No. 21-6792 ORIGINAL

IN THE

Supreme Court of the United States

PAULINE LESLIE,
Petitioner,

v.

STATE OF MASSACHUSETTS,
Respondent,

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

PETITION FOR A WRIT OF CERTIORARI

Pauline Leslie, in pro per
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QUESTION(S) PRESENTED

Whether the State of Massachusetts has authority to abrogate a citizen's Constitutional rights under the 14th Amendment Due Process by depriving the citizen of timely notice and an opportunity to be heard on matters affecting the person, life and property interest of the citizen, absent extraordinary circumstances?

Do judiciary proceedings and judgments in the State of Massachusetts serve to oppress citizens by denying them of their 14th Amendment Equal Protection rights; leaving them without any remedy which would place injured citizens in the position they would have been in had the wrong not occurred, further denying them the right to be heard by an impartial and unbiased court?

Should the judgment of a Massachusetts Court of appeals in a medical malpractice case be null and void when an abusive Independent Medical Examiner who is subject to HIPAA, and other laws regulating the practice of medicine is found to be absolutely privilege, whereas parallel courts in other states hold that an IME owes a duty to do no harm during examination?

RELATED PROCEEDINGS

Leslie v. Bodkin et al., SJ-2021-0014 (Feb. 22, 2021), appealed at SJC-13095, 488 Mass. 1012 (Oct. 8, 2021).

Leslie v. Bodkin, MD, Barrett, Kingstown Corp., and Travelers Ins. Co., 98 Mass. App. Ct. 1111 (Sept. 21, 2020).

Leslie v. J. Alexander Bodkin, MD, John R. Barrett, Kingstown Corp., and Travelers Ins. Co., C.A. No. 1777CV01970 (Mass. Super. Ct. June 11, 2018).

Leslie v. Howe, 20-12264-MBB (D. Mass. Dec. 29, 2020)[1].

Leslie et al. v. Travelers Ins. Co., 96 Mass. App. Ct. 1105 (Oct. 16, 2019).

Leslie v. Superior Court of MA[2], 1:17cv12384 (D. Mass. Dec. 22, 2017).

Leslie et al. v. John R. Barrett and Kingstown Corp., 92 Mass. App. Ct. 1104 (Aug. 25, 2017).

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[1] Dismissed for lack of jurisdiction

[2] Dismissed for lack of subject matter jurisdiction

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INTRODUCTION

The travesty of justice in Massachusetts drew public attention to Petitioner's case. See 23 affidavits.App.G.28a; petition online (*https://www.change.org/p/the-governor-of-massachusetts-charlie-baker-state-senator-elizabeth-warren-discrimination-resulting-in-a-miscarriage-of-justice-by-the-massachusetts-judicial-system*). "The right to be heard before being condemned to suffer grievous loss of any kind, even though it may not involve the stigma and hardships of a criminal conviction, is a principle basic to our society". *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). The officers of Massachusetts ("MA") courts swore to support the constitution, to respect the litigants, to give equal rights, to protect and to faithfully carry out its duty impartially. When has it become law for courts to deny civil litigants basic right to "timely notice," and opportunity to be heard and to present evidence in support of their claims, absent extraordinary circumstances? When are courts allowed to deny citizens their right to call witnesses in their favor, to deny their right to bare witness to the truth and deny their right to be heard before an impartial court? When has it become law to deny citizens a fair and impartial interpretation of the issues presented on appeal, while matters not on appeal were discussed? The 14th Amendment guarantees no person shall be deprived of their life, liberty and property without due process and equal protection of the law, similarly, Massachusetts Decl. of Rights articles 11 and 29 guarantees every subject shall have recourse to the law for all injuries or wrong to his (her) persons, property, and character without being obliged to purchase it conformably to the laws by an impartial court.

Petitioner was acting in the course of employment when she suffered multiple injuries and required surgery after being rear-ended and dragged about 1.5 city block and slammed into a parked car by a 100,000-pound sand and gravel tractor-trailer. Due to the collision, Petitioner's vehicle was towed from the scene by the police and totaled by the insurer. The driver was criminally convicted, and she sought remedy for wrongs done to her person and property. At all times, Petitioner was treated fairly and impartially by Massachusetts Dept. of Industrial Accident ("DIA") and **SSA Administrative Law** Judge (SSA). Her injuries were acknowledged and confirmed by approximately six IMEs. When she brought a personal injury action against the parties responsible ("defendants") for her injuries, they hired a psychiatrist to examine her at their law firm. The Petitioner was assaulted and abuse during a non-confidential four-hour straight "alleged" independent Psychiatric Examination ("IME") by Dr. Bodkin. Bodkin's conduct included but not limited to, **rolling his fist and making angry faces at Petitioner**; Bodkin recorded her without consent on the defendants' laptop; **he asked about her rectum and her private part**; he called her a "gal," **and asked if she was a jealous woman when it comes to men**; he asked about being "BLACK" and about "MAMA"; he made false accusations about Petitioner's family, **he ignored her cries and complaint of pain and as a result she was further injured.** Approximately thirty-three months later, defendants denied retaining Bodkin, including but not limited to his pre-recorded video deposition false testimony. The court's actions deny Petitioner and her children of a fair and impartial hearing for the wrongs against them. Petitioner seeks a writ of certiorari to review the judgments of MA Courts of Appeal under Constitutional grounds and federal laws, and to grant an injunction or declaratory relief from all

judgments related to Bodkin's involvement in Petitioner's case because he was an imposter.

Petition for Writ of Certiorari

Petitioner, Pauline Leslie, a civil litigant, prays this Court exercises its discretion and grant a writ of certiorari to review the judgments below, and the Court of Appeals record (Petitioner's briefs, motions, addendums, and appendices with transcripts).

Opinions Below

The Massachusetts full Supreme Court's one paragraph opinion affirming the single justice one paragraph opinion is reported at *Pauline Leslie v. J. Alexander Bodkin, MD., et al* 488 Mass. 1012 (Oct. 8, 2021). The Appeals court affirmed on three "summary decisions" with the first two cases decided without a hearing in 2017 and 2019. See App. D, E, and F.

