, Section 98.7(b) mandated Deputy Daly (without the phrase "where appropriate") to include the material pieces of the evidence that were obtained during the investigation of my retaliation and unlawful termination claim into her Investigative Report. In fact, the Investigative report didn't contact any material pieces of evidence from AHS and didn't contain any interviews with the claimant, the respondent, and the witnesses.

Labor Code Section 98.7(e) mandated Deputy Daly (without the phrase "where appropriate") to complete the investigation of my retaliation and unlawful termination claim and to provide me with DIR's Determination within 60 days. Instead, Deputy Daly conducted an extremely "thorough" investigation of my retaliation and unlawful

termination claim for the whole 3 years and 4 months, and Daly dismissed my claim asserting that I had acknowledged myself that I had committed medical negligence towards the patient, and this is why I was fired from AHS.

Labor Code Section 98 mandated Deputy of the Labor Commissioner Mr. Bobit Santos (without the phrase “where appropriate”) who was assigned to investigate my wage claim to notify me within 30 days whether DIR would conduct an investigative hearing regarding my wage claim. Deputy Santos never did it.

Supervisors Healy and Rood adopted Daly’s fraudulent assertions that I had confirmed myself that I had committed medical negligence, and this is why I was fired from AHS. Supervisors Healy and Rood never cared that Daly investigated my retaliation and unlawful termination claim for 3 years and 4 months, that I was thrown into misery for all these years, and Healy and Rood signed the Investigative Report. On December 29, 2016, Rood signed the Determination Letter thus approving Daly’s breach of mandatory duty imposed by Labor Code Section 98.7.

During the litigation of the lawsuit No. 3:16-cv-07414-LB and Appeal No. 17-16382, Attorney Ms. Doris Ng provided a defense to both DIR and DIR’s officers Daly, Healy, Santos, and Rood.

During the litigation of the lawsuit No. RG17881790 and Appeals No. A155165, A155187, A155899 (consolidated) and A156248, Attorney Mr. Nicholas Seitz provided defense to DIR.

Legal Standard.

Read Government Code Section 995.2,

“(a) A public entity may refuse to provide for the defense of a civil action or proceeding brought against an employee or former employee if the public entity determines any of the following:

- (1) The act or omission was not within the scope of his or her employment.
- (2) He or she acted or failed to act because of actual fraud, corruption, or actual malice.

(3) The defense of the action or proceeding by the public entity would create a specific conflict of interest between the public entity and the employee or former employee. For the purposes of this section, “specific conflict of interest” means a conflict of interest or an adverse or pecuniary interest, as specified by statute or by a rule or regulation of the public entity.

(b) If an employee or former employee requests in writing that the public entity, through its designated legal counsel, provide for a defense, the public entity shall, within 20 days, inform the employee or former employee whether it will or will not provide a defense, and the reason for the refusal to provide a defense.

(c) If an actual and specific conflict of interest becomes apparent subsequent to the 20-day period following the employee's written request for defense, nothing herein

shall prevent the public entity from refusing to provide further defense to the employee. The public entity shall inform the employee of the reason for the refusal to provide further defense.”

My argument. All DIR’s Officers Daly, Healy, Santos, and Rood didn’t act within their scope of practice during the investigation of my both retaliation and unlawful termination claim and my wage claim. See my citations of Labor Code Section 98.7(b) and (e) and my citation of Labor Code Section 98.

Providing defense to Daly, Healy, Rood, and Santos in my lawsuits obviously created an adverse interest to DIR as created by Government Code Section 3001,

“Any State, county, or city officer who is intoxicated while in discharge of the duties of his office, or by reason of intoxication is disqualified for the discharge of, or neglects his duties, is guilty of a misdemeanor. On conviction of such misdemeanor he forfeits his office, and the vacancy occasioned thereby shall be filled in the same manner as if the officer had filed his resignation in the proper office.”

Obviously, all DIR’s Officers Daly, Healy, Santos, and Rood neglected their duties that were imposed by Labor Code Sections 98.7 and 98. These Officers exhibited actual fraud, corruption, and actual malice.

Therefore, pursuant to Government Code Section 995.2(c), “nothing herein shall [mandatory – T.D.] prevent the public entity from refusing to provide further defense to the employee.”

Conclusion.

Pursuant to Government Code Section 995.2(c), DIR was prohibited to provide legal defense to its employees Daly, Healy, Santos, and Rood in litigations No. 3:16-cv-07414-LB, Appeal No. 17-16382, case No. RG17881790, and Appeals No. A155165, A155187, A155899 (consolidated) and A156248 because providing the legal defense was in a clear conflict of interest (DIR's mission, vision, and core values to provide protection to retaliated and unlawfully terminated California workers), and providing legal defense to Daly, Healy, Santos, and Rood created an adverse interest to DIR as specified by Government Code Section 3001.

Therefore, I am respectfully asking the Court of Appeal for the First District, Division Four to recall its Remittiturs in Appeals No. A155165, A155187, A155899 and A156248, to withdraw their December 20, 2019 Opinions in these Appeals, and to return these Appeals back to the Superior Court of Alameda County for a further proceeding.”

