

20-6790
NO. 20-

In the
Supreme Court of the United States

MONA MUSTAFA,

Petitioner,

v.

ILLINOIS HUMAN RIGHTS COMMISSION ET AL.;
ILLINOIS DEPARTMENT OF HUMAN RIGHTS ET AL.;
NSI INTERNATIONAL INC. ET AL.;
MILMAN LABUDA LAW GROUP, PLLC,

Respondents.

On Petition for a Writ of Certiorari to the
Supreme Court of the State of Illinois

PETITION FOR A WRIT OF CERTIORARI

MONA MUSTAFA
PETITIONER PRO SE
2208 COUNTRYSIDE LANE
LINDENHURST, IL 60046
(224) 688-2014
MONAMUSTAFA1@AOL.COM

DECEMBER 28, 2020

SUPREME COURT PRESS

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QUESTIONS PRESENTED

1. Whether commencing and continuing baseless litigation as retaliation for that individual having opposed unlawful discrimination is conduct that is sufficiently severe to constitute actionable retaliatory harassment under Title VII of the Civil Rights Act of 1964 and the Illinois Human Rights Act, 775 ILCS 5/1-101 et seq.
2. Whether the Supreme Court will resolve a lack of uniformity in the application of the Corporate Disclosure Statement rules as required by Federal Rule of Appellate Procedure 26.1 and Federal Rule of Civil Procedure 7.1; and to define the effect of the rules on a court's exercise of jurisdiction and a corporate litigant's standing to litigate a cause of action.
3. Whether the Illinois Supreme Court erred in its denial of Mona Mustafa's Petition for Leave to Appeal as a Matter of Right pursuant to Illinois Supreme Court Rule 317.

LIST OF PARTIES

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding on the court whose judgment is the subject of this petition is as follows;

Petitioner

- Mona Mustafa

Respondents

- NSI International, Inc., Frank Landi, Farra Chan, Sanford Frank, NSI Products (HK) Limited, Mammoth Toys;
- Milman Labuda Law Group, PLLC, Marshall M. Miller Associates, Inc, Jamie S. Felsen, Joseph M. Labuda;
- The Illinois Human Rights Commission, *et al*;
- The Illinois Department of Human Rights, *et al*;

RELATED CASES

126156 *Mustafa v. Illinois Human Rights Commission, NSI International, Inc*
Supreme Court of Illinois, Denied, September 30, 2020

17-0040 *Mustafa v. Illinois Human Rights Commission, NSI International*, Illinois
Appellate Court for the Second District Summary Order June 8, 2020

12-ALS-0574 *Mustafa v. NSI International, Inc.* Illinois Human Rights Commission,
Rehearing Denied December 15, 2016

17-5936 *Mustafa v. NSI International, Inc., et al, (10 Defendants)*, November 13,
2017 U.S. Supreme Court (Cert. denied, materials returned as “voluminous”) from
7th Circuit

16-4270 *Mustafa v. NSI International, Inc. et al (10 Defendants)*, U.S. Court of
Appeals for the Seventh Circuit from 15-6997 Mustafa v. NSI Int. et al, (10
Defendants) May 15, 2017

17-00267 *In the Matter of Mona Mustafa*, USDC Northern District of Illinois,
Executive Committee, January 12, 2017. Motion to Rescind Denied, July 23, 2019.

15-cv-6997, *Mustafa v. NSI International Inc, et al (10 Defendants)* December 27,
2016, U.S. District Court, Northern District of Illinois

16-3550, *NSI International v. Mona Mustafa*, U.S. Court of Appeals for the Second
Circuit from 12-5528; Affirm Attorneys Fees June 8th, 2018; also

14-3706, *NSI International v. Mona Mustafa*, U.S. Court of Appeals for the Second
Circuit from 12-5528, affirm Summary Judgment, August 25, 2015

12-cv-5528, *NSI Int. v. Mustafa*, Summary Judgment September 11, 2014,
Attorneys Fees September 14, 2016, U.S. District Court, Eastern District of New
York

16MR02253, *NSI Int. v. Mustafa*, 19th Judicial Circuit Court, Lake County, Illinois,
Citation Dismissed (due to bankruptcy) January 10, 2017

09-CV-01536 *NSI Int. v. Mustafa*, and *Mustafa v. NSI International, (CC)*, U.S.
District Court, Eastern District of New York, Dismissed with prejudice August 2,
2011

RELATED CASES (Cont.)

17-B-17742 *In Re: Mona Mustafa*, Chap 7 Discharged September 29, 2017 U.S. Bankruptcy Court, Northern District of Illinois

17-cv-07143 U.S. District Court, Northern District of Illinois, *Mustafa v. Fonferko*, et al., October 24, 2017

18-0137, *U.S.Bank, N.A. as Successor Trustee, v. Mona Mustafa*, Summary Order November 14, 2018, Illinois Appellate Court for the Second District

08-ch-3521, *U.S. Bank as Successor Trustee, v. Mona Mustafa*, Summary Order Entered May 8, 2018, 19th Judicia Circuit Court, Lake County, IL.

09-005080, *Mustafa v. NSI International, Inc. Illinois Department of Labor Wage*, Claim Dismissal January 8.2010, Set Aside February 8, 2010, 2nd Request for Review denied on or about October 8, 2010

520-2021-00852, *Mustafa v. NSI International, Inc.*, Charge of Discrimination, December 18. 2020 (NEW) Equal Employment Opportunity Commission

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OPINIONS BELOW

The Illinois Supreme Court denied the Petition for Leave to File as a Matter of Right pursuant to Illinois Supreme Court Rule 317. (App.1a).

