

No. 21-315

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**In the  
Supreme Court of the United States**

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**JACQUELYN BOUAZIZI,**

Petitioner,

v.

**HILLSBOROUGH COUNTY CIVIL SERVICE  
BOARD, and HILLSBOROUGH COUNTY**

Respondent.

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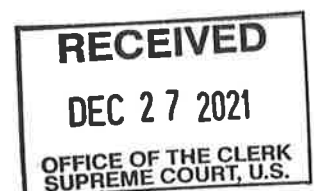
**On Petition for a Writ of Certiorari To  
The United States Court of Appeals  
For the Eleventh Circuit**

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**REPLY BRIEF OF PETITIONER JACQUELINE  
BOUAZIZI TO RESPONDENT  
HILLSBOROUGH COUNTY**

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Petitioner, Pro Se    Dated: December 21, 2021**



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## **TABLE OF CITATIONS**

### **Provisions of Law**

1. Article 1, Section 21 of the Florida Constitution
2. Rule 15.1 of the U.S. Supreme Court
3. Rule 14.1(a) of the U.S. Supreme Court

### **Case Laws**

1. Holland v. Florida, 560 U.S. 631, 130 S. Ct. 2549, 177 L. Ed.2d 130 (2010)
2. Bailey v. Glover, 88 U.S. (21 \*1134 Wall.) 342, 22 L. Ed. 636 (1874)
3. Cocke v. Merrill Lynch & Co., 817 F.2d 1559, 1561 (11th Cir.1987)
4. Machules v. Department of Administration, 523 So. 2d 1132 (1988)

[1]

**REPLY BRIEF OF PETITIONER JACQUELYN  
BOUAZIZI**

COMES NOW Petitioner Jacquelyn Bouazizi and files Petitioner's Reply Brief in reply to Respondents' Brief in Opposition to Petition for Writ of Certiorari and hereby shows this Honorable Court the following: The case presented is of great importance and concern to the public whereby the Honorable Court should grant Petitioner's petition for at least the following reasons.

First, the miscarriage of justice is always a matter of great concern. So important is justice that the Florida Constitution expressly recites the objective of ensuring justice for all in Article 1, Section 21 providing that "the courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay". Here, Petitioner was deprived with a fair administration of justice when the district court erred by dismissing her discrimination, Equal Pay Act and retaliation claims as time-barred. It is the contention of the Petitioner that she was able to prove the fraud and the attorneys' misrepresentation with sufficient supporting documents. Precluding the Petitioner from litigating a valid claim would be a miscarriage of justice, and this Honorable Court should not tolerate such a miscarriage of justice.

The Petitioner realleges her claims in her Petition for a Writ of Certiorari as follows: the Middle District Court failed to require the County attorneys Todd and Zinober to respond to the Motion For Relief From Judgment based on fraud Todd, Zinober and Del

[2]

E'toile, Doc. 81, filed January 30, 2020, Judge Covington entered order Doc. 82, January 31, 2020, even though Petitioner had supporting documents of the fraud, from the hearing transcript, Exhibit 12, July 23, 2018 supporting documents of the fraud that both orders of dismissal with prejudice was dismissed on the fraudulent disability charge that Todd, Zinober and Del E'toile, added to Petitioner EEOC charge 511-2014-01711, Exhibit 9, although Petitioner did not file a disability claim with the EEOC. Orders Doc. 43 and 50 Exhibit 2, are both dismissed on the fraudulent disability claim that Todd, Zinober and Del E'toile added at the July 23, 2018 hearing, Transcript Exhibit 12 Doc. 81, filed January 30, 2020, Dismissed, January 31, 2020, citing that it lack merit. The EEOC charge submitted to the court 511-2014-01711, did not show that a disability claim was filed. The court orders Doc. 43 and 50, Exhibit 2, alleged that Petitioner had a permanent disability without any medical statement or documentation from the Petitioner or her physician. In the Petition for a Writ of Certiorari, it will show and prove the fraud with supporting documents perpetrated by County's attorneys by adding the disability claim to Petitioner's EEOC charge.

