

23-7469

No. _____

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IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

KEN DEL SIGNORE ----- PETITIONER

VS.

CHRISTI GLIORI,
NOKIA OF AMERICA ----- RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO

THE SEVENTH CIRCUIT COURT OF APPEALS

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Should a Pro Se Plaintiff be granted special considerations by Federal Judges based on their lack of experience with the Federal Rules?
 - In this case the Defendant's Motion for Summary Judgement was granted in an opaque 20 page ruling that was based on the simple fact that I had not exchanged a critical piece of evidence (my medical records) correctly during discovery, and instead exchanged a hyperlink to the documents instead of an actual hard copy.
2. Did the Appeals Court error when it found the District Court acted properly when it quashed my medical records from the docket, and then later ruled that the medical records had not been properly exchanged during discovery and dismissed my case based on this fact?
3. Should individuals be liable for whistleblower retaliation under the False Claims Act?

The Plaintiff will argue that individuals should be held liable in order to protect the Shareholder's interests in publicly owned companies and that in this specific case there are additional new individuals that have put shareholders of an unrelated public company at risk in order to continue to harass the Plaintiff during this Appeals process by sending an April Fools Day Joke job offer, purporting to

be from the unrelated public company, to the Plaintiff on April 1st, 2024, while this Writ was being prepared (Appendix K).

4. Is submitting knowingly falsified evidence to a Federal Judge in a Motion for Summary Judgement in a lawsuit for wrongful termination a materially adverse employment act?
5. Does the act of (contacting the Plaintiff's treating FMLA healthcare provider by telephone and providing her with negative information about the Plaintiff and then creating a highly falsified log of the conversation in order to justify requiring the Plaintiff to attend and pass a third party fitness for duty exam in order to return to work from FMLA leave) mean that the Defendants can not prove by a clear and convincing legal standard that that they would have taken the same adverse employment actions in the absence of my protected activity?
6. Do the details of the Plaintiff's whistleblower allegations justify standing under the Consumer Financial Protection Act?
7. Should an Individual's Constitutional rights be denied in order to protect illegal activity by the two main political parties?

The Plaintiff contends that this would be the precedent that would be set if this Court fails to overturn the lower Court's rulings in this matter.

LIST OF PARTIES

- All parties appear in the caption of the case on the cover page.
- All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

KENNETH DEL SIGNORE v. NOKIA, ALJ CASE NO. 2019-CFP-00001, US Dept. of Labor, Judgment entered July 2020.

Del Signore v. Nokia of America, No. 1:20-cv-04019, US 7th Circuit District Court of Northern Illinois. Judgment entered May 5th, 2023

Del Signore c. Nokia of America, No. 23-1973; US 7th Circuit Court of Appeals, Judgment entered Feb 9th, 2024

TABLE OF CONTENTS

INDEX OF APPENDICES	7
TABLE OF AUTHORITIES.....	9
OPINIONS BELOW.....	9
JURISDICTION.....	9
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	9
STATEMENT OF THE CASE	10
REASONS FOR GRANTING THE WRIT	14
CONCLUSION.....	24

INDEX OF APPENDICES

- A Appeals Court Ruling denying the Plaintiff's Appeal
- B District Court's first ruling granting Defendant's Motion for Summary Judgement based on the fact that the Plaintiff had made a Pro Se mistake during discovery exchange and not properly exchanged a critical piece of evidence.
- C District Court's ruling quashing the critical piece of evidence that was the basis for the District Court's ruling in Appendix B.
- D Plaintiff's Motion for Reconsideration based on the precedent that Federal Judges should make accommodations for mistakes made by Pro Se Plaintiffs.
- E District Court's second ruling granting Defendant's Motion for Summary Judgment by acknowledging the fact that the Court could admit the evidence that the Plaintiff did not exchange correctly, but then still granted the MSJ by reversing the Court's previous two rulings from the Defendant's Motion to Dismiss.
- F Dept. of Labor Ruling Dismissing my 2019 case on a trivial detail.
- G Kara mulligan 2019 statement

H. plaintiff's fmla medical records from three office visits that preceded the Sept 18th, 2018 phone contact

I. Gliori's Sept 18th log, in which GLIORI states that my FMLA healthcare provider told her that the Plaintiff was psychotic and delusional.

J. Nokia's admissions, which were not properly filed to the Docket¹ in the Plaintiff's Response to Nokia's Motion for Summary Judgement.

