

No.

24-7336

ORIGINAL

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

Blondell F. Mitchell — PETITIONER

VS.

Raytown Water Company et.al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Eighth Circuit
(NAME OF THAT LAST COURT THAT RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Blondell F. Mitchell
5918 Agnes Ave.
Kansas City, Missouri, 64130-3943
816-585-3778
BLFMaxwell@yahoo.com

QUESTION(S) PRESENTED

1. Whether the current rules in place for Social Media, Media, etc. justify, destroying every aspect of an innocent person's life (Media Munchausen), taking away her Right to Work, cutting off her career at its bootstraps, destroying her relationships, her family, making her homeless, placing a target on her back for everyone with Mommie, racial issues, women issues, etc.) and even effecting the health care she receives.
2. Whether the date that an employee *files her claim* on the EEOC Portal *is the charge date* of her claim (Aug 2020), or the *date of the interview* with the EEOC (2021 because of Covid 19), or *date the EEOC makes a determination*, or *the date she receives a Letter to Sue or Not To Sue* (which is usually well over a year later), is the date used for the Statute of Limitation that relates back for Court purposes to determine when and what is the actual Charge Date.
3. Whether the EEOC violated Mitchell's 14th Amendment Equal Protection Clause by screaming and yelling at Mitchell during the interview, telling her it was not discrimination (hear tape they are refusing to turn over) to pay her less than the white employees she managed; by denying giving her a letter to Sue and by refusing to turn over a copy of the interview tapes.
4. Whether the 11th Amendment to the Constitution Sovern Immunity extends to an Arm of a State when it has substantial control over a non-employee's salary and position title (hear tape).
5. Whether these Defendants Violated Mitchell's 14th Amendment Equal Protection Clause by implying Mitchell was unqualified (unfit) to be the Controller at Raytown Water Company, when it was not based on Mitchell's work performance, education or experience, but on what they read on the internet.
6. Whether these Raytown Water Company et, al. Defendants Violated Mitchell's 14th Amendment Equal Protection Right specifically Discrimination by stating they would be paying her less than the white employees she managed.
7. Whether Mitchell's 14th Amendment Due Process of Law was violated by unfair, bias (**Stare Decision**), in all cases she brought since 2004, due to the fact they confused Mitchell with her ex-husbands (Ellonzo Rico Lewis Sr.) 2nd wife (Renee King-Lewis).
8. Whether Mitchell's 5th Amendment Procedural due process ensures fairness in legal proceedings by requiring the government to provide notice, an opportunity to be heard, and a decision by a neutral decision-maker before depriving someone of life, liberty, or property when they confuse her with her ex-husbands (Ellonzo Rico Lewis Sr.) 2nd wife (Renee King-Lewis), someone Mitchell has never met.

9. Whether Mitchell's the Judicial System violated Mitchell's 8th Amendment Right by inflicting Cruel and Unusual Punishment by confusing her with her ex-husbands' (Ellonzo Rico Lewis Sr.) 2nd wife (Renee King-Lewis) someone Mitchell has never met.
10. Whether Mitchell 5th and 14th Amendment Rights to Due Process have been violated by these Defendants and the Judicial system, when they believed the previous defendants and their Marketing firm(s) lies as *the Holy Judicial Gospel without even a Sliver of Proof or Truth.*

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

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

Missouri Public Service Commission

Keith Majors

Travis Pringles

Unidentified and Unnamed Employees (Defendants refuse to turn over names).

Missouri Office of Public Counsel

Unidentified and Unnamed Employees (Defendants refuse to turn over names).