The Illinois Appellate Court of Illinois Second District Rule 23 Decision in 17-0040. (App.2a).



JURISDICTION

The Illinois Supreme Court denied the Petition for Leave to File as a Matter of Right pursuant to Illinois Supreme Court Rule 317 on September 30, 2020. No petition for rehearing was filed. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a)



STATEMENT OF THE CASE

A. Introduction

This case presents circumstances of first impression, where the Complainant met her burden to establish a prima facie case of retaliation in violation of the Illinois Human Rights Act 775 ILCS 5/1-101 and Title VII of the Civil Rights Act of 1964, 42 § U.S.C. 2000e. Where the Illinois Human Rights Commission found Substantial Evidence of Retaliation on August 8, 2012, and a complaint was filed against Respondent NSI International, Inc., the allegations within the complaint

have never been adjudicated by a fair and impartial tribunal, or a tribunal with jurisdiction to hear the case. This complaint is the underlying cause of action for litigation that spans three United States District Court venues, one United States Bankruptcy Court, two United States Circuit Courts of Appeals, and this United States Supreme Court.

This is a case of continuing retaliation against an employee-whistleblower by a corporation that has willfully failed in federal courts and administrative agencies to disclose the fact that it is 100% owned, directed, and controlled by an unverified foreign corporate entity. According to New York Supreme Court records, through undocumented corporations, it appears the sole shareholder of NSI International Inc. is foreign national David Chu. The use of false and misleading Federal Rule of Appellate Procedure 26.1 and Federal Rule of Civil Procedure 7.1 Corporate Disclosure Statements in judicial proceedings are merely a tool to accomplish a foreign corporation's interference in judicial and administrative agency decisions, which have caused irreparable damage to the integrity of our judiciary, and irreparable damage to Mustafa and to the Public.

Where the purpose of F.R.A.P. 26.1 and F.R.C.P. 7.1 is to screen for possible disqualification of under Canon 3C (1)(c) of the Code of Conduct for United States Judges, and under 28 U.S.C.A. § 455(b)(4), the failure of a corporation to file the statement or in the alternative, to file a false or misleading statement deprives a court of jurisdiction and the corporation of standing in any proceeding. Here, NSI International Inc. and Milman Labuda Law Group, PLLC chose to ignore Rule 7.1,

and when compelled to file it; filed false and contradictory disclosures in different courts.

Here, U.S. Supreme Court's decision in *Citizens United v FEC*, 558 U.S. 310 undermines and conflicts with 18 U.S. Code § 201 Bribery of government officials and Witnesses and the Foreign Agents Registration Act, 22 U.S.C. ch. 11, Subch. II § 611 et. seq., where non-disclosure of "donors" in the name of free speech has opened "Pandora's Box" to abuse of power, which threatens our democracy. In this case, our judiciary does not know if the attorneys allegedly "representing" corporation NSI International, Inc. are de facto undisclosed and unregistered foreign agents of a Chinese corporation. Careful review of the dockets and documents in these proceedings give rise to plausible claims that judges and court staff may also be unregistered foreign agents as well. Our democracy is being dismantled from within.

The recent federal election has exposed and magnified this conflict. Is money an expression of free speech guaranteed under the 1st Amendment, or is it a transactional device to gain a judicial decision in a "traditionally" undisclosed corporation's favor, which is an immediate threat to the National Security of our nation?

Clearly, the current Senate pattern and practice of confirming federal judges deemed "conservative" to the exclusion of all other issues is troubling, during the Coronavirus pandemic. Are the judges "conservative" or are they "loyalists" to a foreign entity, in this case China? Is the recent flurry of baseless lawsuits contesting

the validity of our elections and the recent discovery of Russian cyberattacks the result of lax enforcement of corporate regulation – and a catastrophic failure to define separation of corporation and state? Many of the judges names appear in the International Consortium of Investigative Journalists database of offshore corporations. It appears litigation before the U.S. Supreme Court has become the tool to raise capital for personal use.

There is little case law specific to F.R.C.P. Rule 7.1, and no case law at all specific to F.R.A.P. 26.1. It appears the courts treat these two Rules as optional, and harmless, with no consequences for untimely filing. Even more troubling is the court's willful ignorance of a failure to follow Corporate Disclosure Rule 7.1 or 26.1 at all. The assumption that the error is harmless is violative of due process, and evidence of institutionalized bias.

Finally, this is a case of first impression, as the litigation that gave rise to the retaliation claims should never have been commenced. All the litigation that followed and continues to follow should never have occurred.

Now, the pattern and practice of willful and reckless disregard of the basic rules of procedure demonstrated in the cases herein are running amok; and baseless retaliatory litigation threatens our democracy and has destroyed public confidence in the ability of our executive, legislative, and judicial institutions to function as required by the United States Constitution.

Today, it appears that foreign corporations who may also be foreign state governments have been dictating judicial decisions. Petitioner Mona Mustafa should

have prevailed in this case on or about November 2, 2012. For the purposes of this case, Mustafa asserts her Constitutional Rights guaranteed under the 5th and 14th Amendment of the U.S. Constitution have been denied. Even a cursory investigation of the documents presented here will demonstrate Mustafa should have prevailed on the merits; by adhesion to state and federal statutes; and by enforcement of procedural rules. Mustafa has brought these proceedings to the attention of Executive, Legislative, and Judicial branches of our government, at both state and federal levels. Mustafa documented and recorded many proceedings, and Court records provide this Hon. U.S. Supreme Court irrefutable evidence that this conflict must be resolved to protect our federal institutions and the public at large, which has lost confidence in them.

