ORIGINAL

No. 21-263

In the Supreme Court of the United States

Wendy Marie Meigs, Petitioner

v.

Trey Bergman and Bergman ADR Group, Respondents

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

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Question Presented for Review

1. Should a mediation, family court-ordered or not, follow normal courtroom guidelines as courts defer court functions to mediation which creates the expectations of participants that mediation will run under the same protections and guidelines of a regular courtroom? Should mediation participants and mediator be held liable for allowing the abuse and manipulation of a vulnerable-victim? (Murphy, 2021)(*United States of America, Plaintiff-appellee, v. Jeffrey L. Goldberg, Defendant-appellant*, 406 F.3d 891 (7th Cir. 2005).

2. Should individuals be allowed to represent themselves in court, especially against educated, trained, and highly-skilled lawyers? (If the institution of justice continues to allow individuals to represent themselves, then the institution is geared against the self-litigant, pro-se).

Parties Involved

The parties involved are identified in the style of the case.

Related Cases

Meigs v. Trey Bergman and Bergman ADR, No. 2017-73032 of the 270th District Court of Texas. Judgment entered: December 4th, 2018.

Meigs v. Trey Bergman and Bergman ADR, No. 14-19-00167-CV, Fourteen Court of Appeals: Judgment entered on December 4th, 2018 and affirmed on October 13th, 2020.

Meigs v. Trey Bergman and Bergman ADR, No. 20-0949 of the Texas Supreme Court. Judgment denied on April 9th, 2021.

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3. Texas Supreme Court; Case # 20-0949

Statement of the Basis for the Jurisdiction

The Judgment of the 14th Court of Appeals was entered on December 4th, 2018 and affirmed on October 13th, 2020. A timely petition for rehearing was denied on April 9th, 2021 by the Texas Supreme Court. This court granted 150 days extension from Covid over the usual 90 days to file a Writ of Certiorari due September 6th, 2021. This Court's jurisdiction rests on 42 USC §1983 and has federal jurisdiction as issues pertain to violations of the First Amendment, due process and equal protection Fifth and Fourteenth Amendments reaching all citizens into all states, deals with the growing mediation numbers to substitute for courts in all states and the vast growing number of self-litigants, both requiring federal input for standardized guidelines to protect the public.(*Haines v. Kerner*)

Constitutional and Federal Rules Provisions Involved.

The First Amendment allows citizens to petition the Government to address grievances.
The Fifth Amendment allows due process before property loss.
Sixth Amendment allows assistance of counsel.
Seventh Amendment is a right to trial by a jury.
The Fourteenth Amendment for equal protection under the law.
Federal Rule of Civil Procedure 8(a)(2) provides that a Claim for Relief must contain: "a short and plain statement of the claim showing that the pleader is entitled to relief . . ."

STATEMENT OF THE CASE

The Texas Supreme Court denied review, and the 14th Court of Appeals erred in affirming the trial court as an abuse of discretion and significant misdirection by opponents over facts of the case as seen in the Petition to the Texas Supreme Court. As such, granting summary judgment is a procedural default and abuse of discretion. (Mathews v. Eldridge)

Failure in the district court's judge to even read Petitioner's rather thorough opposition to summary judgment is seen in the judge's response in the recorder's record as apparently not knowing the content.

A person deprives another of a constitutional right, within the meaning of § 1983, "if he does an affirmative act, participates in another's affirmative act, or omits to perform an act which he is legally required to do that causes the deprivation of which complaint is made." *Preschooler II v. Clark Cnty. Sch. Bd. of Trs.*, 479 F.3d 1175, 1183 (9th Cir. 2007) (quoting *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978)).

