

22-6381

No. _____

ORIGINAL

Supreme Court, U.S.
FILED

DEC 10 2022

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Theresa Young — PETITIONER
(Your Name)

Mary Seymour, vs.
Carlos del Torro - Secretary for the Navy, and
USA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Fourth Circuit Court of Appeals at Richmond, VA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Theresa Young
(Your Name)

P.O. Box 1450
(Address)

Frederick, MD 21702
(City, State, Zip Code)

662-313-0631
(Phone Number)

QUESTION(S) PRESENTED

1. Were the Plaintiff's Constitutional rights violated by the Defendants?
2. Did the Defendants' abuse their authority to unduly punish and/or retaliate against the Plaintiff?
3. Can a military official use unfounded libel and slander to abrogate the rights of an honorably discharged veteran's access to healthcare and liberty to base amenities?
4. Did the Defendant's actions against the Plaintiff constitute unlawful imprisonment?
5. Can any military official prevent the investigation of a punishment that it created without trial and evidence?
6. Can equal access to healthcare be criminalized by a government/military official? / Can a military official criminalize equity in healthcare access as part of a punishment?
7. Can a federal district court judge not grant the Plaintiff a jury trial when a jury demand was part of her complaint?
8. Can a district court judge alter/change the defendants in a case upon the request of the defendant without giving the Plaintiff 7-14 days to respond to the initial request?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

(See following pages)

RELATED CASES

- ❖ *Hosmane v. Seley-Radtke*, 227 Md. App. 11, 15, 132 A.3d 348, 351, 2016 Md. App. LEXIS 15

Harm can be categorized as but not limited to "A defamatory statement is one 'which tends to expose a person to public scorn, hatred, contempt or ridicule, thereby discouraging others in the community from having a good opinion of, or associating with, that person.' (*Hosmane v Seley-Radtke*, 227 Md. App. 11, 20-21 (2016)).

- ❖ *Christoffel v. United States*, 91 US App DC 241, 200 F2d 734 (DC Cir 1952).

"The right of an accused by appropriate means to obtain evidence material to his defense is essential to the administration of the criminal law. A subpoena duces tecum to one who has custody of the evidence is an appropriate means. If such evidence is under the control of a department of government charged with the administration of those laws for whose violation the accused has been indicted, and its production is refused, or it is excluded, the courts, having responsibility under the Constitution for the trial of criminal cases, have held a **conviction will not be permitted without the evidence**. *United States v Grayson*, 2d Cir, 1948, 166 F2d 863, 870; *United States v Andolschek*, 2 Cir, 1944, 142 F2d 503, 506, opinions by Judge Learned Hand. See, also, *Edwards v United States*, 1941, 312 US 473, 482, 61 S Ct 669, 85 L Ed 957. Like principles should apply with regard to evidence in the custody of the House of Representatives. While the privilege of the House must be respected it might give rise to occasions when it would be necessary to forego conviction of crime because evidence is withheld. There is no doubt some discretion, to be carefully exercised so as not to invade the constitutional right of an accused to compulsory process." (200 F2d at 738-39.)

- ❖ *Samuels v. Tschechtelin*, 135 Md. App. 483, 549-550 (2000).

Damages occur when a plaintiff can demonstrate actual malice, by clear and convincing evidence, even in the absence of proof of harm.

- ❖ *M&S Furniture v. De Bartolo Corp.*, 249 Md. 540, 544, (1968).

Additionally, a court may take judicial notice if conduct is so egregious and/or injurious in nature. In such an instance, damages are self-evident. **For example, a statement which falsely charges a person with the commission of a crime is a case in which the statement is so egregious and injurious in nature, damages are self-evident.**

- ❖ Gomez v. Toledo, 446 US 635, 638 (1980)(internal quotations omitted). "In *Gomez*, the United States Supreme Court determined that only two elements must be pled to properly assert a cause of action under 42 USC §1983.
 - First, the Plaintiff must specifically identify the constitutional right of which he or she was deprived. *Id.* at 640. The Plaintiff was deprived of a myriad of laws and amendments, with special emphasis upon the Fourth and Fifteenth Constitutional Amendment rights.
 - Second, the Plaintiff must assert that "*the person who deprived him of that federal right acted under color of state or territorial law.*" *Id.* Plaintiff has proven that the Defendant, Mary Seymour, acted under the color of state or "in other words, the individual who deprived the Plaintiff of the right must have been acting for or on behalf of a governmental entity at the time the right was denied. However, an agent of the government who is abusing his position or the power conferred upon him is still acting under the "color of law" and is thus subject to §1983 actions" *Monroe v Pape*, 365 US 167, 172 (1960). Procedurally, §1983 is a stand-alone action which does not require the exhaustion of all state claims before it may be brought.
- ❖ In "Porter v. Pipefitters Association Local Union 597, No. 12 C 9844, 2018 WL 3574757, (N.D. Ill. July 25, 2018), the defendant knew that its practices would result in *intentional discrimination*" as well as with the defendants who knew that the criminalization of the Plaintiff's healthcare IS intentional discrimination.
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TABLE OF AUTHORITIES CITED

CASES

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STATUTES AND RULES

1. **Article 46, UCMJ, 10 USC § 846** "Equal Opportunity to obtain evidence:" For two years, the Defendants have never produced not one piece of evidence to the Plaintiff.

