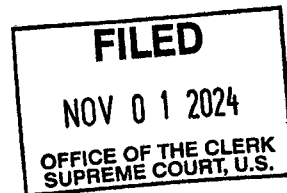


No. **24-5917**

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES



MYRNA DE JESUS,

Petitioner,

v.

DIGNITY HEALTH CORPORATION,

Respondent.

*On Petition for Writ of Certiorari to the
United States Court of Appeals for the Ninth Circuit*

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether the concepts of actual malice and excessive publication are required elements of defamation slander per se for a private citizen to prove that the defendant abused its qualified immunity.

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I. PETITION FOR A WRIT OF CERTIORARI

Myrna de Jesus petitions the Court for a writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit in her case.

II. DECISION BELOW

The Ninth Circuit's unpublished opinion noted that its mandate and memorandum is "NOT FOR PUBLICATION" and is attached as Appendix A & B.

III. JURISDICTION

The Ninth Circuit entered judgment on September 20, 2024. This petition is timely filed pursuant to Supreme Court Rule 13.1. This Court's jurisdiction is invoked under 28 USC § 1254(1).

IV. STATUTORY PROVISIONS INVOLVED

This case presents an exceptionally important national issue that would serve as a precedent. The Ninth Circuit court demonstrated a contagion of corruption and a rendition of grave abuse of discretion. The appellate court's judgment conflicts with 28 U.S. Code § 4101 and the Constitution's First Amendment.

This Court is the last sole protector of the oppressed litigants, such as De Jesus. Dignity Health Corporation had used its powerful influence to slander De Jesus easily because she is merely an unknown helpless proletariat that lacked the resources to fight for justice. This Court must preserve the legal protection of the statutory law and the First Amendment. As such, this Court's upholding will protect all sorts of people from future venomous defamation that leads to imaginary

crimes and oppression, either due to political, racial, religious, or employment persecutions. If this Court cannot, then all the laws concerning fabricated lies that are defamatory against the innocent are only filthy garbage and detritus. De Jesus is a hardworking proletariat who was defamed spitefully, also possesses substantive rights, and should not be deprived of recovering damages from Dignity Health Corporation that impeached her integrity and reputation unjustly. The holdings of this Court are clear:

"A private plaintiff where no matter of public concern is involved, no actual malice is required in order to sustain an award of punitive or presumed damages." (*Dun Bradstreet v. Greenmoss Builders*, 472 U.S. 749, 105 S.Ct. 2939, 86 L.Ed.2d 593 (1985))

V. STATEMENT OF THE CASE

De Jesus, a private individual, presents her case to this Honorable Court with the opportunity to define the scope of slander per se defamation, actual malice, common interest, and excessive publication as applied in the case of *New York Times Co. v. Sullivan* (376 U.S. 254 (1964)). This Court held that:

"A State cannot, under the First and Fourteenth Amendments, award damages to a public official for defamatory falsehood relating to his official conduct unless he proves "actual malice" -- that the statement was made with knowledge of its falsity or with reckless disregard of whether it was true or false."

On March 1, 2021, Dignity Health defamed De Jesus, a private individual, with actual malice by alleging multiple slanderous falsehood statements (Appendix C, 5c-6c). Dignity Health cannot provide a scintilla of evidence and a morsel of truth to defend its slanderous falsehoods. The Arizona high court ruled that "At

common law, the [defendant] had the burden of proving the truth of a defamatory publication as an affirmative defense.” (*Yetman v. English*, 168 Ariz. 71, 811 P.2d 323 (Ariz. 1991))

The AZ high court ruled that “the slanderous utterance must prejudice the person in the profession, trade or business in which he is actually engaged. This means that the statement must be of or concerning one in his business capacity” (*Modla v. Parker*, 17 Ariz. App. 54, 495 P.2d 494 (Ariz. Ct. App. 1972)). Dignity Health’s slanderous statements damaged De Jesus’ reputation and forever undermined her professional career.

The stakes are higher: the lower court’s judgment cannot be ignored as it only promotes Dignity Health Corporation’s slanderous per se action against De Jesus will only destroy her substantive rights unjustifiably.

