

No. 22-975

In the
Supreme Court of the United States

DEBRA-ANN WELLMAN,

Petitioner,

v.

HEB GROCERY COMPANY, L.P.,

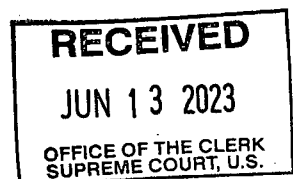
Respondent.

**On Petition for Writ of Certiorari to the
United States Court of Appeals
for the Fifth Circuit**

PETITION FOR REHEARING

DEBRA-ANN WELLMAN
7431 Chathan Glen Lane
Richmond, TX 77407
Dwellman3@aol.com
(302) 379-5668

Petitioner Pro Se



ADDITIONAL QUESTIONS PRESENTED

Additional questions are to address substantial grounds not previously submitted in the original Petition for Writ of Certiorari, which has relevant information.

1. Does the U.S. Supreme Court have the power and authority to issue a (GVR) order, (*in 1996 the Supreme Court discussed GVR orders and upheld their use per curiam in the case of Lawrence v. Chater 94-9323. 516 US 163 (1996)*) toward the Petitioner's legal request to arbitration, by using the *Federal Arbitration Act(s) policies February 12, 1925, Title 9 U.S.C. ch.1, §§ 1-16; §§ 201-208 (FAA)?* Along with, such an order is there an appropriate exercise, to set aside a lower court's ruling and remand the case without finding that the lower court committed some error?
2. Does the Petitioner's (Debra-Ann Wellman's) legal defense constitute(s) a valid claim of violations of the Petitioner's Constitutional Rights allow for the possibility of a GVR order? *Harris v. Forklift Sys., Inc., 510 U.S. 17 (1993) -Claims so Severe Abusive work place environment. United States Constitution Amendments, First Amendment, Fourteenth Amendment Fifth and Sixth Amendments stated in Wellman's original Writ of Certiorari.*
3. Did Petitioner suffer retaliatory, violent discrimination for which her employer (HEB Grocery Company, L.P.) may be held liable under Title VII of the Civil Rights Act of 1964,

(as amended)? A decision addressing retaliation and violent discrimination the appropriate course would be to grant this petition for rehearing and GVR'ing for further consideration. *Burlington Northern & Santa Fe Railway Co. v. White* 05-259, 548 US 53 (2006).

TABLE OF CONTENTS

ADDITIONAL QUESTIONS PRESENTED	i
TABLE OF AUTHORITIES.....	iv
REASON FOR GRANTING THE REHEARING.....	1
1. The original Writ of Certiorari Petition asked this Court to resolve numerous legal issues that stemmed around the lower court(s), premature cancelling of this lawsuit, Title VII violations, U.S. Constitutional rights ignored, and the repercussions of “conferring” not being available in this lawsuit by the Defendants (HEB) legal counsel for the Pro Se Petitioner.....	1
2. The Petitioner has consolidated the Rehearing Petition to two (2) segments: GVR Supreme Court processing, and FAA arbitration.....	2
BACKGROUND.....	2
INTRODUCTION.....	3
SUMMARY	10
CONCLUSION	11
RULE 44(2) CERTIFICATION	12

TABLE OF AUTHORITIES

Cases

<i>Bostock v. Clayton County GA.</i> , 140 S. Ct. 1731 (2020)	6, 7, 11
<i>Burlington Northern & Santa Fe Railway Co. v.</i> <i>White</i> , 05-259, 548 U.S. 53 (2006).....	ii
<i>Cannon v. Univ. of Chicago</i> , 441 U.S. 677 (1979)	9
<i>Chuang v. University of California Davis</i> , 225 F.3d 1115 (9th Cir. 2000)	3
<i>EEOC v. Waffle House, Inc.</i> , Case No. 99-1823, decided January 15, 2002.....	10
<i>Evans v. Georgia Regional Hospital</i> , 850 F.3d 1248 (11th Cir. 2017)	9
<i>Green v. Administrators of the Tulane Educ. Fund</i> , 284 F.3d 642 (5th Cir. 2002)	4, 10
<i>Harris v. Forklift Sys., Inc.</i> , 510 U.S. 17 (1993)	i, 5
<i>Lawrence v. Chater</i> , 94-9323, 516 U.S. 163 (1996)	i
<i>McCoy v. City of Shreveport</i> , 492 F.3d 551 (5th Cir. 2007)	6
<i>McDonnell Douglas Corp. v. Green</i> , 411 U.S. 792 (1973)	7
<i>Morgan v. Sundance, Inc.</i> , (Case No. 21-328 – 2022)	1, 2, 3, 11

