

No. 20-7084

In the Supreme Court of the United States

Mindy Hill, *Petitioner*

v.

Google, LLC et al, *Respondent*

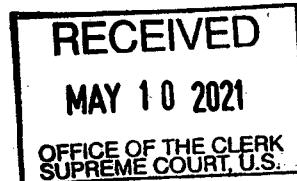
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On writ of Certiorari

To the DC Appeals Court

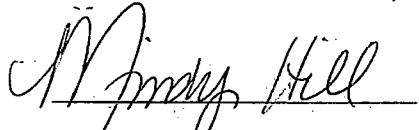
PETITION FOR REHEARING



Mindy Hill
1723 27th Street SE #302
Washington, DC 20020

DECLARATION IN COMPLIANCE

In accordance with 28 U S C § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on May 06, 2021.



Mindy Hill

District of Columbia

Signed and sworn to (or affirmed) before me on

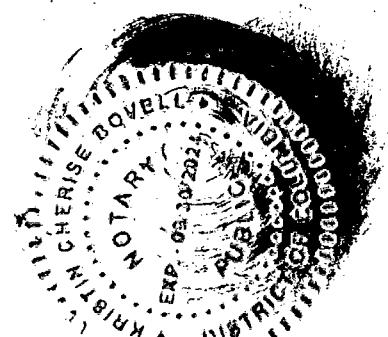
May 6 2021 by Mindy Hill



Kristin Cherise Bovell, Notary Public

Seal

My commission expires September 30, 2024.



KRISTIN CHERISE BOVELL
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires September 30, 2024

In the Supreme Court of the United States

No. 20-7084

Mindy Hill, Petitioner

v.

Google, LLC et al, Respondent

**ON WRIT OF CERTIORARI
TO THE DC APPEALS COURT**

PETITION FOR REHEARING

Pursuant to Rule 44 of this Court, Mindy Hill, American journalist, petitioner, hereby respectfully petitions for rehearing of this case before a full nine-Member

Court.

- I. If America is the great experiment, then perhaps we could have very well arrived at the greatest test of the 1st Amendment, 5th Amendment, and the 14th Amendment Section 1, which also involves a challenge of Federal Rules Civil Procedure Rule 1, on behalf of respondents disregard in any good faith and fairness effort since December 19, 2016 for users information, voice information, privacy information, information collection, information management, storage, and machine learning algorithm operating systems with particular critical concern of the preexisting simple technical glitch

close captioning “*What’s up DC Bitch Girl Maybe gel with,*” with intervening circumstances (Hill Trans. 244: 19-22) substantial which brings forth petitioner for rehearing and given much consideration (Hill Trans. 228: 7-21) that the March 25, 2021 schedule conference also aligned with a Congress holds a hearing on “*Disinformation nation: Social media’s role in promoting extremism and misinformation*” featuring Mark Zuckerberg, CEO of Facebook, Sundar Pichai, Chief Executive Officer Google, and Jack Dorsey CEO of Twitter by granting the facts that Ms. Hill filed a complaint (Hill Trans. 234: 20-22) in October 2017 against Google Inc. et al, YouTube Inc. et al alleging defamation, negligence, and libel through YouTube closed captioning feature with certain language as a living being she rationally with common sense asserts and deems a level of concern (Hill Trans. 241: 12-22, 242: 1-2) which lingers on regarding words that were automatically transcribe on Google’s YouTube voice recognition closed captioning software systems (Hill Trans. 209: 9-14) when these were not spoken words (Hill Trans. 216: 2-5) (Freeman Trans. 92:4-12). Sure petitioner didn’t voluntarily sign the YouTube Terms of Service, she skimmed then scrolled the computer screen (Hill Trans. 203:1-22; 207:1-15; 247:7-22; 248:10-18; 249:3-5, 17-22; 250: 1-3; 251: 6-10), then clicked on the options available by using a mouse not electronic signature § 28-4901 (8), which was suitable for utilization of services in good faith. D.C. Law §31-2231.05 Defamation, no person shall

publish disseminate or circulate. Libel, a defamatory statement expressed in a fixed medium, esp. writing but also a picture, sign, or electronic broadcast, [Black Law Dictionary, 5th pocket edition]. (Hill Trans. 238:12-22; 239:1-5).

Although Google's YouTube has a material breached their contract in maintaining and managing accurate information DC Code§ 28-3904 (d) (e) (e-1) (f) (f-1) (j). Furthermore, YouTube is in violation with D.C. Law §34-1260.01 Consumer Protection (a) (b) D.C Law § 34-1206.02 Protection of privacy (1) (2) (b) (1) (2) (3) (4) (5 c) (1) (2 d). (September Trans. 4:14-23)

United States v. Detroit Timber & Lumber Co., 200 U.S. 321, 337. In *Facebook, Inc. v Duguid et al* this case turns on whether the clause “using a random or sequential number generator” in § 227 (a) (1) (A) modifies both of the two verbs that precede it (“store” and “produce”), as Facebook contenders, or only the closet one (“produce”), as maintained by Duguid. The most natural reading of the text and other aspects of § 227 (a) (1) (A) confirm Facebook’s view. (Hill Trans. 223:7-22; 224:1-3).

