22-972

No. 23-____

In the Supreme Court of the United States

JACQUELINE A. WATKINS,

Petitioner,

v.

CITY OF CHICAGO,

Respondents.

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Seventh Circuit

PETITION FOR A WRIT OF CERTIORARI

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April 3, 2023

QUESTIONS PRESENTED

1. Whether, considering the "cat's paw" employment theory in what circumstances, an employer can be liable for racial and sex discrimination in violation of Title VII of the Civil Rights Act of 1964, *42 U.S.C. 2000e* et seq., based on the alleged bias of a supervisor, where the supervisor did not take the adverse employment action himself but is alleged to have caused that action.

2. Whether the Title VII's retaliation provision and similarly worded statues intertwined with the 'blue code of silence" require a plaintiff to prove but-for-causation (i.e., that an employer would not have taken an adverse employment action but for improper motive), or instead require only proof that the employer had a mixed motive (i.e., that an improper motive was one of multiple reasons for the employment action).

3. Whether an employer refusal to open plaintiff complaints of discrimination, pretext, and file an EEOC discrimination complaint against biased supervisor was abuse of discretion, Federal Rules of Civil Procedures, Bill of Rights, and violated plaintiff remedial purposes of Title VII protections that severely limited plaintiff procedural due process, constitutional rights, and denial of trial to be heard among a jury of plaintiff peers.

4. Whether stray remarks can be used to prove causation to an adverse employment action under Title VII claims.

PARTIES TO THE PROCEEDINGS

Petitioner

- Jacqueline A. Watkins

Respondents

- City of Chicago
- Sergeant Francis Higgins
- Internal Affairs Division (IAD) Sergeant Kane
- IAD Chief Juan Rivera
- Superintendent of Police McCarthy

LIST OF PROCEEDINGS

U.S. District Court for the Northern District of Illinois
Eastern Division
No. 17-02028
Jacquelin A. Watkins v. City of Chicago
Memorandum Opinion and Order: June 5, 2018
Final Judgment: March 26, 2020

U.S. Court of Appeals for the Seventh Circuit
No. 20-1750
Jacqueline A. Watkins v. City of Chicago
Final Judgment: January 11, 2023

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PETITION FOR WRIT OF CERTIORARI

Jacqueline A. Watkins respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Seventh Circuit, entered in this case on January 11, 2023.

OPINIONS BELOW

The January 11, 2023, opinion of the United States Court of Appeals for the Seventh Circuit (Petition Appendix ("APP") at (1a-12a) for which review is sought is cited as *Jacqueline A. Watkins v. City of Chicago.,* No. 20-1750 and it is included in the appendix.

The March 26, 2020 opinion and order of summary judgment for the Northern District of Illinois, Eastern Division, No. 17-cv-2028; included in the appendix at (13a-53a).

The June 5, 2018 memorandum opinion and order for the Northern District of Illinois, Eastern Division, No. 17-cv-2028; included in the appendix at (54a-79a).

JURISDICTION

The final Judgment of the court of appeals was entered on January 11, 2023. (App. 1a-12a). This Court has jurisdiction under *28 U.S.C. § 1254(1).*

STATUTORY PROVISIONS INVOLVED

Section 706 of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a)(1) provides:

> It shall be an unlawful employment practice for an employer—
>
> (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin;

Section 706 of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5(b) states in pertinent part:

> Whenever a charge is filed by or on behalf of a person claiming to be aggrieved, or by a member of the Commission, alleging that, an employment agency employer, employment agency, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, has engaged in an unlawful employment practice, the Commission shall serve a notice of the charge (including the date, place and circumstances of the alleged unlawful employment practice) on such employer, employment agency, labor organization, or joint labor-management committee

> (hereinafter referred to as the "respondent") within ten days, and shall make an investigation thereof. Charges shall be in writing under oath or affirmation and shall contain such information and be in such form as the Commission requires. Charges shall not be made public by the Commission. If the Commission determines after such investigation that there is not reasonable cause to believe that the charge is true, it shall dismiss the charge and promptly notify the person claiming to be aggrieved and the respondent of its action.

Section 706 of Title VII of the Civil Rights Act of 1964, § 7, 42 U.S.C. § 2000e-3(a) states in pertinent part:

> It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency, joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he has opposed any practice made an unlawful employment practice by this subchapter, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subchapter.

STATEMENT OF THE CASE

A. Introduction

This case arises out of Watkins' wrongful suspension stemmed from 'blue code of silence," pretext, untimely, discriminatory, and retaliatory claim under Title VII of the Civil Rights Act of 1964. Petitioner Watkins is an African American female hired by the respondent City of Chicago Police Department as a full-time Patrol Officer on July 12, 1999. Petitioner had an unblemished work record until she was charged by her immediate supervisor with an egregious and pretext CR (complaint register) at that time, Sergeant Francis Higgins, for her and her partner's alleged "failure to respond to a burglary in progress" call. A CR is a way of initiating discipline within the Chicago Police Department. Plaintiff received a Complaint Register ("CR") #1019842; initiated by her supervisor Sgt. Higgins on September 8, 2008 which was not served upon her until September 25, 2008. A sustained CR can lead to serious disciplinary action, including suspension, denial of promotion, denial of transfer, and possible termination. (App. 55-56a).

Respondents' General orders state that a supervising officer provide immediate admonishment of an offending officer and provide the officer notice of the rule violated, this did not happen here. (App. 23a). Petitioner immediately protested this discriminatory and false CR assignment with respondent, but the respondent Internal Affairs Department ("IAD") took until 2010, two (2) years from the CR creation to even

commence its investigation. During this period of investigation Sgt. Higgins was allowed to retire with an open CR and assume another position with the respondent, without any accountability. (R. 90-5 p.23-24) & (App. 24a).

In 2010, the charge was also inexplicably changed by the IAD Sergeant Kane to "Failure to properly respond to a burglary in process." Four (4) years after that in 2014, the charge by IAD Investigator Sergeant Kane was changed to "Inattentive to Duty." Despite Plaintiff's repeated requests, Defendant refused to explain the changes to Watkins' charges. Typically, an "Inattentive to Duty" charge is considered a less serious transgression resulting in a verbal reprimand or written warning, not meriting the more serious CR determination and a permanent "Stain" on an Officers' record. It is also the policy of respondent to utilize Progressive Discipline. With no prior disciplinary action, petitioner was taken to the most severe level of discipline. Petitioner complaints about the inaccuracy of this charge were delayed for an unreasonable six (6) years creating statute of limitation issues for Watkins that she had no power to control.