Second, the decision of the Eleventh Circuit Court of Appeals creates disharmony with existing law and inconsistencies in precedent. As such, this case is worthy of certiorari to correct the inconsistency that is created by the decision of the Eleventh Circuit Court of Appeals which the Petitioner has proven in her Petition.

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For at least these reasons, Petitioner respectfully requests this Honorable Court to GRANT Certiorari.

### **STATEMENT OF THE ISSUES**

Respondent Hillsborough County has erroneously contended that Petitioner has presented no "compelling reasons" for the exercise of this Court's jurisdiction. Respondent County likewise erroneously limited the Petitioner's "Questions Presented" into two main issues being:

1. Petitioner argues the district court erred by dismissing her discrimination, Equal Pay Act and retaliation claims as time-barred; and
2. In order to justify the late filing of her time-barred appeal, Petitioner seeks to invoke this Court's Jurisdiction to establish new equitable bases for tolling the filing of a notice of appeal.

The Petitioner in her Petition for a Writ of Certiorari has presented four (4) different issues for this Honorable Court and Respondent County is once again employing its tactic in misleading this Court by limiting the scope of the Petitioner's contentions. The "Questions Presented" was not merely about retaliation but Petitioner's disability and equal pay which are both in the Petition and this Court must not be swayed by Mr. Todd and/or by Becker Gallagher on behalf of Todd and Zinober.

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Petitioner's Notice of Appeal was timely filed on January 3, 2020 and Petitioner proved that she filed and paid the filing fee on January 3, 2020 not as what the Appeals Court alleged that Petitioner filed the Notice of Appeal January 4, 2020. Furthermore, County attorneys Todd and Zinober added a disability claim to Petitioner Equal Employment Opportunity Commission (EEOC) claim without petitioner or the EEOC consent 3 plus years after her EEOC claim had been dismissed. It is the continued contention of the Petitioner that she is the only one who can amend her EEOC charge and not the County attorneys. Todd and Zinober used the disability claim that they added at the hearing July 23, 2018 to have Petitioner's complaints against the County and the Board dismissed with prejudiced, Orders Doc. 43 and 50, Exhibit 2 in the Petition.

It is an error for the Respondent County to allege that the Petitioner has wrongly accused her trial court attorneys of misrepresentation, fraud and incompetence as the Petitioner has sufficiently laid the foundation in her petition which led her to the said conclusion. The Respondent County has likewise dismissed Petitioner's allegation that it committed fraud together with Petitioner's previous counsels by adding the disability claim to the Petitioner's EEOC charge, a fact which the Petitioner has sufficiently manifested in her Petition.

It is the contention of the Petitioner that Respondent County's Brief in Opposition is designed to once again mislead this Court of the attending

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circumstances which led to the miscarriage of justice against the Petitioner.

### **ARGUMENT**

The Respondent County has presented two (2) arguments in opposition to the Petition for a Writ of Certiorari to wit:

#### **I. Petitioner Presents No Basis for this Court's Jurisdiction.**

In Respondent County's opposition, it cited that none of the Petitioner's Questions Presented suggests the existence of a conflict between the Circuits nor any has raised an important federal question. If that be the case, there could have been no need for the Respondent County to file a brief in opposition. Rule 15.1 of the U.S. Supreme Court provides that a brief in opposition to the petition for a writ of certiorari may be filed by the Respondent in any case, but is not mandatory except in a capital case, see Rule 14.1(a). The matters involved in the Petition is not a capital case and if indeed the Respondent County believes that the Petitioner failed as alleged, it could have just allowed this Honorable Court to resolve the matter. Nonetheless, Respondent County filed an opposition in a hope to sway and mislead this Honorable Court.

Respondent County likewise cited Rule 10 which states that certiorari may be granted when asserted error consists of erroneous factual findings but by contrast summarized that the District Court erred by dismissing her appeal as time-barred and the Appellate Court erred by noting in part that her appeal on the merits was time barred and in part, by



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denying her request for Rule 60 relief. Respondent County further contends that Petitioner has raised no "compelling reasons" for this Court to exercise jurisdiction. Again, if said assertion were true, Respondent County could have just let the petition take its course but nonetheless, it manifested its opposition. It is the continuing contention of the Petitioner that the Respondent County is merely engaging in tactics in order to sway and mislead this Honorable Court in ruling against the Petitioner.

