

EX
Supreme Court
Washington DC

May 11, 2022

Case# 1:15-CV-118997DJC

Frances Hines, Pro-Se

Plaintiff

Vs

Boston Public Schools,

Defendant

Dear Clerk:

I, Frances HInes would like to file a motion to direct the Clerk to file an out of time Motion, Special Situation,Pursuant Rule 4, Rule 14

I am asking this honorable court to pardon the lateness of my out of time motion due to fact that knowledge came available to me in 2022 , after the case was dismissed in 2020. I was informed I could file an out of time motion. The U.S.D.C dismissed my case reference above in 2018. The case was dismissed in error and points of facts were overlooked and biased. This is in violation of M.G.L. 151B Section 4, Paragraph 4 and with Title VII and ADA.

I appealed the case with the US Court of Appeal in 2020. In 2020, the country was in a Pandemic COVID-19. The country was locked down, businesses, courts etc were closed. A person in my situation with ADHD would not have known to file an appeal. Also in 2022, knowledge came available that I could have filed an En Banc Appeal instead of 3 Judges, there would be 9 Judges. And to file an out of time motion.

I am a qualified disabled, physical challenge person. I am diagnosed with Attention Deficit Learning Disability (ADHD) and a cognitive impairment and walking impairment..

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Appendix A

knowledge came available that I could have filed an En Banc Appeal instead of 3 Judges, there would be 9 Judges. And to file an out of time motion. The above reference case was filed in 2015 and dismissed in 2020. The U.S.D.C. did not cover Breach of Contract, 2015 to 2020 fall within the 6 year period of Breach of Contract. Please review previous documents.

I am a qualified disabled, physical challenge person. I am diagnosed with Attention Deficit Learning Disability (ADHD) and a cognitive impairment and walking impairment.. The USDC dismissed my case in error on February 28, 2020. I suffer emotional stress, pain and suffering, assaults by students. I was treated unfairly in the system. The United States Court Appeal denied my appeal case on April 16, 2020.

The USCA Court stated Plaintiff- appellant Frances Hines appeals from the district court's grant of summary judgment in favor of defendant- appellee Boston Public Schools Department, asserting that the district court erred in finding she was not disable on the account of her diabetes. "Hines cannot raise it for the first time on appeal." This is not the first time diabetes was raised. Please review Document 44-7 filed in USDC, 7/31/2018 , Page 39. My medical report from Beth Israel Deaconess Medical Center Boston, MA from Dr. Bonnie Wong on 2/2/2011, the court received the document on 7/31/2018 . Enclosed I also filed for discrimination on basis of disability, retaliation, fail to accommodate , assaults by a caucasian staff and I was forced to continue to work with the staff. I was assaulted by students , there were no consequences. The next day the students came to school. The administrators were trying to force me out of the system. They knew I had an unsupported Union representative. When J.F retired the new representatives were supported. Also the court did not cover Breach of Contract which is 6 years. I pray this honorable court will rule in my favor and review my case or do whatever is necessary, so I can get relief and redress. Also I was earmarked /targeted in the system . Why? Because the Principal did not want me at the Davis A. Ellis School , he asked me to transfer, and told me things were going to get worse for me. He wanted to replace me with a Hispanic worker and he did when I was out on FMLA.

In 2010 I filed a discrimination claim with the Department of Education (D.O.E.)state against, my employer Boston Public Schools" BPS" for discrimination against myself and the student in my classroom. I was injured by one student in the cafeteria., because the teachers told the

LAB students they were taking their recess away from December to March, 3 months and left them in the cafeteria with me. The Teachers reinstated the students recess.

D.O.E. finding was the School District was in violation of discrimination against myself and classroom students and they were issued non-compliance. The school district was given corrected action to follow and the Superintendent Carol Johnson was put on notice.

In 2012 ,I filed another claim with D.O.E. for the teachers retaliated and discriminating against students in my classroom and myself. This is the second time that the D.O.E. found BPS staff out of compliance. The Superintendent Carol Johnson was notified again and corrected action was given and the court overlooked it. This information is filed in the U.S.D.C.

In conclusion I have gone through the chain of commands. Example: Operation Specialist because I was threatened by a student and the Principal said he was not going to investigate the incident, only classroom students were witnesses. I have gone to the The School Superintendent , I was ignored. Bps Headquarter M.N, I went to her regarding a health work related incident. I was turned away. M.N. told me to go back to work or go home. I reported her to her Supervisor by phone, not sure of her name, I think Ms. W. I have gone to BPS , Office of Equity, they would accommodate me and then stop. I had to reapply again for accommodation. No one has helped me in my distress except for the Department(D.O.E.) I have gone to the Boston Teachers Union, ie: J. F. My Union Representative was un-supported and biased. J.F. stated to me I should get a knee replacement (violating the Hipaa Law) because I have a walking impairment and have difficulty escorting students up and down stairs. In my opinion she was looking out for the Administrator, for me to go through surgery, severe pain so he doesn't have to accommodate me (504). I filed a claim with Labor Relation against J.F. My union representative was dismissed in 2013.

I filed a claim E.E.O.C., I was told by B.M.at Equal Employment Opportunity Commision, per phone conversation, that if I filed a discriminating claim against BPS that she was going to dismissed it , I filed and the claim was dismissed. I reported BM to her supervisor at E.E.O.C. I dropped off a letter to the Superintendent of school, Carol Johnson. I believe it was December 2010 . I was ignored . I called the next day and her secretary told me she gave it to her .By filing with MCAD this gave me the right to sue in the U.S.D.C.and no one has helped me in distress. I have gone to other agencies to no avail. Again D.O.E. finding the School

District out of compliance, for taking away the special needs LAB student outdoor recess for a month was unhealthy for the children. This was and is a violation. I retired from Boston Public Schools in 2019. I can provide further information and documents upon request. Some are enclosed.

Thank you in advance! For your cooperation in this matter.

Please advise !

PS: You can reach me at (617)840-7341 or email at franceshines22@yahoo.com

Enclosures:

Sincerely,

Frances Hines

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