22-5352

In the Supreme Court of the United States

ORIGINAL

Plaintiff, Cassandra McGuire, Pro Se

v.

Defendant, Robbie King and Glenda Shamwell,

Respondents Attorney.Ronna Kinsella Glassman Wyatt and Tuttle.

On Petition for a Writ of Certiorari to the

United States Court of Appeals for the Sixth Circuit

Federal Case 3:19-cv-00902; Appeals Docket No. 22-5881

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PETITION FOR A WRIT OF CERTIORARI APPEALED FROM SIXTH CIRCUIT COURT

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I. QUESTIONS PRESENTED

1. Did the Defendant Point out Defects in respect to the Motion for More Definite Statement Doc 14 and 15, Case 3:19-cv-00902?
2. Do they have authority to hold a case for three years when no claims allegedly existed but the claims met threshold in Doc. No. 7, 3:19-cv-00902?
3. Did the defendants fail to otherwise defend by not pointing out defects in the Motion for More Definite Statement Doc 14 and 15, Case 3:19-cv-0090 and desired results as well as failing to comply with the Fed. R. Civ. P. 8(b)(1)(A)(B) in Doc 30 3:19-cv-00902?
4. In Doc 42 Case 3:10-cv-00902, by not complying was Default warranted?
5. Did the District Courts and Appeals Court abuse discretion by not applying Summary Judgement Rules and ignored the Supreme Court requirements such as;

    5.1. "**The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court should state on the record the reasons for granting or denying the motion.**"

6. Did the Appeals Courts and District Court fail to apply default judgment when warranted regarding the defendant failing to answer Doc. No. 29 3:19-cv-00902?
7. Did the low courts have authority to give a judgment on pleadings prior to the close of pleadings without facts being stated?

8. Did the courts delay the proceeding after the other party failed to properly address Motion for More Definite Statement Doc. No. 14-15 Fed. Civ. 3:19-cv-00902 and failed to answer Doc 29 3:19-cv-00902?

9. Did the district courts use the courts for improper purposes after Doc. No. 29?

10. Did the courts ignore/cover up the Defendant failing to answer Doc. No. 29 3:19-cv-00902 and incorrectly documented the answer of Doc. No. 26 3:19-cv-00902 as Doc. No. 29 3:19-cv-00902?

11. Did the low courts have authority to override Supreme Court rulings and ignore stare decisis doctrine regarding Summary Judgement and Failing to State Claims for which relief can be granted by not stating what claim was not stated ?

12. Did the low courts comply with Supreme Court Rulings in regards to Statement of Claims Rule 12(b) where the moving party must prove no claims exist by simple statement which applied to the defense according to Mississippi Supreme Court Rules or did they slap law on paper by stating Rule 12 in Doc. No. 30 3:19-cv-00902, failing to state what Doc they were referring to preventing counter?

13. Were they biased regarding the Plaintiff being demanded to make factual statements when she had for three years while refusing to make the defendant answer with factual content in complete disregard to Rule 12(b) which is considered failing to otherwise defend according to Supreme Court Mississippi Footnote 8?

14. Under what grounds do the Appeals Courts have to justify not meeting deadlines in response to complaints and answering without complying with Rules such as 8, 12 in complete disregard of defense Rules as well as Rule 55 default for failing to otherwise defend and not answering in a timely manner, then covering up the fact they failed to answer in a timely manner without demanding the file excusable neglect Motion?

15. Under what grounds do the Appeals Court have to ignore me turning in discovery that was not duplicate or what was in my possession?

16. Under what grounds do the Federal and Appeals Courts have to ignore default when the other party failed to respond correctly?

17. Do they lack authority to ignore Federal Laws in regards to defense laws and default when the defendant failed to answer in a timely manner without filing an excusable neglect motion and when they failed to address default several times?

18. Do they have authority to ignore default requests when the other party fails to respond to correct Doc?

19. What authority do the Appeals Courts have to allow the Defense to answer late and past 21 days with a Reply Brief without demanding an excusable neglect and by ignoring them responding to the wrong case?

20. Do they have authority to override all defense laws, default laws, excusable neglect rules and retaliation when the case was warranted on merits.

LIST OF PARTIES AND RELATED CASES

21. McGuire v Highmark Holdings No. 3:19-cv-00902, U.S. District Court for Middle Tennessee. Judgment Entered 9/22/2022.

22. McGuire v. Higmark Holdings No. 21-5869 U.S. Sixth Circuit of Appeals. Judgment Entered 4/3/2023. ORDER. Timely Appealed Filed 9/30/2022.

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OTHER SOURCES

OPINIONS BELOW

1. MEMORANDUM OPINION Publication unknown

   Doc. No. 7 3:19-cv-00902, 12/16/2019. No Appendix . Exhibit P- 15

2. Doc. No. 55 McGuire v Highmark Holdings No. 3:19-cv-00902, U.S. District Court for Middle Tennessee. Judgment Entered 9/22/2022. MEMORANDUM OPINION & ORDER. Publication unknown. Appendix . D

3. Doc. No. 115, 3:19-cv-00902, MEMORANDUM AND OPINION 9/22/2022, Publication unknown. Appendix G

JURISDICTION

4. This case is in regards to the Tennessee Human Rights Commission where an investigation commenced starting May 7, 2018. It was reviewed for jurisdictional purposes regarding Title VII of the Civil Rights Act of 1964 as amended and/or Title VIII of the Civil Rights Act of 1968. This gives Federal District Court jurisdiction.

5. Federal Courts have jurisdiction over Section 818 of Title VIII of Civil Rights Acts of 1968 and cases involving claims between citizens of different states and in which damages in excess of $75,000 are claimed. After a failed mediation due to lack of effort from the defense in regards to actual damages the case was taken to Federal Court October 11, 2019, Doc. No. 1. 3:19-cv-00902

6. Each regional Court of Appeals is empowered to review all final decisions and certain interlocutory decisions of district courts within its jurisdiction, except those few decisions that are appealable directly to the Supreme Court of the United States. Notice of Appeal was filed Doc. No. 59 3:19-cv-00902 and Brief was filed Doc. No. 60. 3:19-cv-00902 .

7. The Sixth Circuit issued its initial decision on November 1, 2021 for the case regarding Doc. Nos. 59, 60. 3:19-cv-00902 stating they had no jurisdiction and is unpublished.

8. This Court has jurisdiction under 28 U.S.C. § 1254(1).

RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS

9. Article III, Section 2 of the United States Constitution provides in relevant part: "The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States," and to certain "controversies."

STATEMENT OF CASE

10. 2018 Plaintiff contacted THRC, and Housing regarding the concerns at Enfield Management and Highmark Holdings while employed there. The first initial investigation resulted in no discrimination - this led to the Appeals and ultimately they found reason to believe discrimination occurred. According to Section 818 of Title VIII of Civil Rights Acts of 1968 as Amended (FHA), and the Tennessee Human Rights Act Section 4-21-601(d) that the Tennessee Human Rights Commission (THRC) discrimination did in fact

occurred and the defendant gave no non discriminatory reason for termination.