Respondent orchestrated the most horrendous and abusive family court mediation, including threats, abandonment, isolation, lies, alcohol, drugging, assault and all, to force signature on anything to release liability, in the printed MSA version, for Todd Frankfort in dual-representing Asyntria and the CEO, Michael Johnston. Such dual-representation included writing contracts that stole shares of stock and allowed gross misappropriation of assets over one million dollars, still being fought today. (Meigs v Johnston). Petitioner was told that nothing could be said due to confidentiality, a confidentiality released by Johnston and Meigs. Petitioners lawyer then wrote a semi-fictitious memorandum, **two weeks after** Petitioner accused all of terrible abuse and fear of life, that protected Respondent for condoning all that took place under his authority as mediator, and victim-blamed petitioner for being abused.

Important Judicial Failures Secondary to Misdirection by Respondents

Respondents acted as a predator by blaming the victim, the Petitioner, in the memorandum and mediation as a form of emotional manipulation. (Murphy, 2021) "Establishing trust and familiarity is one of the most important aspects of a successful effort to exploit someone's emotional vulnerability, then manipulate them either for personal gain or simply out of pure malice..." as in mediation. (Coleman, 2019).. Mediation rules required:

1. The mediation was not a business mediation, but arose from a **Family Court-ordered mediation** following family court codes that specifically request Respondent to mediate from dual-representing lawyer, Frankfort.
2. Respondent forgot to include the Family court code 6.602 that prevents revocation. Petitioner legally and rightfully revoked the agreement less than a week later, but **no-one** told her. Led to years of vexatious litigation to regain control of company continuing today.
3. Lawyer wrote a semi-fictitious memorandum supporting Respondent, **two weeks after** Petitioner demanded the VOIDing of the msa with claims of serious abuse and incapacity. (18 U.S. Code § 1018) Such semi-fraudulent memorandum was submitted to court as truthful and known not to be. Such used by courts to dismiss. Rule 98. **Videotaping would have protected Petitioner. Only terms to remain confidential.**
4. Email indicates Respondent acknowledged and knew he forgot the family court code preventing revocation. Hence, all knew the msa was legally and rightfully revoked by Petitioner. No one told her and threatened her in many ways for not complying to signing the printed version of the msa that releases all liability for all lawyers and mediator. **Accountability required to protect participants.**

5. Those at mediation attempted summary judgment to enforce the msa, but could not due to lack of the Family court code 6.602.
6. All lawyers refused to represent Petitioner even those still noted as legal counsel, even though they all knew that petitioner rightfully revoked the msa via emails.
7. Instead, all lawyers stood before the judge, without acknowledging Petitioner's rightful revocation as Petitioner's new lawyer reference the code. Accountability required. As pro-se, protection of legal professionals ensues. (18 U.S. Code § 1001)
8. The purpose of the mediation by Respondent was not law. The purpose was to create an adverse environment to force Petitioner to sign anything to release liability against Frankfort and against those conspiring to protect Frankfort. Guidelines required.
9. Respondent has history of claims of mediation manipulation. Quoted for stating that Respondent could withhold evidence and sway the decision either way.
10. Then Respondents use multiple tactics to prevent, petitioner as pro-se to achieve righteousness.
11. Respondents then further abuse the system by claiming estoppel. "... [E]stoppel is an "extraordinary remedy" to be invoked in order to stop a "miscarriage of justice"; it is not a "technical defense for litigants seeking to derail potentially meritorious claims." *Ryan Operations*, 81 F.3d at 356. Courts erred in abuse of discretion for promoting such.
12. Petitioner nor any pro-se can beat a summary judgment, a judgment made by the shear opinion of a judge with immunity, correct or not. Such must end.
13. Rather than view caselaw of Petitioner in an effort to defend her rights, the district and appellate courts sided with the powerful and well-known lawyers, lawyers they will probably see again in court as possible lawyers themselves. As such, the legal profession does not lend well to self-regulation.