The "clear-cut disciplinary issue" occurred when Plaintiff was suspended six (6) years later on March 11, 2014. The Binding Arbitration Award of George T. Rousell, Jr. on December 15, 2015 declared "Her [Petitioner] record should reflect that the allegation was Not Sustained..." (App. 64a). Watkins was frequently denied requests for promotional opportunities and stuck in entry level patrol, despite at that time having 21 years of experience with

respondent, meeting job requirements, two master's degrees, several credit hours toward a PhD an unblemished disciplinary record, with the exception of this CR. There is material evidence in the *O'Sullivan vs. City of Chicago* in which Lieutenant Lilly Crump-Hales testified that "CR records were reviewed in connection with promotions." It is proven with material evidence that the CR created a "stigma" and damaged Plaintiff's career in *O'Sullivan vs. City of Chicago* in that the jury "did-properly conclude that CRs were significant and were an actionable form of retaliation, the inevitable and intended of which was to harm the plaintiffs." Here, it was proven suspension without pay satisfied the materially adverse employment action test. It was also found that "CRs" destroyed any chances for promotion, regardless of the good faith of the Board." The jury was entitled to conclude that the CRs were pretextual and retaliatory. It was also proven that Supervisors did not lake out CRs against officers unless the event was egregious, or they intended to harass or "get" the officer. *O'Sullivan v. City of Chicago, 01 C 9856 (N.D. Ill. 2007).*

The negative impact of a CR on a Chicago police officer's career has also been clearly articulated by the Northern District Court in the matter of *City O'Sullivan v of Chicago, 474 F. Supp. 2d 971 (2007).* The lack of a fair and timely investigation of what turned out to be a false CR has caused tremendous emotional, financial and career harm to Watkins. (App. 53a). As known to respondent, as a matter of respondent (City of Chicago Police Department) this CR was ordered expunged and the respondent failed to comply with its own policy, thereby causing

continuous harm to Watkins. (App. 57-58a). Former Chief of Internal Affairs Division Juan Rivera informed then Superintendent McCarthy that there had been a finding that the CR was Sustained, which caused Petitioner to be suspended by the Superintendent on March 11, 2014. (R. 25 p.1-5) & (App. 5a).

B. Legal Background

Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment based on race, sex, religion, or other impermissible grounds. See *42 U.S.C. § 2000e-2(a).*

Title VII is designed to protect employees who in good faith oppose workplace discrimination and harassment. The statute includes an anti-retaliation provision, which is designed to prevent employers from taking steps to harm employees who have filed complaints for workplace discrimination and harassment. See *§ 2000e-3(a).*

Title VII retaliation provision unequivocally provides the employee with the unfettered right to complain without retribution. See *§ 2000e-3(a).* The present case raises the seminal question when an employer seeks to justify a suspension decision. Retaliatory pretext under Title VII exists and is necessarily a fact question for the jury of the court to determine.

Pursuant to Title VII, an aggrieved employee first files a "charge" with the Equal Employment Opportunity Commission ("EEOC"). See *42 U.S.C. § 2000e5(b).* In general terms, the EEOC notifies the employer, investigates the charge, and may seek to

conciliate the dispute. After the EEOC has an opportunity to investigate, and if an attempt at conciliation fails, either the government or the charging party may file "a civil action." Id.; see generally, e.g., *Ft. Bend Cnty. v. Davis*, 139 S.Ct. 1843, 1846-47 (2019) (describing EEOC process). Documents filed by an employee that seek to describe Title VII claims with the EEOC should be construed in a manner that protects the employee's rights to the statutory remedies. *Federal Express Corp. v. Holowecki*, 552 U.S. 389, 406 (2008).

C. Procedural History

The District Court erred in granting summary judgment to the City of Chicago, concluding that Watkins had not offered evidence that would allow a reasonable jury to find discriminatory or retaliatory motives. (App. 2a).

Watkins indeed presented adequate evidence that she endured discrimination by Sgt. Higgins discriminatory stray remarks that lead to his implicit bias to obtain the pretext CR. The CR was proven pretext/not-sustained by the chain of command and arbitration investigation. The chain of command and arbitrator all documented the CR pretext with provided evidence after listening to the dispatch audio tape that revealed documented pretext and inconsistencies by IAD Sgt. Kane. Thus, by the fact Kane weighed heavily on the audio tape to investigate and determine to suspend Watkins. (App. 2a). It is proven that Watkins due process rights shall be honored with opportunity to present her case with a jury trial that the audio tape may be heard to determine pretext and prove that Watkins did not

violate any rules or policies and her discrimination case is intertwined with the "code of silence." (App. 25a).

Watkins appealed to the Seventh Circuit, asking it to reverse the District Court's granting of summary judgment on the question of discrimination, retaliation, and cat's paw theory.

Thereafter, the Seventh Circuit denied Watkins cat's paw theory, discrimination, and retaliation charge affirming the District Court summary judgment violating her due process to be heard in trial on January 11, 2023. (App.1a-12a.)

REASONS FOR GRANTING THE PETITION

Watkins respectfully submits (4) four reasons why the Supreme Court should grant this petition for writ of certiorari and review the Seventh Circuit's decision. According to *Manzera v. Frugoli* plaintiffs must establish that their constitutional injury was caused by (1) an official policy adopted and promulgated by its officers; (2) a governmental practice or custom that, although not officially authorized, is widespread and well-settled; or (3) an official with final policy-making authority. *Monell, 436 U.S. at 690*; see also *Valentino v. Vill. of S. Chi. Heights, 575 F.3d 664, 674* (7th Cir. 2009). The Plaintiffs bring their claim under the second option by alleging facts creating the inference that the City has well-settled, widespread policies of (1) concealing officer misconduct; (2) investigating complaints against off-duty officers differently from complaints against other citizens; (3) failing to enforce its own

rules; (4) failing to monitor its officers; and (5) creating an environment of a "code of silence" regarding officer misconduct. More than mere allegations are necessary, however. To demonstrate that the City is liable for these harmful policies, the Plaintiffs must show that the City was "deliberately indifferent as to [the] known or obvious consequences." *Gable v. City of Chicago, 296 F.3d 531, 537* (7th Cir. 2002). The Plaintiffs must show that the City was aware of the risk created by the policies and failed to take appropriate steps to prevent that risk. *Manzera v. Frugoli*, Case No. 13 C 5626 (N.D. Ill. Mar. 31, 2017). Though, Watkins is a not a civilian and was on-duty when Sgt. Higgins obtained the false and discriminatory CR, her case still comfortably fit the *Monell* claim.