11. The case was initiated with a complaint 10/11/2019 Fed. Civ. 3:19-cv-00902, Doc. Nos. 1, 2,4, 5, 6 in Federal Court after not being able to resolve mediation in a respectful manner regarding actual damages Doc. No. 1 Page ID#74-76. Doc. Nos. 10, 113:19-cv-00902 shows summon issues 12/30/2019 to the Defendants and returned executed 1/6/2020. The initial complaint alleged harassment, discrimination and retaliation violating Fair Housing Retaliation. Doc. No. 1, Page ID# 6-10. 3:19-cv-00902 statements of claims were listed as far as the incidents while employed there that we employees were obligated to report even if that meant reporting to the owner according to Doc. No. 1 Page ID#16 3:19-cv-00902 in the Duties of Employees and Supervisors section.

12. The courts accepted the Retaliation but declined discrimination, harassment, and whistleblowing. I did only state negligence which was a boilerplate response and that was denied so why respond in the same manner knowing it was not acceptable? The courts recited the statement of claims in Fed. Civ. 3:19-cv-00902, Doc. No.7 regarding retaliation, and THRA. They were only able to gather retaliation from the crux of claims (the crux of claims I did not create). Mind you, I stated numerous times the discrimination was not allowed and it was not going to be acceptable especially disability discrimination while at Whispering Oaks yet it continued. Harassment in its

simplest form is one request of ceasing a behavior that causes emotional distress but is ignored. The notes from the meetings, the emails with the concerns to managers such as Amy G., and emails to the owner suggested it was requested more than one time Doc. No. 1 Page ID#42-60.3:19-cv-00902 . Creating a hostile work environment is nothing to ignore especially with the seriousness surrounding the apartments. After these initial issues I was transferred to Biltmore Place November 2017 due to the concerns of me being dangerous for being attentive and due to the lawsuit threats, remarks such as these could have jeopardized the company. Juan G explained I did not have to speak about it but he was too eager to know since they had problems with the previous employee while she was at Whispering Oaks and later quit after transferring to Biltmore Place.

13. Unknowingly they failed to see one must whistleblow in order to report but the third party report test of whistleblowing must include an outside source which I covered by reporting to Anegela Fisher and sought assistance prior to contacting the owner; after speaking with Juan Gomez. I was never able to disclose the other third party report and considering it was not critical or important enough it was not worth mentioning. To my understanding after he spoke with the District Manager Debbie regarding Logan Sadler they were to continue to process the application according to the new guidelines and that was altering rental verifications or handwritten notes from leasing agents were allowed compared to managers or district managers. And

balances owed over 75% were allowed under the new guidelines. Juan refused to allow it for white males of veteran status who were in the same time frame as Logan Sadler and I felt that was a Fair Housing Violation and needed to be addressed with explanation and alteration. Not to mention the health violation complaints, the drugs around minors without proper reports and other concerns outlined in Doc. No. 1 Page ID #6-10. I was not getting proper explanation therefore I emailed the owner Robbie King 2/2018 Doc. No. 1. Page ID 24-34 3:19-cv-00902 listed as Retaliation Exhibit A Doc. No. 1 regarding the concerns that were being addressed at which time he immediately let me go via email but waited a week to have a meeting with me, Glynda, and Juan. Doc. No. 1 PageID# 31-32 3:19-cv-00902 she attempted to recite the conversation but failed to state with specifics my concerns regarding altering applications for one but not for others. They then approached me 2/14/2018 and stated he felt I was unhappy and he would pay severance pay. I tried to explain that was not the case but he was persistent. They hired me to do a job but the moment I did my job they refused to address the inner core of its problems.

14. The courts received Doc. No. 14 3:19-cv-00902 regarding Motion for More Definite statement but it catered to the formatting which was an improper Responsive Pleading since what they asked was already listed in Doc. No. 1, Page ID# 6-10. 3:19-cv-00902 I was required to Amend the Complaint but I already responded with Doc. No. 26 3:19-cv-00902 without the courts

intervention but completed another Amended Complaint Doc. No. 29. 3:19-cv-00902 after it was granted Doc. No. 27. 3:19-cv-00902 . The courts asked me to clarify regarding the Amended Complaints Doc. No. 32. 3:19-cv-00902 so I did, and Doc. No. 29. 3:19-cv-00902 became the Amended Complaint which was also referenced Doc. No. 1. 3:19-cv-00902 since what they asked for was already listed in Doc. No. 1.3:19-cv-00902. They answered Doc. No. 26. 3:19-cv-00902 with Doc. No. 30 but failed to answer Doc. No. 29 instead using the same Doc. No. 30 for the Amended Response to Doc. No. 29 and that was an improper response. Doc. No. 30 failed to comply with Defense Rule 8(b)(1)(A)(B) preventing a proper counter plus it requested dismissal with each response. I made it known through the default request Doc. No. 37 they failed to answer and otherwise defended. The courts at no time demanded they respond correctly and failed to address excusable neglect regarding being 2 days late in responding with Doc. No. 14. 3:19-cv-00902 after being served 1/6/2020 Doc. No. 11. 3:19-cv-00902. (At no point did they ever feel the need to file a motion for answering the wrong doc-they are entitled what law?) Enfield Management and Highmark Holdings, are both Robbie King and Glynda Shamwell. However they made no mistake about demanding I clarify in Doc. No. 14, 27.3:19-cv-00902 but at no time was I granted any explanation regarding them failing to answer in a timely manner, and failing to properly respond in regards to Doc. Nos. 1, 26, 29.3:19-cv-00902 In fact they became biased regarding Default Judgment

requests. Any Plaintiff has a right to request Default if the other party fails to plead or otherwise defend. The courts confirmed such requirements in Doc. Nos. 49, 50. 3:19-cv-00902 but on the opposite Doc. No. 43. 3:19-cv-00902 they claimed if I failed to meet a deadline then my case could be dismissed for failing to prosecute. Doc. No. 27. 3:19-cv-00902 says they are required to answer in 21 days but they never answered Doc. No. 29. 3:19-cv-00902 and this was after addressing Doc. No. 26. Doc No. 42 never answered Doc. No. 29 case 3:19-cv-00902 but it was docketed as if they did. Doc. Nos. 49, 50 addresses the Default and courts confusion regarding Doc. No. 26 that was already addressed in Doc. No. 27. Which suggests they were already warned to answer in a timely manner of 21 days, but they never met that deadline in Doc. No. 42. The formatting was different in Doc. No. 26 compared to Doc. No. 29 and the response addressed the subsections of Doc. No. 26 but never addressed the paragraphs of Doc. No. 29. The court's confusion is one thing but the defense was warned in Doc. No. 27 that moved forward after the confusion they needed to answer.

15. The defendants requested a dismissal of Doc. Nos. 30, 41. 3:19-cv-00902 without ever responding correctly; without answering the correct Documents; without responding in a timely manner that requires excusable neglect and without answering the Default Motion Doc. Nos. 37, 40.3:19-cv-00902 . They requested the dismissal based on Pleadings Rule 12(c) which is an improper request since the pleading stage was not closed, and failing to state claims

Rule 12(b)(6). They failed to state what claims were not stated in disregard to Supreme Court rulings as well as [1]Plaintiff being able to prove a set of statements. Doc. No. 7 found the claim colorable, however after a few reckless Motions without any defense facts, they claimed I could not prove the claims in disregard to the evidence listed in Fed. Civ. 3:19-cv-00902, Doc. No. 1, Page ID#22, 23, 25, 26, 27, 28, 29, 30.