Raytown Water Company

Neal Clevenger (President/CEO/Office Manager/ Director of the Board of Directors)

Chicki Thompson (Office Manager/Member of the Board of Directors)

Raytown Water Company Board of Directors (who approved Mitchell's title and pay)

Lee Clevenger

Stan Atkinson

Roberrt Ricklef

Cindy Brittain

***Unnamed individual (Defendants refuses to turn over name)

RELATED CASES

(Stare Decision these cases blame Mitchell for her ex-husband 2nd wife life also)

| | | | Federal Case # | Circuit Ct. Case # | Supreme Ct. Case # |
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| Mitchell | vs. | Sanchez et al. | 14-0996 | 15-2828 | 16-7423 |
| Mitchell | vs. | Tom Joyner, et al. | 14-0997 | 15-2831 | 16-7422 |
| Mitchell | vs. | Sanchez et al. | 13-3318 | 13-9696 | |
| Mitchell | vs. | KJMC 89.3 FM et al. | 13-3314 | 13-9701 | |
| Mitchell | vs. | Media Com et al. | 12-3717 | | |
| Mitchell | vs. | KJMC 89.3 FM et al. | 12-2708 | 12-9740 | |
| Mitchell | vs. | KDJM-FM, Jammin 92.5 et al, | 10-1403 | 10-1349 | |
| Mitchell | vs. | KDJM-FM et al. | 08-1375 | 08-11112 | |
| Mitchell | vs. | Jennifer Wild, et al. | 06-3351 | 06-8922 | |
| Mitchell | vs. | Stephen Gray ¹ | | | |
| Mitchell | vs. | Lashay Michelle Pickett-Esquibel ² et al. | | | |

¹This individual went around black night clubs in Denver saying Mitchell has Aid/HIV, he was repeating what Charlesetta Lynn Francis - Barber [originally from Iowa] and Michelle Lovejoy were saying behind Mitchell's back.

²Mitchell's half-sisters who conspired with her ex-husband because her sisters and Mother blame her for their father's death, who was dying of Cancer and tried to kill everyone in the house because he didn't want the family telling what he had done. When they told Mitchell it was her fought that there father was dead she told them the truth and stated she would not longer help them with their bills or let they drive her car (at that time they refused to get jobs or an education [Welfare], they now live with their kids.

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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

[] For cases in **Federal Courts**:

The opinion of the United States Court of Appeals appears at **Appendix A** to the petition and is

reported at Appendix A _____; or
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the United States District Court appears at Appendix _____ to

[] reported at _____; or
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

[] For cases from **State Court**:

The opinion of the highest State Court to review the merits appears at **Appendix**

[] reported at _____; or
[] has been designated for publication but is not yet reported; or,
[] is unpublished

The opinion of the _____ court

Appears at Appendix _____ to the petition and is

[] reported at _____; or
[] has been designated for publication but is not yet reported; or,
[] is unpublished

JURISDICTION

For cases from **Federal Courts**:

The date which the United States Court of Appeals decided my case
Was October 25, 2024

No Petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date January 3, 2025, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1)

For cases from **State Courts**:

The date on which the highest State Court decided my case was _____.

A timely petition for rehearing was thereafter denied on the following date: _____ and copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a)

CONSTITUTIONAL AND STATUTORIAL PROVISIONS INVOLVED

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STATEMENT OF THE CASE

Every case Mitchell has filed is based on the same set of facts which she found out the summer before last. The fact that everyone has confused¹ her with her ex-husband² (Ellonzo Rico Lewis Sr.³) 2nd wife (Renee King-Lewis⁴), who he married in 1988 or 1989. And every case she has filed now has the Stare Decision attached.

Everyone took the lie to be the Holy Judicial Gospel without any Sliver of Proof. If Mitchell knew that she had been confused⁵ with her ex-husband 2nd wife she would have told this to every attorney she tried to hire, put it in every email she sent (every member of Congress, every Civil Rights Agency listed on the Internet, every Media organization, etc.) and in every legal brief, especially to this Court.

Mitchell began working at Raytown Water Company on or about May 19, 2020. Mitchell was told by Courtney Garret that after she completed the temp contract, she would be paid the correct salary for a Financial Controller of a Utility Company. Mitchell noticed right away that something was wrong with their accounting⁶ software⁷ and financials.⁸

Mitchell received a raise around the 9th of July 2020 to \$16.89 per hour⁹ as the Controller of Raytown Water. Which is \$20.00 to 30.00 less than the pay for a Controller and less than the white employees she managed (\$10.00 less than the white clerk and \$20.00 less than the white Accountant).

