

## Appendix

United States Court of Appeals  
for the Fifth Circuit

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No. 24-20013  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

August 27, 2024

Lyle W. Cayce  
Clerk

TOYA GIBSON,

*Plaintiff—Appellant,*

*versus*

RIDGEWELLS CATERING,

*Defendant—Appellee.*

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:21-CV-3828

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Before GRAVES, WILLETT, and WILSON, *Circuit Judges*.

PER CURIAM:\*

Toya Gibson asserted employment discrimination claims against Ridgewells Catering. Ridgewells moved for summary judgment, asserting that Gibson's claims failed on the merits and were time-barred for failure to file within the statutorily prescribed period after receiving her right-to-sue letter. The court granted Ridgewells' motion, holding that the suit lacked

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\* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

No. 24-20013

merit and was time-barred. Gibson now appeals, though her pro se briefing is not a model of clarity: We cannot discern whether Gibson challenges the district court's summary judgment for Ridgewells or its denial of her untimely motion for reconsideration. We briefly address each basis for appeal. *See Jennings v. Towers Watson*, 11 F.4th 335, 341 (5th Cir. 2021) (noting that briefs of pro se parties are entitled to liberal construction).

After determining that summary judgment for Ridgewells was merited, the district court entered final judgment on August 8, 2023. Gibson moved for reconsideration on September 12, 2023, outside the 28-day timeframe prescribed for such motions by Federal Rule of Civil Procedure 59(e). Because untimely post-judgment motions do not affect the time for filing an appeal, *Knapp v. Dow Corning Co.*, 941 F.2d 1336, 1338 (5th Cir. 1991), Gibson had 30 days from August 8, 2023, to appeal the court's summary judgment, *see* FED. R. APP. P. 4(a)(1)(A). Because she failed to do so, we lack jurisdiction to consider an appeal of the underlying judgment for Ridgewells. *See Moody Nat'l Bank of Galveston v. GE Life & Annuity Assurance Co.*, 383 F.3d 249, 250 (5th Cir. 2004).

Treating Gibson's appeal as contesting the district court's denial of her untimely motion for reconsideration, after reviewing the parties' briefs and the record, we discern no reversible error in the district court's ruling and therefore affirm. *See* 5TH CIR. R. 47.6.

Finally, Gibson moves for appointment of counsel. Though federal courts have discretion to appoint counsel to advance the proper administration of justice, Gibson fails to make a showing that appointment of counsel is warranted in this case. *See Ulmer v. Chancellor*, 691 F.2d 209, 213 (5th Cir. 1982). We therefore DENY her motion to appoint counsel.

AFFIRMED.

**ENTERED**

August 07, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

TOYA M. GIBSON,

Plaintiff,

VS.

RIDGEWELLS CATERING,

Defendant.

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CIVIL ACTION NO. 4:21-CV-3828

**MEMORANDUM OPINION AND ORDER**

Pending before the Court is a motion for summary judgment filed by Defendant Ridgewells Holding, Inc. (incorrectly sued as Ridgewells Catering). (Dkt. 25). Having reviewed the motion, the response, the entire record and the applicable law, the Court finds the motion should be GRANTED.

**BACKGROUND**

Plaintiff Toya Gibson applied to work for Ridgewells, a catering company, at the 2020 Women's Open golf tournament. She completed an online training, then took a required COVID-19 test a week before the tournament. At the testing site, the handheld thermometer glitched during the initial attempts to take Gibson's temperature; this led the person using the thermometer—who was not a Ridgewells employee—to remark, "It doesn't like you." Gibson subsequently learned that handheld thermometers have a higher

glitch rate when used on Black patients, which convinced Gibson that the tester's comment was racially charged.

A week later, Gibson learned that she passed her COVID test and was told by a Ridgewells employee that she would soon receive her work schedule. The schedule never arrived. On December 11, 2020, the second day of the four-day tournament, Gibson notified the Ridgewells employee by email that she had not received a schedule. Ridgewells later received a letter from Gibson dated December 10, 2020, stating that Gibson was "out sick, unable to perform any duties." (Dkt. 25-3). Gibson further stated in the letter that she was "only expecting the \$20.00 for the orientation as [she had] not completed any other work after never receiving a schedule." (Dkt. 25-3).

Believing that she had been discriminated against on the basis of her age, color, race, genetic information, and sex-gender, Gibson filed a complaint against with the Equal Employment Opportunity Commission ("EEOC"). The EEOC issued a right-to-sue letter on August 12, 2021. Gibson filed the present lawsuit on November 18, 2021. Ridgewells filed a motion for summary judgment, which is considered below.

### LEGAL STANDARD

Federal Rule of Civil Procedure 56 provides that summary judgment is proper when "there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." FED. R. CIV. P. 56(a). "A fact is material if it might affect the outcome of the suit, and a factual dispute is genuine if the evidence is such that a reasonable jury could return a verdict for the nonmoving party." *Estate of Miranda v. Navistar, Inc.*, 23 F.4th 500, 503 (5th Cir. 2022). To survive summary judgment, the nonmovant must

“present competent summary judgment evidence to support the essential elements of its claim.” *Cephus v. Tex. Health & Hum. Servs. Comm’n*, 146 F. Supp. 3d 818, 826 (S.D. Tex. 2015).

The nonmovant’s “burden will not be satisfied by some metaphysical doubt as to the material facts, by conclusory allegations, by unsubstantiated assertions, or by only a scintilla of evidence.” *Boudreaux v. Swift Transp. Co.*, 402 F.3d 536, 540 (5th Cir. 2005) (quotation omitted). Rather, the “nonmovant must identify specific evidence in the record and articulate how that evidence supports that party’s claim.” *Brooks v. Houston Indep. Sch. Dist.*, 86 F. Supp. 3d 577, 584 (S.D. Tex. 2015). In ruling on a motion for summary judgment, the Court must construe “the evidence in the light most favorable to the nonmoving party and draw all reasonable inferences in that party’s favor.” *Cadena v. El Paso Cnty.*, 946 F.3d 717, 723 (5th Cir. 2020).

### ANALYSIS

Ridgewells argues that summary judgment is in order because (1) Gibson’s suit is time-barred, and (2) Gibson has not established a *prima facie* case of discrimination. (Dkt. 25 at 7-18). The Court agrees with both grounds for summary judgment.

#### I. Gibson’s suit is time-barred.

Ridgewells contends that Gibson’s lawsuit is untimely because she filed her complaint on November 18, 2021—ninety-eight days after the issuance of her right-to-sue letter from the EEOC. (Dkt. 25 at 7-8). The Court agrees with Ridgewells.

Gibson contends that Ridgewells discriminated against her on the basis of age, color, race, genetic information, and sex-gender. (Dkt. 1). Thus, Gibson’s claims fall within

three federal statutes: Title VII of the Civil Rights Act of 1964 (“Title VII”), the Genetic Information Nondiscrimination Act (“GINA”), and the Age Discrimination in Employment Act (“ADEA”). Federal lawsuits brought under all three statutes must be filed within ninety days of the plaintiff’s receipt of the statutory notice of his or her right to sue from the EEOC. *See* 42 U.S.C. § 2000e-5(f)(1) (ninety-day deadline for Title VII claims); 42 U.S.C. § 12117(a) (ninety-day deadline for ADA); 42 U.S.C. § 2000ff-6(a)(1) (incorporating the Title VII administrative scheme and deadlines to GINA claims); and 29 U.S.C. § 626(e) (ninety-day deadline for ADEA claims). In discussing this filing deadline, the Fifth Circuit has cautioned, “Although filing of an EEOC charge is not a jurisdictional prerequisite, it ‘is a precondition to filing suit in district court,’ for all intents and purposes, the ninety-day filing period acts as a statute of limitations.” *Bowers v. Potter*, 113 F. App’x 610, 612 (5th Cir. 2004)

Gibson does not provide the Court with the date she received her right-to-sue letter from the EEOC. Under the Fifth Circuit’s “presumption of receipt” doctrine, plaintiffs are presumed to have received their right-to-sue notice up to seven days from the issuance of the notice. *Taylor v. Books A Million, Inc.*, 296 F.3d 376, 379 (5th Cir. 2002). Applying this presumption here, the Court will assume that Gibson received her right-to-sue letter seven days after it was issued—*i.e.*, that Gibson received the letter on August 19, 2021. Applying this presumption, Gibson’s deadline for filing this lawsuit was November 17, 2021, one day before Gibson filed her complaint. Thus, Gibson’s complaint is untimely.

The Court's finding that Gibson's claims are time-barred provides sufficient grounds for summary judgment. As discussed below, the Court further finds that summary judgment should be granted on the merits of Gibson's claims.

**II. Gibson failed to establish a *prima facie* case of discrimination.**

Ridgewells argues that Gibson has not established, and cannot establish, a *prima facie* case of employment discrimination on any of the grounds she asserts. The Court agrees.

Gibson does not present direct evidence of age, color, race, genetic information, and sex-gender discrimination. Indeed, Gibson hardly presents circumstantial evidence of discrimination—she makes much out of the innocuous comment, made by a non-Ridgewells employee, that a glitching thermometer “doesn’t like” her, but she fails to connect that comment with her failure to obtain a work schedule from Ridgewells. Nor does Gibson connect Ridgewell’s failure to send her a work schedule with any of her protected traits, even assuming that (1) Ridgewells knowingly failed to send the work schedule as opposed to making a clerical error, and (2) Gibson could have worked for Ridgewells even if they had sent a schedule, when she submitted a doctor’s note stating that she could not work during the tournament. (Dkt. 25-3 at 2-3).

Nevertheless, given that Gibson claims to offer circumstantial evidence of discrimination on Ridgewell’s part, the burden-shifting framework established in *McDonnell Douglas Corp. v. Green* applies here. 411 U.S. 792 (1973) (applying framework to Title VII case); *see also Goudeau v. Nat’l Oilwell Varco, L.P.*, 793 F.3d 470, 474 (5th Cir. 2015) (applying framework to ADEA case); *Ortiz v. City of San Antonio Fire*



*Dep't*, 806 F.3d 822, 827 (5th Cir. 2015) (upholding application of framework in GINA case).