16. Doc. No. 43 3:19-cv-00902 the courts made it very clear I am to file a response in opposition to the Motion to Dismiss, and I was warned that if I did not respond in a timely manner it may result in a recommendation that since I was unopposed it should be dismissed for failure to prosecute. This was but another biased comment all things considered. Response was given to Doc. No. 44 3:19-cv-00902 where I state the defense failed to realize what a claim is and for that reason the case should continue. I reaffirm the claims and address harassment, as well as confirm the overall grade of just writing as required of a Pro Se. Therefore I was concerned with their inability to read claims that were asserted and evidence attached as exhibits regarding termination. Doc. No. 46 was a reply as they quoted,

16.1. "In Bell Atl. Corp. v. Twombly, 550 U.S. 544, 127 S.Ct. 1955, 1974 (2007), the Supreme Court made clear that "a plaintiff's obligation to provide the grounds of his entitlement to relief requires more than labels and conclusions, and a formulaic recitation of the elements of a

[1] In Conley v. Gibson,9 the Supreme Court stated that the 12(b) (6) motion must not be granted "unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief."6

cause of action will not do." I was very precise and Doc. No. 7 confirmed it. They never state with specifics what they felt was formulaic recitation of elements such as the term Negligence used in Doc. No. 1, Page ID#6, and they failed to prove no claim existed. They also claimed it must be plausible and not just nudging the claims over the line, Doc. No. 7 confirmed it was colorful but trickery regarding such statements tainted the case. They asserted in the next sentence mere misconduct which is confusing since they asserted no claims were stated, barely pushing over the line, to mere misconduct. Retaliation is retaliation and has never been considered mere misconduct. It has been stated it's not allowed and not acceptable behavior. Or were they referring to another set of claims they refused to mention. In fact the entire Motion does not state anything factual as far as claims not stated. The entire defense was law on paper, failing to answer in a timely manner, failing to otherwise defend, failing to prove no claims existed, and failing to comply with defense rules regarding Pro Se. This is redundant in nature and we are barely halfway through the Motions. Doc. No. 47 reasserts the claims and gives an example of the simplicity of the responses sought.

17. Doc. No. 49 Order denying default and still refusing to address any late responsive pleadings, they merely suggest they are showing clear intent to defend and stating default was inappropriate. When does an Attorney get

this much leniency? Doc. No. 50 Amended Order Denying Motion For Entry of Default, stated the clerks MUST find if they have taken steps to file a responsive pleading. The responsive pleading was 2 days late Doc. No. 14 in disregard to Rule 7(b)(1)(B)(C) and without filing excusable neglect; Doc. No. 29 was never answered, Doc. No. 26 was answered improperly and in violation to Rule 8(b)(1)(A)(B) which is failure to otherwise defend. The claim they had clear intent to defend but never failed to address the [2]defense with merits. Doc. No. 41 also Violated Rule 7(b)(1)(B)(C). The courts did not intervene to prevent the continued improper actions of the defense.

18. Doc.No. 51 cleaned up the numbering concerns from Doc.No. 47. Doc. No. 52 was reports and recommendations that lacked jurisdiction to give according to Rule 12(c). I filed a Motion of Objections Doc. No. 53 Page ID#358 stated in opposition that I believe I provided statements, and they were precise. That is opposition to failing to state a claim. I also reiterated the claims. Doc. No. 53 Page ID# 353, 354, 355 stated I felt it was a formatting issue since that is what they complained of initially because the claims can not and will not change that were listed in Doc. Nos. 1, 26, 29, 53, 54 and each Doc. throughout. The R&R was accepted by Eli Richardson Doc. No. 55 without demanding they prove no claim exists. He biasedly made that decision and denied me the same opportunity as non Pro Se in a later cases referencing

[2] https://gibbswrightlawyers.com.au/publications/setting-aside-a-default-judgment. demonstrate a prima facie defence on the merits.

[3]The 6th Circuit Court demanded the moving party prove no claims exist. They in fact seemed to demand a story book instead of precise and concise. They also ignored the direct evidence listed in Doc. No. 1 Page ID#22, 23, 25-30 that supported the allegations. In fact they contradict the statement from 6th Circuit Courts and allowed for the "laws to masquerade the facts' ' to prevail. Scheduling Order was provided Doc. No. 56. They contradict himself by setting a trial date Doc. No. 57

19. Notice of Appeal was filed Doc. No. 59, Brief was filed Doc. No. 60 and Third Amended Complaint was filed Doc. No. 62 which was later to be filed as Proposed and Deemed Improper against the Scheduling Order. The Appeals Courts lacked jurisdiction to hear the case so it was remanded. By now the case was set for trial.

20. The Defendant answered the Third Amended Complaint late Doc. No. 65 they also violated Rule 8(b)(1)(A)(B) again. However the defense claimed they were answering all third parties which is inaccurate due to the reports being made directly to Robbie King, shared with Glynda Shamwell 2/2018.

21. Doc. 66 addressed the ongoing frivolous defense and them not providing a defense on merits as outlined in california courts, "[4] The claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous

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[3]https://cases.justia.com/federal/district-courts/tennessee/tnmdce/3:2020cv00736/83704/56/0.pdf?ts=1639002927. See In re Travel Agent Comm'n Antitrust Litig., 583 F.3d 896, 903 (6th Cir. 2009) (explaining that on a Rule 12(b)(6) motion, a court "need not accept as true legal conclusions or unwarranted factual inferences . . . and conclusory allegations or legal conclusions masquerading as factual allegations will not suffice.").

[4] . The claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for the law's extension, modification, or reversal;https://www.cga.ct.gov/PS98/rpt%5Colr%5Chtm/98-R-0916.htm

argument for the law's extension, modification, or reversal". Which suggests this was not a frivolous Motion but a demand to take notice to defense. In Doc. No. 67 I filed a response explaining the late responses and them failing to otherwise defend again, according to *DeLaurentis v. City of New Haven*, 220 Conn. 225 (1991))"asserts a defense to such an action without probable cause must pay the other party double damages" but they continued to ignore such warnings and merely stated law after law to whatever was in their head. "[5]In Connecticut, anyone who files or prosecutes a civil action or **asserts a defense to such an action without probable cause must pay the other party double damages."** There were Motions to Strike Fed. Civ. 3:19-cv-00902, Doc. No. 69, 70 without invoking proper laws, and they were denied. Response to the Motions to Strike Doc. No. 71 regarding the defense being able to pinpoint certain statements of claims regarding housing or a bible scripture. Those simple claims need to be stricken but all other claims need to exist. This also suggested they had knowledge enough to pinpoint a claim and address it but when required to do so in proper motions they fall short. I did request to hold off in the Motion for Frivolous Defense and I would revisit it later. I did file another Default Request due to the ongoing baseless defense, the failing to defend in early stages of litigation and later stages of litigation. The continued pattern of not answering in a timely manner and failing to otherwise defend.