On July 23rd, 2020, during a phone conference with Mo PSC and the Mo OPC their employees stated that they were not going to raise her salary to that of a Controller and repeatedly

¹ Mitchell now believes they have been confusing her with her ex-husband's 2nd wife for over 35 years, since they had their 1st child, whom she would leave alone to do drugs. Mitchell also believes it took that long to catch up with her in Denver.

² Mitchell left her ex-husband (violent alcoholic drug addict) in 1984, moved to Denver on February 6, 1986, because of the nonstop Domestic Violence, and was finally legally Divorce on May 13, 1989. Mitchell's ex-husband has never lived in Colorado. Mitchell lived, worked (Assistant Controller) and paid taxes in Colorado with her kids in Denver, not Iowa.

³ *Mitchell's oldest son Jr. has the same name as her ex-Sr.*

⁴ His 2nd wife is the one that was/is a prostitute with Aids/HIV strung out on drugs who abandoned her children in Iowa (*see Cheaters in Iowa*) caught cheating on a Rich Jewish Retired Banker in West Des Moines with another man, while married.

⁵ Because of Social Media, Google, the internet etc. these lies have destroyed every aspect of Mitchell's life, career, housing, insurance (car), education, medical, dental etc. and even caused her to be homeless twice. No one will hire her, and she has no way of earning a living. Mitchell has never had a Social Media Account, she has real hobbies, plus Hate is not a Hobby.

⁶ RWC had purchased the wrong software (a non-profit [municipality] as opposed to a for-profit company). Mitchell explained that the software would never produce a financial statement, and that a new software would need to be purchased

⁷ The outside Accountant Dave Aldridge completed the financial statement on a typewriter for about 15 years (he did not believe in using a computer, said it was a violation of internal control). His Financials were all wrong, numbers didn't add up and believed that Net income or loss should only be rolled over to Retained Earnings at the end of the year, not monthly, a clear violation of GAAP. He claimed he had a Bachelors in Accounting along with once having a CPA license.

⁸ Mitchell was tasked with by the CEO to find out why they could not retain the employees. So, Mitchell went and talked to the employees and found out that they were being paid around \$10.00 pr hr. (most qualified for food stamps). When they had 6 months' experience, they qualified to work for KC Water starting out above 18.00 pr hr. with benefits. Mitchell did research with the BLMS & Meric creating an excel spread sheet to inform the RWC of the pay disparities. Mitchell raised everyone's pay to the bottom of the pay scale. The employees that had been with RWC 5 to 20 yrs were raised above the starting pay for their positions, some made as little as \$12.00 per hour after 5 to 7 yrs with the RWC. The employees of RWC were so underpaid that they would do their family laundry at work, along with cutting each other's hair.

⁹ Mitchell was asked to become a perm member of RWC and to fill out another application, complete her insurance forms, along with her **State of Missouri Retirement Benefits**.

yelled and screamed Tormenting and Traumatized her for over 30 minutes, along with Brow Beating, Belittling and Baiting her calling her a clerk¹⁰ (a position beneath the white people she managed [slander]) in addition to stating they were not going to pay her \$78,000 per year (which is still below starting salary for a Controller).

The CEO and employees of RWC said nothing and failed to stop the meeting. Mitchell got up and left, went to her car and called the temp agency and told them what had happened. Mitchell went back into the meeting and to add injury to insult they told her that she could apply for a raise in two years. After the meeting the CEO said we will find some way to pay you, your salary. See complaint for more details and information.

Mitchell was so traumatized by the meeting she called in the next two days. Mitchell sent a letter to both the Mo PSC and the Mo OPC informing them that she was going to sue. When she brought the response from them to the CEO daughter, she stated facetiously maybe they Googled your name, proof that she had been told to by Mo PSC and the Mo OPC (along with the public comments on Social Media) as justification¹¹ of the way they treated Mitchell.

About a week later the CEO told Mitchell they needed someone with a 4-year degree in Accounting, Mitchell just looked at him with utter disbelief because both RWC and the Temp Agency had verified Mitchell's education. Mitchell was terminated by phone that evening. It should be noted that Mitchell has two a 4-year Degree one in Accounting and one in Finance from Iowa State University, along with 3 other Degrees from Des Moines Area Community College in addition to 20-year experience in accounting.