Along with a duty to provide accurate closed captioning in accordance to the FCC regulation, the right to know what system operating functions would perform an error *Moses v. Burgin, 445 F. 2d 369 (1971)*, from a simple technical glitch is the possibility for a starting point in a good faith effort in Google’s relentless efficacy and fairness and use of consumer practices while holding all the world’s data in their operating systems. An error is an assertion of belief that does not conform

to objective reality; a belief that what is false is true or that what is true is false; mistake. Meanwhile, Google upholds the belief that “*What’s up DC Bitch girl maybe gel with,*” is an error. However, with consideration to common sense, an error would constitute as “goggle” if the word “Google” was spoken and transcribe for automatic closed captioning. The duty established by parties in a contract starts from the time the contract is signed/acknowledged by both parties. The Restatement (Second) of Contracts (§ 205) and the Uniform Commercial Code (§ 1-203) recognized as a general principle of contract law that the parties to a contract must perform their duties thereunder in good faith. Burton, *Breach of Contract and the Common Law Duty to Perform in Good Faith*, 94 *Harv.L.Rev.* 369 (1980). Defendants argue that they acted in good faith by providing a platform for their users to share their video content with the public in an almost error free environment that they constantly try to perfect through the use of general updates to their system. Also, Defendants argue that the YouTube Terms of Service and the YPP Terms impose no duty to provide captions free from error. However, they manage millions of accounts for users subscribed to YouTube and YPP. While it is admirable that Defendants seek to perfect their services they still should be held accountable when they fall short of that goal and cause harm to the users of their service. A service provider just like a manufacturer has a duty to warn its users of foreseeable risks associated with the use of the product and any failure to warn may give

rise to a cause of action sounding in either negligence or strict liability. *Russell v. G.A.F. Corp.*, 422 A.2d 989, 991 (D.C. 1980), *East Penn MFG. Co. v. Pineda*, 578 A.2d 1113 (D.C. 1990) Defendants argue that they did not promise error free closed captioning services and that they warn their users through the language in its terms of service of potential errors, mistakes, or inaccuracies of content when using the services, they provide such as video playback and closed captioning. Defendants point to the fact that Plaintiff has higher knowledge base than their typical user because of the A+ certificate she earned from the University of the District of Columbia and has uploaded 249 videos to her account. (Hill Trans. 224: 4-19) These experiences, they essentially argue make her an experienced user and as a result allows them an exception. Under the Restatement (second) of Torts, section 338 comment k, a user having special experience, knows that the condition involves danger and has no reason to believe that those who will use it will have such experience as will enable them to perceive the danger, he is required to inform them of the risk.

Case law defines this as the experienced user exception. In circumstances where the danger is less than obvious, the user of a product may rely on the supplier's superior knowledge of latent dangers, unless his own special experience enables him to perceive those hidden dangers himself. *East Penn MFG. Co. v. Pineda*, 578 A.2d 1113 (D.C. 1990) Plaintiff fully acknowledges her education and her usage of defendant's platform but at no time in her response to Defendants Interrogatories, Request for Admissions, or deposition questions has she ever stated that she was familiar with the inner workings of Defendants closed captioning system.

YouTube's voice recognition closed captioning software can cause adverse reaction attacking their credibility notwithstanding in the community, and damage the human traits, character, personality and genetic makeup of American citizens as a whole, and in this case an American journalist. (Hill Trans. 270: 1-22; 274: 2-22) *Negligence Rule (1914) Commercial Law*. The principle that if a party's negligence contributes to an unauthorized signing or a material alteration in a negotiable instrument, that party is estopped from raising this issue against later parties who transfer or pay the instrument in good faith.

Machine learning may not recognize defamation as malicious groundless harm to the reputation or good name of another by the making of a false statement to a third person. (Freeman Trans. 90: 2-22; 91: 1-8). In accordance with D.C R 28-4909 (1) (2) (A) (B), Google's YouTube Service still failed to provide a change in

the ERROR ultimately resulting in a monopolization D.C. R 28-4503 (Hill Trans. 239: 1-5, 12-22). Now petitioner remains simple technical glitch out in a false light despite the Journalism Competition and Preservation Act of 2019 (Hill Trans. 271: 6-12). Today, Congress has great care and consideration for the 4th establishment, however petitioner is still unable to earn advertising revenue (Hill Trans. 114: 6-22, 115: 1-22) (Freeman Trans. 131: 7-22).