Under this burden-shifting framework, a plaintiff must first present a *prima facie* case of discrimination. *McDonnell Douglas*, 411 U.S. at 802. To establish a *prima facie* case of discrimination, plaintiff must show that (1) she belongs to a protected class; (2) she was qualified to do his job; (3) despite her qualifications, her employment situation was adversely affected; and (4) her position was filled by someone outside the protected class. *Davis v. Chevron U.S.A., Inc.*, 14 F.3d 1082, 1087 (5th Cir.1994) (citing *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802, 93 S.Ct. 1817, 36 L.Ed.2d 668 (1973)).

The Court finds that Gibson has failed to establish the final prong of a *prima facie* case of discrimination—*i.e.*, that her position was filled by someone outside of her protected classes. Gibson offers no evidence that she was replaced by another Ridgewells employee in the first place, much less that she was replaced by an employee who was outside of her protected classes. Ridgewells offers, as summary judgment evidence, a portion of Gibson's deposition in which she admitted that "all [she has] is the email addresses" of the servers who worked the Women's Open event, and that she does not know the demographics of the members of that group. (Dkt. 25-5). Thus, the fourth prong of the *prima facie* case of discrimination is not met here.<sup>1</sup>

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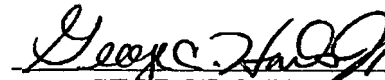
<sup>1</sup> Given the Court's finding that Gibson failed to establish the fourth prong of a *prima facie* case of discrimination, the Court will decline to further find that Gibson failed to establish an adverse employment action. The Court again notes, however, that Gibson failed to establish that Ridgewells knowingly refrained from sending her a work schedule, and that Gibson could not have worked for Ridgewells even if she had received one.

Gibson failed to establish a prima facie case of discrimination; thus, Ridgewells is entitled to summary judgment on Gibson's claims under Title VII, ADEA, and GINA.

**CONCLUSION**

For the reasons explained above, Ridgewell's motion for summary judgment (Dkt. 25) is **GRANTED**.

SIGNED at Houston, Texas on August 7, 2023.

  
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GEORGE C. HANKS, JR.  
UNITED STATES DISTRICT JUDGE



Outlook

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**RE: Requested Direct Deposit Form/ Doctor's Notice**

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**From** Nick Rogers <nrogers@ridgewells.com>

**Date** Fri 12/11/2020 4:28 PM

**To** Toya M. Gibson <gibson\_toya@hotmail.com>

Good Afternoon Toya,

I hope all is well with you. I apologize for the fact that you never received a schedule for the event, in going back through my emails it appears that your schedule did not go through.

We can set up your direct deposit and pay you the \$20.00 for attending the Zoom Orientation. This will be direct deposited on Thursday, December 24<sup>th</sup>.

Best Regards,

Nick Rogers

Nick Rogers

STAFFING AND OPERATIONS MANAGER, MAJOR EVENTS

[ridgewells.com](http://ridgewells.com)

**From:** Toya M. Gibson <gibson\_toya@hotmail.com>

**Sent:** Friday, December 11, 2020 5:04 PM

**To:** Nick Rogers <nrogers@ridgewells.com>

**Subject:** Requested Direct Deposit Form/ Doctor's Notice

\*\* ATTENTION: This message is from an external sender.

\*\* DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Greetings,

Mr. Rogers, in hopes that all is well.

As you know, I was never sent a schedule nor was I kept abreast to why one was not sent although you noted in separate text that you would send one. I could not verify that one was ever sent.

Please see attached documents and please respond to ensure that you did in fact receive this email.

Thanks

Toya M. Gibson

Mobile: 713-304-3092 Mobile: 832-368-0762

Matthew 7:12 <sup>12</sup> So in everything, do to others what you would have them do to you, for this sums up the Law and the Prophets.

# ridgewells

Select Page

## SCHEDULING

### Changes in Schedules

The nature of the U.S. Women's Open requires that all employees be flexible with their schedules to accommodate any last minute changes, requests, or weather related circumstances. Employees may be reassigned on short notice to work a different shift or another location than originally scheduled. A Purple Tie Manager will communicate any changes in person or via email. No one, other than a Purple Tie Manager, has the authority to make changes to any employee's schedule. Employees that are reassigned to another position or area should be prepared to provide their full support assisting the operation in whatever way is required.

### Guaranteed Hours

Employees are guaranteed a minimum of 4 hours per shift with the condition that they arrive on time and are not sent home before the completion of the 4 hour shift due to poor performance. Employees that are late for their shift automatically forfeit their 4 hour guaranteed and will be paid for actual hours worked.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

TOYA M. GIBSON

V.

UNITED STATES GOLF ASSOCIATION

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CAUSE NO. 4:21-CV-03428

**DEFENDANT'S 12(b)(5) AND 12(b)(6)**  
**MOTION TO DISMISS AND MEMORANDUM IN SUPPORT**

United States Golf Association ("USGA" or "Defendant") files this motion to dismiss the suit brought by Plaintiff Toya Gibson ("Ms. Gibson"), pursuant to FED.R.CIV.P. 12(b)(5) and (6). In support thereof USGA shows the following:

**I. BACKGROUND FACTS**

Ms. Gibson brought this suit alleging race, sex, and color discrimination under federal Title VII and age discrimination under the Age Discrimination in Employment Act ("ADEA"). The EEOC issued its Notice of Right to Sue ("RTS") on Friday, July 16, 2021. Ms. Gibson filed the suit 94 days later on Thursday, October 18, 2021. [See Doc. No. 1]. It is not clear how Ms. Gibson attempted service of process as she has not filed a return of service demonstrating that she served USGA. Nevertheless, Ms. Gibson filed a Motion for Default Judgment on January 14, 2022. [See Doc. No. 6]. USGA was not served with the Summons and Complaint and only became aware of this lawsuit one week ago.

**II. BASES FOR USGA'S MOTION TO DISMISS**

Pursuant to FED.R.CIV.P. 12(b)(6), this case should be dismissed because Ms. Gibson fails to state a claim upon which relief can be granted. First, Title VII and the ADEA only apply to employees and applicants of an employer. Ms. Gibson's own Complaint identifies

 Outlook

**RE: Request for an update**

From Rachel Willborg <Rachel\_Willborg@txs.uscourts.gov>

Date Fri 7/15/2022 3:02 PM

To Toya M. Gibson <gibson\_toya@hotmail.com>

Cc Cynthia Horace <Cynthia\_Horace@txs.uscourts.gov>

Ms. Gibson,

I cannot speak to the rulings of either Judge Hoyt or Judge Hughes. They make the final decisions. If you have questions regarding their rulings, or if you want to appeal their rulings or motion for an oral hearing, you need to file those complaints/requests in your case, addressed to the Judge. If you don't want to come to the building to file, there is also the option to mail documents to:

*U.S. District Court*

*Clerk's Office*

*515 Rusk St.*

*Houston, TX 77002*

When the Clerk's Office receives the documents, we will file them in your case.

You should receive notice of any filings in your case by mail. Unfortunately, I do not know anything about the PS form 3811. If a document related to your case was lost in the mail, it will be one of the documents listed on the docket sheet that I emailed to you earlier this week. That docket sheet has all the titles of all the documents that would have been mailed to you. We are happy to provide you with a copy of any of those documents at 10 cents per page.

Regarding the summons, I relayed to you the information that was reflected on the docket sheet: the summons were issued to the defendant on October 25, 2021.

Thank you,  
Rachel Willborg

From: Toya M. Gibson <gibson\_toya@hotmail.com>

Sent: Friday, July 15, 2022 2:12 PM

To: Rachel Willborg <Rachel\_Willborg@txs.uscourts.gov>

Subject: RE: Request for an update

**CAUTION - EXTERNAL:**

G a,

I understand completely in regards to the delay, no worries. However, I am not certain I understand the latter. Please explain, both Judge Hoyt and Judge Hughes are aware of my indigency however for reasons unknown because neither of them explained, they denied my motions to file electronically. It cost between \$10.00 to \$20.00, time considered, just to park to come and file each time. Pacer had explained to me that an exemption for paying fees has to be approved per court. Therefore, I am being left to have to continuously log in to know when something is being filed, when the typical one-time free notifications aren't sent. Please explain to whom can I appeal the denials to file electronically?

Secondly Mrs. Willborg, I asked the Judge a number of questions that were not addressed in regards to the summons being filed, the court noting that it was sent but the opposing counsel claiming they were not served. I have yet to receive an explanation of where the ball dropped. I did however learn of yet another dismissal. Considering the seriousness, perhaps I am not the only litigant being affected. Please understand, this is about our livelihoods.

Now that I have requested for Judge Hoyt to investigate what happened and weeks have passed yet he has yet to explain, please tell me whom within this court of authority can? Believing that this was not either Judges fault that the Summon(s) remain a mystery, I thus far believed they had the authority to probe what happened. If not, who does?

Lastly, please answer why the PS form 3811 was filled out and sent to me with tracking number 95901940255929274142026 USPS.com® - USPS Tracking® Results ? I did not receive anything to accompany whatever was mailed and there is no tracking information provided on the USPS website. All other mail from this court is typically sent without a signature needed thus far from me. This one however did, yet the carrier did not provide me with anything, asked if she could just throw it away, yet I told her I needed to keep it for record. I did receive the dismissals for the request to file electronically and the second dismissal from Judge Hoyt in regards to default judgment. Please explain if I can now motion for an oral virtual hearing on his dismissal, before I submit my complaint.

I must ask this question as Judge Hughes has encouraged me to file with the EEOC again for retaliation in regards to my mail. I am left in faith however I am also responsible to explain why this issue with the summons have repeated to the EEOC.

