

**NO.24-5564**  
**IN THE**  
**SUPREME COURT OF THE UNITED STATES**

---

**MARLENE FEARING**  
**Petitioner**  
**vs**  
**UNIVERSITY OF MINNESOTA MEDICAL CENTER et al.**  
**Respondents**

---

**PETITION FOR A REHEARING OF WRIT OF CERTIORARI**  
**By: Marlene Fearing**

---

**The Minnesota Supreme Court (Discretionary Review Denied)**

**The Minnesota Appellate Court (Upheld District Court Orders)**

**Respondent Attorneys**

Julia Nierengarten, #0391851  
Meagher and Geer, P.L.L.P.  
33 So. 6<sup>th</sup> Street  
Mpls., MN 55402  
**Attorney for Minn. Physicians**  
Telephone: 612-338-0661

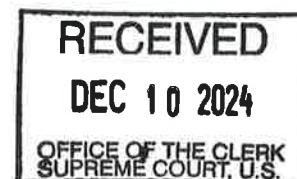
**Appellant Pro Se**

Marlene Fearing  
805 Wildwood Road  
Apt. 301  
Mahtomedi, MN 55115  
Telephone: 952-451-2204

**Paul C. Peterson #151543**

Lind Jensen Sullivan & Peterson, P.A.  
**Attorneys for Fairview Health**  
1300 AT&T Tower  
901 Marquette Avenue South  
Minneapolis, MN 55402  
Telephone: 612-333-3637

Nathan Ebnet # 0395217  
**Dorsey & Whitney, LLP**  
**Attorney for Mayo Clinic Rochester**  
50 South Sixth Street – Suite 1500  
Mpls., MN 55402 – Telephone 612-340-2500



## TABLE OF CONTENTS

	<b>Pages</b>
Petition for Rehearing .....	1
Reasons for Granting Hearing .....	1
New Evidence .....	2
Key Aspects Overlooked .....	2
Judicial Misconduct, Denial of Access to Justice, Fraud Upon the court .....	4
Loss of Subject Matter Jurisdiction .....	5
Broader Implications .....	6
Court Precedent that Warrants Rehearing .....	8
Certificate of Counsel .....	12

## LEGAL AUTHORITIES

Rule 44 .....	1
Anderson V. Florence, 288 Minn. 351,360-361,181 N.W. 2d 873, 879 (1970). ....	11
Bullock v. United States, 763 F.2d 1115, 1121 (10 <sup>th</sup> Cir.). ....	4, 6
Caperton v. A.T. Massey Coal Co. (2009) , .....	8
Doctrine of Res Ipsa Loquitur .....	10
Estelle v. Gamble (1976) .....	10
Ex parte Hall (1941) .....	10
Ex parte Young 1908 .....	9
Grffin v. Breckenridge (1971) .....	9
Griffin v. Illinois, 351 U.S. 12 (1956) .....	9
Hazelton-Atlas Glass Co. v. Hartford-Empire, 322.U.S.238 (1944) .....	8
Hill Top Developers v. Holiday Pines Service Corp. 478 So. 2d 368 (Fla 2 <sup>nd</sup> DCA 1985) ..	5

Mapp v.Ohio, 367 U.S. 643 (1961) .....	8
Marbury v. Madison, 5 U.S. 137 (1803) .....	9
Pickering v. Board of Education, 391 U.S. 563 (1968) .....	9
Tumey v. Ohio (1927) .....	8
Valley v. Northern Fire and Marine Ins. Co., 254 U.S.348, 41 S. Ct. 116. ....	5
<b><u>Constitutional and Statutory</u></b>	
Title U.S.C. Section 241 Conspiracy Against Rights .....	11
Title U.S.C. Section 242 Deprivation of Rights Under Color of Law .....	11
Title U.S.C. Section 1503 Obstruction of Justice .....	11
Fourteenth Amendments of the U.S. Constitution .....	8
HIPPA Laws Destruction and Spoliation of Patient Medical Records .....	2

<b>DISTRICT COURT INDEX</b>	<b>Index #</b>
-----------------------------	----------------

Dr. Logaeis Report .....	3
Dr. Vuljaj Report .....	3
Dr. Angela Robinson Border .....	3
Court Index 41 .....	5
Court Index 137 .....	5

**Appendix 1: Finding of Heavy Medal by Carlson Forensics**

**Appendix 2: Doctors with Muscular Dystrophy Foundation - Florida**

## PETITION FOR REHEARING

**Petitioner Marlene Fearing respectfully petitions for a rehearing of this court's November 12, 2024, Order denying her petition for a Writ of Certiorari.**

**Rule 44.2** Authorizes petitioner for rehearing based on intervening circumstances of substantial or controlling effect due to overlooked or misunderstood facts and principles that bear significant implications beyond this immediate case. Petitioner is of the belief that as a pro se litigant, she may have presented her evidence too broadly and neglected to properly focus and articulate the most egregious paramount issues regarding the unbelievable circumstances of this case.