Proceedings related to this case have been ongoing for more than a decade, at all levels of the judicial process up to and including the U.S. Supreme Court. The cause of action that the Illinois Human Rights Commission gave Mustafa a right to pursue has never been litigated. For the benefit of our executive, legislative, and judicial branches of government, it is timely and imperative that it be reviewed and decided now.

B. Procedural History

Petitioner Mona Mustafa was employed by NSI International Inc. July 2007 as Regional Vice President of Sales for the Midwest Territory. Mustafa accepted the position in good faith, with a promise that the terms of employment would be reduced to writing later. In January 2008, Mustafa was diagnosed with Breast Cancer which

required treatment. In July 2008, she suffered a knee injury which required surgery. During the term of her employment, Mustafa increased sales of NSI International Inc. ("NSI") and NSI Products (HK) Limited products exponentially, from approx. \$2.3 million to approx. 5.8 million. In July 2008, President Frank Landi inexplicably found fault with Mustafa's performance, which was never documented, never substantiated, and is materially false. Contrary evidence exists in the record of Charge 2009 CN 2698 before the Illinois Department of Human Rights. ("IDHR") NSI International Inc. is a licensee of the Smithsonian Institution.

C. Prior to Mustafa's Termination and the First Lawsuit Filed By NSI International

Prior to her termination, Mustafa retained attorney Tom Shannon to represent her, and he advised NSI October 2008 that Mustafa believed she had been discriminated against for her Breast Cancer. NSI threatened to file a lawsuit if Mustafa prosecuted her claim. Mustafa was terminated on December 12, 2008, without a stated cause. Mustafa's attorney continued to negotiate to attempt to come to a meeting of the minds but failed. On February 26, 2009, at Mustafa's direction, Shannon provided written notice of her withdrawal from negotiations and advised NSI in writing that there was no meeting of the minds and that Mustafa had filed her charge with the IDHR. (App.10a).

Eight days later, NSI filed a two-count lawsuit in New York Supreme Court, for breach of an alleged oral settlement agreement and seeking a declaratory judgment that would preempt Mustafa's claim of discrimination. In that lawsuit, NSI stated Mustafa was terminated for "poor work performance." At considerable expense,

Mustafa retained New York attorney Alan Serrins to represent her, and Mustafa removed the case to the U.S. District Court, Eastern District of New York, Central Islip, ("EDNYCI") where NSI's 105 Price Parkway, Farmingdale NY 11735 headquarters was located. This case is styled as 09-cv-01536. Review of the Docket Report evidences NSI International, Inc. never filed a Federal Rule of Civil Procedure Rule 7.1 Corporate Disclosure Statement as required ("Rule 7.1") in the 09-cv-01536 proceedings.

D. The Illinois Department of Human Rights and the Illinois Human Rights Commission

Both the IDHR and the Illinois Human Rights Commission (IHRC) are Fair Employment Practices Agencies who maintain work-sharing agreements with the Equal Employment Opportunity Commission. ("EEOC") On September 15, 2009 Mustafa filed Charge 2010CF2063 with the IDHR, alleging to be aggrieved by practices of retaliation prohibited by Section 6-101(A) of the Illinois Human Rights Act. A fact-finding conference was held, where President Frank Landi lied, stating that Mustafa had cashed a check for \$1000, alleged to be part of an alleged oral settlement agreement. Mustafa countered that the check Landi lied about was in fact for \$933.72 and was an expense reimbursement for money Mustafa had loaned to NSI. NSI had taken unlawful deductions from the reimbursement, and as a result Mustafa filed Wage Claim 09-005080 before the Illinois Department of Labor.

In proceedings EDNYCI 09-cv-01536, on October 15, 2010, NSI President Frank Landi submitted a Declaration to the court, in which he swore under penalty of perjury "On February 26, 2009, I had a check for \$4000 for the first installment of

the settlement agreement and another check for \$933.72 for expenses under the settlement agreement prepared to be sent to Mustafa." A copy of the \$933.72 check is evidenced in the Declaration. (DE58,58-3) Mustafa never saw or had possession of any \$4000 check, and Mustafa only cashed her expense check for \$933.72. (App.11a).

On February 4, 2011, the IDHR dismissed Mustafa's charge for Lack of Substantial Evidence. On February 11, 2011 Mustafa filed a timely Request for Review, alleging that the investigator made credibility determinations in violation of a permanent federal injunction. *Cooper v. Salazar*, No. 98 C 2930, 2001 WL 1351121, *6 (N.D. Ill. Nov. 1, 2001) followed by a timely Addendum to her Request for Review, in which she supplied evidence that NSI had moved from their Farmingdale address to 30 W. 22nd Street, NY, NY, without notifying the IDHR.