A. Introduction

On April 15, 2020, De Jesus was officially hired by UnitedHealth Group dba¹ Optum360 as a Patient Coordinator. On the same day, De Jesus was promoted to work as a Compliance and Registrar person. De Jesus was hired to work at one of Dignity Health’s facilities, St. Joseph’s Westgate Medical Center, but was reassigned instead to work at St. Joseph’s Hospital and Medical Center, located at 350 W. Thomas Rd., Phoenix, Arizona. Sarah Hernandez, the Patient Access Manager of UnitedHealth Group dba Optum360, informed De Jesus that as a Compliance/Registrar, she will not have her own assigned desk but will be working

¹ UnitedHealth Group owns and manages Optum and UnitedHealth Care Insurance, and does not own a hospital. Visit: <https://www.unitedhealthgroup.com>

all over the hospital floors and units, utilizing the “WOW” apparatus. The “WOW” apparatus is a mobile cart loaded with a regular desktop computer, a small drawer, and a backup battery attached to it. De Jesus was assigned to report to three supervisors, namely, Timothy Blanton, Justina Cookston, and William Yates; all supervisors had varying schedules. However, prior to Dignity Health’s tortious conduct, the three supervisors resigned from UnitedHealth Group, consecutively, to find better opportunities. As such, De Jesus reported directly to Sarah Hernandez.

As a Compliance/Registrar, De Jesus’s main administrative job was to completely register patients via direct transfer. Her work includes but is not limited to, obtaining their personal information, obtaining insurance coverage, scanning the patient’s ID and insurance cards, obtaining the patient’s signature on forms/documents, and calling the patient’s family members or contact persons --if the patient is mentally and physically unable to sign. De Jesus was scheduled to work from 8:30 am to 5:00 pm.

B. Statement of Proceedings

On March 1, 2021, between 8:00 a.m. and 9:30 a.m., two separate incidents occurred involving De Jesus and Dignity Health’s nurses, specifically, ICU unit manager nurse Lois Dracobly, OR manager nurse Maureen Juilf, nurse Danyelle Dodd, nurse Daniella Lopez, and an unknown nurse.²

In the first incident, De Jesus was in the hallway on the 2nd floor across the elevator of the hospital. She took a quick break and ate her oatmeal beside the

² Apparently, this nurse refused to corroborate with Juilf, Dodd, and Lopez.

vending machine while she waited for the application software to load. Two visitors (male and female) came by. They stopped and purchased some snacks and drinks. The Two visitors stood at the elevator while they drank their drinks. Unexpectedly, Dracobly showed up and unprofessionally yelled loudly at De Jesus twice, in the presence of visitors, regarding wearing a mask. On Dracobly's first yell, De Jesus did not know that Dracobly's yelling was directed at her. However, on Dracobly's second yell, she shouted much louder and stood closer to De Jesus (about 6 to 7 feet away), "Ma'am, can you wear your mask!!!" while she ignored the fact that De Jesus was eating. Calmly, De Jesus responded softly "Can you eat for me?" and continued eating and ignored her. She overheard Dracobly grumbling and called someone on the phone and walked away, hurriedly, towards the Barrow Surgical Unit on the left side of the hallway where De Jesus stood. A few minutes later, a male armed security guard emerged and quietly stood in front of De Jesus. The security asked De Jesus if she could go down to the cafeteria and eat there instead. De Jesus replied calmly, "This is my office. I work all day. So, I need to eat." After he heard this answer, the armed security guard quietly left.

As the application software loaded completely, De Jesus finished eating her oatmeal. She proceeded to the Heart/Lung/Thoracic building. Her thoughts were busy thinking of her goal to complete all her assigned work on the 6th floor. While inside the elevator, she was busy reading her company emails and did not realize that the 7th-floor button was pressed, accidentally. She was surprised when the elevator door quickly opened on the 7th floor and saw three female (two Asians and

