No. 24-5908

In The

Supreme Court Of The United States

TANYA SPURBECK,

Petitioner,

v.

WYNDHAM WORLDWIDE CORPORATION, ET AL.,

Respondents.

On Petition For A Writ Of Certiorari
To The United States Court Of Appeals
For The Ninth Circuit

Petition For Writ Of Certiorari

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QUESTIONS PRESENTED

1. Spurbeck's right to sue's tolling of statute of limitations applied under both overruled *Chevron* and new precedent dated June 28, 2024 *Loper Bright Enterprises v. Raimondo*. Why was Spurbeck's right to sue not tolled?
2. The judicial emergency blocked Spurbeck's Fifth Amendment and Seventh Amendment rights, and at one point, the district court abused the Federal Rules of Civil Procedure to do so. Why were Spurbeck's Fifth Amendment rights to "not be deprived of life, liberty, or property, without due process of law" and Seventh Amendment right to have a jury not provided to Spurbeck's case including but not limited to Spurbeck's EEOC right to sue even after Spurbeck preserved her jury?

LIST OF PARTIES

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:

1. Travel + Leisure Co.
2. Wyndham Destinations, Inc.
3. Wyndham Vacation Ownership, Inc.

RELATED CASES

There are no related cases.

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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

The opinion (memorandum) of the United States court of appeals appears at Appendix A to the petition and is unpublished. The opinion (order) of the United States district court appears at Appendix B to the petition and has been designated for publication but is not yet reported.

JURISDICTION

The United States Court of Appeals entered its judgment on July 23, 2024. No petition for rehearing was timely filed in my case. The jurisdiction of the Court is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fifth Amendment of the Constitution. **No person shall be** held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be **deprived of life, liberty, or property, without due process of law**; nor shall private property be taken for public use, without just compensation.

The Seventh Amendment of the Constitution. **In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved**, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Article III, Section 1 of the Constitution. **The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.** The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

STATEMENT OF THE CASE

The ninth circuit had reviewed Ms. Spurbeck's district court case in its entirety, "*We review de novo. Hawn v. Exec. Jet Mgmt., Inc.*, 615 F.3d 1151, 1155 (9th Cir. 2010)" (Memo. Dkt Entry 33 at 2). "*Plaintiff has been representing herself since day one and now she is in the summary judgment stage*" (ECF No. 137 at 2:17-19). As Plaintiff is proceeding without an attorney, the Court construes her filings liberally. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). Fed. Rule Civ. Proc. 8(e) Construe Pleadings. Pleadings must be construed so as to do justice.

Spurbeck's Fifth and Seventh Amendment rights have been blocked by the federal government's judicial emergency on March 9, 2022. It was not until March 24, 2022 when Spurbeck's judicial emergency was over with a scuttled district court ruling as two emergency judges were finally appointed later on March 24, 2022 for the district court of Nevada to be aided in this problem with filling the long term vacancies that have been open for years since 2018; Judge Cristina D. Silva and vacancy since 2016; Judge Anne Traum.

The JUDGES Act (Judicial Understaffing Delays Getting Emergencies Solved Act of 2024), "Too many Americans are being denied access to our justice system due to an overload of cases and a shortage of judges" as "This bill doesn't deal with existing vacancies, but rather, the issue of overworked district courts as identified by a non-partisan body based on caseload."

Spurbeck's Fifth Amendment's rights were blocked by the judicial emergency's 1) refusal to provide the requirement that the district court prepare written findings of fact

and reasons, 2) refusal to make a decision based exclusively on the evidence presented, and 3) refusal of a neutral and unbiased judgment.

The district court refused to acknowledge the facts, and evidence within Spurbeck's case regarding 1) Spurbeck's statute of limitations being tolled due to EEOC misleading her; the EEOC's ministerial acts, the EEOC's fraudulent concealment which caused Spurbeck's confusion with expired right to sue letter and Spurbeck's confusion with the second right to sue letter, 2) Spurbeck's fraud/fraudulent inducement claims including but not limited to how Spurbeck was human trafficked or a "sex object", how Spurbeck's employer stole her income, her salary, and 3) the parent company's default.

The district court did not provide Spurbeck notice of their ruling regarding 1) Spurbeck's statute of limitations being tolled due to EEOC misleading her; the EEOC's ministerial acts, the EEOC's fraudulent concealment which caused Spurbeck's confusion with expired right to sue letter and Spurbeck's confusion with the second right to sue letter, 2) Spurbeck's fraud/fraudulent inducement claims including but not limited to how Spurbeck was human trafficked or a "sex object", how Spurbeck's employer stole her income, her salary, and 3) the parent company's default.