Jurisdiction

Petitioner submitted a timely writ of certiorari on questions under the United States 14th Amendment and Massachusetts Decl. of Rights articles 11 and 29 to the single justice of the Supreme Court of MA ("SJC"). It affirmed without a hearing on a paragraph decision under G. L. c. 249, § 5, without acknowledgment of the question(s) presented. On March 1, 2021, Petitioner appealed on Constitutional grounds to the full SJC, and it was affirmed, without a hearing, on one paragraph under G. L. c. 249, § 4 that Petitioner got a "full appellate review of her claims". Petitioner filed a motion for reconsideration outlining the lower court's erroneous rulings and biases against her, and it was denied on November 15, 2021. This Court has jurisdiction under 28 U.S.C. § 1257 (a) to review the judgment(s) as supported by the decision of U.S. Dist. Court of MA on dismissal for lack of subject jurisdiction in *Leslie v. Superior Court of MA*, 1:17cv12384 (D. Mass. Dec. 22, 2017).

Constitutional and Statutory Provisions

A. United States Constitution, Amendment XIV:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

B. Massachusetts Declaration of Rights Provision: Article 11:

> Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he (she) may receive in his (her) person, property, or character. He (she) ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

> Article 29: It is essential to the preservation of the rights of every individual, his (her) life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit...

STATEMENT OF THE CASE

A. FACTUAL BACKGROUND

Petitioner, a single parent, was an attorney as of June 2009. On December 22, 2010, Petitioner was acting in the course of her employment as a title examiner stopped at a red light, when she was repeatedly rear-ended by a loaded 100,000-pound sand and gravel tractor trailer for about 1.5 city blocks, before she was slammed into a parked car. The car was not drivable at the scene and was later totaled by the insurer. The Petitioner suffered multiple injuries and losses including but not limited to required surgery, anxiety on the road (PTSD), over $144,000 in medical expenses, and inability to be gainfully employed from her injuries that were confirmed with the DIA and the SSA. The driver, John R. Barrett ("Barrett") testified at his criminal trial he heard Petitioner's horn beep during the

collision. He was convicted of criminal negligence in Cambridge District Court on July 21, 2011[1]. On August 9, 2013, Petitioner sought remedy against Barrett and Kingstown Corporation ("Kingstown") for multiple damages, and against Travelers Insurance Co., ("Travelers") for unfair deceptive practices and abusive surveillance. In April 2014, Travelers requested, and was court ordered to sever away from the case; it continued to remain an active party over Petitioner's objection.

Despite an objection, Petitioner was forced to attend **another** IME by the court coupled with defendants' written promises of "no harm". Attorney Joseph Aronson ("Aronson") who represented Barrett and Kingstown scheduled the IME for January 26, 2015. For safety, Petitioner requested in writing, consent to personally record and it was granted in writing. On December 31, 2014, Bodkin submitted an affidavit that he was retained by "Kingstown Corporation and John R. Barrett," and was asked to perform "a psychiatric examination of the Pauline Leslie to offer my medical opinions concerning the psychiatric impact of a car accident which occurred on December 22, 2010". On Monday January 26, 2015, at 10 in the morning, Petitioner was dropped off at McCormack Firm, LLC in Suffolk County for an IME to be conducted by Bodkin through threats of a motion to compel and written promises of a "private conference room". Defendants wrote they would advance taxi fare for transportation to McLean Hospital in Belmont where Bodkin worked, and later reneged in writing on their agreement to pay. Bodkin was in the practice of medicine[2] under HIPAA 160.103[3] and HIPAA privacy rule when he was "allegedly" retained[4]. The

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[1] Criminal Docket No. 1152cr00095.

[2] Massachusetts 243 CMR 2:01 (a) and (b). Practice of Medicine includes IME or disability evaluation.

[3] Dr. Bodkin was a healthcare provider conducting "diagnostic," "assessment or procedure with respect to the physical or mental condition, or functional status, of an individual or that affects the structure or function of the body."

[4] Dr. Bodkin was required to use a standard of care and skills as any competent psychiatrist engaged in similar practice; his actions were not within the guidelines of Massachusetts Practice in conducting a rule 35. *See* Lauriat, McChesney, Gordon and Rainer, Discovery § 9 (49A Mass. Prac. 2017) § 9:12 p. 501, § 9:18 p. 513, and § 9:18 p. 515. *See* Petitioner's brief in

IME took place at the front entrance of the law firm, in a glass front conference room across from the secretary's desk with no privacy and frequent foot traffic[5] could be seen and heard by Petitioner. Later, Petitioner learned Bodkin recorded her without consent on the defendants' laptop. Bodkin conducted a four-hour straight interrogation without instructions that Petitioner was entitled to take a break. The Petitioner cried to Bodkin about feeling humiliated, and complained of pain in the room, but he continued. He did not inform Petitioner she was free not to answer questions, especially questions outside the scope of the tractor-trailer collision. He later reported under oath, he inquired about the accident "a little".

During the "alleged" IME, Bodkin called Petitioner a "GAL" more than twice and asked if she was a jealous woman when it comes to men? He accused Petitioner of having an aunt named Veira and Ven-g and Petitioner chuckled in embarrassment and told him she did not have an aunt by that name. Bodkin pressed on to know the name of the aunt and when Petitioner did not provide him with a name, he became angry, **clenched his teeth, made an angry face, and rolled his hand into a fist and demanded, "what's her name!"** Bodkin did this throughout his interrogation when he was not satisfied with her answers. He degraded Petitioner's feelings about her loved one(s), he was overly intrusive in her sex life, religion, and prior marriage. He asked discriminatory questions, such as, whether her grandparents were married and if they were both "BLACK" and if her mother was fully "BLACK". Bodkin asked, "what do your **MAMA** do for work;" he asked about Lord/God, rectum, dry mouth, pee, stomach, menstrual cycle etc., except what happened on December 22, 2010. He pressed on for answers in an aggressive manner after she

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court of appeals addendum 76-82. Bodkin's actions were not in guidelines with AMA Principles of Medical Ethics: I, and American Academy of Psychiatry and the Law, cited in Petitioner's brief and appendix in the lower and appeals court.

[5]There were a delivery man and people frequenting the firm, that appeared to be outside clients walking in and out.

answered his questions in the negative. Petitioner answered she never used any drugs or alcohol, and he proceeded to ask questions about has she ever indulged in "marijuana" or cocaine and has she ever drank a day in her life.

