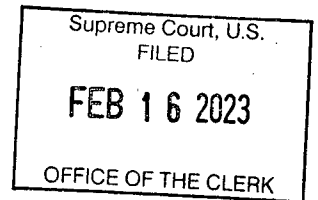


22-7043

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

IN THE  
SUPREME COURT OF THE UNITED STATES



Jean Montgomery Pro se

— PETITIONER

(Your Name)

vs.

Charles Scialla , Scialla & Assc, William Simpson,  
NAPS National Association of Postal Supervisors — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeal for the Seventh Circuit

\_\_\_\_\_  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jean Montgomery

\_\_\_\_\_  
(Your Name)

426 S. Austin Blvd

\_\_\_\_\_  
(Address)

Oak Park Ill. 60304

\_\_\_\_\_  
(City, State, Zip Code)

662 422 4100

\_\_\_\_\_  
(Phone Number)

## QUESTIONED PRESENTED

### HERE ARE THE QUESTION (S):

1. Did the court err when stating Charles Scialla and William Simpson who did not have to be attorneys to represent Petitioner?
2. Did the court err when stating Petitioner case is time barred when the Office of Personnel Management processed Petitioner PS Form 50 on January 9, 2014, less than two-year of filing this case on December 2, 2015?
3. The Office of Personnel Management stated on a document dated July 2, 2018 that "Our office has determined that your former agency erroneously removed you on 10/28/2013, was they correct?
4. ELM 651.77 States in part: "If the decision is to remove the employee, the individual remains on the rolls only if a timely appeal is filed", Did the court err in their decisions?
5. Did the Defendant who was in receipt of Plaintiff P.S. form 50 processed date 01-09-2014, one with USPS dated stamped, one with **Respondent Exhibit #1 page #1, of 1**, and one with appearance of been reformed, that's was received by Petitioner among the document's defendant sent to Plaintiff intent to unnoticed?

## LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

CHARLES SCIALLA  
SCIALLA & ASSOC.  
WILLIAMS SIMPSON  
(NAPS) NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

## RELATED CASES

UNITED STATES OF AMERICA, Plaintiff-Appellee, v. Willard Johnson, Defendants, Appellants  
No. 021334

MICHAEL APPLEBAUM, SPECIAL ADM:R OF THE ESTATE OF JOSEPH APPLEBAUM,  
DECEASED APPELLANT, V. RUSH UNIVERSITY MEDICAL CENTER et al. 105905

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### CASES

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UNITED STATES of America, Plaintiff-Appellee, v. Willard Johnson, Defendant, and H. Wesley Robinson and National Legal Professional Associates, Appellants. No. 02-1334 Argued Oct. 30, 2002, Decided April 24, 2003

Michael APPLEBAUM, Special Adm'r of the Estate of Joseph Applebaum Deceased, Appellant. v. RUSH UNIVERSITY MEDICAL CENTER et al Appellees. 105905 Nov. 20, 2008.

### STATUTES AND RULES

### OTHER

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 from **federal courts**:

The opinion of the United States court of appeals appears at Appendix <sup>A</sup> \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; 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 <sup>B</sup> \_\_\_\_\_ to the petition and is

115-cv-10840 #F-216

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ to the petition and is

☐ 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 on which the United States Court of Appeals decided my case was November 18, 2022.

☐ 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: \_\_\_\_\_, 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 copy of that decision appears at Appendix \_\_\_\_\_.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, 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. § 1257(a).

## **STATEMENT OF THE CASE**

NAPS, National Association for Postal Supervisors, assigned Charles Scialla and William Simpson to represent Montgomery for disciplines she received dated April 2, 2012.

William Simpson contacted Montgomery to inform her he was the attorney assigned by NAPS. He stated he worked for Scialla Law firm

Charles Scialla is listed on website as "Scialla Associates Inc, is a Law Practice company located in Passaic Ave Ste 1, Fairfield New Jersey United States".

On Court for Charles Scialla is listed as Scialla Associates Inc., Walter W. Dixon, et al v. USPS, 10840 F-163, Sept 23, 1994 Charles Scialla Esquire, Juan C. Albo, Peter M. Dechelle Appellant V. USPS Charles Scialla Esquire, Donald W. Lamontagne v. USPS April 26, 2002, Charles Scialla Esquire,

Nancy Wesley NAPS long-term AVP on May 11, 2012 asked Montgomery "Can you give me Loretta mailing address? I called you and sent a text asking for that information. Our Lawyer, Charles Scialla". Message that includes NAPS executives and President Lewis Atkins states in part:

"As I recall, Jean received a decision from an administrative Judge that upheld the decision of the USPS. She was given the right to appeal. She probably appealed: however, I do not represent our members after I send the case to Charlie Scialla and request MSPN Hearing. Yes, in some



case, my involvement continues when the assigned Attorney finds a need for assistance from me. I did not assist a NAPS lawyer in any cases involving Jean Montgomery”, F 207-20 10840

Charles Scialla has other cases where he uses ESQUIRE on court document. William Simpson ESQUIRE, Frederick Mosley appellant v. USPS July 2012 Mark J. Obiedzinski Appellant V USPS October 5, 2016, William Simpson Esquire.

