

FILED: October 2, 2023

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-1176
(3:22-cv-04215-SAL)

US BANK NATIONAL ASSOCIATION

Plaintiff - Appellee

v.

TRACIE L. GREEN, a/k/a Tracie Ledora Mitchem-Green

Defendant - Appellant

and

CARDINAL PINES HOMEOWNERS' ASSOCIATION, INC.; PALMETTO
CITIZENS FEDERAL CREDIT UNION

Defendants

J U D G M E N T

In accordance with the decision of this court, this appeal is dismissed.

This judgment shall take effect upon issuance of this court's mandate in
accordance with Fed. R. App. P. 41.

/s/ NWAMAKA ANOWI, CLERK

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 23-1176

US BANK NATIONAL ASSOCIATION,

Plaintiff - Appellee,

v.

TRACIE L. GREEN, a/k/a Tracie Ledora Mitchem-Green,

Defendant - Appellant,

and

CARDINAL PINES HOMEOWNERS' ASSOCIATION, INC.; PALMETTO
CITIZENS FEDERAL CREDIT UNION,

Defendants.

Appeal from the United States District Court for the District of South Carolina, at
Columbia. Sherri A. Lydon, District Judge. (3:22-cv-04215-SAL)

Submitted: September 28, 2023

Decided: October 2, 2023

Before NIEMEYER, THACKER, and RUSHING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Tracie L. Green, Appellant Pro Se. John S. Kay, HUTCHENS LAW FIRM, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tracie L. Green seeks to appeal the district court's order adopting the magistrate judge's recommendation and remanding Appellee's action against her to the state court from which it was removed. The district court remanded the case after determining that it lacked subject matter jurisdiction. "Congress has placed broad restrictions on the power of federal appellate courts to review district court orders remanding removed cases to state court." *Doe v. Blair*, 819 F.3d 64, 66 (4th Cir. 2016) (internal quotation marks omitted); see 28 U.S.C. § 1447(d) (providing that remand orders generally are "not reviewable on appeal or otherwise"). Section 1447(d) prohibits us from reviewing remand orders based on the grounds specified in § 1447(c), including "a district court's lack of subject matter jurisdiction." *Ellenburg v. Spartan Motors Chassis, Inc.*, 519 F.3d 192, 196 (4th Cir. 2008) (internal quotation marks omitted). We look to the substance of a remand order to determine whether it was issued under § 1447(c). *Doe*, 819 F.3d at 67.

Here, the district court remanded the case after having expressly determined that it lacked subject matter jurisdiction. We are therefore without jurisdiction to review the remand order. See *id.* at 66. Accordingly, we dismiss the appeal for lack of jurisdiction. We deny Green's motion to seal documents. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-1176, US Bank National Association v. Tracie Green
3:22-cv-04215-SAL

NOTICE OF JUDGMENT

Judgment was entered on this date in accordance with Fed. R. App. P. 36. Please be advised of the following time periods:

PETITION FOR WRIT OF CERTIORARI: The time to file a petition for writ of certiorari runs from the date of entry of the judgment sought to be reviewed, and not from the date of issuance of the mandate. If a petition for rehearing is timely filed in the court of appeals, the time to file the petition for writ of certiorari for all parties runs from the date of the denial of the petition for rehearing or, if the petition for rehearing is granted, the subsequent entry of judgment. See Rule 13 of the Rules of the Supreme Court of the United States; www.supremecourt.gov.

VOUCHERS FOR PAYMENT OF APPOINTED OR ASSIGNED COUNSEL:

Vouchers must be submitted within 60 days of entry of judgment or denial of rehearing, whichever is later. If counsel files a petition for certiorari, the 60-day period runs from filing the certiorari petition. (Loc. R. 46(d)). If payment is being made from CJA funds, counsel should submit the CJA 20 or CJA 30 Voucher through the CJA eVoucher system. In cases not covered by the Criminal Justice Act, counsel should submit the Assigned Counsel Voucher to the clerk's office for payment from the Attorney Admission Fund. An Assigned Counsel Voucher will be sent to counsel shortly after entry of judgment. Forms and instructions are also available on the court's web site, www.ca4.uscourts.gov, or from the clerk's office.

BILL OF COSTS: A party to whom costs are allowable, who desires taxation of costs, shall file a Bill of Costs within 14 calendar days of entry of judgment. (FRAP 39, Loc. R. 39(b)).

PETITION FOR REHEARING AND PETITION FOR REHEARING EN

BANC: A petition for rehearing must be filed within 14 calendar days after entry of judgment, except that in civil cases in which the United States or its officer or agency is a party, the petition must be filed within 45 days after entry of judgment. A petition for rehearing en banc must be filed within the same time limits and in the same document as the petition for rehearing and must be clearly identified in the title. The only grounds for an extension of time to file a petition for rehearing are the death or serious illness of counsel or a family member (or of a party or family member in pro se cases) or an extraordinary circumstance wholly beyond the control of counsel or a party proceeding without counsel.

Each case number to which the petition applies must be listed on the petition and included in the docket entry to identify the cases to which the petition applies. A timely filed petition for rehearing or petition for rehearing en banc stays the mandate and tolls the running of time for filing a petition for writ of certiorari. In consolidated criminal appeals, the filing of a petition for rehearing does not stay the mandate as to co-defendants not joining in the petition for rehearing. In consolidated civil appeals arising from the same civil action, the court's mandate will issue at the same time in all appeals.

A petition for rehearing must contain an introduction stating that, in counsel's judgment, one or more of the following situations exist: (1) a material factual or legal matter was overlooked; (2) a change in the law occurred after submission of the case and was overlooked; (3) the opinion conflicts with a decision of the U.S. Supreme Court, this court, or another court of appeals, and the conflict was not addressed; or (4) the case involves one or more questions of exceptional importance. A petition for rehearing, with or without a petition for rehearing en banc, may not exceed 3900 words if prepared by computer and may not exceed 15 pages if handwritten or prepared on a typewriter. Copies are not required unless requested by the court. (FRAP 35 & 40, Loc. R. 40(c)).

MANDATE: In original proceedings before this court, there is no mandate. Unless the court shortens or extends the time, in all other cases, the mandate issues 7 days after the expiration of the time for filing a petition for rehearing. A timely petition for rehearing, petition for rehearing en banc, or motion to stay the mandate will stay issuance of the mandate. If the petition or motion is denied, the mandate will issue 7 days later. A motion to stay the mandate will ordinarily be denied, unless the motion presents a substantial question or otherwise sets forth good or probable cause for a stay. (FRAP 41, Loc. R. 41).

U.S. COURT OF APPEAL FOR THE FOURTH CIRCUIT BILL OF COSTS FORM
(Civil Cases)

Directions: Under FRAP 39(a), the costs of appeal in a civil action are generally taxed against appellant if a judgment is affirmed or the appeal is dismissed. Costs are generally taxed against appellee if a judgment is reversed. If a judgment is affirmed in part, reversed in part, modified, or vacated, costs are taxed as the court orders. A party who wants costs taxed must, within 14 days after entry of judgment, file an itemized and verified bill of costs, as follows:

- Itemize any fee paid for docketing the appeal. The fee for docketing a case in the court of appeals is \$500 (effective 12/1/2013). The \$5 fee for filing a notice of appeal is recoverable as a cost in the district court.
- Itemize the costs (not to exceed \$.15 per page) for copying the necessary number of formal briefs and appendices. (Effective 10/1/2015, the court requires 1 copy when filed; 3 more copies when tentatively calendared; 0 copies for service unless brief/appendix is sealed.). The court bases the cost award on the page count of the electronic brief/appendix. Costs for briefs filed under an informal briefing order are not recoverable.

• Cite the statutory authority for an award of costs if costs are sought for or against the United States. See 28 U.S.C. § 2412 (limiting costs to civil actions); 28 U.S.C. § 1915(f)(1) (prohibiting award of costs against the United States in cases proceeding without prepayment of fees).

Any objections to the bill of costs must be filed within 14 days of service of the bill of costs. Costs are paid directly to the prevailing party or counsel, not to the clerk's office.

Case Number & Caption: _____

Prevailing Party Requesting Taxation of Costs: _____

Appellate Docketing Fee (prevailing appellants):		Amount Requested: _____		Amount Allowed: _____	
Document	No. of Pages	No. of Copies		Page Cost (≤\$.15)	Total Cost
	Requested	Allowed (court use only)	Requested	Allowed (court use only)	
					Requested Allowed (court use only)
TOTAL BILL OF COSTS:					\$0.00 \$0.00

1. If copying was done commercially, I have attached itemized bills. If copying was done in-house, I certify that my standard billing amount is not less than \$.15 per copy or, if less, I have reduced the amount charged to the lesser rate.
2. If costs are sought for or against the United States, I further certify that 28 U.S.C. § 2412 permits an award of costs.
3. I declare under penalty of perjury that these costs are true and correct and were necessarily incurred in this action.

Signature: _____ Date: _____

Certificate of Service

I certify that on this date I served this document as follows:

Signature: _____ Date: _____

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
OFFICE OF THE CLERK**

1100 East Main Street, Suite 501
Richmond, Virginia 23219-3517
www.ca4.uscourts.gov

Patricia S. Connor
Clerk

Telephone
804-916-2700

April 14, 2023

No. 23-1176, *US Bank National Association v. Tracie Green*
3:22-cv-04215-SAL

TO: Tracie Green

We are in receipt of your letter requesting the status of your case. The Court acknowledges receipt of your change of address. Your informal briefing order states that the Appellee may, but is not required to, respond to the Appellant's informal brief. If the Appellee wants to file an informal brief, it must be filed 14 days from receipt of Appellant's informal brief. As of this date, the Appellee has not filed a response to your informal brief. Your appeal is currently pending with the court. Once a decision has been rendered, you will be promptly notified by the court.

Sincerely,

/s/ Sharon Roberson
Deputy Clerk

Appendix A

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
OFFICE OF THE CLERK**

1100 East Main Street, Suite 501
Richmond, Virginia 23219-3517
www.ca4.uscourts.gov

Patricia S. Connor
Clerk

Telephone
804-916-2700

June 7, 2023

No. 23-1176, US Bank National Association v. Tracie Green
3:22-cv-04215-SAL

TO: Tracie Green

We are in receipt of your letter requesting the status of your case. Your appeal is currently pending with the court. Once a decision has been rendered, you will be promptly notified by the court.

Sincerely,

/s/ Sharon Roberson
Deputy Clerk

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

U.S. Bank National Association,)	Civil Action No. 3:22-cv-4215-SAL
)	
Plaintiff,)	
)	
v.)	
)	Order
Tracie L. Green, Cardinal Pines)	
Homeowners' Association, and Palmetto)	
Citizens Federal Credit Union,)	
)	
Defendants.)	
_____)	

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Shiva V. Hodges, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (D.S.C.) ("Report"). [ECF No. 13.] In the Report, the Magistrate Judge recommends this matter be remanded for lack of subject matter jurisdiction and failure to follow the removal procedures in 28 U.S.C. § 1446. *Id.* at 8. For the reasons stated below, the court adopts the Report in its entirety.

BACKGROUND

Plaintiff, proceeding pro se and in forma pauperis, removed this case from the Lexington County Court of Common Pleas. [ECF No. 1.] The matter was referred to the Magistrate Judge for initial review as required by Local Civil Rule 73.02(B)(2)(b). The Magistrate Judge issued her Report recommending this court remand this matter because of "lack of subject matter jurisdiction and because Defendant has not complied with the procedure required for removal under 28 U.S.C. § 1446." [ECF No. 13 at 8.] Attached to the Report was a Notice of Right to File Objections. *Id.* at 9. Responses were due on December 16, 2022. *Id.* Four days after the filing deadline, Plaintiff

filed 124 pages titled Defendants Response and Motion, which this court construes as Defendant's Objection to the Report. [ECF No. 16.] Having thoroughly review Defendant's filing, this matter is ripe for review.

REVIEW OF A MAGISTRATE JUDGE'S REPORT

The court is charged with making a de novo determination of those portions of the Report to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1). A district court, however, need only review de novo the specific portions of the Magistrate Judge's Report to which an objection is made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). Without any specific objections to portions of the Report, this court need not explain adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

"An objection is specific if it 'enables the district judge to focus attention on those issues—factual and legal—that are at the heart of the parties' dispute.'" *Dunlap v. TM Trucking of the Carolinas, LLC*, 288 F. Supp. 3d 654, 2017 WL 6345402, at *5 n.6 (D.S.C. 2017) (citing *One Parcel of Real Prop. Known as 2121 E. 30th St.*, 73 F.3d 1057, 1059 (10th Cir. 1996)). A specific objection to the Magistrate Judge's Report thus requires more than a reassertion of arguments from the pleading or a mere citation to legal authorities. *See Workman v. Perry*, No. 6:17-cv-00765-RBH, 2017 WL 4791150, at *1 (D.S.C. Oct. 23, 2017). A specific objection must "direct the court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

"Generally stated, nonspecific objections have the same effect as would a failure to object." *Staley v. Norton*, No. 9:07-0288-PMD, 2007 U.S. Dist. LEXIS 15489, 2007 WL 821181, at *1

(D.S.C. Mar. 2, 2007) (citing *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991)). The court reviews portions “not objected to—including those portions to which only ‘general and conclusory’ objections have been made—for clear error.” *Id.* (emphasis added) (citing *Diamond v. Colonial Life Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005)).

DISCUSSION

The court has thoroughly reviewed Defendant’s Response, ECF No. 16. Despite the length of this filing, the court finds Defendant fails to raise a specific objection to the Report. Instead, Plaintiff submitted what appears to be her summary of proceedings before the state court dating back to August and September 2022. [ECF No. 16 at 1-4.] She also includes pages of email chains and iMessages between her and her former employers regarding her direct deposit account. [ECF No. 16-2 at 3-29.] She includes a letter she wrote to staff at the Lexington County Courthouse complaining of their policies and procedures. [ECF 16-5 at 1-3.] She also filed another copy of her answer, which was previously filed with the 95 pages of state court documents filed at the time this case was removed to federal court. [ECF No. 16-6 at 1-4.] These examples are representative of the kinds of material found throughout the filing.

Notably lacking from Defendant’s Response, however, is an objection to the Magistrate Judge’s Report. Defendant does not address the jurisdictional and procedural defects that are the basis of this remand. The court finds no clear error, adopts the Report, ECF No. 13, and incorporates it by reference herein. Accordingly, this case is **REMANDED** to the Lexington County Court of Common Pleas.

IT IS SO ORDERED.

January 23, 2023
Columbia, South Carolina

/s/Sherri A. Lydon
Sherri A. Lydon
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

US Bank National Association,

Plaintiff,

vs.

Tracie L. Green, Cardinal Pines
Homeowners' Association, and
Palmetto Citizens Federal Credit
Union,

Defendants.

C/A No.: 3:22-4215-SAL-SVH

REPORT AND
RECOMMENDATION

Tracie L. Green ("Defendant"), proceeding pro se and in forma pauperis, filed a notice of removal that purports to remove a mortgage foreclosure action ("foreclosure action") filed in the Court of Common Pleas in Lexington County, South Carolina, Case No. 2022-CP-3200784. [ECF Nos. 1 and 1-1 at 9]. Pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civ. Rule 73.02(B)(2)(e) (D.S.C.), the undersigned is authorized to review the complaint for relief and submit findings and recommendations to the district judge. For the following reasons, the undersigned recommends this matter be remanded for lack of subject matter jurisdiction and failure to follow the removal procedures in 28 U.S.C. § 1446.

Appendix B

I. Factual and Procedural Background

US Bank National Association ("Plaintiff") filed a foreclosure action on March 4, 2022, in the Court of Common Pleas in Lexington County.¹ *U.S. Bank National Association v. Tracie L. Green, Cardinal Pines Homeowners' Association, Inc., and Palmetto Citizens Federal Credit Union*, Case No. 2022-CP-3200784. A process server personally served Defendant at the subject property on March 8, 2022. *Id.* Defendant appeared in the foreclosure action on April 6, 2022, requesting appointment of a guardian ad litem, but did not file an answer. *Id.* She subsequently withdrew the motion for appointment of a guardian ad litem, but proceeded to file multiple motions in the foreclosure action, including a motion for change in venue to federal jurisdiction on July 15, 2022. *Id.*

On August 15, 2022, Plaintiff sent Defendant notice of a September 13, 2022 hearing before the Honorable James O. Spence, Master in Equity, "for the purpose of taking testimony, findings of facts and conclusions of law and to enter final judgment therein without further order of the court." *Id.* On September 14, 2022, the Honorable Walton J. McLeod, IV, entered an order

¹The court takes judicial notice of filings in the foreclosure action. *See Colonial Penn. Ins. Co. v. Coil*, 887 F.2d 1236, 1249 (4th Cir. 1989) ("The most frequent use of judicial notice of ascertainable facts is in noticing the content of court records." (citation omitted)). It was necessary for the undersigned to review the filings in the foreclosure action outside of the pleadings in this case because Defendant failed to attach all pleadings to the notice of removal.

striking the case from the active roster, as Plaintiff advised the court that the parties had entered into foreclosure intervention negotiations. *Id.* On October 11, 2022, Plaintiff's counsel notified the court that he had provided Defendant with documentation needed to apply for loss mitigation that she had yet to return, despite a September 29, 2022 deadline. *Id.* Defendant subsequently filed a response complaining that Plaintiff had refused to file the reinstatement quote with the court and had failed to comply with her requests for production. *Id.* The record in the state court case reflects Defendant's further communication with the state court as to a change of venue and the state court's indication that the federal court would have to determine whether to accept the case. *Id.* Defendant subsequently filed the removal action in this court. [ECF No. 1].

II. Discussion

This matter comes before the court on initial review. A federal court is charged with liberally construing a complaint filed by a pro se litigant to allow the development of a potentially meritorious case. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). The mandated liberal construction afforded to pro se pleadings means that if the court can reasonably read the pleadings to state a valid claim on which the pro se litigant could prevail, it should do so. However, the requirement of liberal construction does not mean that the court can ignore a clear failure in the pleading to allege facts that set forth a claim currently

cognizable in a federal district court. *Weller v. Dep't of Soc. Servs.*, 901 F.2d 387, 390-91 (4th Cir. 1990).

