

Case # 20-7799

PETITION FOR REHEARING

From Supreme Court of the United States Denial of Petition for Certiorari, June 21, 2021

From 4th Circuit Court of Appeals, Case #19-1409

Originally filed in North Carolina Federal District Court, Case #2:16-cv-00061-FL

SUSAN W. VAUGHAN

v

Individuals: SHANNON FOLTZ, SAMANTHA HURD, KRISTEN HARRIS, KATHLYN
ROMM, RAY MATUSKO, STEPHANIE RYDER, CHUCK LYCETT, MELANIE CORPREW,
JAY BURRUS, MELISSA TURNAGE, KATHERINE MCCARRON, OFFICER MIKE
SUDDUTH, OFFICER CARL WHITE


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Based on relevance of the June 25, 2021 Opinion, cited in parts below, which clarifies the basis for lawsuits in defamation cases, Plaintiff argues that her Petition for Certiorari merits rehearing, reconsideration and/or remand to the lower court under the Supreme Court's practice of GVR.

To have Article III standing to sue in federal court, plaintiffs must demonstrate, among other things, that they suffered a concrete harm.... Central to assessing concreteness is whether the asserted harm has a "close relationship" to a harm traditionally recognized as providing a basis for a lawsuit in American courts—such as physical harm, monetary harm, or various intangible harms including (as relevant here) reputational harm. *Spokeo, Inc. v. Robins*... [SUPREME COURT OF THE UNITED STATES No. 20-297 TRANSUNION LLC, PETITIONER v. SERGIO L. RAMIREZ [June 25, 2021]

District Court Judge Flanagan ruled, and the appeals court upheld, that Plaintiff had no right to trial in federal court because defendants did not widely publicize their false and defamatory statements about Plaintiff that they disseminated, but never substantiated. However, on June 25, 2021, four days after this Court denied Plaintiff's Certiorari, the majority ruled that disclosure to a third party that results in concrete harm to plaintiffs meets the criteria for allowing those harmed plaintiffs to sue. The criteria are that the defamation be disclosed in a way that results in court-remediable concrete injury.

Petitioner's case is NOT about a "defamatory letter stored in a desk drawer"—NOT about DSS agents storing unshared derogatory comments in their database. One third party to whom false, distorted and derogatory comments /records were disclosed was Judge Amber Davis, who, in turn denied Plaintiff's custody complaint and her petition to adopt her grandson and ultimately any chance of plaintiff or EJV's mother having any contact with him for at least the

remainder of his childhood. That decision also resulted in putting EJV at risk through his adoption to a habitually impaired and unlawfully reckless driver.

Before these false accusations were disclosed to all attending Plaintiff's hearings for adoption and custody, Shannon Foltz and her supervisors violated numerous statutes in disclosing initial false statements to Judge Davis, while unlawfully seeking removal of EJV from Plaintiff's custody. This led to DSS agents invading Plaintiff's home and ripping EJV from her arms, undeniably traumatizing not only plaintiff and his mother, but most important, this 3-month-old child who'd been well-cared-for by Plaintiff since birth. Within a short time, EJV, who had been healthy since birth, lost weight and was hospitalized with pneumonia.

Subsequent to Dare CPS's unlawfully executed removal of EJV, Currituck Defendants submitted Dare's, along with their own trumped-up fabricated and defamatory allegations, to Judge Reid who held hearings in the adjoining county after the case was unlawfully moved there, certainly influencing her decision to keep EJV in foster care, as she would not allow Plaintiff to challenge these lies until a future (never held) adjudication hearing. Although the most damning charge was dropped, it was done secretly to block Plaintiff's right to judicial review. All judges to whom these lies were disclosed: Davis, Trivette and Reid, as a result, denied Plaintiff's right to custody of, placement with and/or adoption of her only grandson. The secretly dropped charge was later used to trick, threaten and coerce Plaintiff into signing a stipulation that put the majority of lies on permanent record—then used to deny Plaintiff's right to adopt.

The false and defamatory allegations got and remained on the court record first via DSS lies of omission about Plaintiff's custodial status, ¹ which resulted in violation of her due process right to be heard prior and subsequent to a child custody determination. Defendants violated procedural due process in bypassing the laws requiring their petition (containing defamatory allegations) be taken to the courthouse and a hearing date set, unlawfully using emergency procedure, without having any emergency, subsequently admitting, under oath, that no emergency ever existed. These violations resulted in continued improper hearings—denying Plaintiff's right to contest the lies and dismissing her legal motions seeking redress and proper procedure—and even violation of her right to privacy and to be secure in her own home (intrusion of seclusion).

Instead of correcting the initial violations and false allegations, and in obvious retaliation for Plaintiff's attempts to do so and be heard, Defendants then, again in violation of statute, moved the case to the next county.

District Judge Flanagan's order dismissing Plaintiff's lawsuit because the general public did not have access to these defamatory allegations (until Flanagan, herself, disclosed them in her ruling) conflicts with Supreme Court's recent ruling in TRANSUNION LLC v. RAMIREZ, because it fails to acknowledge that these false, derogatory statements were disclosed to third parties, and they did result in serious harm to Plaintiff and her family. In addition to depriving Plaintiff of any relationship with EJV, the years of hearings, litigation, trying to

¹1. This was not a normal prosecutorial role because the accused was denied right to contest, and the omission was in a required status affidavit, part of CPS agents' ministerial role

defend her reputation and protect privacy and loved ones, created financial hardship, including bankruptcy and the loss of her home of over 20 years.