Thus, the district court did not allow Spurbeck to explain why the district court's ruling regarding 1) Spurbeck's statute of limitations being tolled due to EEOC misleading her; the EEOC's ministerial acts, the EEOC's fraudulent concealment which caused Spurbeck's confusion with expired right to sue letter and Spurbeck's confusion with the second right to sue letter, 2) Spurbeck's fraud/fraudulent inducement claims including but not limited to how Spurbeck was human trafficked or a "sex object", how Spurbeck's

employer stole her income, her salary, and 3) the parent company's default against Spurbeck shouldn't have happened, and thus, the district court did not provide a fair and neutral person to make the final decision.

"*Demand for Jury Trial*" (D.C. ECF No. 43 at 30:7) was preserved on Spurbeck's amended complaint. Spurbeck has preserved a jury for her case which includes but is not limited to Spurbeck's Title VII and ADA right to sue and Spurbeck's Fraud/Fraudulent Inducement claims[1]. Spurbeck, without being required to, reasserted her Seventh Amendment right to have a jury on appeal within Spurbeck's Initial Brief at 44:

> "*TS was confused and misled with the EEOC process. TS has excusable delay which is sufficient to equitably toll her statute of limitations in her Title VII and ADA claims. There is a genuine issue of fact with respect to equitable tolling, and therefore summary judgment was erroneously granted. TS's case should be reversed, and summary judgment granted in TS's favor as a matter of law. Or in the alternative, the merits of TS's equitable tolling should proceed to a jury*".

The district court violated Spurbeck's Seventh Amendment right, as the district court refused Spurbeck for a jury to make a final decision regarding Spurbeck's case which included but was not limited to Spurbeck's right to sue.

Recently *Loper Bright* said that courts can no longer treat agency interpretations as binding. In *Loper Bright Enterprises v. Raimondo*, the Supreme Court held that judges cannot defer to an agency's interpretation of the law. Instead, judges must exercise their "independent judgment" and give statutes their "best meaning."

> Held by the Supreme Court June 28, 2024, *Loper Bright Enterprises v. Raimondo*: The Administrative Procedure Act requires courts to exercise their independent judgment in deciding whether an agency has acted within its statutory authority, and courts may not defer to an agency interpretation of the law simply because a statute is ambiguous; *Chevron* is overruled.

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[1] Spurbeck's Fraud/Fraudulent Inducement claims do not have an expired statute of limitations.

Per the EEOC's ambiguous statute cited "may be prevented" within Spurbeck's opposition to motion for summary judgment and within Spurbeck's earlier filings in the district court, "*Once you receive a Notice of Right to Sue, you must file your lawsuit within 90 days. This deadline is set by law. If you don't file in time, you may be prevented from going forward with your lawsuit.*" (D.C. ECF No. 137, Exh. 43 (within Exh. 10) or (D.C. ECF No. 18, Exh. 5)).

The EEOC's ambiguous statute was cited within the Initial Brief as Spurbeck cited her opposition (D.C. ECF No. 137) with Exhibit 43, Exh.10, including but not limited to within the Initial Brief at 20, "*D.C. ECF No. 137, Exh. 43 at 7:1-10, ex. 9,10*".

Cited within Spurbeck's early filings (D.C. ECF No. 28), Spurbeck's opposition to the motion for summary judgment (Exhibit 43) and Initial Brief at 20:

> "*The ninety (90) day rule to file in Court was mentioned to Plaintiff numerous times along with random times where the rule was overlooked; the ninety (90) day rule did not seem applicable. These inconsistencies only kept the Plaintiff acknowledging that there are indeed exceptional circumstances; words such as "may be prevented" and "may be lost" were being seen by the Plaintiff. This only kept the Plaintiff questioning... which did not stop Plaintiff from fighting for her rights*" (D.C. ECF No. 137, Exh. 43 at 7:1-10, ex. 9,10).

The district court knew or should have known about Spurbeck's pay disparity claims (sex discrimination and retaliation) within the EEOC's second charge of discrimination, in how both charges of discrimination were different.

Spurbeck stated during a hearing "*...I did know about the 90-day rule, but I didn't know that it applied to me because of my situation, how there's two charges and how it was actually really being investigated. So there's -- it would be only silly to go to court if that was going on*" (Transcript 11/24/2020 at 3:5-10).