On July 11, 2011 because of the IDHR dismissal, Mustafa entered into a settlement agreement which Mustafa agreed that she would not sue, "unless directed by court order or subpoena." As a result, the court dismissed the EDNYCI case 09-cv-01536 with prejudice, pursuant to F.R.C.P. 41(a)(1)(A)(ii), and the case was administratively closed. (DE71)

E. The Finding of Substantial Evidence

On August 8, 2012, the IHRC entered an Order vacating the IDHR's dismissal of Mustafa's charge and reinstating and remanding the charge to the IDHR for a finding of Substantial Evidence and for further proceedings consistent with its order and the Illinois Human Rights Act, 775 ILCS 5/1-101.1 et seq. "The Commission

believes that commencing allegedly baseless litigation against an individual as retaliation for that individual having opposed unlawful discrimination is conduct that is sufficiently severe to constitute actionable retaliatory harassment under the Act." (App.15a). The Order specified the conflicting evidence regarding the alleged \$1000 check. The fact is that the \$1000 check never existed, Mustafa never cashed a \$1000 check.

On August 9, 2012, the IDHR issued a Notice of Substantial Evidence, to Jamie S. Felsen, Esq. of Milman Labuda Law Group, PLLC, and listed Charge No. 2010CA2063.¹ The CA designation is for Age Discrimination Claims, CF is the designation for Retaliation claims. CA designated claims are not cross-filed with the EEOC. CF designated claims are cross-filed with the EEOC. (App.19a).

Mustafa retained an attorney for the purpose of conciliation, but NSI's alleged counsel refused to participate and as a result, on September 28, 2012, a formal complaint of civil rights violation was filed with the IHRC. (App.21a). For brevity, the Illinois Human Rights Commission did not conduct proceedings according to the Administrative Procedure Act 5 § 556, or the Illinois Human Rights Act 775 ILCS 5/1-101 et seq.

¹ Jamie S. Felsen is a partner in Milman Labuda Law Group, PLLC, a separate entity from NSI International, Inc. 775 ILCS 5/7A-102(D)(4) directs the IDHR to "notify complainant and respondent." The IDHR did not properly notify the respondent. Further, the Notice listed the charge number as 2010CA2063, which is not cross filed with the EEOC. 2010CF2063 is the correct designation.

Thereafter, NSI's alleged counsel petitioned the EDNYCI court to re-open 09-cv-01536, to compel Mustafa to withdraw her Request for Review.² and despite Mustafa's letter questioning jurisdiction of the EDNYCI, Judge Joseph F. Bianco ordered Mustafa to write a letter to the court. Judge Bianco issued four orders in 09-cv-01536, from October 25-November 2, 2012, after the case was closed pursuant to F.R.C.P. Rule 41(a)(1)(A)(ii).

F. NSI Files the Second Retaliatory Lawsuit

NSI International, Inc. commenced 12-5528 in the U.S. District Court, Eastern District of New York, Brooklyn ("EDNYB") on November 8, 2012. NSI had relocated from the Farmingdale Address in 2009, to its current address at 30 W 22nd Street, 3rd floor, NY, NY 10010. The Civil Cover Sheet's Disclosure Statement-Federal Rules Civil Procedure 7.1 evidences "None" in response to the requirement to "Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks." (App.27a). Further, Felsen's signature appears on the Civil Cover Sheet, after "I certify the accuracy of all information provided above." When NSI Counsel Jamie Felsen filed this statement, at minimum the law firm Milman Labuda Law Group, PLLC, Counsel Joseph M. Labuda, President Frank Landi, NSI Products (HK) Limited, and NSI knew that the Federal Rule of Civil Procedure 7.1

² The procedural rules of the IHRC do not have a provision by which a Request for Review can be withdrawn. The Notice of Substantial Evidence mandated Mustafa act "in a manner consistent with its Order and the Act."

Corporate Disclosure Statement was inaccurate and false. Next, the 12-5528 venue was changed, from EDNYB to EDNYCI.

And the IDHR failed to follow procedure as well. This is evidenced in the record below, where Mustafa petitioned and was denied a mandatory certification from the Director that proceeding would cause irreparable harm. Contrary to the specific language contained in the Act, the temporary restraining order for the 12-5528 proceedings in NY was denied by the IDHR as “discretionary.” Irreparable harm has occurred and continues to occur.

“Whether it is brought by the Department or by the complainant, the petition shall contain a certification by the Director that the particular matter presents exceptional circumstances in which irreparable injury will result from a civil rights violation in the absence of temporary relief.”

— 775 ILCS 5/7A-104 Judicial Proceedings

The case was transferred to an improper venue, in violation of 28 U.S.C. 1404 as NSI had not resided in Farmingdale, NY since 2009-2010. It had no minimum contacts with EDNYCI since 2009-2010.

Although 12-5528 was properly filed in EDNYB, and at that time NSI’s domicile was at 30 W. 22nd St., NY, NY, on November 20, 2012, Jamie S. Felsen filed a letter “requesting the case be transferred to Judge Bianco in Central Islip . . .” (DE6) Further, the alleged orders: 1) for venue transfer; and 2) reassigning the case to Judge Bianco is only reflected in the Docket, there is no Docket Entry link for the public to view these alleged orders on Pacer, located at the Docket Entry date 12/13/2012. Although the case was tried by Judge Bianco in EDNYCI, the entry of orders and judgments represent the cause of action was tried in EDNYB. This is a

false statement of material fact. NSI's affidavits before New York Supreme Court contradict statements made before the district court.