Bodkin interrogated Petitioner by degrading her treating providers in her presence; he made treatment statements at Petitioner that he had "**AWESOME CURES**" about her PTSD/anxiety when Petitioner was not there for any of his "AWESOME CURES". Bodkin authored a report under oath dated March 11, 2015, and omitted his actions from his report, while he created events that never occurred during the IME, including but not limited to writing the driver did not hear Petitioner's horn beep, when in fact the driver testified at his criminal trial, he heard the horn beep. Bodkin wrote in his report he had Ms. Leslie's medical records available to him as of May 22, 2013, prior to Petitioner filing any lawsuit. Petitioner never gave Bodkin her medical records prior to suit and met him the first time on January 26, 2015.

The defendants (Aronson) continued to retain Bodkin for his services after being served with a motion in August 2015 about Bodkin's egregious conduct. On December 10, 2015, via video deposition under oath, **Bodkin suggested to put pills into Petitioner's cheerios (sic) without her consent** (Dep. Tr. p. 76 ¶¶ 1-2); he further fabricated statements under oath about Petitioner, and he vowed she told him. Bodkin admitted he would "never initiate it. **It's not my idea**," to record Petitioner. Bodkin's testimony coupled with the court's actions were used against Petitioner to secure a jury award of $5,260.80 and $5,000 for one of her two children.

B. PROCEDURAL BACKGROUND

On November 10, 2017, Barrett, and Kingstown's previous attorney (Aronson[6]) wrote it was Travelers that retained Bodkin, although Travelers was ordered to sever away from the case on April 4, 2014. *See* App.J.132a. On November 27, 2017, Travelers' Attorneys (Brian Suslak and John Graceffa) wrote it was Aronson who retained Bodkin, although Aronson denied this. *See* App.K.133a Petitioner filed medical malpractice and other claims in Essex Superior Court on December 22, 2017, against Bodkin and the three defendants ("defense") involved in the underlying case for their employment of Bodkin. In March 2018, **Bodkin requested a medical tribunal** and filed a motion to dismiss that he was immune under absolute privilege. Petitioner served an opposition and provided case laws where the absolute privilege does not apply to abusive conduct.

On April 19, 2018, Petitioner appeared in court on the motion to dismiss hearing filed by defense (Barrett, Kingstown, and Travelers). The court bombarded Petitioner with Bodkin's three unscheduled motions, despite Petitioner's objections as acknowledged by the clerk that it was not scheduled to be heard. (App.H). The court ignored Petitioner's entitlement to timely notice and resorted to punishing her by postponing the discoveries she served on Dr. Bodkin. (See App.H.119a-124a).

> "**COURT**: Before we do the Rule 12 Motion, I'd like to deal with two of the, I guess what I would call, more of the **procedural motions**. One, the motion to Stay Discovery Pending the Resolution of Both Rule 12 Motions, and the Motion to Impound Exhibit B.
> **CLERK**: Court's missing Hamrock. **I don't think he's filed yet.**
> COURT: Oh.

[6]Aronson wrote statements to Petitioner that he was not aware of any misconduct by Bodkin, when he was served with a motion outlining some of his inappropriate conduct in August 2015 and it was documented in the lower court's record on August 31, 2015 prior to any trial; Aronson provided an alternative as to why the IME took place at the law firm, when it was because he reneged on his clients' offer to pay for transportation to McLean Hospital for the "alleged" IME, and he emailed Petitioner's counsel an unfiled motion to compel her to do an IME at their law firm.

PLAINTIFF: Your honor, I was not aware. **I wasn't given ample notice that Mr. Hamrock was going to have a hearing today, I'm asking to be given notice of this.** I was only prepared the (sic) argue the Motion against Travelers, Barrett, and Kingstown. I was not aware. I got a call this morning, and right around 12' o'clock, telling me there was going to be two other motions added. **And I'm entitled to notice, and I wasn't given notice.** And therefore, I'm not prepared to argue any other motions but the ones that were put on schedule for today.

COURT: I'm aware of your communications with the Clerk, Ms. Leslie. (Though the court was aware of Ms. Leslie's objection, it continued to dump a new motion on Petitioner).

COURT: So, **why don't we take a minute, and why don't you take a look at the Motion.**

PLAINTIFF: It's going to confuse me, Your Honor, because I'm being bombarded. (An envelope was handed to Ms. Leslie to read a new motion brought into court by Mr. Hamrock)

COURT: ...Mr. Hamrock, I'm going to address the Defendant, Bodkin's, Motion to Stay Discovery until 30 days after...Ms. Leslie, do you have any objection to stay Discovery pending the resolution of both motions to dismiss? **(Petitioner objected).**

COURT: That's just going to prolong things. This Motion was, I believe, scheduled for today, correct?

CLERK: No; the Motion to Stay Discovery came in with Hamrock's Motion to Dismiss on behalf of Mr. Bodkin.

COURT: Okay. And that came in?

CLERK: That came in Tuesday. That came in with this.

COURT: Okay. (The court had discussions about Rule 9A with the Clerk).

COURT: You're right, you're right. So Ms. Leslie, you've had the opportunity to see the Defense motion. In fact, **you filed an opposition.**

PLAINTIFF: I didn't file the opposition; he (Mr. Hamrock) did. (The court corrected itself that Petitioner served the opposition).

(Petitioner reminded the court she was being "bombarded today" and she "was not given ample notice of such matter...")

COURT: (to Ms. Leslie) I hear you, loud and clear, that you want time to be able to prepare to argue an opposition to the Motion to Stay Discovery. You had the opportunity to review the Motion, and to file an opposition. And the court was prepared to hear this Motion today...But in the interim between today, April 19th, 2018 hearing on the Motion to Stay, the **Court will order that there not be any discovery because of your request to postpone the hearing on the Motion to Stay, okay?**

PLAINTIFF: It wasn't a request to postpone. If I didn't get notice. So I feel that it's being thrown at me at the last minute, when I'm only here to prepare for 12, a rule 12 Hearing against the defendants who are currently sitting to my right. **So it sounds as if I'm being blamed for postponing something I was not given notice of--.**

The court's actions were observed by a nonparty. (App.G.42a-44a). The **court denied Petitioner of discovery** under M.R.C.P. rules 26, 33-34 and 36 after she raised an objection against hearing the **unscheduled** Motion to Stay Discovery. The court entertained a new motion in support of Dr. Bodkin's counsel, who was not at the defense table. The court hampered Petitioner with accusations, unscheduled motions and punished her by accusing her of postponing Bodkin's same day requests to hear non-emergency motions. Petitioner served discoveries on Bodkin, he filed a motion to stay it, and Petitioner opposed the motion. After the order to postpone discovery, the motion was heard on April 25, 2018, and Bodkin's attorney (John Puleo) **did not file a notice of appearance** as stated by the court. Tr. V. I. p. 11, ¶¶ 20-21. Bodkin's motion was allowed on April 26, 2018.

