

No. 21-739

In the
Supreme Court of the United States

MANDEEP SINGH,

Petitioner,

v.

HAERIM WON AND MICROSOFT CORPORATION,
Respondents.

**On Petition for a Writ of Certiorari to the
Supreme Court of The State of Washington**

SUPPLEMENTAL BRIEF FOR PETITIONER

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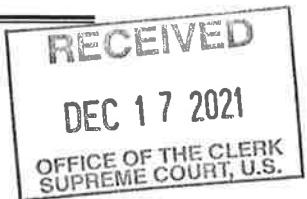


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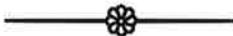
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SUPPLEMENTAL BRIEF TO PETITION FOR WRIT OF CERTIORARI

Mandeep Singh respectfully requests that supplemental brief to petition for writ of certiorari be granted under The U.S. Supreme Court Rule 15.8. The situation is similar to as if this supplemental brief is equivalent of petition for extraordinary writ pursuant to Rule 17.1 & Rule 20.1 of The U.S. Supreme Court or the writ of certiorari filed Nov 17th, 2021 itself is petition for extraordinary writ. It is at the discretion of The Court, to consider it as supplemental brief or petition for extraordinary writ. Singh refrains from filing additional writ (of mandamus) thus adding burden to The Court and cost.



OPINIONS BELOW

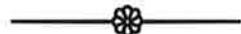
These opinions are already for review in petition for writ of certiorari:

1. KCDC denying reconsideration –
Case # 20CIV14926KCX
(CertPetAppB.p27a-p28a).
2. KCDC denying protection for Singh
Case # 20CIV14926KCX
(CertPetAppB.p24a-p26a).



JURISDICTION

Jurisdiction of The Supreme Court of The United States is invoked pursuant to appellate jurisdiction under 28 U.S. Code § 1257(a) and original jurisdiction under ARTICLE III of The Constitution.



CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. U.S. Constitution, ARTICLE III – Section 2

....between citizens of different states.

2. Rule 17.1

This Rule applies only to an action invoking the Court's original jurisdiction under Article III of the Constitution of the United States. A petition for an extraordinary writ in aid of the Court's appellate jurisdiction shall be filed as provided in Rule 20.

3. Rule 20.1

Issuance by the Court of an extraordinary writ authorized by 28 U.S.C. § 1651(a) is not a matter of right, but of discretion sparingly exercised. To justify the granting of any such writ, the petition must show that the writ will be in aid of the Court's appellate jurisdiction, that exceptional circumstances warrant the exercise of the Court's discretionary powers, and that adequate relief

cannot be obtained in any other form or from any other court.

4. H.R.7178-CHIPS for America Act 116th Congress (2019-2020)

5. Rooker-Feldman doctrine¹

The Rooker-Feldman doctrine, the court explained, includes three requirements: (1) “the party against whom the doctrine is invoked must have actually been a party to the prior state-court judgment or have been in privity with such a party”; (2) “the claim raised in the federal suit must have been actually raised or inextricably intertwined with the state-court judgment”; and (3) “the federal claim must not be parallel to the state-court claim.” 379 F. Supp. 2d, at 1124.

6. Negligence² (SupBriefAppA.p1a-3a):

a. Negligent conduct may consist of either an act, or an omission to act when there is a duty to do so. *See Restatement (Second) of Torts § 282 (1965).*

7. Intentional infliction of emotional distress³ (SupBriefAppB.p4a).

8. Revised Code of Washington 10.14 –
Harassment which includes coercion.
Civil Protection Order.

¹ From <https://www.law.cornell.edu/supct/html/05-555.ZPC.html>

² From <https://www.law.cornell.edu/wex/negligence>

³ From https://www.law.cornell.edu/wex/intentional_infliction_of_emotional_distress

Singh is unable to find federal law for civil protection orders other than mentioned in 18 U.S. Code § 2266(5)(A)-Definitions. Requesting The Court to please excuse Singh on this part, instead please apply RCW 10.14.010, 10.14.020 & 10.14.030 harassment & coercion law (CertPetAppF.p53a-p54a).

9. Defamation⁴ (SupBriefAppC.p5a):

Defamation is a statement that injures a third party's reputation. The tort of defamation includes both libel (written statements) and slander (spoken statements). Washington State's "RCW 4.36.120-Libel or slander" law can be referred for applicability (CertPetAppF.p57a).

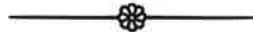
10. RCW 4.16.080(2)

Personal injury, negligence & rights statute of limitations can be referred for applicability of Statute of Limitations which is 3 years (CertPetAppF.p57a).

11. RCW 4.16.080(3)

Breach of verbal contract can be referred for applicability of Statute of Limitations which is 3 years (CertPetAppF.p57a).