On April 11, 2007, in case NSI International Inc vs. Leslie Wagenheim, in New York Supreme Court, Suffolk County, the court held in favor of NSI, and determined that Wagenheim could not enforce a \$774,000 Ohio Judgment in Wagenheim's favor. The court determined that NSI International, Inc. was not the "alter ego" of Natural Science Industries, LTD., where ownership of the company had changed. (App.29a). The court relied on evidence submitted, which included an affidavit from David Chu. As described in the court's decision, "The submissions reflect that NSI is owned wholly by Powerview, a British Virgin Island investment company whose owners are Hong Kong based investors who had no ownership interest in Natural Science." (I, p. 2 para.3)

Further, "NSI is owned 100% by Powerview Investment Limited and the sole shareholder of Powerview is Capitol Port Finance Limited. The sole shareholder of Capitol Port Finance Limited is David Chu." (I, p.4 para.3)

G. The Illinois Human Rights Commission Failed to Conduct Proceedings as Mandated By the Illinois Human Rights Act 775 ILCS 5/1-101 Et Seq.

The Commission's file is spoiled, as is the alleged Record on Appeal in 17-0040 before the Illinois Appellate Court for the Second District. For example, the Public Hearing noticed was changed to a status hearing that was not recorded, the NY based attorneys and law firm appearing for NSI were never granted permission to practice law in Illinois by the Illinois Supreme Court as required by 705 ILCS 205/1 Illinois Attorney Act, and Mustafa was never permitted to conduct discovery,

present evidence or cross examine witnesses. Mustafa was berated by the Administrative Law Judge (“ALJ”) Gertrude McCarthy at the December 19, 2012 hearing. [Mustafa discovered later that McCarthy previously had her license to practice law suspended for lying to a tribunal] Further, evidence of tampering with the U.S. Mail was removed, as were DVDs of recorded IHRC “hearings.”

ALJ McCarthy issued her Recommended Liability Determination March 7, 2015. (App.34a). In her determination, McCarthy relied on statements from federal judge Joseph F. Bianco. “Judge Bianco, of the United States District Court Eastern District of New York, where a case involving the parties originated, advised Complainant that the Agreement precluded her from proceeding with her case currently before the Commission.” Further, McCarthy wrote; “Rather than accept Judge Bianco’s position, Complainant nevertheless continued pursuing this matter, first before the Department, and then, before the Commission.” Judge Bianco was an NSI witness, and he presided over the subsequent case in federal court.

On February 25, 2014, Magistrate Judge A. Kathleen Tomlinson issued her Report and Recommendation (“R & R”) for Summary Judgment in favor of NSI International. (EDNYCI 12-5528 DE53) and on March 26, 2014 Judge Joseph F. Bianco issued his order adopting the R & R. (id, DE60.) On September 11, 2014, Judge Joseph F. Bianco issued his decision; Summary Judgment in favor of NSI International Inc. and awarding NSI \$80,645. Mustafa appealed to the U.S.C.A. for the Second Circuit. (USCA2) NSI filed mutually exclusive F.R.A.P. 26.1 Corporate

Disclosure Statements in two separate appeals from the same 12-cv-5528 EDNYCI case.

In NSI's Brief for the first appeal USCA2 14-3705, it swore, "Pursuant to Rule 26.1 of the F.R.A.P., the undersigned counsel of record for Plaintiff-Appellee, NSI International Inc., states that there are no parent corporations or any publicly held corporation which owns 10% or more of its stock." (App.40a). The Appeal was disposed of in Summary Order.

In a second USCA2 appeal from the same 12-5528 district court case, on November 21, 2016, NSI disclosed in a footnote to its F.R.A.P. Rule 26.1 Corporate Disclosure Statement: "To the extent required to be disclosed, NSI International Inc. is a subsidiary of Powerview Investment Limited, which is not publicly owned." This is consistent with the affidavit of David Chu in New York Supreme Court, in 2006, and directly contradicts the F.R.A.P. Rule 26.1 statement in the first appeal.

On March 15, 2015 Mustafa filed the first of two Complaints of Judicial Misconduct before USCA2, against Joseph F. Bianco and A. Kathleen Tomlinson. Both were dismissed as in connection with a judge's decision.

In the meantime, Mustafa received a Notice of Right to Sue from the EEOC, and on August 11, 2015 Mustafa timely filed 15-6997 before the U.S.D.C. Northern District of Illinois. The case was assigned to Judge John J. Tharp. On that day, Mustafa visited the EEOC Chicago office and learned that the Complaint filed with the IHRC did not appear in the EEOC system, which would give rise to a claim that

it had not been properly cross-filed. NSI filed its F.R.C.P. Rule 7.1 statement February 16, 2016. (App.47a).

Mustafa named ten defendants in the cause of action, and the docket reflects Jamie S. Felsen and Milman Labuda Law Group, PLLC represent all ten defendants. On February 9, 2016, Mustafa filed a Petition to take Judicial Notice of the fact that the defendants had not yet filed their F.R.C.P. Rule 7.1 Corporate Disclosure Statement, nor had they filed their Local Rule 3.2 Notice of Affiliates. (15-6997 DE 57) Judge Tharp ordered the petition stricken on February 10, 2016, in a minute entry. (DE59) He also restrained the filing of motions unless an emergency. On May 23, Mustafa made a statement to inform the Court of the false F.R.A.P. 26.1 and F.R.C.P. Rule 7.1 statements in New York courts. Mustafa filed a motion to notify the court of NSI's failure to file an appearance pursuant to Local Rule 83.16, and for judgment on the pleadings. (DE63)

Further, Mustafa properly filed a separate motion for default for a sum certain against the seven defendants who had not appeared, pursuant to F.R.C.P. Rule 55(a)(b)(1) on October 31, 2016. The Clerk of the Court never entered a default judgment for any of the defendants, (15-6997 DE68-79) and on November 16, 2016, Judge Tharp issued the court's decision, denying all of Mustafa's motions for entry of default for a sum certain, and granting NSI's motion to dismiss. Mustafa appealed to the U.S. Court of Appeals for the 7th Circuit, styled as 16-4270.