In August 2020 Mitchell filed her claim with the EEOC, she called and emailed them repeatedly because she could not set an appointment date because there were none available because of the volume of people filing claims because of Covid 19. Mitchell had an interview with the EEOC in Oct 2021 because of Covid 19.

In the meeting the EEOC employees continuously Tormented and Traumatized her by screaming and yelling along with Brow Beating, Baiting and Belittling her. They repeatedly yelled, saying it was not discrimination, not a hostile work environment and not slander. This went on for about 30 minutes. At the end of the interview, they told Mitchell they were going to send her an email, and that she had to follow the directions and sign it, so that she could not sue. Mitchell never opened the email. She was so traumatized that she shut down mentally, just like she did when she was married.

¹⁰ Calling a Controller a Clerk is Defamatory (the same as calling a Judge a glorified paralegal), statements tend to injure a person in the profession are Defamatory Per Se (proof because they took away Mitchell's title and demoted her below the white people she managed).

¹¹ The employees conducting the meeting muted their conversation to one another when a female employee said "what are you doing" when they were Brow Beating, Belittling, and Baiting Mitchell.

REASONS FOR GRANTING THE PETITION

1. **To correct all the Judicial errors (Stare Decision) violation of the 14th and 15th Amendment Due Process of Law.** Mitchell has once again been undeservedly, unmeritedly, and unjustifiably been placed in another women's shoes for something she had nothing to do with and had no prior knowledge of.

Grounds warranting relief from judgment under F.R.C.P. Rule 59(e) include:

- (1) an intervening change in controlling law,
- (2) the availability of new evidence that could not have been obtained previously through the exercise of due diligence, and
- (3) the need to correct clear errors or prevent manifest injustice

In all Mitchell's cases (2) and (3) of the F.R.C.P. Rule 59(e) apply. Mitchell has been continually confused with her ex-husband's 2nd wife, whom she has never met, nor did she have any idea what had been going on in Iowa until she was told (Mitchell lived in Denver). Mitchell left her ex-husband over 40 years ago, has been legally divorced since May 13, 1986, and had never gone back to him.

2. In a motion and just terms, the Court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons: (1) **mistake, inadvertence, surprise, or excusable neglect**; (2) **newly discovered evidence that, with reasonable diligence, could not have been discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b)**; (3) **fraud (whether previously called intrinsic or extrinsic), misinterpretation, or misconduct by an opposing party**; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or (6) any other reason that justifies relief.
 - i. **Mistake.** Confused Mitchell with her ex-husband's 2nd wife¹² Renee King-Lewis.
 - ii. If Mitchell was aware of this mistake she would have said it in every legal document.
 - iii. **Intentional Fraud (Domestic Terrorism).** The media and their marketing firm(s) intentionally, maliciously and with evil forethought creatively conspired (victimizing the victim) by both traditional and non-traditional means (social media and the internet) with their scorched earth marketing campaign to turn Mitchell into the International Poster Child for Aid/HIV creating a 35-year Witch Hunt in an attempt to obstruct justice and avoid liability and justice from its true purpose.
 - iv. **Misconduct by the previous opposing parties,** told more lies to cover up the original lies.
 - v. Because of the Stare Decision all Mitchell's cases should be overturned.
 - vi. The previous judgments were never equitable because they confused Mitchell with her ex-husband's 2nd wife Renee King.
3. **This case along with Mitchell's others are Issue of National Importance and because of the Wide Application that extends to not only every American but of every citizen of the world because of Social Media and the internet.** The Social Media and Internet Laws must be changed to protect the citizens of America and the world from this type of injustice.

¹² Violation of Mitchell's 5th & 14th Amendment Rights of Due process .

Argument I.