However, the Court of Appeal for the First District, Division Four denied my Motion for Reconsideration. On December 30, 2020, the California Supreme Court denied my Petition for Review No. S265436.

On October 08, 2020, I filed a lawsuit No. 3:20-cv-07017-WHA *Drevaleva v. Justices of the California Court of Appeal for the First District, Division Four* 1) *The Hon. Justice Stuart Pollak*, 2) *The Hon. Justice Tracie Brown*, 3) *The Hon. Justice Alison Tucher*, 4) *The Hon. Justice Jon Streeter* at the U.S. District Court for the Northern

District of California which was my Verified Petition for Writ of Mandate, Prohibition, and Other Appropriate Relief, 28 U.S.C. §1651 (the All Writs Act) and F.R.C.P. Rule 21. Request to Assign a Three Judge Panel Pursuant to 28 U.S. Code § 2284 (the Three Judge Court Act.)

On October 13, 2020, the U.S. Supreme Court denied my Petition for Writ of Certiorari No. 20-5581 and asserted that “The motion for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (per curiam).”

On October 15, 2020, I discovered that the Narayan Travelstead Professional Law Corporation (the NTPC) that appeared on behalf of client Alameda Health System (AHS) in multiple lawsuits, Appeals, and Petitions at both the Federal and the State Court systems, in fact, didn't have Consent of client AHS for legal representation. I notified both the Court of Appeal for the First District, Division Four and the California Supreme Court about it. The NTPC didn't contest my findings that the NTPC was not authorized to represent client AHS in any lawsuit, Appeal, and Petition. However, the California Courts kept ruling in favor of the NTPC, and the Courts kept denying my right for relief.

Afterwards, I attempted three times to file my Petition for Writ of Certiorari No. 20-606 with the Clerk of the U.S. Supreme Court. The Clerk of the U.S. Supreme Court actually filed my Petition for Writ of Certiorari No. 20-606 only in November 2020.

The Court of Appeal for the First District, Division Four was alerted that the NTPC was not authorized to represent client AHS in any lawsuit, Appeal, and Petition. Subsequently, I notified the California Supreme Court that the NTPC was not authorized to represent client AHS in any lawsuit, Appeal, and Petition. The NTPC didn't contest my findings, and the NTPC didn't oppose my multiple assertions that the NTOC was not authorized to represent client AHS in any lawsuit.

I informed both the Court of Appeal for the first District, Division Four and the California Supreme Court that the NTPC had submitted multiple fabricated pieces of evidence such as the third version of Ms. Littlepage's email (Exhibit 1), the alleged Letter of my former Supervisor Mr. Gilbert Harding that accused me in committing medical negligence towards the patient (Exhibit 2), and a fabricated signature of DIR's Process Server Corey Poythress (Exhibit 3.) Please, see a real signature of Corey Poythress that I obtained from DIR in 2018 (Exhibit 4.) Also, during the litigations of the lawsuits No. RG19002853 and RG19039413, the NTPC issued multiple false Declarations under the penalty of perjury and under the laws of the State of California that Defendant AHS has issued all Public Records that AHS had in its possession, and that AHS didn't have any other Public Records to issue (Exhibit 5.) In fact, on March 04, 2019 and on April 24, 2019 the NTPC issued fabricated pieces of evidence that were no way related to any

Public Records from AHS, and Defendant Alameda Health System against whom the lawsuits No. RG19002853 and RG19039413 (my First and Second Petitions for Writ of Mandate to Compel AHS to Issue the Improperly Withheld Public Records) were filed never appeared itself in these lawsuits.

Obviously, the April 24, 2019 Harding's letter was a fabricated piece of evidence. In 2020, during the litigation of the lawsuit No. RG19039413, I propounded a Request for Admission of this letter to the NTPC. On May 29, 2020, the NTPC issued only objections to each Request for Admission, and the NTPC didn't admit that Harding's letter was genuine (Exhibit 6.)

Because Harding's location was unknown, I was never able to serve Harding with a Summons and a Complaint No. RG20061108. I filed Affidavits pursuant to C.C.P. §415.50 at both the Superior Court of Alameda County and the Court of Appeal for the First District, Division Four, and I asked the Courts to allow me to serve Harding with a Summons via the publication in a newspaper. Also, I filed multiple requests at the Court of Appeal for the First District, Division Four to assist me finding the location of Harding, to invite Harding to a Courtroom and to ask him to testify whether he wrote the alleged April 24, 2019 letter, and to invite other Officers of Alameda Health System who can declare under the penalty of perjury and under the laws of the State of California that Alameda Health System was responsible itself for every statement that the NTPC submitted in every litigation, Appeal, and Petition. The Court of Appeal denied all my requests.

On October 26, 2020, the NTPC appeared on behalf of Defendant Mr. Gilbert Harding in the lawsuit no. RG20061108 *Drevaleva v. Harding* that I filed at the Superior Court of Alameda County in response to the alleged April 24, 2019 Letter of Mr. Harding that I received from the NTPC.