⁴ From <https://www.law.cornell.edu/wex/defamation>



STATEMENT OF THE CASE

A. CLAIM:

Pursuant to *Rooker-Feldman doctrine*, the claim of:

1. Protection of Singh against Won.
2. Seeking damages due to:
 - a. Breach of verbal contract. Loss of Intellectual property & loss of professional contact.
 - b. Infliction of injury with Jan 27th, 2019 verbal abuse, defamation & harassment of Singh by Won.
 - c. Obtaining protection order through lies and using defamatory language.

are being brought up again. These claims were brought up in KCDC case number 20CIV14926KCX protection order petition which were denied as the judge never gave Singh chance to go over the notes he prepared and the judge relied on judgment from Won's protection order. Prior to 20CIV14926KCX hearing, these claims were also brought up in KCSC appeal. These claims are supported by substantial evidence brought up in KCDC 20CIV14926KCX petition itself.

The writ of certiorari filed Nov 17th, 2021 contains detailed statement of the case in which it is already proved:

1. Ms. Won intentionally did not send the scientific problem statements when Singh lost

them in Dec 2018. After having 40 minutes phone call, if Won did not want to send the problem statements she should have let Singh know instead of keeping him waiting and waiting. This is breach of verbal contract, negligence (SupBriefAppA.p1a) and coercion (intentional withhold of not to send scientific problem statements).

Won did not mention anything about this action (non-action) of not sending of scientific problem statements in her protection order petition in KCDC 205-00179 dated Jan 3rd, 2020. This non action itself from Dec 2018 & not mentioning about this non action in her petition both proves her guilt state of mind.

This gross negligence by Won created for Singh loss of professional relation with Won, extremely discouraged (Singh was really enthusiastic to solve the scientific problems) Singh to work on the scientific problems itself and also coerced Singh to follow up with Won for neutral situation. Singh's 10 second phone call to Won on Dec 24th, 2018 where Won mentioned she is going to call Singh back coerced Singh in additional follow up as she never called back.

Hand Formula (created by Judge Learned Hand in *United States v. Carroll Towing*).

2. Jan 27th, 2019 actions by Won are clearly harassment of Singh and it is not rebuff by Won. Having neutral situation is supported by Amendment I and Singh's text message to Won after she unblocked Singh is a simple

“Hey you unblocked me, Hope you are doing good.”, which is free & respectable speech, to which Won’s response is extremely defamatory & threatening. This caused Singh to run around his house and made Singh to call (that way they both are on same page) Won during that time itself, while Won was blocking & unblocking Singh to which Won continued on with her verbal abuse and never created neutral situation. These defamatory, harassing and threatening texts and exact situation have already been discussed in Cert Petition dated Nov 17th, 2021.

Creating extremely threatening environment & abusing Singh when Singh was simply wanting to have neutral & peaceful situation that way something best can come out of intellectual values is clearly harassment & stalking acts by Won and gross negligence. Intellectual values here refers to creating intellectual property related to auto placement & routing of semiconductor chip layout (research & development as supported by Chips for America Act 2019). Intellectual values also include possible future reference for job at Microsoft as many of Singh’s friends started relocating to Seattle around that time. Intellectual values also mean having peaceful situation between 2 individuals as a human being.

Won’s guilt state of mind is depicted when she did not include this verbal abuse (harassment) in her protection order petition.

This Jan 27th, 2019 harassment by Won caused extreme distress in Singh & his family amounting to suicidal thoughts in Singh and subsequent unwanted sequence of events in Singh's life of selling his dream home, leaving his dream job that way Singh can get over with the inflicted trauma.

There is negligence by Won, her friend Lee-ann Choi & Microsoft of not creating neutral peaceful situation even after Singh brought the matter back to Won on June 3rd, 2019 on his reason for contact. Leeann Choi also did not create neutral situation. Microsoft did not took any action when Won informed Microsoft. So all this resulted in extreme hostile environment for Singh where he is kept devoid of peaceful closure. In June 11-12th, 2019 text conversation Singh is clearly and peacefully asking Won that she should take her words back which she has used on Singh's family. Won intentionally did not took her words back to end the matter then & there, instead demanded Singh to get his wife & daughter to Seattle.

Not creating peaceful environment and keeping a person devoid of closure in and of itself is coercion & harassment as defined in RCW 10.14.010-030.

Hand Formula (created by Judge Learned Hand in *United States v. Carroll Towing*)

B. STATUTE OF LIMITATIONS:

As per civil protection orders Washington state law, there is no statute of limitations, the victim only

has to show present fear of harm. Singh's present fear of harm is that Won along with her friends can manipulate anyone against Singh. Won obtained protection order through lies & misrepresentation in the court of law and ventured on Singh's medical & emotional situation. Furthermore, the statute of limitations should still exist as the matter is pending under appellate jurisdiction and Singh did mention in the KCDC 205-00179 hearing dated Jan 17th, 2020 that Won has abused Singh (referring to Jan 27th, 2019 verbal abuse & harassment by Won.). Therefore, permanent protection order be granted to Singh & family against Won.