"Compelling Reasons" in contemplation of the law means that from a legal point of view there are sufficient grounds to act on. The Petitioner has sufficiently alleged in her Petition for a Writ of Certiorari her factual and legal basis of which the Writ must be issued, with supporting documents to prove why the Petition must be granted. To deny the same is tantamount to the denial of Petitioner's rightful benefits due to her. Furthermore, the Respondents in the case at bar are not mere private individuals but the Hillsborough County Civil Service Board and the Hillsborough County themselves and as governmental offices, candor, fairness and equity are to be expected from said Respondents. The more reason that the Writ should be granted.

The Petitioner has adduced proof in her Petition showing that all her documents were timely filed with supporting evidence. The Appeals Court erred in alleging that Petitioner filed the Notice of Appeals on January 4, 2020 as there is no Notice of Appeals filed dated January 4, 2020. The Petitioner has likewise adduced proof in her Petition of all the fraud of the

alleged documents supposedly filed by Petitioner in the Middle District Court in January 4, 2020 as the Appeals Court alleged.

## II. Equitable Tolling Does Not Apply.

Respondent County contends that the Doctrine of Equitable Tolling does not apply although the Petitioner stated that her time to appeal should have been tolled by the filing of her Rule 60 motion due to her attorney's alleged neglect and her opponents' attorney's alleged fraud. The Petitioner reiterates her stand with regards to this matter in a decided case wherein the Court ruled that "*A plaintiff is "entitled to equitable tolling only if [s]he shows (1) that [s]he has been pursuing her rights diligently, and some extraordinary circumstances stood in [her] way and prevented timely filing".* Holland v. Florida, 560 U.S. 631, 130 S. Ct. 2549, 177 L. Ed.2d 130 (2010). Equitable tolling is appropriate since Petitioner's actions or her inactions, was a result of her reliance on her perception that her attorneys are experts, competent, and acting on her best interest. In fact, the Petitioner hired three (3) attorneys to pursue her rights: Craig Berman, Erik Del E'toile, and Carl R. Hayes which were all sufficiently alleged in her Petition.

The doctrine of equitable tolling was developed to permit under certain circumstances the filing of a lawsuit that otherwise would be barred by a limitations period. See *Bailey v. Glover*, 88 U.S. (21 \*1134 Wall.) 342, 22 L. Ed. 636 (1874). The tolling doctrine is used in the interests of justice to accommodate both a defendant's right not to be called

upon to defend a stale claim and a plaintiff's right to assert a meritorious claim when equitable circumstances have prevented a timely filing. Equitable tolling is a type of equitable modification which "focuses on the plaintiff's excusable ignorance of the limitations period and on [the] lack of prejudice to the defendant", *Cocke v. Merrill Lynch & Co.*, 817 F.2d 1559, 1561 (11th Cir.1987). Equitable tolling, unlike estoppel, does not require active deception or employer misconduct, but focuses rather on the employee with a reasonably prudent regard for his rights. The doctrine [of equitable tolling] serves to ameliorate harsh results that sometimes flow from a strict, literalistic construction and application of administrative time limits contained in statutes and rules, *Machules v. Department of Administration*, 523 So. 2d 1132 (1988).

The Respondent County further alleged that Petitioner's contention has been raised and rejected in the cited case *Irvin v. Dept. of Veteran Affairs*, 498 U.S. 89, 111 S.Ct. 453 (1990). This is yet another attempt of Mr. Todd to sway and mislead the court. A cursory reading will yield that conclusion, however upon closer scrutiny, the Court can take notice that in the *Irvin* case, the claimant has filed a defective pleading which is not present in the case at bar. Secondly, the denial of the application of the Doctrine of Equitable Tolling was premised on the fact that the attorney was out of the office when he received the notice. The contention of the Petitioner in the application of the doctrine is premised on the negligence committed by the attorneys coupled with their fraud.

Respondent County further alleges that the facts of the Irvin case is similar with the case at bar and the Petitioner reiterates her contention in the immediately preceding paragraph. Mr. Todd as counsel for the Respondent County is merely employing all possible tactics to further sway and mislead this Honorable Court.