On May 31, 2018, Bodkin's motion to dismiss was heard; Bodkin's attorney (Puleo) did not file a notice of appearance when he appeared for the second time in court and stated to the court in response, "I note for the record that Mr. Hamrock did not include me on the pleading." Tr. V. I. p. 2 ¶¶ 23-24. **Bodkin (Puleo) implied he was appointed by the court to do the examination against Petitioner** in her personal injury case. Tr. pp. 3 ¶¶ 10-11. Petitioner handed the court additional case laws to support Bodkin had no absolute privilege to commit harm to her. Court asked Petitioner, "**Do you agree with that Dr. Bodkin was appointed by the Court**...?" Petitioner replied, "That is not true, Your honor. The Court did not appoint Dr. Bodkin. That was - I don't understand where he got that from..." Tr. 9 ¶¶ 2-6. The court asked Petitioner, "**this isn't a medical malpractice case; right**?" Tr. p. 16, ¶¶ 24-25. Petitioner filed a medical malpractice case. The court dismissed the medical malpractice case under absolute privilege on June 11, 2018.

The remaining two defendants represented by Travelers' two original counsels all filed a motion to dismiss and it was heard on April 19, 2018. During Petitioner's oral argument, defense attorney (Suslak) interrupted her to state misinformation on the record; Petitioner redirected the court's attention and informed it the misrepresentation was not true. App.H.125a-126a. Petitioner stated to the court the **additional issues that would be left for the medical malpractice trial**, and the court responded, "**Left for which trial**?" Tr. V. I. p. 32, ¶ 14. The court denied defense motion to dismiss on April 23, 2018. When the defense failed to file an answer to Petitioner's complaint, she filed a request for default on May 23, 2018. During Bodkin's motion to dismiss hearing, defense (Suslak) came into court and interrupted by bullying Petitioner about her request for default. Suslak said, "If we have to come back here to argue this motion, that we're probably **going to move for costs against Ms. Leslie**..." App.H.128a. The Court responded, "**Well, I'll take a look at the motion—the request for the default.**" App.H.129a. On June 4, 2018, defense mailed an emergency motion opposing Petitioner's request for default and Petitioner timely opposed. Before any decision was made on the default, defense filed a motion for summary judgment about two months later, relying on Bodkin's dismissal from the case. Petitioner timely opposed it and attached two countervailing affidavits with references to exhibits throughout her response. The motion was heard on October 11, 2018, the court (Feeley, J) said, "Well, this all sounds terrible, like a **terrible conduct by Dr. Bodkin. But another Judge (Howe, J) at this Court found he had an absolute privilege, so that you can't, despite the conduct, whether egregious or not, you can't sue on it.**" App.H.130a. Petitioner discussed the following at the hearing: apparent authority citing *Kelley v. Rossi*, defense provided the law firm for the IME and the laptop to conduct the illegal recording, statements by Bodkin

that they'll flip at him, and her references with affidavits; court acknowledged the references, "I saw that. I've looked at those". App.H.130a. Court granted defendants' summary judgment and wrote against Petitioner's facts as "**bald factual allegations**". Decision published online at *masscourts.org Leslie v. Bodkin et al., C.A. No.1777CV01970* (11/09/2018). Petitioner filed a motion for clarification on Bodkin's case because higher court cases were contrary to the judgment. Petitioner further filed a motion to reconsider the dismissal disagreeing on the summary judgment and facts challenged by the court. No credit was given for her affidavits contradicting the defense's affidavits, and her references were omitted. The court denied her motions. The **Petitioner's request for default remains outstanding**.

C. ORAL ARGUMENT AND PANEL'S DECISION

Petitioner filed a timely appeal. On September 10, 2020, Petitioner asked the panel (Appellate court) whether they will be asking her any questions during oral argument after the panel concluded its instruction on time limits for each party. **The panel (the lead judge) told Petitioner they will not be asking her any questions**. Differential treatment of Petitioner was observed on YouTube, based on the other five cases heard that day where other Appellants and pro se Appellant(s) were engaged by the panel, except Petitioner. *See* https://www.youtube.com/watch?v=s9H8qU-QqJI. People were present at Petitioner's hearing who were not arguing, and other party stepping off screen without the panel intervening, except Petitioner who turned her body away for a few seconds to drink some water. The panel engaged Bodkin's attorney (Oh) who addressed her argument respectfully to Ms. Leslie, rather than to the panel. Bodkin explained facts with hypotheticals, such as his fist. Bodkin said it doesn't matter who retained him and

compared the unauthorized recording to *Glik v. Cunniffe* case and that only persons who worked at the law firm heard or saw anything during Bodkin's alleged IME. Bodkin could not explain how he received Petitioner's medical records prior to her filing a lawsuit in August 2013. **Bodkin repeated impounded information that were false on the Court's YouTube.** Suslak who represented all three defendants that pointed fingers at each other, cited two case laws[7].

The panel issued a "summary decision" on September 21, 2020. **Petitioner was not sent written notice of the decision**, and instead learned of it online. **The judgment of the Appeals Court omitted the descriptions of Bodkin's conduct towards Petitioner that was filed in the medical malpractice complaint and in the lower court's judgment of dismissal. The panel's brief facts focused on the underlying case. Petitioner received complaints and concerns from others about her case and how she was treated unfairly during oral argument and the online contradicting judgment.** Petitioner requested her non-impounded briefs in cases 2018-P-1645 and 2019-P-1584 to be made public and the Appeals court denied her request and provided two distinct answers, including but not limited to paying $5 to get public records that are generally free for others to view online. Petitioner filed an application for Further Appellate Review ("FAR"), and it was denied on November 20, 2020. On December 7, 2020, the Lower Court mailed the rescript for the original judgment affirming dismissal to Petitioner. Petitioner's previous FAR (No. 27146) was denied on December 23, 2019 and she did not receive written notice, and saw the decision online on the court's website on or about September 21, 2020.