Considering the fact that DSS agents' false, derogatory statements against Plaintiff were disseminated and used to besmirch Plaintiff's character, to remove EJV and keep him in custody of a man having a history of substance abuse and driving while impaired, and then used to deny Plaintiff's right to reunification with and adoption of her grandson – placing him permanently with this risky foster father, in addition to causing her serious financial loss, Plaintiff insists she has met the "fundamental standing requirement of concrete harm." and the other requirements noted in Justice Kavanaugh's opinion, i.e.:

For there to be a case or controversy under Article III, the plaintiff must have a "personal stake" in the case—in other words, standing. Raines, 521 U. S., at 819. To demonstrate their personal stake, plaintiffs must be able to sufficiently answer the question: "What's it to you?" a plaintiff must show (i) that he suffered an injury in fact that is concrete, particularized, and actual or imminent; (ii) that the injury was likely caused by the defendant; and (iii) that the injury would likely be redressed by judicial relief. *Lujan v. Defenders of Wildlife*, 504 U. S. 555, 560– 561 (1992).

Even if this Court agrees with Flanagan on Troxell, it cannot deny that fabrication of evidence is a crime and civil rights violation—not just negligent error, and Plaintiff does have a statutory right not to have her grandson removed from her custody under false pretenses and in violation of due process, a statutory right to reunification or kin placement of her grandson and, as confirmed by *In re W.B.M.*, a constitutional right to adopt her grandson, and that these rights were denied because of the false allegations DSS unlawfully alleged against Plaintiff and disclosed to Judges from whom they sought deprivation of Plaintiff's rights. As stated in this Court's recent ruling:

Under longstanding American law, a person is injured when a defamatory statement “that would subject him to hatred, contempt, or ridicule” is published to a third party. *Milkovich v. Lorain Journal Co.*, 497 U. S. 1, 13.

Few impressions are more contemptable than to be seen as a serious child neglecter. W.B.M. describes the extreme degree and grave effects of such accusations. But also contemptable is for a government agent to falsely inform a judge, GAL and others that a person seriously neglected a child and then maliciously and intentionally refuse to inform either the judge or the accused of the withdrawal of that accusation, instead use it to threaten the accused into agreeing to a less serious, yet still false, allegation! Plaintiff's Certiorari quotes Defendant Romm's derogatory, damaging words (cited below) that she wrote to the judge who would hear Plaintiff's complaint for custody and also provides sufficient proof of how the referenced “stipulation” and “inappropriate” deeming were fraudulently procured, the former by Romm's own fraud:

“...Plaintiff is unfit, in that on November 18, 2013, she stipulated that the child was neglected, and she has been deemed an inappropriate placement provider by the Department of Social Services and the Court” [DE-147, 49, p2].

Federal Court can provide some remedy for the injuries Plaintiff suffered by ordering that she be allowed contact with her grandson, particularly to ascertain whether or not he is safe. The court can also order monetary damages. Although the court cannot undo the trauma, deprivation and degradation fraudulently imposed upon Plaintiff and her family, money can help pay for effective trauma therapies and ease current financial stress.

In consideration of all the facts and evidence submitted herein and all others on record, Plaintiff respectfully requests that this highest Court reconsider its denial of Plaintiff's Petition for Certiorari or, on the alternative, remand this case back to District Court for reconsideration based on the Supreme Court's June 25, 2021 ruling clarifying criteria for defamation lawsuits— criteria which do not require that defamation be widely publicized in order to cause harm that can be remedied by the courts to at least some degree.

CERTIFICATION

I certify, under penalty of perjury, that the foregoing is true and correct.
Executed on this the 30th day of June, 2021

Plaintiff also asks that the Court recognize Plaintiff's new address noted herein.

Respectfully submitted, this the 30th day of June, 2021


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CERTIFICATION OF SERVICE

I, Plaintiff/Petitioner, Susan Wells Vaughan, certify that on this the 30th day of June, I served upon all defendants' representing attorneys, named and at the addresses below, copies of the foregoing Petition for Rehearing and the attached Certification of Counsel affidavit. Copies were served via US Postal Service first class mail, enclosed in envelopes with adequate postage attached.

I certify, under penalty of perjury, that the foregoing is true and correct. Executed on this the 30th day of June, 2021


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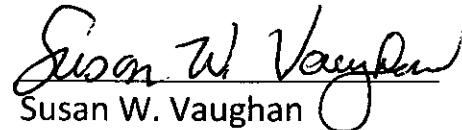
v

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CERTIFICATION OF COUNSEL AFFIDAVIT

I, Susan Wells Vaughan, certify that I am the pro se litigant/plaintiff in this action, and that it is presented in good faith and not for delay; rather it is limited to intervening circumstances of substantial effect and other substantial grounds not previously presented, specifically in response to the new ruling, In re TRANSUNION LLC v. RAMIREZ, entered on June 25, 2021, regarding clarification of criteria for allowing a defamation/harm lawsuit that was misinterpreted or misapplied by the lower courts.

I certify, under penalty of perjury, that the foregoing is true and correct.
Executed on this the 30th day of June, 2021



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JUL - 7 2021

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SUPREME COURT U.S.