In addition, when attempts for military investigations occurred, each was blocked. At the state level, at the time the case schedule stated that Defendants were to produce documents, she immediately had the case moved to federal court to evade prosecution.

2. **42 U.S.C. 2000e- 3(a)**
3. **CRRF 29 1614702 (k)**
4. **Title VII**

5. **Void for Vagueness Doctrine** - (the Defendants fail to provide the Plaintiff with dates, locations, people involved, etc. regarding the libel and slander it has distributed.)
6. Federal Rule **8:b6- Effect of Failing to Deny**. An allegation—other than one relating to the amount of damages—is admitted if a responsive pleading is required and the allegation is not denied. The defendants failed to defend and provide evidence to their statements and continued actions against the Plaintiff.
7. **42 USC §1983** “provides a cause of action for the **deprivation of any rights, privileges (ex: honorable veteran privilege to access base commissary, shoppette, and veterans' services located on the base)**, or immunities secured by the Constitution and laws by any person acting under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory.”

OTHER

Fifth Amendment violation - the right to a jury trial when you're charged with a crime, the right to a fair trial, etc.

Sixth Amendment violation - right to a public trial without unnecessary delay, the right to a lawyer, the right to an impartial jury, and the right to know who your accusers are and the nature of the charges and evidence against you.

Fourteenth Amendment violation - Right to due process

Brady v. Maryland, 373 U.S. 83 (1983). “The rule of Brady, for assurance of fair trials, is that each side is obliged ex mero motu to turn over any exculpatory evidence in its possession to the opposing party.” The Supreme Court of the United States held that suppression of evidence favorable to an accused upon request violated the Due Process Clause.

IX. OPINIONS BELOW

1. Appendix A: Fourth Circuit of Appeals decision of 12 September 2022 is unpublished.

X. JURISDICTION

1. All conditions precedent to jurisdiction under the Supreme Court of the United States have been complied with: case was decided upon by US Court of Appeals for the Fourth Circuit on 12 September 2022.
2. Plaintiff had 90 days to appeal to the Supreme Court for which she is within this timeframe at date and time of mailing as per Supreme Court filing procedures.

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

[] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

[] reported at _____; or,
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JURISDICTION

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 12 September 2022.

[] No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 29 Nov 22, and a copy of the order denying rehearing appears at Appendix Ap.30.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[] For cases from **state courts**:

The date on which the highest state court decided my case was 09/12/22. A copy of that decision appears at Appendix A.

A timely petition for rehearing was thereafter denied on the following date: 29 Nov 22, and a copy of the order denying rehearing appears at Appendix Ap.30.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- ❖ **Fifth Amendment violation** - the right to a jury trial when you're charged with a crime, the right to a fair trial, etc.
- ❖ **Sixth Amendment violation** - right to a public trial without unnecessary delay, the right to a lawyer, the right to an impartial jury, and the right to know who your accusers are and the nature of the charges and evidence against you.
- ❖ **Fourteenth Amendment violation** - Right to due process
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- ❖ 42 USC §1983 "provides a cause of action for the **deprivation of any rights, privileges (ex: honorable veteran privilege to access base commissary, shopette, and veterans' services located on the base), or immunities secured by the Constitution and laws by any person acting under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory.**"
- ❖ 42 U.S.C. 2000e- 3(a)
- ❖ Title VII
- ❖ 706 of Title VII, 42 U.S.C. 2000e-5 (f) (3)
- ❖ section 107 (a) of the Americans with Disabilities Act (hereafter "ADA"), 42 U.S.C. 12117, which incorporates by reference 706 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-5 and HIPAA.
- ❖ All Federal Rules of Civil Procedures

STATEMENT OF THE CASE

Synopsis:

Attempt to Redress	Result	No Evidence Presented by Defendants
Internal routes: CONIG, NAOIG, DODIG, Navy Yard, etc.	Blocked by Seymour	No evidence presented by defendants: claim dismissed Seymour responded by having the Navy Yard lawyers threaten Plaintiff with fines and incarceration for submitting a Motion to Compel.
Circuit Court of Maryland for Montgomery County	Defamation lawsuit timely filed and Defendant served.	A case schedule was created and when it was scheduled for the Defendant to submit proof, the case mysteriously and quickly was transferred to the US District Court at Greenbelt by a lawyer who was not on the docket to represent the Defendant.
US District Court at Greenbelt	To prevent any right to redress at the district court level, the case was immediately within 1 week reassigned from a Magistrate judge to a District Court judge.	No evidence was ever submitted. Each request the Defendant wanted, it received. Judge Chasanow swiftly reassigned the Defendants from Seymour to USA at the Defendant's request within 48 hours after the request was submitted preventing the Plaintiff from being able to issue a motion against it. Chasanow also removed the Plaintiff's filed request for a jury demand.