The Judicial System along with the Media, Social Media, and the Internet have confused Mitchell with her ex-husband 2nd wife. She found this out the 2023 summer when she ran into a woman, she had been in girl scouts with over 50 years ago. If she had known this, she would have stated it in every legal brief and especially to this Court. Mitchell¹³ has been legally divorced since May 13, 1988.¹⁴

Mitchell's ex-husband¹⁵ (Ellonzo¹⁶ Rico Lewis Sr.)¹⁷ remarried in 1988 or 1989 to Renee King in Iowa, they had their 1st child around 1990 and have never lived in Colorado. His wife had two other children while they were married but he is not their biological¹⁸ father.¹⁹

Mitchell lived, worked (Senior Accountant/Assistant Controller) and paid taxes in Colorado, with her three children. Renee King-Lewis is the Drug addict Aids Prostitute that abandoned her kids and husband to do Drugs, not Mitchell²⁰ (see Iowa Social Service Records). Mitchell does not have Aid/HIV (see Appendix D), never been a Prostitute, she was an Accountant in Colorado and has never done drugs or abandoned her kids.

Argument II

It is a Matter of EEOC Documents that Mitchell filed a claim with the EEOC and that her last contact with the EEOC for this case was October 26th, 2021. Mitchell believes that the interviews with the EEOC treated her the way they did, because they believed the lies on Social Media and the internet and probably posted comments.

| | |
|--------------------|--|
| 1. August 19, 2020 | Mitchell was terminated from Raytown Water Company. |
| 2. August 2020 | Mitchell called the EEOC, but couldn't get through, so she kept leaving messages weekly. (Mitchell was home due to Covid 19) |
| 3. August 2020 | Mitchell filed with the EEOC ²¹ portal website (received and email telling her). |

¹³ See Certified State of Iowa Divorce dated May 13, 1988 (Appendix D).

¹⁴ Mitchell contacted attorneys in 1983 regarding a Divorce from her violent, non-working, cheating, alcoholic, drug addict ex-husband. Mitchell moved to Denver on February 6, 1986, even though there was a Protection Order the Des Moines Police Department refused to arrest him for beating her, stealing her money and car.

¹⁵ Marriage counseling was ordered by the Court and just like a master manipulator he used as an excuse to continue his behavior, since he didn't work, Mitchell was ordered to pay. He got Mitchell pregnant again (birth control pills turned up missing and he beat her and took all her money so she couldn't buy more) when she told him she was pregnant, he responded by saying "if you can complain about being married to me you have time for another baby." When Mitchell caught him in bed with his dad's girlfriend's underage little sister, it was over. Nobody wants to be married to a Sex Offender.

¹⁶ About 10 years after Mitchell left him, he was still so strung out on Alcohol and Drugs, he was running around Iowa Buck Naked (see **Cops in Iowa**).

¹⁷ Mitchell's oldest son Jr. has the same name as her ex-husband and her youngest son has his nick name Peter.

¹⁸ Renee King -Lewis was so strung out on Drugs that she would leave her infant children to do drugs.

¹⁹ See, **Cheaters in Iowa**, when she abandoned her children and husband for a rich retired Jewish Banker in West Des Moines, Iowa and got cheating with still another man, and she is still married to Ellonzo Lewis Sr.

²⁰ Her Divorce stated that, her kids go to Iowa every summer, and he would not bring them back on time. It makes since now because, he had no babysitter for his wife's kids. He even went so far as to conspire with Mitchell's sisters (for a fee) to kidnap her children and send them to Iowa. He did this with Mitchell's youngest son and when they beat him the neighbors called the police, and he told the police that Mitchell was dead and that her son was crazy. Mitchell has no doubt that he and his family are behind this, but she can't prove it yet. This is not the 1st time his family has done something like this.

²¹ Since the MPSC and the MOPC have refused to give Mitchell a copy of the phone conference, Mitchell feels that it would be beneficial for this Court to hear the recording. In addition, Mitchell also feels that this Court should request a copy of

4. October 26, 2021 Mitchell had her Interview with the EEOC (14 months later) in which they said, it was not Discrimination or a Hostile Work Environment or Slander.
5. October 26, 2021 Mitchell received an email from the EEOC with their findings, that they are refusing to give her a copy of. Mitchell was so traumatized by the interview that she never opened it.
6. August 5, 2022 The Court received Mitchell Civil Action by mail.

In the EEOC interview the interviewers yelled, bullying, baiting, and belittling Mitchell, screaming it was not discrimination, not harassment and not a hostile work environment and told her to sign and return the letter on their web site giving up her right to sue. Mitchell did not sign the letter; she is refusing to give up any of her rights to sue these Defendants. Mitchell by email, filed a complaint on Attorney Generals Web Site, and the site she was instructed to by the PSC²². Mitchell believes all this was done to discourage her from filing a suit and that the EEOC has broken their own laws. Since you probably don't believe her, request the tape.