I unsuccessfully attempted to convince the Superior Court of Alameda County to revoke the hearing date and the reservation numbers of the NTPC's Demurrer and motion to Strike because Defendant Harding against whom the lawsuit No. RG20061108 was filed was never served with a Summons and a Complaint, because it was obvious that Harding's letter was a fabricated piece of evidence, and it was obvious that Harding himself didn't know about the existence of this letter, Harding didn't know about the existence of the lawsuit no. RG20061108, and Harding didn't consent to being represented by the NTPC. The Superior Court of Alameda County refused to revoke the hearing date and the reservation numbers for the NTPC's Demurrer and Motion to Strike in the lawsuit no. RG20071108.

On October 22, 2020, I filed a "VERIFIED PETITION FOR WRIT OF MANDATE TO COMPEL THE SUPERIOR COURT OF ALAMEDA COUNTY TO FILE MY REQUEST FOR ENTRY OF DEFAULT IN CASE No. RG20066898 AND REQUEST FOR AN ORDER THAT DIRECTS THE SUPERIOR COURT OF ALAMEDA COUNTY NOT TO ACCEPT ANY COMMUNICATION FROM LAWYERS OF THE NARAYAN TRAVELSTEAD PROFESSIONAL LAW CORPORATION MR. TRAVELSTEAD AND MR. KU BECAUSE THESE

LAWYERS ARE NOT AUTHORIZED TO REPRESENT CLIENT ALAMEDA HEALTH SYSTEM IN ANY LAWSUIT, The California Rules of Court, Rule 8.486", No. A161187 at the Court of Appeal for the First District, Division Four.

In his Petition, I asked the Court of Appeal to issue an Order that orders the Superior Court of Alameda County to enter Default against Alameda Health System and for an Order that directs Clerks and Judicial Officers of the Superior Court of Alameda County to never accept any Ex Parte communications with the NTPC because the NTPC was not authorized to represent AHS in any lawsuit.

On October 28, 2020, the Hon. Justice Jim Humes denied my VL-110 form and asserted that I couldn't demonstrate that my Petition had merit.

On October 31, 2020, I filed a "MOTION FOR RECONSIDERATION OF THE OCTOBER 28, 2020 ORDER OF THE HON. JUSTICE JIM HUMES THAT CONCLUDED THAT I HADN'T DEMONSTRATED A REASONABLE POSSIBILITY MY WRIT PETITION HAS MERIT, C.C.P. §1008(a)."

On November 03, 2020, Justice Humes denied my Motion.

On November 10, 2020, I filed a "Petition for Writ of Mandate and a REQUEST FOR A STAY - 1) the hearing date of the NTPC's Demurrer and Motion to Strike in the lawsuit No. RG20066898 is January 14, 2020 at 9:00 AM at Department 24, 2) the hearing date of the NTPC's Demurrer and Motion to Strike in the lawsuit No. RG20061108 is December 09, 2020 at 3:00 PM at Department 20", No. S265490. I asked

the California Supreme Court to order the Superior Court of Alameda County to revoke the NTPC's hearing dates and reservation numbers for the Demurrsers and Motions to Strike in cases No. RG20061108 and RG20066898. Clearly, the Superior Court of Alameda County lacked jurisdiction over case No. RG20061108 *Drevaleva v. Harding* because Harding had not been served with a Summons and a Complaint.

On November 24, 2020, the California Supreme Court denied my VL-110 form and never allowed me to file my Petition. The California Supreme Court declined to restrain the NTPC from harassing me and from appearing on behalf of Harding and AHS.

Therefore, I realized that all rulings of the Superior Court of Alameda County, the Court of Appeal for the First District, Division Four, and the California Supreme Court in all lawsuits, Appeals, and Petitions against DIR, AHS, and the NTPC were a result of a criminal conspiracy of Judges and Justices with Defendants DIR, AHS, and the NTPC. All rulings of all California Courts were aimed to intentionally prevent me from obtaining relief in a form of getting compensated with my lost salary and benefits as a result of retaliation and unlawful termination of my employment from Alameda Health System in 2013. No one decision of any Court was on the merits of my lawsuits. All decisions were aimed to assist Alameda Health System to steal my salary and benefits and to assist the NTPC to harass me and to intentionally prevent me from obtaining relief.

Conclusion.

My Petition for Rehearing should be granted because all California Courts knew that the NTPC was not authorized to represent AHS, and all Courts ruled in favor of DIR, AHS, and the NTPC with a goal to prevent me from obtaining relief.

Respectfully submitted,



s/ Tatyana Drevaleva

Petitioner-Appellant Pro Se

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415-806-9864; tdrevaleva@gmail.com

Date: January 07, 2020

VERIFICATION.

I, a Pro Se Petitioner Tatyana Drevaleva, am a Party to this action. I have read the foregoing Petition and know its contents. The facts alleged in the Petition are within my own knowledge and I know these facts to be true.

I declare under the penalty of perjury and under the Federal laws and under the laws of the State of California that all foregoing is true and correct. Executed at San Francisco, CA on January 07, 2020.

Respectfully submitted,

s/ Tatyana Drevaleva



Petitioner-Appellant Pro Se

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Date: January 07, 2020

**Additional material
from this filing is
available in the
Clerk's Office.**