Before Equal Employment Opportunity Laws were enacted; blacks and women remained relegated to low-paying, unskilled jobs that promised little if any advancement. Even if blacks and women qualified for a better job, they were often passed over in favor of white male employees. Here, in this case it is evident that Sgt. Higgins' intent was to impede on Watkins' promotional opportunities by obtaining a false (pretext) CR. The obtainment of a CR is an adverse action leading to a severe adverse action upon suspension. The City of Chicago failed to uphold the purpose of Title VII to make persons (Watkins) whole for the injuries suffered on account of unlawful employment discrimination. It is proven that the City of Chicago knew that the egregious CR was pretext

and discriminatory in that on March 21, 2019 a settlement conference was held. (R. 71). Thus, at the settlement conference the City of Chicago refused to "make Watkins whole" thereby refusing to expunge the false CR off Watkins record and causing her to unjustly have to pay the City of Chicago legal fees. (R. 161 & 162).

The City of Chicago refuse to accept accountability and continue to perpetuate the "blue code of silence" to shield Sgt. Higgins from accountability at the expense to continue harm and discriminate against Watkins. Thus, it should be noted to the Supreme Court that Watkins' partner Harriet White also a female black was fearful initially to speak up and complain of the discrimination that caused only Watkins' CR to be reversed, as White CR still sits on her record sustained and never restored her loss of pay. Officer White corroborated discrimination but not as persistent as Watkins. However, Officer White-Davis deposition shortly before her retirement from CPD gave a thorough in-depth deposition of the discrimination and "code of silence" perpetuated by Sgt. Higgins and CPD. (App. 23) & (R. 90-5, Ex.4). It is unfortunate that the City of Chicago only reversed Watkins CR and left officer White CR sustained, cross referenced.

I. CONFLICT OF CIRCUITS INTERPRETING AND APPLYING THE CAT'S PAW THEORY CAUSATION UNDER TITLE VII OF THE 1964 CIVIL RIGHTS ACT.

The first, question that need to be settled by the Supreme Court is presented here concerning the Seventh Circuit's "cat's paw" theory. The "cat's paw" theory intertwined with the "blue code of silence" makes sense here as Judge Chang explained that Plaintiff could prevail if she shows that a biased supervisor (so, either Kane or Rivera or both) exerted influence over McCarthy's decision. *Rozskowiak v. Vill. of Arlington Heights, 415 F.3d 608, 613 (7th Cir. 2005). (R. 120 p.32).* Cat's paw liability can "be imposed on an employer where the plaintiff can show that an employee with discriminatory animus provided factual information or other input that may have affected the adverse employment action." *Smith v. Bray*, 681 F.3d 888, 897 (7th Cir. 2012) (cleaned up). Under this theory, "if a supervisor performs an act motivated by a discriminatory or retaliatory animus that is intended by the supervisor to cause an adverse employment action, and if that act is a proximate cause of the ultimate employment action, then the employer is liable." *Hicks v. Forest Preserve Dist., 677 F.3d 781, 790* (7th Cir. 2012) (cleaned up). A supervisor's discrimination may be the proximate cause of an employment decision "where the party nominally responsible for a decision is, by virtue of [his] role in the [department], totally dependent on another employee to supply the information on which to base that decision." *Brewer v. Bd. of Trs. of Univ. of Ill., 479 F.3d 908, 918* (7th Cir. 2007) & (App. 48a).

Sergeant Higgins and Sergeant Kane documented lies (the polite term is "pretext"). IAD Sgt. Kane and Chief Rivera convoluted a pretext

narrative that Watkins initially "did not respond to a burglary in progress" and (2) years later changed the allegation to "failed to properly respond." Watkins immediately provided evidence that Sgt. Higgins obtained the CR with animus and that she immediately responded to the burglary in progress upon request. It should be noted that Sgt. Higgins admitted Watkins immediately responded upon his request. (R. 90-12 p.7). It is proven that Sgt. Kane falsified in her investigation that Watkins (beat 2222) was initially assigned to the job when another beat and midnight watch (2221) was assigned the job. (App. 26a). Plaintiff's vehicle was under a quarter tank of gas and it is against policy and regulations to turn a vehicle in under a quarter of tank according to CPD directive titled Vehicle Consumable U02-01-04. Though, Watkins was enroute for gas she immediately made a U-turn and responded upon Sgt. Higgins "hostile" demand and simply got gas after assisting Sgt. Higgins and the assigned beat 2221, which caused her to check off late. (App. 21a), (R. 103-3 p.43) & (R. 90-4 p.33-43, 56).

It should be noted that the "burglary in progress" call was closed and coded 19P; which means (other service), no crime occurred, or paperwork was needed. It is proven the CR is pretext with animus by the fact on December 15, 2015; the arbitrator reversed the "sustained" CR to "not-sustained." IAD Sergeant Kane was the catalyst to initiate the practice of the "blue code of silence" to shield Sgt. Higgins from culpability. It is further proven that Sgt. Kane initiated and maintained "blue code of silence" or animus against Watkins in that the Command Review consisting of three high ranking African American chiefs all investigated the CR and found inconsistencies and no

violations by Watkins in Sgt, Kane investigation. (App. 27a). IAD Investigator Kane documented lies by stating "there was a delay in the Officers answering the radio, as Plaintiff answered up immediately" indicated by the Command Review. Kane also falsely documented that the "burglary in progress" was assigned to Watkins' beat 2222 when the job was assigned to a different midnight watch beat 2221; as Watkins shift was near the end. Though, Watkins was not initially assigned the burglary in progress, Watkins (Beat 2222) responded immediately upon Sgt. Higgins "hostile" command and orders. (App. 16a). These documented inconsistencies by Kane need to be challenged in trial court; as the audio dispatch tape will reveal truth. (R. 90-11 p.31).