On July 10, 2012 a letter was addressed to Simpson from MSPB F168 22171 424.

Charles Scialla received mail addressed from Nancy Wesley FACSIMILE transmittal to: Attorney Charles Scialla 6/20/2012

Lewis Atkins campaign saying 1. “Hiring a new law firm to represent us in legal matter. Our current law firm has lost its’ influence that they once had in Washington for the purpose we need.”F-16322-1771. Nancy Wesley AVP for NAPS states in part “At my request I ve shadowed the assigned attorney to assist in settling cases”.

Montgomery provided Simpson a host of document to used in her defense request for information for discovery, which includes, but not limited to 207-8 F 10840 3878 thru 3888, Letter to JoAnn Fendt and Karen Schenck, detailing the serious abuse and misuse of two new junior employees in the highest of positions that requires skilled knowledge and integrity F-206-25 10840-3625.

I provided Simpson names of individual to call as wittiness and to interview, including the OIG's Postal inspectors.

Simpson did not call not one wittiness, SF- 10840 Simpson did not interview not one wittiness, not even Prater or Wilkins.

**Montgomery was targeted by to juniors' employees who was promoted for two months as her supervisors**

Montgomery provided a host of documentation to Simpson that unconditional show the charges was fake. Montgomery was charged the first week of Wilkins and Prater promotion with no completing an accident report for Phil Bowen August 15, 2011 accident report record. Montgomery provided the complete d accident record to William Simpson of which he did not submit into record.

Montgomery was than instructed to do illegal activities, including changing and deleting employees clock rings, changing delivery carriers' employees code to non-carriers' codes, complete false scans on Priority and express mail. Montgomery a season manager, who came through the rank, who always encourage her peers to do the right things and not to falsify records.

Many management employees seek Montgomery to assist them with disciplines, that escalated from day one of Wilkins and Prater new promotions, many were fearful of not following the illegal instructions and called me. I contacted Don Nichols the Executive MPOO for the Chicago District. I told him

about the fear the management had and the illegal instructions that was issued to me and others managers. Don Nichols overrule the Instructions of Wilkins and told me not to falsify data or time records and he gave me instruction to tell any manager that contacted me to call him and not to follow the illegal instructions.

However, many were more were fearful of Wilkins and Prater and did what Wilkins and Prater instructed to do F-206-24 10840.

Don Nichols sent two messages to the cluster regarding being perplexed with what the hours was showing.

Montgomery was completely aware of the rule's regulations and guidelines of falsification of time records, scanning or any falsification of mail or any records.

She also was aware of harm brought to other supervisors/managers, especially a management team at the Lincoln Park Office, where Wanda Prater was the CSOM. Those employees were fired and Wanda Prater, yet again was promoted.

Others working for Wilkins was harm by Wilkins which resulted in severe financial lost in financial stock that resulted in high losses to two off Wilkins supervisors of whom I was the individuals theses managements selected as their representative against Wilkins and many as well selected me as their representative against Prater, including Bonita Brown, who came so close to

total out of control action when Prater was heard calling Brown a slogan that's not fit to be repeated, F-10840.

The attached sheet is a small sample of the many of documents that was provided to William Simpson F-206-24 3263 where time falsification became rapid.

I gave William Simpson names of individuals to Interview, he interviewed none, I after learning Simpson was not an attorney got, statement from many of my peers, who includes Daniel Davis a CSOM in the Chicago District he was my CSOM before Wilkins.

Dan Davis warned me that I was targeted by Wilkins and Prater. I gave Dan Davis and asked Simpson to interview along with many others, He did not. I also informed the OIG; s from DC about the many concerns that was escalating in Chicago District.

The OIG were not my attorney, Simpson who said he was my attorney did not interview anyone, the OIG's interviewed several of the wittiness on my witness list including Daniel Davis and Karen Schanek the District Manager. F-168 10840.

The OIG, s conducted a series of investigations, during the tenure of Loretta Wilkins and Wanda Prater. Several of the elected leaders called for Prater to resign or be fired. She did neither, she went to Milwaukee in a lesser position.

Montgomery through-out her career received host of awards and recognitions. She was the chosen manager to complete a documentary for the United States Postal Service that aired on Channel 11 I August 2011.

Simpson with the knowledge he was provide with valid proof it was not true did not do what a prose could have done.

Williams Simpson employed by Charles Scialla and (NAPS) National Association of Postal Supervisors who are non-attorneys represent Montgomery in Federal Court without license to Practice law and failed to do the bared minimum in her defense.