NSI and Milman Labuda Law Group filed their appearance February 20, 2017, counsel Jamie S. Felsen representing only NSI International Inc. and Milman

Labuda Law Group, PLLC, where there were ten defendants in the proceedings below. (App.44a). NSI disclosed that NSI International Inc. is a subsidiary of Powerview Investment Limited. Spoliation of the Court's Records occurred. Mustafa appealed to the U.S. Supreme Court pro se, [17-5936] her first petition for Writ of Certiorari Denied. (App.57a). Admittedly, the first petition was voluminous.

Mustafa has reported to the Department of Justice, and the FBI. Court records document where Mustafa discovered that a top-level Department of Justice employee was the undisclosed business partner of NSI counsel while serving in his post, in a corporation named Marshall M. Miller Associates.

In defense of our Constitution, Mustafa produced her Affidavit of Mona Mustafa, in Support of Allegations of Foreign Corporations Interference in Judicial Decisions. (App.58a). She has delivered this Affidavit to the offices of all 100 sitting Senators and 6 Representatives, who head up certain committees of the House of Representatives. Mustafa intends to testify when the new Congress is seated.

NSI attempted to enforce all the judgments against Mustafa, by retaining Illinois counsel and filing in the 19th Judicial Circuit of the State of Illinois, which caused Mustafa to declare bankruptcy. Mustafa appealed the decisions made during her bankruptcy and learned deeply troubling information, which both evidences and corroborates Mustafa's beliefs. A copy of the caption that exists in PACER for 17-cv-07143 before the U.S.D.C. Northern District of Illinois demonstrates that the Clerk, Court, the Department of Justice, and the attorney Mustafa paid to represent her, were representing her foreclosing opponent in her appeal. (App.53a).

Mustafa has repeatedly attempted to notify law enforcement over the decade, with a pattern and practice of what could only be described as a refusal to prosecute or enforce the laws Mustafa has alleged were violated.

For example, when USCA2 16-3550 was scheduled to be heard on June 4, 2018, Mustafa was informed that the case had already been decided and a Summary Decision would be issued on or about May 28, 2018. Mustafa took action to notify authorities. Mustafa notified Deputy Attorney General Rod Rosenstein, and Special Counsel Robert S. Mueller that the decision had been pre-determined, via FedEx Express Overnight Services, delivered June 1, 2018. (App.45a). Mustafa also directed The Mackin Group, LLC to issue a press release, to put a spotlight on the case. (App.46a). The press release highlighted that the USCA2 was going to decide jurisdictional issues raised by the mutually exclusive Corporate Disclosure Statements.

Over the course of a decade, Mustafa filed four Requests for Investigation with the Illinois Attorney Registration and Disciplinary Commission. (ARDC) Where Joseph M. Labuda, Jamie S. Felsen and Milman Labuda Law Group, PLLC never registered with the ARDC, never paid fees, and never acted to be compliant with Illinois Supreme Court Rule 707. On March 17, 2017 Jamie S. Felsen responded, and one part of the response merits inclusion in its entirety. (App.49a).

“If the above information is insufficient for you to understand the litigious nature of Ms. Mustafa, and her vendetta against me and Mr. Labuda and every judge before whom she has appeared (all of whom she has accused of conspiring with us), we respectfully request that you contact the Illinois Human Rights Commission, the Honorable John J. Tharp at the United States District Court, Northern District of Illinois, the Honorable Joseph

F. Bianco, and A. Kathleen Tomlinson at the United States District Court Eastern District of New York, all of whom are intimately familiar with Ms. Mustafa's conduct."

— Letter Response March 13, 2017

In that same letter, Felsen directed the ARDC to consider the sanctions the courts have imposed against Mustafa "when and if she ever attempts to become an admitted attorney in Illinois." Mustafa filed a total one federal lawsuit, *pro se*. However, Judge John J. Tharp determined it necessary to restrain Mustafa's access to the federal courts, for a period of three years, and referred her to the Executive Committee of the U.S.D.C. Northern District of Illinois. The Executive Committee agreed, and now require Mustafa to file any contemplated lawsuits with the Committee, on January 12, 2017. [Contrast Mustafa's one federal lawsuit to the Trump campaign's 50+ lawsuits filed to overturn election results, which Mustafa alleges is use of litigation to raise funds for personal use.]

On or about April 22, 2020 the Illinois Appellate Court took judicial notice of the denial of Mustafa's request for a certificate pursuant to 775 ILCS 5/7A-104 Judicial Proceedings.

Where Mustafa believes that filing baseless lawsuits is retaliation, she filed a new charge of continuing retaliation with the EEOC and received a Notice of Right to Sue. The Executive Committee denied Mustafa's contemplated lawsuit on July 23, 2019. Mustafa filed a new charge with the EEOC and received a second Notice of Right to Sue. Mustafa filed a Motion to Rescind the Order on April 17, 2020. The Executive Committee denied the Motion on July 15, 2020, and there is no date upon

which the order expires. Nothing in the order prevents Mustafa from filing a Petition for Writ of Certiorari with the U.S. Supreme Court.