A. Jurisdiction

The undersigned liberally construes Defendant's notice of removal as being brought pursuant to 28 U.S.C. § 1441.² The removal statute, 28 U.S.C. § 1441, allows a state court defendant to remove a case to a federal district court, if the state court action could have been originally filed there. *See Durcangelo v. Verizon Commc'ns, Inc.*, 292 F.3d 181, 186 (4th Cir. 2002). Generally, a case can be originally filed in a federal district court if there is diversity of citizenship under 28 U.S.C. § 1332 or there is federal question jurisdiction under 28 U.S.C. § 1331. Various federal courts have held that removal statutes are to be construed against removal jurisdiction and in favor of remand. *See, e.g., Cheshire v. Coca-Cola Bottling Affiliated, Inc.*, 753 F. Supp. 1098, 1102 (D.S.C. 1990) (collecting cases); *Bellone v. Roxbury Homes, Inc.*, 748 F. Supp. 434, 436 (W.D. Va. 1990). A federal court should remand the case to state court if there is no federal subject matter jurisdiction evident from the face of the notice of removal and any state court pleadings provided. *Ellenburg v. Spartan*

² Defendant does not reference 28 U.S.C. § 1441 in the notice of removal. *See* ECF No. 1. She cites 28 U.S.C. § 1404(a), addressing change of venue. *See id.* The venue statute is inapplicable here because the case was originally brought in a state court, not a district court. *See* 28 U.S.C. § 1404(a).

Motor Chassis, Inc., 519 F.3d 192, 196 (4th Cir. 2008). Thus, *sua sponte* remand is available under appropriate circumstances.

A review of the complaint in the foreclosure action reveals that Plaintiff sought enforcement under South Carolina law of a promissory note and foreclosure on property secured by a mortgage. *U.S. Bank National Association v. Tracie L. Green, Cardinal Pines Homeowners' Association, Inc., and Palmetto Citizens Federal Credit Union*, Case No. 2022-CP-3200784. The complaint does not reference any federal statutes. *See id.* There is no federal jurisdiction over a complaint that “merely states a cause of action for enforcement of a promissory note and foreclosure of the associated security interest in real property.” *Burbage v. Richburg*, 417 F. Supp. 2d 746, 749 (D.S.C. 2006); *see also Pettis v. Law Office of Hutchens, Senter, Kellam and Pettit*, C/A No. 3:13-147-FDW, 2014 WL 526105, at *2 (W.D.N.C. Feb. 7, 2014) (collecting cases); *Deutsche Bank Nat'l Trust Co. v. Lovett*, C/A No. 3:12-1819-JFA, 2013 WL 528759, at *2 (D.S.C. Feb. 11, 2013) (adopting Report and Recommendation remanding foreclosure case to state court).

Defendant cites to no federal statute to support removal. *See generally* ECF No. 1. To the extent documents Defendant attached to the notice of removal might be interpreted as raising a defense to the foreclosure action based on a federal statute or constitutional amendment, “[a] defendant may not remove a case simply by raising a federal counterclaim or federal defense.”

MacFayden v. Smith, C/A No. WDQ-10-2802, 2011 WL 1740583, at *2 (D. Md. May 3, 2011) (citing *Holmes Group, Inc. v. Vornado Air Circulation Sys., Inc.*, 535 U.S. 826, 831–32 (2002); *In re Blackwater Sec. Consulting, LLC*, 460 U.S. 576, 584 (4th Cir. 2006)). Therefore, removal of this case under federal question jurisdiction is improper.

Pursuant to 28 U.S.C. § 1441(b), “[a] civil action otherwise removable solely on the basis of [diversity of citizenship] may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.” Therefore, Defendant cannot remove the action based on diversity grounds, as she is considered a South Carolina citizen under the law. See ECF No. 1 at 1 (providing her address as “Lexington, SC”).

For the foregoing reasons, the undersigned recommends the court remand the case for lack of jurisdiction.

B. Procedure for Removal of Civil Actions

Pursuant to 28 U.S.C. § 1446(a), a defendant desiring to remove a civil action from a state court must file in the district court “a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and containing a short and plain statement of the grounds for removal, together with a copy of all process, pleadings, and orders served upon such defendant or defendants in such action.” Plaintiff has failed to specify the grounds for

removal. *See* ECF No. 1 (citing to 28 U.S.C. § 1404(a) and referencing motions that were not addressed by state court, but stating no recognizable grounds for removal). The undersigned has reviewed the 95 pages Defendant attached to the notice of removal and finds she only attached excerpts of some of the process, pleadings, and orders from the foreclosure action. *See generally* ECF No. 1-1. Thus, Defendant has failed to follow the procedures in 28 U.S.C. § 1446(a).

Defendant has also failed to timely file the notice of removal. Pursuant to 28 U.S.C. § 1446(b)(1), “[t]he notice of removal of a civil action or proceeding must be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim upon which such action or proceeding is based.” The record in the foreclosure action reflects that Defendant was served with process on March 8, 2022. *U.S. Bank National Association v. Tracie L. Green, Cardinal Pines Homeowners’ Association, Inc., and Palmetto Citizens Federal Credit Union*, Case No. 2022-CP-3200784. Defendant did not file the notice of removal in this court until November 28, 2022, well outside the 30-day period permitted for removal.

Defendant also filed the action without the consent of the other defendants, Cardinal Pines Homeowners’ Association and Palmetto Citizens Federal Credit Union. *See generally* ECF No. 1. Section 1446(b)(2)(A) requires “[w]hen a civil action is removed solely under section 1441(a), all defendants

who have been properly joined and served must join in or consent to the removal of the action.”

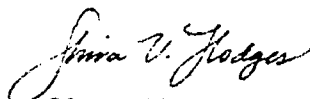
In light of the foregoing, the undersigned further recommends the foreclosure action be remanded to the state court based on Defendant’s failure to comply with the procedures for removal of a civil action in 28 U.S.C. § 1446(a).

III. Conclusion and Recommendation

For the foregoing reasons, the undersigned recommends the district judge remand this matter to the Court of Common Pleas of Lexington County, South Carolina, for lack of subject matter jurisdiction and because Defendant has not complied with the procedure required for removal under 28 U.S.C. § 1446. Because this is only a recommendation, the Clerk of Court shall not immediately certify this matter to the Court of Common Pleas for Lexington County.

IT IS SO RECOMMENDED.

December 2, 2022
Columbia, South Carolina



Shiva V. Hodges
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.”**

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *see* Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Robin L. Blume, Clerk
United States District Court
901 Richland Street
Columbia, South Carolina 29201

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

U.S. Bank National Association,)	Civil Action No. 3:22-cv-4215-SAL
)	
Plaintiff,)	
)	
v.)	
)	Order
Tracie L. Green, Cardinal Pines)	
Homeowners' Association, and Palmetto)	
Citizens Federal Credit Union,)	
)	
Defendants.)	
_____)	

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Shiva V. Hodges, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (D.S.C.) ("Report"). [ECF No. 13.] In the Report, the Magistrate Judge recommends this matter be remanded for lack of subject matter jurisdiction and failure to follow the removal procedures in 28 U.S.C. § 1446. *Id.* at 8. For the reasons stated below, the court adopts the Report in its entirety.

BACKGROUND

Plaintiff, proceeding pro se and in forma pauperis, removed this case from the Lexington County Court of Common Pleas. [ECF No. 1.] The matter was referred to the Magistrate Judge for initial review as required by Local Civil Rule 73.02(B)(2)(b). The Magistrate Judge issued her Report recommending this court remand this matter because of "lack of subject matter jurisdiction and because Defendant has not complied with the procedure required for removal under 28 U.S.C. § 1446." [ECF No. 13 at 8.] Attached to the Report was a Notice of Right to File Objections. *Id.* at 9. Responses were due on December 16, 2022. *Id.* Four days after the filing deadline, Plaintiff

filed 124 pages titled Defendants Response and Motion, which this court construes as Defendant's Objection to the Report. [ECF No. 16.] Having thoroughly review Defendant's filing, this matter is ripe for review.

REVIEW OF A MAGISTRATE JUDGE'S REPORT

The court is charged with making a de novo determination of those portions of the Report to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1). A district court, however, need only review de novo the specific portions of the Magistrate Judge's Report to which an objection is made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). Without any specific objections to portions of the Report, this court need not explain adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

"An objection is specific if it 'enables the district judge to focus attention on those issues—factual and legal—that are at the heart of the parties' dispute.'" *Dunlap v. TM Trucking of the Carolinas, LLC*, 288 F. Supp. 3d 654, 2017 WL 6345402, at *5 n.6 (D.S.C. 2017) (citing *One Parcel of Real Prop. Known as 2121 E. 30th St.*, 73 F.3d 1057, 1059 (10th Cir. 1996)). A specific objection to the Magistrate Judge's Report thus requires more than a reassertion of arguments from the pleading or a mere citation to legal authorities. *See Workman v. Perry*, No. 6:17-cv-00765-RBH, 2017 WL 4791150, at *1 (D.S.C. Oct. 23, 2017). A specific objection must "direct the court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

"Generally stated, nonspecific objections have the same effect as would a failure to object." *Staley v. Norton*, No. 9:07-0288-PMD, 2007 U.S. Dist. LEXIS 15489, 2007 WL 821181, at *1

(D.S.C. Mar. 2, 2007) (citing *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991)). The court reviews portions “not objected to—including those portions to which only ‘general and conclusory’ objections have been made—for clear error.” *Id.* (emphasis added) (citing *Diamond v. Colonial Life Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005)).

DISCUSSION

The court has thoroughly reviewed Defendant’s Response, ECF No. 16. Despite the length of this filing, the court finds Defendant fails to raise a specific objection to the Report. Instead, Plaintiff submitted what appears to be her summary of proceedings before the state court dating back to August and September 2022. [ECF No. 16 at 1-4.] She also includes pages of email chains and iMessages between her and her former employers regarding her direct deposit account. [ECF No. 16-2 at 3-29.] She includes a letter she wrote to staff at the Lexington County Courthouse complaining of their policies and procedures. [ECF 16-5 at 1-3.] She also filed another copy of her answer, which was previously filed with the 95 pages of state court documents filed at the time this case was removed to federal court. [ECF No. 16-6 at 1-4.] These examples are representative of the kinds of material found throughout the filing.

Notably lacking from Defendant’s Response, however, is an objection to the Magistrate Judge’s Report. Defendant does not address the jurisdictional and procedural defects that are the basis of this remand. The court finds no clear error, adopts the Report, ECF No. 13, and incorporates it by reference herein. Accordingly, this case is **REMANDED** to the Lexington County Court of Common Pleas.

IT IS SO ORDERED.

January 23, 2023
Columbia, South Carolina

/s/Sherri A. Lydon
Sherri A. Lydon
United States District Judge



A TRUE COPY
ATTEST: ROBIN L. BLUME, CLERK

BY:

Amanda D. Hilley

APPEAL TRANSMITTAL SHEET (non-death penalty)

Transmittal to 4CCA of notice of appeal filed: 02/14/23 <input checked="" type="checkbox"/> First NOA in Case <input type="checkbox"/> Subsequent NOA-same party <input type="checkbox"/> Subsequent NOA-new party <input type="checkbox"/> Subsequent NOA-cross appeal <input type="checkbox"/> Paper ROA <input type="checkbox"/> Paper Supp. Vols: _____ Other: _____		District: South Carolina Division: Columbia Caption: U.S. Bank National Association v. Traci L. Green, Cardinal Pines Homeowners' Association, Inc., and Paimetto Citizens Federal Credit Union.	District Case No.: 3:22-cv-04215-SAL 4CCA No(s). for any prior NOA: 4CCA Case Manager:
Exceptional Circumstances: <input type="checkbox"/> Bail <input type="checkbox"/> Interlocutory <input type="checkbox"/> Recalcitrant Witness <input type="checkbox"/> Other _____			
Confinement-Criminal Case: <input type="checkbox"/> Death row-use DP Transmittal <input type="checkbox"/> Recalcitrant witness <input type="checkbox"/> In custody <input type="checkbox"/> On bond <input type="checkbox"/> On probation Defendant Address-Criminal Case: 		Fee Status: <input type="checkbox"/> No fee required (USA appeal) <input type="checkbox"/> Appeal fees paid in full <input checked="" type="checkbox"/> Fee not paid Criminal Cases: <input type="checkbox"/> Defendant proceeded under CJA in district court. <input type="checkbox"/> Defendant did not proceed under CJA in district court. Civil, Habeas & 2255 Cases: <input checked="" type="checkbox"/> Court granted & did not revoke IFP status (continues on appeal) <input type="checkbox"/> Court granted IFP & later revoked status (must pay fee or apply to 4CCA) <input type="checkbox"/> Court never granted IFP status (must pay fee or apply to 4CCA) PLRA Cases: <input type="checkbox"/> Proceeded PLRA in district court, no 3-strike determination (must apply to 4CCA) <input type="checkbox"/> Proceeded PLRA in district court, determined to be 3-striker (must apply to 4CCA)	
District Judge: Sherri A. Lydon			
Court Reporter (list all): 		Sealed Status (check all that apply): <input type="checkbox"/> Portions of record under seal <input type="checkbox"/> Entire record under seal <input type="checkbox"/> Party names under seal <input type="checkbox"/> Docket under seal	
Coordinator: Billie Goodman			
Record Status for Pro Se Appeals (check any applicable): <input checked="" type="checkbox"/> Assembled electronic record available upon request <input type="checkbox"/> Additional sealed record available upon request <input type="checkbox"/> Paper record or supplement available upon request <input checked="" type="checkbox"/> No in-court hearings held <input type="checkbox"/> In-court hearings held – all transcript on file <input type="checkbox"/> In-court hearings held – all transcript not on file <input type="checkbox"/> Other: _____		Record Status for Counseled Appeals (check any applicable): <input type="checkbox"/> Assembled electronic record available upon request <input type="checkbox"/> Additional sealed record available upon request <input type="checkbox"/> Paper record or supplement available upon request <input type="checkbox"/> No in-court hearings held <input type="checkbox"/> In-court hearings held – all transcript on file <input type="checkbox"/> In-court hearings held – all transcript not on file <input type="checkbox"/> Other: _____	

Deputy Clerk: Amanda D. Hilley Phone: 803-765-5063 Date: 02/15/23

02/2023

HUTCHENS — LAW FIRM —

HIGH PERFORMANCE LAW

Foreclosure Department
Phone: (803) 726-2700
Fax: (803) 252-6822
Email: LawFirm@HutchensLawFirm.com

HUTCHENS LAW FIRM LLP
240 Stoneridge Drive Suite 400
Columbia, SC 29210

March 1, 2023

NOTICE TO OCCUPANTS OF PENDING ACQUISITION

Occupant(s); Tracie L Green
123 Cardinal Pines Drive
Lexington, SC 29073

HUD/FHA Case Number: 461-5967115-703

Firm Case No: 6643 - 25267

AVISO IMPORTANTE PARA PERSONAS DE HABLA HISPANA.

ESTO ES UN AVISO MUY IMPORTANTE. SI NO ENTIENDE EL CONTENIDO, OBTENGA UNA TRADUCCIÓN INMEDIATAMENTE. SI USTED NO RESPONDE DENTRO DE VEINTE (20) DÍAS PUEDE QUE TENGA QUE MUDARSE DE LA CASA O APARTAMENTO EN QUE VIVE.

Dear Mortgagor(s)/Occupant(s):

The mortgage for the property in which you are living is in foreclosure as a result of the property owner's default. Within the next 60 to 90 days, title to the property is expected to be transferred to U.S. Bank National Association. Sometime thereafter, ownership of the property will probably be transferred to the Secretary of Housing and Urban Development (HUD).

HUD generally requires that there be no one living in properties conveyed to the Secretary as a result of a foreclosure. As the Federal Housing Administration's (FHA) single family program is a mortgage insurance program, it must sell all acquired properties and use the proceeds of sale to help replenish the FHA Mortgage Insurance Fund. It is not a rental program. There are other programs within HUD that assist in making rental housing available.

However, before U.S. Bank National Association conveys the property to HUD, you may be entitled to remain in the property for some period of time, pursuant to federal, state or local law. If applicable, a separate notice regarding occupancy rights will be provided to you when complete title to the property is transferred to U.S. Bank National Association.

If you are not entitled to remain in the property under federal, state or local law, you may nevertheless be eligible to remain in the property upon conveyance to HUD, if certain conditions are met, as described in the document "Conditions for Continued Occupancy" which is attached to this letter (Attachment 3). To be considered for continued occupancy upon conveyance to HUD, you must submit a written request to HUD **within 20 days of the date at the top of this letter or the property must be vacated before the time HUD is scheduled to acquire it. Oral requests will not be accepted.**

Appendix C

Please use the enclosed, Form HUD-9539, Request for Occupied Conveyance (Attachment 1), in making your request, as it gives HUD information it needs to make its decision. You must send your request and the enclosed, Request for Verification of Employment (Attachment 2), to Information Systems Networks Corporation, HUD's Mortgagee Compliance Manager (MCM), at the following address: ISN Western Operation Center, Attention: Mortgage Compliance Manager, 2000 N Classen Blvd #3200, Oklahoma City, OK 73106; Phone: (888) 619-7835; Fax (405) 602-1520; Email: mcm-info@isncorp.com. As the occupant requesting the occupied conveyance, you have the sole responsibility for submission of a signed Verification of Employment form with your Occupied Conveyance request.

If you or a member of your household suffers from an illness or injury that would be aggravated by the process of moving from the property, please also provide supporting documentation of the illness or injury. This documentation must include a projection of the date that the individual could be moved without aggravating the illness or injury and a statement by a state-certified physician establishing the validity of your claim.

Please ensure that you include all required documentation with your request; **incomplete requests will be denied**. Additional information that you wish to include with your request may be written on additional pages that you attach to the *Request for Occupied Conveyance* form.

If HUD approves your request to remain in the property, you will be required to sign a month-to-month lease and pay rent at the prevailing fair market rate. If HUD does not become owner of this property, any decision it may make with respect to your continued occupancy will no longer apply.

Your right to continue occupancy of the property under HUD's Occupied Conveyance policies will only be temporary, depending on the circumstances, as described in attached document, Temporary Nature of Continued Occupancy (Attachment 4).

For assistance in finding affordable housing, you may wish to contact one or more of HUD's approved housing counseling agencies. These agencies usually provide services at little or no cost. A counselor may be able to recommend other organizations that can also be of assistance. If you have access to the Internet, you may locate a local housing counseling agency by visiting the following webpage: <http://www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm>. Alternatively, you may call the HUD Housing Counseling and Referral Line, weekdays between 9:00 am and 5:00 pm EST. The Referral Line telephone number is (800) 569-4287.

If you have any questions concerning this notice, please contact Information Systems Networks Corporation, HUD's Mortgagee Compliance Manager (MCM), at the following address: ISN Western Operation Center, Attention: Mortgage Compliance Manager, 2000 N Classen Blvd #3200, Oklahoma City, OK 73106; Phone: (888) 619-7835; Fax (405) 602-1520; Email: mcm-info@isncorp.com.