Plight of the Pro-se

1. No expert witness will ever assist a pro-se regardless of the amount of time given to find one. Expert witnesses tend to go with winners with pro-se mostly losing their cases. Thus, being indignant or condescending in granting summary judgment against a pro-se, an individual desperate to find righteousness, is disgraceful to the public and lacks compassion. If caselaw demands an expert witness, the courts should prevent bias of expert witnesses and require representation, or offer them at a cost to the pro-se.
2. Dismissing a case on technicality fails due process. A pro-se requires a detailed flowchart of what to do next and time required with examples of what the pleading looks like, if the courts continue to allow self-litigants.
3. Expecting a pro-se to complete discovery within the same guidelines as a lawyer demonstrates a lack of understanding as the pro-se must read, research and write for what took lawyers four years to learn and added experience. And at that, the pro-se must do so only on days off which is usually weekends.
4. Did a pro-se miss a discovery deadline? Petitioner took three months to figure out how to file subpoenas as how to do so conflicted. *Walker*, 827 S.W.2d at 843
5. Once subpoenas were submitted, the courts used summary judgment to dismiss the case before evidence could be received, a convenient dismissal to protect a past sitting chair of the Texas State Bar on ADR.
6. Even writing this request, which I feel very strongly must be addressed to protect the public with guidelines in mediation and as pro-se to expose and prevent corruption, I do so while preparing the funeral of my father and fearing the formatting and requirements within timelines.
7. I do not qualify as indigent; yet, I do not have enough left after depleting assets to get my company back, so I am pro-se.

Concluding:

1. Who is mediation for? Mediator? Lawyers? Participants?
2. Who does the lack of strict and accountable guidelines for mediation benefit? Might over right? The vulnerable-victim from a divorce or abusive environment? The need for the mediator to mask the need to garnish more referrals? (ADR Act)
3. If mediation were to be paid by the courts and mediators placed on a rotating basis, would that prevent bias in mediation?
4. Should mediation follow standard work hours with two fifteen minute breaks and lunch with a maximum of eight hours per day to enhance true negotiation over the mighty and enduring to win?
5. Was quid pro quo between Judge Gamble and Respondent?
6. Should the allowance of abusing a vulnerable woman under the direction of court officials bound to candor create criminal implications to ensure the accountability of treatment of participants?
7. When is abusing the already abused in mediation allowable? Who is responsible? What is the accountability?
8. Are the courts only for educated and skilled lawyers?
9. Should cases, against lawyers, judges, and anyone associated with the judicial system, be restricted to laws of accountability specific to only such people in order to ensure the protection of claims against such and the fair administration of justice. Currently, each lawyer and judge can and will appear before each other. Appearing only before a jury without interference from a judge helps righteousness and the prevention of corruption.
10. When is summary judgment abuse of discretion? Meigs v Zucker (current in the Supreme Court of TX)

REASONS FOR GRANTING THE WRIT

The court should grant the Writ of Certiorari to the plaintiff as the issues addressed indicate significant issues to all people in all states violating several amendments and due process. By granting the writ, issues predominant in mediation and as a pro-se demonstrate weaknesses allowing corruption to permeate the courts without accountability.

Please note that writing this has been very difficult for Petitioner as Pro-se as the technicalities are difficult to follow. I could not figure out how to cite the petitions and exhibits without the clerk records and recorder record. I tried my very best to make this right as this Court is the last resort to protect Texans from the abuse and manipulation from the "Fraternity". I could find no lawyer to represent me due to the fear of the lawyers whom I am suing and this mediator. Finding a lawyer at the district court level became a joke as so many lawyers were excited to represent Petitioner until they learned who I was suing. Reaching into another city, I found a promising lawyer who after investigation into my case, told me that taking my case would be 40k just to read the case and $1000 an hour for representation. Knowing the fear for lawyers to whom I am suing, I agreed to the expense even though impossible to truly accept. The lawyer immediately said, "NO", "NO", "No, I can't do this."

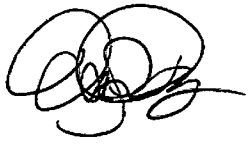
Please help. I am not the only citizen experiencing court and mediation abuse. We need accountability and rules for protections. Accept the writ and learn of the discrepancies and abuse of due process.