		Plaintiff filed an appeal of Chasanow's poor judgment and she relinquished the entire case to the Fourth Circuit because it was very complex.
US Court of Appeals for the Fourth Circuit		No evidence was ever presented by the Defense. The Defense never created a statement against the Plaintiff's appeal. It was dismissed <i>en banc</i> . No reasoning was ever provided as well as none of the Plaintiff's facets of rebuttal/appeal were ever provided with any answer/response.
Reconsideration of appeal		Denied by Fourth Circuit
Inquiry to Greenbelt ref case status		Denied demand to Greenbelt (district court) for processing
Supreme Court		Filed today

Answers to Questions Presented: (please see full case complaint on following pages)

Were the Plaintiff's Constitutional rights violated by the Defendants? **Yes. The Plaintiff was arbitrarily accused of an act(s) and punished without trial and redress through the military and judicial system.**

Did the Defendants' abuse their authority to unduly punish and/or retaliate against the Plaintiff? **Yes, the Defendants' abused their authority by violating the Plaintiff's Fourth, Fifth, and Sixth Amendment rights as well as veteran rights.**

Can a military official use unfounded libel and slander to abrogate the rights of an honorably discharged veteran's access to healthcare and liberty to base amenities? **There is no job that allows any employee to LIE and to do so maliciously (deny redress, refuse evidence, and block court processing) to evade accountability.**

Did the Defendant's actions against the Plaintiff constitute unlawful imprisonment? **Unlawful imprisonment is " depriving someone of freedom of movement" which can be**

done so with military/police guard. The Defendant's unfounded actions result in unlawful imprisonment.

Can any military official prevent the investigation of a punishment that it created without trial and evidence? **No.**

Can equal access to healthcare be criminalized by a government/military official? / Can a military official criminalize equity in healthcare access as part of a punishment? **No.**

9. Can a federal district court judge not grant the Plaintiff a jury trial when a jury demand was part of her complaint? **No: this is a legal ethics issue as well as Constitutional violation of the Sixth Amendment.**
10. Can a district court judge alter/change the defendants in a case upon the request of the defendant without giving the Plaintiff 7-14 days to respond to the initial request? **No: this is a legal ethics issue as well as Constitutional violation of the Fourth and Fifteenth Amendments: due process and fair trial.**

UNITED STATES OF AMERICA SUPREME COURT

At

WASHINGTON D.C.

Young, Theresa Petitioner/Plaintiff

Vs

DOCKET NUMBER:

Mary Seymour, Carlos Del Toro-Secretary of
Department of the Navy; USA, Defendant(s)

DATE: 9 December 2022

LIBEL, DEFAMATION AND SLANDER COMPLAINT

**TO THE HONORABLE JUDGES OF THE UNITED STATES OF AMERICA SUPREME
COURT**

I. JURISDICTION AND PARTIES

3. This suit is brought with jurisdiction under the Supreme Court of the United States.
4. All conditions precedent to jurisdiction under the Supreme Court of the United States have been complied with: case was decided upon by US Court of Appeals for the Fourth Circuit on 12 September 2022.
5. Plaintiff had 90 days to appeal to the Supreme Court for which she is within this timeframe at time of mailing as per Supreme Court filing procedures.
6. This suit is also brought and jurisdiction pursuant to Maryland state and common laws pertaining to libel, defamation and slander as well as section 107 (a) of the Americans with Disabilities Act (hereafter “ADA”), 42 U.S. C. 12117, which incorporates by reference 706 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-5 and HIPAA.
7. All conditions precedent to jurisdiction under 706 of Title VII, 42 U.S.C. 2000e-5 (f) (3), has been complied with.

8. All conditions precedent to jurisdiction under Maryland state law for defamation, slander, libel suits have been complied with.
9. A charge against Mary Seymour, Naval Base commander who oversees the Uniformed Services University of the Health Sciences which is an entity of the Department of Defense.
10. Appellant, Teresa Young, is a citizen of the United States and currently resides in Maryland.
11. All the discriminatory employment practices herein were committed within the state of Maryland.
12. The Defendant, Mary Seymour is a base commander at a federal entity of the United States' government with offices in Bethesda, Maryland and whose parent company's (DOD) principal place of business in Washington, D.C.
13. The DOD/USUHS is a *Federal agency* as defined in 5 U.S.C. 105.
14. Mary Seymour as a representative of the DOD/USUHS/Bethesda Naval Base is a "person" within the meaning of 101(7) of ADA, 42 U.S.C. 12111(7), and 701 of Title VII of the Civil Rights Act of 1964., 42 U.S.C. 2000e.
15. Mary Seymour is engaged in an industry that affects veteran health and military health education within the meaning of Section 101(7) of the ADA, 42 U.S.C. 12111(7), and Section 701 of the Civil Rights Act of 1964, 42 U.S. C. 2000e. 12111(7), and Section 702 of the Civil Rights act of 1964., 42 U.S.C. 2000e.
16. Under Mary Seymour's command, the DOD/USUHS/Naval Base Bethesda employs over 500 or more employees and is an "employer" within the meaning of Section 101(5)(A) of the ADA, 42 U.S.C.
17. The Secretary of the Navy- Carlos Del Toro is co-defendant in this case as he represents the entity, the US Navy-former 'employer' of Seymour for which her letter headers formerly bore in title.