Sincerely,

HUTCHENS LAW FIRM LLP

Attachments

Attachment 1 (*Request for Occupied Conveyance - form HUD - 9539*)

Attachment 2 (*Request for Verification of Employment*)

NOTE: Mortgagees may use their own standard employment verification forms.

Attachment 3 (*Conditions for Continued Occupancy*)

Attachment 4 (*Temporary Nature of Continued Occupancy*)

THIS IS A COMMUNICATION FROM A DEBT COLLECTOR. THE PURPOSE OF THIS COMMUNICATION IS TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE, except as stated below in the instance of bankruptcy protection.

August 22, 2022

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

US Bank National Association (PLAINTIFF) vs Tracie L. Green; Cardinal Pines Homeowners'
Association, Inc; Palmetto Citizens Federal Credit Union (DEFENDANTS)

CASE# 2022CP3200784

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IN THE COURT OF COMMON PLEAS
NON-JURY MORTGAGE FORECLOSURE

August 3, 2022

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

US Bank National Association (PLAINTIFF) vs Tracie L. Green; Cardinal Pines Homeowners'
Association, Inc; Palmetto Citizens Federal Credit Union (DEFENDANTS)

CASE# 2022CP3200784

Page 1 of 1

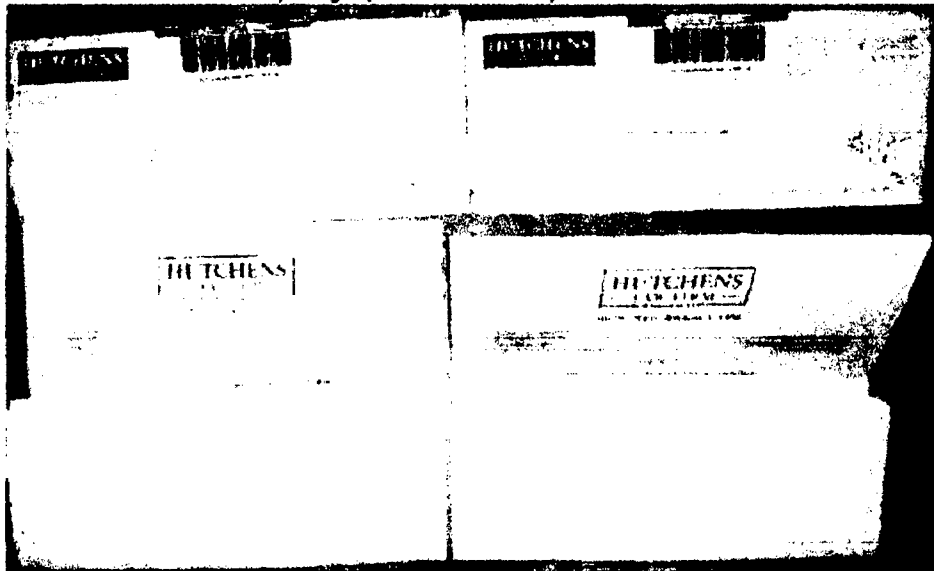
IN THE COURT OF COMMON PLEAS
NON-JURY MORTGAGE FORECLOSURE

Response to U.S. Bank National Certified Mail Letters, Dated July 28, 2022

As stated in the "Certificates of Receipt, Noted Change, Electronic Notification, and Certificate of Service", dated 8/1/22 [mailed to Clerk of Court, USPS tracking# 9505510323582213806846]:

"NOT RECEIVED On 7/30/22, I received USPS notification I would received two certified letters [addressed to "Tracie L. Green" and "Occupants", respectively] from US Bank National via appointed Counsel. These items were not received nor any indication of an attempted delivery; USPS was notified. Also, on 7/31/22, I received USPS notification of two items to be received from Walz Group on today, 8/1/22; Items NOT received. "

Today, 8/3/22, I am in receipt of two certified letters, with the contents entitled "NOTICE TO OCCUPANTS OF PENDING ACQUISITION" within sixty (60) to ninety (90) days; both letters are seven (7) pages in length and appear identical. One letter was addressed to "Tracie L. Green" and the other "Occupants", but both letters with address "123 Cardinal Pines Drive, Lexington, SC 29073". Here is a picture:



I am still in the process of reviewing these documents; my response is forthcoming. In regards to Walz Group two mail items, USPS was unable to locate these items. AGAIN, PLEASE PROVIDE AN EXACT COPY OF THESE DOCUMENTS—INCLUDING THE WALZ GROUP TWO (2) MAILED ITEMS IF THEY ARE RELATED TO THIS CASE—AND ALL REFERENCED PLAINTIFF DOCUMENTS FOR COURT AND PUBLIC REVIEW.

Prayerfully submitted ELECTRONICALLY,
Tracie Mitchem-Green, Defendant
8/3/22 (DATE)

August 22, 2022

Page 3 of 95

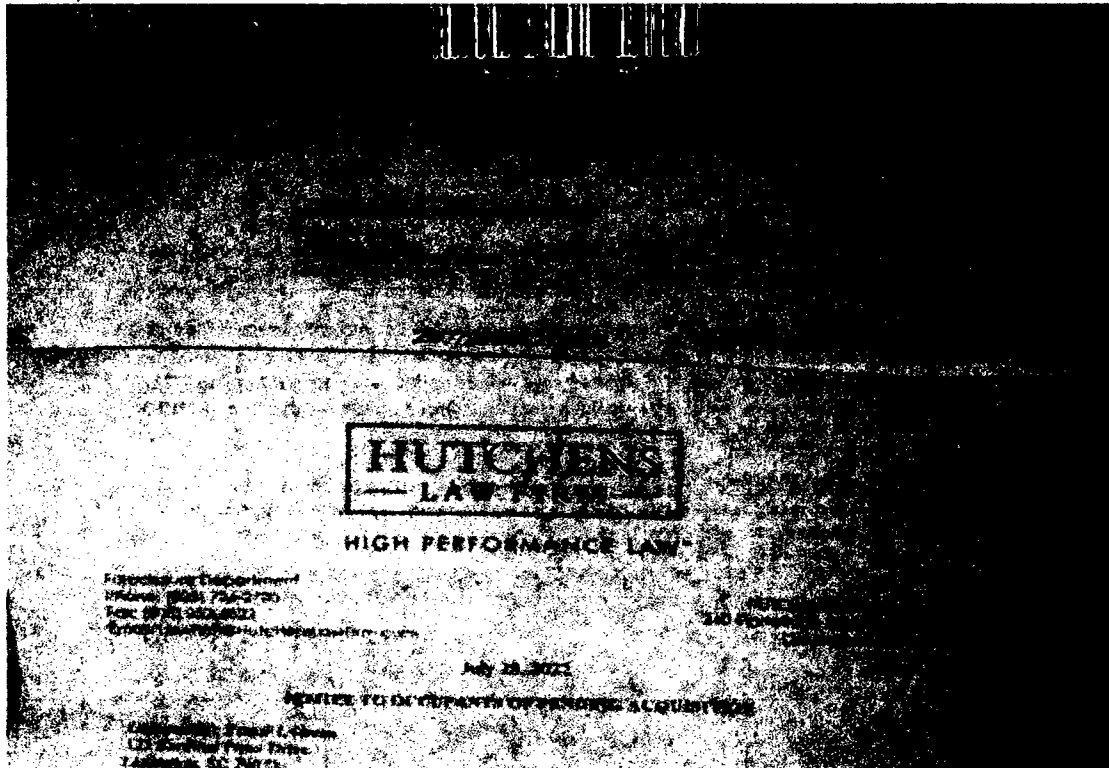
STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

IN THE COURT OF COMMON PLEAS
NON-JURY MORTGAGE FORECLOSURE

US Bank National Association (PLAINTIFF) vs Tracie L. Green; Cardinal Pines Homeowners'
Association, Inc; Palmetto Citizens Federal Credit Union (DEFENDANTS)

CASE# 2022CP3200784

Close up



On August 20, 2022, a Notice of Hearing was retrieved from my mailbox at 638PM [though not in my mailbox when checked earlier at 105PM.]. It reads as follows:

"A foreclosure hearing has been set ...for September 13, 2022 at 10:00AM before the Honorable James O. Spence, Master in Equity for Lexington, for the purpose of taking testimony, findings of facts and conclusions of law and to enter final judgement therein without further order of the court...will be held at the Lexington County Judicial Center, courtroom 2-A, 205 East Main St. Lexington SC 29072..."

August 22, 2022

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

Page 4 of 95

IN THE COURT OF COMMON PLEAS

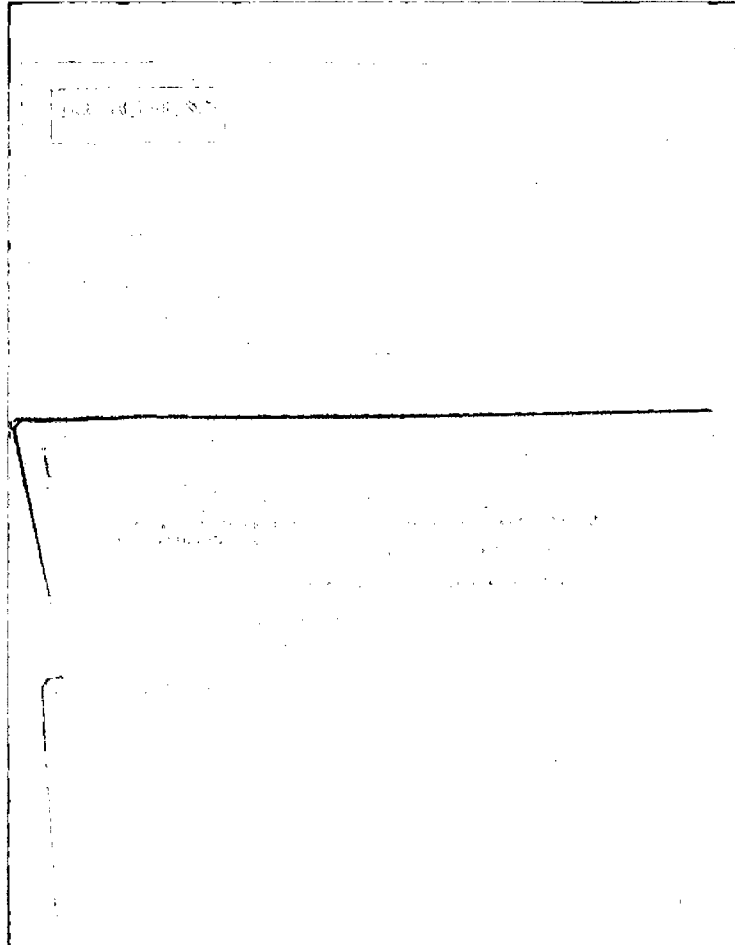
NON-JURY MORTGAGE FORECLOSURE

US Bank National Association (PLAINTIFF) vs Tracie L. Green; Cardinal Pines Homeowners'

Association, Inc; Palmetto Citizens Federal Credit Union (DEFENDANTS)

CASE# 2022CP3200784

Here are pictures:



August 22, 2022

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STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF LEXINGTON

NON-JURY MORTGAGE FORECLOSURE

US Bank National Association (PLAINTIFF) vs Tracie L. Green; Cardinal Pines Homeowners'
Association, Inc; Palmetto Citizens Federal Credit Union (DEFENDANTS)

CASE# 2022CP3200784

STATE OF SOUTH CAROLINA COUNTY OF LEXINGTON	IN THE COURT OF COMMON PLEAS CASE NO. 2022-CP-32-00784
U.S. Bank National Association, PLAINTIFF, vs. Tracie L. Green, Palmetto Citizens Federal Credit Union, DEFENDANTS)	NOTICE OF HEARING

A foreclosure hearing has been set in the above-referenced matter for September 13, 2022 at 10:00 AM before the Honorable James O. Spawr, Master in Equity for Lexington, for the purpose of taking testimony, findings of facts and conclusions of law and to enter final judgment therein without further order of the court. This hearing will be held using remote communication technology as well as the option to appear IN PERSON

The hearing will be held at the Lexington County Judicial Center, courtroom 2-A, 205 East Main St. Lexington SC 29072, subject to all county-specific and court-specific Coronavirus/COVID-19 requirements and restrictions. Pursuant to South Carolina Supreme Court Administrative Order 2022-02-17-02, protective masks are no longer required in county courthouses; however, any person who is at risk or concerned about the dangers of COVID-19 may continue to wear a mask inside any courthouse, subject to a request from judges, courthouse staff, or law enforcement to briefly remove that mask during the presentation of a case or when necessary for security or identification purposes.

Additionally, and most importantly, if you attend the hearing, please contact our office (803-726-2789 x2768) or the Court (803-785-8291) within 24 hours of the scheduled hearing date and time referenced above, so Court personnel may be alerted as to your attendance. If you plan to attend this hearing, we would respectfully appreciate your sending an email to jchawins@butchendawfirm.com

August 22, 2022

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STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF LEXINGTON

NON-JURY MORTGAGE FORECLOSURE

US Bank National Association (PLAINTIFF) vs Tracie L. Green; Cardinal Pines Homeowners'
Association, Inc; Palmetto Citizens Federal Credit Union (DEFENDANTS)

CASE# 2022CP3200784

Question: If US Bank National, *through perjury and fraudulent activity*, has acquired the rights to 123 Cardinal Pines Drive, Lexington, SC 29073 [DATED 7/28/22 AND NOT FILED WITH THE COURT], then why now has US Bank National scheduled a meeting [FILED 8/18/22] with the Honorable James O. Spence, Master-in-Equity, "...for the purpose of taking testimony, finding of facts and conclusions of law and to enter final judgment therein without further order of the court"? Has not US Bank National already obtained a final judgement without lawful judicial process?

August 22, 2022

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STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

IN THE COURT OF COMMON PLEAS
NON-JURY MORTGAGE FORECLOSURE

US Bank National Association (PLAINTIFF) vs Tracie L. Green; Cardinal Pines Homeowners'
Association, Inc; Palmetto Citizens Federal Credit Union (DEFENDANTS)

CASE# 2022CP3200784

Defendants Response

July 13, 2022

Page 1 of 3

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

IN THE COURT OF COMMON PLEAS
NON-JURY MORTGAGE FORECLOSURE

US Bank National Association (PLAINTIFF) vs Tracie L. Green; Cardinal Pines Homeowners'
Association, Inc; Palmetto Citizens Federal Credit Union (DEFENDANTS)

CASE# 2022CP3200784

MOTION FOR CHANGE IN VENUE (STATE TO FEDERAL JURISDICTION) AND CERTIFICATE OF SERVICE

In accordance to South Carolina Judicial Branch Rule 82(c):

...When a petition for the removal of any action pending in any court of this State to any court of the United States is filed, no order accepting the petition or directing the action to be removed shall be required....

In accordance to Federal Law, Section 1404(a) of Title 28, Defendant motions this Court for Change in Venue.

...for the convenience of parties and witnesses, in the interest of justice, a district may transfer any civil action to any other district where it might have been brought...Any party...may move for a transfer under 28 U.S.C. 1404(a)...the factor of the convenience of parties and witnesses must be measured in terms of the interest of justice...

The interest of justice is/was outlined and detailed in the seven (7)-page Letter to Clerk of Court, signed July 2022. This document was mailed Certified on the same day as follows:

1. US Bank National via appointed Counsel [Hutchen's Law Firm, PO Box 8237, Columbia, SC 29202, USPS tracking #7022 0410 0002 4530 1232]
2. Lexington County Courthouse [205 E. Main St. Ste 146, Lexington SC 29072; USPS tracking #7022 0410 0002 4530 8163]

Specifically, the following Occurrence chart was provided:

SECTION I: VIOLATIONS

SECTION II: CERTIFICATE OF SERVICE

SECTION III: ACKNOWLEDGEMENT

FILED
2022 JUL 15 PM 1:05
CLERK OF COURT
LEXINGTON SC

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

IN THE COURT OF COMMON PLEAS
NON-JURY MORTGAGE FORECLOSURE

US Bank National Association (PLAINTIFF) vs Tracie L. Green; Cardinal Pines Homeowners'
Association, Inc; Palmetto Citizens Federal Credit Union (DEFENDANTS)

CASE# 2022CP3200784

**FILED APRIL 20, 2022: DEFENDANT TRACIE MITCHEM-GREEN NOTICE TO
COMPEL—NO RESPONSE RECEIVED. [VIOLATION #2: MOCKERY OF JUDICIAL
PROCESS, STATE LAW, AND FEDERAL LAW]**

Apr. 19, 2022

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

US Bank National Association (PLAINTIFF) vs Tracie L. Green; Cardinal Pines Homeowners'
Association, Inc; Palmetto Citizens Federal Credit Union (DEFENDANTS)

CASE# 2022CP3200784

CBR

Page 1 of 2

IN THE COURT OF COMMON PLEAS
NON-JURY MORTGAGE FORECLOSURE

Motion to Compel

Trade L. Green (DEFENDANT) motions to this Court for an order compelling US Bank National Association (PLAINTIFF) to respond completely and accurately to the discovery requests served on Plaintiff via Hutchens Law Firm (PLAINTIFF'S ATTORNEY) on March 23, 2022 and April 10, 2022 in relation to this matter. For the reasons set forth in the materials filed in support of this Motion, good cause exists to grant this Motion. Specifically, the following are requested:

1. The mailed Hutchens Law Firm letter was dated February 25, 2022 (Friday); mailed from the Law Firm's business physical address, South Carolina zip code, 29210, on February 28, 2022 (Monday); and retrieved from Tracie Mitchem-Green's (herein referred to as "Defendant") mailbox, South Carolina zip code 29073, on March 2, 2022 (Wednesday). Lastly, Lexington County Summons and Complaint Court document was hand-delivered to Defendant's home, 123 Cardinal Pines Drive, Lexington, South Carolina 29073, at 7:03am on March 8, 2022 (Tuesday). — See Exhibit 1
2. The mailed Hutchens Law Firm letter was sent to Defendant's home and "295 NW Commons Loop, Lake City, FL 32055." ~~Please advise~~ as to whether the letter sent to the Florida address was returned to Hutchens Law Firm in the exact same condition as it was mailed. A copy is requested, please. NOTE: On more than one occasion, US Bank (herein referred to as "Plaintiff") was notified that Defendant's mailing and physical address was the same. —See Exhibit 1 and Exhibit 2.
3. Since February 2022, the Federal Housing Administration informed Defendant that more than one inquiry requesting further information was sent to Plaintiff; however, Plaintiff failed to provide a response. ~~Please advise~~ as to whether Plaintiff responded to any and all of the Federal Housing Administration's inquiries. Also, please provide a copy of any and all Federal Housing Administration inquiries received and subsequent Plaintiff responses. —See Exhibit 3
4. ~~Please advise~~ as to what criteria did the Plaintiff use to approve a Partial Claim Status for Defendant's 2021 Mortgage Assistance Application. A copy of the criteria is requested, please. — See Exhibit 4
5. ~~Please advise~~ as to why Plaintiff ignored Defendant's recurrent requests for Covid-19 Recovery Modifications as per Federal Housing Administration guidelines (i.e. loan modification in lieu of Defendant's approved partial claim, of which Defendant did not qualify for)? —See Exhibit 5

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IN THE COURT OF COMMON PLEAS
NON-JURY MORTGAGE FORECLOSURE

CASE# 2022CP3200784

5/31/22, 6/2/22, 6/8/22 EMAIL COORESPONDENCE: HINDERANCE FILING HAND-
DELIVERED DOCUMENT.