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[5] In Connecticut, anyone who files or prosecutes a civil action or **asserts a defense to such an action without probable cause must pay the other party double damages.** https://www.cga.ct.gov/PS98/rpt%5Colr%5Chtm/98-R-0916.htm .

22. The courts ordered Compliance of Rule 33, in Doc. No. 91 3:19-cv-00902, and they refused to acknowledge Rule 33. Rule 33 states no more than 25 written questions. I answered 17 to the best of my knowledge and what I did not know, especially regarding the defendant's employees, could have been obtained from him. How am I to know his employees personal information; that could suggest stalking or harassing including random searches on websites? Prior to the court's order I had already supplied the discovery and Amended it by December 2021 Exhibit P-1 & 2; I sent evidence to support that 31 pages were sent regarding discovery then I sent an email to Amend and that resulted in 41 pages. They failed to be specific as far as what they needed and its relevance. In the interrogatories they failed to turn in states that I need them or the courts to explain the reason for my social security number. If they would have turned in the correct interrogatories then a Motion to Compel could have happened or explanation of relevancy. Requesting them to explain the relevance regarding generic questions is a valid request. However they perjured themselves regarding discovery and covered it up with a dismissal request and another improper filing. They were more willing to take the attorneys on statement alone without evidence but when I contradicted what they were saying with 41 pages they gave it no further thought. The draft, incomplete interrogatories were from 2020 the three pages they turned in Doc. No. 77 Exhibit P-3,4,5, when they first refused to respond to the calls about discovery. The defendants did submit the

multiple attempts in email from 2020 as far as reaching out to them and getting responses. As stated in Doc. No. 106 3:19-cv-00902 reply to Doc. Nos. 102-104 3:19-cv-00902 (well pleaded and properly especially for a Pro Se) regarding Discovery Rule 33 and the failing to state specifically what they needed regarding discovery that was relevant and that I had in my possession. [6]28.2 explains when you are uncertain you answer with specifics to your knowledge A short time frame and dates documented by the defendant's employees are available and the defendants have the rest. "To clarify in Doc. No. 93 Exhibit P-1, shows that I complied with Rule 33, turned in the discovery that was submitted in December 2021, by email and mail.

22.1. Gregory S. Foreman discusses answering discovery; "Sometimes, when I ask a question, you will have partial knowledge but not absolutely certain or complete knowledge. For example, if I asked you the temperature right now you couldn't necessarily tell me the exact degree but you could give me an approximate answer and even if you couldn't you probably know whether it's really hot or really cold or somewhere in between. In that circumstance an answer of "I don't know" is not appropriate but an answer giving a range or estimate based on your knowledge with an explanation that it's a range or estimate is appropriate. Do you understand this?"

23. Each Interrogatory was answered and they had all the evidence since Doc. No. 1 3:19-cv-00902, or they had access to it in Pacer; they never stated throughout they did not receive the original complaint with the evidence. The evidence that was provided was documented with the names listed and the evidence was meetings and notes from parties such as Nell, Amy G, Juan. The defendant is the only one privy to that information. However they are

[6] https://www.gregoryforman.com/blog/2017/06/answering-discovery-you-first-object-to/

irrelevant to the cause of action. Why? Because the reports were made to Robbie King 2/2018 and he terminated me by email. If they really needed that information their client had it. I stated to the courts numerous times that the defendant provided that information and since he provided it then he has the stored information; if they were forthcoming as they demand I be they would have responded correctly with the correct evidence, and all names would be listed but they continuously failed to make a defense denying the information they sought.

24. There is no legal standard that says you have to meet to do discovery in the town in which you filed the case as stated by Tracey 2/11/2022, Exhibit P-5 "Unfortunately, since you filed suit in Nashville that is where your deposition will take place. Per the correspondence provided you will need to report to Alpha Reporting on the date and time of your scheduled deposition." This was a zoom meeting in Nashville and links can be provided. This was not a special request, this was a meeting where I was denied the link.

25. They lied to the courts about discovery relentlessly.They complexed what was simple. The evidence tells the truth I have explained and that is I was trying to set a time within my work schedule and I was to obey Rule 33. But the defendants chose to lie and motion the courts over deceit and delusion. What they sent me was the First Set of Interrogatories that requested production as far as evidence that would be used; instead of being clear they kept talking

in circles about what was in the email we were chatting in. 1/20/2022 Doc. No. 77 Docketed statement was in regards to the discovery.

26. They Motioned the court maliciously 1/20/2022 and failed to be forthcoming about what they had in their possession. The courts ignored the evidence and covered it up with a dismissal. They had the answers to the production they were requesting. The 17 Generic questions they claimed they did not have but had as of December 2021 via email. The production was provided in the interrogatories as exhibits or mail and scanned. I offered a drug test Exhibit P-13 but they didn't want that. So how can they say I did not comply with the production they sought? Drug tests were productions I did not have but it was offered and deemed irrelevant, so why ask for it? Exhibit P-14 page 3 of 6 states they don't need it. I explained I can not be there all week but asked to be provided the zoom link and gave them my work schedule and that was not good enough. Well losing my job over them again will not happen unless they want to pay for the expenses. They have come forth with improper filings after improper filing and that is grounds for default. They state with ill intent,

26.1. "McGuire is warned that, going forward, failure to participate in discovery or filing of any motion without a proper legal and factual basis may lead to a recommendation that she be sanctioned by the revocation of her IFP status or, if warranted, by other sanctions up to and including the dismissal of this action with prejudice."

27. Id. at p. 12. Case 3:19-cv-00902 Doc. No.110 Filed 06/14/22 Page 2 of 5 PageID #: 1050" however the defendant was able to file three years worth of Motions without proper legal and factual basis, *"In United States criminal law, a factual basis is* ***a statement of the facts detailing an individual crime and its particulars, stipulated to by the prosecution and the defense****, which forms a basis by which a judge can accept a guilty plea from the defendant",* Wikipedia. I can only assume they were warning the Defendant through me because I gave facts of the entire case but the defendants failed to and they filed improper and incomplete filings for three years. "A false or fictitious statement or representation is an assertion that is untrue when made or when used, and that is known by the person making it to be untrue. *United States v. Worthington*, 822 F.2d 315, 319 (2d Cir.), *cert. denied*, 484 U.S. 944 (1987)." False statements are what they used when they stated I never provided one production or answered one question from the First Set of Interrogatories. [7]"The statement might be partly true, the statement may be totally true, but only part of the whole truth, or it may use some deceptive element, such as improper punctuation, or double meaning, especially if the intent is to deceive, evade, blame or misrepresent the truth."

28. Here is a letter after one month of sending them the answers and the evidence I was going to use in court AND THEY CONTINUED TO STATE I

[7] The statement might be partly true, the statement may be totally true, but only part of the whole truth, or it may use some deceptive element, such as improper punctuation, or double meaning, especially if the intent is to deceive, evade, blame or misrepresent the truth https://en.wikipedia.org/wiki/Half-truth#:~:text=The%20statement%20might%20be%20partly,blame%20or%20misrepresent%20the%20truth.