*"The Court's denial of certiorari overlooked significant constitutional due process violations central to the integrity of the judicial system. The petitioner's inability to present critical evidence due to spoliation of records and procedural irregularities by court officers undermines public confidence in the judicial process and warrants reconsideration under Rule 44.*

By declining to hear this case, the Court risks undermining its role as the ultimate protector of justice. The issues raised by the petitioner—criminal conduct by officers of the court (clerks, attorneys and judges; including fraud, denial of due process, and the silencing of a whistleblower strikes at the core of public trust in the judiciary. Turning a blind eye and failure to intervene sends a dangerous message that systemic abuse of power can and will persist unchecked - particularly if the government wants to silence a whistleblower by poisoning at a government funded hospital. Destroying medical records, denying due process, judicial misconduct by officers of the court, collusion by government agencies to cover-up the poisoning is what corrupt uncivilized third world countries do. We are better than that – supported and guaranteed by the Constitution of the United States of America.

**There are urgent and extraordinary issues of constitutional importance and public safety that demand this Court's reconsideration. At its core, this matter involves the poisoning of a whistleblower, Marlene Fearing, at a government-funded medical facility, and subsequent systemic efforts by public officials and officers of the court to cover up the crime. The systemic procedural irregularities, destruction of evidence, and denial of due process at every level of the judiciary have not only deprived Ms. Fearing of her fundamental constitutional rights to due process but also undermines public confidence in the integrity of our legal and governmental institutions.**

## REASONS FOR GRANTING REHEARING

**There was no proper review of this case by the Minnesota appellate courts. The findings by the appeals court are the same repetitive and mimicked incorrect rulings as by the district court (written eerily in same tone and inaccuracies as if written by same drafter of the findings at the district court; which are essentially considered to be void due to the fraud upon the court: Absent of rule of law by officers of the court, obstruction of justice, fraudulent concealment, misstating material facts, spoliation of medical records, and**

**violation of HIPPA Law - all in the exercise of covering up a criminal assault – of a whistle-blower – who was poisoned at a government funded medical facility. We don't poison our opposition in AMERICA – denial of a rehearing and revisiting the facts of this case, will send a clear message that we do.**

**The petitioner has identified spoliation of critical evidence, including independent forensic testing results confirming toxic poisoning. This evidence is central to establishing the petitioner's claims of medical malpractice, assault, and a conspiracy to sanitize the crime. Yet, its removal or suppression by respondents and court officials denied the petitioner a fair opportunity to be heard, violating her constitutional rights to due process. A denial for a rehearing would create a dangerous precedent that allows judicial and institutional corruption to flourish. Such a precedent would undermine public confidence in the courts as arbiters of justice.**

## **1. New Evidence:**

### **Uncompleted scientific forensic reports on toxic poisoning. (awaiting payment)**

a. If Fearing had been allowed a jury trial as she requested, she could have presented the original findings of toxicology reports along with the new evidence – uncompleted reports of Carlson Forensic scientists - as to the cause and effect of the poisoning as they relate to neurological and cranial nerve injuries Fearing sustained along with the incurable life threatening disease Lambert Eaton Myasthenia Gravis - that Ms. Fearing acquired since the attack. Evidence and medical records were removed from court files – one page report of high testing of heavy metals. **(Appendix # 1)**

### **Costly out of State Medical Treatment (Muscular Dystrophy Foundation -Florida)**

b. Petitioner's injuries sustained by the poisoning (completely ignored by the courts) requires costly specialty medical treatment outside her Medicare limited insurance access – requiring travel expenditures out of State for treatment. **(Appendix #2)**

### **Key aspects of the case that the Court may have been overlooked or misunderstood:**

The Court's initial denial of certiorari have overlooked key issues central to the proper functioning of the judicial system, including allegations of fraud upon the court, spoliation of evidence, and a systemic denial of due process. Moreover, substantial new evidence has emerged since the denial, further strengthening the petitioner's claims and necessitating this Court's

intervention. This case transcends individual grievances, implicating broader public safety concerns and constitutional principles that are critical to the functioning of a free society.