From: HN (criseworld23@yahoo.com)

for anthuggins@lex-co.com

Date: Wednesday, June 8, 2012, 10:31 AM EDT

018/22

Ms. Huggins.

Today at approximately 9:30am, I attempted to file court documents. I was serviced by a pleasant young lady (thin frame, left nose earring) at Window 1. After I returned the completed "Motion and Order Information Form and Cover Sheet", she took it and the original copy of the document I was attempting to file and left the room. Upon her return to Window 1, the young lady said that "she said" that she could not accept my document because it was printed on both sides and that I did not need the complete the "Motion and Order Information Form and Cover Sheet". The young lady returned the completed "Motion and Order Information Form and Cover Sheet" as well as the the original and copy documents to me. My son and I then left the Courthouse.

I apologize but I was under the impression that front and back pruning was acceptable, as previous filings were presented in the same manner (printed on both sides). Also, I was informed that I must always complete a "Motion and Order Information Form and Cover Sheet" for documents I file. Am I mistaken?

In response, I am requesting the document to be filed electronically. In addition, I have attached pictures of the signature pages and the completed "Motion and Order Information Form and Cover Sheet" as well.

NOTICE: BY USING THIS EMAIL SERVICE, YOU UNDERSTAND AND AGREE THAT THESE E-MAIL TRANSMISSIONS MAY CONTAIN INFORMATION THAT IS UNLAWFUL, DEFAMATORY, OR IN VIOLATION OF APPLICABLE LAWS, AND THAT THE TRANSMISSION OF SUCH DATA BY E-MAIL DOES NOT CONSTITUTE AN ENDORSEMENT OR RECOMMENDATION BY THE UNITED STATES GOVERNMENT. IN ADDITION, YOUR SENDER/RECEIVER ASSUMES ALL THE RISK ASSOCIATED WITH THE USE OF THIS E-MAIL TRANSMISSION. I AGREE THAT FRANK MURPHY-GREEN SHALL NOT BE LIABLE FOR ANY LOSS, CLAIM, OR DAMAGE THAT MAY RESULT FROM THE TRANSMISSION OF ANY INFORMATION BY E-MAIL.

† On Thursday, June 2, 2022, 10:38:53 PM EDT, M N <cruleword23@gmail.com> wrote:

* Thank you for taking the time to speak with me on re-training / motivation for not remembering your previous releases that is...

August 22, 2022

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STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

IN THE COURT OF COMMON PLEAS
NON-JURY MORTGAGE FORECLOSURE

US Bank National Association (PLAINTIFF) vs Tracie L. Green; Cardinal Pines Homeowners'
Association, Inc; Palmetto Citizens Federal Credit Union (DEFENDANTS)

CASE# 2022CP3200784

**FILED JULY 13, 2022: DEFENDANT TRACIE MITCHEM-GREEN DENIES
CONSENTING TO REFERRING CASE TO MASTER-IN-EQUITY. NO RESPONSE
FROM US BANK NATIONAL. [VIOLATION #2: MOCKERY OF JUDICIAL
PROCESS, STATE LAW, AND FEDERAL LAW; VIOLATION #5:
TARGETING/MALICIOUS INTENT; VIOLATION #6: FEDERAL TAMPERING]**

July 5, 2022

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

Page 1 of 1

IN THE COURT OF COMMON PLEAS
NON-JURY MORTGAGE FORECLOSURE

US Bank National Association (PLAINTIFF) vs Tracie L. Green; Cardinal Pines Homeowners'
Association, Inc; Palmetto Citizens Federal Credit Union (DEFENDANTS)

CASE# 2022CP3200784

Defendant's Response to Plaintiff July 5, 2022 Filed Documents

According to <https://publicaccess.southcarolinacourts.org/publicaccess/lookup/index/> the following were filed by US Bank National Association on July 5, 2022:

1. NEF (07-05-2022 08:32:34 PM) Order/Referred to Master or... (2 pages)
2. Order/Referred to Master or Special Referee (2 pages)

In response:

1. To date, July 5, 2022 8:09PM, I am not in direct receipt of any documents referenced in July 1, 2022 or July 5, 2022 NEF.
2. In the Order/Referred to Master or Special Referee, paragraph one (1) line nine (9) states the following "...now, on motion of the undersigned attorney for the Plaintiff, by and with the consent of the Attorneys for the answering defendants, if any...". LINKER PROVIDED CONSENT TO REFER THIS CASE TO MASTER OR SPECIAL REFEREE.
3. As stated in Defendants Response to Plaintiff July 1, 2022 Filed Documents with Second Request for Production and a Certificate of Service, dated July 4, 2022 (4 pages):

In response:

1. I was not in direct receipt of any of the above named documents. [NOTE: On June 30, 2022 1:107pm-1:108pm, a female presented to 123 Cardinal Pines Drive, Lexington, SC 29073, appeared to take a picture of the front door, ring the door, wait, and then exited the premises. Documentation or notice of her visit was NOT left at the premises. If her visit was related to this case, her visit was in stark contrast to the successful delivery of the Summons and Complaint delivered by Mr. Shown on March 8, 2022.]
2. Defendant is in objection to "Proposed Order/Referred to Master or Special Referee" referenced in the NEF document. Defendant's request for a Jury Trial has already been filed on 5/23/22.

Thank you

Tracie Mitchem-Green, Defendant

7/6/22
Date

FILED
JUL 13 PM 2:32
LISA H. COMER
CLERK OF COURT
LEXINGTON SC

August 22, 2022

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

US Bank National Association (PLAINTIFF) vs Trade L. Green; Cardinal Pines Homeowners'
Association, Inc; Palmetto Citizens Federal Credit Union (DEFENDANTS)

CASE# 2022CP3200784

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IN THE COURT OF COMMON PLEAS
NON-JURY MORTGAGE FORECLOSURE

SECTION III: ACKNOWLEDGEMENT

To the unnamed Plaintiff, the Nazi-type Network (NTN), who is the instigator of this UNLAWFUL case: your presence is felt and is known. For FAR TOO LONG you have bullied the American people; YOUR BULLYING STOPS HERE. The appropriate Authorities have DOCUMENTATION on you; YOUR REIGN OF LAWLESSNESS IS OVER. EVERY act committed against the United States of America and the American people, you, NTN, will give an account for. Your temporary success at derailing Federal Case # 3:20-cv-00034-B/D-PDB in Florida and the Appeal (No. 21-11611), was to your own demise (NTN, you really are your worst enemy). Yet here you are, NTN, AGAIN attempting to derail this case, of which you UNLAWFULLY brought about. Did/Do you REALLY think you would/will get away with all these atrocities? Your arrogance has always been your downfall. Specifically, the suspected heinous acts of the NTN include but are not limited to the following:

1. Physical, emotional, and mental harm of American Citizens
2. Misuse of state and federal property and finances
3. Tampering with evidence
4. Tampering with mail
5. Stalking
6. Racial and gender profiling/targeting
7. Invasion of privacy
8. Aiding and abetting
9. Filing fraudulent tax returns
10. Hindrance of employment and other financial opportunities
11. And so on...

If God did not tolerate your predecessors, Adolf Hitler and the Nazi Party, HE WILL NOT TOLERATE YOU! Do know it was and still is my honor to temporarily change careers in an effort to protect American citizens from your unscrupulous tactics. NTN, YOU ARE EXPOSED AND GOD IS COMING FOR YOU...GET READY!

"They slay the widow and the stranger, and murder the fatherless...He that planted the ear, shall He not hear? He that formed the eye, shall He not see?...Be not deceived; God is not mocked: for whatsoever a man soweth [does], that shall he also reap [receive]."

**THIS DEFENDANT WILL BE IN ATTENDANCE AT THE TUESDAY,
SEPTEMBER 13, 2022 10:00AM MEETING AT THE LEXINGTON
COUNTY COURTHOUSE.**

Dear Clerk of Court, I am including a single-sided, signed version and a copy of this ninety-five (95)-page document, requesting a filed copy be mailed back to me in the self-addressed mailer enclosed. Please use the outstanding postage already provided.

Respectfully Submitted,


Trade Mitchem-Green, Defendant

8/24/22
Date

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

TRACIE MITCHEM-GREEN,

CASE NO.: 3:2--cv-00054-J-39PDB

Plaintiff,

vs.

MHM HEALTH PROFESSIONAL, INC.,

Defendant.

AFFIDAVIT OF TRACIE MITCHEM-GREEN

BEFORE ME personally appeared Tracie Mitchem-Green who, after being sworn, states the following on her own personal knowledge:

1. My name is Tracie Mitchem-Green, and I am the Plaintiff in the above styled action. I am over the age of 18 and have knowledge of the statements (timeline of events) contained therein.
2. Since filing my legal complaint, my lead attorney has been Farnita Sanders-Hill (with Attorney Marie Mattox being the overarching attorney who accepted my case).
3. August 24, 2020 7:53 am, I emailed Attorney Farnita seeking advise about employment opportunities.
4. On August 24, 2020 10:46am, I received the following email from Attorney Farnita:
"We are getting ready for big trial that begins this week. It may be later today or in the morning before I can break for a moment, but I will check the calendar to see what I may have open." This is the last time I heard from Attorney Farnita.

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5. On September 21, 2020 5:43 pm, I had a missed call from Attorney Farnita's office. At 6:01 pm, I called back to Attorney Farnita's office. At that time, Attorney Julie identifying herself as my new attorney and she would assist me during the Mediation tomorrow. At 7:50 pm, due to my alarm, Attorney Julie got Attorney Mattox to confirm that Attorney Julie was my new attorney. I was informed that Attorney Farnita had taken a new position at Morgan and Morgan.
6. On September 22, 2020 10am, Attorney Julie assisted me during the Mediation; in which Attorney Julie sent and requested that I send Mediator Kay Wolfe attorney-client privileged documents. I complied with Attorney Julie's request. During some point during the Mediation, Attorney Julie stated she was in route to her doctor's appointment for an autoimmune condition.
7. On September 25, 2020 4:40am, I forwarded Attorney Julie the July 22, 2020 10:51am email I sent to Attorney Farnita (with Jervonie F. cc'd). The email, entitled "Final—Documents Needed", was in response to Attorney Farnita's request to provide her with 1) the Case Management inmate's name I was accused of having a relationship with; 2) the names of the inmates who inspired me notifying the Swannee Sheriff office; and) a list of missing documents.
8. On September 25, 2020 5:02am, I sent Attorney Julie the following email with indicated attachments (including my September 6, 2017 Verizon bill): "Attached are my Rebuttal to Defendant allegations presented at Mediation & a possible response to the pending Summary Judgement. Question: *The Final Defendant Exhibit Review & Review of Plaintiff Request for Production Documents* provided to Mediator Julie Wolf. Those were communications that I created for internal purposes. Does this

mean it is now discoverable to the Defendant? Also, will they be used as a weapon that we withheld information?" No response was received.

9. On September 30, 2020 8:11 am and then again at 8:38 am, I called to speak with Attorney Julie. I was given her paralegal, Rachel S., email address. At 8:44am, I sent Rachel S. an introductory email, requesting updated information concerning my case. At 9:19am, I forwarded Rachel S. the email I sent to Attorney Julie on September 25, 2020 5:02am. At 10:36am, Rachel S. emailed me the following: "I found out that Ms. Keefe only covered your mediation, Ms. Mattox is still your attorney, so I forwarded the document to her, her paralegal, and her assistant. I also let them know that you have requested a meeting, but wasn't sure if it needed to be in-person or by phone." At 11:50 am, I emailed Rachel S (with Attorney Julie & Attorney Mattox cc'd) the following: "Really??? I somehow missed that Attorney Julie was an interim attorney. I must admit that I am concerned now because I was not aware of Attorney Hill leaving until the evening before the Mediation... A Zoom meeting would be great."
10. On September 30, 2020 1:12pm, Attorney Julie emailed me (with Attorney Mattox & Rachel S cc'd) the following: "I was wrong. I took over from Farnita, so you are mine from here on out and I am thrilled! I have already tried some of your herbal recommendations and am feeling benefits!"
11. On September 30, 2020 1:38pm, I sent Attorney Julie the following email: "I hope you checked with your doctors first. They need to know about the herbs you are taking because they will need to keep track of your lab work (also, they have to make sure the herbs don't interact with any current medications you take. Draxe.com provides a lot of great information). As discussed, herbs are POWERFUL and people can get into

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trouble quickly. Good to know we will be working together! I hope you received my email last week. I would like to talk with you, maybe a Zoom meeting? When are you available?"

12. On September 30, 2020 2:07pm, 2:14pm, 2:23pm, 2:26pm, & 2:28pm, Attorney Julie and I emailed each other back and forth to set a set time to meet. We ultimately scheduled a Zoom meeting for October 4, 2020 1:30pm.

13. On October 3, 2020 9:57 pm, I sent Attorney Julie the link for our Zoom meeting.

14. On October 4, 2020 1:32 pm, I sent Attorney Julie an email reminding her of our Zoom meeting.

15. On October 4, 2020 1:36 pm, I received a call from Attorney Julie; with her joining the Zoom meeting at 1:38pm (ID #312 334 4049). At 1:40pm, I had to resend Attorney Julie the email I had forwarded to her on July 22, 2020 at 4:40am. At 1:41 pm, I forwarded Attorney Julie the following: 1) July 24, 2020 4:23pm email originally sent to Attorney Farnita (Jervonje F cc'd):

"Attorney Hill/Mr. Forde, Do we need to request the HSB (with Appendix A) that was in effect in 2017? Below is a review of the one sent to us: *Page 238 [DP000238] - Page 260 [DP000260] Department of Corrections (DOC) Health Service Bulletin (HSB) 15.12.03 NOT applicable, effective date 1/1/19 is after 8/31/17 suspension*"; 2) July 22, 2020 7:49 pm email, in which Attorney Farnita agreed to add to the final Request for Production: "Should we also request any and all records from the Inspector General's office for all the inmates (T. Williams, D. Williams, & C. Mahone), dates 1/1/17-12/31/17? These documents would seal our case as to whether or not an investigation was done. Bridges said the FBI came out when she report alleged abuse...I wonder why I never saw them at Suwannee when I reported such allegations???" and 3) July 21, 2020 11:16pm email "...PLEASE subpoena the following from the companies listed below; & all documents not otherwise requested above that mention Tracie Mitchem-Green.

1)... Two Companies:

a. Quest Diagnostics Administration Offices (Headquarters)
500 Plaza Drive
Secaucus, NJ 07094

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800-222-0446

b. MedXM (now known as Quest Health)
1242 East Dyer Road #145
Santa Ana, CA 92705
(888) 306-0615

RE: They did not provide me with a copy of my employee file when requested. (I need this information as I plan to try to apply for more NP jobs.)

2) Attached is a compilation of the IMP allegations most closely tied to our case. Also attached are their FDC Inmate Population information from the Dept of Corrections (<http://www.dc.state.fl.us/offendersearch/>). **NOTE:** Why are all of them African-American????"

Attorney Julie and I discussed these emails, including any new information provided in the September 25, 2020 4:40am and 5:02am emails I sent to her.

16. On October 4, 2020 2:11 pm Attorney Julie emailed me "DEFENDANT'S RESPONSE AND OBJECTIONS TO PLAINTIFF'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS", dated September 14, 2020 and a copy of an Incident Report dated July 26, 2017.
17. On October 4, 2020 2:24pm, I sent Attorney Julie the following email: "They are still withholding information. NONE of these documents are emails sent from my work email address dated August 27, 2017 - September 2, 2017; we really need them." I received no response from Attorney Julie.
18. On October 26, 2020 12:40 pm I sent Attorney Julie the following email: "I would like to speak to you regarding an occurrence and my next course of action. Are you available for 10 min today? I feel I need to act quickly." I received no response from Attorney Julie.

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19. On October 30, 2020 3:48 pm: I sent an email to Attorney Julie & Rachel S requesting a copy of the Motion Summary Judgement .
20. On November 4, 2020 5:22 pm, a copy of the Motion Summary Judgement was provided to me by Attorney Julie.
21. On November 8, 2020 5:04am, I sent an email to Attorney Julie & Rachel S requesting a copy of five (5) deposition transcripts (Clemmons, Parrish, Bridges, Campbell, Figueroa).
22. On November 9, 2020 8:48am, I sent an email to Attorney Julie & Rachel S requesting a copy of my deposition transcript. I also informed them that I was never given the opportunity to review my transcript like the other despondents were. No response received concerning the latter.
23. On November 9, 2020 9:12 am, Rachel S sent me a link to the only deposition in my file, my May 20, 2020 deposition. Rachel S. said no other depositions were ordered (not even my June 18, 2020 deposition) and I could follow up with Emerson F regarding the requested depositions.
24. On November 9, 2020 9:38 am, I sent this email to Attorney Julie, Rachel S, & Emerson F: "Do we have any of the despondents' transcripts? If permission granted we need the following (see below). Please forward me a copy upon arrival so I can complete my response to Summary Judgement."
25. On November 9, 2020 2:48 pm, Emerson F sent me a copy of Clemmons, Parrish, Campbell, & Bridges depositions; and stated Dr. Figueroa deposition would be produced shortly and sent to me once received.