See www.Facebook.com/WomenAgainstLegalAbuse

CONCLUSION

The Court should grant the petition for a Writ of Certiorari, to allow Petitioner to fully address the significant dangers without accountable guidelines to the growing number of participants to mediation. In addition, the growing number of pro-se entering courts requires an understanding by the courts of the abilities for a pro-se to obtain what the court demands before dismissal, more defined guidelines and examples for a Pro-se to follow to meet court requirements, significantly extra time to achieve those goals with weekends only to research and write, OR the courts appoint counsel in a civil case (*Maclin v. Freake*) OR the courts prevent individuals from representing themselves as the endpoint will always belong to the opposition's lawyer and technicalities laid out for easy judge dismissal. Special guidelines must be developed in this aspect for Pro-se in a legal malpractice case where dismissal hinges on helping a fellow law professional.

Respectfully submitted,



/s/Wendy Meigs,
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APPENDIX

APPENDIX A

Case # 20-0949
UNITED STATES
SUPREME COURT OF TEXAS
(last pleading)

Wendy Meigs,
Plaintiff-Appellant-Petitioner,
v.
Trey Bergman and Bergman ADR Group
Defendants-Appellees-Respondents.

From the Fourteenth Judicial District Court of Appeals, Cause No.14-19-00167-CV, and the 270th District Court of Harris County, Cause No. 2017-73032, Honorable former Judge Brent Gamble

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Brief of Appellant
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APPENDIX A (page 2)
STATEMENT OF FACTS

During 2015, Jody and Wendy Meigs filed for divorce. One of the community property issues was the 50% shareholder ownership in Asyntria also owned 50% by Micheal Johnston. Sheri Evans, divorce lawyer, contacted Michelle Bohreer of Bohreer and Zucker LLP, in reference to the company. Michael Johnston attempted to take over the company through fraudulent contracts that effectively stole shares of stock and misappropriated up to and over by now, millions of dollars. At that time Todd Frankfort, lawyer to Johnston and Asyntria, dual represented and appeared to have something to do with the writing of the contract that fraudulently stole shares of the Meigs. Evans noticing Frankfort's signature representing Johnston and Asyntria, Evans asked who Frankfort represented as seen in emails.

At deposition, evidence of dual representation appeared. Bohreer asked if Meigs wanted them to represent her and Meigs said, "yes". Nothing else was said even upon asking later as if attempting to ignore the dual representation. An email from Bohreer to Zucker and back discuss that Meigs has claims of dual representation and **Zucker said that those claims would be given to Bergman to handle**. Frankfort requested Bergman to mediate and Bergman responded in seven minutes by email. Discovery indicating the embezzlement and thefts by Johnston were intentionally not obtained before the mediation per email leaving Meigs with no knowledge of the significant losses to the company. Mediation occurred October 30th, 2015 at Heights Mediation, Bergman's location and where Judge Brent Gamble mediated after affirming summary judgment against Meigs' claims.

Contrary to what Bergman states, the 2015 mediation was a Family Court-Ordered mediation by a family court judge under family court rules regarding community property, Asyntria. When Jody Meigs left, the mediation should have ended unless there was another agenda. Unlike regular mediations, family court mediations must meet specific requirements to not be revocable. Bergman forgot one element from the family court document, the family code 6.602 which states that the document cannot be revoked. With the element missing, the document can be revoked and VOIDED without any further litigation. Bergman mentions repetitively that the mediation agreement was AVOIDED... but it was not. Such a statement by Bergman is an attempt to divert the honorable Justices who have judged on MSAs in the past. **The agreement is VOID**. Summary judgments have been written and presented to force validity but a judge cannot rule on a VOID document so litigation continued on a document that did not require litigation, which I had been led to believe did require litigation, and such happened for several years at great expense so that when I decided to file against Bergman and Zucker to protect the rest of abused women who may get further abused in mediation, I could not find anyone to represent me and filed on my own.