It is further clearly evident that Plaintiff did not violate any rule or directive as proven by the Arbitration ruling of "Not-Sustained." The court should take notice that Judge Chang verified and noted facts and evidence that Officer "White mostly corroborated Watkins's version of events from the night of the burglary call." (R. 120 p.10) & (App. 24a). Plaintiff clearly proven reliable as her record indicate that she has never been suspended for such egregious act. *Hitchcock v. Angel Corps, Inc., 718 F.3d 733, 738 (7th Cir.2013)* ("shifting explanations" for an adverse employment action may give rise to an inference of pretext); *Ondricko v. MGM Grand Detroit, LLC, 689 F.3d 642, 651 (6th Cir.2012)* (jury could reasonably disbelieve an employer's explanation for a decision inconsistent with the employer's prior conduct); *Vaughn v. Woodforest Bank, 665 F.3d 632, 638–40 (5th Cir.2011)* (an employee can create a litigable

issue by submitting evidence that disputes the employer's charge of "unsatisfactory conduct"); *Holcomb v. Iona College, 521 F.3d 130, 141–44 (2d Cir.2008)* (a reasonable jury could choose among several possible motives when weighing evidence for and against alleged discrimination). Judge Chang himself noted lies/pretext by indicating the Command Review also recommended changing the CR finding from "sustained to not-sustained" and questioning "why the interview investigation took place nearly a year and a half after the complaints were assigned to Sergeant Kane."(R.120 p.8 & 12). This is emphasizing his belief that a reasonable jury could conclude that Plaintiff was indeed discriminated against due to her sex and race and retaliated against for complaining of discrimination. These are factual issues for a jury to resolve. (App. 26a).

The City was not able to provide a legitimate, nondiscriminatory reason for the adverse action. *Coleman v. Donahue, 667 F.3d 835, 845* (7th Cir. 2012). Watkins presented evidence that the stated reason is a pretext, which in turn permits an inference of unlawful discrimination." Id. (cleaned up). Alternatively, even if Watkins cannot establish a prima facie case, she can still succeed on this claim as long as she points to enough circumstantial evidence that would allow a reasonable jury to infer that a decision was attributable to discriminatory motivations. *David v. Bd. of Trs. of Cmty. Coll. Dist. No. 508, 846 F.3d 216, 224* (7th Cir. 2017). (App. 32a). It should be noted that Sgt. Higgins admitted in his interview with IAD Sgt. Kane that Plaintiff immediately responded after his "hostile" order

requesting that Plaintiff (Bt. 2222) respond. (R. 90-12 p.10).

In fact, former Superintendent McCarthy had never met Plaintiff and there is nothing to suggest that he knew her race. Moreover, Superintendent McCarthy was a "**cat's paw**", which is to say an unknowing tool of Rivera and Kane. *Smith v. Bray, 681 F.3d 888, 897 (7th Cir.2012).* Superintendent McCarthy based his decision on Juan Rivera and Kane wish to retaliate against the plaintiff and duped the Superintendent into taking adverse action against the plaintiff and suspended her. *Robinson v. Perales*, 894 F.3d 818, 832 (7th Cir. 2018). Juan Rivera unwittingly manipulated the Superintendent to suspend Plaintiff by evidently not sharing Command Review investigation and findings of not-sustained by the Command Review. It is proven that Juan Rivera did not investigate the CR but based his findings without fact or evidence but by animus. There are no investigative notes by Juan Rivera required by CPD policy and proven in Exhibit C. (R. 90-11 p26-33). It is proven that the CR is tainted and pretext by the arbitration reclassifying the CR from Sustained to Not Sustained. Animus or "blue code of silence" is proven against the Plaintiff in that Juan Rivera (biased non-decision-maker) failed to conduct an investigation; proven by no investigative notes written by Juan Rivera but only by Command Review and Arbitrator George Roumell. (R. 90-11 p.28-32) & (R. 1 p.17-20).

It is evident that Juan Rivera harbor hostility and animus against Plaintiff in that though Plaintiff won her grievance and the CR was reclassified;

Rivera stating in his declaration taken on June 26, 2019; and still maintains "I agreed in June 2012, and still agree with the investigator's original finding of sustained." (R. 90-11 p.8). It should be noted and evidence that the "blue code of silence" or animus prevailed and is proven by Juan Rivera concurring with Command Review findings by simply indicating "NO" Concur and decreasing the suspension from 2 day to 1 day suspension. (R. 90-11p.32). Thus, proving Juan Rivera was infuriated and harbor animus by Plaintiff's complaint of discrimination and did not consider the facts and evidence. (App. 27a). It should be noted that Chief Rivera sat on the merit board with authority over to decide merit promotions and the Superintendent make the ultimate determination who get promoted. *Deloughery v. City of Chicago*, 422 F. 3d 6il, 614 (7h Cir. 2005). The egregious CR thereby unjustly placed Watkins with a "stigma" that she is negligent to her responsibilities and undeserving of a meritorious promotion. (R. 90-13 p.15).

Superintendent McCarthy was the formal decision-maker in the process of making an adverse employment decision with no discriminatory intent but was contaminated by the information received from front-line biased supervisors (Juan Rivera, Sergeant Kane & Sergeant Higgins) who harbored discriminatory animus against the affected employee. *Staub v. Proctor Hospital, 131 S. Ct. 1186 (2011).* Cat's Paw Theory is clearly articulated here and proven in that the Superintendent (decision maker) failed to verify that prior measures or recommended disciplinary actions are justified, properly supported, and based on legitimate nondiscriminatory reasons.

Decision-makers should conduct independent investigations prior to taking adverse employment actions. A proper independent inquiry becomes even more transcendental for ultimate employment decisions and in situations in which a supervisor's actual or potential bias has been brought to the decision-maker's attention. The Superintendent failed to investigate and obtain sufficient information to support a conclusion that Juan Rivera (non-decision maker) decision to sustain the CR was not biased or tainted. Superintendent McCarthy clearly fit the cat's paw theory in that he merely rubberstamped IAD Chief Juan Rivera's decision without confronting and questioning the alleged biased (non-decision-makers) supervisors (Juan Rivera, Sergeant Kane and Sergeant Higgins) lies and issues under consideration. (App. 47-49a).