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26. On November 12, 2020 11:07 am, I sent an email to Attorney Julie, Rachel S, & Emerson asking about Dr. Figueroa deposition transcript.
27. On November 13, 2020 2:47 pm, I sent an email, to Attorney Mattox, Attorney Julie, & Rachel S, which included the following:
- “... Attached are: 1. Summary Judgement Rebuttal (NOTE: missing my June deposition and CHO Figueroa deposition)--???maybe we don't need them??? 2. Rebuttal of Defendant's Allegations at Mediation (reference document) 3. Defendant Exhibit Review & Possible Questions for Deposition (reference document)”.
- I received no response.
28. On November 16, 2020 2:41 pm, Emerson F sent me a copy of Dr. Figueroa deposition.
29. On November 17, 2020 1:35 pm, I sent an email, to Attorney Mattox, Attorney Julie, & Rachel S, which included the following:
- “I received CHO Figueroa's depo yesterday; attached is the updated rebuttal (additions are highlighted in green). FYI--we don't have my June 18th depo, but I don't know if we really need it now.”
30. On November 24, 2020 9:18 pm, I sent an email, to Attorney Julie & Rachel S, requesting a copy of our response to the Motion for Summary Judgement. No response was received.
31. On November 27, 2020 12:20 pm, Marlene N emailed me (with Attorney Julie cc'd) a copy of “Final Affidavit of Tracie Mitchem-Green” after calling me on the telephone at 12:16 pm telling me to review and sign to document quickly. I was never informed that our response to the Motion for Summary Judgement had not been filed yet.
32. On November 27, 2020 1:32 pm Marlene N called me again inquiring about the “Final Affidavit of Tracie Mitchem-Green”. I told her I was reviewing it. Marlene N assured me that three (3) attorneys review the document, one being a male writer, to

- ensure accuracy. I said I could make the changes and send it back to her, but Marlene N said I was not allowed to do that. Then, I said that I would finish reviewing the document as quick as possible and I will let her know where my concerns are.
33. On November 27, 2020 3:03 pm Marlene N emailed me (with Attorney Julie cc'd) the following: "Please forward back the affidavit with notes on changes please."
34. On November 27 2020 3:23pm, I sent an email, to Attorney Julie and Marlene N with the recommended changes. Then at 3:27pm, I called and spoke for 6 minutes 51 seconds with Marlene N regarding my concerns and recommended changes to the "Final Affidavit of Tracie Mitchem-Green".
35. On November 27 2020 3:37pm, 4:06 pm, and 4:12pm Marlene N called me regarding the "Final Affidavit of Tracie Mitchem-Green".
36. On November 27 2020 4:18pm Marlene N (with Attorney Julie cc'd) emailed me the amended "Final Affidavit of Tracie Mitchem-Green" and Exhibit 15 page label.
37. On November 27 2020 4:23pm I called and spoke with Marlene N regarding the "Final Affidavit of Tracie Mitchem-Green". At some point, Marlene N became frustrated and said she did not have time for this as she had other things to do. Marlene N then went to Attorney Mattox with her concerns and Attorney Mattox and I spoke briefly regarding my concerns. Attorney Mattox told me I could make to corrections myself, just to strike through the changes, and that Marlene N was not aware of that fact.
38. On November 27 2020 4:33pm I emailed Marlene N (with Attorney Mattox & Attorney Julie cc'd) and told her Exhibit 15 was not attached. At 4:35 pm, Marlene N

- emailed that Exhibit 15 was attached. At 4:43 pm, I emailed that only Exhibit 15 page label was attached. At 4:45 pm, Marlene N emailed me Exhibit 15 document.
39. On November 27 2020 5:03pm and 5:05 pm I received a call from Marlene N and (maybe Attorney Mattox) regarding "Final Affidavit of Tracie Mitchem-Green".
40. On November 27 2020 5:06pm I emailed Marlene N (with Attorney Mattox & Attorney Julie cc'd) the following: "Attached are 1) Affidavit WITH NOTED CORRECTIONS 2) Affidavit i'm signing".
41. On November 27 2020 6:05pm I emailed Marlene N (with Attorney Julie cc'd) the following: "Please send me all the Exhibits we are submitting with the Affidavit please." No response was received.
42. On November 28 2020 5:00 am, I emailed Marlene N (with Attorney Mattox & Attorney Julie cc'd) the following: "I am a bit concerned that some important information was not included from our rebuttal. Although I've attached another copy to this email, below is an excerpt from the *Nov 17th Summary Judgement Rebuttal* document sent to you all and Rachel S. (except Marlene)..."
43. On November 28 2020 12:47 pm, Attorney Mattox emailed me (with Attorney Julie, Attorney Ashley, & Marlene N cc'd) the following: "Its in the response about what you filed but if we need to correct it tomorrow- we will. See attached. Can you call me?" Attached was our formal response to the Motion for Summary Judgement. At 12:48pm, Attorney Mattox called me and briefly explained that we only had 20 pages to respond and that they could be amended. I was working so I could not talk then and I told Attorney Mattox I would call her right back.

Note: This was my first time ever seeing/hearing about Attorney Ashley involvement with my case.

44. On November 28 2020 12:57 pm, I attempted to call Attorney Mattox back (the call was 14 sec long, so I did not speak to her). At 12:59pm, I emailed Attorney Mattox notifying her of my missed call and my desire to correct some things (at this time, I did not realize the formal response to the Motion for Summary Judgement was attached to the email Attorney Mattox sent at 12:47pm).

45. On November 28 2020 1:33 pm, Attorney Mattox called me, in which we spoke for 5 minutes 50 sec. Attorney Mattox informed me of our formal response being attached to her previous email and that she would have all of the documents filed sent to me, including the Exhibits. I told Attorney Mattox I had requested the Exhibits already but had not received them yet. At 2:41 pm, Marlene N emailed me a link to all the documents filed.

46. On November 29 2020 6:17am, I sent an email to Attorney Mattox, Attorney Julie, & Attorney Ashley including the following:

"Why are we relying so heavily on the Affidavit, when the information is contained in the documents we already have? I did not catch all the incorrect statements; I will get the corrections notarized. *Please try not to ask me to sign a document without me having reasonable amount of time to review it.***** I am truly alarmed. Can we correct things urgently please..."**

With an attached recommended amendment now to our formal response to Summary Judgement. Then at 7:00am, I sent the same email with noted corrections (including a corrected formal response to Summary Judgement attachment) to the same recipients.

47. On November 29, 2020 9:38am, I returned a missed call (received at 9:32am) from Attorney Mattox. We were on a 3-way call briefly with Michelle Z. Then, from 9:57

am to 10am, I received 3 emails from Michelle Z, as Attorney Mattox requested that I review the attached Exhibits to determine if anything was missing. At 10:07am, I emailed Attorney Mattox and Michelle Z letting them know I had received all three (3) documents.

48. On November 29, 2020 I received an email, titled "Changes made" and then engaged in email conversations as follows: At 7:35am, I received the following email, titled "Changes made" from Attorney Ashley (Attorney Mattox and Attorney Julie cc'd): "Hi Tracie - I'm working with Marie and Julie on this today. I got in late last night and am starting to sort through your documents - I'll be in touch ASAP. I haven't looked at the full exhibit list yet, but I will mention that standard practice is any time we file a deposition transcript, we file every exhibit that was attached to that transcript. They're not always referenced in the response itself, but I'll confirm all that when when I review the materials this morning. We'll be in touch soon. Thanks Ashley". At 9:25am, I received the following email from Attorney Mattox (Attorney Ashley and Attorney Julie cc'd): "Tracie. Ashley and I are working on this right now. I'll call you around 10:30." At 9:27 am, I received the following email from Attorney Mattox (Attorney Ashley and Attorney Julie cc'd): "Tracie. Can you call my cell. 850 556 3449." At 9:38am, I emailed Attorney Ashley (Attorney Mattox and Attorney Julie cc'd): "Hi Ms. Ashley, Ok, I understand. I apologize for missing the call. I'm calling you all now...". At 11:56 am, I emailed Attorney Ashley (Attorney Mattox and Attorney Julie cc'd): "

"(I) Attorney Ashley, I answered every accusation mentioned in the Motion for Summary Judgement in the attached document. Would you please take a look at it? [Attached were: "November 17th Summary Judgement Rebuttal" and "Review of Plaintiff Request for Production Documents"]

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2) Attorney Mattox, I reviewed the three (3) deposition attachments. The noticeable difference is Exhibit 17, that is attached to our rebuttal to Summary Judgement, contains my 8/28/17-8/29/17 emailed report of inmate abuse allegations, whereas the other depositions only contain 8/29/17 reports. Great work!

3) Attached is the revised affidavit I plan to get notarized. I'll discuss changes at the Zoom meeting today.

4) Incidents reported after July 12th Warden Meeting:

A) Ex 39, p.0034. 8/10/17: Officer Ball calling IMP a "ni**er". Defendant has not provided a copy of the actual Incident report.

B) See attached **"Review of Plaintiff Request for Production Documents in Context of Rebutting Defendant Allegations"**

C) Defendant Depo Exhibits:

Exhibit 17	PDF Pg 208	Email conversation 7/19/17 9:10am	TARGETING by CAMBPELL. Mitchem-Green to Campbell: 1) Productivity (request to compare clinic notes to visits inputted into system by nursing. 2) Restricted areas despite investigation into allegation of establishing a relationship with IMP NOT being conducted. Campbell informed of IMP verbalized concerns. <u>Mitchem-Green to stay out of Infirmary and to call if need another employee in Infirmary.</u> NOTE: Mitchem-Green is the only one with such restriction. 3) Clinic nurse provided without proper tools to conduct visits in dorms and without proper training. [Compare to Exhibit 22, Email conversation with Lisa Lynch. My complaint may the reason for Campbell denying an already approved work schedule. see Exhibit 18.]
Exhibit 18	PDF pg 210	7/26/17 6:46pm	Campbell to Mitchem-Green (cc: Figueroa, Parrish, Feltner): Chart reviews are a part of normal work hours. Note: Dr. Figueroa noted to be working on the weekend. Also, as exempt employees hours may vary.
		7/26/17 4:12pm	TARGETING: Mitchem-Green to Campbell (cc: Figueroa): Mitchem-Green notifies Campbell of lack of nursing assistance, work schedule previously approved by HSA but later denies because Campbell refuses to allow the schedule change.
	211	7/24/17 9:05pm	
		7/24/17 5:02pm	
	212	7/24/17 2:21pm	Campbell to Mitchem-Green: Campbell explains denial of previously approved work schedule & requests an increase in productivity.

			<p>Mitchem-Green to Parrish (cc: Figueroa, Vilchez, Campbell): Campbell denies previously approved work schedule.</p> <p>Mitchem-Green to Parrish (cc: Figueroa, Vilchez): Reminder of absence tomorrow.</p>
Exhibit 22	PDF pg 224 225	<p>Email conversation 7/19/17 0856</p> <p>7/18/17 0820</p> <p>7/13/17 4:12pm</p>	<p>Mitchem-Green to Lynch: 1) Productivity (request to compare clinic notes to visits inputted into system by nursing. 2) Restricted areas despite investigation into allegation of establishing a relationship with IMP NOT being conducted and Lynch/Love refusing to assist in answering IMPs health concerns. 3) Clinic nurse provided without proper tools to conduct visits in dorms and without proper training. [Compare to Exhibit 17. Email conversation with Dr. Eroll Campbell. My complaint may be the reason for him denying an already approved work schedule (see Exhibit 18).]</p> <p>Mitchem-Green to Lynch: Notified still without a workstation at Main Unit.</p> <p>Lynch to Mitchem-Green: Following up on Mitchem-Green voicemail left at Corporate</p>

Exhibit 24	PDF pg 229	DC4-714B clinician Order Sheet, dated 8/29/17 0900	<p>Orders written by Mitchem-Green "1. Notify OIC, RE: Alleged Staff Abuse, 2. Please ensure to process all orders noted below."</p> <p>Missing written chronology from 8/28/17 and 8/29/17.</p>
Exhibit 25	PDF pg 231-232	<p>Email conversation 8/29/17 4:06pm</p> <p>8/29/17 1:21pm</p> <p>8/29/17 1:14pm</p>	<p>Mitchem-Green to Figueroa: Chronology of 8/29/17 events, including discussion with Major regarding IMP abuse allegation [Security was notified]. Need previous email referenced; not included in documents.</p> <p>Figueroa to Mitchem-Green: No direction on IMP received. Figueroa asks, "Green why is the clinic starting so late there? 11:00am?"</p> <p>Mitchem-Green to Figueroa: Request assistance regarding OPT (optometry) recommendation for urgent neurology consult on IMP.</p>
Exhibit 26	PDF pg 234	Email conversation 8/29/17 4:12p	Figueroa to Mitchem-Green

		8/29/17 4:08 pm	Mitchem-Green to Figueroa
		8/29/17 0955	Mitchem-Green to Figueroa: "Yes Sir, understood. When I get discrepancies like this, verification is warranted. Unfortunately, I have seen and heard with my own eyes and ears questionable behavior amongst our own. If he did not refuse then he still will not get the medication if he is single-dosed. So if we don't verify such things, then how will we know where the problem lies."
		8/29/17 0835	
	235	8/28/17 9:04pm	Figueroa to Mitchem-Green: "We are not the guardian of all the patient that are here. They are adults, Single dose him and advise him to take the medication. That all we can do. Don't try to prove them wrong. There is dozen of things that could cause blood pressure to be elevated. Just address those and you be good to go."
		8/28/17 2:54pm	Mitchem-Green to Figueroa, Meyer, Vilchez, Carter (cc: Parrish): Concern for another H Dorm IMP Bp 162/118 P 112. Discrepancy with IMP report and documented medication refusals. Requesting viewing of video to determine truth.
		8/28/17 1006	
		8/28/17 0953	Mitchem-Green to Figueroa (cc: Marybel Rios, Annex Nurse Manager): Vilchez nowhere to be found.
			Figueroa to Mitchem-Green (cc: Marybel Rios, Annex Nurse Manager)
			Mitchem-Green to Figueroa, Vilchez, Parrish: H-Dorm IMP abuse allegation

49. On November 29, 2020 12:01pm, I emailed Attorney Ashley (Attorney Mattox and Attorney Julie cc'd): "One more thing. Defendant is still withholding the detailed email sent on 8/29/17 regarding all 3 inmates that alleged abuse on 8/28/17...". At 2:53pm, Attorney Mattox (Attorney Ashley, Attorney Julie, Kristi W cc'd) emailed me that Kristi would send me a link for a 6pm Zoom meeting today. At 3pm, Kristi (Attorney Mattox, Attorney Ashley, & Attorney Julie cc'd) emailed me the link. At 3:05pm, I emailed Attorney Mattox (Attorney Ashley, Attorney Julie, & Kristi W

cc'd): "Yes ma'am, thanks you all. Attached is the Affidavit I am working on getting notarized. Attorney Ashley, I did not change any of the numbers, but some of the information changed. I'm going to sleep good tonight... Tracie". Attached was the document titled "Last Revised Signed Affidavit of Tracie Mitchem-Green". At 3:06pm, I emailed Kristi (Attorney Mattox, Attorney Ashley, & Attorney Julie cc'd) that I had received the link. At 6 pm, Attorney Mattox, Attorney Ashley, and I meet via Zoom. I was told that it was not as bad as it seems. Attorney Ashley said she would review and compare all the Affidavits get back with me the following morning as she's an early bird and Attorney Mattox stays up late. Both Attorney Mattox and Attorney Julie reiterated that we could submit an amendment, but if it's a major change then it would require the Judges approval. Attorney Julie was not in attendance.

50. On November 30, 2020 12:01pm, I emailed Attorney Mattox (Attorney Ashley cc'd) the following email: "Good Morning, I'm checking in to make sure I didn't miss you. What did you decide on filing the amended affidavit? I have attached 1) the original 2) the one filed ("Signed Final...") and 3) the final version. Thanks, Tracie" I did not receive a response.

51. On November 30, 2020 1:02pm, I received the following email from Attorney Julie (Attorney Mattox, & Attorney Ashley cc'd): "I am so sorry about yesterday. I had a major meltdown at home with something."

52. On November 30, 2020 1:53pm, I forwarded Attorney Julie the November 30, 2020 12:01pm email all three (3) attachments, that I had sent to Attorney Mattox & Attorney Ashley, along with the following message: " Attorney Julie, Oh my. I hope

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everything is alright now. They took good care of me yesterday. I'm just waiting on response to the below. I apologize for not sending it to you....Blessings. Tracie". I did not receive a response.

53. On December 1, 2020 7:45 am, I emailed Attorney Mattox, Attorney Julie, & Attorney Ashley the following: "Good Morning Attorneys, Please tell me something. I was expecting to hear from someone on yesterday. God is with us and we are in this together. If we failed, we failed. I just need to know something. What are we going to do? Thanks, Tracie". Again, I received no response.
54. On December 1, 2020 8:07 am, Rachel S (Attorney Julie cc'd), in response to my November 24, 2020 email, sent the following email: "The last thing I see in your file is a motion, extending the time to respond to summary judgment." I had never been informed of an extension being needed or even granted. At 8:15am, I emailed Rachel S (Attorney Julie cc'd), "Ok thanks." At 8:25am, I received the following email from Rachel S (Attorney Julie cc'd): "Hold on, here we go", with 2 documents "doc 28 in response to Opposition" and "doc 27 notice by Tracie Mitchem-Green re".
55. On December 1, 2020 5:37 pm I emailed, from a different email address, including but not limited to Attorney Mattox, Attorney Ashley, & Attorney Julie the following: "Thank you for helping me. On Nov 27, 2017, I submitted a pre-constructed Affidavit that I realized contained more incorrect information after it was notarized (I corrected what I noticed at that time to be incorrect). I notified the receiver. In emotional panic and turmoil, I attempted to correct noted mistakes. Now having calmed down, I am requesting the attached notarized, amended Affidavit to be submitted. I apologize for signing a document that I did not review carefully enough

to honor someone else's request to sign expeditiously. I accept full responsibility and it will not happen again. Again. I am requesting the attached factual notarized, amended Affidavit to be submitted. In Jesus name, Tracie”.

56. On December 1, 2020 6:47 pm, I received the following email from Attorney Mattox (with Attorney Ashley cc'd): “Tracie- I very much appreciate what you have done but the court is not going to want to read your affidavit that does not directly address many of the issues that we are dealing with. You have to trust that we have addressed the issues that are important in your case. Please trust that there are limited issues before the court and I am truly very grateful for the work you have put in here but it is not going to be helpful at this point. We have to address very limited issues which is what we have done. I am never going to do anything to hurt your case and filing the affidavit may hurt rather than help you.”

57. On December 1, 2020 9:50pm, I emailed Attorney Mattox (with Attorney Ashley cc'd): “Yes ma'am and thank you for the response. God Bless, Tracie”.