one black) nurses with a patient lying on a large bed. The female black nurse, who stood near the elevator door, quickly asked De Jesus if she was coming out. But De Jesus responded, “No, I made a mistake. I am supposed to be on the 6th floor.” The female black nurse responded, “Then, we’re coming in. We are running in late for the patient’s surgery!” In a split second, De Jesus mentally sized up the space of the elevator and replied, “No, we’re not gonna fit.” Agitatedly, the female black nurse answered, “Yes, we’re going to fit!” The female black nurse signaled to the two other female nurses to push the patient’s bed forward to get inside the elevator. However, De Jesus moved quickly moved her WOW equipment, and said “No, I’m coming out. I’ll just get off!” After seeing that De Jesus was exiting, the female black nurse – very annoyed, pushed back the patient’s bed to the left flank of the small hallway, and the two other nurses followed suit, and gave way to De Jesus. While she exited from the elevator, De Jesus murmured to herself “Dealing with idiots,³” and moved to the right side of the hallway and waited. De Jesus watched the three female nurses hurriedly move the patient’s long bed inside the elevator. Then the elevator’s door closed. Mysteriously, the elevator door reopened. De Jesus saw how the three women nurses stared at her suspiciously. The female black nurse, greatly vexed, asked the other nurse who stood opposite her “Do you know her?” De Jesus wondered why she asked such a question but remained quiet. She did not move since these three nurses went inside the elevator. The elevator door

³ De Jesus said this because she was trying to save them time. She thinks that in the end, their efforts of trying to squeeze inside the elevator when it is not possible, will only cause them further delay of the patient’s surgery.

closed again. This time, De Jesus waited for a few more minutes to make sure that the elevator had headed down to the lower level. After seeing it was clear, she went ahead and moved her WOW and pushed the down button. De Jesus's goal was to finish registering all the unregistered patients on her list on the 6th floor in the Heart Unit.

In the second incident, after De Jesus completed registering the male patient on the 6th floor, she went outside the room quickly. She saw the male attending nurse, who was shadowed by a female nursing student, waiting outside the room to check on the patient. De Jesus exited and stood near the doorway of the patient's room to do her data entry update. While she was in the process of completing her updates, she noticed in her right periphery, two women (one was an older white woman wearing a white scrub—Juilf, and a female black nurse—Danyelle), not wearing any masks, walking fast in the hallway heading towards her direction. De Jesus continued her work. However, she was surprised after she was interrupted by the voice of an angry woman asking "Are you done?" De Jesus looked up and saw the two women (Juilf and Danyelle) standing in front of her with vexed faces. She remembered the female black (Danyelle) nurse, whom she interacted with at the elevator on the 7th floor, earlier. De Jesus calmly answered, "Yes, ma'am." Without hesitation, Juilf angrily harangued De Jesus with several accusatory allegations, such as "Why are you messing with my employees? You caused the delay of the patient's surgery! I am an OR manager! Who's your supervisor? Where's your HR?" De Jesus was taken aback and did not say a word. She stared

at the woman (Juilf) blankly and observed to her right and left periphery who was watching around. De Jesus saw the female nursing student standing by the patient's room watching the scene. De Jesus responded quietly, "I don't know what you're talking about." The black nurse (Danyelle) with an unfriendly face, added "Remember at the elevator?" De Jesus calmly replied, "Ahhh, yeah..."

Unprofessionally, the older woman (Juilf) aggressively harangued De Jesus again with so many other questions caring less who watched them. the older woman (Juilf) became even angrier after hearing De Jesus' response "I don't have a supervisor.... But I do have a manager." De Jesus then suggested seeing Hernandez. The OR manager (Juilf) responded angrily to De Jesus, "Let's have a discussion with her!" In this regard, De Jesus stopped her work and the three of them traveled down to the Patient Access Management office to see Hernandez.