The Northern District and Seventh Circuit Court erred the surprising fact that that IAD Chief Juan Rivera failed to submit a single document that he conducted his own investigation instead of taking Sgt. Kane investigation as his own over the CCR (Command Channel Review) whom all conducted separate investigations and noted "lies" and inconsistencies in the allegation and classified the CR as false/not sustained. According to Chicago Police Directives and Policy the Command Review have the final determination of a CR. (R. 103-3 p.36). The Command Review consisting of three high ranking supervisors Dana Alexander, Eugene Williams, and Al Wysinger all classified the CR as false/not-sustained. (R. 90-11 p.32). On February 22, 2012, Deputy Chief Dana Alexander stated in his findings "the reporting Deputy Chief has **carefully** reviewed

this CR investigation and does not agree with the current findings and disciplinary recommendations for the following reasons...." Chief Eugene Williams and Chief Al Wysinger both concurred with Deputy Chief Dana Alexander findings. (R. 120p. 30-32). However, Juan Rivera abused his power, evaded department policy, and elected to sustain the CR over the Command Review and deceived the Superintendent that the CR was truthful. (App. 26a).

Sgt. Higgins' discrimination was the proximate cause of an employment decision and Superintendent McCarthy was totally dependent on Juan Rivera to supply the information on which to base that decision. *Brewer v. Bd. of Trs. of Univ. of Ill., 479 F.3d 908, 918 (7th Cir. 2007).* Here, a reasonable jury could see the Command Review findings as evidence while rejecting Rivera's finding of sustained a tissue of lies (the polite term is "pretext"). As proven that Plaintiff has never had a CR sustained (jury could reasonably disbelieve an employer's explanation for a decision inconsistent with the employer's prior conduct); *Vaughn v. Woodforest Bank, 665 F.3d 632, 638–40 (5th Cir.2011).* Former superintendent of police McCarthy did not engage in good faith investigation and never conducted an investigation of witnesses or validity. If Higgins never obtained the false CR, Watkins and her partner would have never been suspended.

The Seventh Circuit and other courts have recognized, there is a distinct split of opinion among the circuit courts of appeal as to the proper standard for applying subordinate bias liability, called "cat's paw" theory of liability, under Title VII. The Seventh

Circuit's ruling hinges upon an important question of federal employment law that has not been but should be settled by the Supreme Court: namely, under what circumstances may an employer be held liable for intentional discrimination when the person who made the adverse employment decision harbored no discriminatory bias toward the impacted but was given pretext investigation documents intertwined with the "blue code of silence" from a subordinate, which is the proximate cause of the adverse action.

II. CONFLICT OF RETALIATION INTERTWINED WITH THE "CODE OF SILENCE" IS A CAUSATION OF MULTIPLE LAYERS OF ADVERSE EMPLOYMENT ACTIONS.

The second question that should be settled by the Supreme Court: Whether the Title VII's retaliation provision and similarly worded statues intertwined with the 'blue code of silence" require a plaintiff to prove but-for-causation (i.e., that an employer would not have taken an adverse employment action but for improper motive), or instead require only proof that the employer had a mixed motive (i.e., that an improper motive was one of multiple reasons for the employment action).

The U.S. Supreme Court has consistently held that officers be given the benefit of the doubt that they acted lawfully in fulfilling their duties, a position reaffirmed in *Saucier v. Katz*, 533 U.S. 194 (2001). In this case the Supreme Court is needed to dissolve this

conflict as Sgt. Higgins obtainment of the CR was malicious with intent that triggered multiple mixed layers of retaliation for Watkins. Title VII retaliation provision and similar worded statues intertwined with "blue code of silence" is proven on multiple mixed layers. Retaliation is proven on many layers in that Plaintiff's partner White was the driver of the vehicle and had a more extensive discipline record than Plaintiff but IAD Sergeant Kane initially classified the CR as "no penalty" and later on November 21, 2011 increased plaintiff's penalty to a 2 day Suspension. (R. 90-11 p.32-33). A reprimand was not allowed to be increased to more serious punishment at a later time. *DPS, State Police v. Rigby, 401 So. 2d 1017, 1981 La. App. Lexis 4151.*

Sgt. Kane only pursued a reprimand for discipline for Officer White, while pursued a 2 day suspension for Plaintiff but eventually suspending Plaintiff and White for 1 day. The disparity in seeking to suspend Plaintiff more harshly for 2 days verses only seeking a reprimand for White is clearly evidence of retaliation and proves a causal link. Chief Rivera decreased White penalty to a reprimand after Kane increased White penalty to 1 day Suspension on November 21, 2011. (R. 90-11 p.39 & 48). Sergeant Kane and Juan Rivera stated reason for Higgins CR is a pretext to hide discrimination. *McDonnell Douglas, 411 U. S. at 802-04; Burdine, 450 U.S. at 252-56.*

Plaintiff refused to accept the false CR on her record and continuously complained of discrimination

by constructing several memorandums to department and external officials which caused Kane to retaliate against plaintiff and severely punish Plaintiff harsher than her partner White. (R. 103-2 p.2-43). Retaliation is further proven in that IAD investigative sergeant Kane got angry and "excoriated" Plaintiff for bringing allegations of race and gender bias against Sergeant Higgins by stating "how you dare defame his reputation with a discrimination charge." (App. 23-24a). Thus, also proving pretext as she typed her own notes, and the investigation was not recorded. (R. 44 p.4) & (R. 90-4 p.89, 93). An employer who creates or tolerates a hostile work environment (intimidating threats, etc.) against a worker who has filed a charge of discrimination may be liable for retaliation. *Heuer v. Weil-McLain, 203 F.3d 1021 (7th Cir. 2000).*

It is proven that the initial obtainment of the false CR was a discriminatory and motivating factor to harm Watkins on several motivating layers. According to *Foggey v City of Chicago* it is proven extreme harm was the intent by Sgt. Higgins. Foggey was a Chicago Police Officer charged with similar CR as Watkins; "slow to response..," was fired by the former Superintendent of Police McCarthy on June 29, 2015. *Foggey v. City of Chicago, No. 20-1247 (7th Cir. Mar. 23, 2021).* Watkins sat under extreme stress of not knowing whether she will be fired or suspended for 6 years waiting on the outcome of the false CR. Watkins next motivating layer of retaliation was the upgrade of discipline "violation

noted" to 1 day suspension after Watkins continued to challenge the CR with cause of pretext and discrimination. Thus, it is evident Higgins motivating factor was to cause extreme discipline up to being fired. The "pretext" was based on discrimination of Watkins and her partner both being Black and Female.