## **2. Material Facts Overlooked or Misunderstood**

### **Poisoning at a federally funded hospital**

On April 25, 2019, (one week before the assault) Marlene Fearing had just completed a physical examination with Dr. Mary Logaeis (U of M Physician) which was diagnosed as normal. There were no indications of any strokes, eye issues, neurological transmittal issues or cranial nerve damage. **(Writ App. "J" - Add. 4 -Dr. Logaeis)**

On May 3, 2019, (one week later) the admitting report at the University of Minnesota Hospital signed by Dr. Nikolai Vuljaj also acknowledged that Ms. Fearing had no reports of any strokes, neurological or cranial nerve issues and everything appeared to be normal until the assault. Ms. Fearing received a phone call from the U of M Hospital emergency luring her to the hospital on the pretext of a blood draw. There was no blood-draw, but rather abuse, assault, battery, and extreme negligence by injections of toxic poisons, confirmed by an independent forensic expert "Carlson Forensics" (hair samples) who identified one vial as heavy metals, and pesticides are also suspected due to severe cranial and nerve damage Fearing sustained, but unable to identify the remaining six vials of toxins. (Dist. Court Index # 44 – Dr. Vuljaj).

Some 4 hours later, Ms. Fearing was convulsing, coughing up a pinkish phlegm and unable to stabilize herself; suffering an extreme darkness and pain in her head. Her condition only worsened (Chronology of Mayo Clinic Physicians) Within a month after the assault, Fearing was diagnosed with a life-threatening incurable rare disease LEMS – Myasthenic Gravis. It took Ms. Fearing two years of therapy to regain majority of her mental acuity, speech and ambulatory ability-still needing a 24/7 caregiver due to her choking and neurological complications and issues. **(App. "J" Add. #6 Angela Robinson Border)**

### **Evidence of Fraud Upon the Court**

a. This case presents compelling evidence of fraud upon the court, which the lower courts and

the denial of writ of certiorari failed to address adequately. The actions of the respondents and certain court officials— removing, destroying, or altering key medical and court records – constitute a direct attack on the judicial machinery itself. In *Bullock v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985), the court recognized that such fraud voids the orders and judgments of the involved court. This principle underscores the gravity of the procedural violations that marred this case.

b. The petitioner has identified spoliation of critical evidence, including independent forensic testing results confirming toxic poisoning. This evidence is central to establishing the petitioner's claims of medical malpractice, assault, and conspiracy. Yet, its removal or suppression by respondents and court officials denied the petitioner a fair opportunity to be heard, violating her constitutional rights to due process.

**3. Judicial Misconduct, Denial of Access to Justice and fraud upon the court:**  
**Overlooked evidence reflects that the lower court judge;**

a. Denied a jury trial and petitioner's ability to file court documents.

b. Intentionally obstructed access to the courts, making false and baseless allegations and findings, repeatedly muted petitioner's communication ability during zoom court hearings – violating the petitioner's right to due process and equal protection under the law. The order of October 18, 2021, and all subsequent orders is a perfect example of the obstruction of justice by the Honorable Joseph Klein and considered to be VOID as a matter of law.

**Judicial misconduct and procedural violations**

a. Petitioner filed motions twice for a default judgment and a summary judgment. Judge Klein denied the motions and ruled on April 28, 2022 as follows:

**“No motion shall be heard until moving party pays any required motion filing fee and serves the documents.”** Fearing’s Response: Fearing did serve the documents. Court records reflect that Fearing filed a Motion for Summary Judgment upon MFairview Health Services /k/a UMMC, and Minnesota Medical Center on April 7, 2022, (3 weeks prior to the issuance

**of this order and paid a Fee of \$75.00 recorded at Ct. Registry – Receipt # 1227-2022-00521) - (Ct. Index 137, Fee of \$75.00 paid.)**

b. The Order of October 18, 2021, Dismissal with prejudice is significant beyond its meaning – fabricating evidence by the judge. The Order misrepresents the facts on the Summons and Complaint. (Ct. Index 41) (pg. 4 of Order it states,

“None of Plaintiff’s 3 service attempts on UMP complied with Rule 4.03.