18. Defendants knowingly interfered with and/or blocked investigations which are federal violations of 29 U.S.C.A. § 2615 and U.S. Constitution Amendments. 1, 5; 28 U.S.C.A. §§ 1331, 1349; 42 U.S.C.A. § 1983.
19. The Defendants knowingly subjected the Plaintiff to **implicit bias** rooted in Title VII discrimination. Studies reveal there is extensive implicit bias in healthcare against minorities, especially minority women (**Implicit Racial/Ethnic Bias Among Health Care Professionals and Its Influence on Health Care Outcomes: A Systematic Review**” By William J Hall et al.)
20. The Defendants knowingly, willfully, and with intentional malice obstructed the Plaintiff’s due process by issuing the defamatory and libelous statements (Exhibit A) well over 2 ½ months ‘after’ the Plaintiff’s exit to knowingly obstruct and prevent an internal EO investigation and the scheduling of a mediation. Exhibit A was issued at the very time that internal EO was attempting to schedule a mediation.
 - a. In like manner, this tactic was repeated by the Defendants at the very time that a mediation session was to occur that had been scheduled by the Circuit Court of Maryland at Rockville, the Defendants had the case transferred to federal court to prevent yet another mediation.

16. On February 3, 2022, the “The fourth of nine Navy officers who were headed to trial in a sprawling bribery scandal pleaded guilty Wednesday [February 2] in federal court in San Diego. Former Capt. Donald Hornbeck, 61, pleaded guilty to one count of bribery of a **public official**, a month ahead of the expected trial start date./...Hornbeck admitted to using his position to steer Navy business to Singapore-based contractor Leonard Glenn Francis, nicknamed “Fat Leonard.” In return, Hornbeck was bribed with extravagant dinners, luxury hotel stays and hedonistic parties with prostitutes, at a value of at least \$67,000, according to court records” (Los Angeles Times, “A fourth Navy officer pleads guilty in ‘Fat Leonard’ bribery scandal as trial nears” article).

1. Like Hornbeck, Seymour formerly possessed the rank of Captain in the Navy. However, as with this court case against Hornbeck, he pled guilty to ‘bribery of a **public official**’ because HE in his capacity was not a public official. Thus,

Seymour is not a public official and should not have the protections of a public official.

17. The multiple military branches also known as 'departments' include the Navy, Army, Space Force, Coast Guard, and Air Force. **Seymour was never the Secretary/head/official of any of these military branches. An official dictates 'branch-department-wide' documents and orders, Seymour did not have the official capacity to do such actions. Being a mere military officer or member of the Navy does not provide one with an 'official' capacity which is a capacity to make department-wide decisions. Seymour did not have the capacity to make Navy-department (worldwide) decisions.**

18. The military branches' overseer or parent company is the Department of Defense. The official of the Department of Defense is the Secretary of the Defense. **Mary Seymour has never obtained the rank and status of the Secretary of Defense.**

19. To work/decide 'on behalf' of the United States' government for the military, one's office/duty station must be located at the Pentagon-the head of military affairs for the United States government. **Mary Seymour did not work at the Pentagon.**

20. The military possesses hundreds of bases around the world. Each person on that base obtains directions from the Pentagon and/or politicians which influence military agenda. **Mary Seymour is not a politician nor has she ever worked at the Pentagon during the time of her libelous statements against the Plaintiff.**

21. In order to act as a public official with 18 USC201(a)(1) protections, Seymour had to have obtained the status of Secretary of the Navy/Defense. To further, to act as an official of a military department or branch, her decision had to have been on letterhead from the Pentagon. The libelous statements are not on letterhead from the Pentagon.

22. Seymour did not act on behalf of the United States when issuing her defamous statements, for in order to do so, her decision had to emanate from the White House. Her decision did not emanate from the White House nor the official entity of the Department of the Navy at the Pentagon with the Secretary of the Navy bearing signature.

➤ Seymour was one of the many employees of the Dept of the Navy but not an 'official' of the Department of the Navy (secretary of the Navy, asst. Secretary of the Navy, etc.).

Plaintiff did not work for the department of the Navy.

- The dept of the Navy does not supersede the Dept of defense. Thus, the Navy does not dictate what the Dept of Defense does, rather, the Dept of Defense tells the Navy what to do.
- Contained on many bases, especially those with the moniker 'joint-base,' it pertains to the fact that there are several different 'command' or 'employers' located upon it. Each 'command' has purview over its employees.
- The Plaintiff never worked for the 'command' of Seymour. The Plaintiff has never met Seymour. Seymour abused her authority to usurp the command of another entity over its employees.

23. The letterhead utilized in contacting the Plaintiff did not state Dept of the Navy nor Dept of Defense. It stated a military 'base' which is not the home company to the 'department' of the Navy nor Defense.

- a. As such, the defendant acted independently as no document emanating during time of Plaintiff's employment bearing the Defendant's moniker and place of employment were received by the Plaintiff nor any such accusations made 'during' time of Plaintiff employment.
- b. The Defendant- having had never worked with or met the Plaintiff took it upon herself to defame the Plaintiff with unfounded accusations that violated the Plaintiff's civil rights, constitutional rights to due process (Fifth and Fourteenth Amendments), as well as violated civilian and military laws.

24. The Defendants- penalized the plaintiff who was not an employee of their command.

25. The Defendant- penalized the plaintiff BEFORE any due process could be administered.

26. The Defendant-refuses to inform the Plaintiff of the who, what, when, where of any accusations made against her.

27. The Defendant- acted negligently and with malice in convicting the Plaintiff of offenses prior to both sides being reviewed; thus violating the plaintiff's due process and **Fifth and Fourteenth Amendment Rights.**

28. It is against one's due process rights to be accused of allegations for which one is never informed of when, what, where, and the evidence of it.