After Hernandez spent an hour with Juilf and Dodd, De Jesus was surprised to see Dodd and Juilf leave. She mentally questioned why. She hoped that the three of them would "have a discussion" as angrily demanded by the OR manager (Juilf) While De Jesus' thoughts meandered trying to find an answer mentally, she heard Hernandez calling her. She was astonished when Hernandez sternly exclaimed, "This is serious! They told me that you screamed the words 'fucking bitch' at them in the presence of the patients, visitors, and other hospital personnel!" Stunned, De Jesus quickly replied, "What? I never did that! I did not scream at them with a 'cuss word! I don't say cuss words! They're lying! Why did they leave? They asked me to have a discussion with you. That's why am back

down here.” Ignoring De Jesus’ reaction, Hernandez continued, “They also called. Other Dignity Health managers called and complained against you. ... They said that you were eating yogurt without wearing a mask. You were asked to wear a mask while eating but you just rolled your eyeballs... and they said you were rude to all the patients always!” Flabbergasted, De Jesus replied, “What? I was eating my oatmeal... I can’t wear a mask while eating.” Without asking for the details, Hernandez asked De Jesus to get her backpack and asked her to leave, “I want you to go home right now.” Astounded by the grievous allegations, almost in tears, De Jesus replied to Hernandez that she was being biased as she did not even investigate the incident, nor give De Jesus a chance to state her side. As such, Hernandez at once told her to give a brief narrative about the incidents. De Jesus was halfway through her account of the incidents when Hernandez interrupted and said, “Regardless, we are just vendors to Dignity Health. I want you to go home right now. I will call you this afternoon.” Before leaving, De Jesus requested from her that the Dignity Health employees should go through a polygraph test. Hernandez responded, “I will try asking.” When Hernandez reprimanded De Jesus, it was witnessed by the other Optum360 employees who were present in the office, namely: Bonnie Matthews (Financial Counsellor), Erica Galvez (Financial Counsellor and Insurance Verifier), Sharon Conover (Quality Analyst and Cashier), and the new Director Sahadeo Hariprassad.

On her way home, De Jesus sent a few text messages to Hernandez about the Dignity Health’s nurses’ scurrilous attacks against her. Hernandez responded with

unhelpful scanty words. Once home, De Jesus emailed her UnitedHealth Group Human Resources Specialist, Ferdie Adelino, and informed him about Hernandez's disciplinary action against her. Adelino confused, only forwarded De Jesus' email to another UnitedHealth Group HR Specialist named Samantha Baril for assistance. HR Specialist Baril emailed De Jesus and negated HR's direct involvement in her reprimand. Baril referred De Jesus to see the manager or Director. In the late afternoon, extremely anxious, De Jesus texted Hernandez again and inquired about her employment status. Hernandez responded with a negative answer, "Haven't called HR yet."

1. Dignity Health Committed Tortious Third-Party Interference with a Contract

On March 2, 2023, around 11:00 am, after she got off from class. Anxiously, De Jesus texted Hernandez again. Hernandez responded that she should report to work. In the Patient Access secured office⁴, De Jesus hurriedly gathered her "WOW" equipment. However, Hernandez quickly interrupted and asked De Jesus to see her immediately. At Hernandez's small office, De Jesus noticed the presence of a diminutive middle-aged red-haired woman wearing a Dignity Health badge. The woman and Hernandez were busy conversing but ended it upon seeing De Jesus. Hernandez did not introduce the woman, nor did the woman introduce herself. Staring at De Jesus, the Dignity Health woman simply looked cold and uncongenial. De Jesus remained composed and asked Hernandez if the Dignity

⁴ Only those who have Dignity Health and Optum360 badges can get inside the office. Everyone is required to swipe their badges to open the secured door.

Health employees agreed to undergo a polygraph test. Hernandez shook her head and responded, "No, it's not that anymore." De Jesus quickly replied, "They were all lying." Hernandez interrupted her with these derogatory words, "Dignity Health made a request. UnitedHealth HR has no choice but to terminate your employment. They don't like you! They don't want to see you! And they don't want you to be on their property!" De Jesus was speechless. Hernandez continued, "You can do an IDR appeal with UnitedHealth for your termination and apply for unemployment benefits." Hernandez handed her some papers. Then Hernandez continued saying, "Now, hand me your badge! I will walk you out of the building." Speechless and almost in tears, De Jesus quietly took the papers and handed her badge to Hernandez. Hernandez followed and watched her gather her stuff and backpack. Meanwhile, Sharon Conover, Bonnie Matthews, and Erica Galvez all seated nearby stoically observed and also stayed speechless. Before she left the office, De Jesus simply gave Bonnie Matthews and Erica Galvez a quiet gaze with a short head nod and waved her right hand to express her farewell. Similarly, both Bonnie Matthews and Erica Galvez responded quietly with a nod. When De Jesus was about to leave the office, she saw the diminutive red-haired woman go straight to Director Hariprasad's office and joyfully announce her loud grateful words saying, "Thank you so much!" Humiliated and embarrassed, De Jesus left the office quietly as Hernandez walked her out of the building of St. Joseph's Hospital.