(Hill Trans. 223: 18-22, 224: 1-22, 240: 5-17, 250: 11-22) According to the Subcommittee Senate on Privacy Technology and the Law Senate April 27th hearing "*Algorithms and Amplification: How Social Media Platforms' Design Choices Shape Our Minds*," YouTube's Government Affairs and Public Policy Americas, Alexandra N. Veitch gave witness testimony :

"How YouTube thinks about algorithms, YT is a multifaceted video-sharing platform enjoyed by billions of consumers and creators. Algorithms are a set of instructions that direct a computer to carry out a specific task. An algorithm can be simple- asking a computer to calculate the sum of two numbers- or extremely complex such as machine learning algorithms that consistently refine their ability to accomplish the goal for which they were programmed. An algorithm can manage a few inputs or nearly limitless inputs, and they can do one thing or perform a number of functions at once. Nearly everything that people do today is made possible by algorithms."

In accordance with Rule 33 of SCR of Civil Procedure plaintiffs second set of interrogatories to defendants Google Inc. et al and YouTube Inc. et al, submitted July 22, 2018 the term algorithm means any computer code written to locate content on YT's website including but not limited to video, notices, and user accounts. Automated closed captioning means the default closed captioning

setting afforded to all videos uploaded to YT's website by its account holders. HTML, the term HTML means the hyper-text markup language used to create a webpage. Source code, the term source code means the text listing of commands to be compiled or assembled into an executable computer program. Technology, term technology should be interpreted broadly and includes but is not limited to any software, microchips, patches, and upgrades introduced to YT operating system (Hill Interrog. 22-35)

On July 28, 2018 in the law office of Harris Wilshire Grannis, Ms. Hill under oath was asked if done by machine or human, (Hill Trans. 222: 5-22, 223: 1-2) (Freeman Trans. 91: 9-14)

II. Petition should be granted rehearing based on honest good faith effort by petitioner to mitigate this pressing matter that keeps getting suffocated in lack of accountability (Hill Trans. 245: 1-22, 246: 1-22, 272: 7-22). Along with bill's flying all over Washington such as B23-0147 Office on Deaf and Hearing Establishment Amendment Act of 2019 held October 15, 2019 Hill witness testimony on 93. The trial court issued order for petitioner (Feb Trans. 18: 5-25, 19: 1-20) On September 22, 2017 at a pre-trial conference hearing Judge Brian F. Holeman give Plaintiff leave to file an amended complaint against Defendants. Plaintiff files the Amended Pro Se complaint with the DC Superior Court on October 6, 2017. On October

See:

<https://www.dccourts.gov/sites/default/files/matters-docs/General%20Order%20pdf/Supplement-to-General-Order-Judge-Holeman.pdf>

Your honor's Supplemental General Orders clearly state that any motions filed in cases before your honor are subject to page limits. Specifically, Memoranda of Law that exceed 10 pages in length are discouraged and memoranda of law that exceed 20 pages are prohibited without leave of court. Failure to comply with the requirements set forth in the General Order will result in summary denial of the motion without prejudice. Defendants Memorandum of Law in its motion for summary judgement is in direct violation of your honor's orders as it is a total of 33 pages in length. Furthermore, there is no proof that Defendants received leave of court to file a memorandum of law over the length suggested in this court's supplemental order. As a result, defendant's motion should be dismissed. Rules and court orders are there to ensure that the rights of all litigants, whether plaintiff or defendant, are protected during the administration of any case. "Noncompliance with court orders and rules may cause the system to bog down and may adversely affect other litigants." *Perry v. Sera*. 623 A.2d 1210, 1219 (D.C. 1993), *Dobbs v. Providence Hospital* 736 A.2d 216 (D.C. 1999) Defendants have violated your honor's supplemental order twice during the course of this litigation as

Defendant's Motion for Limited Summary Judgement filed July 2, 2018 contained a memorandum of law that was also in excess of 20 pages without any proof of leave of court. Currently, Google's former legal Counsel Roy L. Austin is at Facebook.

III. The petition for rehearing should be granted considering the recent passage of DC Statehood is remarkable, however while residents may have a vote in Congress, what good is a vote for representation when there is no due process of law in civil action branch matters, leaving petitioner mesmerized over the idea that justice will bend towards a moral arc but where's liberty when her pursuit of happiness has been glitch out and lingers on. The greatest test of the American experiment is now, and petitioner has been observing from various dockets the rule of law that has peculiar position for due process of law.

CONCLUSION

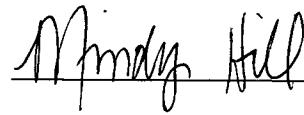
For the foregoing reasons, the petition for rehearing should be granted.

Respectfully submitted,
on May 7, 2021


Mindy J. Hill
Petitioner

CERTIFICATE OF COUNSEL

I, Mindy Hill, hereby certify that the petition for rehearing is presented in good faith and not for delay, and that it is restricted to the grounds specified in SC Rule 44, and 2584 word count.



Mindy J. Hill

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