The district court early on in a hearing, on November 24, 2020:

> "*So... as you know, the Court can excuse the time requirement if I find that there are reasonable or equitable grounds to do so. And if the plaintiff was acting under a misunderstanding as it relates to what the EEOC was doing, why shouldn't I do that in this case?*" (Transcript 11/24/2020, at 4:19-23).

Exhibit 49 from D.C. ECF No. 137 is the second charge of discrimination. Within the second charge of discrimination, Exhibit 49, it states that "*...On or about April 5, 2018, I was subjected to a difference in treatment by Ruben Kelly, Sr. Sales Rep. The difference in treatment included but was not limited to: having my sales and additional potential customer taken away, resulting in my sales goals not being met....*".

Within the Initial Brief at 12-13 and within Spurbeck's opposition to motion for summary judgment, Spurbeck stated:

> "*Plaintiff was qualified to be a Frontline Sales Representative... Plaintiff was paid by the Defendants for the same work as Ruben Kelly ("Kelly"), Plaintiff's male comparator...*" (D.C. ECF No. 137 at 23:18-20). "*Because of Plaintiff's sex of being a female, Plaintiff's compensation, terms, conditions, and privileges of employment were different and less favorable than Kelly's*" (D.C. ECF No. 137 at 23:25-27). "*Females were being refused to be hired by the Defendants, adopting the pattern or practice of segregation, or steering of females away from the male dominating sales floor*" (D.C. ECF No. 137 at 24:22-23).

Within D.C. ORDER 151, it states that "*She argues that one of her male colleagues, Ruben Kelly, was preferentially made eligible for overtime with "premium pay" which resulted in "higher performance and higher pay. See ECF No. 137 at 24. In support of this argument, she references Plaintiff's Exhibits 75-79 and 108-115. ECF No. 138.*" (D.C. ORDER 151 at 15:2-6).

Within Spurbeck's Exhibit 114 within Spurbeck's opposition to motion for summary judgment (D.C. ECF No. 137), as Exhibit 114 was referenced within the district

court's order at 15:2-6 ("*she references Plaintiff's Exhibits... 108-115*"), demonstrates pay disparity (sex discrimination and retaliation).

Exhibit 114 from D.C. ECF No. 137, as the district court stated within the order "*Exhibit 114 is a chart prepared by Plaintiff, presumably on the basis of discovery in this case, that describes retention rate of male and female employees over the course of approximately four months in 2018...*" (D.C. ORDER 151 at 15:20-24). Within Exhibit 114, the chart states that:

> "*Even though woman are outcasted at this resort... female retention was even still at a loss of .4 while men actually gained .6 of recruitment (OF ACTUAL numbers (PEOPLE), NOT percentages)...All this Frontline sales Floor, Females seem to be a threat to males/not worthy to be successful OR EVEN JUST make the same $...There is empirical evidence that is overwhelming. Studies have found that women who succeed in male domains (violating incompetence) are disliked, women who promote themselves (violating modesty) are less hirable, women who negotiate for higher pay (violating passivity) are penalized, and women who express anger (violating warmth) are given lower status. Women in the world" (D.C. ECF No. 137, Exh.114).*" (Initial Brief at 10).

Within Exhibit 3, Spurbeck's answers to the interrogatories regarding the second charge of discrimination, which the interrogatories were within the motion for summary judgment (D.C. ECF No. 121) and cited within the Initial Brief at 9-13, Spurbeck's answers testified that:

> "*A Disparity Chart was provided by me to the EEOC during this interview which also demonstrated my allegations.*" D.C. ECF No. 121, Exh.3, at 15:21-24, "*Males were treated more favorably than females.*" D.C. ECF No. 121, Exh.3 at 16:5-6, "*allegations are stated in the EEOC inquiry #2, which include allegations with the marking of the Pay Disparity option.*" D.C. ECF No. 121, Exh.3 at 17:1-4, "*Employer: Wyndham Worldwide", 4) In 5/2018, I was retaliated against for opposing discrimination*" D.C. ECF No. 121, Exh.3 at 17:4-9.

The first charge of discrimination (D.C. ECF No. 121, Exh. 30) states nothing to the above.

"*Individuals who have filed discrimination complaints with EEOC deserve to have them investigated and resolved expeditiously. After all, justice delayed is justice denied*", the House Education and Workforce Committee, U.S. House of Representatives, in a Press Release dated May 18, 2023.

During the EEOC process, Spurbeck's second charge of discrimination was never investigated or resolved.