The contention of the Respondent that the Petitioner has not actively pursued her judicial remedies is belied by the series of actions by the Petitioner who although litigating her claim pro se, has endeavored to adhere to the pertinent laws in seeking the redress of a wrong and the injury sustained. For obvious reasons, the Petitioner now seeks the intervention of the U.S. Supreme Court to grant a Writ of Certiorari as this is her last resort in the protection of her rights. In the Petitioner's Petition, the Honorable Court will ascertain through the supporting documents adduced by the Petitioner that she did everything she could in actively pursuing her claims, which includes among others, the filing of her pleadings and other court documents in a timely manner.

The allegation of the Respondent County that the Petitioner is in fact not seeking for the application of the Doctrine of Equitable Tolling but rather seeks for it expansion is bereft of merit. All that the Petitioner is asking is to merely apply the doctrine for reasons that in applying the same, there is no perceived prejudice on the part of the Respondents and will ensure a fair administration of justice, one that has been denied from the Petitioner all this time.

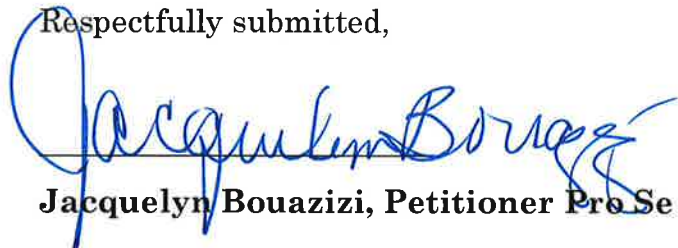
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**CONCLUSION**

**Insofar as the issues presented in Petitioner's Petition for Certiorari are of great importance and gravity to the public, Petitioner respectfully requests that this court GRANT Petitioner's Petition for Writ of Certiorari.**

DATED this 21<sup>st</sup> day of December 2021

Respectfully submitted,



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**No. 21-315**

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**In the  
Supreme Court of the United States**

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**JACQUELYN BOUAZIZI,**

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**HILLSBOROUGH COUNTY CIVIL SERVICE  
BOARD, and HILLSBOROUGH COUNTY**

**Respondent.**

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**On Petition for a Writ of Certiorari To  
The United States Court of Appeals  
For the Eleventh Circuit**

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**REPLY BRIEF TO HILLSBOROUGH COUNTY  
CIVIL SERVICE BOARD'S OPPOSITION**

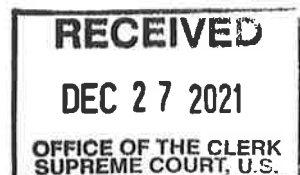
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**Petitioner, Pro Se    Dated: December 21, 2021**



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## **TABLE OF CITATIONS**

### **Provisions of Law**

1. Article 1, Section 21 of the Florida Constitution
2. Rule 15.2 of the U.S. Supreme Court
3. Rule 10 of the U.S. Supreme Court

### **Case Laws**

1. Holland v. Florida, 560 U.S. 631, 130 S. Ct. 2549, 177 L. Ed.2d 130 (2010)
2. Bailey v. Glover, 88 U.S. (21 \*1134 Wall.) 342, 22 L. Ed. 636 (1874)
3. Cocke v. Merrill Lynch & Co., 817 F.2d 1559, 1561 (11th Cir.1987)
4. Machules v. Department of Administration, 523 So. 2d 1132 (1988)
5. Irvin v. Dept. of Veteran Affairs, 498 U.S. 89, 111 S.Ct. 453 (1990)

### **Other Authorities**

1. COVID-19 Guidance Issuance of the U.S. Supreme Court dated April 17, 2020



[1]

**REPLY BRIEF OF PETITIONER JACQUELYN  
BOUAZIZI**

COMES NOW Petitioner Jacquelyn Bouazizi and files Petitioner's Reply Brief in response to Respondent Hillsborough County Civil Service Board's Brief in Opposition to the Petition for Writ of Certiorari and hereby shows this Honorable Court the following: The case presented is of great importance and concern to the public whereby the Honorable Court should grant Petitioner's petition for at least the following reasons.