NEVER PROVIDED THEM WITH THE FIRST SET. The evidence suggests otherwise. "We are also awaiting your full, complete and verified responses to Defendant Enfield's First Set of Interrogatories and your responses to Defendant Enfield's First Set of Requests for Production, along with all documents responsive thereto" was the statement on the image below. If I can not get them to acknowledge they have received the Interrogatories then they are merely harassing This statement was 1/10/2022 and they had the First Set of Interrogatories and Amended plus the evidence that I had and was going to use.

29. They then alleged all my responses were non responsive. So which one is it? I did not respond to one or I responded and not to their satisfaction? That type of delusion I refuse to tolerate. So they admit on the same date I did respond but not to their liking. I was responsive but gave objections regarding other parties personal information and social security numbers that are irrelevant. They gave no specific reason as far as why they needed and for what purpose of the court and case, just they wanted it. They tirelessly lied about me not answering one question from the *First Set of Interrogatories* but in a separate letter state they were non responsive and not to their liking. I answered all the questions so that was a perjury statement made to the courts. Doc. No. 91 3:19-cv-00902 says Rule 33 I was to comply with; I submitted to the courts and I answered 17 questions. According to,

29.1. "The parties in *Nachurs Alpine Sols., Corp. v. Banks*, 2017 U.S. Dist. LEXIS 104778 (N.D. Iowa July 7, 2017) came close to solving this dilemma, but the court had to close the final gap. After conferral, the defendant agreed to produce a log of roughly 24,000 documents withheld as "nonresponsive," a term the court interpreted as meaning "beyond the scope of discovery." Based on the log, the plaintiff asked the court to compel the defendant to re-review all of the withheld documents for responsiveness, applying four categories that the plaintiff considered relevant, or in the alternative to pay the plaintiff's cost of reviewing an "attorney's eyes only" production of the documents (the parties were business competitors). The defendant argued that the request for re-review and cost-shifting was disproportional and too burdensome. The defendant asserted that the information sought could be had by other means, including depositions and written discovery." There is no reason a person needs 10 years of medical and random statements from notes and journals while they refuse to address manager notes in Doc. No. 1 or in the interrogatories. For the 100th time their client sent the "various notes" by mail 4/2018 and they were supplied a copy. "The court began its analysis by reviewing the proportionality factors in Fed. R. Civ. P. 26(b)(1). The court then noted the shifting burdens of persuasion. The requesting party must first make a threshold showing that the documents withheld fall within the

scope of discovery." In fact I argued that the defendant has yet to prove any information they do not have is needed or has cost them any money to prove otherwise. If I say, "none" that means I don't have it. They have yet to prove I do and its relevance to the case. Exhibit P-9 1/10/2022 shows where they state #9 was lengthy but they notified the courts regarding the draft response from 2020 that was three pages.

30. I made it clear that the dates are unknown in the answer to number 9, however the company has the records they seek. It is also answered in other places of the interrogatories as far as the dates that I have available. I gave a time frame of the random events, and that should have been specific enough for the relevancy of the case. But to state I provided no answer and that I was unresponsive was very misleading. They spent three months saying I never answered anything or produced anything. They filed Motion to Compel 10/29/2020 via letter Doc. No. 77 Exhibit 4 however that was denied. They never filed another Motion to Compel, just a dismissal request. They threw anything they could think of up except breach of contract or whistleblowing, discrimination, hiring potentially under false pretenses and negligence. And a little far fetched but who doesn't understand what a fact is? They gave no solid reason for the discovery they sought. The uselessness of what they request such as notes, journals, 10 years of medical and the information regarding employees I know nothing about that could have been obtained from the company; no they worked to get a dismissal.

31. In fact they waited until after the close of discovery to cause a scene; failed to turn in what they had and that proved dishonesty. There was no initiative on the defendant's part to resolve discovery deadlines, extend discovery deadlines, address the discovery issues 10/2020, and 12/2021. There was no hearing to state the relevance of the generic statements they were needing. Who needs 10 years of medical when I can't even get ten years of medical to my new Doctor?

32. I offered to set a date and gave my hours so we could work around Exhibit P-7. They refused to work around the dates and my company does not let us off without it being requested and they went as far as saying At My Request Exhibit P-8 and addressed me as Averitt, I am McGuire. The days they were asking for me to stay in another state at my expense instead of allowing me to meet via zoom. Exhibit P-3, "Said deposition will take place via ***Zoom*** at 1 Vantage Way, Suite D-115 Nashville, Tennessee 37228, beginning at 10:30 a.m. and will continue from day to day until completed" according to a letter from GWTC, March 14, 2022 was the date the letter was sent. My response was, Exhibit P-6

33. If I give someone my schedule after they state they could work with me on it, and they then state they refuse to work with me and I better show up at a specific date and time, that is conflict amongst themselves, not me. The email shows they claim they will work with me but upon giving my schedule it was ignored. This response was not satisfactory either. Nothing I had

offered was satisfactory and meetings via zoom happen everyday but for me that was not an option. Seems to me they were looking for additional expenses such as a free trip to Nashville, TN at the expense of whoever instead of being realistic about Zoom meetings.

34. I was advised I was ranting but I was talking about Rule 33. In the midst of the email the Attorney drew a blank and had no idea what I was talking about. Who in the middle of conversation about Rule 33 has no idea what I am talking about in the same breath. This confusion and intolerable child-like behavior is nothing but that of a child. 3/17/2022 they could not comprehend anything regarding Rule 33. That was the only Rule ordered. Instead of filing Motion to Compel they asked for a dismissal AGAIN. If an attorney does not understand and sees only rants in their head there is no room for negotiation.

35. They suggest they will work with me on the dates but I gave my work schedule and they refused to work with me from 3/17/2022 to 3/29/2022 with unknown end dates and that is not realistic for a person who works a scheduled shift. Now for an attorney whose job is that only of an attorney they have that freedom. The amount of times dates get set out because of conflicting schedules is unreal but dismissal was pressed and the courts folded. That is the madness I am talking about. Also 3/17/2022 Exhibit P-10, they continued stating their response stands as far as discovery and they will allow the courts to decide so why do anything else plus they refused to state

they got the 17 interrogatories they demand I answer page 4 of 7 Exhibit P-10. I tried to speak with someone else who had more to offer than non compliance but was denied. 3/16/22 Exhibit P-11 shows again the interrogatories in the email sent to Tracey, Exhibit P-12 shows me asking again if they received them. Rule 26(b) states Proportionality, needs of the case, consistent with overall of the case, it's not duplicative, the information can not be obtained from other sources, ect.

36. 2/2022 they stated they would Motion the Courts; they failed to show the courts the need for anything that wasn't provided but was objected to. I asked them to gain it from other sources or to prove its relevance. Also what relevance does a phone call to an attorney who can not handle my case have with this production? Or a paralegal who suggests its only formatting issues and wanted to charge 500?

