

No. \_\_\_\_\_

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IN THE SUPREME COURT OF THE UNITED STATES

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MYRNA DE JESUS,  
Petitioner,

v.

UNITEDHEALTH GROUP dba  
Optum360 Services Inc.,  
Respondent.

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

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MOTION TO DIRECT THE CLERK TO FILE  
THE PETITION FOR A WRIT OF CERTIORARI OUT OF TIME

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SUPREME COURT, U.S.

To the Honorable Justices of the Supreme Court of the United States:

### Introduction

The Petitioner respectfully moves this Court to direct the Clerk of the Court to file the Petition for a Writ of Certiorari out of time under exceptional circumstances.

This motion is filed pursuant to Rule 13.1 and the Court's authority as established in *Clay v. U.S.*, 537 U.S. 522, 123 S. Ct. 1072 (2003), which holds that the 90-day period for filing a petition for a writ of certiorari expires after the entry of the Court of Appeal's judgment. As such, relief should be granted for good cause shown. The reasons for this request are detailed below.

### Background

This case highlights a severe issue of biased and partial arbitration concerning claims of slander per se defamation, wrongful termination, and public policy violations brought by Petitioner against her employer, UnitedHealth Group dba Optum360 Services Inc., respondent. The appellate and lower courts egregiously misapplied federal and Arizona state laws regarding the vacatur of arbitration under 9 U.S. Code § 10, as well as other recent rulings of this Court.

The lower courts' rulings represent a clear and grave abuse of discretion by failing to address a substantial conflict of interest. The arbitration was conducted by an Arbitrator, John Balitis, who is not only the chairman of the law office with a pre-existing business alliance with the respondent, but also serves as the respondent's retainer, which handles all its legal matters. This blatant conflict of

interest fundamentally compromised the fairness and impartiality mandated in the arbitration process.

### Unavoidable and Extraordinary Circumstances

The late filing of the Petition for a Writ of Certiorari was due to unavoidable and extraordinary circumstances caused by a Category 5 storm that struck Florida. Under the court's standards, such a catastrophic natural disaster qualifies as an "unavoidable and extraordinary circumstance."

The storm on October 7, 2024, caused widespread disruptions in Jacksonville (with Middleburg adjacent to Jacksonville) and other cities in Florida. These disruptions included significant power outages, loss of internet connectivity, extensive property damage, and severe transportation challenges. Despite the Petitioner's diligent efforts, these conditions made it impossible to meet the filing deadline.

As a pro se litigant without legal representation, the Petitioner faced additional challenges in preparing and submitting the petition. Official nationwide media reports and documentation confirm the storm's devastating effects and the prolonged recovery process.

The Petitioner and her relatives were directly impacted by the lack of power and internet access, hindering the preparation and timely submission of the petition. Additionally, the storm damaged the lower court's copy of the necessary documents, requiring the Petitioner to request a new copy from the district court's

clerk. This process included an unavoidable delay, as the Petitioner had to arrange payment before the new copy could be sent (see attached).

Furthermore, the Petitioner's lack of financial means and the simultaneous preparation of other petitions (see Case No. 24-5917) to the US Supreme Court added to the challenges of meeting the deadline. The combined impact of these extraordinary circumstances underscores the Petitioner's inability to adhere to the original timeline through no fault of their own.

#### **Significance of the Legal Issues**

The issues presented in the Petition for a Writ of Certiorari involve significant questions related to arbitration law, wrongful termination, slander per se defamation, public policy violations, and other substantive employment rights. These critical legal matters encompass constitutional law, statutory interpretation, and significant policy considerations that have far-reaching implications for employees, employers, and the broader legal landscape.

Granting this motion will ensure that these vital questions receive the thorough and thoughtful consideration they deserve, providing clarity and guidance on important legal principles that impact not only the parties involved but also the public interest and future case law.

#### **Lack of Prejudice to the Respondent**

Granting this motion will not prejudice the Respondent, as there will still be sufficient time and opportunity to respond to the Petition once filed. This ensures fairness and maintains the integrity of the judicial process.

### Conclusion

For the foregoing reasons, the Petitioner respectfully requests that this Court grant the motion and direct the Clerk to file the Petition for a Writ of Certiorari out of time.

Respectfully submitted,



MYRNA DE JESUS

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This 4th day of March 2025

**DEBRA D. LUCAS**  
District Court Executive/Clerk of Court  
Sandra Day O'Connor U. S. Courthouse  
Suite 130  
401 West Washington Street, SPC 1  
Phoenix, Arizona 85003-2118

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November 15, 2024

Myrna de Jesus  
1267 Limpkin Lane  
Middleburg, FL 32068

RE: CV22-00532-PHX-DJH - Myrna de Jesus v. UnitedHealth Group

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