In addition, “[t]hough the law itself be fair on its face and impartial in appearance, yet, if it is applied and administered by public authority with an evil eye and an unequal hand, so as practically to make unjust and illegal discriminations between persons in similar circumstances, material to their rights, the denial of equal justice is still within the prohibition of the Constitution. See, *Yick Wo v. Hopkins*, 118 U.S. 356, 373–74 (1886).

Argument III

It is a Matter of Law that Sovereign immunity does not apply to employment pay discrimination cases because of the Civil Rights Act of 1991 and the Supreme Court's decision in *Ex Parte Young*.

It is a matter of the 29 USC § 203 Definitions (d) which unequivocally states that “**Employer includes any person *acting directly or indirectly in the interest of an employer in relation to an employee and includes a public agency* ...**” (See, 29 USC § 203. Definitions (d)).” Both the Missouri PSC & OPC are arms of the State of Missouri, and both directly and indirectly act in relation to both RWC and Mitchell as the Controller for RWC.

It is a Matter of Law that the U.S. Code defines “a public utility employee under state control as someone who has a controlling influence over a public utility company's management or policies.”²³ “A public utility employee under state control is defined as someone who holds an executive position, such as a director, CEO, president, vice president, secretary, treasurer, general manager, **comptroller**²⁴, or chief purchasing agent.”²⁵” Mitchell was the Controller/Comptroller.

the phone interview with the EEOC she also believes that they will be eventually leaked out to the public, if they have not already been. After listening to the two tapes, this Court will better understand and see exactly what Mitchell is talking about and what she has been going through for the last 35 years. Both recordings will show how she was brow beat, belittled and baited Mitchell along with how they demonized degraded and demoralized her.

²² From the Missouri Attorney General's Office Mitchell received a response telling her that “they could do nothing about her eviction?” Mitchell responded to the email and asked, “did you even read the complaint.” As for contacting the PSC and OPC Mitchell emailed them, filed a complaint, and received one letter.

²³ See, USC § 203. Definitions (d)

²⁴ A Comptroller is the same as a Controller. In fact, Mitchell's job description has her listed as a Comptroller.

²⁵ See, 15 U.S. Code § 80a-2 – Definitions along with the Public Utility Holding Company Act of 1935.

It is a Matter of Law that Title VII of the Civil Rights Act of 1964 forbids employment discrimination. In 1972 Congress extended Title VII so that it applies not only to employment in the private sector, but to employment in the Federal Government as well. See Equal Employment Opportunity Act of 1972, 86 Stat. 111, 42 U.S.C. § 2000e 16. This 1972 Title VII extension, found in §717 of Title VII, has three relevant subsections.

The first subsection, §717(a), sets forth the basic Federal Government employment anti-discrimination standard. It says that "[a]ll personnel actions affecting employees or applicants for employment [of specified Government agencies and departments] shall be made free from any discrimination based on race, color, religion, sex, or national origin." 42 U.S.C. § 2000e 16(a).

The second subsection, §717(b), provides the EEOC with the power to enforce the standard. It says (among other things) that "the Equal Employment Opportunity Commission shall have authority to enforce the provisions of subsection (a) . . . through appropriate remedies, including reinstatement or hiring of employees with or without back pay, as will effectuate the policies of this section ." 42 U.S.C. § 2000e 16(b).

The third subsection, §717(c), concerns a court's authority to enforce the standard. It says that, after an agency or the EEOC takes final action on a complaint (or fails to take action within a certain time), "an employee or applicant [who is still] aggrieved may file a civil action as provided in section [706, dealing with discrimination by private employers], in which civil action the head of the department, agency, or unit, as appropriate, shall be the defendant." 42 U.S.C. § 2000e 16(c).²⁶

Here the EEOC not only failed to take action but also tried to discourage Mitchell from doing so. In addition, Mitchell was under State Control and is considered a De Facto Employee of an Arm of the State of Missouri, so the Lillie Ledbetter Act²⁷ would apply.