37. The argument was that I did not comply with Rule 33 as ordered. However I did and with simplicity. If Rule 26(b) was applied correctly then why not respond with more than unresponsive when I was responsive and why mislead the courts and suggest I did not answer a one question, Rule 26(b) states discovery requests are proportional if, "the discovery is reasonable, ***considering the needs of the case,*** the amount in controversy, the complexity of the case, ***the parties' resources, the importance of the issues,*** and ***the importance of the discovery in resolving the issues;***" I

ask what relevancy and request for them to explain the need for it especially when they use generic questions. When does simple become complex?

38. The concerns of the discovery were 13 a. Witness to testify regarding the claims Rule 26(b) ***considering the needs of the case*** no expert testimony was needed b. Expert witness Rule 26(b) ***considering the needs of the case, what*** is the relevancy of an expert witness in regards to did I make a report and was I terminated because of that report only? c. expert regarding medical; however the names were given and it was only a couple of visits and as I have stated follow up appointments in Evansville IN so what was the purpose of an Expert witness I did not need? *Discovery is what I have, not what they want me to have.* Rule 26(b) ***considering the needs of the case*** d. Evidentiary support regarding the documents they claim I did not provide; but their emails are considered verifiable and have not been denied by the defendants-expert witnesses are not necessary as stated in previous cases e. Discovery on the defendant was not needed; they had provided the mail packet 4/2018-if it can be gathered from other sources then I need to get it and I had the evidence I needed to prove my case; in fact the courts could have confirmed Rule 26(b)(2)(C)(i) the discovery sought is unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome, or less expensive. f. Claims I had not taken a single deposition. March 17 2021 they said I had to show up on the 29th of March in Nashville TN while denying me a link to a Zoom meeting.

They also lied and said the reason I am being demanded to Nashville, TN is because I filed the case in Nashville, TN. That is not valid nor is it correct. This is in regards to Interrogatories 1-17 that were questioned on page 3 Doc.No. 103 Interrogatories #4 The names I know are listed. The Defendant has their last name. They are his employees. #6 was answered as none. #7 answered correctly #8 was answered and evidence was in Doc. No. 1 as listed. #9 was extensive and Amended page 11-36 # and lengthy according to the response from the Defendants but the court would not know that because they failed to turn it in and lied about what they received 12/2021. 15 provided the Doctors name page 36-37 #17 was answered correctly Exhibit P-3 shows I emailed them regarding me contacting my Doctor office 10/31/2020. This was addressed in Ethical Obligation and Sanction on the attorney Doc. No.108, 109 3:19-cv-00902. Doc. No. 103, 3:19-cv-00902 no number listed but page 3 states Productions 3-14, 16–19, 25-28 were in question. Production was provided in the answer of the Interrogatories. They do not need my tax returns to prove the case, and my wages were provided as far as amounts in question and in actual damages. The only other information that they state is relevant is expert testimony and that is not needed; it's a waste of the time. Since they demand an expert witness they need to provide one. I am not obligated to provide expert witness. In fact that was to be produced if I had one to testify. The confusion is not mine to bear. Page 6 of Doc. No. 103 confirms they are aware that expert witnesses will not

be able to be used in court but claim it's relevant and that it was not produced. Page 5 of Doc. No. 103 states I failed to provide evidence that was listed in Doc. No. 1 and interrogatories. Doc.No. 103 argues Rule 41(b) as I have proved relentlessly I was the only one who was willing to prove the case on facts and merits. Summary Judgment was granted without them stating a fact.

39. Interrogatories regarding damages were listed in Doc. No. 74, 1/21/2022 in the default request and that shows I had already listed them in the interrogatories they failed to turn in.

40. TO be threatened with the courts with what they had and what they refused to do is delusion. 31 pages Amended on 12/30/21 and email to contradict the 3 pages they turned in later on is factual content. I could not think of anything else that really applied to the questions they repeatedly sent. So why argue, "lengthy" if you keep sending the same pack back but contradict yourself in Doc.No. 103 regarding answering . What were they looking for or expecting? I tried confirming mail receipt 3/16/2022 knowing I had already scanned the content they did not have and emailed as well.

41. Remedy requested was 1 billion due to the involvement of steering, housing discrimination, and falsifying rental documents that led to termination for opposing actions. 6.5 Million Case Comparison for employment retaliation and the continued retaliation for 6 months as quoted in this case. .

42. Actual Damages – Loss of title and growth for years, irrevocable. Lost wages from 2/2018-6/2018 = 9,280.00 to 10,000.00 . Deduction in wages from 6/2018-2/2019 = 3840,00. Medical Bills- paid for by the State due to low income. If the State wants their money back since this was no fault of theirs then add emergency room visit, 3000.00 on the high end, Doctor visits are from 87.00-185.00=1800.00 low end. Brian Glass was telehealth, and meds were around 30.00 for the year. No therapy because I had to work. Future medical- Now I have to lose weight, because the meds cause weight gain and that appointment is 12/27/2021, schedule upper endoscopy, and to be seen after I have now stopped taking meds as of 11/2021. Lose of free classes- 1300.00, 5 classes of paralegal was that amount. Loss of discount living-1200.00. Gas expenses- 100.00, since 2018-current. Postages-50.00, since 2018-current. Printing Documents- 75.00, since 2018-current. Emotional Stress 1 Million. The past medical, the current, the future medical due to having been placed back on meds which has caused weight gain, and because of that an upper endoscopy must be performed. This is the side effects of the meds (Sertraline). 25.00 for Indiana Imaging form emergency room visit. Paid for 12/25/2021. Time and cost to litigate this claim- $1050.00. I also asked the courts to set the amounts if they felt these amounts were not acceptable.

REASONS FOR GRANTING THE WRIT

43. Cassandra McGuire, Plaintiff, respectfully petitions for a writ of certiorari to review the judgment of the U.S. Court of Appeals for the Sixth Circuit in No. 22-5881 in regards to them ignoring factual content, Federal Defense Rules such as 8, 12, 33 that were ignored, Title VII Retaliation Claims and ignoring incorrectly applied Summary Judgement. They have smeared the face of our country with disregard since 2017 AND no one has opted to rectify this situation yet call themselves JUSTICE seekers. 2008 the country tanked harshley as people committed suicide, starved, repented without hesitation, and 82 billion was sought at one point for recovery regarding the damages in regards to steering, discrimination, and fraud. Largest lawsuit in history. 2020 reckless behaviors led to the death of a black male which led to destruction of city after city as each person who looked over this case barely glanced with correct sight. This case within 6 months covered all those areas yet the courts could not comprehend the complexities of it even though they had previous court guidelines to search and seek. This was a simple case but the haughtiness of those that oppose the law prevailed. And that is not justice. No male (or person) should be denied the ability to report something as serious as drug stashes due a disability in the housing industry. Within one month of argument [in regards to disability discrimination] of potential viable claims a male was gunned down (murdered) due to a drug deal. No female should be steered to a place that could bring her harm because a male with hate in his heart decided to break the rules for her but withheld the

rights to a white veteran. Was this malicious? Could this lead to negligence? I would never know because covering this case up was a priority starting with Doc. 14, Case Number 3:19-cv-00902 being late without being addressed.