Moreover, Plaintiff expressly acknowledges that she never served UMP:

Here Plaintiff did not properly serve UMP and has not effectuated service to date”  
(Pls. Mem of law in opp. to Def.’s Mot. To Dismiss. Pg. 7)

**That statement is a complete fabrication. (1.) Evidence is clear, the Defendants were all legally and properly served. (2) Evidence also reflects that it was Defendant legal counsel for UMP that wrote that statement in a motion they filed – Not the Plaintiff. This kind of fabrication of evidence by a judge is simply not acceptable, yet it continued on every order he wrote because the appellate court failed to remove him despite evidence of loss of subject matter jurisdiction due to his judicial misconduct. The order is void due to the prejudice, fraud and fabrication of the evidence by the judge.**

c. Refused to recuse himself despite clear conflicts of interest, compounding the denial of impartial judicial review; thereby forfeiting subject matter jurisdiction due to his conduct.

**Loss of Subject Matter Jurisdiction:** Gaming the system – using the rules and procedures meant to protect the Judicial system to, instead, manipulating the system for a desired outcome for the Respondents. **The Honorable Joseph R. Klein lost subject matter jurisdiction due to his conduct. “There is no discretion over subject matter Jurisdiction.**

**Subject Matter Jurisdiction may be raised at any time, even on appeal”.** *Hill Top Developers v. Holiday Pines Service Corp. 478 So.2d 368 (Fla 2<sup>nd</sup> DCA 1985. “There is no discretion to ignore that lack of jurisdiction.” Joyce v. U.S. 474 F2d 215.*

d. Fraud Upon the court: (Fearing filed 4 appeals to the Appellate Court seeking justice from a judge who thought he was above the law)

“Fraud upon the court” makes void the orders and judgments of that court. The U. S. Supreme Court has consistently held that a void order is void at all times, does not have to be reversed or vacated by a judge, cannot be made valid by any judge, nor does it gain validity by passage of time. The order is void ab initio. **Vallely v. Northern Fire and Marine Ins. Co., 254**

**U.S. 348, 41 S.Ct.116. Therefore, order of October 18, 2021, and every finding thereafter is void as a matter of law.**

**Overlooked Substantial Public Interest - Destruction of medical records:**

a. In cases of medical negligence or other claims, if critical records are destroyed (intentionally or negligently), it could be grounds for overturning previous findings, especially if this destruction affects the fairness of the legal process. While there have been notable cases involving healthcare misconduct brought to the U.S. Supreme Court, there doesn't appear to be a specific case involving a patient being poisoned at a medical facility that reached the Supreme Court - perhaps the patient didn't survive the poisoning or the evidence was destroyed as in this case

b. However, healthcare-related cases have often dealt with significant issues such as discrimination, malpractice, or regulatory violations such as in this case. Denying a rehearing sets a new standard of attempting to codify poisoning of a whistle-blower by a corrupt judge. The significance and issues of this case extends beyond the parties involved.

**4. Broader Implications of denial of the Writ of Certiorari:**

**a. Erosion of Judicial Integrity - Overlooked Evidence of Fraud Upon the Court**

This case presents compelling evidence of fraud upon the court, which the lower courts and the denial of certiorari failed to address adequately. The actions of the respondents and certain court officials—removing, destroying, or altering key medical and court records—constitute a direct attack on the judicial machinery itself. In ***Bullock v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985)**, the court recognized that such fraud voids the orders and judgments of the involved court. This principle underscores the gravity of the procedural violations that marred this case.

**b. Threat to Public Health Accountability and National Importance – a denial sends a**

message that medical institutions and state agencies can operate with impunity, eroding patient safety and the rule of law - transcends individual grievances, touching on broader issues of (1) Institutional abuse of power, (2) Judicial accountability and (3) Protection of constitutional rights in the face of systemic corruption.