Please know that we the public believe in the integrity of this this office. In that belief, we understand that things happen yet we also expect for an explanation and default judgement when we have in fact followed the rules. With all due respect, I trusted you when you stated that the summons was sent. How was it sent? Perhaps I now need to also, contact that entity.

Please know that consideration given will be appreciated.

In faith,

Toya M. Gibson  
P.O. Box 681211  
Houston, Texas 77268  
713-304-3092

Luke 6:31

<sup>31</sup> Do to others as you would have them do to you.

**From:** Rachel Willborg  
**Sent:** Friday, July 15, 2022 1:37 PM  
**To:** Toya M. Gibson  
**Cc:** Cynthia Horace  
**Subject:** RE: Request for an update

Ms. Gibson,

I apologize for the delay in response – I was in court most of yesterday and this morning.

I was told that if you wish to receive electronic noticing of any filings in your case, you will need to file a motion and ask Judge to grant permission for you to get electronic notice. The Clerk's Office does not automatically add the emails addresses for pro se parties. Judge has to grant permission for electronic filing and electronic noticing for pro se parties.

Thank you,  
Rachel Willborg

**From:** Toya M. Gibson <[gibson\\_toya@hotmail.com](mailto:gibson_toya@hotmail.com)>  
**Sent:** Friday, July 15, 2022 1:44 PM





## NOTICE REGARDING COVID-19

The USGA is taking significant measures to mitigate the risk of transmission of COVID-19 while conducting its championships. Despite these measures, complete elimination of risk of exposure and infection to COVID-19 is not currently possible.

If you choose to access the U.S. Women's Open Championship, you must follow all mitigation measures implemented by the USGA with respect to COVID-19. These requirements are a condition of working at the championship and, therefore, we will not permit you to participate if you fail to comply. Specifically, we require you do the following:

- Adhere to the COVID-19 testing requirements. Refer to the "U.S. Women's Open Testing Protocols" section of this document for specific details.
- Take a Eurofins Scientific test at the SpringHill Suites Houston Northwest. You will not be able to access Champions Golf Club while awaiting test results. If you test positive, you will not be permitted to work the Championship and you will be required to self-quarantine for ten (10) days.
- Submit to screening for symptoms of COVID-19 (as identified by the CDC at <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>) on a daily basis during the championship, including a daily health questionnaire and temperature checks (via thermal and temperature scans).
- Follow all on-site protocols established by the USGA, including maintaining social distancing (staying at least 6 feet apart from others and limiting close contact to under 15 minutes) whenever possible, frequently washing hands for at least 20 seconds and using a hand sanitizer, and wearing CDC-compliant masks or face coverings at all times.

Working together, we are confident we can make this Championship a success for you, the players, and for the local community.

## U.S. WOMEN'S OPEN TESTING PROTOCOLS AND EXPERIENCE

You must have a negative 'bubble test' prior to gaining on-site access to Champions Golf Club beginning on Saturday, December 5<sup>th</sup>. Eurofins Scientific generally provides results by the next day; accordingly, you should take your COVID-19 test by 5 p.m. at minimum the day prior to your required work on-site to ensure access, however they do not guarantee the 24-hour test result and in limited circumstances, you may also have to return for a retest if the specimen was insufficient. Testing will begin at the SpringHill Suites Houston Northwest beginning on Thursday, December 3<sup>rd</sup>.

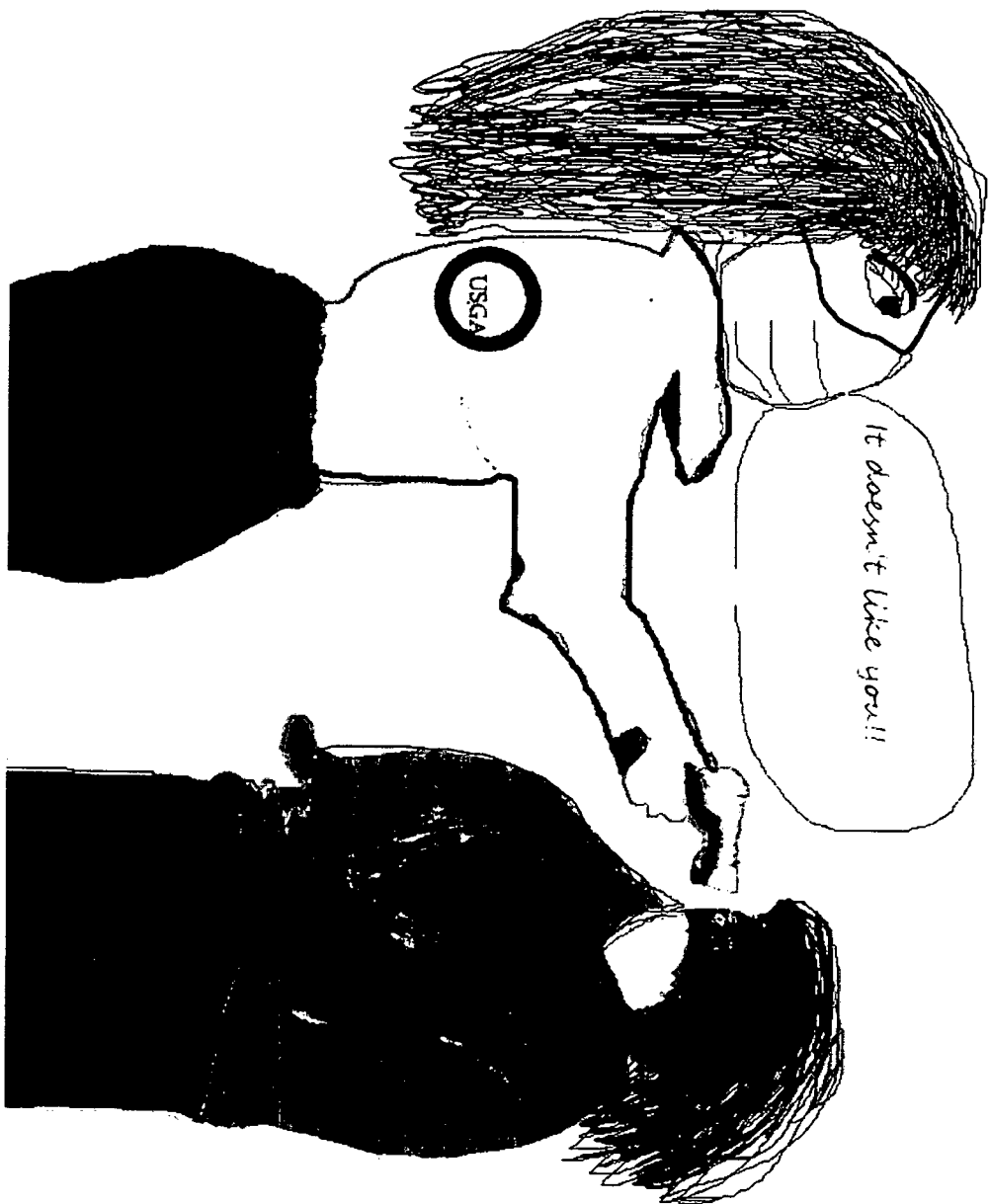
Process upon arrival at the SpringHill Suites Houston Northwest:

- Please follow signage to the back of the hotel to the entrance near the pool
- A thermal temperature check will occur prior to check-in
- Check-in and verify personal information (name, DOB, email)
- Take a self-administered, mid-nasal polymerase chain reaction (PCR) test
- Receive a packet with a credential, parking pass and pertinent championship information

You will be notified of your results the day after you take the test. Credentials will be activated once a negative test result is verified by Eurofins Scientific. Individuals with a positive test will be contacted immediately by championship personnel about the need to quarantine and recommended health procedures.

Eurofins Scientific Testing Location	Testing Hours	
SpringHill Suites by Marriott Houston Northwest 20303 Chasewood Park Drive Houston, Texas 77070  Signage and attendants will direct you to the precise testing location upon your arrival to the entrance.	Dec. 3	12 p.m. – 5 p.m.
	Dec. 4	10 a.m. – 5 p.m.
	Dec. 5 - 7	7 a.m. – 5 p.m.
	Dec. 8	8 a.m. – 5 p.m.
	Dec. 9	10 a.m. – 4 p.m.

**PLEASE NOTE:** The busiest testing times are anticipated to be Dec. 3<sup>rd</sup>, 12 p.m. – 1:30 p.m., December 6<sup>th</sup>, 12 p.m. – 5 p.m., and December 7<sup>th</sup>, 7 a.m. – 12 p.m.



**ENTERED**

August 07, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

TOYA M. GIBSON,

Plaintiff,

VS.

RIDGEWELLS CATERING,

Defendant.

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CIVIL ACTION NO. 4:21-CV-3828

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**BACKGROUND**

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glitch rate when used on Black patients, which convinced Gibson that the tester's comment was racially charged.

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“present competent summary judgment evidence to support the essential elements of its claim.” *Cephus v. Tex. Health & Hum. Servs. Comm’n*, 146 F. Supp. 3d 818, 826 (S.D. Tex. 2015).

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#### I. Gibson’s suit is time-barred.

Ridgewells contends that Gibson’s lawsuit is untimely because she filed her complaint on November 18, 2021—ninety-eight days after the issuance of her right-to-sue letter from the EEOC. (Dkt. 25 at 7-8). The Court agrees with Ridgewells.