K. Material from 2024 April Fools Day Joke played on the Defendant

J. Defendant Gliori's admissions in which she admits that my FMLA healthcare provider told her I was psychotic and delusional.

Hyperlinks to google drive versions of the appendices are given in the footnotes²³⁴⁵⁶⁷⁸⁹¹⁰¹¹¹²

¹ The Plaintiff was briefly represented by an Attorney whom I fired for incompetence. I did not become aware of this filing deficiency until several months after the defect occurred.

² A [A_appeal_decision.pdf](#)

³ B [App_B.pdf](#)

⁴ C [App_C.pdf](#)

⁵ D [App_D.pdf](#)

⁶ E [App_E.pdf](#)

⁷ F [F_alj_ruling.PDF](#)

⁸ G [G_Kara_Muligan_statement.pdf](#)

⁹ H [H_temp.pdf](#)

¹⁰ I [I_gliori_log.pdf](#)

¹¹ J [J_2021-12-10 Defendant's Response to Plaintiff's First Admissions and Interrogatories 4868-49...](#)

¹² K [K_2024aprilfoolsday.pdf](#)

TABLE OF AUTHORITIES

Haines v. Kerner, 404 US 519 - Supreme Court 1972

Del Signore vs Nokia of America, Christi Gliori, 7th, ND IL, 20-cv-04019

OPINIONS BELOW

The opinion of the United States Court of Appeals appears at Appendix A to this petition and is reported on pacer for the USCA 7th, No. 23. 1973

The opinion of the District Court appears at Appendices B and E and are reported in pacer, 7th Cir. ND of Il. 20-cv-04019.

JURISDICTION

The date on which the United States Court of Appeals decided my case was Feb 9th, 2024

Constitutional and Statutory Provisions Involved

The Constitutional provisions, treaties, statutes, ordinance s and regulations involved in the case are:

14th. Amendment, Equal Protection Clause

False Claims Act: 31 U.S. Code § 3729 - False claims

SOX: 18 USC §1514A

Consumer Financial Protection Act: 12 U.S.C. § 5567

STATEMENT OF THE CASE

The Plaintiff worked at Nokia for 19 years, initially doing state of the art R&D on cellular telephone networks, including writing two research articles published in Bell Labs Technical Journal in 2007 and 2014.

The Plaintiff was then blocked from advancement and ultimately demoted to a maintenance technician job after I unknowingly exposed evidence that a major wire fraud was occurring using the US cellular phone networks to inflate Federal telecom subsidies.

The Plaintiff went on an FMLA short term medical disability in 2018 as a result of my career being blocked and filed a Sarbanes Oxley ethics complaint regarding the career anomalies I had been experiencing.

As a result of Nokia Head Counsel Sonyia Zeledon interacting with me regarding my ethics complaint and information simultaneously reported in the media regarding a Federal trial that alleged fraud was occurring in the Universal Service Fund¹³, the Plaintiff was able to associate my blocked career with the alleged fraud in the USF.

¹³Verizon lied about 4G coverage—and it could hurt rural America, group says | Ars Technica

When the Plaintiff reported this information internally in a series of emails, Nokia threatened me with the loss of my disability benefits if I did not stop communicating information internally. When I did not stop communicating information about the fraud, Nokia cut off my network access and made the requirement that I attend and pass a third party fitness for duty exam in order to return to work from my FMLA leave.

The specific report made by the plaintiff that triggered the benefits threat was an email I sent that detailed an April Fools Day Joke job offer that had been sent to me in 2016, from a prestigious local telecom company that does secret government telecom work, following a demotion I had in late 2015¹⁴.

After my company network access was cut off, a Nokia nurse who was acting as my manager while I was on leave contacted my FMLA treating healthcare provider, on Sept 18th, 2018, and gave her negative information regarding the Plaintiff (Appendix G).

The Nokia nurse who made this contact, Christi Gliori, also created a log of her phone call (Appendix I) in which she created falsified and highly embellished statements attributed to the FMLA treating healthcare provider, including a statement that my

¹⁴ Another April Fools Day Joke job offer was sent to the Plaintiff on April 1st, 2024, after the Appeals Court denied my appeal and while this Writ was being prepared. The name of an unrelated public company, Navistar, was used as the prospective employer, thereby exposing shareholders of that company to charges of harassment. The company Navistar occupies the former Nokia building that the Plaintiff worked in when the events in this case happened. The details of this harassment incident are included in Appendix K.

healthcare provider stated that I had been psychotic and delusional since the first office visit.