First, the miscarriage of justice is always a matter of great concern. So important is justice that the Florida Constitution expressly recites the objective of ensuring justice for all in Article 1, Section 21 providing that "the courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay".

Petitioner was deprived with a fair administration of justice when the district court erred by dismissing her discrimination, Equal Pay Act and retaliation claims as time-barred. It is the contention of the Petitioner that she is able to prove the fraud and the attorneys' misrepresentation with sufficient supporting documents. Precluding Petitioner from litigating a valid claim would be a miscarriage of justice, and this Court should not tolerate such a miscarriage of justice. The case was dismissed based on the fraudulent disability claim that Petitioner did not file with the Equal Employment Opportunity Commission. The claim on Equal Pay and the fraudulent disability claim were both dismissed.

Petitioner adduced evidence in her Petition by providing documents of Attorneys Stephen Todd, Peter Zinober and Petitioner's attorney Erik Del E'toile showing the adding of the disability claim on the EEOC Charge 511-2014-01711. Supporting documents from Hayes shows the adding of the Equal Pay Claim although it had expired, Hayes alleged that it was the only way to get the case back in court, Exhibit's 19, emails from Hayes attach with the Petition. The Second Amended Complaint was dismissed, Order Doc. 43, Exhibit 2 on the Equal Pay and the fraudulent Disability Claim that Todd, Zinober, and Del E'toile added during the July 23, 2018 hearing, Transcript Doc. 49-1 Exhibit 12. Hayes' Third Amended Complaint was refiled with Equal Pay and Disability Claim, Exhibit 5-B, was dismissed by the Court, Doc 43 and again in Doc 50.

Second, Petitioner realleges her claims in her Petition: the Middle District Court failed to require County attorneys Todd , Zinober and Del E'toile to respond to the Motion For Relief From Judgment based on fraud, Doc. 81, filed January 30, 2020, Judge Covington entered order Doc. 82, January 31, 2020, Exhibit 2, citing lack of merit although Petitioner had supporting documents of the fraud, from the hearing Transcript Doc.49-1, Exhibit 12, July 23, 2018 supporting both orders of dismissal with prejudice were dismissed on the fraudulent disability charge added to Petitioner's EEOC Charge, Exhibit 9, despite Petitioner did not file any disability claim with the EEOC. Orders Doc. 43 and 50 Exhibit 2, were both dismissed on the fraudulent disability claim.

[3]

The EEOC charge submitted to the court did not show that a disability claim was filed. Court orders Doc. 43 and 50, Exhibit 2, alleged Petitioner had permanent disability without any medical statement or documentation from Petitioner or her physician. The Petition will show and prove the fraud with supporting documents perpetrated by County's attorneys by adding the disability claim to Petitioner's EEOC charge.

Third, the decision of the Eleventh Circuit Court of Appeals creates disharmony with existing law and inconsistencies in precedent. As such, this case is worthy of certiorari to correct the inconsistency that is created by the decision of the Eleventh Circuit Court of Appeals which the Petitioner has proven in her Petition.

Fourth, the Respondent's Hillsborough County Civil Service Board's contention that the Petitioner's Petition for a Writ of Certiorari must be denied for failing to present compelling reasons fitting the requirement under Rule 10 of the U.S. Supreme Court is underhanded.

For at least the foregoing reasons, Petitioner respectfully requests this Honorable Court to GRANT Certiorari.

### **STATEMENT OF THE ISSUES**

Respondent Hillsborough County Civil Service Board (the "Civil Service Board" or "Respondent") has erroneously contended that Petitioner has presented no "compelling reasons" for the exercise of this Court's jurisdiction.

[4]

The Brief in Opposition raised two significant and serious allegations against the Petitioner:

1. Ms. Bouazizi incorrectly states that the instant appeal was timely filed; and
2. Many of the questions raised in Ms. Bouazizi's Petition were not addressed by the Lower Courts.

Petitioner adduced sufficient proof that the Appeal was timely filed. The Lower Courts failed to request Todd and Zinober to respond to the Motion For Relief from Judgment which Petitioner filed whereby Petitioner has adduced proof of fraud on the court when the attorneys added a disability claim on Petitioner's EEOC charge 511-2014-01711. Petitioner filed the Appeal on February 3, 2020 with proof that the filing fees were paid on that same day, not February 4, 2020 as alleged by the Court of Appeals in its Decision dated January 29, 2021, Exhibit 1.