Gibson contends that Ridgewells discriminated against her on the basis of age, color, race, genetic information, and sex-gender. (Dkt. 1). Thus, Gibson’s claims fall within

three federal statutes: Title VII of the Civil Rights Act of 1964 (“Title VII”), the Genetic Information Nondiscrimination Act (“GINA”), and the Age Discrimination in Employment Act (“ADEA”). Federal lawsuits brought under all three statutes must be filed within ninety days of the plaintiff’s receipt of the statutory notice of his or her right to sue from the EEOC. *See* 42 U.S.C. § 2000e-5(f)(1) (ninety-day deadline for Title VII claims); 42 U.S.C. § 12117(a) (ninety-day deadline for ADA); 42 U.S.C. § 2000ff-6(a)(1) (incorporating the Title VII administrative scheme and deadlines to GINA claims); and 29 U.S.C. § 626(e) (ninety-day deadline for ADEA claims). In discussing this filing deadline, the Fifth Circuit has cautioned, “Although filing of an EEOC charge is not a jurisdictional prerequisite, it ‘is a precondition to filing suit in district court,’ for all intents and purposes, the ninety-day filing period acts as a statute of limitations.” *Bowers v. Potter*, 113 F. App’x 610, 612 (5th Cir. 2004)

Gibson does not provide the Court with the date she received her right-to-sue letter from the EEOC. Under the Fifth Circuit’s “presumption of receipt” doctrine, plaintiffs are presumed to have received their right-to-sue notice up to seven days from the issuance of the notice. *Taylor v. Books A Million, Inc.*, 296 F.3d 376, 379 (5th Cir. 2002). Applying this presumption here, the Court will assume that Gibson received her right-to-sue letter seven days after it was issued—*i.e.*, that Gibson received the letter on August 19, 2021. Applying this presumption, Gibson’s deadline for filing this lawsuit was November 17, 2021, one day before Gibson filed her complaint. Thus, Gibson’s complaint is untimely.

The Court's finding that Gibson's claims are time-barred provides sufficient grounds for summary judgment. As discussed below, the Court further finds that summary judgment should be granted on the merits of Gibson's claims.

**II. Gibson failed to establish a *prima facie* case of discrimination.**

Ridgewells argues that Gibson has not established, and cannot establish, a *prima facie* case of employment discrimination on any of the grounds she asserts. The Court agrees.

Gibson does not present direct evidence of age, color, race, genetic information, and sex-gender discrimination. Indeed, Gibson hardly presents circumstantial evidence of discrimination—she makes much out of the innocuous comment, made by a non-Ridgewells employee, that a glitching thermometer “doesn’t like” her, but she fails to connect that comment with her failure to obtain a work schedule from Ridgewells. Nor does Gibson connect Ridgewell’s failure to send her a work schedule with any of her protected traits, even assuming that (1) Ridgewells knowingly failed to send the work schedule as opposed to making a clerical error, and (2) Gibson could have worked for Ridgewells even if they had sent a schedule, when she submitted a doctor’s note stating that she could not work during the tournament. (Dkt. 25-3 at 2-3).

Nevertheless, given that Gibson claims to offer circumstantial evidence of discrimination on Ridgewell’s part, the burden-shifting framework established in *McDonnell Douglas Corp. v. Green* applies here. 411 U.S. 792 (1973) (applying framework to Title VII case); *see also Goudeau v. Nat’l Oilwell Varco, L.P.*, 793 F.3d 470, 474 (5th Cir. 2015) (applying framework to ADEA case); *Ortiz v. City of San Antonio Fire*

*Dep't*, 806 F.3d 822, 827 (5th Cir. 2015) (upholding application of framework in GINA case).

Under this burden-shifting framework, a plaintiff must first present a *prima facie* case of discrimination. *McDonnell Douglas*, 411 U.S. at 802. To establish a *prima facie* case of discrimination, plaintiff must show that (1) she belongs to a protected class; (2) she was qualified to do his job; (3) despite her qualifications, her employment situation was adversely affected; and (4) her position was filled by someone outside the protected class. *Davis v. Chevron U.S.A., Inc.*, 14 F.3d 1082, 1087 (5th Cir.1994) (citing *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802, 93 S.Ct. 1817, 36 L.Ed.2d 668 (1973)).

The Court finds that Gibson has failed to establish the final prong of a *prima facie* case of discrimination—*i.e.*, that her position was filled by someone outside of her protected classes. Gibson offers no evidence that she was replaced by another Ridgewells employee in the first place, much less that she was replaced by an employee who was outside of her protected classes. Ridgewells offers, as summary judgment evidence, a portion of Gibson's deposition in which she admitted that "all [she has] is the email addresses" of the servers who worked the Women's Open event, and that she does not know the demographics of the members of that group. (Dkt. 25-5). Thus, the fourth prong of the *prima facie* case of discrimination is not met here.<sup>1</sup>

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<sup>1</sup> Given the Court's finding that Gibson failed to establish the fourth prong of a *prima facie* case of discrimination, the Court will decline to further find that Gibson failed to establish an adverse employment action. The Court again notes, however, that Gibson failed to establish that Ridgewells knowingly refrained from sending her a work schedule, and that Gibson could not have worked for Ridgewells even if she had received one.




Gibson failed to establish a prima facie case of discrimination; thus, Ridgewells is entitled to summary judgment on Gibson's claims under Title VII, ADEA, and GINA.

**CONCLUSION**

For the reasons explained above, Ridgewell's motion for summary judgment (Dkt. 25) is **GRANTED**.

SIGNED at Houston, Texas on August 7, 2023.

  
\_\_\_\_\_  
GEORGE C. HANKS, JR.  
UNITED STATES DISTRICT JUDGE

United States District Court  
Southern District of Texas

**ENTERED**

March 06, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

TOYA M. GIBSON,

Plaintiff,

VS.

UNITED STATES GOLF ASSOCIATION,

Defendant.

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§  
§  
§  
§

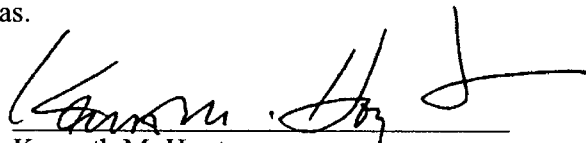
CIVIL ACTION NO. 4:21-CV-03428

**ORDER**

On the 7th day of February 2022, came on for consideration Defendant's 12(b)(5) and 12(b)(6) Motion to Dismiss and Memorandum in Support. Having considered the motion, any response filed by the plaintiff, and the arguments, if any, of the parties, the Court finds that the motion should be, in all things, granted.

It is, so ORDERED. The instant suit filed by Plaintiff, Toya Gibson, is dismissed pursuant to FED. R. CIV. P. 12(b)(5) and (6).

SIGNED on March 4, 2022, at Houston, Texas.



Kenneth M. Hoyt  
United States District Judge

Motion For Leave To Proceed In Forma Pauperis  
And supporting documentation.

No. 24A715  
SUPREME COURT OF THE UNITED STATES  
Toya M. Gibson

Petitioner

Vs.

Ridgewells Catering,

Respondent.

---

On Petition for a Writ of Certiorari to  
The United States Court of Appeals  
For the Fifth Circuit

Motion For Leave To Proceed In Forma Pauperis

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Pro Se Toya M. Gibson

12515 Fox Trace Ln. Houston, Texas 77066

713-304-3092/832-368-0762

Gibson\_toya@hotmail.com

Miller,Scamardi,Carrabba,Burgess,PC

6525 Washington, Texas 77007

Houston, TX 77007 /713-861-3595

[dmiller@msc-lawyer.com](mailto:dmiller@msc-lawyer.com)

To the United States Supreme Court, I Pro Se Toya M. Gibson am aware that to proceed in forma pauperis is not a right and the decision is subject to the discretion of the court. For this reason, I felt compelled to expound on my inability to pay the court cost of this case. This document serves as the answer to #12 on the Affidavit in Support of this motion. Of the documentation presented for evidence, I am humbly requesting that my earnings record from social security be redacted.

Since January 2025, I have consistently contacted the Texas Workforce Commission for an embossed and sealed copy of the investigation to determine my unemployment benefits claim that was completed after being terminated from Wayfair in 2016. Thus far, Mr. Alex Stewart and Bryan D. Snoddy, Director of the Civil Rights Division refused to grant me a copy, even after mentioning the deadline that I've been given. For this reason, I have since mailed Mr. Ed Serna, the Executive Director, for his intervention to release the documents to me, so that I could in return submit them to this court, if the documentation that I'm presently presenting isn't suffice. The requested record serves as proof that the libel that I have endured since 2018, whereas this court has record of my complaint, has continuously harmed me. I can only explain the feeling and how I have been affected as that of being a wet jolly rancher placed in an ant pile. It covers you and continuously eats away at your mere survival. Without any redress, a public letter of apology, nor any compensation, the exaggerated days recorded and published online has thwarted my ability to regain self-sufficiency. I have since read about Libel from a biblical standpoint and have learned that it amounts to jealousy. No,

nothing of material worth that I had before her on that day, however what I rightfully should have received, I wholeheartedly believe she prevented.

Respectfully, I ask that this court bare with me as I present my case.

In a courtroom the Judge has the most power of control. In 2023, five years after publishing the inaccurate account of my work attendance, in her own words, Former Federal Judge Nancy Atlas stated the following during an interview to the Tufts Lawyer Association:

**Excerpt/transcript:**

And.... Anyway. But the other thing, I'll say one more thing, and that is that these cases are the clients cases. These cases are not the lawyer's cases. And even though I'm

35:23

very active in the litigation section, and I believe in the jury trial at my core.

35:32

It is important that lawyers understand. And I had this several times when I practiced.

35:37

My client wanted to sell the case, just give the case away, after they had -- one was there has been

35:44

a threat, and another one, you know, they just were Nervous Nelly, and the punch line is: It's not my

35:50

case, as a lawyer. It's the client's case, and so if they want to settle, they should.

And that's why ADR

35:57

and plea bargaining -- well, that's, criminal is a little different, but ADR is an important thing

36:04

to talk about with the client because clients want control and, when they are in that courtroom,

36:09

there is no control. They are, the client has the least control of any human being in the courtroom. Unquote.

In her own words, and to what has been an hurtful era, I had no control over her decision to publish the false statement acting in malice knowingly aware of the falsity of the information. This was no legal error as to why I have included the following documents supporting my inability to gain employment that would enable me to afford the court cost.