58. On December 1, 2020 9:50pm, I emailed Attorney Mattox (with Attorney Ashley cc'd): “Good Morning, The date was Nov 27, 2020 not Nov 27, 2017. My apologies...May Jesus hand be with you today, Tracie” I received no response.

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59. Now today, December 3, 2020, I am submitting this notarized 18-paged timeline of events, requesting that: 1) this notarized timeline of events and 2) the 37-paged factual notarized, amended Affidavit dated December 1, 2020 to be submitted to The United States District Court for the Middle District of Florida.

Tracie Mitchem-Green

ATTESTATION

BEFORE ME personally appeared Tracie Mitchem-Green who, after being sworn, states that the facts set forth above are true and correct and are based on her own personal knowledge. She presented her driver's license as proof of her identity.

Notary Public (Signature)

Notary Public (Printed Name)

My Commission expires:

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59. Now today, December 3, 2020, I am submitting this notarized 18-paged timeline of events, requesting that: 1) this notarized timeline of events and 2) the 17-paged factual narrative I appended. Affidavit dated December 3, 2020 now submitted to The United States District Court for the District of Columbia.

Tracie Mitchell-Green

ATTESTATION

BEFORE ME personally appeared Tracie Mitchell-Green who, after being sworn, states that the facts set forth above are true and correct and are based on her own personal knowledge. She presented her driver's license as proof of her identity.

Notary Public (Signature)

Sherry Gentry
Notary Public (Printed Name)
My Commission expires:

My Commission Expires April 15, 2025

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

TRACIE MITCHEM-GREEN,

CASE NO.: 3:2--cv-00054-J-39PDB

Plaintiff,

vs.

MHM HEALTH PROFESSIONAL, INC.,

Defendant.

AFFIDAVIT OF TRACIE MITCHEM-GREEN

BEFORE ME personally appeared Tracie Mitchem-Green who, after being sworn, states the following on her own personal knowledge:

1. My name is Tracie Mitchem-Green, and I am the Plaintiff in the above styled action. I am over the age of 18 and have knowledge of the statements contained therein.
2. I am an African American female and began my employment on January 3, 2017 and worked at the Suwanee Correctional Institution as a Clinician at the time of my wrongful termination on September 23, 2017.
3. I possess a doctorate degree in nursing (DNP). As a Florida Department of Corrections (FDOC) employee from 2010-2012, I successfully worked as a full-time Advanced Registered Nurse Practitioner ("ARNP") at Suwanee Correctional Institution. I primarily focused on completing my Doctor of Nursing Practice (DNP) degree after leaving FDOC employment. Then, upon completing my DNP degree, I enrolled in a Master in Herbal Medicine Program to further ensure I would provide my patients high quality health care. However, in the midst of this educational

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pursuit, I pursued the Divine call to return to working with inmate patients (IMPs). Moreover, during the application process to return to Suwannee—not as an FDOC employee now, but as a Centurion of Florida/MHM Health Professionals employee—I interviewed with Health Service Administrator Brandice Corbin (HSA Corbin, White female), a registered nurse (RN) whom I previously worked alongside years earlier. Furthermore, my employment references included all former FDOC colleagues: HSA Corbin, ARNP Daisamma Varghese (Indian female, and Chief Health Officer Edmond Alaka (African Male). With the support of these colleagues, my hiring process was expedient and seamless. In fact, I received the employment offer one day before officially signing the application on November 8, 2016; and commencing employment on January 3, 2017.

4. Despite my stellar work performance, I was subjected to disparate treatment, different terms and conditions of employment, and was held to a different standard because of my race, gender and because I reported unlawful employment practices and patient care practices and was subject to retaliation because of this. As an experienced Correctional ARNP, I understood my job description *Position Overview*, “Works under the supervision of a physician in a correctional environment and is responsible for assisting in the delivery of health care and patient care management to include collaborating with multidisciplinary team, performing assessment, diagnosis and medication management”; and the *Essential Duties/Responsibilities*, including but not limited to the following [My employer Depo Exhibit 7]:

- Providing treatment with a multidisciplinary team.
- Performing medical evaluations on IMPs under established guidelines.

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- Coordinating, admitting, and discharging patients from the medical infirmary.
- Reviewing and providing follow-up for IMPs requiring specialty medical services.
- Educating IMPs about preventive care, acute and chronic medical conditions, including prescribed medications and treatments.
- Ensuring appropriate follow-up has been completed.
- Documenting all IMP encounters in the medical record in compliance with Company policies and procedures.
- Coordinating IMPs care closely with security staff, while maintaining a positive yet collaborative relationship.
- Delivering care in a nonjudgmental/nondiscriminatory manner to protect the autonomy, dignity and rights of IMPs.
- Accepting on-call responsibilities as scheduled.
- Attends staff meetings, as well as other meetings as required
- Ensuring compliance with all facility and Company policies, Federal and State laws, regulations, and guidelines
- Notifying Site Medical Director or Health Services Administrator of any incident by a patient involving high-risk, accident and/or life-threatening event that may have the possibility to create a medical liability, immediately upon notification.

Soon after beginning employment with Centurion of Florida/MHM Health Professionals, I began to notice and experience recurrent, unfair events that violated the vary job description I was adhering to. For example, in the very first week of employment, I saw Dr Vilchez conduct incomplete assessments on IMPs, but document a full assessment. Thereby, I began keeping a journal to document these occurrences. As noted in the Equal Employment Opportunity Commission (EEOC) complaint, with an initial date of June 26, 2017 and my journal the recurrent, unfair events included, but were not limited to:

- a. **Lack of Physician support and supervision/Non-adherence to schedule:** I understood my ARNP job description was different from my male physician counterparts. However, during their many unannounced absences, I was expected to assume their primary leadership role in providing quality care to IMPs. In addition, I experienced recurrent abrupt changes in the schedule, initiated by various people including nursing, physicians, HSA Corbin, HSA Parrish, and Regional Administrators. This is what I was referring to when I wrote in a June 15, 2017 email: "As stated earlier, the schedule was never consistently followed without reprimand, but again since I spoke about deliberate mishandling and mistreatment of Infirmiry inmates at the Main Unit, I am now restricted from caring for them except when another clinician is available. It appears I am the only one with such restriction."
- b. **Cancellation or hinderance of IMP institutional callouts-- though I was available to provide care—and outside appointments/Accusation of establishing inappropriate relationship with two Case Management IMPs, one more than the other, during the performance of requested managerial duties:** Case Management

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IMP #1: Case management duties were initiated due to poor healing leg wound. I conducted an extensive history and physical, medical record review, and medical research regarding IMP condition, with a timeline and evidence-based recommendations provided on Sunday, May 21, 2017. Copies of the timeline were emailed to both physicians. In addition, this timeline was provided to three female Regional Administrators during their institutional visit on May 24, 2017. However, My employer continues to refuse to produce this document despite requests. Case Management IMP #2: Case management duties initiated due to multiple medical issues, including bilateral orbital fracture. I conducted an extensive history and physical, medical record review, and medical research regarding IMP mirage of medical issues. On April 27, 2017, after discussing with CHO Figueroa, Dr. Vilchez, and HSA Corbin, why I disagreed with the Ear Nose and Throat Specialist assessment that IMP was malingering, I was relinquished from case management duties on this IMP. My May 2, 2017 journal entry depicts what happened next:

Picked up phone in MU Infirmary, it was Nurse Zak [white male] calling to inquire about [Case Management IMP #2.] After briefing DNP asked him did Nurse Zak think he needed to be seen today; he stated no he could wait until Thursday to be seen by Dr. V. DNP verbalized understanding.). Later told by Nurse Glover of report that [Case Management IMP #2.] walked from Annex to GDorm and stated he wanted to return to Infirmary due to him getting whatever he wanted and that he never c/o vision problems. Later on in the day, was called to Dr. V office with Nurse Zak being present and both inquiring further about [Case Management IMP #2. condition. I told him I was taking off the case and

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Dr. Figureroa took over. Dr. V asked me to resume my duties (I told him I did not know where [Case Management IMP #2] was taken. Dr. Vilchez stated he would believe Shands MRI report over RMC due to the updated equipment likely used at Shands. Permission was granted to start on [Case Management IMP #2] case management the following day. Chart was taken to the Infirmary.

On May 10, 2017, Case Management IMP #2 wrote a note regarding his concerns, including "What did Dr. Velchez say about the nursing issue? Because if there's no change, then that's why I feel my life is in danger.": I notified Dr. Vilchez that same day. Moreover, I stayed in constant contact with Security and the multidisciplinary team, including but not limited to, physicians, HSA Corbin, Director of Nursing Meyer, and Regional Medical Director (RMD) Dr. Campbell regarding both case management IMP. For example, in an effort to maintain a positive, collaborative relationship with Security, on May, 19, 2017, I initiated a meeting with Colonel Morgan to address prolonged cell front visits with the two case management IMPs as well as to obtain clearance to bring in acetic acid for case management IMP #1 treatment of his unhealing wound. (Security clearance was obtained after medical approval was granted during the weekly Regional Provider tele-meeting.) At this time, Colonel Morgan verbalized his unsolicited concerns with the type of care he had seen Nursing staff provide to IMPs and encouraged me to begin writing Nursing staff up. I sent a subsequent email to Colonel Morgan (including Warden Clemmons) thanking the Colonel for letting me know about the Nursing staff suspect behavior and to check the Infirmary's surveillance video footage for evidence of such suspect behavior witnessed by me. I never received a follow up to this email; in fact,

Colonel Morgan “retired” soon thereafter. My employer continues to refuse to produce this document despite my requests.

On June 1, 2017, I completed a preliminary timeline and emailed a copy to RMD Campbell, Dr. Vilchez, and HSA Corbin. On June 2, 2017, in an effort to complete remaining case management duties (which were in addition to my standard duties), Dr. Vilchez granted me permission to work additional hours that weekend. (Similar to the physicians, I was considered an exempt employee, thus paid a set salary not based on actual hours worked because of the likelihood of significant fluctuations in hours, as hours worked were based on the healthcare needs of IMPs. Current Centurion of Florida/MHM Health Professionals employee, Licensed Practical Nurse Angela Bridges (“LPN Bridges”)—a white female—said [LPN Bridges 17: 2-5]: “...if we were behind and had to catch up...then, yeah, we would come in on a Saturday...”. While working on Saturday, June 3, 2017, I saw CHO Figueroa, who completed an assessment on the case management IMP. I completed this IMP’s timeline on Sunday, June 4, 2017, and notified my medical supervisors, including Dr. Vilchez and Chief Health Officer (CHO) Figueroa. Taking an extra step, I called Dr. Figueroa to let him know I emailed him the timeline, that now required him to input his assessment findings. I repeatedly requested a copy of the case management timelines, but my employer refuses to comply with my request for production. The plan was for this case management IMP to be transported to an urgent ENT appointment the following morning, on June 5, 2017; and to send the updated timeline with Dr. Figueroa’s assessment, to Dr. Ladele—a higher-ranking physician at another correctional institution who had assisted in coordinating this IMP’s re-evaluation by a different ENT specialist. This was an urgent situation as this IMP was experiencing

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sequela—including photophobia, vomiting, and weight loss—likely due to impingement of orbital contents after sustaining bilateral orbital fractures. (This sequela was occurring in light of this IMPs care being delayed by CHO Figueroa two months earlier, who based his decision off of the initial ENT specialist suggesting the IMP was malingering.)

My June 5, 2017 7:24am email recounted, in detail, events that occurred upon my arriving at 2:50 am to comply with the request for written, detailed concerns regarding infirmary and nursing staff issues I noted while completing case management duties on this Infirmary IMP. My email—sent to RMD Campbell, CHO Figueroa, and Dr. Vilchez—detailed a well-orchestrated targeting event—of which I unknowingly foiled—on Case Management IMP #2, in which he ultimately was prevented from attending the urgent ENT appointment because both Nursing and Security staff had informed him of his pending transport. It was after sending this very email, that my work hours and exact whereabouts became a concern to my supervisors, Regional Administrators, and Security; and more targeting occurrences were directed at me. For example, my schedule changed drastically in less than 24 hours, including restricted areas and work schedule; abrupt schedule change after submitting Confinement Round report; and made to drive to and perform chart reviews on a Columbia Correctional Institution ARNPs documentation after only five months of employment.

On June 9, 2017, just 4 days after the foiled targeting event against Case Management IMP #2, I notified HSA Corbin, CHO Figueroa, and RMD Campbell that the computer I used was abruptly missing from the Main Unit Medical Admin office. I wrote of my mistreatment in my journal, as far back as February 1, 2017: “...Of note: I do not have an office; I was given the computer desk behind the door in the main office area. In order

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to get the computer working, I had to place a work order myself. Most of the time, I am over in the lab or using the conference table to complete work". I was eventually compelled to install surveillance equipment in my vehicle due to safety concerns , as I experienced an intruder at my place of residence.

On June 15, 2017, just 10 days after the foiled targeting event against Case Management IMP #2, I notified my supervisors that the internet cord, to an Annex computer I frequently used, went missing. It is important to note this computer was housed in a secured location, with other computers, but it was the only one missing an internet cord.

On June 21, 2017, just 16 days after the foiled targeting event against Case Management IMP #2, I assisted HSA Corbin exiting the institution, who stated she was in tears for being ejected from Suwannee by Warden Clemmons. According to OIG Investigator Allyson Skiles report, Centurion of Florida/MHM Health Professional allowed HSA Corbin to remain employed. This is further evidence of My employer's preferential treatment towards similarly situated white employees.

c. Nursing staff functioning outside of their scope of practice, dictating my schedule and written orders/Disrespect of the ARNP Position/Lack of Nursing assistance/ Lack of charts being prepped (missing labs, radiology results, etc.)/ Medications dispensed and administered to IMPs by unlicensed personnel: The chain of seniority within the nursing profession is (lowest to highest): Nursing Assistant; Licensed Practical Nurse; Associate degree Registered Nurse; Bachelor's degree Registered Nurse; Master's degree Advanced Registered Nurse Practitioner; and then Doctorate degree Advanced Registered Nurse Practitioner. As a DNP-ARNP, I was positioned at the highest level in the nursing profession, yet my

schedule and supervision, at times, were being delegated to lower ranking nursing staff. Due to a lack of nursing assistance, some Security personnel would assist me in completing IMPs clinic visits (i.e. measuring vital signs). Moreover, some medical staff were functioning outside of their scope of practice, for example administering medications to IMPs when they were not educated or licensed to do so; I made my supervisors aware of this.

d. IMPs targeted by staff and medical plan of care attempted to be dictated or altered by Security personnel: Amongst other occurrences, On April 26, 2017, White Shirt Officer Hale (white male) challenged my medical order to transfer a black IMP out for higher level of care after IMP sustained a grossly deformed shoulder after use of force activities. Also, on August 10, 2017, I heard Security Officer Ball (white male) call a black IMP a "nigger" while displaying aggression towards IMP. Although Incident Reports were filed, I was never interviewed or informed of any resolution.

e. Me being targeted by other staff, administrators, and Security personnel: The targeting became more prominent after I, in agreement with the ARNP job description, reported a concerning event regarding the infirmary IMP Dr. Vilchez requested I resume case management activities on. Moreover, on June 23, 2017, Regional Administrator Feltner requested I complete another credentialing packet (which was completed as a condition of beginning employment on January 3, 2017). These unfair events were all in direct violation of Centurion of Florida/MHM Health

Professionals ARNP job description and management was notified. However, despite these unfavorable experiences, I still attempted to strengthen my bond with both the medical and Security staff by exclusively funding Subway-catered lunches, on two separate occasions, totaling in expense of hundreds of dollars. This was the food delivery referenced in my June 15, 2017 email—to HSA Corbin, RMD Campbell, CHO Figueroa, and Regional Administrator Feltner—of which I obtained clearance from HSA Corbin to show kindness to my medical and security colleagues. Moreover, “LPN Bridges” said when she worked with me as my clinic nurse “we had fun” [LPN Bridges, 19: 22]. In addition, Dr. Figueroa said I was “very--always happy” [CHO Figueroa 12:11].

On August 16, 2017, also in an effort to maintain comradery, I apologized to Centurion of Florida/MHM Health Professionals Regional Administrators at an institutional luncheon for any offenses caused but was not permitted to do the same with Warden Clemmons. As an undisputed fact, I displayed unwavering commitment to my Divine calling to provide quality care to IMPs; Centurion of Florida/MHM Health Professionals ARNP job description; and FDOC guidelines.

5. I disclosed and objected to my employer's violation of one or more laws, rules, and or regulations and was retaliated against because of my objections. In stark contrast to my employer's claim of being restricted to specific work areas after concerns of developing an inappropriate relationship with IMPs, these restrictions actually occurred after I notified Security and my supervisors—RMD Campbell, HSA Corbin, CHO Figueroa, Dr. Vilchez, and others—of security breaches and issues of IMPs being targeted and receiving suboptimal medical care. On July 7, 2017, I was

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targeted by a white female Security guard by being picked out of a crowd of colleagues waiting to enter the institution, told in the presence of other employees that my cloths were inappropriate, and sent home to change cloths. I returned home to get more cloths, but then returned to the institution and respectfully challenged the guard's visual judgment of my cloths. I was reassessed by additional Security personnel, only to be told my cloths were appropriate to be let in to work at the institution.

6. The disparate treatment I suffered came at the hands of specifically, but not limited to Warden Walker Clemmons, a white male, Health Services Agent Brandice Corbin, a white female, and Staff Physician Dr. Denis Vilchez, a Hispanic male.
7. On or about January 20, 2017 my employers began their disparate treatment of me by showing preferential treatment towards non-black and or non-female employees.
8. Specifically, my employer showed me a lack of support regarding my daily tasks and some of the written and verbal orders I received applied only to me and not to my coworkers.
9. By way of example, every institutional clinician employed in my workplace, except for me, was a non-black male and had at least one assistant to help with their workload. On the other hand, I was never provided with consistent assistance.
10. On multiple occasions, I requested to be assigned consistent assistance as my workload was too much to be handled by one person alone, yet my employer ignored my requests. Also, My employer alleges I continued not reporting to work at appropriate times—working 5:18 am until 11:04 pm in a single day—even after RMD Campbell voiced concerns. However, the date referenced was June 2, 2017, the

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very day I obtained permission from Dr Vilchez to work additional hours to complete the timeline for Case Management IMP #2 urgent ENT consult coming up in three days. Moreover, a review of my timecard, entitled 5/15/17-7/11/17, revealed I had been working fluctuating hours as far back as May 15, 2017, in which I clocked in at 4:51 am, and May 18, 2017, in which I worked from 3:14 am until 10:11 pm. These dates coincide with my being assigned additional case management duties by Dr. Vilchez. In addition, my fluctuations in work hours date back as far as January 2017, the month I began employment. Furthermore, as with all Correctional Clinicians—physicians, physician assistants, and ARNPs—hours worked vary greatly, as work is contingent upon IMPs care needs. Moreover, this is why all full-time Correctional Clinicians, including me, were classified as exempt employees.