Mustafa filed a new charge 520-2021-00852 of continued retaliation with the EEOC on December 18, 2020.

REASONS FOR GRANTING THE WRIT OF CERTIORARI

I. THE UNITED STATES IS ON A PRECIPICE TOWARDS AUTOCRACY AND FASCISM

The U.S. Supreme Court is faced with a choice. The magnitude of this decision will determine whether the U.S. Constitution is enforced, and our entire judicial system is able to deliver justice; or whether our judicial system is a tool for fundraising and for unknown foreign corporations to gain access to power and money through judicial decisions within the United States courts.

Mustafa argues that the founding fathers never intended for corporate directives to dominate the actions of our government. Where Thomas Jefferson wrote, "that the legitimate powers of government reach actions only, & not opinions," *Letter to Danbury Baptists*, Mustafa notes that a corporation cannot act independently, unless a natural person acts on its behalf, and all governments are, by definition, corporations. Our corporation the United States of America is a company or group of people authorized to act as a single entity (legally a person) and recognized as such in law, and the authority is the U.S. Constitution. Where a corporation acts outside of the rules, it cannot be recognized as legitimate. Its actions are unconstitutional.

Mustafa pleads for enforcement, for the failure to enforce in this case undermines not only confidence in the judiciary, but also threatens the survival of our democratic republic under the Constitution – which appears to be in process of being dissolved.

II. THE ILLINOIS HUMAN RIGHTS COMMISSION FOUND SUBSTANTIAL EVIDENCE OF RETALIATION

In analyzing indirect evidence of employment discrimination claims under the Act, the Commission is supposed to apply the analytical framework used by federal courts in cases brought under Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e, *et seq.*). *Zaderaka v. Illinois Human Rights Comm'n*, 131 Ill. 2d 172, 178 (1989). Illinois courts look to the decisions of the United States Supreme Court and the United States Court of Appeals for the Seventh Circuit in interpreting the Act. *See Zoepfel-Thuline v. Black Hawk College*, 2019 IL App (3d) 180524, ¶ 26. ¶ 58. The indirect method of proof for Title VII cases was set forth by the United States Supreme Court in *McDonnell Douglas Corp. v. Green*, 411 U. S. 782 (1973). Under that test, the employee must first establish, by a preponderance of the evidence, a *prima facie* case of unlawful discrimination. *McDonnell Douglas*, 411 U.S. at 803-05; *Zaderaka*, 131 Ill. 2d at 179. If a *prima facie* case is established, a rebuttable presumption arises that the employer unlawfully discriminated against the petitioner, and the employer may rebut the presumption by articulating a legitimate, nondiscriminatory reason for its employment decision. *Id.* If the employer articulates such a reason, then the petitioner must prove, by a preponderance of the evidence, that the employer's reason was untrue and a pretext for discrimination. *Id.* The ultimate burden of persuasion remains with the employee. *Id.*

Here, the *prima facie* case is established, and the employer never answered the complaint. NSI never rebutted the presumption by articulating a legitimate, nondiscriminatory reason for its employment decision. NSI's articulated "oral

settlement agreement" never existed, just like the check for \$1000 can never be produced because it too, does not exist.

Mustafa has a property interest in a fair and impartial disposition of the complaint against NSI which has not occurred. In *Jabbari v. Ill. Human Rights Comm'n*, 173 Ill. App. 3d 227, 232 (1988), this court concluded that a complainant possesses a property right in the right to file a claim under the Act. However, until a complaint is issued by the Department, the proceedings are investigatory and not adjudicatory. *Id.* Here, the complaint was filed September 29, 2012, after NSI refused to participate in conciliation, and the filing of the complaint gave Mustafa a property right to be made whole by enforcement of her Title VII rights.

This case presents the opportunity to protect the public and our courts from being subject to endless baseless, retaliatory lawsuits. Mustafa believes the recent flurry of lawsuits to try to overturn the results of the 2020 election serves a dual purpose, to retaliate against the public for exercising their right to vote, and for political fund-raising purposes. Here, the judicial process has no provision for verification of representation of a Corporate Disclosure Statement.

III. THE FAILURE OF COURTS TO STRICTLY ENFORCE F.R.C.P. RULE 7.1 AND F.R.A.P. RULE 26.1 IS VIOLATIVE OF DUE PROCESS, AND UNDERMINES THE INTEGRITY OF THE COURTS, WHICH IS CLEAR ERROR

It is undisputed fact that NSI never filed a F.R.C.P. 7.1 statement in 09-cv-01536. Therefore, Judge Joseph F. Bianco never made a valid decision of financial disqualification. The Judge's conduct of proceedings give rise to a plausible claim that he does have a financial interest in the outcome of the case. Further, evidence

in the record demonstrates that he was an active witness in the underlying cause of action, and not a fair and impartial jurist.

It appears from Felsen's letter that Joseph F. Bianco, A. Kathleen Tomlinson, John J. Tharp, the Illinois Human Rights Commission, and the Illinois Department of Human Rights have agreed to bear witness to Mustafa's character if she applies to become an attorney in the State of Illinois. This is irrefutable evidence that Mustafa was not afforded a fair and impartial adjudication in a neutral tribunal.