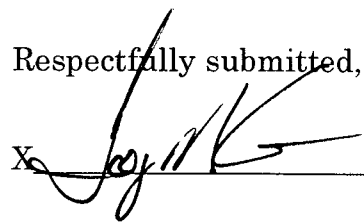
I have provided copies of the following documents for review;

1. Affidavit in Support of Motion For Leave to Proceed in Forma Pauperis
2. A form noting confirmation previously being granted leave to proceed from the lower and appeals court.
3. Determination on payment of unemployment benefits noting no work misconduct.
4. Wayfair's Texas Supervisor Attendance/Action Report
5. In case 4:17-cv-02059, Document 21; page 20 of 39, page 21 of 39, and page 22 of 39.
6. Emailed request for clarification to Mr. Terrence Carr, EEOC Education Coordinator
7. Emailed request for records to Mr. Alex Stewart, Employment Intake Supervisor
8. Texas Child Support Disbursement Unit Payment Record
9. Case 4:17-cv-02059 Document 41, Filed on 06/27/2018 in TXSD Page 2 of 14
10. Social Security Earnings Record

In conclusion, additionally, I am the sole caregiver for my mother who is presently ill and disabled. However, I still have out active applications. Plaintiff prays that the United States Supreme Court considers all that is being presented for an explanation of my inability to pay the court cost. Thank you.



Respectfully submitted,

X  \_\_\_\_\_

Toya M. Gibson

Gibson\_toya@hotmail.com

3/23/2025

employment was terminated by Defendant on October 10, 2016. During that time, Plaintiff processed a high percentage of returns that involved exceptions to Wayfair's standard return policy. This included accepting returns after the expiration of the 30-day return period, and waiving applicable return shipping costs. Plaintiff, citing the Bible, Ephesians 4:32, notes in her Response to Defendant's Motion that Christians are commanded to be kind and compassionate. Plaintiff states that she attempted to follow that command by being kind to Wayfair customers, particularly the elderly customers, by accepting their merchandise returns.

Justin Brown was Wayfair's Customer Service Manager and Plaintiff's supervisor. When Plaintiff's minor daughter was not in school, Plaintiff requested permission to go home during her lunch break to check on her. In discussing her request with Brown, Plaintiff mentioned that her mother could not take care of the daughter because her mother was "mentally ill." *See* Plaintiff's Deposition, Exh. D to Defendant's Motion, p. 62. Plaintiff did not provide to Brown or anyone else at Wayfair additional information regarding her mother's mental illness. *See id.* at 65-66. Plaintiff stated that Brown allowed her to go home to check on her daughter. *See id.* at 64.

During her brief employment with Wayfair, Plaintiff was absent from work thirty-six (36) times. Wayfair's Attendance Policy is included in the "Sales & Service

 Outlook

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**RE: Regarding Toya M Gibson's discrimination allegation against Wayfair**

---

From Stewart, Alex E <alex.stewart@twc.texas.gov>  
Date Thu 1/30/2025 1:18 PM  
To gibson\_toya@hotmail.com <gibson\_toya@hotmail.com>

Good Afternoon,

The inquiry you submitted on 01/30/2025 was dismissed because the last date of harm noted was 2018. The TWCCRD does not have jurisdiction on allegations over 180 days from the last date of harm.

The inquiry you submitted on 04/13/2020 against the same employer was dismissed for the same reason.

V/R,

Alex Stewart  
Employment Intake Supervisor  
Texas Workforce Commission - Civil Rights Division  
101 E. 15th Street, Room 154  
Austin, TX 78778-0001  
[alex.stewart@twc.texas.gov](mailto:alex.stewart@twc.texas.gov)  
Facsimile: 512-463-2643  
**Office Hours: 7:00am – 4:00pm**

**From:** Toya M. Gibson <[gibson\\_toya@hotmail.com](mailto:gibson_toya@hotmail.com)>  
**Sent:** Thursday, January 30, 2025 1:00 PM  
**To:** EEO Intake <[eeointake@twc.texas.gov](mailto:eeointake@twc.texas.gov)>  
**Subject:** RE: Regarding Toya M Gibson's discrimination allegation against Wayfair

Good afternoon,

For record, please forward the supervisors name and information. I'll need it to proceed.

Thank you.

On Jan 30, 2025 12:41 PM, EEO Intake <[eeointake@twc.texas.gov](mailto:eeointake@twc.texas.gov)> wrote:

Greetings.

Thank you for contacting the Texas Workforce Commission Civil Rights Division. I apologize for the difficulties you are experiencing. TWCCRD enforces Chapter 21 of the Texas Labor Code and conducts employment discrimination complaint services based on their protected class of race, national origin, color, disability, sex, religion, age (40+ only), or in retaliation for a protected activity relating to the latter protected classes.

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Libel

---

From Toya M. Gibson <gibson\_toya@hotmail.com>  
Date Tue 2/18/2025 1:42 PM  
To TERRENCE.CARR@EEOC.GOV <TERRENCE.CARR@EEOC.GOV>

"Former employee, Mr. Terrence Carr missed 36 days in 6 months in his brief employment with the EEOC" .....posted all over social media.

Can you imagine the harm, since 2018, this could cause you while you are seeking employment, considering it's flagrantly untrue?

Good afternoon Sir,

I believe that I am suffering legal abuse at this point considering that in Gibson vs Wayfair, we were sent to a settlement conference after the Judge found that there was no misconduct on my part however, the Magistrate Judge stated "you missed 36 days in 6 months" to me, after the other party had left. Meaning, she held the negotiations between us, while we were in separate rooms, with the inaccurate information that she mysteriously had, before even conducting the settlement conference. Then ..... **Former** Federal Judge Nancy Atlas made this exaggerated information libel by making it record and publishing it. I had no idea what libel was at the time however, for years, even while in the Appeals court and well as the Supreme Court, I have tried to have it corrected and seek compensation. Yet, I have not went back to the lower court with a new suit of libel, believing that the EEOC can aid me.

Please explain to me Mr. Carr, why was the appeal information removed from my right-to-sue letter when I approached the EEOC before we, Wayfair and I went to court? I submitted nearly 85 pages of evidence to prove my stance. And secondly, please explain why won't your office protect me as this is clear libel, caused by malice?

Please respond Sir. Thank you.

Toya M. Gibson

Mobile: 713-304-3092

Matthew 7:12 <sup>12</sup> So in everything, do to others what you would have them do to you, for this sums up the Law and the Prophets.

1           **THE COURT:** You can put your hand down.

2           **MS. GIBSON:** Yes, ma'am.

3           **THE COURT:** Thank you. So what kind of warnings was  
4 she given? Oral, written?

5           **MS. ONUORA:** There were both. They accumulate points  
6 at Wayfair. So every absence outside of an excused paid time  
7 off absence, you accumulate certain points. At when you're at  
8 9 points, that's -- when you're, I'm sorry, when you're at 8  
9 points, the 9th point, which is the 9th unexcused absence,  
10 would result in a --

11           **THE COURT:** Termination

12           **MS. ONUORA:** -- termination.

13           **THE COURT:** And do you have a written policy on that?

14           **MS. ONUORA:** Yes, we do.

15           **THE COURT:** Has Ms. Gibson been given a copy?

16           **MS. ONUORA:** She was given a copy of that policy  
17 during her (indisc.) she was hired.

18           **THE COURT:** Okay. And was there any warning given to  
19 her at the 7th, 8th, whatever point?

20           **MS. ONUORA:** Yes. Every time the manager issues --  
21 every time an employee gets a point, the manager has to issue a  
22 warning or issue a --

23           **THE COURT:** Orally or in writing?

24           **MS. ONUORA:** Well usually it's -- it depends on how  
25 excessive it is. At times that they will issue it orally and

1 document it as a documented discussion; however, if it's too  
2 pervasive they'll issue it in writing and then note the  
3 previous times that they've been warned as well.

4 **THE COURT:** I see. And what happened with  
5 Ms. Gibson?

6 **MS. ONUORA:** Well before Ms. Gibson went out for -- I  
7 think she went out for like four days -- it was four days for  
8 her -- for her oral surgery.

9 **THE COURT:** Abscess. Or for the surgery itself or  
10 for the symptoms?

11 **MS. ONUORA:** Was it for the oral surgery or for the  
12 symptoms underlying?

13 **MS. GIBSON:** It was to actually have the procedure  
14 done but my tooth erupted and I went to human resources as  
15 Manager Justin Brown had suggested to get with them first in  
16 cases of such where he could not approve something. I followed  
17 his suggestion, human resources sent me an email that said come  
18 back and see me when you get back so we can explore how we can  
19 help you. That was why I was out with pretenses that my human  
20 resources rep was okay. There was no indication when --

21 **THE COURT:** Did you tell the rep that you were going  
22 to go have the surgery and be out for four days?

23 **MS. GIBSON:** I told him with -- yes, and I had the  
24 documents as well but he said doctor's excuses were not needed.  
25 I was assuming that you meant everything is fine -- you were

1 over by managers. So please if I may say when he said come see  
2 me when you get back, I had before, the day before I went to  
3 get it out, I even came back to see him because my job meant  
4 everything to me.

5 **THE COURT:** Okay. Thank you.

6 **MS. ONUORA:** Actually that's not the case. When he  
7 told her to come back and, you know, to see her when she  
8 returned, it was returning from the time off and that was the  
9 day that she was also terminated. So the company had decided  
10 to terminate her. So it wasn't four days that she was out, I  
11 believe it was six days that she was out and before that she  
12 already had accumulated nine points.

13 **MS. GIBSON:** Your Honor, if I may say, he changed his  
14 mind. And that is illegal and that's the way I feel.

15 **THE COURT:** Okay. All right. So I'm going to set  
16 this schedule. I would like initial disclosures to be made. I  
17 would like a deposition to be taken of each side as best one  
18 can, and then we'll see where it goes. I'm thinking that maybe  
19 Magistrate Judge Palermo would be a good person to review this  
20 case, do a little settlement conference, and see what's what.  
21 But I think you need to understand the legal side.