Within Spurbeck's opposition to the motion for summary judgment (D.C. ECF No. 137), the district court knew or should have known about the EEOC's fraudulent concealment; in how Spurbeck was confused about the already expired right to sue letter issued by the EEOC in February 2019 and how Spurbeck was misled throughout 2019-2020 as she was "dragged" by the EEOC to receive the second right to sue letter during 2019-2020.

"*...The expired right to sue was confusing. D.C. ECF No. 137, Exh.55. "Plaintiff's Right to Sue was also dated incorrectly (showing the year "2018") and that threw Plaintiff off" (D.C. ECF No. 137 at 11:7-8)...*" (Initial Brief at 5).

Within Spurbeck's opposition to the motion for summary judgment at (D.C. ECF No. 137 at 11:9-28), Spurbeck stated the EEOC's fraudulent concealment with a second right to sue letter, how she was "*dragged*", "*... Plaintiff was being dragged on for a Right to Sue without being told that she would not be able to obtain one after all ...*" with "*another Right to Sue, upon a request by the EEOC*":

> "*Thus, in a call with the EEOC on July 29[sic][2], 2019, Plaintiff was told she would be potentially given another Right to Sue, upon a request by the EEOC. First,*

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[2] "*26*"

> *however, an investigation was going to occur with the Plaintiff's second charge of discrimination. Exhibit 58 Exhibit 59... What occurred in this email communication with Acting Las Vegas Local Director, Patricia Kane was that Plaintiff was being given her EEOC process retroactively. Plaintiff was being dragged on for a Right to Sue without being told that she would not be able to obtain one after all (since it is unlawful to duplicate a Right to Sue). Exhibit 60 Exhibit 61... a chart summarizing the items that were in dispute in which one of those items was listed as "Valid/Right to Sue/My Rights Still (pending)." This was Plaintiff demonstrating how she was waiting to know about her Right to Sue that was told it may be a possibility - however, the EEOC never gave her any updates on her Right to Sue throughout the whole process, regardless that Plaintiff insisted on knowing it - which only dragged Plaintiff to what she is encountering today in Federal Court. Exhibit 62".*

Exhibit 62, as referenced above, when Spurbeck stated "*Valid/Right to Sue/My Rights Still (pending)*" is dated October 16, 2019.

Stated by Spurbeck within Spurbeck's opposition to the motion for summary judgment, "*Plaintiff's posting... on the night of January 24, 2020... was... at a nightclub... During this time, the EEOC was investigating Plaintiff's charges, her Right to Sue was, at the time pending to be given to her, and she was representing herself*" (D.C. ECF No. 137 at 12:17-22), as Spurbeck was a Pro Se litigant during the EEOC process and Spurbeck was in 2020, waiting for her second right to sue letter.

Within Spurbeck's Initial Brief at 33-34, and within the motion for summary judgment district court hearing (relating to Spurbeck's second right to sue letter "dragging" Spurbeck) which the hearing occurred after Spurbeck filed her opposition to the motion for summary judgment, Spurbeck stated:

> "*In the hearing dated October 22, 2021, TS stated that "I was just following the procedure, and I was told that a right-to-sue letter would be given to me – a request was going to be made. And after that request would be made is when I would know about the right-to-sue letter. So, it was almost like I was being dragged and –" (Transcript Dated 10/22/21 at 4:11-16)*".

Roberts v. Arizona Bd. of Regents, 661 F.2d 796, 800 (9th Cir. 1981) ("equitable considerations require that plaintiff's failure to file suit within time limitations does not bar his suit where EEOC misled plaintiff into delay).")

"Where a plaintiff suspects the truth but investigates unsuccessfully, fraudulent concealment will toll the statute of limitations". *Estate of Amaro v. City of Oakland*, 653 F.3d 808,809.

Spurbeck's fraud/fraudulent inducement claims that had Spurbeck's Fifth and Seventh Amendment rights violated are within Spurbeck's amended complaint (D.C. ECF No. 43 at 4:17-5:10), within Spurbeck's opposition for motion for summary judgment (D.C. ECF No. 137 at 21:4-22:17, 16:1-3, 27-28), as cited within Spurbeck's Initial Brief at 1, "*Wyndham Destinations, Inc. is formerly known as Wyndham Worldwide Corporation. D.C. ECF No. 35, D.C. ECF 137 at 14:22-16:28.*"