The details in this log are completely inconsistent with the Plaintiff's medical records (Appendix H) from the three office visits I had with the FMLA healthcare provider prior to Nokia's Sept 18th, 2018 phone contact.

The Plaintiff filed suit in the Dept. of Labor under SOX for whistleblower retaliation In Jan 2019. This Plaintiff was unaware of the falsified log created by Gliori at this time, however, I was able to successfully argue that Discovery should be closed and the complaint allowed to proceed to Dispositive motions on the basis of the fact that Nokia had contacted my treating FMLA h/c provider and given her negative information about myself (Appendix G), and that this indicated that they were going to fire me.

When the Administrative Law Judge allowed discovery to end, Nokia's Head Council was separated from the company and Nokia has admitted in their admissions (Appendix J) that their Head Council's separation was due to my case. The Plaintiff speculates that this is because under FMLA law, Nokia did not need to contact my treating FMLA healthcare provider in order to require a third party fitness for duty exam.

Nokia then made a \$515K offer in writing that was contingent on a non disclosure agreement, which I objected to based on future employment considerations. Also at this time the law clerk of the ALJ had indicated to me that I was going to win by

decision. I contacted this law clerk twice by telephone and indicated that Nokia would settle, but the hold up was the NDA, and this law clerk was completely silent in response to this information and made no indication to me that I should take the NDA.

Nokia then submitted Gliori's falsified Sept 18th log, without her knowledge, as part of their Motion for Summary Judgement. The Plaintiff contends that Nokia did so, not in an effort to win the MSJ, but rather that they were expecting to lose and were trying to mitigate the awarded damages.

Instead, the ALJ announced that he would be retiring before the scheduled trial date. He then waited 4 months and dismissed my case on the most trivial administrative detail possible. As a Pro Se Plaintiff, I did not know that I could have filed a motion to reopen discovery and to depose the Nurse during this period.

The Plaintiff then refiled in the 7th Circuit in July 2020 and was denied Justice once again in May 2023. My complaint was first dismissed on a Pro Se technical mistake, and when the Plaintiff filed for a motion for reconsideration, stating the the Judge could admit the Pro Se mistake, the Court acknowledged this fact but then reversed its rulings from the Motion to Dismiss in order to deny the Plaintiff his Constitutional Right to a jury trial against the Defendants.

The Plaintiff contends this is because my case exposes decades old illegality by the political parties, and it appears that in the 7th Circuit at least, Justice under such circumstances is not achievable.

REASONS FOR GRANTING THE WRIT

In the order of QUESTIONS PRESENTED:

1. The Filings of Pro Se Plaintiffs are given accommodations and to be held to a less stringent standard under **Haines v. Kerner, 404 US 519 - Supreme Court 1972**

The mistake made by the Plaintiff was to exchange a hyperlink to the critical evidence in the exchanged discovery document instead of a hard copy of the actual medical records. The District Court Judge ruled on page 14 of a 20 page ruling that "

"But plaintiff has adduced no admissible evidence other than his own speculation to suggest that anything in the affidavit was false."

This ruling is based on the fact that I only exchanged a hyperlink to my medical records with the Defense, instead of an actual hard copy.

The only reason the Plaintiff can posit that the District Court would rule in such an opaque manner is to try and cause the Pro Se Plaintiff to write an ineffective Appeal. This implies the Court was favoring the Defendants.

In the District Court's initial ruling granting the Defendant's Motion for Summary Judgement, the notion that there is no evidence to support the Plaintiff's allegations that the Sept 18th log is falsified was emphasized and repeated several times, but it was only in one place that the court indicated that there was no admissible evidence, and this led the Plaintiff to deduce that there was a defect in my case that would prevent the medical records that completely and thoroughly refute the Sept 18th log from being admissible at trial.

2 Did the Appeals Court error when it found the District Court acted properly when it quashed the Plaintiff's medical records from the docket, and then later ruled that the evidence had not been exchanged properly during discovery and dismissed my case based on this fact?

- The Plaintiff filed the critical piece of evidence, my medical records, to the Docket for a separate motion and the Defense Motioned the Court to squash the

evidence from the docket, which the Court did, and then the Court went on to dismiss my case because the evidence had not been properly exchanged.

The Plaintiff further contends that the act of quashing the medical records from the Docket likely indicated to the Defense that the Court was going to rule in the manner that it did and this caused the Defense to make only a trivial monetary settlement offer once discovery had closed.