22 And you mention in your -- in the report that --  
23 there's something about GINA. What is GINA?

24 **MS. ONUORA:** Oh GINA, that's the Genetic Information  
25 Disqualification Act. Or --

**Today's Date: 10/10/16**

**Employee Name:** Toya Gibson

**Title:** SSC

**Hire Date:** 03/28/16

**Disciplinary Status:**Termination

**Squad:** Service Team 1 - Bryan

**Supervisor:** Justin Brown

(Leave blank if not related to attendance or ETL/LTR)

Attendance				Total Points
Start Date	End Date	Total Days	Action	Total Points
6/16/16	6/16/16	1		1.0
6/27/16	6/27/16	1		1.0
7/19/16	7/19/16	1		1.0
7/20/16	7/20/16	1		1.0
8/5/16	8/5/16	1		1.0
8/8/16	8/8/16	1		1.0
8/10/16	8/10/16	1	Verbal Warning	1.0
9/6/16	9/6/16	1		1.0
9/21/16	9/21/16	1	Written Warning	1.0
10/4/16	10/4/16	1		1.0
10/5/16	10/5/16	1		1.0
10/6/16	10/6/16	1		1.0
10/7/16	10/7/16	1	Termination	1.0
			Total:	13.0

LTR/ETL			
Date	LTR/ETL	Action Taken	Total Point
4/18/16	.25 ETL		.25
6/08/16	.25 ETL		.25
8/22/16	.25 ETL		.25
4/12/16	.25 LTR		.25
4/18/16	.25 LTR		.25
6/1/16	.25 LTR		.25
6/17/16	.25 LTR		.25
6/28/16	.25 LTR		.25
7/27/16	.25 LTR		.25
8/15/16	.25 LTR		.25
8/16/16	.25 LTR		.25
8/17/16	.25 LTR	Verbal Warning	.25
9/2/16	.25 LTR		.25
9/20/16	.25 LTR	Written Warning	.25
9/27/16	.25 LTR		.25
Total:			3.75

(Leave blank if no corrective action is taken)

**Description of Issue:**

Toya and I met to review YTD attendance. As of the date of this discussion, Toya's tenure at Wayfair.com is 196 days.

We reviewed her absences on:

6/16/16, 6/27/19, 7/19/16, 7/20/16, 8/5/16, 8/8/16, 8/10/16, 9/6/16, 9/21/16, 10/4/16, 10/5/16, 10/6/16, 10/7/16

We reviewed ETL/LTR on.

4/18/16, 6/8/16, 8/22/16, 4/22/16, 4/18/16, 4/18/16, 6/1/16, 6/17/16, 6/28/16, 7/27/16, 8/15/16, 8/16/16, 8/17/16, 9/2/16, and 9/21/16.

Tova is now at 13.0 total points and under our Attendance Policy and 3.5 points on LTR/ETL. This is a written warning.

**Previous Actions Taken w/Dates:**



320401010020/5010101

1. The first step is to identify the problem. In this case, the problem is that the system is not working properly.

2. The next step is to gather information about the problem. This includes checking the logs, looking at the error messages, and talking to the users.

3. Once you have gathered the information, you can start to troubleshoot the problem. This involves testing different hypotheses and seeing if they solve the problem.

4. If you are still having trouble, you may need to consult with a specialist or a vendor. They can provide you with more information about the problem and help you to solve it.

5. Finally, once you have solved the problem, you should document what you did and what you learned. This will help you to avoid the problem in the future and will be useful to others who are having the same problem.

Social Security Number: XXX-XX-  
Employer: WAYFAIR LLC  
As  
Employer Account No: 15-089530-8  
All dates are shown in  
month-day-year order.

**Issue:** Separation from work  
**Decision:** We can pay you benefits, if you meet all other weekly requirements such as being able, available and actively searching for work.  
**Reason for Decision:** Our investigation found your employer fired you because of your medically verifiable illness. This is not considered misconduct connected with the work.  
**Law Reference:** Section 207.044 of the Texas Unemployment Compensation Act.

If you receive a decision that says, "we cannot pay you benefits," it means there is a problem with your claim. EVEN IF you have received other decisions for the same period that say, "We can pay you benefits." If even one decision for the same period says we cannot pay, you will not receive an unemployment payment for that period.

To resolve issues on decisions you receive:

1. Follow instructions on the notice(s): call the Tele-Center at 800-835-6631 if you have questions;
2. If the instructions tell you to "Report," call the Tele-Center at once;
3. If you disagree with a decision, file an appeal. Appeal a decision separately by the appeal deadline. If you fax your appeal, keep a confirmation sheet.

Your employer can appeal TWC's decision to pay benefits. TWC will notify you of any appeal hearing. If you do not participate, you may lose your benefits and have to repay benefits you received.

There will be no charge to your former employer's account.

If you disagree with this decision, you may appeal. Submit your appeal online, by fax, or by mailing on or before 01-25-17. TWC will use the postmark date or the date we receive the fax or online form to determine whether your appeal is timely. If you appeal by fax, you should keep your fax confirmation as proof of transmission. Please include a copy of this notice with appeals correspondence. You must appeal each determination separately.

### Appeal Tribunal

Texas Workforce Commission  
101 E. 15th Street  
Austin, TX 78778-0002  
Or fax to (512) 475-1135

Case No.: 4  
Claim ID.: 01-01-17  
Claim Date: 01-01-17  
HEARING IMPAIRED CLIENT  
CALL 711 for RELAY TEXAS

BD300E 0627/2013

## R005083-053125 - Public Information Request

### Message History (3)

☑ On 6/3/2025 9:07:00 AM, TWC Open Records wrote:

**Subject:** [Records Center] Public Information Request :: R005083-053125

**Body:**

Dear Toya Gibson,

A thorough search has been conducted and there is no claim date for Wayfair, please see our attached retention schedule.

Thank you,  
Open Records

☑ On 5/31/2025 4:26:41 PM, TWC Open Records wrote:



---

Dear Toya Gibson:

Thank you for your interest in public records of Texas Workforce Commission. Your request has been received and is being processed in accordance with Chapter 552 of Texas Government Code, the Public Information Act. Your request was received in this office on 5/31/2025 and given the reference number R005083-053125 for tracking purposes.

**Records Requested:** Greetings,

I need all records pertaining to my employment with Wayfair, their response to my unemployment insurance claim, and considering no work misconduct was found, I am requesting the reason behind not charging them the amount paid out to me and specifically, I need all records pertaining to the investigation to determine benefits showing the factual days that I was absent.

All files will need to be sealed and certified, and please, I need two (2) copies.

Please know that consideration given will be appreciated. Thank you.

Your request will be forwarded to the relevant Texas Workforce Commission department(s) to locate the information you seek and to determine the volume and any costs associated with satisfying your request. You will be contacted about the availability and/or provided with copies of the records in question. PLEASE NOTE: Chapter 552 of the Texas Government Code, the Public Information Act, does not require a governmental body to create new information, to do legal research, or to answer questions.

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed. Again, thank you for using the Open Records Center.

Texas Workforce Commission

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To monitor the progress or update this request please log into the [Open Records Center](#)

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**GovQA**

☒ On 5/31/2025 4:26:39 PM, Toya Gibson wrote:

Request Created on Public Portal

Page: 1

Benefits – Non-Monetary Determinations  
Fact Finding

SSN: XXX-XX-9627 TOYA M GIBSON Case Nbr: 4  
Issue Nbr: 1 Type: FIRED Reason: FIRED - INTAKE STATEMENT  
Stnt Nbr: 1 of: 3 Stnt of: Claimant Taken: 01-05-2017 10:18:17 AM

Name: TOYA M GIBSON Title:  
Phone Stnt: Y Claim ID: 2017-01-01 Claim Dt: 01-01-2017 Rebuttal: N Footnote: N

Why were you fired? Reason you were given I WAS TOLD THAT I DID NOT REQUEST  
THE DAY THAT I TOOK OFF.

Name of the person who told you that you were fired: JUSTIN BROWN  
Title of the person who told you that you were fired: MANAGER  
Did something specific happen that caused you to be fired? \_ Y  
Explanation: YES I HAD DENTAL WORK DONE AND I WAS BLEEDING TOO MUCH TO GO  
TO  
WORK I HAD DEVELOPED AN ABSECE AND I CONTACTED HR AND THEY SAID IT WAS  
OK AND  
A WEEK BEFORE I WAS COMENDED ON MY WORK ETHIC AND INTEGRITY. BUT MY  
MANAGER  
CAME TO MY DESK AND IN FRONT OF EVERYONE TOLD ME TO GET MY THINGS  
LOUDLY AND  
CLEAN OUT MY DESK. WALKED ME TO THE DOOR AND AS I WAS LEAVING HE  
CALLED MY  
NAME I TURNED AROUND AND HE WAVED AND SAID BYE BYE.  
Did you have any warnings related to the reason you were given for being  
fired? \_ N  
Did you do what you were warned about? \_ \_

-----END-----

\*\*\* No footnote entered \*\*\*

Page: 2

Benefits – Non-Monetary Determinations  
Fact Finding

SSN: XXX-XX-9627 TOYA M GIBSON Case Nbr: 4  
Issue Nbr: 1 Type: FIRED Reason: ABSENT  
Stnt Nbr: 2 of: 3 Stnt of: Employer Taken: 01-10-2017 12:26:37 PM

Name: WILLIAM QUICK Title: HR MANAGER  
Phone Stnt: Y Claim ID: 2017-01-01 Claim Dt: 01-01-2017 Rebuttal: Y Footnote: N

What was the reason (you/he,she) (was/were) fired? SHE WAS LET GO DUE TO  
EXCESSIVE ABSENCES AND VIOLATION OF OUR NO FAULT ATTENDANCE POLICY.  
Name and title of person discharging claimant? JUSTIN BROWN, MANAGER.  
Date(s) / reason(s) for final absence? SHE HAD TO MISS DUE TO MEDICAL REASONS  
FROM A DENTAL PROCEDURE SHE HAD. SHE MISSED FROM 100416-100716.

