

IN THE
Supreme Court of the United States

CHRISTINE MIRE

Applicant,

v.

UNIVERSITY HOSPITAL & CLINICS, INCORPORATED, ET AL.,

Respondents.

**SUPPLEMENTAL EMERGENCY APPLICATION FOR STAY OF PRECEEDINGS AND
EXECUTION OF FIFTH CIRCUIT COURT OF APPEALS MANDATE
PENDING DISSOLUTION OF PETITION FOR WRIT OF CERTIORARI**

April 29, 2024

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Respondents’ Motion for §1927 Sanctions
United States Court of Appeals for the Fifth Circuit,
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U.S. District Court Western District of Louisiana Rulings

Electronic Magistrate Order
(Granting Applicant’s Motion to Withdraw)
United States District Court for the Western District of Louisiana,
Lafayette Division, Docket No.: 6:19-CV-1027 (April 25, 2024) Supp.App. 18

Order
(Adding Applicant as Respondent and Setting Briefing Deadlines
for Rule 38 Sanctions Against Applicant)
United States District Court for the Western District of Louisiana,
Lafayette Division, Docket No.: 6:19-CV-1027 (April 26, 2024) Supp.App. 20

**TO THE HONORABLE SAMUEL A. ALITO, JR.,
ASSOCIATE JUSTICE OF THE SUPREME COURT AND
CIRCUIT JUSTICE FOR THE FIFTH CIRCUIT:**

SUPPLEMENTAL APPLICATION

After the Emergency Application for Stay of Proceedings and Execution of Fifth Circuit Court of Appeals Mandate was docketed on April 23, 2024, Applicant received two additional orders from the district court. The new orders support Applicant's request for a stay and her concerns of additional abusive litigation and harassment. The imposition of sanctions, improper imprisonment, threats of additional imprisonment, and threats of additional sanctions have been aggressively pursued each time Applicant has exercised her right to be heard. On April 25, 2024, Applicant received an Electronic Order granting Applicant's Motion to Withdraw as counsel for Plaintiff, J. Cory Cordova, which was filed on February 6, 2024, based on the termination of Applicant's services. (Supp.App.18) The Electronic Order was issued by the magistrate judge terminating Applicant's involvement in the underlying matter. (Supp.App.18)

On April 26, 2024, the district court issued an Order, *sua sponte*, adding Applicant as a Respondent to the pending sanctions award remanded by the Fifth Circuit "for the district court to determine the appropriate sanctions, attorney fees and costs for this appeal." (Supp.App.20) The Fifth Circuit issued its mandate on February 22, 2024, and no orders were received from the district court until two days after the Emergency Application was docketed with this Court. The district court further ordered that the Lafayette General Defendants (Respondents herein) file a brief on the appropriate sanctions within 21 days and Applicant will then file a response within 14 days. The Lafayette General Defendants may then file a reply within 5 days thereafter. (Supp.App.20)

This Court has stated:

The knowledge that, after an unsuccessful appeal of a Rule 11 sanction, the district court that originally imposed the sanction would also decide whether the appellant

should pay his opponent's attorney's fee would be likely to chill all but the bravest litigants from taking an appeal. *Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 408, 110 S. Ct. 2447, 2462, 110 L. Ed. 2d 359 (1990) citing *Webster v. Sowders*, 846 F.2d 1032, 1040 (CA6 1988) (“Appeals of district court orders should not be deterred by threats [of Rule 11 sanctions] from district judges”).

The district court does not have knowledge of the Fifth Circuit docket or the arguments raised by Applicant in briefing not contained in the Fifth Circuit’s opinion, which were not frivolous. The Fifth Circuit opinion found that Applicant repeatedly made arguments thrice rejected by the district court. Importantly, Applicant raised the issue of Plaintiff’s Article III standing/employment by a private actor for the first time when she filed the Rule 60(b) motion and a second time when she opposed Respondent’s Rule 11 sanctions. These facts are judicially admitted by Respondents in the April 10, 2024 Motion for Sanctions filed after Applicant requested a recall of the mandate and stay of the proceedings from the Fifth Circuit. (Supp.App.10) Respondents recent request for additional sanctions pursuant to 28 U.S.C. § 1927 and the district court’s repeated warnings are an assurance that Rule 38 sanctions are not the only legal action Respondents intend to pursue should this Court deny a stay. (Supp.App.2) (Supp.App.11)

RESPECTFULLY SUBMITTED BY:

S/Christine M. Mire

Christine M. Mire (Bar Roll Number: 29352)

401 Claystone Road

Youngsville, LA 70592

Telephone: (337) 296-0831

Email: cmm@mirelawfirm.com

CERTIFICATE OF SERVICE

NO: 23A948

Christine M. Mire, Applicant

v.

University Hospital and Clinics, Inc., et al.

Respondents

STATE OF LOUISIANA

PARISH OF LAFAYETTE

Being duly sworn, I depose and say under penalty of perjury:

1. That I am over the age of 18 years and not a party to this action. I am a paralegal with a mailing address at 100 Canterbury Road, Lafayette, Louisiana 70503.
2. On the undersigned date, I served the parties in the above captioned matter with the *Supplemental Emergency Application for Stay of Proceedings and Enforcement and Execution of Judgment* by electronic mail at the email addresses provided to the Louisiana State Bar Association service in the federal proceedings which the undersigned avers covers all parties required to be served.

Jennie Porche Pellegrin
NeunerPate
1001 West Pinhook Road
Suite 200
Lafayette, Louisiana 70503-2898
(337) 272-0389
jpellegrin@neunerpate.com
*Counsel for Louisiana State University,
Dr. Karen Curry, Dr. Nicholas Sells, and
Kristi Anderson*

James Huey Gibson
Stacy Kennedy
Gibson Law Partners, LLC
2448 Johnston Street
P.O. Box 52124
Lafayette, Louisiana 70505
(337) 761-6025
jimgibson@gibsonlawpartners.com
*Counsel for University Hospitals and
Clinics, Inc., Lafayette General
Medical Center, Inc., Lafayette
General Health System, Inc.*



ANGELA VINCENT

April 29, 2024