Price Waterhouse v. Hopkins,
490 U.S. 228 (1989)9

Roberts v. Wells Fargo Clearing Services, LLC,
2022 WL 16826715 (11th Cir. Nov. 9, 2022)10

Other Authorities

Executive Order No. 13,988 (EO 13,988), the
Honorable President Biden stated, “Under
Bostock’s reasoning. . .” January 20, 20217

Federal Arbitration Act(s) policies February 12,
1925, Title 9 U.S.C. ch.1, §§ 1-16; §§ 201-208
(FAA)..... i, 2, 10

GVR’s in 1996, the Supreme Court discussed
GVR orders and upheld their use per curiam
opinion in the case *Lawrence v. Chater*, 94-
9323, 516 U.S. 163 (1996) i

Federal Arbitration Act Article - Center for
Supreme Court Advocacy, Volume 29, Issue 14,
May 20222

Sup. Ct. R. 44.....1

Title VII of the Civil Rights Act of 1964
(as amended), 42 U.S.C. §§ 2000e et seq.
..... i, ii, 3, 4, 6, 7, 8, 9, 10, 11

Title IX9

U.S. Constitution First Amendment i

U.S. Constitution Fifth Amendment i, 8

U.S. Constitution Sixth Amendment..... i, 8

U.S. Constitution Fourteenth Amendment i

Violence Against Women's Act 1994.....	7
Whistleblowers Protection Act (WPA) 1989.....	4, 9, 10

REASONS FOR GRANTING THE PETITION FOR REHEARING

1. The original Writ of Certiorari Petition asked this Court to resolve numerous legal issues that stemmed around the lower court(s), no evidence submission, premature cancelling of this lawsuit, Title VII violations, U.S. Constitutional rights ignored, and the repercussions of “conferring” not being available in this lawsuit by the Defendants (HEB) legal counsel for the Pro Se Plaintiff.

Debra-Ann Wellman respectfully petitions under Rule 44.2 “In Good Faith and not for Delaying purposes”, for rehearing of the Court’s May 15, 2023 (Case No. 22-975) order denying her petition for a writ of certiorari within the designated 25-day timeframe.

Here are the facts presented toward the Rehearing for Writ of Certiorari. Substantial grounds not previously presented—and subsequent to her petition’s first distribution—merits reconsideration of the denial. The Court granted review on May 23, 2022 the Supreme Court Case *No. 21-328 Morgan v. Sundance, Inc.* Under that test for (FAA), (1) “acted inconsistently with that right,” (2) “prejudiced the other party by its inconsistent actions. Which created a Supreme Court process of (GVR) which this Court has established arbitration as a lawful solution to *Morgan v. Sundance, Inc.*, this cited case.

2. The Petitioner has consolidated the Rehearing Petition to two (2) segments: GVR Supreme Court processing, and FAA arbitration.

BACKGROUND

The Pro Se Petitioner's Federal Case No's. 22-975; 21-20660; 4:20-cv-03139 that are listed in her First Petition of Writ of Certiorari, which the lower courts ignored and/or did not offer the Federal Arbitration Act (FAA) arbitration for a legal process option, so the Petitioner proceeded on with her federal lawsuit to pursue litigation *vs.* arbitration. The only solution told to the Petitioner (Debra-Ann Wellman) by opposing counsel A. C. Williams was to cancel her Federal Lawsuit "*Without Prejudice*" and see if the Defendants HEB Grocery Company LP, might reach a settlement. Hence without the lower Federal Courts being involved to legitimately offer Debra-Ann Wellman (Petitioner) the *Federal Arbitration Act (FAA)* process with its mindful, protective options, "nor was the Petitioner permitted to introduce any formal discovery or contested matters on the merits of her case." *In an opinion by Justice Kagan, "the Court vacated and remanded such action, Morgan v. Sundance Inc. 2022"*.