Also, the My employer's alleged "On average Mitchem-Green was seeing 3-4 patients a day. For example, on a day in which she worked 12.75 hours, she only saw 1 patient. On the day in which Plaintiff worked 8.25 hours, she only saw 1 patient. On a day in which Plaintiff worked 7.75 hours, she only saw 1 patient". A review of the document, ranging from July 18, 2017 to August 31, 2017, revealed the following:

- The day I reportedly worked 12.75 hours with 1 IMP encounter documented was August 28, 2017. The listed number of IMP encounters directly conflicts with the number of IMPs I emailed CHO Figueroa about on this same day. Moreover, being the sole provider at the Main Unit that day, I completed more IMP encounters than what was reported.

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- The days I reportedly worked 8.25 hours with 1 IMP encounter documented were July 24, 2017, August 1, 2017, and August 11, 2017; therefore, it is unclear which date my employer is referring to. However, it is important to note that August 10, 2017 is the day I reported Officer Ball for calling an IMP a "nigger" and displaying aggressive behavior towards the IMP.
- The day I reportedly worked 7.75 hours with 1 IMP encounter documented was August 18, 2017.
- My employer's failed to disclose that there were two days with 0 IMP encounters documented; they were: August 16, 2017 and August 17, 2017, with 7.67 and 8.00 worked hours reported, respectively; and two days, August 30, 2017 and August 31, 2017 without any recorded IMP encounters documented. In contrast, my journal entry on August 31, 2017 proves otherwise. Furthermore, there were 18 days in which 5-11 IMP encounters were documented.

My employer failed to discuss its procedure regarding documenting all Clinicians encounters, for it was the responsibility of Nursing staff to input completed visits in the computerized system, as clinic visits were completed on paper. It was well documented that I never had consistent nursing help. Furthermore, the 10-inch documents that HSA Parrish alleged was found in I locker was never produced in its entirety though these documents were requested. I contend this is because I kept my daily IMP visit list, which would verify I was more productive than my employer alleges. Moreover, my repeated requests for office space at the Main

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Unit was ignored. LPN Bridges said she had an office and agreed the schedule was of concern [LPN Bridges 15:7; 16:15-18; 12:13-13:19].

"My office was basically just filing cabinets, paper trays, printer, computer, phone..." "...it was madness...they wanted us to see 25 to 30 patients a day...that was just not doable...and if you don't have any help, it can really take you a lot of time...if you address each issue, than it's going to take longer than a 15-minute time frame...inmates that would have maybe five to six chronic conditions...would take at least an hour...and sometimes that wasn't enough to address everything if you were being thorough...".

Also, in accordance to Centurion of Florida/MHM Health Professionals ARNP *Essential Duties/Responsibilities*, to provide treatment with a multidisciplinary team, I continually requested Nursing staff assistance, of which I often did not receive leading me to provide care alone or with the help of Security staff.

With now knowledge and experience of the foiled attack on Case Management #2, coupled with the collective encouragement of HSA Corbin, Colonel Morgan, and others (including Regional Nursing Administrator Danner), I started submitting Incident Report forms and a detailed list of concerns/incident reports and occurrences on June 8, 2017. On June 15, 2017, I sent a request to HSA Corbin, RMD Campbell, CHO Figueroa, and Regional Administrator Feltner for specific nurses to assist in completing the Incident Reports, as there were numerous reports needing to be completed. My employer's documents show handwritten note, in what appears to be HSA Corbin 's writing, of initial

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investigative measures undertaken. However, FDOC and Centurion of Florida/MHM Health Professionals policies, along with state laws and federal laws were violated as my concerns and complaints were not escalated upward, thus not following proper procedure. On June 25, 2017, three (3) days after I attended a meeting led by Regional Administrator Feltner—and attended by Regional Nursing Administrator Danner and CHO Figueroa—I sent a follow up email to each of them, and RMD Campbell that outlined my concerns; still no changes.

11. Based on my complaint submitted to the Attorney General Pam Bondi's Office on July 4, 2017, I was scheduled to meet with the Office of Inspector General Inspector Dorothy Stafford on July 11, 2017. Prior to leaving for my meeting, I notified my supervisors, including but not limited to Director Feltner, of my meeting with the Inspector. Investigator Stafford investigative report, number 17-11643/1 says "The other four attachments were hand written Incident Reports written by Ms. Mitchem-Green (*None of the reports appeared to have been processed as they had no long number on them*)" [DRRFP, PDF 335– Page 339, DP000335-DP000339], [DRRFP, PDF 338, DP000338]. Although I was never contacted or re-interviewed by the new Investigator, Investigator Skiles, she closed the investigation citing "a lack of witnesses/evidence to support the allegations" [My employer Depo Exhibit 11, PDF 126-127, DP000346- DP000347]. However, immediately upon my completion with forwarding requested documents to Inspector Stafford on July 11, 2017, I was subjected to two (2) abrupt meetings on the same day, one conducted by Director Feltner and the second one conducted by Warden Clemmons just a few hours after

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Director Feltner's meeting. In the meeting, Warden Clemmons contended that public practitioners spend 15 minutes with patients.

12. I subsequently objected to this regarding patient care times as I knew it to be in violation of the law by way of acting with deliberate indifference in regard to an inmate's medical condition and or medical care.

13. On July 12, 2017 I emailed warden Clemmons this objection, also included reporting discriminatory treatment against me and my concerns with substandard patient care.

14. Specifically, I reported the lack of nursing assistance for me, the lack of charts being prepped prior to me caring for a patient, and the substandard care that was being provided to the inmates.

15. I also reported that Incident Reports regarding inmate abuse had never been investigated and often nurses would refuse to care for inmates which was a direct violation of Florida statutes. Yet no corrective action was taken, and I was retaliated against for reporting these violations.

16. In July 2017, after submitting a complaint to Corporate Headquarters, I met with Human Resource Director Lynch and Regional Vice President Love.

17. To this day I have not been notified of any investigative reviews regarding the inmate maltreatment and alleged abuse.

18. I further disclosed the discriminatory treatment against me by providing director Lynch with verbal and written details of discriminatory acts taken against me. My employer alleges "...in response to Mitchem-Green's continual complaints about the level of care at the facility, Lisa Lynch, Human Resources Manager, and Victoria Love, Vice President of Operations requested that Mitchem-Green submit a list of her

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concerns and ways to improve the facility at Suwannee. However, Mitchem-Green failed to provide such a list". I refute this claim. From July 13, 2017 through July 19, 2019— after leaving a message with Corporate Headquarters regarding my concerns—myself and Lynch engaged in an email conversation in which I asked and/or informed Lynch: 1) I was still without a work station; 2) To compare my clinic notes to visits [amount of IMP daily encounters] inputted into system by nursing; 3) I was still restricted [to certain] areas despite no investigation into allegation of establishing a relationship with IMP being conducted and Lynch/VP Love refusing to assist in answering IMPs health concerns; 4) having an untrained clinic nurse without proper tools to conduct visits in dorms.

19. I was hindered from working in the Infirmary and conducting confinement rounds, but all male non-black Clinicians were permitted to perform work in these areas. As per FDOC Policy, I had been conducting monthly Confinement rounds as far back as March 2017 with Administration being aware, including but not limited to HSA Corbin.

20. I was also excluded from the weekly provider meetings; yet male Clinicians were still requested to attend. Yet, Director Lynch nor VP Love provided corrective action.

21. I essentially had three employers: primary, MHM Professionals; and secondary, Centurion of Florida and FDOC as administrators and disciplinarians. In accordance with Centurion of Florida/MHM Health Professionals ARNP job description "...notifies Site Medical Director or Health Services Administrator of any incident by a patient involving high-risk, accident and/or life threatening event that may have the possibility to create a medical liability, immediately upon notification..." [My

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employer Depo Exhibit 7]. I immediately began reporting inmate abuse allegations on August 28, 2017 to institutional and regional administrative personnel, including chief health officer doctor Alexis Figueroa, a Hispanic male; And Lastly the early morning of Aug 29, 2017, now also including institutional security personnel, that three inmates were allegedly abused by staff, with one inmate reportedly being sent to an outside hospital with a low, life-threatening hemoglobin level. If I had not stayed to provide quality care to the inmate on August 28, 2017, he could have died. (A female Ombudsman was present to hear one of the IMP abuse allegations.) However, my employer took no corrective action to address the abuse allegations.

22. On the morning of August 31, 2017, after no corrective action was taken, I reached out to Federal Agent Villaraza, who was already involved in my EEOC complaint and followed his recommendation to notify law enforcement. Thus, I reported the alleged inmate abuse and lack of standard inmate care to the Suwannee County Sheriff's Office because of Federal Agent Villaraza and I knew the alleged abuse was in violation of state law.
23. Because upper management condoned, ratified and otherwise neglected or refused to address the misconduct I repeatedly opposed these violations of law through voiced opposition, various disclosures and complaints.
24. I faced further retaliation after management discovered that I had reported these violations. My employer alleges "...On August 31, 2017, Warden Clemmons received a phone call from the Suwannee County Sheriff's Office with an allegation Mitchem-Green reported maltreatment of inmates at Suwannee C.I...Dr Campbell spoke with Warden Clemmons in his office and advised that he personally reviewed

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ARNP allegations and there was no evidence of any mistreatment, abuse, or maltreatment of inmates. Dr. Campbell advised that Dr. Vilchez had reviewed the inmates with him and inmates at Suwannee were receiving proper care...The Warden had previously directed Mitchem-Green to submit incident reports regarding any policy violations, which would be investigated by the Office of Inspector General...Mitchem-Green admits she never submitted such reports and instead reported her complaints directly to the Sheriff's office...Accordingly, Warden Clemmons requested that Mitchem-Green be placed on suspension as a result of her failure to follow internal reporting procedures, noncompliance with scheduled work hours, amount of time spent with inmates, and productivity..." [Summary Judgment, P.6; Exhibit C]. In contrast, my Personnel Change Notice (PCN), dated August 31, 2017, states "Ms. Green is being temporarily suspended because she was gate cut by the Warden pending investigation" [DRRFP, PDF 72, p.DP001006]. HSA Corbin, a white female nurse, was also gate cut by Warden Clemmons, yet Centurion of Florida/MHM Health Professionals maintained her employment. Moreover, RMD Campbell and Dr. Vilchez operated outside of their scope of practice; ultimately creating a conflict of interest because they were employees of Centurion of Florida/MHM Professionals. According to LPN Bridges, a nurse working in corrections for over 10 years, her experience with reporting incidents, including IMP abuse allegations, was starkly different [LPN Bridges, 17: 24-18:4, 19: 4-7]:

"...that's usually what the triage nurse would do...you have to document everything from scratches to bruises to whatever pain they might be having...his face was swollen....so yeah, I had to send him out...I got called by the FBI..." The My

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employer and Security personnel restricted or completely hindered all of the IMPs from receiving alleged abuse investigations. Moreover, I have never been contacted by the FBI concerning the three (3) IMPs allegations of abuse.

In honor of Warden Clemmons suspension request, The My employer alleges "...Dianne Parrish...the Health Services Administrator...placed a call to Mitchem-Green...The two then went to Mitchem-Green's locker. In her locker, Mitchem-Green had approximately 10 inches of confidential medical documentation...many related to a single inmate and included original documents from his medical file...there were also two letters that appeared to be from an inmate asking medical questions...the locker also contained at least one medical document that was not in the inmates medical file maintained at the facility...Accordingly on September 21, 2017, MHMHP determined Mitchem-Green had violated policies by maintaining medical records in her personal locker that were not also maintained in the patient's medical office file...Mitchem-Green's conduct violated multiple policies, including failure to comply with HSB Health Records, 15-12-03 and 15-12-03 Appendix A, as well as HIPPA...on September 23, 2017, Lynch and Feltner called Mitchem-Green and informed her that as a result of the policy violations regarding confidential medical records found in her locker, her employment was terminated..." [Summary Judgment, P.7].

According to Centurion of Florida/MHM Health Professionals ARNP *Essential Duties and Responsibilities*, I was mandated to notify "...Site Medical Director or Health Services Administrator of any incident by a patient involving high-risk, accident and/or life-threatening event that may have the possibility to create a medical

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liability, immediately upon notification..." [My employer Depo Exhibit 7]. Again, on August 28, 2017 at 9:53 a.m., I immediately notified CHO Figueroa, Dr. Vilchez, and HSA Parrish of the first IMP abuse allegation of the day, only receiving a response from CHO Figueroa that did not support me or the IMPs needs.

At 1330, I saw another H-Dorm, special needs IMP emergent referral IMP with acute urinary retention, pulse 112 beats per minute and blood pressure 162/118, in which I had to follow closely including speaking with Dr Vilchez regarding necessity of acute vs housed [not closely monitored] Infirmary admission. I requested further assistance, including calling RMD Campbell that day. Then later that evening, around 9 pm, I sent an email to Dr. Figueroa, Dr. Vilchez, Nursing Director Shannon Meyer, and Nurse Manager Turnisha Carter—regarding this IMP, as he denied nursing staff report that he had refused his medication. I was requesting a review of video surveillance. I completed scheduled and emergently needed IMP visits until after 7 pm (in which one of the last IMPs was diagnosed with rhabdomyolysis [life-threatening process that causes the body to break down muscle tissue]—thanks to the help of then available, Nurse Tribble); I notified Administration of Nurse Tribble's life-saving assistance.

The following day at 8:35 am, CHO Figueroa responded "We are not the guardian of all the patient that are here. They are adults, Single dose him and advise him to take the medication. That all we can do. Don't try to prove them wrong. There is dozen of things that could cause blood pressure to be elevated. Just address those and you be good to go." At 9:55 a.m., I responded "Yes Sir, understood. When I get discrepancies like this, verification is warranted. Unfortunately, I have seen and heard

with my own eyes and ears questionable behavior amongst our own. If he did not refuse then he still will not get the medication if he is single dosed. So if we don't verify such things, then how will we know where the problem lies. Green" Again, I nor the IMP was provided necessary assistance [My employer Depo Exhibit 26, PDF p.234;].

My supervisors and Security institutional administrators either never reported or delayed reporting the abuse allegations, respectively; that is, until they were made aware of my call to the Sheriff's Department, whom, specifically Officer Tompkins, refused to come assist me and the IMPs. Federal Agent Johnair Villaaza was notified. Furthermore, CHO Figueroa summarized the true mindset of Centurion of Florida/MHM Health Professionals: "...we are dealing with a different type of patient...so we have to pick and choose sometimes what they are telling us..."[CHO Figueroa 10: 17-22]

Again, RMD Campbell and Dr. Vilchez re-evaluation of IMPs alleging abuse were in direct violation of FDOC or Centurion of Florida/MHM Health Professionals policies, whereas this assessment created a conflict of interest as they are both employees of Centurion of Florida/MHM Health Professionals. Furthermore, according to the My employer's own Motion for Summary Judgment, the investigation was under the jurisdiction of the Office of Inspector General (OIG), not Centurion of Florida/MHM Health Professionals or FDOC for that matter. Therefore, Warden Clemmons, RMD Campbell, and Dr. Vilchez directly violated FDOC or Centurion of Florida/MHM Health Professionals policies and procedures. Furthermore, all allegations of abuse mandate prompt procedural investigation; I

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originally reported the first IMP abuse allegations on August 28, 2017—and then again early in the morning of August 29, 2017 reporting via email, a total of 3 H-Dorm, special needs IMP abuse allegations to Security and Medical Supervisors—but the MINS Incident Report was dated 8/31/2017 after Warden Clemmons was informed I notified Suwannee Sheriff Department. Moreover, my repeated requests to My employer for production of all emails sent on August 29, 2017 continues to go unanswered.

25. On August 31, 2017 I was called into an unscheduled meeting with Regional Director Campbell, Dr. Vilchez, Dr. Alexis Figueroa, and Health Services Agent Diane Parrish.
26. Regional Director Campbell told me that he received a report from Warden Clemmons that Sheriff office called Warden Clemmons and Regional Director Campbell asked me if I had reported my concerns to an outside agency.
27. I said yes that I had, as I had called the Sheriff's Office earlier the same day to report inmate abuse after my earlier complaints and disclosures resulted in no corrective action being taken.
28. Regional director Campbell later alleged that my reporting was a false allegation to cover up poor work performance. Warden Clemmons 8/31/2017 MINS Incident Report states "...ARNP Green has previously submitted incident reports making allegations that were vague, reported late and unable to be determined..." [Summary Judgement, Exhibit D]; however I was never provided guidance or assistance on how to improve her incident report submissions. The timeline for August 31, 2017 was as follows:

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a. **0836 am – 0859am:** I engaged in cellphone conversations in Suwannee parking lot. **0859am-1050am:** I was at Annex completing IMP clinic visits.

Approximately 1045 am: Inspector Bates informed Warden Clemmons of Deputy call regarding Mitchem-Green report of inmate abuse. *“Warden Clemmons contacted Centurion Region Director Ruth Feltner and HSA Diane Parrish and advised them. Mrs. Parrish stated Dr. Campbell, Regional Doctor, was onsite and they would look into the complaint. Warden Clemmons gave instructions for ARNP Green to initiate an incident report immediately for any procedure violations or inappropriate conduct.”* [My employer Depo Exhibit 27].

1050 am: I summoned from Annex to Main Unit for unscheduled meeting led by RMD Campbell (other attendees: CHO Figueroa, Dr. Vilchez, HSA Parrish). An excerpt from my journal entry reads: *“Checked out my previous accusations, found to be untrue (states he, Dr. Campbell, called and asked staff and Dr. Vilchez to check IMPs. Denies ever verifying what was reported to him by them himself as he did me). I clarified his statement and asked him, so you are saying that when I say something it has to be verified but when the male doctors or nurses say something it's true? He did not respond.”* [My employer Depo Exhibit 39]. **1255pm:** Mitchem-Green returns to Annex. **1:15pm:** Inspector Bates writes “Dr. Campbell spoke with Warden Clemmons in his office and advised that he personally reviewed ARNP Green’s allegations and there is no evidence of any mistreatment, abuse, or maltreatment of inmates. Dr. Campbell advised that Dr. Vilchez had reviewed the inmates with him and inmates at Suwannee are receiving proper care.” [My employer Depo Exhibit 27]. **3:00pm:** HSA Parrish

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emailed Feltner, Love, Lynch, and Clemmons *"Per the warden instruction, Ms. Green is to be placed on administration leave and is to depart the institution immediately. If questions please advise"* [My employer Depo Exhibit 28, PDF 240].