Despite the reversal of the suspension in December 2015, Watkins asserts that the damage to her career and reputation was done. (App. 28a). For one, she alleges that both the CR and the suspension severely hampered her chances at promotion within the Department. It is undisputed that out of the two methods for advancement—test scores and merit promotion—merit promotion was the only available avenue for Watkins. Watkins admitted that she does not score high on promotional scores but indeed passed all promotional exams but required merit promotions that required nominations and letters of recommendations from her supervisors to be promoted meritoriously and final approval from the Superintendent of police. According to Watkins, she submitted multiple applications for promotional opportunities including lateral, detective, and sergeant positions but never heard back. Watkins alleges that it is "a customary practice for meritorious promotions to be denied when a CR appears on an officer's personnel record." Watkins has proven that CRs' carry a stigma that follows an Officers career especially being Black and female. (App. 66a). Watkins presented facts of the case has proven the CR

is false, but the "code of silence" allowed the CR live. It should be noted proving furtherance retaliation that officers cannot retire in "good standing" with an open CR. Thus, if Watkins would have elected to retire with the CR open, she would have had to forgo the privilege of receiving and carrying a police officer retired star, identification, recommendations, and other perks, though Sgt. Higgins was allowed to retire in "good standing" on November 15, 2010. (App. 24a).

In the lawsuit Kubiak v. City of Chicago, Officer Kubiak case proves breaking the "code of silence" cause punishment of remaining or being sent back to entry level patrol, despite of education and qualifications. Just as Watkins, Kubiak reported misconduct against her by another Officer and was kicked out a prestigious position within the Office of News Affairs. The "code of silence" is so strong Kubiaks' witness Perez was also kicked out the New Affairs Unit but kept the perpetrator without any form of discipline. Kubiak case proved the City of Chicago engaged in a pattern of protecting and rewarding officers accused of misconduct while retaliating against those who exposed and reported misconduct. *Kubiak v. City of Chi. 810 F.3d 476* (7th Cir. 2016).

Chief Rivera has a long history of covering up material evidence and refusing to open complaints against Supervisors. Material evidence revealing Chief Rivera history of retaliation against female Officers are revealed in the lawsuit *Spalding et al v. City of Chicago et al.* In this lawsuit Chief Rivera

twice refused to open a CR that Officers Spalding and Echevarria requested to be open against a supervisor. Shannon Spalding and Danny Echeverria filed a whistleblower suit, claiming they had suffered retaliation for reporting and investigating criminal activity within the department. They repeatedly asked Chief Rivera to investigate the retaliation against them, but he told them, "'Look, everyone is against you, so you don't want to piss me off." Chief Rivera also threatened them by stating if they file a CR that "they should expect to be on the receiving end of severe retaliation." Spalding and Echeverria accused Rivera, who at the time was the Chief of the Police Department's Bureau of Internal Affairs, of leaking information about their involvement in the investigation to a supervisor, who in turn told others in the chain of command. When word got back to the officers that their work had been exposed, they said they confronted Rivera in the hallway outside his office at police headquarters. Rivera further retaliated against Spalding and Echeverria by transferring Spaulding and Echeverria out their unit into a small room. In this lawsuit Spalding recounted a story that an IAD investigator was told by Chief Rivera to "unfound" a CR against a supervisor that he found substantial evidence and closed "sustained." Appellant is curious was this her CR or simply among several he abused his power with animus and "code of silence." *Spalding v. City of Chi., 186 F. Supp. 3d 884* (N.D. Ill. 2016).

Watkins has proven that this decision would not have happened if Watkins and her partner officer White were both male and white. The CR further caused adverse action by lack of promotion,

retaliation, loss of a more distinguished title, loss of benefits, diminished job responsibilities and career ending performance review. *Lewis v. City of Chicago,* 496 F.3d 645, 653 (7th Cir. 2007) *& Molnar v. Booth,* 229 F.3d 593 (7th Cir. 2000). The CR is clearly false hood that she did not respond to the "burglary in progress." Chief Rivera took Higgins word as the truth under the definition and oath of the "blue code of silence," if an officer especially a supervisor said it happened; it happened. CPD has a history of "code of silence" covering up evidence, which is why the Chicago Police department is under a Federal Consent Decree. *State of Illinois v. City of Chicago, 137 F.3d 474* (7th Cir. 1998).

III. EXAMINE VIOLATIONS OF TITLE VII PROTECTIONS OF EMPLOYMENT PROCEDURAL DUE PROCESS AND CONSTITIONAL RIGHTS HIDDEN BY THE "CODE OF SILENCE."

The Third question that the Supreme court need to decide: Whether an employer refusal to open plaintiff complaints of discrimination, pretext, and file an EEOC discrimination complaint against biased supervisor was abuse of discretion, Federal Rules of Civil Procedures, Bill of Rights, and violated plaintiff remedial purposes of Title VII protections that severely limited plaintiff procedural due process, constitutional rights, and denial of trial to be heard among a jury of plaintiff peers.

Sgt. Kane violated Plaintiff remedial Bill of Rights for the purposes of Title VII protections in that Kane did not find cause to open and pursue Watkins' complaint of discrimination. (App. 3a). No employee should be precluded from asserting a claim of discrimination. Sgt. Kane refusing to open Watkins complaint of discrimination was a violation of procedural due process which is required by due process clauses of the 5th and 10th Amendment of the Constitution. This due process violation blocked Watkins from fairness of a court trial of confronting her accuser the City of Chicago (Sgt. Higgins, Sgt. Kane & IAD Chief Juan Rivera) in the court of law. Kane's refusal of opening Watkins' complaint of discrimination was unconstitutional and further blocked Watkins due process rights, opportunity to confront and cross-examine witnesses and be heard in person. This case is the proximate cause of Sgt. Higgins discriminatory actions; yet was not required to give a deposition and provided only a declaration consisting of only (11) eleven pages and never had to face petitioner. (R. 90-12, Ex. 11).