2. The Federal District Court's Ruling Absolved Dignity Health's Defamatory Statements

On January 18, 2023, the district court granted Dignity Health's motion for summary judgment but denied De Jesus' motion for summary judgment, and dismissed the case; with an order that De Jesus is taking nothing. (Appendix C, 1c-25c) The lower court's decision contains several central errors of facts as it conflicts with several of the Arizona Supreme Court's latest rulings concerning common interest, actual malice, qualified privilege, and tortious third-party interference with a contract.

First, in common interest, Arizona High Courts follow *Restatement (Second) of Torts* § 596 (Common Interest), specifically, in part:

“An occasion makes a publication conditionally privileged if the circumstances lead anyone or several persons having a common interest in a particular subject matter correctly or reasonably to believe that there is information that another sharing the common interest is entitled to know [emphasis added].” (See also *Burns v. Davis*, 196 Ariz. 155, 993 P.2d 1119, 301 Ariz. Adv. Rep. 15 (Ariz. Ct. App. 1999))

In the two incidents, De Jesus was on break and was at work quietly in her mobile office when Dignity Health's nurses denigrated her in public in the presence of visitors and other hospital personnel.

Second, the lower court egregiously erred on common interest. It only used the *Green Acres Trust v. London* case that focused on defamation by libel when De Jesus filed a complaint against Dignity Health based on defamation by slander per se. According to the later AZ Supreme Court holdings, “Qualified immunity protects only acts that are reasonably within the employee's discretionary authority” (*Chamberlain v. Mathis*, 151 Ariz. 551, 729 P.2d 905 (Ariz. 1986)). The

AZ Supreme Court explained that there are types of activities, such as driving a car, moving furniture, posting warning signs, or moving office furniture, immunity does not exist as these slanderous actions outside the perimeter of qualified privilege serve no worthwhile purpose; they involve the performance of ministerial acts outside the limited qualified privilege boundaries (*Id*). As such, the qualified privilege must be exercised “with reasonable care that no more harm shall be done to the interests of others” and the “exchange of information reasonably thought to be true” (*Lewis v. Oliver*, 178 Ariz. 330, 873 P.2d 668 (Ariz. Ct. App. 1994)).

Third, the lower court’s judicial approach to common interest conflicts with the Arizona Court of Appeal’s decision which stated that Dignity Health has the burden of providing provable evidence that in a common interest, there exists an agent relationship of the same principal (*Brown v. Arizona Dept. of Real Estate*, 181 Ariz. 320, 890 P.2d 615 (Ariz. Ct. App. 1995)). Dignity Health did not provide any scintilla of provable evidence.

Fourth, in actual malice, the lower court’s judgment contradicts the AZ high court's holdings in *Green Acres Trust v. London* regarding actual malice. The AZ Supreme Court stated that it must be decided by the jury. (*Green Acres Trust v. London*, 141 Ariz. 609, 688 P.2d 617 (Ariz. 1984)). The lower court could not speak for the jury and then stripped De Jesus of the opportunity to have a jury trial.

Fifth, the lower court erred egregiously regarding excessive publication in the instant case. De Jesus is seeking redress mainly for an infringement of her substantive rights based on defamation by *slander per se*. (*Boswell v. Phoenix*

Newspapers, Inc., 152 Ariz. 1, 730 P.2d 178 (Ariz. Ct. App. 1985) However, Dignity Health's tortious conduct did result in two distinct torts after it reduced its spoken defamatory statements content in written facts via emails with an intent to injure her (*Id*) The AZ high court stated that “the publication is to be measured not by the ‘critical analysis of a mind trained in the law, but by the natural and probable effect upon the mind of the average.” (*Yetman v. English*, 168 Ariz. 71, 811 P.2d 323 (Ariz. 1991)) Thus, the AZ high court held that “Absent a proper purpose or reasonable manner of publication, the defense fails.” (*Lewis*, 178 Ariz. 330, 873 P.2d 668 (Ariz. Ct. App. 1994)).