Where courts have found untimely filing or a failure to file "harmless," Mustafa asserts the opposite is true, and asserts she, and every federal court in the country has been severely prejudiced by the failure of NSI to file the required Fed R. Civ. P 7.1 and F.R.A.P. 26.1 Corporate Disclosure Statements. In the global context, numerous unverifiable shell corporations have subverted the judiciary ability to know who is before it.

The Corporate Disclosure Rules are required to be filed "with its first appearance, pleading, petition, motion, response, or other request addressed to the court." Fed R. Civ. P. 7.1(b)(1). It is absurd to ask a federal judge to decide of financial disqualification after any of the above have occurred. If a judge has issued any rulings, and then later discovers a financial interest – it would follow that the ruling was made because of the financial interest, which is a violation of Canon 3C(1)(c) of the Code of Judicial Conduct.

IV. WHERE NO CORPORATE DISCLOSURE STATEMENT OR A FALSE OR MISLEADING CORPORATE DISCLOSURE STATEMENT IS FILED, THE COURT IS DEPRIVED OF SUBJECT MATTER JURISDICTION

The court cannot claim to possess subject matter jurisdiction, when the court does not know if the judge has a financial interest in the case. The power to hear a cause of action must come after the judge knows he is a fair and impartial arbiter of the case. And, in this case, NSI's attorneys made mutually exclusive Fed. R. App. P. 26.1 statements in appeals from the same 12-5528 EDNYCI case. Mustafa alleges bias in favor of corporate litigants.

If Mustafa fails to timely follow the Rules of Procedure, she loses her right to litigate. Case law also states that when a judge acts as a trespasser of the law, or when a judge does not follow the law, he then loses subject matter jurisdiction and the Judges orders are void, of no legal force or affect. 18 U.S.C. § 1623, Perjury in a Judicial Context.

Here, the facts of the case demonstrate that NSI willfully failed to file true and accurate corporate disclosure statements. Mustafa alleges this occurred through shell corporations and at the direction of a Chinese national, which gives rise to a claim that U.S. national security has been compromised.

V. THE CORPORATE LITIGANT LACKS STANDING TO LITIGATE AND CANNOT DEMONSTRATE INJURY WHEN THE CORPORATE LITIGANT IS NOT DEFINED AS REQUIRED BY FED. R. CIV. P. 7.1 AND F.R.A.P. 26.1

To satisfy the case-or-controversy requirement, a plaintiff must establish that they have standing. Standing is a "threshold" issue. It is an irreducible constitutional minimum," without which a federal court lacks jurisdiction to rule on the merits of

an action. Consequently, federal courts are obligated to raise the issue of standing *sua sponte*. The plaintiff bears the burden of establishing standing. To demonstrate standing, he must show: (1) an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision. In assessing whether a plaintiff has carried this burden, [courts must] separate [the] standing inquiry from any assessment of the merits of the plaintiff's claim." "To maintain this fundamental separation between standing and merits at the dismissal stage, [courts] assume for the purposes of [the] standing inquiry that a plaintiff has stated valid legal claims. – *Memo Opinion Final of Judge Brann, Donald J. Trump for President, Inc. v. Kathy Bookvar*, 4:20-CV-02078 U.S. District Court Middle District of Pennsylvania

Further, the Supreme Court's recent holding in *Thune vs. U.S. Bank*, states that the Court noted that the plaintiffs could not sue as representatives of the plan without having suffered a concrete injury-in-fact themselves or having been legally or contractually assigned the plan's claims. Here, NSI is 100% owned by Powerview Investment Limited. Powerview maintains full direction and control of NSI, and NSI has never definitely shown itself to be legally or contractually assigned to prosecute any claim.

Therefore, any corporation that strictly fails to fully and timely disclose the information required by Fed. R. Civ. P. Rule 7.1 and/or F.R.A.P. 26.1 has failed to demonstrate concrete injury, and as a result, lacks standing required to sue.

Where NSI's counsel knew he filed mutually exclusive corporate disclosure statements, before the several federal courts, it is irrefutable that NSI and its counsel have satisfied all of the elements of perjury, in violation of 18 U.S.C. § 1623, Perjury in a Judicial Context. In fact, a transcript exists in 12-5528, which evidences that Mustafa discussed the issue in open court before Magistrate Judge A. Kathleen Tomlinson. Mustafa asserts NSI's counsel wouldn't have committed the perjury unless they had assurances that their client NSI would never have any adverse ruling against it. They knew they would not be prosecuted for it, and a decade later, it's transactional business as usual.

VI. THE ILLINOIS SUPREME COURT COMMITTED CLEAR ERROR IN THE DENIAL TO HEAR MUSTAFA'S APPEAL

Where the court below ordered Mustafa's Offer of Proof on the Merits stricken, Mustafa claims error on appeal pursuant to F.R.E. Rule 103(a)(b). All relevant evidence contained within the Offer of Proof on the Merits is submitted in the Appendix of this Petition.



CONCLUSION

In support of the United States Constitution and for the interests of our United States of America, the U.S. Supreme Court must grant this Petition. As Mustafa has been prevented from becoming an attorney by NSI International Inc., Mustafa respectfully requests this Honorable U.S. Supreme Court appoint attorney Alan Serrins to argue the case on behalf of the public.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

/S/ MONA MUSTAFA
PETITIONER PRO SE
2208 COUNTRYSIDE LANE
LINDENHURST, IL 60046
(224) 688-2014
MONAMUSTAFA1@AOL.COM

DECEMBER 28, 2020

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