For breach of verbal contract of not sending scientific problem statements under RCW 4.16.080(3) the statute of limitations is 3 years and this claim is within the time limit.

For intentional infliction of emotional injury under RCW 4.16.080(2), the statute of limitations is 3 years and this claim is within the time limit.

Moreover, these claims were originally brought up in KCDC 20CIV14926KCX case and are re-claimed under ***Rooker-Feldman doctrine***. Therefore, statute of limitations should be applicable on the original claim. The statute of limitations was applicable back then and at present.



REASONS FOR GRANTING PETITION FOR WRIT OF CERTIORARI & CONSIDERING THIS SUPPLEMENTAL BRIEF

The primary reasons for filing this supplemental brief are:

1. Original jurisdiction of The U.S. Supreme Court is invoked under ARTICLE III as petitioner Singh and respondents Won & Microsoft are citizens of different states. For clarity, Amendment XI is not applicable in this situation.
2. To aid the writ of certiorari filed dated Nov 17th, 2021.
3. Exceptional circumstances warrant the exercise of The Court's discretionary powers, and that adequate relief cannot be obtained in any other form or from any other court.

The 8th question presented is important for our country's semiconductor technology. One of the exceptional circumstances is Microsoft to answer on if they should design their semiconductor chips using Intel's semiconductor technology after they have hired many Intel Engineers recently. By designing chips using Intel's technology it will be win-win situation for Microsoft, Intel & America. This decision will also bolster agenda for Chips for America Act 2019. The answer from Microsoft on this issue may not be obtained in any other court as this is national issue. Moreover, this is the right forum for our country to recognize this transition of

Intellectual Talent from Intel which has started working on foreign semiconductor technology. Singh respects the advancement of foreign semiconductor technology at business & technological level but its monopolization should call for some sanctions.

Additional exceptional circumstances warrant for The U.S. Supreme Court to exercise its discretionary power is that statute of limitations of 3 years will start to potentially expire in Dec 2021 which is no time left (at the time of filing this supplemental brief). If the claims are brought up in other courts there are high chances for Ms. Won & Microsoft to say that these claims has already been decided upon (Ms. Won mentioned this in Washington Supreme Court oral argument) & expired, and hence the claims requested are in aid of appellate jurisdiction of The U.S. Supreme Court which is the last resort for Singh and his family.

Moreover, as per Rooker-Feldman doctrine these claims are inextricably intertwined with the Washington state-court judgments which are sought to be reviewed under The U.S. Supreme Court's appellate jurisdiction through writ of certiorari filed Nov 17th, 2021.

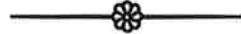
Furthermore, it is clearly demonstrated by Washington State courts that in this case "appeal has turned out to be inadequate remedy", even after Singh raising these claims in KCSC, CoA & Washington State Supreme Court through consolidation of cases which was denied. This matter should have been resolved in KCSC appeal itself when Won did not file any document in the appeal until 66 days late after deadline. Had KCDC judge in Jan 17th, 2020 hearing admitted additional evidence which Singh was wanting to submit, had KCSC read Singh's pleadings, considered the

evidence and granted the relief sought, Singh would have been back in corporate world to earn for his family after completion of his education. Therefore, such exceptional circumstances in this case warrant the exercise of The U.S. Supreme Court to use its jurisdictional power to grant the writ petition.

KCDC's judgment of "Singh is trying to perpetuate fraud upon court" is false. Singh must be acquitted from this judgment of KCDC by The U.S. Supreme Court. Singh was genuinely & intentionally harassed by Won as per RCW 10.14.010-030 and hence Singh should not be punished by KCDC on as if he is trying to perpetuate fraud just because he was unable to defend or verbally speak in court due to his medical condition & suffering from verbal abuse trauma inflicted by Won. All 3 prongs of Rooker-Feldman doctrine are applicable in this case which invokes original jurisdiction & appellate jurisdiction of The U.S. Supreme Court.

For these reasons, the petition for writ of certiorari should be granted.

In the event, if this petition is not granted then both matters (*Won v. Singh & Singh v. Won*) should be remanded back to KCSC for fresh new hearing after all orders from Washington state courts in this matter are vacated & rescinded. Statute of limitations should be extended to additional 10 years, from now, on the actions & non-actions by Won & Microsoft inflicted on Singh.