Sixth, the lower court erred in holding that De Jesus had the burden of providing evidence at a minimum for punitive damages. Rather, the AZ high court stated that slander *per se* is actionable without a need to plead or prove special damages (*Modla v. Parker*, 17 Ariz. App. 54, 495 P.2d 494 (Ariz. Ct. App. 1972)

Finally, the lower court erred in ignoring Dignity Health’s director’s in-person request for De Jesus' termination from her employer; it was a tortious interference. The AZ Court holdings stated that an action that was carried out with an evil mind “induced a breach of a restrictive contract” ((*Neonatology Associates, Ltd. v. Phoenix Perinatal Associates Inc.*, 216 Ariz. 185, 164 P.3d 691 (Ariz. Ct. App. 2007); *Wagenseller v. Scottsdale Memorial Hosp* Ariz. 370, 710 P.2d 1025 (Ariz. 1985)). In another case, the Ninth Circuit held that “another actor can also be liable for that actor's conduct if he induces that actor to violate a third party's constitutional rights” (*Lacey v. Maricopa Cnty.*, 693 F.3d 896 (9th Cir. 2012).

3. The Ninth Circuit's Not For Publication Affirmance of the District Court's Ruling

The Ninth Circuit court's affirmation of the district court's judgment was a grave abuse of discretion, rendering a "not for publication" judgment (Appendices A & B). The AZ high court clearly stated that conditional privilege is abused and forfeited when a defendant acts with malice. (*Hirsch v. Cooper*, 153 Ariz. 454, 737 P.2d 1092 (Ariz. Ct. App. 1987)). In *Dombey v. Phoenix Newspapers, Inc.* case, it held that "The common law considered malice in fact as a species of ill will or spite." (*Dombey v. Phoenix Newspapers, Inc.*, 150 Ariz. 476, 724 P.2d 562 (Ariz. 1986))

The Ninth Circuit's holdings also contradict the Arizona law and the Arizona Supreme Court's analysis of actual malice and excessive publication. The AZ law and high courts follow the common law regarding defamation on libel and slander se. The AZ court held that:

"Slander per se in Arizona are statements which charge one with a contagious or venereal disease; charge that a woman is not chaste; accusations which tend to injure a person in his or her profession, trade or business; or statements that impute the commission of a crime involving moral turpitude" (*Boswell v. Phoenix Newspapers, Inc.*, 152 Ariz. 1, 730 P.2d 178 (Ariz. Ct. App. 1985))

The AZ court did not require excessive publication for a false light but it stated that the tort is well established once the "defendant knowingly or recklessly published false information or innuendo about the plaintiff that a reasonable person would find highly offensive" (*Hart v. Seven Resorts, Inc.*, 190 Ariz. 272, 947 P.2d 846 (Ariz. Ct. App. 1997)).

The Ninth Circuit's corrupt judgment contradicted and deviated from its own holdings regarding "deprivation of any rights, privileges, or immunities" using a two-prong analysis in qualified immunity (*Lacey*, 693 F.3d 896 (9th Cir. 2012)).

VI. REASONS FOR GRANTING THE WRIT

- A. This Court's reasoning in *Milkovich v. Lorain Journal*, *The New York Times Co. v. Sullivan*, *Milkovich v. Lorain Journal*, and *Gertz v. Robert Welch, Inc.* supports the view that actual malice applies only to public figures individuals, not private individuals

This Court held that "actual malice" means that the defendant said the defamatory statement "with the knowledge that it was false or with reckless disregard of whether it was false or not." (*The New York Times Co. v. Sullivan*, 376 U.S. 254 (1964))

De Jesus is entitled to all types of remuneration for the damages that she endured. In the case of *Dun Bradstreet*, this Court held that the state interest in compensating private individuals for injury to their reputation adequately supports awards of presumed and punitive damages -- even absent a showing of "actual malice" (*Dun Bradstreet v. Greenmoss Builders*, 472 U.S. 749, 105 S.Ct. 2939, 86 L.Ed.2d 593 (1985)).