Todd and Zinober added a disability claim on Petitioner's EEOC claim without petitioner's or EEOC's consent 3 plus years after Petitioner's claim been dismissed. It is the continued contention of the Petitioner that she is the only one who can amend her EEOC charge and not the County attorneys as per the EEOC complaint processing procedure. Todd and Zinober used the added disability claim at the July 23, 2018 hearing to have Petitioner's complaints against the County and the Board dismissed with prejudiced, Orders Doc. 43 and 50, Exhibit 2 in the Petition.

Respondent alleges that the Petitioner has failed to present any compelling reasons to have this

[5]

Court review the decision of the Eleventh Circuit Court for being time-barred and that Petitioner has not identified any actual conflict between the Eleventh Circuit's decision in this case and the decisions of any state court of last resort, any other Circuit Court, or this Court by citing Supt. Ct. R. 10 and that the Petition should be denied pursuant thereto.

The Respondent Civil Service Board stated in its Correction of Potential misstatement the following:

1. Supreme Court Rule 15.2 obligates a Respondent to correct any perceived misstatement in the Petition for a Writ of Certiorari; and
2. Ms. Bouazizi's Petition for Writ of Certiorari Contains Several Misstatements as Petitioner incorrectly states that the appeal was timely filed and that many questions raised in the Petition were not addressed by the Lower Courts.

It is the contention of the Petitioner that Respondent Civil Service Board's Brief in Opposition is designed to once again mislead this Court of the attending circumstances which led to the miscarriage of justice against the Petitioner.

### **ARGUMENT**

The Respondent Civil Service Board has presented two (2) arguments in opposition to the Petition for a Writ of Certiorari to wit:

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**I. Supreme Court Rule 15.2 obligates a Respondent to correct any perceived misstatement in the Petition for a Writ of Certiorari.**

In Respondent Civil Service Board's opposition, it cited that pursuant to Sup. Ct. R. 15.2, the Court requires "the respondent to report any perceived misstatement in a petition of writ of certiorari by stating that the Petition is replete with misstatements, including those regarding the alleged wrongdoings by Respondent's counsel but many of the misstatements have no bearing on and no relevance on the Eleventh Circuit decision at issue in this case."

Further to the allegations of Respondent Civil Service Board, it alleged that Petitioner has incorrectly stated that the instant Petition was timely filed by interposing that under 28 U.S.C. Section 1257, the same was not timely filed by contending that the deadline is 90 days reckoned from the April 9, 2021 decision of the April 9, 2021 decision of the Eleventh Circuit Court and not 150 days as the position of the Petitioner. Clearly, this contention of Mr. Zinober is premised either in his deliberate intent to defraud the court through misrepresentation or his ignorance of the law pursuant to the COVID-19 Guidance issuance of the Supreme Court dated April 17, 2020. This is a material misrepresentation by Mr. Zinober and warrants the imposition of sanction pursuant to Rule 11(b) of the U.S. Supreme Court by deliberately misleading the Court and the imposition of sanction that will suffice to deter repetition of such conduct or

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comparable conduct by others similarly situated is warranted.

As per the cited U.S. Supreme Court COVID-19 Guidance, the Petitioner has clearly timely filed her Petition.

**II. Many of the questions raised in Ms. Bouazizi's Petition were not addressed by the Lower Courts.**

The Respondent Civil Service Board manifested that Petitioner Bouazizi offered four questions for review in which the "first three questions presented appear to be restatements of her quest to have the principles of Equitable Tolling applied to excuse both the tardiness of her claims asserted in the District Court, and her appeal of several orders to the Eleventh Circuit." It is however the continued assertion of the Petitioner that her Appeal was timely filed as proven by the documents adduced in her Petition.