29. It is against one's Constitutional rights for anyone to cause *harm*, especially trauma to a person with trauma by ensuring that they are treated as a criminal if they ever seek healthcare there (**implicit bias**). This is disability discrimination and stigma due to disability elicited by Seymour upon the Plaintiff.

30. The defendant refused over more than 7 attempts to obtain proof of any and all proof of allegations made against the Plaintiff.

31. The Plaintiff was met with denials of investigations as well as threats from the personnel of the Defendant when inquiring through investigative channels for evidence and lifting of penalizations.

32. The Defendant's actions and restrictions remain in place although Seymour was forced to retire early.

33. The Defendant seeks for all but handcuffs to be placed on the plaintiff to attend a medical appointment, obtain low cost groceries at the commissary, and purchase veteran goods at the base shoppette. As a veteran, the Plaintiff has earned privilege to access these areas.

34. The Plaintiff was never accused of any crime during the time of her employment yet the Defendant seeks for her to be treated as a criminal.

35. The **Plaintiff has never**

- a. Worked in the same building as the Defendants
- b. Worked for the same entity-the Dept of the Navy of the Defendants
- c. Met the defendants
- d. Talked to the defendants.

II. STATEMENT OF THE FACT and ARGUMENT

In the New York state cases pertaining to former governor Andrew Cuomo versus numerous female assistants, the sexual harassment and sexual assault complaints against him were repeatedly reported and in return, these women were subjected to a lack of investigation, victimization of the victim, and ridicule often by another woman who worked closely with him, his secretary. This woman's name was Melissa DeRosa. Her job was to assist the governor in concealing his crimes against women while at the same time, protecting her job stability.

Mirroring the behavior of DeRosa is Mary Seymour. She sought to go along to get along to ensure her own job stability at the expense of the reputation as well as rights of female employees and female veterans. She thwarted investigations and remedial rights of females who made complaints against males in executive positions. On October 9, 2020, Mary Seymour made the decision to bar the Plaintiff from Naval Base Bethesda, MD. This complaint did not reach the Plaintiff until 21 October 2020. *Inter alia*, Seymour defamed, libeled, and slandered the Plaintiff in which Seymour stated, 'gestures to hit, threats,' etc. *The statement had been made with "actual malice," that is, with knowledge that the statement was false or with reckless disregard as to its truth or falsity. See 376 U.S. at 279; notes 90 to 104 and accompanying text infra.*

Repeated requests for the Defendant to compel were certified delivered to Seymour resulting in no evidence was produced. Such allegations were distributed to security staff with a picture of the Plaintiff. **Seymour's actions were so egregious that she literally copied word-for-word statements made by the Plaintiff in protected activity to human resource personnel and a former supervisor's supervisor of the actions of the supervisor who inflicted verbal and as well as physical violence against her.** The Plaintiff's distress ultimately culminated in the Plaintiff having to obtain a restraining order due to lack of intervention as well lack of reasonable

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accommodation from the assailant who threatened to hit her, threatened her verbally, unlawful imprisonment (blocking her from leaving her desk), etc. who had not only done this to her but in his 1 ½ year tenure at the job, as of August 2020, 3 other assistants had made the same and similar complaints for he had had 4 assistants, including the Plaintiff in only 1 ½ years of his time being employed by USUHS. All three former assistants quit their jobs after working under John Mark for 3 months because of lack of intervention by his leadership.

- ❖ This base barring went into effect October 2020, more than 2 months after the Plaintiff's last physical day of work at the base. She had made no contact with any of her former colleagues during this time unto the present day, yet, unto this day of Supreme Court filing the order is still in effect. The only activity that occurred in October 2020, was that internal EO had repeatedly attempted to contact John Mark (woman abuser and former supervisor) for investigation. In retaliation for the Plaintiff seeking EO investigation-a protected activity, the charges EO were to investigate, were turned around on the Plaintiff by Seymour. During the time of the Plaintiff's tenure at the base, no such allegations were ever presented to her on any occasion.

Malice and Intentional Infliction:

- As part of the order, Seymour seeks that the Plaintiff has a security guard with her at all times if she ever comes to the base (see attached).
- Seymour refuses to list any names, dates, etc. of the alleged allegations she SIGNED on and distributed throughout the base to security personnel and each entrance: VOID FOR VAGUENESS DOCTRINE (only a punishment was listed).
- Seymour refuses to state why it is that **the first appearance of such allegations occurred two months AFTER the Plaintiff was on base in -person.**
- Seymour refuses to state how she created the initial termination date of the base barring as it exceeds the six month timeframe for such orders and why she extended it further in March 2021, although the Plaintiff has never made any attempt to come to the base.

A. Retaliation and Harm

1. Title VII makes it an unlawful employment practice for an entity covered by the Act to discriminate against an individual "because she has opposed any practice made an unlawful employment practice by this subchapter, or because **she has made a charge**, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subchapter." 42 U.S.C. § 2000e-3(a). Teresa was retaliated against by the defendant for reporting retaliatory events against her through several protected channels including internal security, hr reports/complaints, as well as via civilian police restraining order which resulted in *inter alia* constant harassment, retaliation and punitive

actions, a hostile work environment, physical threats of violence, verbal harassment, lack of mentorship, and termination.