The court has then examined the arbitration-specific waiver test, which came from the Old Second Circuit case that looked at (FAA policy) and "declared" that there is "*an overriding federal policy favoring arbitration.*" Author Dan Schweitzer – Center for Supreme Court Advocacy, Volume 29, Issue 14, May 2022.

INTRODUCTION

In this petition for Rehearing of Writ of Certiorari, Wellman respectfully requests this Court to align her rehearing petition with the *Morgan v. Sundance 2022* opinion; which requires the petition to be granted, the decision vacated, and the case remanded to the Fifth Circuit. Knowingly consistent with the (FAA) Arbitration Act to be applied. *Morgan v. Sundance – No. 21-328*, calls for a GVR.

Debra-Ann Wellman, Pro Se Petitioner, was a (Business Center – Cash Handler Agent) in good standing and an exemplary employee, at HEB Grocery Company, L.P., in the State of Texas, from 2012 – 2021.

Wellman filed a federal lawsuit, as a Pro Se Petitioner explaining the abuses she had deliberately and consistently done to her. I.e., Because Debra-Ann Wellman, Petitioner has routinely been abused by (HEB) for gender identity, sexual orientation, sexual harassment, religious abuse, harassment, cultural, and age abuses (Catholic, Italian-Scottish, white female in a protected age category under *Title VII of the Civil Rights Act of 1964 (as amended)*, 42 U.S.C. §§ 2000e et seq. (as amended to date) including being a Whistleblower. *Chuang v. University of California Davis*, 225 F.3d 1115 (9th Cir. 2000) *Discrimination on Race and National Origin – adverse employment action, name calling, was “an egregious and bigoted insults that constituted strong evidence of discriminatory animus on the basis of national origin.” Holding that district court erred in requiring direct evidence of pretext to be specific and substantial. Title*

VII Civil Rights Act of 1964 (as amended) including Whistleblowers Protection Act (WPA) 1989 (as amended to date) Green v. Administrators of the Tulane Educ. Fund, 284 F.3d 642 (5th Cir. 2002) Compensatory Damages Back Pay, Front Pay and putative damages.

For the record, Petitioner understands the differences between, illegal, fraudulent, corrupt business transactions and appropriate, legitimate, financial business practices. Debra-Ann Wellman was not permitted to have a deposition or discovery, etc. processed completely, because her District Court lawsuit was prematurely cancelled, and did not follow the scheduling order approved by the lower court judge in Houston, Texas. Therefore, no (FAA – Federal Arbitration Act) arbitration rules were never suggested, nor used, to process and settle the original district court lawsuit.

Debra-Ann Wellman's petition for Writ of Certiorari presents the responsibility topic whether certain "civil penalties imposed under *Title VII of the Civil Rights Act of 1964 (as amended)*, 42 U.S.C. §§ 2000e et seq. (as amended to date) should be addressed by this Court and GVR'd.

Pro Se Petitioner was told **"HEB WILL TIE YOU TO A BARBED WIRE FENCE AND BEAT IT OUT OF YOU, MISS DEBRA."** Words screamed at Debra-Ann Wellman, by Tonisha Whyte - HEB #724 Store Manager, on the evening of Debra-Ann Wellman was electrocuted and tasered on Halloween Night - October 31, 2019. Debra-Ann Wellman stated "Call an

ambulance. Call my family, call my brother, now..."
No one at HEB helped her.

Tonisha Whyte - HEB # 724 Store Manager - Richmond, Texas, (yelled as Petitioner is thrashing around on the floor, because she is being deliberately severely tasered and electrocuted). "Just get in my car now, Debra, I am taking you to the Prison Farm Clinic. I will not tell you, one more time, **Miss Debra, HEB will tie you to a barbed wire fence and beat it out of you. NOW GET UP. AND GET IN MY CAR NOW!**" *Harris v. Forklift Sys., Inc., 510 U.S. 17 (1993)* - *Claims so Severe Abusive work place environment.* Petitioner/Appellant states: Respondent/Appellees (HEB) gave-up their legal rights to medical restrictions when the Petitioner demanded/requested an ambulance to take Debra-Ann Wellman to a professional certified hospital and not to the State of Texas local Prison Farm Clinic. This was a horrible assault, set-up by Respondent, from the time the Petitioner arrived at Richmond, Texas HEB Store # 724 for her scheduled shift, at on 10/31/19, 11:45 AM until she left. Stacy Lovejoy and Raymond Borja (HEB Services Department Managers), and all the HEB # 724 Business Center employees and ASM's (Assistant Sales Managers) the HEB hourly employees were premeditating to unlawfully abuse/harm Debra-Ann Wellman. Stacy Lovejoy, the Petitioner manager, stood and watched along with several HEB Loss Prevention employees and various members of the Richmond Texas County Police, were on site at # 724 watching when Petitioner was electrocuted and tasered severely with a high-powered, Texas Prison Farm Tasing weapon(s), issued to the local prison