Montgomery worked for the USPS 43 years, she was an EAS-20 Postal Manager of Customer Service at the Englewood Post Office when on October 27, 2011, she was issued disciplines for the first time in her entire career. She was issued a Letter of Warning in Lieu of a seven-day- suspension for alleging not completing a slip trip and fall accident record.

That suspension was defective, all suspension sure has a concurring official. The Suspension nor the Notice of Proposed Removal had a concurring official.

On November 15, 2011. Montgomery two new superiors came into Englewood station, Loretta Wilkins said "Montgomery we are putting you on Emergency Placement" I asked what was the reason, Wilkins replied "you will read about it later" I asked Prater, Prater replied "I don't know, I just came for the ride.

That's Emergency never ended. Wilkins and Prater were promoted in August 2011. Prater was promoted to the position of MPOO, the position Petitioner applied for. Petitioner question the chairman of the board about how the selection was made and what criteria was utilized.

On Wilkins first visit to Englewood, she asked why did I put in for Prater job, "now she is on my..."

I notified Postal executives Don Nichols Executive MPOO about the illegal instructions Prater and Wilkins was issuing to me and about the calls I was receiving from others managements employees who was fearful of retaliations if the instructions illegal instructions were not followed.

I notified the AVP and the District Manager Karen Schenck and JoAnn Fendt, and the OIG; s of the illegal instructions. Of scanning, changing carriers' codes to non-deliver employees' codes, having clerical employees staying late hours of nights to commit false scanning by entering manual scans into the system as delivered, when the mail was in the office and no attempt were ever made. False scanning express mail as delivered, when it was not ever attempted.

I had been on Emergency Placement for six months with pay, for again, charged with not completing an accident report on November 15, 2011. Many attempts were made to even determine who had an accident on November 15, 2011 at Englewood station, no name ever was made available, The OIG was

contacted again and informed of my status, being paid to stay home, because of the alleged accident record not completed.

After Contacting the OIG in March 2012 informing them I was being paid not to work, the following week I received a Notice of Proposed Removal on April 2, 2012, with nearly 15 charges stated.

In June 2012 I contacted NAPS and Organization of which I paid dues to for since 1972, never have used theirs service for any grievance or disputes. I request an Attorney to represent me with the disciplines.

I received a called from William Simpson informing me he was an attorney from Scialla Law Firm and was assigned to handle my case.

At mediation on January 6, 2013, Maryl Rosen, the agency attorney, asked me what did me and Simpson talk about. I replied, that client lawyer confidentiality, she, Maryl Rosen replied saying "that don't count Simpson is not a real lawyer".

That was the first time I heard Simpson was not a lawyer Simpson when I asked him he still proclaimed he was an attorney That was one week before the MSPB hearing.

I Pray for Justice

## **REASON FOR GRANTING PETITION**

This Court intervention is warranted because the court below applied unfair standard in *Montgomery v. Scialla* versus *United States of America v. Willard Johnson* and *H. Wesley Robinson* 327 F.3d 554, *Michael Applebaun V Rush University Medical Center* 231 Ill.2d 429, when sanction non-attorney for practicing law without licenses.

This court intervention is warranted to determined if the court was correct in stating *Williams Simpson* and *Charles Scialla* non-attorney was correct in practicing law without licenses in Federal Courts

This court intervention is warrant as a result of the lower court stating Petitioner case was time-barred when disregarding the official process of, OPM Office OF Personnel Management, the ELM 650 Grievance Disciplinary Procedures 651.77, Petitioner PS form 50, and the USPS Letter of Decision TAB-1 P4.

This court intervention is warranted as a result of lower U.S. Court of Appeal of the Seventh Circuit remarks as it relates to "close the book". Petitioner faith and trust in the lower court to be unbiased, fair, and distributed Righteousness is attentiveness, because off the unwarranted and misleading statement of "close the book" and the statement "Montgomery who is 67 years old" was in Petitioner interpretation was completely inappropriate and refer to Petitioner the appearance of predisposition and prejudice, and incorrect as Plaintiff did have the right to appeal.

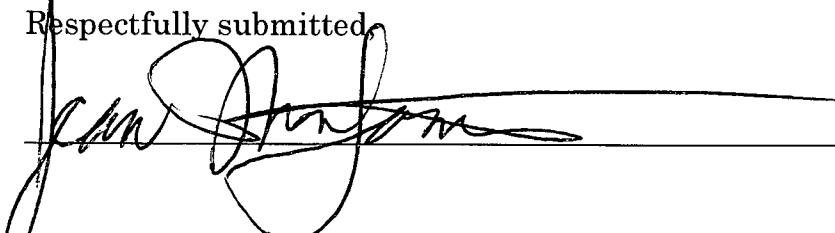
This Court intervention is warranted because Petitioner was denied a jury and the Court made statements that appeal predetermined, as if the court had become Judge and jury and denied Petitioner unjust illustration to present to a Jury the inappropriate representation of Non-Attorney Scialla and Simpson employed by NAPS



## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



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Date: March 15, 2023