- a. Harm is defined in CRR§ 29 1614.702 (k) "The term issue of alleged discrimination means one of the following challenged agency actions affecting a term or condition of employment as listed on EEOC Standard Form 462 Appointment/hire; assignment of duties; awards; conversion to full time; disciplinary action/demotion; disciplinary action/reprimand; disciplinary action/suspension; disciplinary action/removal.
- b. The Seymour letter states that the base barring is for a duration of six months, however, six months from date of termination is Feb 26, 2021, not April 21, 2021.
- c. **A restraining order is only justified when an action occurred within the last 30 days of the date of the order.** There have been no incidents in the last 30 days with Teresa as of the date of the base barring: statute of limitations has therefore been exhausted internally as well as civilly by the defendant.

2. Email to human resources from Teresa Young: word for word 4 months later, Seymour uses the same words against her.

3. see Email from former supervisor **denying the Plaintiff the opportunity to be away from him as prescribed by security:** if she was a threat, he would have agreed to it.

CLAIMS FOR RELIEF

"Defamation of character falls into two categories: libel and slander. Libel is written, including signs or pictures, defamation." (Peoples-law.org: Thurgood Marshall Law Library).

The defamation encountered by the Plaintiff has established the legal defamation threshold due to the following:

1. That the defendant made a defamatory statement to a third person;
2. That the statement made was false by Seymour;
3. That the defendant (Seymour) is legally at fault in making the statement (see her signature on the base barring letter),

4. That the plaintiff thereby suffered harm (including being criminalized if she ever sought medical care there which included she must be accompanied with a security guard to receive medical care), and
5. Acted negligently in failing to ascertain them.

Harm can be categorized as but not limited to "A defamatory statement is one 'which tends to expose a person to public scorn, hatred, contempt or ridicule, thereby discouraging others in the community from having a good opinion of, or associating with, that person.' (*Hosmane v Seley-Radtke*, 227 Md. App. 11, 20-21 (2016). By enforcing a guard to accompany the Plaintiff, this act exposed the Plaintiff to public scorn and ridicule.

PRAYER FOR RELIEF

Petitioner respectfully prays the court to grant the following relief:

1. Order the removal of all base restrictions for the Plaintiff as they are unconstitutional and tenants constitute unlawful imprisonment;
2. Order Secretary of the Navy-Carlos del Torro (when one sues a federal govt entity, the secretary of it must be listed) as the proper co-defendant due to *respondeat superior*;
3. Sanction the District and Circuit judges for lack of due process and failure to abide by federal rules of civil procedures (not establishing a case schedule, denial of jury demand, rendering on motions but not allowing the Plaintiff time to enter a motion against it);
4. Sanction the Defendants for their intentional acts of slander, libel, and defamation; and
5. Order that the Petitioner is granted \$1 million in compensatory and punitive damages as well as for intentional infliction of emotional, mental duress, and mental distress.
 - a. Damages occur when a plaintiff can demonstrate actual malice, by clear and convincing evidence, even in the absence of proof of harm. *Samuels v. Tschechtelin*, 135 Md. App. 483, 549-550 (2000). Additionally, a court may take judicial notice if conduct is so egregious and/or injurious in nature. In such an instance, damages are self-evident. *M&S Furniture v. De Bartolo Corp.*, 249 Md. 540, 544, (1968). **For example, a statement which falsely charges a person with the commission of a crime is a case in which the statement is so egregious and injurious in nature, damages are self-evident.**

REASONS FOR GRANTING THE PETITION

-**Due process** for the Plaintiff has been violated at each level of redress that she has sought.

-During the time that the Defendants' case was with the Maryland Circuit Court at Rockville, the Defendants never entered a response to any complaint and motions in court that were served upon it via Sheriff and certified mail.

-The case was mysteriously transferred to the federal circuit by a lawyer who was never on the docket for the Defendant in Circuit Court. No lawyer for the Defendants ever issued a **Notice of Appearance** in federal court, as well. Any and all arguments by the Defense lack merit for he is not on any docket to represent the Defendants.

-the elements of slander, defamation, and libel have been satiated:

- a. That the defendant made a defamatory statement to a third person; communicated to each department and entity as well as security personnel
- b. That the defendant (Seymour) is legally at fault in making the statement (see her signature on the base barring letter),
- c. That the statement made was false by Seymour; it is unsubstantiated and unfounded
- d. That the plaintiff thereby suffered harm (including criminalization of medical care, lack of utilization of veteran earned liberties, lack of due process, etc.), and

e. The defendant Acted negligently in failing to ascertain them (failed to inform anyone of the alleged date, time, location, etc. of any of that which is alleged on Exhibit A.