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[7] The IME case [*Paradoa v. CNA Ins. Co.*, 41 Mass. App. Ct. 651 (1996)] involved an independent company that provided a medical office, not a law firm; it dealt with IMEs/medical services (not legal services); the retainment was usually non-reoccurring and a flat fee regardless of time spent, not in Bodkin's case where he spent 19 billable hours reading a fictionalized book and reviewing the criminal transcript of Barrett, and conducting an abusive IME at defense law firm.

D. UNDERLYING CASE AND PROCEDURAL RULINGS

On December 1, 2015, the court (Giles, J) said to Attorney Aronson, "...your experts are all looking down the barrel of their guns..." App.H.82a. The court said to Attorney Suslak, "**that's between you and Travelers and God**..." who made an appearance during Petitioner's brief pre-trial hearing against Barrett and Kingstown. App.H.80a, 86a. During pretrial rescheduled on December 3, 2015, the court discussed its "sneaking suspicion" against Petitioner and accused her of contacting providers, without the full facts. App.H.85a. Arguments ensued after Petitioner's then attorney told the court about Aronson's misrepresentation pertaining to Petitioner's medical records; the court ruling caused Petitioner's **breast examination and pap smear** to be included in the exhibits when initially Petitioner requested her provider not to include them under HIPAA Minimum Necessary Standard. When Petitioner's attorney discussed Aronson not stipulating to the records, the court attacked him stating, "I like to think of this courtroom as a recrimination free zone. I don't want to spend another moment with you pointing fingers at Mr. Aronson..." App.H. 84a. The court said defense sent trial subpoena out to the provider, without proof, when it was not true. The attorney told the court about defense's misrepresentation when defense contacted Petitioner's provider stating they were her attorney to obtain her medical reports. The court advised Petitioner's attorney, "...**you should know better, sir, to rely on HIPAA is clearly not the law**." App.H.85a. Defense told the court the addendum[8] they received from the provider was not signed by the doctor, but that was untrue.

[8] HIPAA Correction Principle-Allows Petitioner to request corrections to error(s) in her medical records.

The court contradicted itself repeatedly, including but not limited to excluding Petitioner's disability claims pertaining to the collision, then later denying it said that and the accident scene was excluded and later it allowed defense to enter it. The court said Barrett's criminal trial was all off limits (excluded) but later allowed defense to cherry pick from the transcript and excluded Petitioner from mentioning any context of it. App.H.88a,90a. The court allowed defense to attack Petitioner's witnesses list resulting in removing many of them. App.H.89a. Petitioner's trial attorney was allowed to withdraw on the day of trial after the courtroom hostility. The court applied Wants of Prosecution[9] against Petitioner when remaining two counsels objected and requested continuance without lead trial attorney. **The court compelled them to do the trial after they said they were not retained to try the case for Petitioner and their role was limited to preparing the exhibits**. App.G.52a-56a. Petitioner's sister was scheduled to testify on December 10, 2015, and the court got angry and said, "are you kidding me" and called the sister "fly in the ointment"[10]. App.H.99a-101a. Petitioner's counsels remove the witness because of the court's statements. Travelers (Suslak) complained about Petitioner crying in the hallway, due to unfairness, and the court admonished her. App.H.106a. The court said to defense how they could argue the case by asking if Petitioner "could be an heiress" and to ask her if she "have money in the bank." Petitioner was indigent on the record. The court doctored a statement and told Petitioner's counsel to advise Ms. Leslie to repeat the false statement to the jury about how she got gaps in her treatment. App.H.102a; see 98a. The court sat quietly as defense bullied Petitioner on the witness stand referring to her as "beat a dead

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[9] M.R.C.P. rule 41: court may dismiss if remain on docket sheet for more than three years without activity, which was not applicable to Petitioner's case.

[10] Fly in the Ointment was renamed from the Ten Little Niggers in the "Nigger in the Woodpile." https://en.wikipedia.org/wiki/Nigger_in_the_woodpile.

horse," because Petitioner refused to adopt the defense's false statements to the jury. Tr. V. p. 550, ¶¶ 10-11. The court deprived petitioner from entering certified medical evidence during the trial, including limited to Petitioner's therapist's notes was limit to a **few** and vehicle damages. App.H.94a. The court later argued to the jury Petitioner must prove her case by preponderance of the evidence. Tr. IV. p. 345, ¶¶ 3-4, p. 346, ¶¶ 3-4. There were no limitations set against defense who offered 1% of the total records they cherry picked to offer at trial by the court. In comparison to Petitioner, the court guaranteed to overrule her. Tr. VIII. pp.124-125.

The Court said it will not allow Petitioner to bring in Barrett to "beating up on him," although Petitioner subpoenaed him to testify. Tr. V. II. p. 65, ¶¶ 10-25. Court advised Petitioner's counsel she was not allowed to present her certified medical (G. L. c. 233, § 79G) exhibits during trial, without defense on short notice court approval for redaction of Petitioner's medical exhibits. Defense never approved the redaction they requested and was presented to them before Petitioner's case rested... Tr. V. III. pp. 99-102. A loud argument ensued in the presence of the jury about the medical exhibits and at the side bar that was heard by Petitioner. The Court told defense attorney to keep his voice down. App.H.108a. On December 3, 2015, the court implied if the medical records were certified under 79G Petitioner need not call her providers to testify.

The defense "alleged" retained expert witness was Bodkin who became unavailable on short notice to testify in court the following day, and Petitioner's counsels raised an objection against defense to go to Belmont the same day to do an untimely[11] unscheduled video-deposition. The court got angry with Petitioner's counsels and said to them, "it's

[11] Petitioner was entitled to timely notice under Mass. Civ. Pro. R. 30 and to "timely" cross-examine the expert.

going to go forward without you, then okay." App.H.104a. Defense against Mass. Civ. Pro. R. 30A (c) (8) unilaterally asked the stenographer to stop the recording without Petitioner's counsel's consent and threatened counsel that Bodkin's report was coming in over her objections. (App.G.52a-56a). After Petitioner's counsels were forced to rest her case without the approved exhibits, they voiced their frustration of the unfairness during trial at the side bar. **The court later told defense the video deposition was for their benefit** and allowed Petitioner to enter her exhibits for marking after the case rested. App.H.109a. Petitioner filed an appeal from the judgments, and it was affirmed on a summary decision without a hearing. The Courts of Appeals' decision punished **Petitioner by criminalizing her HIPAA rights as unethical**, and it did not address issues properly brought before the court, such as whether the damage award was adequate and reasonable, and the issue presented about the objected to **pre-accident** medical records that were not certified pursuant to 79G. Petitioner filed a FAR, and it was denied.