The Respondent contended that the Petitioner's contention for the application of the Principles of Equitable Tolling is not proper before the Eleventh Circuit because she did not timely appeal the dismissal on those grounds is untenable. The Respondent Civil Service Board further contends that "the fourth and final question appears to be an attempt to seek a decision on the merits of her case, which was not reached by the District Court (nor considered by the Eleventh Circuit), again, because of the untimeliness of her claims." As adduced in the Petition for Writ of Certiorari, Petitioner has

sufficiently proven through the documents attached that all court submissions were done in a timely manner.

Respondent likewise stated that the Petition "is replete with references to an alleged claim under the Family and Medical leave Act that she asserts is not time-barred." Respondent contended further that Petitioner does not have any claims under the FMLA in any of the lawsuits before the Lower Courts. This contention by Respondent Civil Service Board is underhanded as Petitioner has indeed filed a claim under the FMLA.

The Petitioner's EEOC charge, Exhibit 9, shows that an FMLA claim and not a Disability Claim as the disability box was never marked. Todd, Zinober, and Del E'toile question the court page 24, of Transcript 49-1, Exhibit 12, at the July 23, 2018 hearing, see number 14, in the Petition for Writ of Certiorari.

In its reason to justify the denial of Petitioner's Petition for Writ of Certiorari, Respondent Civil Service Board cited Rule 10 enunciating that the petition can only be granted for compelling reasons by providing an enumeration of example cases wherein a writ may be granted. Certainly, a cursory reading of the cited Rule 10 of the U.S. Supreme Court will give that conclusion however upon closer scrutiny of the language of the law provides that "the following, although neither controlling nor fully measuring the Court's discretion, indicate the character of the reasons the Court considers." From the foregoing, the enumeration in Rule 10 is not exclusive and therefore the determination of what constitutes an important



federal issue lies in the discretion of this Court. Counsels' invoking Rule 10 as a ground to deny the Petition for a writ of Certiorari is a deliberate intent to once again mislead and sway this Court.

Among other things, the Respondent contends that Petitioner failed to present any compelling reasons and that equitable tolling does not apply. Both arguments are premised on the Respondent's manifest and deliberate efforts to mislead and sway the Court to resolve the matters in its favor.

Respondent Civil Service Board likewise contends that Petitioner has raised no "compelling reasons" for this Court to exercise jurisdiction. Again, if said assertion were true, Respondent Civil Service Board could have just let the petition take its course but nonetheless, it manifested its opposition. It is the continuing contention of the Petitioner that the Respondent Civil Service Board is merely engaging in tactics in order to sway and mislead this Honorable Court in ruling against the Petitioner.

"Compelling Reasons" in contemplation of the law means that from a legal point of view there are sufficient grounds to act on. The Petitioner has sufficiently alleged in her Petition for a Writ of Certiorari her factual and legal basis of which the Writ must be issued, with supporting documents to prove why the Petition must be granted. To deny the same is tantamount to the denial of Petitioner's rightful benefits due to her. Furthermore, the Respondents in the case at bar are not mere private individuals but the Hillsborough County Civil Service Board and the Hillsborough County themselves and

as governmental offices, candor, fairness and equity are to be expected from said Respondents. The more reason that the Writ should be granted.

The Petitioner has adduced proof in her Petition showing that all her documents were timely filed with supporting evidence. The Appeals Court erred in alleging that Petitioner filed the Notice of Appeals on January 4, 2020 as there is no Notice of Appeals filed dated January 4, 2020. The Petitioner has likewise adduced proof in her Petition of all the fraud of the alleged documents supposedly filed by Petitioner in the Middle District Court in January 4, 2020 as the Appeals Court alleged.

Respondent Civil Service Board contends that the Doctrine of Equitable Tolling does not apply although the Petitioner stated that her time to appeal should have been tolled by the filing of her Rule 60 motion due to her attorney's alleged neglect and her opponents' attorney's alleged fraud. The Petitioner reiterates her stand with regards to this matter in a decided case wherein the Court ruled that "*A plaintiff is 'entitled to equitable tolling only if [s]he shows (1) that [s]he has been pursuing her rights diligently, and some extraordinary circumstances stood in [her] way and prevented timely filing'.* Holland v. Florida, 560 U.S. 631, 130 S. Ct. 2549, 177 L. Ed.2d 130 (2010). Equitable tolling is appropriate since Petitioner's actions or her inactions, was a result of her reliance on her perception that her attorneys are experts, competent, and acting in her best interest. In fact, the Petitioner hired three (3) attorneys to pursue her rights: Craig Berman, Erik Del E'toile, and Carl R.