44. Federal District Court of Middle Tennessee Fed. Civ. No. 3:19-cv-00902 and to determine what grounds the courts had to ignore the defendants failing to answer in a timely manner, failing to answer correct complaints, and not adhering to Defense Rules such as 8, and 12 and 14. Rule 12(b) was granted without respect to Supreme Court Mississippi Rulings Footnote 9, and that comes in conflict with the courts AND shows bias not just discretion. There is conflict with the Supreme Court in Conley v. Gibson, the Supreme Court stated that the 12(b) (6) motion must not be granted "unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." They failed to state what facts could not be proved and failed to give the case proper Due Process of trial and this was after conflicting with another Supreme Court ruling regarding threshold being met and the defendant must prove by clear and convincing evidence that retaliation did not happen. This is the beginning of the case and the confusion created by the magistrate judge who then opted to ignore the threshold (***Ignoring Supreme Court Ruling that when a Petitioner meets threshold[8] Doc. No.7 3:19-cv-00902, the defendant must prove by clear and convincing evidence that retaliation did not happen-both***

[8] https://www.jdsupra.com/legalnews/employees-no-longer-need-to-satisfy-6724015/ the employer then bears the burden of demonstrating by clear and convincing evidence that it would have taken the same action 'for legitimate, independent reasons.'" (Lab. Code, § 1102.6.)

Federal and Appeals Court ignored a recent Supreme Court Ruling regarding retaliation. They have a serious problem being biased and not adhering to Supreme Court Rules) the not answering in a timely manner, failing otherwise to defend by responding with compliance of Rule 12(b) as stated by Mississippi Supreme Courts. The words "otherwise defend " refer to a Rule 12(b)(6) motion. See M.R.C.P. Rule 12(b).[9]

45. To determine what grounds are they able to give Summary Judgment Rule 56 without stating any facts[10]? Or stating undisputed facts in disregard to Supreme Court Rulings and laws in general? A fact must be stated in opposition.

45.1. "As of the effective date of the new Rule, the trial court is actually required to state on the record its reasons for granting or denying a motion for summary judgment and must do so with sufficient specificity to provide "useful guidance" to the litigants and to assist with appellate review."

46. To determine what grounds do they have authority to deny someone default when it's warranted yet suggest I am not entitled to it but the defense is entitled to file as many Motion to Dismiss as they like and that is not considered impeding on the progress of the case.

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[9] https://courts.ms.gov/research/rules/msrulesofcourt/rules_of_civil_procedure.pdf- The words "otherwise defend" refer to a Rule 12(b)(6) motion. See M.R.C.P. Rule 12(b). The mere appearance by the defending party will not keep the party from being in default for failure to plead or otherwise defend,

[10] Rule 56 standard that required ***both the absence of disputed facts and a view of the record in a light most favorable to Petitioner,***" as stated by Supreme Court mandatory Law. https://www.supremecourt.gov/DocketPDF/21/21-434/192729/20210917124756542_41258%20pdf%20Messall%20br.pdf

47. To determine how can the Appeals court bypass Supreme Court rulings regarding reasonable person retaliation? Falsely reporting poor performance-after termination was poor performance reported to THRC. Making a shift change-relocated to Biltmore Place where retaliation continued. Threatening to fire the employee-I was terminated. And Retaliation?According to the Supreme Court, in White's case-Title VII prohibits an employer from discriminating against an employee or job applicant because that individual "opposed any practice" made unlawful by Title VII .[11]

48. To reaffirm Retaliation of any form is not acceptable especially when one is acting in good faith. The housing industry is not an industry to create a foundation of retaliation. Housing is the place where people call home and if the company is setting a harsh tone that subjects residents to those actions (retaliation) it will prevent and deter many from staying safe, making potential viable and life saving reports due to discrimination. And pretending it doesn't exist and it did not happen does not make it go away. I ask that light is shed back into the industry so a stronger and safer foundation can be built.

CONCLUSION

[11] https://scholarship.law.uc.edu/cgi/viewcontent.cgi?article=1297&context=fac_pubs. The Supreme Court took Ms. White's case to determine the meaning of "discriminate [s] against" in the context of Title VII's anti-retaliation provision, including the more specific issue of how much harm adverse actions must cause to constitute discrimination. 45 The Court held that the anti-retaliation provisions cover those employer actions that "would have been materially adverse to a reasonable employee orjob applicant., 46 The Court further indicated that "the employer's actions must be harmful to the point that they could well dissuade a reasonable worker from making or supporting a charge of discrimination."

49. Two reminders-1) they continuously state Averitt in emails regarding Discovery 2) Sum Certain was confirmed in Doc. No. 39 3:19-cv-00902 when the judge suggested the more appropriate route would be to request default from the clerk (confirmed they understood thus far). The first R & R was warranted they claim because no statement of claims existed but default was not warranted and both are drastic remedies. The first and second Summary Judgement was not warranted because there were no undisputed facts nor were they disputed and the first Summary Judgement was premature in nature due to the timing but it was granted-the pleadings were not closed yet they still granted the Summary Judgement on pleadings. Also the last straw they claimed was discovery and filing motions with no factual content and improper laws but they never claimed what was improper plus I turned in discovery; they refused to be forthcoming about the discovery and in fact attempted to cover it up with discovery from 2020 when they first refused to answer me regarding discovery. Using the court for improper purposes is abuse of process, so why set a court date regarding claims that never existed? They then Sanctioned me when the case would not have lingered on without the courts permission.

50. Doc.Nos. 26, 29,3:10-cv-00902 and Doc. No. 1, 3:10-cv-00902 states all three causes of action. Doc. No. 1 was more specific with dates and time frames compared to Doc. Nos. 26, 29,3:10-cv-00902 but they failed to be specific in either responsive pleading. What they demanded was already listed in Doc.

No. 1 minus numbered paragraphs and that suggest improper Motion for what they were seeking. Throughout they have proven the man/woman side compared to adhering to the laws they are aware of; respectfully stated, [12]"Ours is emphatically a government of laws, and not of men". To suggest no Pro Se is heard unless they rise to the level of an attorney is a useless portal for justice. I also think I have proven how to rise from the dust of others' feet, both from the original case and the burden I carry from the courts now.