3 Should individuals be liable for whistleblower retaliation under the False Claims Act?

The Plaintiff argues when large public companies are involved, that it is in the Shareholder's interest to make individuals liable to prosecution for Whistleblower retaliation and harassment.

In this case, evidence shows that four individuals took a further act of harassment against the Plaintiff in the form of an April Fools Day Job offer on 4/1/24. A recruiter in India contacted the Plaintiff using 4 separate means on the morning of April 1st, by text, email, voicemail, and on LinkedIn (Appendix K). The recruiter told me he had a job offer from Navistar and asked for my resume and said it was very important that he speak with me. I recognized that it was a joke and I responded with a copy of my most recent resume. The recruiter then called me on April 2nd, and asked for my expected

hourly salary, and then he said he would call me back in 30 minutes with an offer. He never called back and has not responded to further email.

My resume contains a link to a research article that I published in 2023. The link is to the website github¹⁵. The github website records every interaction users have with it and the github data indicates that 4 unique IP addresses downloaded my research article on April 1st, 2024, versus zero unique users in the weeks before and after. This indicates that my resume was shared with at least four individuals on April 1st and that they all accessed the research paper from the link on my resume.

The Plaintiff thus argues that these individuals have put shareholder value at risk¹⁶ and should be held accountable under the FCA. If the Court rules as such and remands this issue back to District Court, discovery can be reopened and the physical street address of the IP addresses that accessed my paper on April Fools Day 2024 can be identified and new individuals can be held accountable under the Law.

4. Is submitting knowingly falsified evidence to a Federal Judge in a Motion for Summary Judgement in a lawsuit for wrongful termination a materially adverse employment act?

The District Court initially ruled that such an act was a materially adverse employment act in the Motion to Dismiss, stating that the accepted standard for a

¹⁵ <https://github.com/kwd2/graph1/blob/main/editor.pdf>

¹⁶ Including through an action in State Court for infliction of emotional distress.

materially adverse employment act is one that would prevent a similarly situated employee from taking the same protected acts.

The Court then reversed this ruling when granting the Defendant's Motion for Summary Judgement, stating that I cannot show suffered any harm as a result of the falsified evidence being submitted to the DOL Court.

The Plaintiff argues that many considerably harmful events have happened to the Plaintiff as a result of the falsified evidence being submitted to the DOL ALJ. The Plaintiff further argues that no reasonable finder of fact could conclude that the harmful events that have occurred to the Plaintiff are not related to the submission of the falsified evidence by Nokia and Gliori in the DOL trial.

The Appeals Court denied the Plaintiff's appeal on this issue without any written opinion.

The Plaintiff further argues that any similarly situated employee would view the Plaintiff's experience in the Federal Court system, following the submission of the falsified evidence to the DOL ALJ, and would be greatly disinclined to take the same protected actions as the Plaintiff.

5. Does the act of (contacting the Plaintiff's treating FMLA healthcare provider by telephone and providing her negative information about the Plaintiff and then

creating a highly falsified log of the conversation in order to justify requiring the Plaintiff to attend and pass a third party fitness for duty exam in order to return to work from FMLA leave) mean that the Defendants can not prove by a clear and convincing legal standard that that they would have taken the same adverse employment actions in the absence of my protected activity?

The Plaintiff's medical records from his treating FMLA provider are given in Appendix H and the falsified log created by Gliori is given in Appendix I. The plaintiff argues that no neutral finder of fact could find that the medical records are consistent with the information written in Gliori's log.

The Plaintiff further argues that Gliori's falsified log shows that Nokia intended to fire me as early as Sept 18th, 2018 as a result of my protected activity and not because I failed to supply a return to work authorization by the end of my FMLA leave in Nov 2018.

6. Do the facts of the Plaintiff's case justify standing under the Consumer Financial Protection Act?

The Plaintiff's argument for standing under the CFPA is as follows:

Under the CFPA, 12 U.S. Code § 5567 - Employee protection:

(a) IN GENERAL

No **covered person or service provider** shall terminate or in any other way discriminate against, or cause to be terminated or discriminated against, any covered employee or any authorized representative of covered employees by reason of the fact that such employee or representative, whether at the initiative of the employee or in the ordinary course of the duties of the employee (or any person acting pursuant to a request of the employee), has—

Where: (6) **Covered person** The term “covered person” means— (A) any person that engages in offering or providing a consumer financial product or service; and (B) any affiliate of a person described in subparagraph (A) if such affiliate acts as a service provider to such person.