**This case exemplifies a systemic breakdown in the rule of law, where civil proceedings have been used to shield criminal acts from scrutiny. Pursuant to Minnesota Revisor Rule 18.01, a Grand Jury must be convened when public interest and safety are at risk. Here, the alleged poisoning of a whistleblower at a government-funded hospital, followed by judicial and institutional cover-ups, demands a thorough investigation to protect the public and restore trust in our legal system.**

**The actions taken against Ms. Fearing not only deprived her of due process but also signal a chilling message to other whistleblowers and activists. If left unaddressed, such misconduct erodes public confidence in the judiciary and threatens the constitutional protections guaranteed to all citizens. The combination of judicial misconduct, denial of access to courts, and institutional corruption threatens to erode public trust in the judiciary and healthcare systems. Citing these precedents underscores the broader constitutional stakes and the necessity for Supreme Court intervention.**

**c. Encouraging Lawlessness:**

The petitioner's attempts to seek redress have been met with systemic obstruction.

**On September 30, 2022, for example, the petitioner witnessed her appellate documents being destroyed at Hennepin County Clerk's Office, where staff ripped up her filings and disposed of them in a wastebasket. Petitioner was subsequently threatened and escorted out of the courthouse by sheriff's deputies. This incident exemplifies the intimidation and procedural barriers the petitioner has faced at every turn in this case.**

(Petitioner requested a copy of the taped video of the incident at the Clerk's Office - denied.)

The facts of this case reveal not only a grave injustice to the petitioner but also a systemic failure to uphold the rule of law, necessitating immediate judicial intervention to prevent further harm and restore public confidence in the judiciary. The failure to rehear this case could have the unintended effect of empowering officers of the court to act with impunity, ultimately harming the integrity of the judicial system as a whole.

## **5. Court Precedent that warrants rehearing:**

The Supreme Court has consistently recognized its role as the guardian of constitutional rights and the ultimate arbiter in cases involving systemic violations of justice. The denial of certiorari in this case conflicts with the Court's longstanding principles articulated in its prior decisions.

**a. Precedent on The Role of the Supreme Court in Addressing Fraud Upon the Court- In *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944),** the Supreme Court underscored its authority and responsibility to vacate judgments procured through fraud upon the court, stating: **"Tampering with the administration of justice in the manner indisputably shown here involves far more than an injury to a single litigant. It is a wrong against the institutions set up to protect and safeguard the public."**

The fraud alleged in this case—spoliation of evidence, destruction of appellate filings, and judicial collusion—demands a similar response. The refusal to address these claims directly contradicts the Court's recognition of fraud upon the court as an issue that "strikes at the very heart of the judiciary."

**b. Precedent as to The Duty to Protect Constitutional Due Process:** The Court has also held that ensuring the fundamental fairness of proceedings is central to its role.

**Mapp v. Ohio, 367 U.S. 643 (1961)**, the Court emphasized the necessity of judicial integrity, declaring: **"Nothing can destroy a government more quickly than its failure to observe its own laws, or worse, its disregard of the charter of its own existence."**

The systematic denial of due process in this case, including the destruction of evidence and suppression of filings, reflects precisely the kind of governmental misconduct that the Court has a duty to remedy. By refusing to hear this case, the Court allows the erosion of the very constitutional safeguards it is tasked to uphold.

**Caperton v. A.T. Massey Coal Co. (2009)**, The Court ruled that a judge's failure to recuse themselves in the presence of a significant conflict of interest violated the petitioner's due process rights under the Fourteenth Amendment. This case established that judicial bias, or the appearance thereof, can render a proceeding fundamentally unfair.

**Tumey v. Ohio (1927)**, In his case Petitioners allegations of a judge's refusal to allow evidence, blocking court filings, and denying access to jury trials suggest an even more egregious breach of this principle, directly denying petitioner a fair hearing.

The lower court's actions demonstrate not only bias but active obstruction, constituting a clear violation of the Fourteenth Amendment's guarantee of due process. The Supreme Court has repeatedly intervened when judicial impartiality is compromised.

### **c. Precedent on Whistleblower and Public Interest Protections**

**Pickering v. Board of Education, 391 U.S. 563 (1968)**, the Court emphasized the importance of protecting individuals who expose misconduct, recognizing their role in promoting public accountability. The petitioner, as a whistleblower reporting on systemic corruption, is entitled to constitutional protections from retaliation and harm.

The poisoning of the petitioner at a state-funded facility and the subsequent cover-up constitutes extreme retaliation that warrants judicial intervention. Failure to address such claims undermines the Court's precedent in protecting whistleblowers and the public interest they serve.