51. The appeals courts failed to address the case in entirety. They also failed to address the court holding a case for three years that they claim met threshold Doc. 7. 3:19-cv-00902 but claimed no claims existed after covering up the defense failing to answer Doc. 29. The case was over but their attempts to manipulate were sloppy for three years. The courts claim they are to strive to be something they desire to be but the first commitment is not covering up wrongdoing in the courts and meeting deadlines. Holding them accountable is first priority since they refuse to be accountable. That is law not let's practice at the expense of citizens. So let's play real law where it prevails. They covered up failing to answer in a timely manner, they failed to answer or respond to correct Docs, they held court for a case they claimed had no claims

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12 https://www.supremecourt.gov/DocketPDF/18/18-1323/123626/20191125172718305_1.%20%20June%20Medical%20-%20Brief%20for%20Petitioners%20-%20FINAL.pdf Adherence to this Court's Decisions Is a Fundamental Component of the Rule of Law. Lower courts are bound by the decisions of this Court. That fundamental principle is essential to establishing and maintaining the rule of law. Justice Joseph Story provided a classic statement of the principle and the reasons for it: 3 Ours is emphatically **a government of laws, and not of men;** and judicial decisions of the highest tribunal, by the known course of the common law, are considered, as establishing the true construction of the laws, which are brought into controversy before it.

for three years-3 years is a long time to hold a case. They refused to address the case with evidence as required by the Supreme Court.[13] The defendants failed to defend the entire case but the courts refused to address it and that comes in conflict with the Supreme Court of Mississippi, "The words "otherwise defend " refer to a Rule 12(b)(6) motion. See M.R.C.P. Rule 12(b). The mere appearance by the defending party will not keep the party from being in default for failure to plead or otherwise defend." And since the court continuously ignored this they kept the case alive for three years in conflict with Supreme Court Rules then ordered I pay all attorney fees for their lack of jurisdiction. Lack of jurisdiction to change Supreme Court Rules. They opted to change current Supreme Court rules regarding retaliation and once threshold is met Doc. No. 7,3:19-cv-00902 the defense must defend with evidence. The continuation of lack of jurisdiction is disturbing. No one can change defense laws, Default Laws, and alter Supreme Court Ruling. Their argument with the Supreme Court is their argument not mine to make. Each court has authority to submit questions to a high court but they refuse.

52. As a final reminder there would be no attorney fees if the case did not last three years. A case they alleged had no merit or factual content therefore should have been dismissed immediately for frivolous according to [14]§

[13] Title VII prohibits employers from discriminating against employees based on their personal characteristics, including their race, color, religion, sex, and national origin, as set forth in 42 U.S.C. § 2000e-2, referred to by the Court as "status discrimination." Title VII also prohibits employers from retaliating against employees based on an employee's opposition to employment discrimination or complaint of discrimination. *See* 42 U.S.C. § 2000e-3(a).

[14] https://www.nlrg.com/civil-procedure/dismissal-of-frivolous-prisoner-and-in-forma-pauperis-actions-in-federal-court#:~:text=%C2%A7%201915A(b)(1,i)%2C%20(ii). Under either statute, an action is

1915A(b)(1). "Another federal statute similarly requires a district court to dismiss any proceeding brought in forma pauperis if the court determines, "at any time," that the action is "frivolous or malicious" or "fails to state a claim on which relief may be granted." Id. § 1915(e)(2)(B)(i), (ii). This was not filed before a responsive pleading was required but should have been since it would have been frivolous without fact or law. What court accepts a case without factual content or law? A case they claim met retaliation threshold but then recanted. A case that met all Supreme Court guidelines and no abuse of discretion took place not even with Summary Judgement as they claim. The case where mind reading and head talks happened because facts were not relevant. They solidified the inaction of the courts so they can address the title because entitled doesn't belong to Pro Se. It is very important to encourage the Pro Se instead of discouraging them by manipulation of laws and facts. Pro Se are entitled to Supreme Court Threshold for Retaliation, they are not to make legal arguments, they are to just write.

53. I must add I never asserted myself as law, and never presented myself as such in court or at work. Strictly the thought of what a Pro Se may be or the obstacles they may struggle with after experiencing something traumatic. I trust my adjustments are noticeable. Also I only complied with what the

"frivolous" if it "lacks an arguable basis either in law or in fact." Eyster v. James T. Vaughn Med. Dep't, Civ. A. No. 18-1628-RGA, 2019 WL 1854634, at *1 (D. Del. Apr. 25, 2019) (quoting Neitzke v. Williams, 490 U.S. 319, 325 (1989)).

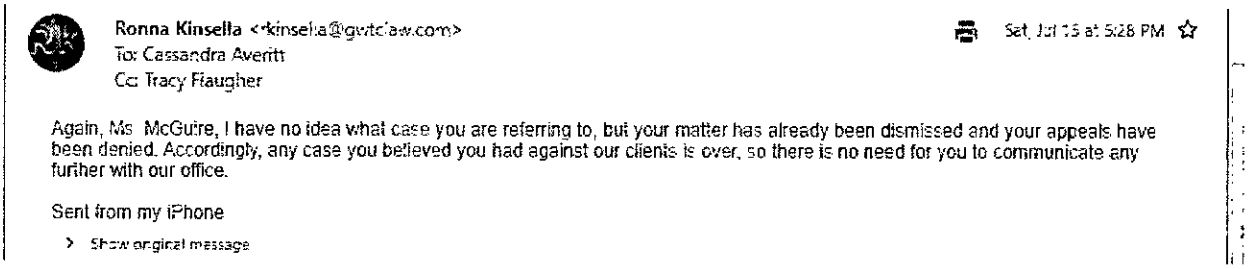
employment agreement demanded, however I did take notice of the negligence that may arise from the actions of the employees and that could look bad on someone who studied criminal justice. I trust that action was witnessed with regards to the children being exposed to meth potentially and the refusal to allow a disabled man to report drug stash locations that could have been linked to the murder that involved drug deals. I would not be the missing link on anyone's watch. I do ask that as a Pro Se this case is heard.

54. I tried to serve the other party and as confident as they are in the system and all prevailed I am to not contact them to serve the Writ. But I was faulted for asking them to not harass me with discovery.

55. She claims she has no knowledge of what I am referring to but the case (she is aware of) has been closed. "**Ronna Kinsella** <rkinsella@gwtclaw.com>To: Sat, Jul 15 at 5:28 PM. Again, Ms. McGuire, I have no idea what case you are referring to, but your matter has already been dismissed and your appeals have been denied. Accordingly, any case you believed you had against our clients is over, so there is no need for you to communicate any further with our office." This suggests wink wink throughout the entire system as the Supreme Court has no say and that is not optional according to this email. Threshold does not matter, Pro Se simple and layman does not matter, direct evidence does not matter, THRC investigation does not matter, not answering correct Docs is acceptable and ignoring all defense laws does not matter

simply because they claim no statement of claims existed as they held court for 3 years for claims that do not exist. And that is not Abuse of Process?

56.



Ronna Kinsella <rkinsella@gwtclaw.com>
To: Cassandra Averitt
Cc: Tracy Flaugher

Sat, Jul 15 at 5:28 PM

Again, Ms McGuire, I have no idea what case you are referring to, but your matter has already been dismissed and your appeals have been denied. Accordingly, any case you believed you had against our clients is over, so there is no need for you to communicate any further with our office.

Sent from my iPhone

> Show original message

57. I must advise the Defendants were served the last Writ and I was advised to not contact them again. This second time will put me in jeopardy of harassment charges because they have asked twice. I am not entitled to that protection or ;law but they are. They have a continued pattern of not wanting to answer properly or complying with responding correctly. So I assume by evidence they have waived all rights to respond. And they have denied payment of any attorney fees they felt they were entitled to.

Respectfully Submitted

Cassandra McGuire

Supreme Court Website-The petition for a writ of certiorari may not exceed 40 pages excluding the pages that precede Page 1 of the form. The documents required to be contained in the appendix to the petition do not count toward the page limit. See Rule 33.2(b).33.1(b)