Hayes which were all sufficiently alleged in her Petition.

The doctrine of equitable tolling was developed to permit under certain circumstances the filing of a lawsuit that otherwise would be barred by a limitations period. See *Bailey v. Glover*, 88 U.S. (21 \*1134 Wall.) 342, 22 L. Ed. 636 (1874). The tolling doctrine is used in the interests of justice to accommodate both a defendant's right not to be called upon to defend a stale claim and a plaintiff's right to assert a meritorious claim when equitable circumstances have prevented a timely filing. Equitable tolling is a type of equitable modification which "focuses on the plaintiff's excusable ignorance of the limitations period and on [the] lack of prejudice to the defendant", *Cocke v. Merrill Lynch & Co.*, 817 F.2d 1559, 1561 (11th Cir.1987). Equitable tolling, unlike estoppel, does not require active deception or employer misconduct, but focuses rather on the employee with a reasonably prudent regard for his rights. The doctrine [of equitable tolling] serves to ameliorate harsh results that sometimes flow from a strict, literalistic construction and application of administrative time limits contained in statutes and rules, *Machules v. Department of Administration*, 523 So. 2d 1132 (1988).

The Respondent Civil Service Board further alleged that Petitioner's contention has been raised and rejected in the cited case *Irvin v. Dept. of Veteran Affairs*, 498 U.S. 89, 111 S.Ct. 453 (1990). This is yet another attempt of Mr. Zinober to sway and mislead the court. A cursory reading will yield that conclusion,

[12]

however upon closer scrutiny, the Court can take notice that in the Irvin case, the claimant has filed a defective pleading which is not present in the case at bar. Secondly, the denial of the application of the Doctrine of Equitable Tolling was premised on the fact that the attorney was out of the office when he received the notice. The contention of the Petitioner in the application of the doctrine is premised on the negligence committed by the attorneys coupled with their fraud.

Respondent Civil Service Board further alleges that the facts of the Irvin case is similar with the case at bar and the Petitioner reiterates her contention in the immediately preceding paragraph. Mr. Zinober as counsel for the Respondent Civil Service Board is merely employing all possible tactics to further sway and mislead this Honorable Court.

The allegation of the Respondent Civil Service Board that the Petitioner is in fact not seeking for the application of the Doctrine of Equitable Tolling but rather seeks for its expansion is bereft of merit. All that the Petitioner is asking is to merely apply the doctrine for reasons that in applying the same, there is no perceived prejudice on the part of the Respondents and will ensure a fair administration of justice, one that has been denied from the Petitioner all this time.

### **CONCLUSION**

**Insofar as the issues presented in Petitioner's Petition for Certiorari are of great importance and gravity to the public, Petitioner**

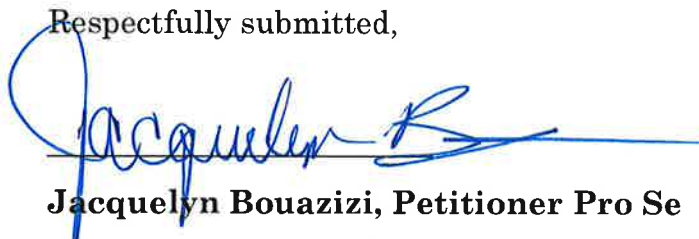
[13]

**respectfully requests that this court GRANT  
Petitioner's Petition for Writ of Certiorari.**

**Furthermore, the Petitioner requests this  
Honorable Court to impose sanction against Mr.  
Zinober for his material representation in his  
Brief in Opposition that the Petition is not  
timely filed despite the COVID-19 Guidance  
Issuance of the U.S. Supreme Court dated April  
17, 2020 as said tactic is premised in misleading  
and swaying the Court to resolve the matter on  
Respondents' favor.**

DATED this 21<sup>st</sup> day of December 2021

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jacquelyn B.", is written over a horizontal line.

**Jacquelyn Bouazizi, Petitioner Pro Se**

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