After the 2015 abusive mediation and Meigs revoking the document the next week, Sherri Evans, Todd Zucker and Michelle Bohreer began to use various threats in an attempt to force me to sign the printed version of the agreement which looked nothing like the agreement that I could barely remember and found another agreement indicating manipulation years later when I received my case files. I refused. They

became more forceful with threats of abandonment, excessive legal expenses, and refusal to finish the divorce unless I signed which was followed through. Based on emails, they appear to show Bergman, Evans, Bohreer, Zucker, Frankfort, and Brady working together to attempt to force my signature. Rather than represent me by acknowledging the family court code 6.602 was missing and my revoking VOIDED the document, they appeared to collude and conspire based on emails. Multiple useless and vexatious litigation again occurred over the "void" agreement by Rodney Castille and Bruce Jamison of which I later found out that Jamison was good friends with Bergman. Meigs had no idea that the agreement was VOID as she was led to believe the agreement required consistent litigation. Only recently did Meigs find out the truth.

After filing against Zucker and Bergman, Meigs had to overcome a large learning curve to understand and keep up with filings and timing of filings and succeeded with each except one never seen in the case against Zucker. After multiple requests for my case files, I had to enter the fact into an amended pleading for Zucker that I could not get my case files and within thirty minutes of uploading, I received a call to pick up the case files. Receipt of my case files did not finally occur until 2018. **Bergman filed for summary judgment on a no-evidence motion for summary judgment and Meigs responded with addressing each claim and stating that Meigs needed more discovery for evidence. Meigs sat on a large number of documents from case files received from Rodney Castille/Bruce Jamison which should have been evidence and came**

from Bohreer/Zucker and Sherri Evans. ***Meigs even received emails originating from Todd Frankfort in those files.*** More discovery required.

Case files demonstrated consistent linear appearance of fraud on the court with the omission being Todd Frankfort and his dual representation. [12] **Multiple subpoenas were issued by Meigs to all involved in the situation before the signed summary judgment.** However, Judge Gamble affirmed the summary judgment before Meigs could receive discovery and thus freed Bergman from Meigs gathering evidence in the case.

Cheryl Jahani finally accepted to represent Meigs a few days before the approval of summary judgment and filed almost immediately for a motion for new trial. Such short notice into the case by Jahani indicates a lack of representation at the summary judgment even with her presence as a week is not enough time to understand a case; yet, Gamble did not stop the hearing to allow Jahani to file for continuance whilst it was Gamble pushed that Meigs needed a lawyer for the hearing. Concerned that Jahani may be threatened as Meigs had been, Meigs continued to inquire with Jahani on her status until Jahani told Meigs early on that Zucker was extremely well connected. Meigs understood what that meant. In search for representation, one attorney told Meigs that going against Bergman was "legal suicide" and no one would represent her. Such proved true. The court clerk told Meigs that she did not know who she was suing and that Meigs was suing the "Fraternity", a syndicate of lawyers and judges who protect each other. This

syndicate of corruption and power even reaches into the Texas State Bar as Meigs was told that the "Fraternity" can ensure a lawyer gets disbarred if they go against them. If such is true, then such an amazing level of corruption should be investigated, cleared, and justice rebuilt. Considering the power, expertise, connection and ability to get lawyers disbarred for going against them, Meigs does not see how any court or justice could ever consider that Meigs was ever effectively represented or even state in any document that any presentation, response, signature or statement made by any lawyer representing Meigs ever held any authority to represent her. Meigs is working very hard to ensure the exposure of those who disrupt and corrupt the judicial courts and dishonor the Justices, and prays for leniency for errors as she maneuvers the maze of the legal profession as an essential employee in the healthcare field and hopes this honorable Texas Supreme Court sees clear the opportunity Meigs hands it to make a change to ensure no lawyer or judge ever attempts to manipulate documents and the court process to their benefit by exposing the corrupt to the public so the public sees change is occurring and by imposing sanctions to deter further Due Process abuse.

These events are all disputed material issues of fact which further discovery will expose as evidence, as Meigs learns better to do such, and must be presented to a jury.

(Petitioner does not fully understand all requests for which petitions and formats by the US Supreme Court and is not sure this is correct. Petitioner requires help, time and a brief to fully address the fraud on the court by the syndicate of lawyers called the "Fraternity")