In the *Gertz v* case, this Court expressly stated:

"Because private individuals characteristically have less effective opportunities for rebuttal than do public officials and public figures, they are more vulnerable to injury from defamation. Because they have not voluntarily exposed themselves to increased risk of injury from defamatory falsehoods, they are also more deserving of recovery." (*Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 345 (1972))

As such, this Court held that only "matters of public concern must be provable as false before liability can be assessed" (*Milkovich v. Lorain Journal*, 497 U.S. 1, 110 S. Ct. 2695 (1990)).

- B. Numerous federal judges have recognized that the approach of the Ninth Circuit in Petitioner's case conflicts with the *Arizona Supreme Court's ruling* on defamation cases that involved actual malice and excessive publications

The Ninth Circuit's judicial judgment⁵ was a clear grave abuse of discretion and a deviation from several of the Arizona Supreme Court's holdings, such as in the cases of *Chamberlain*, 729 P.2d 905 (Ariz. 1986), *Lewis*, 178 Ariz. 330, 873 P.2d 668 (Ariz. Ct. App. 1994), *Modla*, 17 Ariz. App. 54, 495 P.2d 494 (Ariz. Ct. App. 1972)). The deviation is an obvious circumvention of the current defamation laws of Arizona and the common law.

- C. The Court should grant Certiorari to clarify the proper scope and evidentiary usage of the Doctrine of Actual Malice in defamation slander per se

The scope of and evidentiary usage of the subtle concepts of actual malice and excessive publication in defamation by slander per se is not clearly settled and well established by this Court. (See *Masson v. New Yorker Magazine, Inc.*, 501 U.S. 496 (1991)) As such, this Court's holding will seal and establish a clear and unambiguous ruling that could clarify the subject of common interest, actual malice, excessive publication, and the tort of third-party interference with a contract. This will prevent future abuse and distortion of the law by any lower court.

- D. Petitioner's case is an exceptionally compelling case considering the influence of corruption-contagion, making this important case serve as a national precedent based on the centrality of the issue that deals with a big corporation that could easily subvert justice using its financial power to corrupt justices and oppress helpless employees and private citizens

De Jesus' case will serve as an exceptionally compelling case that would protect individuals from employment, political, religious, or racial oppression. As

⁵ Lengthy review

De Jesus' integrity and character were damaged, under Arizona Law she is justly entitled to be remunerated for the damages she suffered (*Rogers v. Mroz*, 502 P.3d 986, 63 Arizona Cases Digest 4 (Ariz. 2022)).

However, we are living in a very dangerous era where we have witnessed that financially powerful corporations, like Dignity Health, could easily destroy the people's trust in the USA's legal system. Big corporations, such as Dignity Health, can easily corrupt justices and ruin the entire integrity and reputations of the rest of the justices. The corrupt appellate justices are a shame to our country. These justices should not even serve in the legal system as they are self-seeking and do not uphold the just cause of the "We the People." Historically, the roles of judges were instituted by God through Moses to promote true justice and hear the cries of the oppressed poor and not establish perversion and distortion of the laws that benefit only the pompous affluent oppressors -- big corporations, such as Dignity Health. Sadly, these corrupt justices can only avoid liability while the damages they brought to the oppressed and helpless private individuals, such as De Jesus, are irreparable and lifetime.

Nevertheless, this manifestation of grave abuse of discretion and deliverance of a contagion-corruption of judgments is a self-fulfilling prophecy of what former President Donald J. Trump admonished the public lately. He warned, "If they can do this to me, they can do this to anyone."⁶

⁶ <https://www.msn.com/en-us/news/politics/trump-speech-if-they-can-do-this-to-me-they-can-do-this-to-anyone/ar-BB1npEJx>

VII. CONCLUSIONS AND PRAYER FOR RELIEF

By reason of the foregoing facts and arguments, Ms. De Jesus respectfully requests that this Honorable Court should grant and issue a writ of certiorari and allow a full briefing on this issue.

Respectfully submitted,



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