Attempt to Redress	Result	No Evidence Presented by Defendants
Internal routes: CONIG, NAOIG, DODIG, Navy Yard, etc.	Blocked by Seymour	<p>No evidence presented by defendants: claim dismissed</p> <p>Seymour responded by having the Navy Yard lawyers threaten Plaintiff with fines and incarceration for submitting a Motion to Compel.</p>
Circuit Court of Maryland for Montgomery County	Defamation lawsuit timely filed and Defendant served.	A case schedule was created and when it was scheduled for the Defendant to submit proof, the case mysteriously and quickly was transferred to the US District Court at Greenbelt by a lawyer who was not on the docket to represent the Defendant.
US District Court at Greenbelt	<p>To prevent any right to redress at the district court level, the case was immediately within 1 week reassigned from a Magistrate judge to a District Court judge.</p>	<p>No evidence was ever submitted.</p> <p>Each request the Defendant wanted, it received.</p> <p>Judge Chasanow swiftly reassigned the Defendants from Seymour to USA at the Defendant's request within 48 hours after the request was submitted preventing the Plaintiff from being able to issue a motion against it.</p> <p>Chasanow also removed</p>

		the Plaintiff's filed request for a jury demand. Plaintiff filed an appeal of Chasanow's poor judgment and she relinquished the entire case to the Fourth Circuit because it was very complex.
US Court of Appeals for the Fourth Circuit		No evidence was ever presented by the Defense. The Defense never created a statement against the Plaintiff's appeal. It was dismissed <i>en banc</i>. No reasoning was ever provided as well as none of the Plaintiff's facets of rebuttal/appeal were ever provided with any answer/response.
Reconsideration of appeal		Denied by Fourth Circuit
Inquiry to Greenbelt ref case status		Denied remand to Greenbelt (district court) for processing
Supreme Court		Filed today

A. Case Joinder

The Fair Labor Standards Act defines the term “employer” broadly to “include any person acting directly or indirectly in the interest of an employer in relation to an employee.” 29 U.S.C. § 216(d); see also id. § 216(a) (defining “person” to include “an individual”). The Sixth Circuit has recognized that the definition of employer “contemplates there being several simultaneous employers who may be responsible for compliance with the Fair Labor Standards Act.” *Dole v. Elliott Travel & Tours, Inc.*, 942 F.2d 962, 965 (6th Cir. 1991) (citing *Falk v. Brennan*, 414 U.S. 190, 195 (1973)). Sixth Circuit caselaw has established that, “[t]o be classified as an employer, it is not required that a party have exclusive control of a corporation’s day-to-day functions.” *Id.* at 966. However, the party must have “‘operational control of significant aspects of the corporation’s day to day functions.’” *Id.* (quoting *Donovan v. Agnew*, 712 F.2d 1509, 1514 (1st

Cir. 1983)). Thus, in *United States Department of Labor v. Cole Enterprises, Inc.*, 62 F.3d 775 (6th Cir. 1995), the Sixth Circuit held that the individual defendant was an employer for the purpose of Fair Labor Standards Act liability where the record reflected that he was the president and co-owner of the corporate defendant, was engaged in running the business, was authorized to issue checks on the corporate accounts, had custody and control of the employment records, determined employment practices for the business, and was involved in scheduling, payroll, and the hiring of employees. *Id. at 778*. In *Fegley v. Higgins*, 19 F.3d 1126, 1131 (6th Cir. 1994), the Sixth Circuit held that the individual defendant was an employer for purposes of the law where he “was chief executive officer of [the corporate defendant], had a significant ownership interest in it, controlled significant functions of the business, and determined salaries and made hiring decisions.” *Id.* And the Sixth Circuit held in *Dole* that the individual defendant was an employer within the meaning of the FEDERAL LABOR STANDARDS ACT where he was “the chief corporate officer, had a significant ownership interest in the corporation, and had control over significant aspects of the corporation’s day-to-day functions, including determining employee salaries.” 942 F.2d at 966. “In deciding whether a party is an employer, ‘economic reality’ controls rather than common law concepts of agency,” and no single factor is dispositive. *Id. at 965* (citations omitted). Thus, the plurality of the term defendants is applicable to this case.

To further, the term “employer” as used in that context naturally and logically includes all individuals who are personally involved in the setting of employees’ wages and schedules and establishing business policy generally, and are therefore instrumental in “causing” the business to violate the Fair Labor Standards Act, EEOC regulations, and the American with Disabilities Act. *See Chao v. Hotel Oasis, Inc.*, 493 F.3d 26, 34 (1st Cir. 2007) (imposing liability on an individual corporate officer who was “principally in charge of directing employment practices, such as hiring and firing employees, requiring employees to attend meetings unpaid, and setting employees’ wages and schedules” and was therefore “instrumental in ‘causing’ the corporation to violate the federal laws and employee protections”).

According to the Supreme Court in *Edmonson v. Leesville Concrete Co., Inc.*, 500 U.S. 614 (1991), “Although the conduct of private parties lies beyond the Constitution’s scope in most instances, governmental authority may dominate an activity to such an extent that its participants

A handwritten signature consisting of the numbers '21' and a stylized flourish.

must be deemed to act with the authority of the government and, as a result, be subject to constitutional constraints."

B. *Respondeat Superior*

"A legal doctrine... that holds an employer or principal, legally responsible for the wrongful acts of an employee or agent, if such acts occur within the scope of the employment or agency. Typically when *respondeat superior* is invoked, a plaintiff will look to hold both the employer and the employee liable. As such, a court will generally look to the doctrine of joint and several liability when assigning damages" (Cornell Law Legal Information Institute).