guards, to control prisoners and large animals on the Prison Farm. *McCoy v. City of Shreveport*, 492 F.3d 551 (5th Cir. 2007) *Forced to resign due to Title VII of the Civil Rights Act of 1964 (as amended)*, 42 U.S.C. §§ 2000e et seq., *First Amendment violations, "Congress make no law respecting an establishment of religion or prohibiting the free exercise." Sexual, Racial and Violent Harassment, an establishment of religion or prohibiting the free exercise." Sexual, Racial and Violent Harassment.* Either way, this Court must remand here too.

Therefore, the Fifth Circuit Appeals Court had "no" evidence, not even a proper video deposition, to consider because of the premature cancellation / dismissal of Petitioner's lawsuit. Consequently, the Petitioner is unable to righteously analyze the Opinions from the district court and the Fifth Circuit court of appeals, because the information stated in these two (2) lower court Opinions, are lacking legal integrity and fragmentary in what these opinions discuss, because the district court prematurely terminated this lawsuit and the Fifth Circuit court of appeals, refused to reverse or remand the district court's Opinion. *Title VII of the Civil Rights Act of 1964 (as amended)*, 42 U.S. C. §§ 2000e et seq. (as amended to date); Gender discrimination cited in, *Bostock vs. Clayton County GA.*, 140 S. Ct. 1731 (2020) *Supreme Court. (Justice Gorsuch -) "...there, in Title VII, Congress outlawed discrimination in the workplace on the basis of race, color, religion, sex or national origin..."*

While on 10/31/19, watching the Petitioner, and never offering any assistance by these Defendant's

(HEB *et al* groups). *Title VII Civil Rights Act of 1964 (as amended)*, *Bostock v. Clayton County GA.*, 140 S. Ct. 1731 (2020) Supreme Court cite violations, and the current administration has taken a similar approach, in Executive Order No. 13,988 (EO 13,988), the Honorable President Biden stated, "Under Bostock's reasoning, laws 86 DOJ Journal of Federal Law and Practice January 2022 nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Gender, Sexual Orientation, Hostile Work Environment, Harassment, Assault, Stalking, and Status as a Parent in Federally Conducted Education and Training Programs, Illegal Medical Tests (Petitioner Wellman's mouth was cut open with a laser surgical tool to see if she had a facelift / gender alterations surgery's operation while at a medical office, by (HEB *et al*) and other Medical Procedures were performed on Petitioner to secretly determine an Petitioner's Gender.) Violations of (Violence Against Women Act – VAWA).

Debra-Ann Wellman's civil lawsuit, Petitioner evidence provided Federal illegal transactions with money laundering, international. domestic money transfers, money orders, State of Texas DMV and National Lottery Fraud, receipt of cash payments for these fraudulent transactions, that is unreported income and extortion. *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973) A US employment law case by the United States Supreme Court regarding the burdens and nature of proof in proving a Title VII Case and the order in which the Petitioners and Respondent provide proof.

Whether the District Court abolished and invalidated the Petitioner's legal rights to an attorney, by stating to WESTLAW Legal Research Company, that Debra-Ann Wellman, on a "very" limited categorical, locational and chronological basis "has the District Court Judges' permission" to use WESTLAW research tools for her lawsuit 4:20-cv-03139; as a United States private citizen of a public domain as a legal resource? *Violations to Title VII of the Civil Rights Act of 1964 (as amended), 42 U.S. C. §§ 2000e et seq., U.S.C. Fifth and Sixth Amendment(s) secures the right to an attorney etc.*