ARGUMENT IV

Title VII provides in pertinent part: "It shall be an unlawful employment practice for an employer . . . to discriminate against any individual with respect to his compensation, *terms, conditions, or privileges of employment....*" 42 U.S.C. § 2000e-2(a) (1994) (emphasis added). In *Patterson*, the Court explained that "harassment in the course of employment is actionable under Title VII's prohibition against discrimination in the terms, conditions, or privileges of employment)."²⁸ All the above listed Defendants have satisfied these requirements. RWC and its BOD with the pay²⁹, and all the Defendants at the phone meeting in July (Listen to tape).

The Fourteenth Amendment states that "no state shall...deny to any person within its jurisdiction the equal protection of the laws". All the Defendants have violated this Amendment, RWC with paying Mitchell less than the white people she managed, RWC BOD by approving the hiring and pay (active participation), Mo. PSC & OPC by denying Mitchell her correct title and compensation along with screaming and yelling that she was a clerk (a position beneath the white employees she manages).

It is a Matter of Law that Race is explicitly "listed as protected class under federal law. To state a *prima facie* case of hostile work environment harassment, Plaintiff must show: (1) she belongs to a protected group; (2) she was subjected to unwelcome harassment; (3) that the harassment was based on sex; (4) that the harassment affected a term, condition, or privilege of

²⁶ See, Cornell 'Law Institute <https://www.law.cornell.edu/supremecourt/text/527/212>

²⁷ See, Public Law No: 111-2 (01/29/2009) Lilly Ledbetter Fair Pay Act of 2009 - Amends the Civil Rights Act of 1964

²⁸ Patterson, 491 U.S. at 180, 109 S.Ct. 2363 (internal quotation marks omitted)

²⁹ In order for Mitchell to be hired, the RWC BOD had to approve her job title and pay.

her employment; and (5) Defendant knew or should have known of the harassment and failed to take prompt action.³⁰

1. Protected Group (Female & Race).

Mitchell is a female who is considered Black because of the Color of her skin.

2. Unwelcome Harassment

Mitchell was traumatized and tormented (brow beaten, belittled and baited) in the June 23rd Meeting because she is a female of Color (they only went after Mitchell [see or hear tape])

3. Based on Gender & Race

The harassment Mitchell suffered was because of her being a female of color (Black)

4. Affected the terms, conditions, and privilege of her employment

Mitchell was terminated days later from her position, because RWC along with its BOD believed Mitchell was unqualified because she did not have a 4-year degree in Accounting. A lie that injured her reputation and career.

5. Failed to take Action

RWC employees and BOD Members were in attendance at the meeting and failed to take any action (failed to stop or intervene).

Title VII provides in pertinent part: "It shall be an unlawful employment practice for an employer ... to discriminate against any individual with respect to his compensation, *terms, conditions, or privileges of employment...*" 42 U.S.C. § 2000e-2(a) (1994) (emphasis added). In *Patterson*, the Court explained that "harassment in the course of employment is actionable under Title VII's prohibition against discrimination in the terms, conditions, or privileges of employment)." ³¹ All the above listed Defendants have satisfied this requirement with the pay, and the other Defendants even went farther as to demote Mitchell below the white employees she managed.

ARGUMENT V

It is a Matter of Law that under the Equal Pay Act (Lillie Ledbetter³²) there is a 3-year Statutes of Limitation for willful violations, which would be the date of August 19, 2023. Also, under the ADA the Statute of Limitation usually follows the Personal injury claims of the state it was filed in, which is also 3 years. Mitchell filed this case on August 5, 2022.

³⁰ See *Caviness v. Nucor-Yamato Steel Co.*, 105 F.3d 1216, 1222 (8th Cir.1997); *Kopp v. Samaritan Health Sys., Inc.*, 13 F.3d 264, 269 (8th Cir.1993). *Erenberg v. Methodist Hosp.* 240 F.Supp.2d 1022, 1029 (D.Minn.,2003).