(A) **In general** The term “service provider” means any person that provides a material service to a covered person in connection with the offering or provision by such covered person of a consumer financial product or service, including a person that— (i) participates in designing, operating, or maintaining the consumer financial product or service; or (ii) processes transactions relating to the consumer financial product or service (other than unknowingly or incidentally transmitting or processing financial data in a manner that such data is undifferentiated from other types of data of the same form as the person transmits or processes).

- Standing under the CFPA is argued due to the fact that defendants acted in collusion with the large telcos to benefit from the monies collected as USF federal fees on US phone bills (7th, ND of Ill, 1:20-cv-04019, Dkt 1, attachment C, para L1 ->L14). Section 15.A.4 of D/F defines "financial products or services" as: "engaging in deposit taking activities, transmitting or exchanging funds, or otherwise acting as a custodian of funds or any financial instrument for use by or on the behalf of a consumer."
- The Plaintiff argues that the large telcos meet this definition because they collect the public tax money from the USF fee on phone bills and this is done (supposedly) on behalf of consumers. This complaint then argues that Nokia is subject to jurisdiction under CFPA sec 15.A.4 because they are service provider to the large telcos and are colluding in a superordinate/subordinate scheme with the large telcos.

7. Should an individual's Constitutional rights be denied in order to protect illegal activity by the two main political parties?

The Plaintiff's constitutional rights have been denied because the beneficiaries of the illegal activity reported by the Plaintiff are the two main political parties.

These subsidy regimes are designed by technically sophisticated industry engineers and lobbyists and are then legislated through "bipartisan" agreements¹⁷. In oral arguments, the Plaintiff can use the publicly available payment data from the Universal Service Fund Federal subsidy program to show that:

- the original USF wire fraud began in the summer of 2004 and benefitted a subset of subsidy recipients that are associated with the RNC.
- in Jan 2009, when the DNC took control of the White House and the FCC, that the fraudulent payments to the top RNC subsidy recipients were cut to zero.
- nine months later, a "compromise" was reached and the fraudulent payments to the RNC subsidy recipients resumed.
- subsequently, two "bipartisan" USF subprograms were legislated, and at least one of the subprograms, known as the "cacm" program (Connect America Cost Model), which benefits the DNC, has a wire fraud mechanism designed into it.
- In the summer of 2015, President Obama announced the start of the DNC's fraudulent cacm USF subprogram in a youtube video¹⁸, and this resulted in an immediate increase in USF subsidy payments by ~\$75 Million per month, but that

¹⁷ The Plaintiff has determined that in many, if not all, Federal government subsidy regimes, there will be a common feature, namely a publicly visible mechanism for reporting the monetary payments made to the recipients of the subsidy. This allows the political parties to measure the monetary outcome of the bipartisan legislation after it becomes law. This also allows the two parties to modify the subsidy to alter the outcomes if desired. This mechanism also allows the parties to design future legislation with the expectation that the monetary outcomes will be public information.

¹⁸Affordable High-Speed Broadband for All Americans

only ten¹⁹ individual companies from out of the over 3000 unique USF subsidy recipients received the increased payments²⁰.

- Part of this money most likely ends up in the HILLARY VICTORY FUND and becomes the subject of the 2018 Federal lawsuit: **Committee to Defend the President v. FEC.**
- The legal mechanism used by the DNC to transfer the money into the Hillary Victory Fund appears to be based on the 2013 Supreme Court case: **McCutcheon, et al. v. FEC.** The ~two hundred \$450k donors to the HVF were likely just straw donors whose names could be used because they are wealthy enough that such a donation would not seem implausible.
- A possible reason the Executive branch does not seem to have control of the FBI, for example James Comey's 2016 actions in the week before the election that favored the RNC, is alleged to be because the FBI knows the details of the fraudulent USF and FEC schemes that the lobbyists have devised and that the politicians are complicit in, and therefore the President does not have complete authority over the FBI because the FBI can open a prosecution against the Executive branch at any time.

¹⁹ para 7: CenturyLink, Frontier took FCC cash, failed to deploy all required broadband | Ars Technica

²⁰ Individual companies can receive payments through multiple states and/or subsidiary companies.

CONCLUSION

The Plaintiff's constitutional right to equal protection under the law has been horribly denied under the Color of Law. It is up to the Supreme Court to rectify this injustice.

Respectfully Submitted,

Ken Del Signore,

Pro Se

May 6th, 2018