1. Mary Seymour's former employer is the Dept of the Navy. Thus, due to *Respondeat Superior*, the Dept of the Navy with the Secretary of the Navy-Carlos del Torro, not the United States of America are the rightful co-defendants in this case.
2. When suing a federal agency, the secretary and/or leader of that organization is listed along with that organization as per customary procedures.
3. The opposing party has no right as there is no federal rule of civil procedure that allows an opposing party to change, suggest as well as to inform the judge of whom it wants as case defendants for a case that it did not file. Only the filing party can designate parties to a case.

B. Official Capacity: The Defendants seek to cite a regulation that allegedly protects the Defendant due to her former, short-lived position of 'captain' to be able to do whatever she wanted to do because she held that title. However, even the President of the United States cannot

do whatever he wants to do against whomever he wants. Thus, such entitlement that the Defendants' allege is misconstrued.

1. The Plaintiff is entitled to *substantive due process*. It is not rational that any person in any capacity has the right to remove anyone's constitutional rights.
2. The Defendants fail to cite anywhere in any law/regulation that gives anyone in any capacity to violate another's due process as set forth by the Fifth and Fourteenth Amendments.
3. **The Defendants** fail to cite in any regulation that allows a 'captain' to make **UNFOUNDED AND UNSUBSTANTIATED** libelous, slanderous, and defamatory statements against anyone, abusing one's position's capacity authority. There is no immunity for abuse of authority in one's position. See Hornbeck case below #B4.
4. Mary Seymour abused her authority in her former position (like that of Donald Hornbeck who shared the same rank and character as Seymour. Hornbeck performed egregious acts while 'in the capacity' of a captain BUT was not allowed to get away with it.)

On February 3, 2022, the "The fourth of nine Navy officers who were headed to trial in a sprawling bribery scandal pleaded guilty Wednesday [February 2] in federal court in San Diego. Former Capt. Donald Hornbeck, 61, pleaded guilty to one count of bribery of a public official, a month ahead of the expected trial start date. ... Hornbeck admitted to using his position to steer Navy business to Singapore-based contractor Leonard Glenn Francis, nicknamed "Fat Leonard." In return, Hornbeck was bribed with extravagant dinners, luxury hotel stays and hedonistic parties with prostitutes, at a value of at least \$67,000, according to court records" (Los Angeles Times, "A fourth Navy officer pleads guilty in 'Fat Leonard' bribery scandal as trial nears" article).

C. Amount of Damages : The Plaintiff has a right to state in her complaint as well as amended complaint the amount of damages to compensate for the harm caused by the intentional malice of the Defendants. These actions were so malicious that even when asked over 1 and ½ years to

provide proof of allegations, the Defendant failed to do so and these unsubstantiated, unfounded actions are still in effect today which make them more malicious, intentional, and harming against the Plaintiff. In a professionally ‘managed’ case, during the formal application of Federal Rule 26f, due process occurs in which time for submission of any ledger needed is provided. In addition, at this case stage, the Federal Rules of Civil Procedure require that a plaintiff provide “‘a short and plain statement of the claim’ that will give the defendant fair notice of what the plaintiff’s claim is and the grounds upon which it rests.” *Conley v. Gibson*, 355 U.S. 41, 47 (1957) (quoting Fed. R. Civ. P. 8(a)(2)).

1. Damages occur when a plaintiff can demonstrate actual malice, by clear and convincing evidence, even in the absence of proof of harm. *Samuels v. Tschechtelin*, 135 Md. App. 483, 549-550 (2000). Additionally, a court may take judicial notice if conduct is so egregious and/or injurious in nature. In such an instance, damages are self-evident. *M&S Furniture v. De Bartolo Corp.*, 249 Md. 540, 544, (1968).
2. United States law allows an individual who believes that his or her constitutional rights have been violated to bring a civil action against the government to recover the damages sustained as a result of that violation. Specifically, 42 USC §1983 “provides a cause of action for the **deprivation of any rights, privileges (ex: honorable veteran privilege to access base commissary, shopette, and veterans’ services located on the base), or immunities secured by the Constitution and laws by any person acting under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory.”** *Gomez v Toledo*, 446 US 635, 638 (1980)(internal quotations omitted).

D. The statements created by the Defendant in Exhibit A are frivolous and unfounded.

1. **void-for-vagueness doctrine** - the requirement that a law imposing *a criminal penalty* *must be invalidated* if it does not fairly inform a person of what is commanded or prohibited, any laws civilian and/or military violated, date and location of allegation
2. The Defendants' libelous, slanderous, and defamatory statements are void for vagueness as no law is stated to substantiate the punishment nor constitutional due process prior to punishment. Who, what, when, where, etc. elements are void and vague in the defendants' allegations against the Plaintiff.

E. Remanding: The Plaintiff submitted a request to have this case remanded to the Maryland Circuit Court at Rockville for which the Plaintiff is in disagreement with each facet of an illegible response contained by the 2 year DOJ attorney doing a favor for the Defendant in doc #40. This case is sufficient to be remanded to the Maryland Circuit Court at Rockville and would have there had the court not had a schedule for which it was the date and time for the Defendant to provide proof of her allegations made in Exhibit A. When a person evades questioning of their actions and fail to substantiate their allegations, it is because he/she is lying. Mary Seymour lied against the Plaintiff and knowingly did so as demonstrated in 2 years of evading the furnishing of proof of her actions.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "ZY".

Date: 9 Dec 2022