"*On December 15, 2017, Plaintiff refused to be human trafficked.*" (D.C. ECF No. 137 at 22:9). "*Plaintiff was forced to work in an undesirable different job (selling timeshare) in a male-dominating sales floor, with Plaintiffs' reality not knowing that the Defendant had a plan to have Plaintiff be a sex object for Defendant*" (D.C. ECF No. 43 at 5:7-10). Referencing Exhibit 78 within Spurbeck's opposition to motion for summary judgment:

> "*The Plaintiff contends that the Defendants swindled Plaintiff's pay... the Defendant's fraud (including swindling Plaintiff's income) has caused Plaintiff to suffer. Exhibit 77 Exhibit 78... Plaintiff closed a transaction on March 28, 2018 (Singleton). The next day, March 29, 2018, the consumer was swindled (Vallone). The Defendants have refused to provide any documentation relating to Plaintiff's cancellation (Singleton)*" (D.C. ECF No. 137 at 16:1-3, 27-28).

There was a default judgment granting Spurbeck's eleven claims listed on Page 3 of Initial Brief because a motion for summary judgment was never filed by the parent company. However, the judicial emergency, even though the district court ruled upon a default of the parent company within the D.C. ORDER 151, as the district court never dropped the parent company, the judicial emergency failed to follow through the default pursuant Fed. R. Civ. P. 56(b), granting Spurbeck her eleven claims. Additionally, the judicial emergency blocked Spurbeck's Fifth Amendment and Seventh Amendment rights.

The district court's blocking to Spurbeck's Fifth Amendment and Seventh Amendment rights include but are not limited to how the judicial emergency succeeded by the district court abusing the Federal Rule of Civil Procedure 83(a)(1) with the Federal Rule of Civil Procedure 56(a)(b). If the district court had followed Federal Rule of Civil Procedure 83 with the Federal Rule of Civil Procedure 56, Spurbeck would have not had a biased judgment and/or Spurbeck would have had a jury in her case. Fed. R. Civ. P. 83(a)(1) A local rule must be consistent with—but not duplicate—federal statutes and rules adopted under 28 U.S.C. §§2072 and 2075. Fed. R. Civ. P. 56(a) ("The court should state on the record the reasons for granting or denying the motion."). Fed. R. Civ. P. 56(b) Time To File A Motion. Unless a different time is set by local rule or the court orders otherwise, a party may file a motion for summary judgment at any time until 30 days after the close of all discovery. Federal Rule of Civil Procedure 56(b) was violated when the Federal Rule of Civil Procedure 83 was violated by Local Rule 7-2(b).

Local Rule 7-2 (b)Unless the court orders otherwise, the time for filing a motion for summary judgment is governed by Fed. R. Civ. P. 56(b).

The words "unless the court orders otherwise" makes Local Rule 7-2(b) a violation of Fed. R. Civ. P. 83(a)(1).

There were two defendants in Spurbeck's case; a parent company, "Wyndham Worldwide Corporation", and a subsidiary, "Wyndham Vacation Ownership, Inc."

Wyndham Destinations, Inc. was formerly Wyndham Worldwide[3].

Accordingly, the district court ruled with parent company "Wyndham Worldwide", with the parent company on the caption of district court order 151 at 1:10, the order that ruled on a motion for summary judgment and ruled upon both the parent company and subsidiary, "*.... against Defendants Wyndham Destinations and Wyndham Vacation Ownership*" (D.C. ORDER 151 at 1:19-22).

Wyndham Destinations, Inc. is currently Travel + Leisure Co.[4] as of February 17, 2021.

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[3] Within Exhibit 35 to Spurbeck's Initial Brief and opposition to motion for summary judgment, states "*F18000001501, Wyndham Worldwide Corporation*, Incorporated under laws of Delaware, 3/29/2018 (date authorized to do business in Florida), *"Complete Only The Applicable Changes"... "If the amendment changes the name of the corporation, when was the change effected under the laws of its jurisdiction of incorporation? May 31, 2018"... "Wyndham Destinations, Inc., Name of corporation after the amendment"... "I, Jeffrey W. Bullock, Secretary of State of the State of Delaware, do hereby certify that attached is a true and correct copy of the certificate of amendment of "Wyndham Worldwide Corporation", changing its name from "Wyndham Worldwide Corporation" to "Wyndham Destinations, Inc.", filed in this office on the thirty-first day of May, A.D. 2018, at 8:15 o'clock A.M."*(Certification/Authentication dated May 31, 2018).