The lower court (Giles, J) presided over Petitioner's remaining case against Travelers for its unfair deceptive practices heard on July 24, 2018. When the summary judgment case was called, the court immediately pointed to the back of the courtroom and said, "Ms. Leslie can take a seat in the back, please. Thank you. Only attorneys. Thank you." App.H.110a. The issues involved Travelers' misrepresentation of its policy limits etc., and their abusive surveillance such as, the investigator tailgating and blocking Petitioner and her daughter down a dead-end street with the van and refusing to leave, and later trespassing on Petitioner's daughter after school program. The investigator hid behind the school's van and video-tape little girls, including Petitioner's child at Girls Inc. **Petitioner and her children were completely denied discovery for production of documents and**

interrogatories after Travelers requested to stay discovery when they "allegedly" severed[12] away as a party in April 2014. Petitioner's attorney argued about the lack of discovery and Travelers' admissions to surveilling Ms. Leslie. The court said, "you engaged in **a little bit** of discovery." Tr. p. 7, ¶¶ 8-9. The court was defensive and dismissive and stated, "Ma' am" and "Who cares?" App.H.111a and Tr. p. 17, ¶ 23. The court said, "yes, they admitted in hired an investigator, **but not one to surveil your client**." App.H.112a. Attorney Suslak responded, "Your Honor. Our the investigator hired by **Travelers did surveil Ms. Leslie**." App.H.113a.

The court interrupted Petitioner's attorneys by denying them to state their claims on the record. App.H.114a. Despite the insurance admissions to conducting surveillance, the court contradicted the admission and said, "**No, you know, you're asserting that they have an investigator. Yes, they have an investigator but not one to surveil your client**." App.H.115a. **Petitioner observed the court's untruthfulness and biases and respectfully asked the court to recuse itself.** The court responded, "okay." App.H.117a. Petitioner left the court room due to the court's actions. The court stated, "...it was witnessed by the daughter,[13] **who I'm assuming is not competent** to say who hired this investigator." Tr. pp. 36-37, ¶¶ 25, 1-2. "**Maybe it just never happened**...how does Ms. Leslie know what the day was?" App.H.118a. The court dismissed the case on summary judgment with a "little bit" of discovery and denied defense surveilled them and disregarded their affidavits in the exhibits. Petitioner and her children appealed. The Appeals court affirmed on a "summary decision" without a hearing and denied the surveillance and gave no credit about the

[12]Travelers never severed away from the case and defied Petitioner's request to not attend her children's deposition at the remaining parties' request for a late discovery deposition in August 2014. Suslak sat next to Aronson directly across from petitioner while staring in her face with empty chairs to his left.

[13] Daughter waited in the hallway to testify.

affidavits and lack of discovery. The lower court's docket entry read, "needs discovery" on April 10, 2014.

E. SUPREME JUDICIAL COURT OF MASSACHUSETTS PROCEDURAL BACKGROUND

On January 19, 2021, Petitioner filed a writ on constitutional grounds[14] to the single justice and it was denied on February 22, 2021. Petitioner appealed to the full SJC court. Petitioner e-filed her brief online with addendums and appendix that was accepted on April 26, 2021, by the full court. The SJC standard practice is to publish Petitioner's brief on its website upon receipt and send notice the same day or next business to submit hard copies of the brief and appendix. The court deviated from that practice in Petitioner's case. The defense filed their joint brief on May 18, 2021, and their brief was published online the same day. App.I.131a On May 18th the court sent notice to Petitioner and defense to submit hard copies of their briefs and appendix. On May 19th Petitioner emailed the clerk asking why her brief was not published online but was not given any reasonable answer. **Petitioner begged the SJC court to grant her the same privilege and rights they gave to defense.** The court denied a requested hearing and affirmed the single justice decision on October 8, 2021. Petitioner filed a motion for reconsideration citing erroneous rulings and bias, and it was denied on November 15, 2021.

I. REASONS FOR GRANTING THE WRIT

When legislature imposes duties on an officer who is directed to peremptorily perform those duties and "when the rights of individuals are dependent on the performance of those acts, he (she) is so far the officer of the law; is amenable to the laws of his (her) conduct; and cannot at his (her) discretion sport away the vested rights of

[14] Approximately 20 pages excluding the cover page, table of authorities and addendums.

others". *Marbury v. Madison*, 5 U.S. 137, 165-166 (1803). "A law repugnant to the constitution is void." *Id.* at 180. "The constitutional foundation underlying the privilege is the respect a government-state or federal-must accord to the dignity and integrity of its citizens". *Miranda vs. Arizona*, 384 U.S. 436, 460 (1966). A court cannot make discretionary rulings that are repugnant to the Constitution in violation of its citizen's rights.

I. To Prevent the Erroneous Interpretation of Federal Laws under HIPAA, giving an IME Doctor Absolute Privilege to Commit Medical Malpractice; Other State Courts are Split on the Issue.

Other state cases below showed IME doctors were sued due to medical malpractice and the courts ruled a doctor owed a minimum to do no harm. *Hoover v. Williamson*, 236 Md. 250 (1964). "Whether or not a physician-patient relationship exists, within the full meaning of that term, we believe that a physician in the exercise of his profession examining a person at the request of an employer owes that person a duty of reasonable care". *Id.* at 254. *Bazakos v. Lewis,* 12 N.Y.3d 631 (2009). "...the relationship between a doctor performing an IME and the person he is examining may fairly be called a 'limited physician-patient relationship'- indeed, this language is used in an American Medical Association opinion describing the ethical responsibilities of a doctor performing an IME (AMA Council on Ethical and Judicial Affairs, Code of Medical Ethics, Ops on Patient-Physician Privilege E-10.03)." *Id.* at 635. *Dyer v. Trachtman*, 679 N.W.2d 311 (2004). "The limited relationship that we recognize imposes a duty on the IME physician to perform the examination in a manner not to cause physical harm to the examinee." *Id.* at 315. See *Mero v. Sadoff*, 37 Cal. Rptr.2d 769 (1995). *Ramirez v. Carreras*, 10 S.W.3d 757 (2000). An IME owes the "duty not to injure" the examinee. *Id.* at 762. Massachusetts gave an IME

doctor an absolute privilege to commit medical malpractice during an examination that is contrary to decisions in other state courts because an IME doctor has a "limited patient-physician relationship" and owes a duty to do no harm.