#### **d. Precedent for Reparations and Financial Accountability**

The Court has historically emphasized financial accountability in cases involving injury or harm caused by systemic negligence or malfeasance:

**Ex parte Young (1908)**, the Court reaffirmed the principle that state actors can be held personally liable when their actions violate constitutional rights. Here, the attackers' actions directly resulted in profound physical harm and financial costs, demanding reparative justice.

**Griffin v. Breckenridge (1971)**, the Court recognized the necessity of civil remedies to deter and rectify conspiracies against individuals. This principle applies to holding the perpetrators and their enablers accountable for both the medical and financial consequences of their actions.

**The petitioner's case reflects the same need for financial reparations to compensate for the injuries inflicted by the defendants and to prevent further misuse of public funds.**

#### **e. Precedent in the Court's Responsibility to Ensure Equal Access to Justice**

**Griffin v. Illinois, 351 U.S. 12 (1956)**, the Court held that: **"There can be no equal justice where the kind of trial a man gets depends on the amount of money he has."**

This principle extends to procedural fairness. The destruction of the petitioner's filings and systemic denial of her ability to present evidence to a jury renders her effectively voiceless in the judicial process. The Court's denial of certiorari contradicts its own jurisprudence in ensuring that every litigant has a fair opportunity to be heard.

#### **f. Precedent in the Court's Role in Safeguarding Public Confidence in Justice.**

**Marbury v. Madison, 5 U.S. 137 (1803)**, Chief Justice John Marshall declared: **"It is emphatically the province and duty of the judicial department to say what the law is."**

This principle extends to procedural fairness. The destruction of the petitioner's filings and systemic denial of her ability to present evidence render her effectively voiceless in the judicial process. The Court's denial of certiorari contradicts its own jurisprudence in ensuring that every litigant has a fair opportunity to be heard. If this misconduct is allowed to stand, it could undermine confidence in the judiciary and violate core principles of justice and due process

### **g. precedent - Access to Courts and Right to Be Heard**

**Bounds v. Smith (1977)** This case established that meaningful access to courts is a fundamental constitutional right. The destruction of petitioner's court filings and physical removal from the courthouse by clerks and sheriff represents a direct violation of this principle.

**Ex parte Hull (1941)** The Court in *Ex parte Hull* ruled that legal filings cannot be obstructed by administrative officials. This principle can be extended to court clerks and judges who deliberately prevent filings or remove individuals attempting to access the judicial system.

The destruction of petitioner's filings, denial of access to the courthouse, and failure to grant a jury trial demonstrate a systemic deprivation of petitioners' constitutional right to access the courts. These actions conflict with established Supreme Court rulings designed to protect litigants' access to justice.

### **h. Precedent - Medical Harm and State Accountability**

**Estelle v. Gamble (1976)**, Although primarily an Eighth Amendment case concerning prisoners, *Estelle* establishes that deliberate indifference to serious medical needs is a constitutional violation. This case, involving intentional poisoning by medical professionals, compounded by systemic collusion to destroy evidence, raises analogous concerns about responsibility and state complicity.

**Fact 1.** The deliberate harm inflicted by medical staff and subsequent cover-up by state agencies highlight the need for accountability in institutions entrusted with public welfare. The systemic obstruction further deprived petitioner of her ability to seek redress, a violation of your Fourteenth Amendment rights. **New Evidence:** Petitioner had to seek medical care for her Lampert Eaton Myasthenia Gravis from an out of state medical doctors due to reluctance by local doctors to treat her for fear of losing their licenses to practice in Minnesota.

**Fact 2.** Allowing such collusion to go unchecked sets a dangerous precedent, effectively granting immunity to institutions that harm individuals and obstruct justice. The Supreme Court must intervene to reaffirm the principle that all entities, including state agencies and medical institutions, are accountable under the law.

### **Fact 3. The Res Ipsa Loquitur Doctrine Applies**

The petitioner has demonstrated that the medical treatment she received was so egregiously below the standard of care that negligence is presumed. The doctrine of *res ipsa loquitur* eliminates the need for expert testimony in cases where the facts speak for themselves. The courts' refusal to apply this principle, despite overwhelming evidence of poisoning and its aftermath, constitutes a misapprehension of settled law.