[4]"Within Exhibit 73 to Spurbeck's Initial Brief and opposition to motion for summary judgment, states "*F18000001501, Wyndham Destinations, Inc.*, Incorporated under laws of Delaware, 3/29/2018 (date authorized to do business in Florida), "Complete Only The Applicable Changes"... "If the amendment changes the name of the corporation, when was the change effected under the laws of its jurisdiction of incorporation? 2/16/2021"... "Travel + Leisure Co., Name of corporation after the amendment"... "*I, Jeffrey W. Bullock, Secretary of State of the State of Delaware, do hereby certify that attached is a true and correct copy of the certificate of amendment of "Wyndham Destinations, Inc.", changing its name from "Wyndham Destinations, Inc." to "Travel + Leisure Co.", filed in this office on the sixteenth day of February, A.D. 2021, at 9:24 o'clock A.M. And I do hereby further certify that the effective date of the aforesaid certificate of amendment is the seventeenth day of February, A.D. 2021 at 12:01 o'clock A.M.*" (Certification/Authentication dated February 17, 2021).

"Wyndham Destinations, Inc." (currently Travel + Leisure Co., as seen within Spurbeck's notice[5] of appeal) is the parent company in Ms. Spurbeck's case. *See* Docket Entry No. 4 (uncontested motion) within the ninth circuit's docket.

Upon Spurbeck's arguments[6] and exhibits[7] within Initial Brief at 1, and after the district court reviewed Rule 7.1 Corporate Disclosure Statement, D.C. ECF No. 149, Exhibit 2, Page 2-3 at 1, and Defendants' Cert. of Int. Entities or Persons, D.C. ECF No. 149, Exhibit 2, Page 4-5 at 2:4-6, 2:11-14; how a non-profit, a private non-governmental party, and a "doing business as" or "dba" existed on or around February 17, 2021, the district could not drop the parent company from Spurbeck's case, in which the district court did not drop the parent company. However, the parent's default was ghosted by the judicial emergency.

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[5] "*Appellee(s) (List only the names of parties and counsel who will oppose you on appeal. List separately represented parties separately.) Name(s) of party/parties: 1)Wyndham Worldwide Corporation (f.k.a. Wyndham Destinations, Inc., d.b.a. Travel + Leisure Co.) and 2) Wyndham Vacation Ownership, Inc.*"

[6] Within Initial Brief at 1 and Spurbeck's opposition to motion for summary judgment (D.C. ECF No. 137), Spurbeck cites 14:22-16:28 (within D.C. ECF No. 137) which includes but is not limited to *Equal Employment Opportunity Comm. v. Creative Networks*, No. CV 05-3032-PHX-SMM, at *10 (D. Ariz. Mar. 19, 2009).

[7] The exhibits included within Spurbeck's opposition D.C. ECF No. 137 at 14:22-16:28 and cited within the Initial Brief at 1: Exhs. 70, 71, 72, 35, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 10.

REASON FOR GRANTING THE PETITION

Spurbeck's right to sue applies to recently held by the U.S. Supreme Court June 28, 2024, *Loper Bright Enterprises v. Raimondo,* and currently *Loper Bright Enterprises v. Raimondo* does not exactly state so. The EEOC admin or officials indirectly or directly impose to the federal court, a private right (Article III) by enforcing a right to sue within an ambiguous "90 days" of obtaining a right to sue letter, when there are exceptions to the 90 day rule. Because a right to sue letter is a "legal" document, Spurbeck's right to sue should be tried in front of a jury at common law. Thousands of EEOC right to sue holders exist daily and a clarification from the U.S. Supreme Court should follow to preserve people with their Article III, Fifth and Seventh Amendment rights.

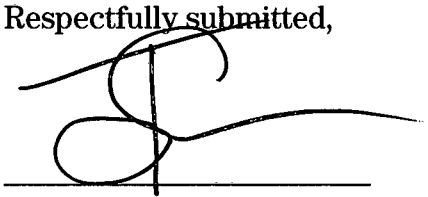
The federal government is so at odds with the purpose and intent of the United States Constitution and the Federal Rules of Civil Procedure as a judicial emergency blocks people's Constitutional rights and the Federal Rules of Civil Procedure; harming people, as the judicial emergency harmed Spurbeck. The JUDGES Act (Judicial Understaffing Delays Getting Emergencies Solved Act of 2024): "Too many Americans are being denied access to our justice system due to an overload of cases and a shortage of judges" as "This bill doesn't deal with existing vacancies, but rather, the issue of overworked district courts as identified by a non-partisan body based on caseload." The issue is of surpassing importance because people are already suffering severe and irreparable harm as judicial emergencies are nationwide.

This Court should grant review.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Tanya Spurbeck
Date: October 10, 2024.