CONCLUSION

Mandeep Singh requests that the petition for writ of certiorari dated Nov 17th, 2021 be granted by The U.S. Supreme Court and relief sought requested in the CONCLUSION section of writ petition be granted to serve equitable justice to Singh and his family.

Additional request to The Court: Unless directed by The Court, no additional briefs or motions will be filed by Singh as the matter has been clearly explained by Singh. Evidence from 20CIV14926KCX petition can be transferred by KCDC if The U.S. Supreme Court deems appropriate. It is very expensive to print pleadings and very expensive to serve to Ms. Won & Microsoft, especially when Singh do not have contact email of Microsoft and just their head-quarter's address.

Respectfully submitted,

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APPENDIX A—NEGLIGENCE¹

Definition

A failure to behave with the level of care that someone of ordinary prudence would have exercised under the same circumstances. The behavior usually consists of actions, but can also consist of omissions when there is some duty to act (e.g., a duty to help victims of one's previous conduct).

Overview

Primary factors to consider in ascertaining whether the person's conduct lacks reasonable care are the foreseeable likelihood that the person's conduct will result in harm, the foreseeable severity of any harm that may ensue, and the burden of precautions to eliminate or reduce the risk of harm. *See Restatement (Third) of Torts: Liability for Physical Harm* § 3 (P.F.D. No. 1, 2005). Negligent conduct may consist of either an act, or an omission to act when there is a duty to do so. *See Restatement (Second) of Torts* § 282 (1965).

Four elements are required to establish a *prima facie* case of negligence:

1. the existence of a legal duty that the defendant owed to the plaintiff
2. defendant's breach of that duty
3. plaintiff's sufferance of an injury
4. proof that defendant's breach caused the injury (typically defined through proximate cause)

¹ From <https://www.law.cornell.edu/wex/negligence>

Determining a Breach

When determining how whether the defendant has breached a duty, courts will usually use the *Hand Formula* (created by Judge Learned Hand in *United States v. Carroll Towing*):

If $B < PL$, then there will be negligence liability for the party with the burden of taking precautions

B = burden of taking precautions

P = probability of loss

L = gravity of loss
(gravity of the personal loss, not social loss)

If the burden of taking such precautions is less than the probability of injury multiplied by the gravity of any resulting injury, then the party with the burden of taking precautions will have some amount of liability

Determining Whether There Was a Duty to Act

Typically, if the defendant had a duty to act, did not act (resulting in a breach), and that breach caused an injury, then the defendant's actions will be classified as misfeasance. There are several ways to determine whether the defendant had a duty to act (note: this is NOT an exhaustive list):

1. The defendant engaged in the creation of the risk which resulted in the plaintiff's harm
2. Voluntary undertaking: The defendant volunteered to protect the plaintiff from harm
3. Knowledge: The defendant knows/should know that his conduct will harm the plaintiff

SupBriefAppA.p3a

4. Business/voluntary relationships: ex: business owner and customer; innkeeper and guest; land possessor who opens her land to the public; person who voluntarily takes custody of another person

Determining Whether There Was an Injury

Typically in order to meet the injury element of the *prima facie* case, the injury must be one of two things:

1. bodily harm
2. harm to property (can be personal property or real property)

Pure economic loss will usually not meet the injury requirement. Sometimes emotional distress/harm may meet the bodily harm requirement (even if there is no accompanying physical harm).

APPENDIX B—INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS¹

Overview

The tort of Intentional Infliction of Emotional Distress (IIED) occurs when one acts abominably or outrageously with intent to cause another to suffer severe emotional distress, such as issuing the threat of future harm.

Prima Facie Case

- a. The defendant acts
- b. The defendant's conduct is outrageous
- c. The defendant acts for the purpose of causing the victim emotional distress so severe that it could be expected to adversely affect mental health
- d. The defendant's conduct causes such distress

¹ From https://www.law.cornell.edu/wex/intentional_infliction_of_emotional_distress

APPENDIX C—DEFAMATION¹

Overview

Defamation is a statement that injures a third party's reputation. The tort of defamation includes both libel (written statements) and slander (spoken statements).

Elements

To prove *prima facie* defamation, a plaintiff must show four things: 1) a false statement purporting to be fact; 2) publication or communication of that statement to a third person; 3) fault amounting to at least negligence; and 4) damages, or some harm caused to the person or entity who is the subject of the statement.

Burden of Proof to Show Fault

Most states assume that a speaker who defames another necessarily has the requisite guilty state of mind. In *Levinsky's, Inc. v. Wal-Mart Stores, Inc.*, 127 F.3d 122 (1st Cir. 1997), the court held that in Maine, all defamation claims need showing of fault, which requires the plaintiff to prove that the defendant was at least negligent.

¹ From <https://www.law.cornell.edu/wex/defamation>

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