The federal court recognized there are no immunity to those who perform a different function from the duty they are bound by, especially if their conduct was abusive. See *Burns v. Reed*, 500 U.S. 478, 493 (1991). *Kalina v. Fletcher*, 522 US 118, 126-127 (1997), *Levin et. al. v. USA*, 133 S. Ct. 1224 (2013), *Mitchell v. Forsyth*, 472 U.S. 511, 520 (1985), and *Meltzer v. Grant*, 193 F.Supp.2d. 373, 378 (2002). In other Massachusetts' cases it ruled an IME doctor will be held accountable for actions when they deviate from their standard of care. See *Lambley v. Kameny*, 43 Mass. App. Ct. 277, 283-284 (1997), *Sugarman v. Bd. Of Registration in Medicine*, 422 Mass. 338 (1996), *Zucco v. Kane,* 55 Mass. App. Ct. 76, 78 (2002), and *Harding v. Goodman, MD* 13 Mass. L. R. 287 (Mass. Supr. Ct. 7/3/01). Massachusetts ruled favorable in summary judgment cases where absolute privilege or immunity did not apply. See *Dear v. Devaney* et al., 83 Mass. App. Ct. 285, 291-293 (2012) and *Maxwell v. AIG Domestic Claims, Inc.*, 460 Mass. 91-117 (2011). **Massachusetts gave Petitioner less rights, compared to other citizens in its state, and other states.**

An "alleged" **independent** psychiatrist should not have the absolute privilege to commit medical malpractice during examination because Petitioner's psychological harm from the abuse would not place her in the position she was prior to the abuse. Bodkin violated Petitioner's HIPAA privacy rights when he obtained Petitioner's medical records prior to her filing a lawsuit, and he was unable to truthfully state how he obtained her medical records through his counsel (Oh). He recorded Petitioner without her consent not in

compliance with 18 U.S.C, § 2511 and G. L. c. 272, § 99. Bodkin violated Petitioner's privacy rights and threatened her during the exam with his fist because she did not provide him with the name of an aunt. Bodkin deviated from his affidavit that he was evaluating Petitioner about the impact of a car accident (sic), and later admitted he only inquired about a little. According to G. L. c. 268, § 1, 18 U.S.C, § 1621 and 18 U.S.C, § 1623 it is punishable as a crime to make false statements under oath. **Bodkin was not retained by anyone for his services; therefore, he was an imposter**. *See* App. J and K. Bodkin injected himself into Petitioner's case under false pretense, which violated Petitioner's Constitutional rights to remedy the wrong against her by an unbiased court. The panel wrote Ms. Leslie "undergo an IME," that means Bodkin was independent of the court and acting on his own accord. The panel omitted facts and issues presented on appeal arising out of Petitioner's claims for medical malpractice; the summary decision was erroneous absent a fair reporting of the findings and a full review of the issues. The panel asked Bodkin's counsel during oral argument "whether the conduct (Bodkin) borders assault, such as the clenching of the fist and locking her (Petitioner) in the room without water." The IME was not private as promised by defense. The court implied it does not matter who retained Bodkin, yet his false testimony under oath was used against Petitioner to deprive her of civil rights to a fair trial while no one claimed to retain him.

II. Constitutionally, the Questions Presented above often Affect Litigants, including Those of African Diaspora due to Biases and Discriminatory Practices by the Courts.

Petitioner's Constitutional rights were violated when the appeals court affirmed an IME doctor was absolutely privileged to commit medical malpractice without recourse to the law where Petitioner could bring claims for the injuries she suffered to her body and

mind; this interfered with her unalienable rights to life, liberty, and pursuit of happiness because her petition for redress was answered by repeated injury. **If the court claims, it does not matter who retained Bodkin, then how was he allowed to testify against Petitioner in the underlying civil case.** This is one of the travesties of justice that caused Petitioner to submit 23 affidavits with her brief in the Court of Appeals. (App.G.). "Minorities rely on the independence of the courts to secure their constitutional rights against incursions of the majority, operating through the political branches of government...If the plaintiffs' right to equal protection of the laws has been violated...then it is our duty to say so." *Finch et al. v. Commonwealth Health Ins. Connector Auth. et al.,* 461 Mass. 232, 249 (2012). The Court of Appeals in the underlying case punished Petitioner and criminalized her legal acts under HIPAA Correction Principle and Minimum Necessary Provision.

A. The Question as to Whether the State of MA can Abrogate the 14th Amendment Equal Protection rights of its Citizen(s) is an issue making this case fit for review.

Countless attorneys in MA cases have made claims against the court (Giles, J) including but not limited to, biased actions, disparaging remarks and in collusion with defendant in *Sullivan v. Connolly*, 91 Mass. App. Ct. 56, 61 (2017); the court accused *Lori Holland* of bankruptcy fraud (see brief online of *Holland* pp. 42-43) in *Holland v. Kantrovitz*, 92 Mass. App. Ct. 66 (2017). In *Commonwealth v. Ortega*, 480 Mass. 603 (2018) and *Commonwealth v. McCalop*, 485 Mass. 790 (2020), the court's actions and inactions allowed racially inappropriate jury conduct and promoted racial bias jury selections. The court was accused of hating negros posted on a blog online. http://dennerlaw.blogspot.com/2009/02/spotlight-on-massachusetts-judge-linda.html. The court wrote alternative theories to deprive an elderly plaintiff ("*Papadopoulos*") of fair

compensation in a slip and fall case. *Papadopoulos et al. v. Target Corp.*, 87 Mass. App. Ct. 1115 (2015). https://www.salemnews.com/news/local_news/appeals-court-reverses-judge-in-peabody-slip-and-fall-case/article_418a3b70-906d-5399-9b1f-9ffd7d2c1198.html (2015)... Petitioner and her children were outright denied their equal protection and due process by the same court. The court challenged their competency, deny them their right to a fair trial, it made personal attacks against them, it denied them a fair hearing to be heard on their claims, it denied Petitioner the right to present her relevant evidence and to call witnesses to support her claims. The court made discriminatory remarks, injected its testimony in the case and made alternative facts against Petitioner, all which deprived Petitioner and her children of their Constitutional rights to equal protection and due process by an impartial court.

III. This Court should Resolve the issue as to Whether the 14th Amendment Due Process Clause requires that Citizens to be given Timely Notice and the right to be Heard on their Claims; and whether a Massachusetts Court can Abrogate those Rights.