That the District Court judge granted permission for the Pro Se Petitioner, without her knowledge until revealed at a later date, for her to pay a monthly fees, and use a public domain for legal case law data by WESTLAW, (on a limited basis, Pro Se Petitioner's *Title VII Civil Rights of 1964, as amended*, were violated) so the District Court deemed, Petitioner could defend herself on a limited basis via WESTLAW database, and consequently Pro Se Petitioner does not need an attorney to represent her in her Federal lawsuit on any level, whether it was criminal or civil charges. *Violations of the Petitioner's Fifth and Sixth Amendments for Counsel, etc., please GVR this action against the Pro Se Petitioner.*

The district court also refused to review the video's that (HEB) the Respondent gave only to the Petitioner to review and did not submit these videos as proper evidence to the district court in this lawsuit. So that the district court could recognize the spoiled alteration discrepancies in these workplace(s) altered videos for the district judge to rule on during his time presiding

over the Petitioner's case 4:20-cv-03139. *Whistleblowers Protection Act (WPA) 1989* (as amended to date); *Title VII Civil Rights Act of 1964* (as amended.) *Cannon v. Univ. of Chicago*, 441 U.S. 677, 704 (1979) (*Evidence that Congress intended to create a remedy for a violation of federal law allows a court to find an implied remedy. ...The Supreme Court of the United States, reversed the court of appeals judgment and remanded the case for further proceedings. The Court held that notwithstanding Title IX's failure to expressly authorize a private right to action, the intent of the statute was to provide persons injured in a private right of action. The Court considered that Title IX explicitly conferred a benefit on persons discriminated against on the basis of sex. Cannon was clearly a member of that class. In addition, the history of Title IX did not indicate any intention to deny the private right of action. Moreover, an award of individual relief to a private litigant was sensible and necessary to its enforcement, the Court reasoned.*"); *Evans v. Georgia Regional Hospital*, 850 F.3d 1248 (11th Cir. 2017) (*All persons, whether transgender or not, are protected from discrimination on the basis of gender stereotype, and because those protections apply to everyone, a transgender individual cannot be excluded.*); *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989) (*Discrimination on the basis of sex stereotyping – that is, a person's non-conformity to social and other expectations of that person's gender–constitutes, impermissible sex discrimination in violation of Title VII of the Civil Rights Act of 1964 (as amended). The employer bears the burden of proving that the adverse employment action would have been the same if sex discrimination had not occurred.*) *Whistleblowers*

Protection Act (WPA) 1989 (as amended to date) Green v. Administrators of the Tulane Educ. Fund, 284 F.3d 642 (5th Cir. 2002) Compensatory Damages Back Pay, Front Pay and putative damages.

SUMMARY

Potentially can a GVR be issued by the U.S. Supreme Court, because, needless to say, the impact that the District Court cast doubt in substantial proportions onto the Pro Se Petitioner evidence platform, which changed the outcome of her lawsuit creates an authentic and factual necessity to be GVR'd by the Supreme Court for legal transparency and overall fairness and unequal treatment for purposes of this lawsuit. Even though the Petitioner is not and never has been a lawyer. Third Circuit had no occasion to decide whether (as it assumed *arguendo* Petition App. P. 7 n. 11) this Court's public policy exception survives its decision in *Hall Street that §§ 10 and 11 of the Federal Arbitration Act ("FAA")*, 9 U.S.C. §§10-11, provide the exclusive grounds for vacating or modifying arbitral awards under the "FAA". *Roberts vs. Wells Fargo Clearing Services, LLC* 2022 WL 16826715, at *3(11th Cir. Nov. 9, 2022). *EEOC v. Waffle House, Inc. Case No. 99-1823, decided January 15, 2002; Holding that a private arbitration agreement between an employee and an employer could not bind a nonparty government agency, the EEOC, and thus that the agreement—which was enforceable against the employee under the Federal Arbitration Act—did not limit the types of remedies the agency could see in an enforcement action it initiated under Title VII.*

Prayerfully, the Petitioner is requesting as stated “FAA” procedural process to be granted along with GVR power of legal sponsorship that the Supreme Court fearlessly holds under their canopy of judgements.

CONCLUSION

Respectfully, for the foregoing reasons, the Court should grant, vacate and remand this Petition for Rehearing and issue a GVR order granting a writ of certiorari in this case, vacating the opinion and judgment of the Court of Appeals below as contrary to this Court’s decision in *Morgan v. Sundance No. 21-328 2022*, *Bostock v. Clayton County Georgia 140 S.Ct. 1731 (2020)*, *Title VII Civil Rights Act of 1964 (as amended) 42 U.S. C. §§ 2000e et seq.* (as amended to date) that was raised and decided by this Court. This Court should also grant the Rehearing Petition for Writ of Certiorari to decide the issues presented for (FAA) policies and regulations solutions.