**A Plaintiff in a malpractice action may establish their claim with expert testimony by using findings and diagnoses solely from the defendant's doctors. (App. "J". Add.5, 6 See: Dr. Notes and LEMS Report)** The Mayo Clinic Physicians that made the diagnosis of Fearing's

injuries can also serve as expert opinions pursuant to court finding *Anderson v. Florence*, 288 Minn. 351,360-361, 181 N.W. 2d 873, 879 (1970). Furthermore, this is a *prima facie* case, whereby an expert is not needed as the conduct speaks for itself.

## **6. Financial and Public Burden Argument for Rehearing:**

This petition respectfully underscores the financial and societal consequences of the Court's denial of certiorari. The horrific medical costs incurred by the petitioner as a direct result of the poisoning must be addressed, as failure to hold the attackers accountable perpetuates injustice and burdens the petitioner, her family, and taxpayers with expenses that should rightfully fall to the responsible parties.

### **a. Unjust Financial Burden on the Petitioner and Taxpayers**

The petitioner's medical injuries, including Lambert-Eaton Myasthenia Gravis and associated neurological disorders, result from the alleged poisoning at a state-funded medical facility. These debilitating conditions require ongoing and expensive medical care.

**Personal Financial Impact:** The petitioner and her family have faced insurmountable medical costs for treatments and therapies to manage these life-threatening conditions. Without accountability for the perpetrators, the petitioner is denied financial relief, forcing her to shoulder costs stemming from the deliberate and egregious acts of harm.

**Taxpayer Burden:** In the absence of justice, taxpayers bear the indirect costs of subsidizing the medical expenses of a whistleblower harmed in a publicly funded institution. This misallocation of public resources exacerbates the financial impact on society, as the real offenders evade accountability.

### **b. Constitutional and Societal Mandates for Reparations**

The Fourteenth Amendment's Equal Protection Clause underscores the need to rectify systemic abuses and ensure fairness in the application of justice. The denial of financial accountability in this case violates these principles by: (1). Denying the petitioner access to restitution for harms inflicted upon her through gross negligence and malfeasance. (2). Forcing American taxpayers to bear the ongoing costs of harm caused by state-funded actors.(3).If the Court does not grant rehearing, it risks enabling a precedent where victims of systemic harm are left to shoulder the financial and emotional burdens of their injuries without recourse, undermining public trust in the judiciary and government accountability.

### **c. Constitutional and Statutory Provisions:**

**Title 18 U.S.C., Section 241 – Conspiracy Against Rights.**

**Title 18 U.S.C., Section 242 - Deprivation of Rights Under Color of Law.**

**Title 18 U.S.C. Section 1503, Obstruction of Justice.**

## **CONCLUSION:**

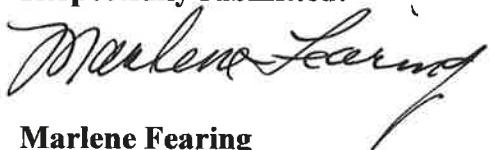
For the foregoing reasons, and in light of the new evidence and overlooked legal issues of substantial constitutional and public importance, the petitioner respectfully requests that this Court grant the petition for rehearing and reconsider its denial of certiorari. Given the exceptional circumstances of the malicious and corrupt conduct in this case, it would be a tremendous disservice to the Petitioner and this Country as a whole - poisoning of a whistle blower at a government funded hospital and efforts by the lower courts to subvert the rule of law, including clerks, attorneys and judges and other state agencies to destroy records (medical and other) – denial of a jury trial and denial of Constitutional due process rights. What's to stop any such conduct in the future – simply poisoning anybody that dares to challenge unlawful conduct by the government? The doctor that poisoned Ms. Fearing is still employed by the University of Minnesota, who's next? How many citizens have already been subjected to such practices that didn't survive the poisoning? Allowing such conduct in our courts puts this Country on a whole new pathway.

**For these reasons, the petitioner respectfully requests this Court grant rehearing and reconsider the denial of certiorari. This case involves allegations of systemic judicial misconduct, constitutional violations, and public safety concerns. These issues align with the Court's history of intervening when foundational principles like due process, equal protection, or judicial integrity are at risk. This makes the rehearing request not only appropriate but vital to preserving public confidence in justice.**

## **Certificate of Counsel**

Petitioner is unrepresented by counsel and certifies that her request for a rehearing is presented in good faith and not for delay and is restricted to the grounds specified in Rule 44.2.

**Respectfully submitted:**

  
Marlene Fearing

**December 6, 2024**