The Constitution Due Process and Equal Protection states in part: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws". The lower court deprived Petitioner of timely notice and due process to argue matters affecting her interest. Petitioner was deprived of her rights and privileges, absent extraordinary circumstance. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950):

> The "right to be heard has little reality or worth unless one is informed that the matter is pending and can choose for himself (herself) whether to appear or default, acquiesce or contest...an elementary and fundamental requirement of due process in

> any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to afford them an opportunity to present their objections (and) it (notice) must afford a reasonable time for those interested to make their appearance." *Id.* at 314-315. *See Goldberg v. Kelly*, 397 U.S. 254, 267-268 (1970) and *Armstrong v. Manzo*, 380 U.S. 545, 550 (1965).

Petitioner was denied timely notice within a "meaningful time and in a meaningful manner" and denied due process when the court bombarded her with unscheduled motions before she was punished. *Armstrong* at 552. "Notice by mail in the circumstances of this case would surely go a long way toward providing the constitutionality required assurance that the State has not allowed its power to be invoked against a person who had no opportunity to present a defense..." *Greene v. Lindsey*, 456 U.S. 444, 455 (1982).

IV. A Judgment Issued by the MA Court of Appeals is not in and of itself Evidence of "full appellate review" of all Claims when Records were not Reviewed Entirely, and the Issues Presented by the Petitioner(s) were Ignored and Disregarded while matters not on appeal were Discussed.

Leslie v. Superior Court of MA, 1:17cv12384 (D. Mass. Dec. 22, 2017). The MA U.S. District Court stated "...**the United States Supreme Court, and not the District Court, has jurisdiction to review the judgment.** *See* 28 U.S.C. § 1257... (and) there is no explicit or implicit suggestion that Judge Giles violated a declaratory decree **or that declaratory relief was unavailable to Leslie in the underlying state court matter.**" The courts of appeals ignored and disregarded many of the issues on appeal and inaccurately reported on issues not presented on appeal by Petitioner. The record showed Petitioner was denied a hearing in the first two appeals despite a request for hearing in the second appeal. Petitioner noted in lower court she was denied a hearing on appeal. In the third appeal, Petitioner was schedule to have a hearing, but she was treated differently by the panel when compared to other litigants heard that day. MA Decl. of Rights guarantee that every person has equal protection under the law, like the United States 14th amendment

guarantee of equal protection. The Equal Protection Claus states that no person shall be denied the same protection of the laws that are enjoyed by other citizens in their lives, liberty, and property. The state may not deny citizens equal protection when governing its laws. The panel misconstrued many of its findings, including but not limited to writing Petitioner "objected to driving to Bodkin's office," when the record showed the defense reneged on paying for the taxi fare to McLean Hospital and compelled Petitioner to attend the alleged IME at their office with promises that it would be in a "private conference room". The Panel misconstrued Petitioner's argument by stating "Bodkin should not have reviewed her medical records" at all, when the real issue was about the timeline when he received the medical records on May 22, 2013, before Petitioner filed any lawsuit. Bodkin was not a party and or a person of interest to be entitled to any privilege because no one retained him; he was an imposter. Statements or actions prior to suit must be "contemplated in good faith and under serious consideration" to be applicable for the absolute privilege as stated in Petitioner's lower court's brief pgs. 34-35. See *Sriberg v. Raymond*, 370 Mass. 105 (1976). Whether Bodkin contemplated future litigation and his intent of his clenched fist and angry faces is a question of fact for the jury. *Sriberg v. Raymond*, 544 F.2d 15 (1976). "...if an occasion is privileged as to communications between certain parties, the privilege is lost if the communication is made in such a manner as to unnecessarily and unreasonably publish it to others, as to whom the occasion is not privileged." *Id.* at 17. Bodkin lost any privilege he had when he conducted the "alleged" IME in a non-private setting. The panel affirmed summary Judgment(s) when there were issues of disputed material facts against Travelers, despite Petitioner and her children were denied full discovery (production of documents and interrogatories)

and affidavits submitted were omitted in its findings and summary judgment(s) should have been denied. See *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986), *Reeves v. Sanderson Plumbing*, 530 U.S. 133, 134-135 (2000), *Taylor v. Swartwout*, 445 F.Supp.2d 98, 102 (2006) and *Tolen v. Cotton,* 134 S. Ct. 1861, 1863, 1866 (2014). In the underlying case, the panel reported on post-accident records, rather than the objected to pre-accident record not in compliance with 79G, therefore **Petitioner was denied full appellate review.**

The single Justice SJC cited *State Board of Retirement et. al., v. Woodward*, 446 Mass. 698, 701, 703-704 (2006), briefly stating Petitioner did not meet three of the four elements without factual explanation. App.B.4a. The full SJC briefly affirmed with one paragraph without addressing the errors that were not reviewed on appeal. App.A.1a. See *Sheriff of Plymouth County v. Plymouth County Personnel Bd., et al.*, 440 Mass. 708, 710 (2004). The judgments in the lower court are plainly incorrect because they contradict the U.S Constitution, the MA Declaration of Rights, the federal law, and other state laws. The decisions are erroneous and circumvents the Constitution in place intended to protect injured parties, such as Petitioner. The court criminalized Petitioner's conduct that was lawful under HIPAA correction principle and minimum necessary provision. The judgments cannot stand because it deprives Petitioner and her children of their fundamental rights to a fair trial, a fair hearing, a right to be fully heard on the record, a right to be heard by an impartial court, a right to notice and a fundamental right to equal protection under the U.S Constitution for the wrongs against them. (App.G.28a-30a). The court of appeals created a travesty of justice because the judgments oppressed Petitioner and her children and does not reflect the issues presented in Petitioner's brief(s), reply brief(s), and appendices. Petitioner was deprived of her immunities and privileges under

the 14th Amendment and Mass. Declaration of Rights to be heard by a fair and impartial court. App.G.28a-79a. See online change.org Petition. Petitioner (and her children) will continue to suffer irreparable harm because the actions leading up to the judgments prevented them from exercising their constitutional right to seek damages for the harm and wrongs against them. App.G.28a-G.30a.

V. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests this Court to exercise its discretion and grant a writ of certiorari to review the judgments and records of Massachusetts Courts of Appeals and to grant an injunction or declaratory relief.

Respectfully submitted,

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