Watkins' was further silenced as she was scheduled for a status hearing scheduled for April 1, 2020, but was abruptly cancelled and summary judgment was granted for the City of Chicago. (R. 120). Watkins' motion to file sur-reply providing evidence of disparity of discipline for black female officers was also denied. (R. 115-116). Petitioner's due process was entirely violated and silenced as she was never allowed to be heard and tell her story. The most

valuable due process violation was preventing Watkins to play the audio dispatch tape to a jury trial due to the fact Sgt. Kane weighed the audio tape heavily to investigate and sustain the CR. (App. 24a). Watkins was not allowed to present evidence and make oral argument. (App. 1a). Watkins due process rights were denied and silenced on every level.

Sergeant Kane refusal to open Watkins' discrimination complaint was the catalyst of triggering and maintaining the "blue code of silence." Federal Court has proven within the City of Chicago Police Department that there is a persistent widespread custom or practice of protecting officers from complaints. *Obrycka v. City of Chicago, #07 C 2372, 2012 U.S. Dist. Lexis 179990* (NJ.D. Ill.). It must be noted though Watkins is also a police officer, that Watkins still broke the "code of silence." It was proven in appeals court that when an officer breaks the "blue code of silence" and report misconduct that they face retaliatory adverse employment consequences and threats for reporting misconduct of fellow officers. *Blair v. City of Pomona, #98-55548, 223 F.3d 1074* (9th Cir. 2000).

Watkins has proven the retaliation for breaking the "code of silence." In any event, the evidence of discrimination was inextricably linked to the evidence of retaliation. *United States v. Holt, 460 F.3d 934 (7th Cir. 2006).* Retaliation is proven in that plaintiff's partner White was the driver of the vehicle and had a more extensive discipline record than plaintiff, but IAD Sergeant Kane initially classified

the CR as "no penalty" and later on November 21, 2011, increased plaintiff's penalty to a 2 (two) day Suspension. (R. 90-11 p.32-33). Sgt. Kane increased the penalty due to the fact Watkins refused to cease to complain of discrimination and demanding that the CR be expunged. A reprimand was not allowed to be increased to more serious punishment at a later time. *DPS, State Police v. Rigby, 401 So. 2d 1017, 1981 La. App. Lexis 4151.* Kane only pursued a Reprimand for discipline for officer White, while pursued a (2) two day suspension for Plaintiff but eventually suspending Plaintiff and White for (1) one day. The disparity in seeking to suspend Plaintiff more harshly for 2 days verses only seeking a reprimand for White is clearly evidence of retaliation and proves a causal link. (App. 47a).

IV. CONFLICT OF BIASED AND DISCRIMINATORY "STRAY REMARKS" ARE THE CAUSATION OF ADVERSE ACTIONS UNDER TITLE VII CLAIMS.

The Forth question that the Supreme court need to decide: Whether stray remarks can be used to prove causation to an adverse employment action under Title VII claims.

The court erred in that Watkins failed to offer enough concrete evidence to establish a causal connection between Higgins' alleged discriminatory attitudes toward Black women and his 2008 decision to initiate a CR against Watkins and partner. (App. 40a). Watkins need the Supreme court to decide if her

presented discriminatory stray remarks by Sgt. Higgins prove to be casual connection for implicit bias for her Title VII claim. (App. 40a).

To show that racial and gender discrimination motivated Higgins' complaint, Watkins submitted evidence that Higgins had a history of making racist comments, affording preferential treatment to White and male officers, and regarding Black women as lazy. Remarks reflecting a supervisor's unlawful animus may be evidence of his or her attitudes generally and in ways that may have affected the challenged decision. See *Joll v. Valparaiso Community Schools*, 953 F.3d 923, 935 (7th Cir. 2020) (reversing summary judgment for employer); cf. *Blasdel v. Northwestern University,* 687 F.3d 813, 820 (7th Cir. 2012) ("same actor" inference permits but does not require inference that attitudes of person who hired plaintiff, for example, would not have changed by the time the same person fired plaintiff). (App. 6a).

Title VII prohibits employers from treating applicants or employees differently because of their membership in a protected class. The central issue is whether the employer's action was motivated by discriminatory intent, which may be proved by either direct or circumstantial evidence. The power of "stray remarks" was given some new life after the Supreme Court ruled in *Reeves v. Sanderson Plumbing, Inc., 530 U.S. 133 (2000),* that a lower court of appeals erred by discounting evidence of the decision maker's age-related comments ("you must have come over on the Mayflower") merely because not made "in the

direct context of termination." Where a committee is ostensibly the decision maker, a bigoted supervisor's stray remarks can be imputed to the committee if the committee is simply a rubber stamp. *Mateu-Anderegg, v. Sch. District of Whitefish Bay, 304 F.3d 618 (7th Cir. 2002).* Sergeant Higgins was heard with "stray remarks" by Plaintiff and White saying several racist and discriminatory remarks over the radio including referring to criminals as cousins to the Black officers, assuming Black officers were lazy and always sleeping by saying "wake up and go to the job." (R.90-4 p.18-22, 27 & 44) & (R. 90-5 p.18 ¶1-3). Higgins was heard on several occasions stating many race and sex biased "stray remarks" over the radio such as "we got a don't shoot my mama daddy drama mission, they want to grow up in the zoo" and "stop these people from killing each other at the zoo." The mission location that Higgins were referring is an all-Black low-income high crime community. (R. 90-5 p.20-22 & 98). Employer's stated reason is a pretext to hide discrimination. *McDonnell Douglas, 411 U. S. at 802-04; Burdine, 450 U.S. at 252-56.*

THIS CASE IS AN EXCELLENT VEHICLE TO RESOLVE AN IMPORTANT QUESTION OF FEDERAL LAW

This case presents an ideal vehicle for addressing longstanding and deeply entrenched conflicts within Law Enforcement agencies, especially the Chicago Police Department. This matter is particularly dire within law enforcement conduct of investigation for employees and citizens concerning the conduct of CR investigations. This an excellent vehicle due to the fact the Chicago Police Department

and many other police departments are under a consent decree under correlated issues Watkins has presented under this petition.

Here, this case exposes the "blue code of silence." As Watkins has broken the "code of silence" and openly exposed how historically Law Enforcement supervisors perpetuate misconduct, coverup, untimely investigation and discrimination. This case will result in policy changes within the Chicago Police Department and other Law Enforcement agencies. The Supreme Court granting this petition will trigger accountability. Watkins has exposed the "blue code of silence" but without granting this petition, exposure without accountability there is no real incentive for police officers to change their practices to ensure that individual rights are protected and dismantle the "code of silence." Here, it is proven discrimination intertwined with "code of silence" is the greatest barrier to effective investigation and adjudication of complaints. The "code of silence" is a principle that an officer does not provide adverse information against a fellow officer. This petition will put law enforcement on notice to cease with the "code of silence" by rubber stamping and protecting complaints to shield officers from discipline and accountability.