Page: 3

Benefits – Non-Monetary Determinations  
Fact Finding

SSN: XXX-XX-9627 TOYA M GIBSON Case Nbr: 4  
Issue Nbr: 1 Type: FIRED Reason: ABSENT  
Stnt Nbr: 3 of: 3 Stnt of: Claimant Taken: 01-10-2017 12:40:36 PM

Name: TOYA M GIBSON Title:  
Phone Stnt: Y Claim ID: 2017-01-01 Claim Dt: 01-01-2017 Rebuttal: Y Footnote: Y

What was the reason (you/he,she) (was/were) fired? I UNDERSTAND THAT MY EMPLOYER IS SAYING THAT I WAS LET GO DUE TO EXCESSIVE ABSENCES.  
Name and title of person discharging claimant? JUSTIN BROWN, MANAGER  
Date(s) / reason(s) for final absence? 100416-100716, I HAD TO MISS WORK DUE TO MEDICAL REASONS. I WAS HAVING ISSUES WITH AN ABSCESS IN MY MOUTH.  
Dates / reasons for prior absences? I AGREE WITH THE DATES THAT MY EMPLOYER PROVIDED. THREE OF THOSE ABSENCES WERE DUE TO MEDICAL REASONS, AND ONE OF THEM WAS FOR MY DAD AND HIM HAVING A STROKE. I DON'T HAVE SPECIFICS.  
Prior warnings regarding attendance? If yes, when, by whom, what were warnings for? IDON'T RECALL WHAT THE WARNINGS WERE FOR, BUT I DO AGREE THAT I WAS GIVEN PRIOR WARNINGS.  
Did (you/he,she) notify the employer (you/they) were going to be absent? If yes, when? Who did (you/he, she) speak to/title? IDID CALL IN AS PER POLICY.  
What was the call-in policy/rule when absent? TO CALL IN PRIOR TO SHIFT STARTING.  
Did (you/he,she) follow the policy? YES I DID.

-----END-----  
I DON'T HAVE ANY RESTRICTIONS ON MY ABILITY TO LOOK FOR AND ACCEPT FULL TIME WORK AND I HAVE BEEN ABLE TO ACCEPT A FULL TIME JOB SINCE THE BEGINNING OF MY CLAIM PERIOD.

Employer Response to Notice of Application for UI Benefits

SSN: XXX-XX-9627 TOYA M GIBSON  
Claim Date: 01-01-2017 Claim Type: IC PGM: REG Claim ID: 2017-01-01

Employer: 15-089530-8 WAYFAIR LLC  
Correct Last Employer: Y  
Monetarily Eligible: Y  
Source: Internet

Notice Sent: 01-06-2017  
Due: 01-20-2017  
Claimant Separation Reason: FIRED

Responded: 01-09-2017  
Response Type: Internet Confirmation #: 0109SYS9627  
Employer Separation Reason: FIRED  
TWC Action: ROUTE ONLY  
Current Investigator: NOEL GARZA

Employment Information

Date Range Worked: 03-28-2016 Thru 10-10-2016  
Gross Wages Earned:

---

Wages In Lieu Of Notice:	N	Paid Thru:
On Temporary Layoff:	N	Recall Date:
Paid Vacation Days:	N	Paid Thru:

---

Responder's Name:	William Quick	TWC Account:	150895308
Responder's Title:	Human Resources	Phone:	(617) 532-6100 x2975
Contact Person:	Mana	Phone:	

---

----- Additional Information Regarding Separation -----

----- Work Separation Reason - Fired -----  
Why Did You Fire The Applicant?  
Violation of our No Fault Attendance Policy.  
Who Fired The Applicant?  
Name: Justin Brown  
Title: Service Manager  
Phone: (617)880-8576 Ext:  
Was There A Final Incident That Led To Firing? Y Explanation Below:  
Employee was absent 10/4 - 10/7 giving her 13 attendance points whereas 10 points is cause to review for termination.  
Did You Give The Applicant Prior Warning? Y Explanation Below:

Employee was given a final warning on 9/22/16 when she received her 9th point. She was advised her job was in jeopardy and any further attendance violations could result in termination.

----- Inadequate Untimely Employer Response -----

Employer Name: WAYFAIR LLC  
Employer ID: 15-089530-8  
Late or Inadequate Response Total: 0

Dates / reasons for prior absences? I WOULDN'T KNOW THE REASONS, BUT SHE WAS OUT 061616, 062716, 071916, 072016, 080516, 080816, 081016, 090616, 092116 AND 100416 THROUGH 100716.

Prior warnings regarding attendance? If yes, when, by whom, what were warnings for? SHE WAS GIVEN A FINAL WARNING ON 092116. THIS WAS A WRITTEN WARNING. SHE ALSO RECEIVED A VERBAL ON 081016. THE CLAIMANT WAS MADE AWARE THAT HER JOB WAS IN JEOPARDY ON BOTH OCCASSIONS.

Did (you/he,she) notify the employer (you/they) were going to be absent? If yes, when? Who did (you/he, she) speak to/title? SHE DID NOTIFY US THAT SHE WAS GOING TO BE OUT AS PER POLICY.

What was the call-in policy/rule when absent? TO CALL IN TO LET US KNOW THAT SHE WAS GOING TO BE ABSENT.

Did (you/he,she) follow the policy? YES SHE DID.

-----END-----

\*\*\* No footnote entered \*\*\*



Issue Decision Log

SSN: XXX-XX-9627 TOYA M GIBSON

Case Nbr: 4

Issue Nbr: 1 of: 1 Type: FIRED Reason: HEALTH OR MEDICAL REASONS

Program: REG Claim ID: 2017-01-01 Claim Type: IC Claim Dt: 01-01-2017

LEU: 15-089530-8 WAYFAIR LLC

Late LEU Response: N Interested Party: Y

Charged: No

Other Employer:

Decision Date: 01-10-2017

Weeks Disqualified:

Mailed Date: 01-11-2017

Deductible Amount:

Begin Date: 01-01-2017

State:

End Date:

Incident Date:

Claimant Failed to Respond: N

Qualified: Y

Rationale: PARTIES AGREE; DET CLMT'S FINAL ABSENCE DUE TO MEDICAL REASONS;  
DET FINAL INCIDENT DOESN'T RISE TO LEVEL OF MISCONDUCT.

Conclusion: FIRED-MEDICALLY VERIFIABLE ILLNESS-NOT DISQUALIFIED

## R005083-053125 - Public Information Request

### Message History (3)

✉ On 6/3/2025 9:07:00 AM, TWC Open Records wrote:

**Subject:** [Records Center] Public Information Request :: R005083-053125

**Body:**

Dear Toya Gibson,

A thorough search has been conducted and there is no claim date for Wayfair, please see our attached retention schedule.

Thank you,  
Open Records

✉ On 5/31/2025 4:26:41 PM, TWC Open Records wrote:



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Dear Toya Gibson:

Thank you for your interest in public records of Texas Workforce Commission. Your request has been received and is being processed in accordance with Chapter 552 of Texas Government Code, the Public Information Act. Your request was received in this office on 5/31/2025 and given the reference number R005083-053125 for tracking purposes.

**Records Requested:** Greetings,

I need all records pertaining to my employment with Wayfair, their response to my unemployment insurance claim, and considering no work misconduct was found, I am requesting the reason behind not charging them the amount paid out to me and specifically, I need all records pertaining to the investigation to determine benefits showing the factual days that I was absent.

All files will need to be sealed and certified, and please, I need two (2) copies.

Please know that consideration given will be appreciated. Thank you.

Your request will be forwarded to the relevant Texas Workforce Commission department(s) to locate the information you seek and to determine the volume and any costs associated with satisfying your request. You will be contacted about the availability and/or provided with copies of the records in question. PLEASE NOTE: Chapter 552 of the Texas Government Code, the Public Information Act, does not require a governmental body to create new information, to do legal research, or to answer questions.

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Texas Workforce Commission

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To monitor the progress or update this request please log into the [Open Records Center](#)

Powered by  
**GovQA**

☒ On 5/31/2025 4:26:39 PM, Toya Gibson wrote:

Request Created on Public Portal

Page: 1

Benefits – Non-Monetary Determinations  
Fact Finding

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Issue Nbr: 1 Type: FIRED Reason: FIRED - INTAKE STATEMENT  
Stnt Nbr: 1 of: 3 Stnt of: Claimant Taken: 01-05-2017 10:18:17 AM

Name: TOYA M GIBSON Title:  
Phone Stnt: Y Claim ID: 2017-01-01 Claim Dt: 01-01-2017 Rebuttal: N Footnote: N

Why were you fired? Reason you were given I WAS TOLD THAT I DID NOT REQUEST  
THE DAY THAT I TOOK OFF.

Name of the person who told you that you were fired: JUSTIN BROWN

Title of the person who told you that you were fired: MANAGER

Did something specific happen that caused you to be fired? Y

Explanation: YES I HAD DENTAL WORK DONE AND I WAS BLEEDING TOO MUCH TO GO  
TO

WORK I HAD DEVELOPED AN ABSECE AND I CONTACTED HR AND THEY SAID IT WAS  
OK AND

A WEEK BEFORE I WAS COMENDED ON MY WORK ETHIC AND INTEGRITY. BUT MY  
MANAGER

CAME TO MY DESK AND IN FRONT OF EVERYONE TOLD ME TO GET MY THINGS  
LOUDLY AND

CLEAN OUT MY DESK. WALKED ME TO THE DOOR AND AS I WAS LEAVING HE  
CALLED MY

NAME I TURNED AROUND AND HE WAVED AND SAID BYE BYE.