A statement, appearing to be written by Regional Administrator Feltner, reads [My employer Depo Exhibit 24, PDF 245]: *"...On August 31, 2017, I sent Ms. Green an email with a copy of an order attached. The order stated, "Notify OIC re: Alleged staff abuse". I advised Ms. Green that this was the proper process for notification and that she would have to complete an incident report and turn into Ms. Parrish, HSA. At approximately 10:42 AM on August 31, 2017, I received a phone call from Warden Clemmons. Mr. Clemmons advised that Ms. Green had contacted the local law enforcement agency to report alleged staff abuse at Suwannee. I then contacted Ms. Parrish to inquire as to whether or not Ms. Green had completed the incident report as instructions. Ms. Parrish indicated to her knowledge no incident report was completed. This is a violation of DC Policy, 602.008, Incident Reporting, for failure to report incidents as required. Please see email from Ms. Green dated 8/29/17 in which she states that a Lieutenant asked her to write an incident report, and to my knowledge she did not..."*

I wrote an order August 29, 2017 9am, "1. Notify OIC, RE: Alleged Staff Abuse, 2. Please ensure to process all orders noted below" [My employer Depo Exhibit 24, PDF 229]; and the last email I sent or received from my work email was August 30, 2017 10:49am and August 29, 2017 4:12 p.m., respectively. Therefore, the alleged email Feltner sent me would have been (two) 2 days after the original order was written and

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was never seen by me as I was completing IMPs clinic visits and/or in conferences the morning of August 31, 2017. Also, a nurse, not a Lieutenant, mentioned completing an Incident Report to me. However, this conversation occurred after my face-to-face meeting with Major Boston, who did not request completion of an Incident Report. Moreover, Ms. Feltner's alleged email was not included in any documents received from my employer. Even more alarming, there was no apparent effort made by My employer or Security to follow FDOC and Centurion of Florida/MHM Health Professionals policies to ensure IMPs received quality care in a timely manner. For example, no documents were provided to indicate Major Boston, CHO Figueroa, HSA Parrish, or even Regional Administrator Feltner ever attempted to initiate an Incident Report. The only MINS report provided was dated September 1, 2017, with a report date and time of August 31, 2017 1651 [4:51pm]. Also, it would be impossible for RMD Campbell and Dr. Vilchez to effectively perform quality assessments on the three (3) IMPs alleging abuse in a five-minute time span. Moreover, documentation of their completed assessments was never provided though requested by me. Moreover, on August 29, 2017, H-Dorm Nursing staff informed me one of the IMP alleging abuse had been sent to the hospital. Next, if one of the IMPs alleging abuse was hospitalized with a low, life-threatening hemoglobin level, then how can RMD Campbell and Dr. Vilchez state there was no evidence of abuse? This IMPs medical records were requested, but My employer refuses to honor my requests for production.

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29. Later that same day, about an hour and a half after confirming that I had reported to an outside agency HSA Parrish called me and requested that I stopped working, gather my things, and meet her in person.
30. HSA Parrish told me there was an investigation underway and that Warden Clemmons was placing me on administrative leave until the investigation was complete. She escorted me to my locker, confiscated items removed from my locker and escorted me to my car. I was never given a specific reason for the suspension or the investigation.
31. On September 1, 2017 I returned to work to inquire about the formal paperwork regarding the reason for the suspension.
32. However, HSA Parrish told me that no paperwork would be given out until the investigation was complete. I then spoke with Regional Director Campbell twice, who told me that I should have been given the suspension paperwork. Nevertheless, I was never provided with a copy of the paperwork.
33. I then spoke with Vice President Love, who confirmed that Warden Clemmons was suspending me without pay.
34. Vice President Love told me not to enter the facility building.
35. On September 1, 2017 I emailed several employees, including Department of Corrections Regional Director Erich Hummel requesting paperwork about my suspension. I received no response.
36. On September 6, 2017 I forwarded the same email to Centurion's executives, Mr. J. Campbell, Mr. Pinkert and Mr. Wheeler. However again I was not given any response.

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37. On September 14, 2017 because I had not received a response from anyone of my employers, I sent a follow up email to several people including Department of Corrections Regional Director Erich Hummel and DOC Secretary Julie Jones regarding my suspension.
38. I requested written documents regarding the basis of my suspension, full reinstatement to my position as Clinician, and the return of all documents and items that had been confiscated by HSA Parrish on August 31, 2017. I received no response.
39. Then, on September 15, 2017 I received an email from Warden Clemmons stating unspecified concerns about me and again recommended that my employer not allow me to return to work until the investigation was complete. I still had not been given any details regarding the suspension.
40. On September 18, 2017 I received an email from Human Resources Director Lynch stating, "we are attempting to gather all documentation needed to make a determination regarding your continued employment ... at the time of your suspension, many pages of My employer documentation were discovered in your personal locker. This documentation was determined to consist of Personal Health Information ("PHI") for patients."
41. I was the only Clinician at my workplace that was not given a consistent secure office space.
42. Every male Clinician was given a personal office, but I was only given an unsecure desk at the Main Unit, which was taken away soon after my June 5, 2017 7:24 am email regarding a case management inmates maltreatment. Also, soon after my June

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5, 2017 7:24 am email, my computer internet cord was the only one that went missing at the Annex. Shortly thereafter, I was abruptly removed from the office at the Annex and was given an unsecure desk in Secretary Dick's office. Every male Clinician and Doctor Clinic nurse maintained their personal office space. I was never informed of what happened to my original internet cord.

43. Because I did not have a secure location to keep my belongings as well as protected health information, I began to use my personal locker to store these items, because it locked, and it was the most secure location I had access to. Specifically, I kept daily appointment lists, which contained PHI, in my locker. I did not deliberately keep the only copy of any PHI belonging in inmates' charts in my locker.

44. I had never been previously warned of any issues regarding keeping PHI in my secure locker.

45. On September 23, 2017 I received a call from Human Resource Director Lynch and Regional Personnel Representative Ruth Feltner stating that I was terminated effective immediately because of the protected health information found in my locker. I was never given a reasonable opportunity to defend myself against this allegation. I never received documentation regarding the reason for administrative leave, suspension without pay, or details regarding what specific alleged documents were found in my locker.

Conclusion

In summary to My employers allegations for suspending and terminating me:

Failure to follow Proper Reporting Procedures

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Actually, I suffered suspension and termination for following Federal and state laws as well as adherence to FDOC and Centurion of Florida/MHM Health Professionals policies. Although, Warden Clemmons said he had no jurisdiction over me – or any other Centurion[not MHM Health Professionals]employee's] suspension [Warden Clemmons 13: 9-10; 15:8-12; 18:11-20; 23:19-23;] [Warden Clemmons 29:12-24; 40:9-10], "...I can't suspend their [Centurion] employees...we do not tell them to suspend an employee...I wouldn't have requested an employee to be placed on suspension..." HSA Parrish disagrees, stating Warden Clemmons directive and her subsequent obedience without properly informing I [HSA Parrish, 14:17-15:1, 24:18-21]: "...He told me that...she [me] was going under investigation and that she was to depart the institution...because of the report to law enforcement...with reports of abuse...it was not my place, I don't feel like to tell her [me]...Later, when asked about Why Warden Clemmons asked her to suspend me, was due to my report to the sheriff's department, HSA Parrish goes on to say [HSA Parrish, 35:10-17]:

"He did not tell me that at that time. He made the statement that morning that she had notified the police department with a report. He did not tell me in the afternoon that is why she was being suspended. He said for me to have her removed from the institution until further notice and him being the warden of the institution; I took order.

Moreover, when informed of Warden Clemmons denial of directing I's suspension, HSA Parrish said [HSA Parrish, 35:23-36:13]:

"That's not trueYes, ma'am per Warden instruction, yes ma'am."

HSA Parrish adamantly admits to suspending I solely based on Warden Clemmons direct order. In light of HSA Parrish 28 years of correctional experience as an HSA, this testimony displays the level of authority Warden Clemmons had over all institutional employees, both FDOC and

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Centurion of Florida/MHM Health Professional employees. The verifies I's claim that she was suspended only because, being in fear, reported her concerns to the Sheriff's Department.

Regarding proper incident reports procedure, including IMP safety concerns, Warden Clemmons said [Warden Clemmons, 25:8-26:22]:

"...she'd submit it to their supervisor and then it would run over to security, up to my office and we would make any comments that we had of additional information...and forward it over to the IG's office, which is the Office of Inspector General...it removes the facility from the process...if we...had...evidence, we would note that in there for the Inspector General Office...and then we have what's called MINS, which is basically an electronic incident report. So it gets typed into that MINS system and then goes out to the IG for their review and processing...we are all responsible for that [inmate safety]"

In light of the many Incident Reports submitted by me, Centurion of Florida/MHM Professionals and Security staff adhered to this policy only once they received notification I contacted the Sheriff Department. For example, the *Florida Department of Corrections MINS Incident Report*, dated September 1, 2017, documents incident occurred August 31, 2017 at 1045, but reported at 1651. According to OIG Case Master Report 17-15609 initiated on September 1, 2017, Inspector Scott Gambel signed and closed the case on October 5, 2017 and October 11, 2017, respectively, solely based off Dr. Campbell and Dr. Vilchez's report of finding no evidence of maltreatment of inmates, without a detailed investigation conducted nor ever contacting me.

However, my initial report of IMP abuse allegations to my supervisors, including CHO Figueroa and HSA Parrish, was made on August 28, 2017 9:53 am. With the awareness of me being the sole clinician at the Main Unit that day, neither CHO Figueroa, HSA Parrish—or RMD Campbell—directed me to complete an Incident Report or even attempted to initiate a report

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themselves. Instead, I was reprimanded for the time it took to provide quality care to IMPs with emergent needs complaining of staff abuse. According to OIG CORR 17-CORR02901, dated September 18, 2017, 2:15 pm, Inspector Scott Gambel notated "Tracie Mitchem-Green states that she was suspended without pay for reporting inmate abuse." Again, case was closed by Inspector Gambel without a detailed investigation conducted nor I ever contacted [DRRFP, PDF 297-298, DP000297-DP000298]

My employer's attempt to lace I with improper reporting procedures policy violation, insubordination, and low productivity was a futile effort to cover up its own egregious, multi-level violations of FDOC policies, Centurion of Florida/MHM Health Professionals policies, state, and federal laws; and its intentional disregard to the Hippocratic Oath to do no harm. Moreover, Centurion of Florida being awarded a contract to provide care to FDOC inmates has led to harm of I and IMPs alike.

Protected Health Information Found in Locker

OIC Inspector Scott Gambel wrote: *"On October 20, 2017, contact was made with Assistance Director of Nurses Diane Parrish (Parrish) in reference to the medical records found in Mitchem-Green's locker. Parrish advised that this would be allowed because Mitchem-Green is a doctor and had access to the records. Parrish relayed that this was not normal protocol but not unheard of."* [DRRFP, Page 325 DP000325] Also, the HIPPA violation complaint report to Departments Privacy Officer was not included in request for production documents, indicating it was never done according to policy. Moreover, I was not provided with a secure office space to store HIPPA protected information.

Ongoing Office of Inspector General (OIG) Investigation

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Again, according to OIG Case Master Report 17-15609 initiated on September 1, 2017, Inspector Scott Gambel signed and closed the case on October 5, 2017 and October 11, 2017, respectively, solely based off Dr. Campbell and Dr. Vilchez's report of finding no evidence of maltreatment of inmates, without a detailed investigation conducted nor me ever being contacted.

According to OIG CORR 17-CORR02901, dated September 18, 2017, 2:15 pm, Inspector Scott Gambel notated "Tracie Mitchem-Green states that she was suspended without pay for reporting inmate abuse." Again, case was closed by Inspector Gambel without a detailed investigation conducted nor me ever being contacted.

According to OIG Case Master Report 17-16459, initiated on September 15, 2017, Inspector Scott Gambel signed and closed the case on October 20, 2017. This case report included a MINS report, dated September 14, 2017, and Office of the Inspector General Complaint Review Report, against me for improper conduct with two IMPs listed as victims, which appeared to be the two Case Management IMPs assigned to me. This allegation was reported to OIG 15 days after my suspension, around the time I sent an email requesting further information about my suspension to FDOC and Centurion of Florida/MHM Health Professionals Executives, including but not limited to Regional Director Erich Hummel and Secretary Julie Jones; and Mr J. Campbell, Mr. Pinkert, and Mr. Wheeler, respectively. My employer, in June 2017, restricted me to certain areas and told me falsely that an investigation was being completed into allegations of improper relationship with case management IMPs.

Inquiry Report 17-11643/1 *Documentation of Issues and Disposition*, dated August 15, 2017 in response to I submitting an FDLE internet complaint on July 3, 2017 to OIC Fraud, Waste and Misuse of Public Funds hotline [DP000432-DP000440]; and my complaint to Office of Attorney General on July 4, 2017 [DP000428-DP000431]. Again, I met with OIC Inspector

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Stafford, for whistleblower determination, on July 4, 2017 [DP000335]. On July 12, 2017—the day after I met with OIC Investigator Stafford—Inspector General Lourdes Howell-Thomas sent a letter to Inspector General Lester Fernandez, with my complaint attached. On August 15, 2017, for reasons unknown to me, my complaint was reassigned to Investigator Allyson Skiles—whom I never saw or was contacted by—who recommended no further action except referring me to the Florida Commission on Human Relations. On September 18, 2017, over 2 months after submitting the online complaint, I then received a letter from Inspector Fernandez—stating “no reasonable cause” to my allegations. I do not recall ever being contacted by Florida Commission on Human Relations. Moreover, not a single investigation revealed wrongdoing.

Policy violation of HSB 15-12-03, HSB 15-12-03 Appendix A (Health Records), and HIPPA/HIPPA violation to Maintain Protected Health Information of Patients in a Personal Locker

Department of Corrections (DOC) Health Service Bulletin (HSB) 15.12.03 and HSB 15.12.03 Appendix A are not applicable, as effective date of January 1, 2019 is after I suspension on August 31, 2017 [DRRFP Part I, PDF 238 –260, DP000238-DP000260; PDF 261-272, DP000261-DP000272].

According to FDOC HIPPA Policy, Procedure 102.006, page 9 [DP000281], “Office” states [DRRFP, PDF 273-289, DP000273-DP000289] :

- A. Papers that contain PHI will not be left lying around where unauthorized people can view them.*
- B. At the end of the workday, the user will secure all PHI. During non-working hours, PHI should be reasonably secured from intentional or unintentional disclosure. The procedures of the individual work unit will be followed. For some work units, this may mean locking the PHI in a file cabinet; for others, it may mean locking the office.*

Also, FDOC HIPPA Policy, Procedure 102.006, PDF 284 [DP000284], “Complaints” states:

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- a. *Complaints concerning alleged violations of HIPAA Privacy Rule standards from inmate or offender personal representatives must be submitted in writing to the Department's HIPAA Privacy Officer. The Privacy Officer will maintain such complaints or electronic copies thereof as documentation, along with any dispositions.*

HIPPA violation complaint report to Departments Privacy Officer was not included in request for production documents. Moreover, I was not provided with a secure office space in which to store HIPPA protected information [My employer Depo Exhibit 22, PDF 224-225].

Lastly, FDOC HIPPA Policy, Procedure 102.006, PDF 284 [DP000284], "Annual Breach Notification to the U.S. Department of Health and Human Services" states:

For breaches involving less than 500 individuals during a calendar year, the Department of Corrections will maintain a log or other documentation of such breaches and, not later than sixty (60) days after the end of each calendar year, provide notification to the U.S. Department of Health and Human Services in the manner specified on the HHS web site

My employer failed to provide me with its Annual Breach Notification report related to my alleged HIPPA violation.

Late Clock Out and Alleged Insubordination on August 28,2017

Unknown to me and CHO Figueroa, I was the only Clinician at the Main Unit the morning of August 28,2017. In addition to my scheduled duties, I was tasked with taking care of urgent/emergent IMP referrals, of which I had several with life-threatening conditions which required extended work up and some Infirmary admissions. In accordance with Centurion of Florida/MHM Health Professionals ARNP job description "...notifies Site Medical Director or Health Services Administrator of any incident by a patient involving high-risk, accident and/or life threatening event that may have the possibility to create a medical liability, immediately upon notification..." [My employer Depo Exhibit 7], throughout the entire day, I stayed in contact with the physicians and other administrative personnel including but not limited to RMD

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Campbell and HSA Pairrsh. In addition, a female Ombudsman was present for one of the IMP allegations of staff abuse.

I completed scheduled and emergently needed IMP visits until after 7 pm (in which one of the last IMPs was diagnosed with rhabdomyolysis [life-threatening process that causes the body to break down muscle tissue] and Administration was notified. To leave work knowing IMPs are in urgent or emergent need of medical assistance is immoral and illegal; in addition, it is against Centurion of Florida/MHM Health Professionals policy: *"Employees who leave their assigned work area/location before appropriate relief arrives...may be subject to immediate termination and reporting to the appropriate licensing board"*[My employer Depo Exhibit 5, PDF 68].

Violation of DC Policy 602.008, Incident Reporting

DC Policy 602.008 does not exist. However, according to Florida Administrative Code (FAC) 33-208.002 *Rules of Conduct*, Incident Reporting is required within 24 hours of the event. My supervisors—physicians, HSA, and Security, including Major Boston—were all notified—between August 28, 2017 and the morning of August 29, 2017 of the 3 IMP allegations of staff abuse, yet no one recommended or even initiated an Incident Report in accordance to FDOC policy. I never received Director Felter's alleged August 31, 2017 email requesting me to submit an incident report, nor has my employer ever produced this document. My willingness to provide quality care prevented the death of several IMPs, including one IMP being sent to an outside hospital with a low, life-threatening hemoglobin level.

Tracie Mitchem-Green

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ATTESTATION

BEFORE ME personally appeared Tracie Mitchem-Green who, after being sworn, states that the facts set forth above are true and correct and are based on her own personal knowledge. She presented her driver's license as proof of her identity.

Notary Public (Signature)

Notary Public (Printed Name)
My Commission expires:

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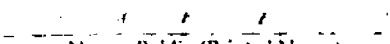
... prevented the death of several IMPs, including one IMP being sent to an outside
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Tracie Mitchem-Green

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Notary Public (Signature)


Notary Public (Printed Name)

My Commission expires, _____