Throughout history within law enforcement the "code of silence" has always been the proximate cause of harm. Most of society's chaos and protests were ignited by Law Enforcement Officials

maintaining the "code of silence" which has proven that most officers that indulged in misconduct had a long discipline history that was overlooked. Thus, if Law Enforcement Officials intervened and broke the "code of silence" it was questioned whether discipline and accountability would have prevented most police misconduct, discrimination and even murder. Thus, thereby removing or disciplining officers before behavior get out of control. Lastly, this case would ignite a conscious effort to check biases against women and minorities before acting and reacting; thereby preventing unjust harm as Watkins endured. Finally, this case will also bring attention to "abuse of power" as Sgt. Kane unjustly changed the CR wording from "failed to respond to burglary in progress" to "failed to properly respond" in violation of the 5th Amendment guarantees likened to the Double Jeopardy Clause.

This case will also dissolve the myth and division of "us vs. them," whether civilian, supervisor, police, black, white, male or female. Watkins endured retaliation since the inception of the discriminatory CR and it is still ongoing. However, there were silent supporters of ALL walks life, including male whites, civilians and supervisors. This case is urgent as Watkins learned many people want to correct injustice but fear to act because of retaliation. This case will help put policies in place to protect officers that break the "code of silence."

Most important this case put a focus to stop "biases," whether against blacks, whites, males,

females, supervisors, police or civilians. We all have biases but must stop, think and process before we react.

The Circuit Court awarded legal fees to the defendant in this matter and this manifestly unjust and further perpetrates retaliation, financial, and emotional harm against Watkins. Requiring Plaintiff to pay the City of Chicago legal fees is reinforcing the "blue code of silence." Plaintiff reputation is damaged from the false and discriminatory allegation and for having the "audacity" and courage to fight the "status-quo." Now, many of Plaintiff's co-workers and Supervisors think plaintiff goal is to always sue, "play the victim" and play the "race and gender card." Plaintiff is now ostracized and feared because most supervisors fear that Plaintiff is a "troublemaker" and always looking to file a discrimination lawsuit for minor incidents. Most importantly many of Plaintiff's supervisors believed Sergeant Higgins false and discriminatory allegation and believe Plaintiff is not dependable, lazy, and negligent to her duties as many promotions and references are by word of mouth and by disciplinarian history within the Chicago Police Department; proven by former Internal Affairs Chief Juan Rivera declaratory statement "I agreed in June 2012, and still agree with the investigator's original finding of sustained." (R. 90 Ex. 10 at ¶ 22).

The City of Chicago has a long history of discrimination, cover-up of evidence, "code of silence" and mistreatment of its citizens and employees both Black and Female. To award costs in favor of the City

of Chicago and against an officer who was courageous enough to stand against discrimination and break the "blue code of silence" would put a stain against Justice. Plaintiff have never experienced a sustained CR until this incident and requiring Plaintiff to pay bill of costs would send the undesirable message to Police officers that their rights need not be protected and that to challenge wrongdoing against the City of Chicago is unduly costly. This would impose a significant chill upon the First Amendment rights of Chicago Police officers that advance their education, courageously put their life on the line daily to serve and protect, speak truth and challenge the "status quo" that it is better to continue the "code of silence" because you will be ostracized and punished with an unjust bill. Thus, another reason the Supreme Court should grant this petition.

Defendant has a Billion-dollar budget yet want to punish Plaintiff for standing up for herself. Plaintiff is experiencing extraneous economic strain with a student loan balance of well over $100,000. Plaintiff was eagerly advancing her education in quest for promotional opportunities and striving to do her job to the best of her ability but sit at entry level position due to the stigma from the false allegation Conduct Unbecoming. Making plaintiff pay the Bill of Costs without being heard in trial court is sending a message to new young officers that advancing your education and doing your job whole heartedly to the best of your ability is useless for career advancement. Defendant being Male White said that Plaintiff's

lawsuit is minute, frivolous and a minor nuisance complaint. It is easy for Defendant to not relate and understand the detriment to Plaintiff's career of the false allegation due to male white officers never having to prove oneself by only being correlated to positive stereotypes within law enforcement. Black females in law enforcement throughout history must prove themselves dependable and capable and still today must fight the stigma of being lazy, incompetent, negligent and scary; and Sgt. Higgins placed that stigma on the Plaintiff that she fought so hard to destigmatize. Thus, another reason the Supreme Court should grant this petition.

Defendant has caused plaintiff enormous emotional stress as Plaintiff is a continuous recipient of reprisals, innuendos, and retaliation due to this ongoing litigation to seek justice. Plaintiff has been fighting this false, defaming, slanderous and discriminatory allegation since 2008. Plaintiff spent her last years with her deceased husband (Edward A. Watkins Sr.) who was diagnosed with stage 4 prostate cancer, also a 29-year veteran Chicago Police Sergeant fighting this false and discriminatory allegation, literally on his death bed. Plaintiffs' husband conducted his own investigation of the CR and was infuriated at Sgt. Higgins' attempt to ruin Plaintiff's career. Plaintiff promised her husband that she will fight with all she has to get justice, as he succumb to his illness on December 23, 2011. Plaintiff sees a Clinical Professional Counselor on weekly basis to help her process and endure the stress

and injustice caused by the City of Chicago. The fact of being a Chicago Police officer is stressful enough by risking her life on the front line and to have to deal with discrimination and retaliation internally is an unbearable experience that no police officer should have to endure. To have to watch your back within closed walls; as well as on the streets of Chicago is unjust and Plaintiff should not be retriggered with emotional trauma by having to pay the City of Chicago bill of costs as punishment for having the "Audacity" for standing up for herself and breaking the "code of silence." Hopefully, this case will cause defendant to recognize "the time is always right to do what is right."

CONCLUSION

For all of the reasons set forth above, Jacqueline A. Watkins respectfully submits that the Petition for Writ of Certiorari should be granted.

Dated: April 3, 2023

Respectfully submitted,

/s/ Jacqueline A. Watkins
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