³¹ *Patterson*, 491 U.S. at 180, 109 S.Ct. 2363 (internal quotation marks omitted)

³² Public Law No: 111-2 (01/29/2009). Lilly Ledbetter Fair Pay Act of 2009 - Amends the Civil Rights Act of 1964 to declare that an unlawful employment practice occurs when: (1) a discriminatory compensation decision or other practice is adopted; (2) an individual becomes subject to the decision or practice; or (3) an individual is affected by application of the decision or practice, including each time wages, benefits, or other compensation is paid. Allows liability to accrue, and allows an aggrieved person to obtain relief, including recovery of back pay, for up to two years preceding the filing of the charge, where the unlawful employment practices that have occurred during the charge filing period are similar or related to practices that occurred outside the time for filing a charge. Applies the preceding provisions to claims of compensation discrimination under the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973.

The willful conduct on the part of RWC was paying Mitchell as the Controller³³ (\$16.89) less than the white employee(s) she manages. The willful conduct on the part of RWC BOD³⁴ was hiring her and approving her pay as a Controller in addition to approving her a raise to \$16.89³⁵ pr hr. It is a matter of Statutory Law that eloquently articulated "But in any case, the key to a successful claim is a showing that the employer discriminatorily paid the employee too little for the position he or she occupies."³⁶

The Supreme Court held that with respect to a suit against a private employer, the timely filing of an EEOC charge—the initial step on a path to exhausting administrative remedies—*is not a jurisdictional requirement to bringing a Title VII claim in federal court*; rather, it is like a statute of limitations and is thus subject to the doctrines of "waiver, estoppel, and equitable tolling." 455 U.S. at 393, 102 S.Ct. 1127. Following *Zipes*, in 1990 this court overruled an earlier decision, *Sims v. Heckler*, 725 F.2d 1143 (7th Cir. 1994), and held that with respect to a suit against a governmental employer, the timely filing of an EEOC charge is also not a jurisdictional requirement to bring a Title VII claim in federal court. *Rennie v. Garrett*, 896 F.2d 1057, 1061-1062 (7th Cir. 1990). Mitchell filed with the EEOC and had an interview in which they failed to take action, yelling that she didn't have a case against the above-named defendants, and she didn't have the right to sue anyone (listen to the taped interview you will not believe it really happened).

On the part of both Missouri PSC and OPC their willful conduct was intentionally, maliciously with evil forethought defaming Mitchell calling her a Clerk even though they still have no proof and have failed to dispute that Mitchell has a 4-year Degree in Accounting (5 College Degrees) and over 20 years of experience in Accounting.

³³ The starting average pay for a Controller in Missouri is \$ 112,088 with the range being from \$91,000 to 129,000. Mitchell asked for \$78,000 only because she reconstructed the true financial statements for Raytown Water Company.

³⁴ Raytown Water Board of Directors took an active role in Mitchell's employment. Mitchell had to be approved by the Raytown Water Board of Directors in order to be hired, her pay was approved by the Board and the raise she received had to be approved by the Board.

³⁵ Note, under the BLS and Meric \$16.89 per hour is below an experienced Accounting Clerk.

³⁶ See, *Almond v. Unified School Dist. No. 501*, 665 F. 3d 1174 - Court of Appeals, 10th Circuit 2011.

CONCLUSION

It has always been a reoccurring theme here in America, that all someone has to do is make false accusation with no proof against a black woman or a reasonable facsimile thereof, and everyone wants to get a rope to satisfy their thirst for that Good Old Boy All American Necktie Party, and in Mitchell's case a modern-day textbook example of a New High-Tech Lynching.

This case along with Mitchell's others are examples of how the Justice System Fails women of color, and women who have experienced Domestic Violence, when the abuser suffers no legal consequences for his actions, they never stop, it only gets worse, and in Mitchell's case has turned into Domestic Terrorism in an effort to destroy every facet of her life, in an attempt to have her return to her abuser. Just as the song goes you can check out, but you can never leave.

**The Petition for Writ of Certiorari should be granted
To correct previous manifest injustices,
to correct 35 years of confusing Mitchell with her ex-husband's 2nd wife,
and to stop this intentional infliction of cruel and unusual punishment
that has been inflicted on
Mitchell for something she had nothing to do with.**

Respectfully submitted,



Brendell Mitchell

Date: 5/22/25