Respectfully submitted,

Debra-Ann Wellman
7431 Chathan Glen Lane
Richmond, TX 77407
(302) 379-5668
dwellman3@aol.com

Pro Se Petitioner

RULE 44(2) CERTIFICATE

I hereby certify that this petition for rehearing is present in good faith and not for delay, and that it is restricted to the grounds specified in United States Supreme Court Rule 44.2.

s/ Debra-Ann Wellman
Debra-Ann Wellman
7431 Chathan Glen Lane
Richmond, TX 77407
(302) 379-5668
dwellman3@aol.com

Pro Se Petitioner



CERTIFICATE OF COMPLIANCE

No. 22-975

DEBRA-ANN WELLMAN,

Petitioner,

v.

HEB GROCERY COMPANY, L.P.,

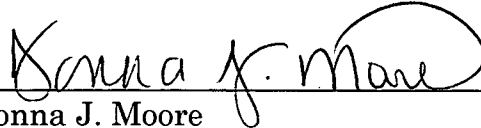
Respondent.

As required by Supreme Court Rule 33.1(h), I certify that the Petition for Rehearing contains 2,595 words, excluding the parts of the Petition that are exempted by Supreme Court Rule 33.1(d).

State of Ohio
County of Hamilton

I declare under penalty of perjury that the foregoing is true and correct.

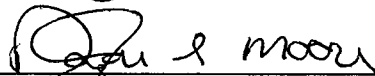
Executed on June 8, 2023.



Donna J. Moore
Becker Gallagher Legal Publishing, Inc.
8790 Governor's Hill Drive, Suite 102
Cincinnati, OH 45249
(800) 890-5001

Sworn to and subscribed before me by said Affiant
on the date designated below.

Date: 6-8-2023



Notary Public

[seal]



DOUGLAS S. MOORE
Notary Public, State of Ohio
My Commission Expires
December 18, 2027

DOUGLAS S. MOORE
Notary Public State of Ohio
My Commission Expires
December 18, 2027





CERTIFICATE OF SERVICE

I, Donna J. Moore, hereby certify that 40 copies of the foregoing Petition for Rehearing in 22-975 *Debra-Ann Wellman v. HEB Grocery Company, L.P.*, were sent via Two Day Service to the U.S. Supreme Court, and 3 copies were sent via Two Day Service and e-mail to the following parties listed below, this 8th day of June, 2023:

Allison C. Williams
Littler Mendelson, P.C.
1301 McKinney Street, Suite 1900
Houston, TX 77010
(713) 653-4729
acwilliams@littler.com

Alyssa M. Peterson
2001 Ross Avenue
Suite 1500
Dallas, TX 75201
(214) 880-8129
apeterson@littler.com

Counsel for Respondent

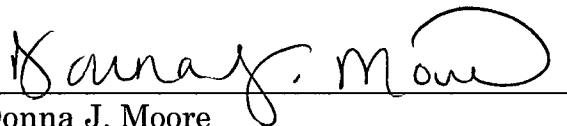
Debra-Ann Wellman
7431 Chathan Glen Lane
Richmond, TX 77407
Dwellman3@aol.com
(302) 379-5668

Petitioner Pro Se

All parties required to be served have been served.

State of Ohio
County of Hamilton

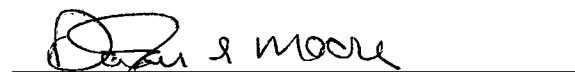
I further declare under penalty of perjury that the foregoing is true and correct. This Certificate is executed on June 8, 2023.



Donna J. Moore
Becker Gallagher Legal Publishing, Inc.
8790 Governor's Hill Drive
Suite 102
Cincinnati, OH 45249
(800) 890-5001

Subscribed and sworn to before me by the said Affiant on the date below designated.

Date: 6-8-2023


Notary Public

[seal]



DOUGLAS S. MOORE
Notary Public, State of Ohio
My Commission Expires
December 18, 2027

DOUGLAS S. MOORE
Notary Public, State of Ohio
My Commission Expires
December 18, 2021