Did you have any warnings related to the reason you were given for being  
fired? N

Did you do what you were warned about? \_ \_

~~~~~END~~~~~

\*\*\* No footnote entered \*\*\*

Page: 2

Benefits – Non-Monetary Determinations  
Fact Finding

SSN: XXX-XX-9627 TOYA M GIBSON Case Nbr: 4  
Issue Nbr: 1 Type: FIRED Reason: ABSENT  
Stnt Nbr: 2 of: 3 Stnt of: Employer Taken: 01-10-2017 12:26:37 PM

Name: WILLIAM QUICK Title: HR MANAGER  
Phone Stnt: Y Claim ID: 2017-01-01 Claim Dt: 01-01-2017 Rebuttal: Y Footnote: N

What was the reason (you/he,she) (was/were) fired? SHE WAS LET GO DUE TO  
EXCESSIVE ABSENCES AND VIOLATION OF OUR NO FAULT ATTENDANCE POLICY.

Name and title of person discharging claimant? JUSTIN BROWN, MANAGER.

Date(s) / reason(s) for final absence? SHE HAD TO MISS DUE TO MEDICAL REASONS  
FROM A DENTAL PROCEDURE SHE HAD. SHE MISSED FROM 100416-100716.

Page: 3

Benefits – Non-Monetary Determinations  
Fact Finding

SSN: XXX-XX-9627 TOYA M GIBSON Case Nbr: 4  
Issue Nbr: 1 Type: FIRED Reason: ABSENT  
Stmnt Nbr: 3 of: 3 Stmnt of: Claimant Taken: 01-10-2017 12:40:36 PM

Name: TOYA M GIBSON Title:  
Phone Stmnt: Y Claim ID: 2017-01-01 Claim Dt: 01-01-2017 Rebuttal: Y Footnote: Y

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Name and title of person discharging claimant? JUSTIN BROWN, MANAGER  
Date(s) / reason(s) for final absence? 100416-100716, I HAD TO MISS WORK DUE TO MEDICAL REASONS. I WAS HAVING ISSUES WITH AN ABSCESS IN MY MOUTH.  
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Did (you/he,she) notify the employer (you/they) were going to be absent? If yes, when? Who did (you/he, she) speak to/title? I DID CALL IN AS PER POLICY.  
What was the call-in policy/rule when absent? TO CALL IN PRIOR TO SHIFT STARTING.  
Did (you/he,she) follow the policy? YES I DID.

-----END-----  
I DON'T HAVE ANY RESTRICTIONS ON MY ABILITY TO LOOK FOR AND ACCEPT FULL TIME WORK AND I HAVE BEEN ABLE TO ACCEPT A FULL TIME JOB SINCE THE BEGINNING OF MY CLAIM PERIOD.

Employer Response to Notice of Application for UI Benefits

SSN: XXX-XX-9627 TOYA M GIBSON  
Claim Date: 01-01-2017 Claim Type: IC PGM: REG Claim ID: 2017-01-01

Employer: 15-089530-8 WAYFAIR LLC  
Correct Last Employer: Y  
Monetarily Eligible: Y  
Source: Internet

Notice Sent: 01-06-2017  
Due: 01-20-2017  
Claimant Separation Reason: FIRED

Responded: 01-09-2017  
Response Type: Internet Confirmation #: 0109SYS9627  
Employer Separation Reason: FIRED  
TWC Action: ROUTE ONLY  
Current Investigator: NOEL GARZA

Employment Information

Date Range Worked: 03-28-2016 Thru 10-10-2016  
Gross Wages Earned:

---

|                          |   |              |
|--------------------------|---|--------------|
| Wages In Lieu Of Notice: | N | Paid Thru:   |
| On Temporary Layoff:     | N | Recall Date: |
| Paid Vacation Days:      | N | Paid Thru:   |

---

|                    |                 |              |                      |
|--------------------|-----------------|--------------|----------------------|
| Responder's Name:  | William Quick   | TWC Account: | 150895308            |
| Responder's Title: | Human Resources | Phone:       | (617) 532-6100 x2975 |
| Contact Person:    | Mana            | Phone:       |                      |

---

----- Additional Information Regarding Separation -----

----- Work Separation Reason - Fired -----  
Why Did You Fire The Applicant?  
Violation of our No Fault Attendance Policy.  
Who Fired The Applicant?  
Name: Justin Brown  
Title: Service Manager  
Phone: (617)880-8576 Ext:  
Was There A Final Incident That Led To Firing? Y Explanation Below:  
Employee was absent 10/4 - 10/7 giving her 13 attendance points whereas 10 points is cause to review for termination.  
Did You Give The Applicant Prior Warning? Y Explanation Below:

Employee was given a final warning on 9/22/16 when she received her 9th point. She was advised her job was in jeopardy and any further attendance violations could result in termination.

----- Inadequate Untimely Employer Response -----

Employer Name: **WAYFAIR LLC**  
Employer ID: **15-089530-8**  
Late or Inadequate Response Total: **0**

Dates / reasons for prior absences? I WOULDN'T KNOW THE REASONS, BUT SHE WAS OUT 061616, 062716, 071916, 072016, 080516, 080816, 081016, 090616, 092116 AND 100416 THROUGH 100716.

Prior warnings regarding attendance? If yes, when, by whom, what were warnings for? SHE WAS GIVEN A FINAL WARNING ON 092116. THIS WAS A WRITTEN WARNING. SHE ALSO RECEIVED A VERBAL ON 081016. THE CLAIMANT WAS MADE AWARE THAT HER JOB WAS IN JEOPARDY ON BOTH OCCASSIONS.

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What was the call-in policy/rule when absent? TO CALL IN TO LET US KNOW THAT SHE WAS GOING TO BE ABSENT.

Did (you/he,she) follow the policy? YES SHE DID.

-----END-----

\*\*\* No footnote entered \*\*\*



Issue Decision Log

SSN: XXX-XX-9627 TOYAM GIBSON

Case Nbr: 4

Issue Nbr: 1 of: 1 Type: FIRED Reason: HEALTH OR MEDICAL REASONS

Program: REG Claim ID: 2017-01-01 Claim Type: IC Claim Dt: 01-01-2017

LEU: 15-089530-8 WAYFAIR LLC

Late LEU Response: N Interested Party: Y

Charged: No

Other Employer:

Decision Date: 01-10-2017

Weeks Disqualified:

Mailed Date: 01-11-2017

Deductible Amount:

Begin Date: 01-01-2017

State:

End Date:

Incident Date:

Claimant Failed to Respond: N

Qualified: Y

Rationale: PARTIES AGREE; DET CLMT'S FINAL ABSENCE DUE TO MEDICAL REASONS;  
DET FINAL INCIDENT DOESN'T RISE TO LEVEL OF MISCONDUCT.

Conclusion: FIRED-MEDICALLY VERIFIABLE ILLNESS-NOT DISQUALIFIED

No. 24A715

SUPREME COURT OF THE UNITED STATES

Toya M. Gibson

Petitioner

Vs.

Ridgewells Catering,

Respondent.

---

On Petition for a Writ of Certiorari to  
The United States Court of Appeals  
For the Fifth Circuit

Statement of Adherence

---

Pro Se Toya M. Gibson

12515 Fox Trace Ln. Houston, Texas 77066

713-304-3092/832-368-0762

Gibson\_toya@hotmail.com

To the United States Supreme Court, I Toya M. Gibson have since made the required corrections to the petition by removing excessive cover pages, replacing the depiction of scene, placing it in order, that in which is noted in the appendix, and I have removed the respondent's counsel information from the cover page.

Additionally, in the declaration of previous indigency, I have since revised questions 2,3,4 and 7 by answering them.

The statement of jurisdiction now' only shows the date August 27, 2024 requested to be reviewed.

Lastly, in a stance of personal financial transparency, the money order that was purchased on March 28, 2025 and sent however returned, was sent for this case. As under the direction of the clerk, no change to the substance of the petition could be made yet my financial ability did. Should the money order need to be resent, please advise as my financial ability has now changed, yet I am still unemployed.

In conclusion, of the months that have passed, I had hoped that with me directly submitting documentation for release of my factual record of the investigation of determination of benefits to Mr. Ed Serna, Executive Director, by now I would have the sealed, embossed and certified record as evidence to support the allegations of libel explaining my previous indigency due to my inability to find employment, however, no one from the Texas Workforce Commission has reached out to me nor released the record yet they have sent to me, via email record noting that after a thorough search, they do not have any claims made against Wayfair. Their response

is now attached in my supportive documentation in my Motion For Leave to Proceed in Forma Pauperis. I printed out the very record that I requested from my pacer account that was submitted to the court while the case against Wayfair was still open, before the settlement conference was had. However, they did provide me with information noting that , Texas Labor Code 21.252 also provides that failure to issue the notice of a complainant's right to file a civil action does not affect the complainant's right under this subchapter to bring a civil action against the respondent. Yet before another civil action can be brought before the court, an employee must first go through the EEOC. I have repeatedly, over the months tried to make an appointment on their website, which is mandatory, however each time there were no openings. Please, bear with me as this information is imperative. At 6:48 pm on May 28, 2025 I received an email from the U.S. Employment Opportunity Commission noting' ["Dear TOYA GIBSON, Starting today, the U.S. Employment Opportunity Commission (EEOC) is using it's new EEOC Scheduler to manage appointments. The EEOC Scheduler will make it easier for you to schedule, reschedule, or cancel your appointment with the EEOC. We have created an EEOC Scheduler account for you."]

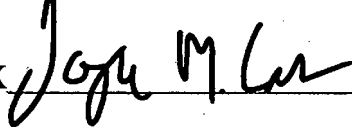
Following the instructions, late November 2025 was the earliest available appointment that I agreed to. I am humbly requesting the United States Supreme Court to intervene and aid me with obtaining the embossed, sealed record which will confirm the libel that I am alleging is the cause of my indigency, while remaining in faith, utilizing the record attached. The Texas Workforce

Commissions' Open Records Center, sent reference number R005083-053125, that they'll be finally surrendered, yet again, this was not the case.

Plaintiff prays that if this embossed, sealed document is necessary, the United States Supreme Court would kindly subpoena the record to be added with my declaration of previous indigency. The consideration given will be appreciated.

Thank you.

Respectfully submitted,

X  \_\_\_\_\_

Toya M. Gibson

August 6, 2025