

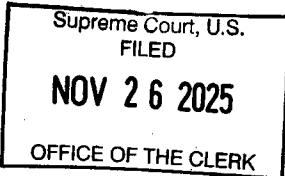
25-6434

No.           

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



NATASHA T. BASKIN, PETITIONER,

vs.

ALGERNON M. PITRE, RESPONDENT

ON PETITION FOR WRIT OF CERTIORARI  
TO THE DISTRICT OF COLUMBIA COURT OF APPEALS

PETITION FOR WRIT OF CERTIORARI

Natasha Topaz Baskin, Pro Se Litigant

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## **QUESTIONS PRESENTED**

### **1. Due Process and Access to Courts**

Whether the combined effect of emergency tolling restrictions, denial of disability accommodations, and additional procedural barriers violated the Due Process Clause by depriving pro se litigants with disabilities of meaningful access to the courts and extinguishing otherwise timely claims.

### **2. Equal Protection in Application of Tolling Orders**

Whether limiting tolling relief only to claims expiring strictly within the emergency period, while denying relief to similarly situated litigants whose claims expired immediately thereafter, violates the Equal Protection Clause.

### **3. Conflict with Federal Precedent on Tolling Principles**

Whether the District of Columbia courts' narrow interpretation of emergency tolling orders conflicts with federal precedent requiring broader tolling to protect litigants' rights during extraordinary circumstances.

### **4. Delayed Discovery Doctrine and Disability Rights**

Whether refusal to apply the delayed discovery doctrine, despite physician-documented cognitive impairments and D.C. Code § 12-302, violated federal law and Title II of the ADA by denying equal access to justice.

### **5. Impact of Hostile Work Environment and Retaliation on Disability Progression**

Whether courts must consider the cumulative impact of unresolved hostile work environment and retaliation claims—where the record shows progression from one disability to multiple impairments—when applying tolling doctrines and access-to-justice protections.

### **6. National Importance of Uniform Standards for Pro Se Litigants with Cognitive Impairments**

Whether inconsistent application of emergency tolling, disability-based tolling, and delayed discovery doctrines among jurisdictions raises a question of national importance warranting this Court's intervention to ensure uniform access to justice for pro se litigants with cognitive impairments.

## **PARTIES TO THE PROCEEDING**

**Petitioner:** (Plaintiff-Appellee below) is

**Natasha T. Baskin**

**Respondent:** (Defendant-Appellant below) is

**Algernon M. Pitre, DBA - Pitre & Associates**

## **CORPORATE DISCLOSURE STATEMENT**

No corporate disclosure statement is required.

## **RELATED CASES**

- *Natasha McIntyre v. WMATA*, Civil Action No. 17-2007 (CKK), Complaint filed October 26, 2017, United States District Court for the District of Columbia. Summary Judgment entered **May 15, 2019**; In WMATA's favor.
- *Natasha T. McIntyre v. WMATA*, Civil Action No. 17-2007 (CKK), District of Columbia Court of Appeals. Appeal dismissed as untimely **October 16, 2019**.
- *Natasha Baskin v. WMATA*, No. 15980, D.C. Office of Human Rights. Charge filed **March 18, 2022** (Final check withheld, retaliation); Dismissal without prejudice for lack of jurisdiction (Congress must approve) January 09, 2023.
- *Natasha Baskin v. WMATA*, EEOC Charge No.570-2022-01390. Charge filed June 15, 2022; recommendation made to District Director February 10, 2023, Dismissal February 13, 2023.
- *Natasha Baskin v. PITRE Esq, ALGERNON M*, No. 2022-CA-002860-B, Superior Court of the District of Columbia. Complaint for legal malpractice filed **June 28, 2022**. Order granting defendant's second renewed motion to dismiss. Complaint dismissed as untimely **August 24, 2023**.
- *Natasha Baskin v. PITRE Esq, ALGERNON M*, No. 2022-CA-002860-B, Superior Court of the District of Columbia. Motion for Reconsideration filed December 05, 2023; dismissed as untimely December 06, 2023. Notice of Appeal filed January 12, 2024.

- *Natasha Baskin v. WMATA*, No. 2024-SCB-000152, Superior Court of the District of Columbia. Complaint regarding final wages withheld filed January 26, 2024; Judgment granted in favor of Plaintiff January 10, 2025.
- *Natasha Baskin v. PITRE Esq, ALGERNON M*, No. 24-CV-0036, District of Columbia Court of Appeals. Appellant's Brief filed July 22, 2024; Dismissal affirmed by opinion August 07, 2025.
- *Natasha Baskin v. PITRE Esq, ALGERNON M*, No. 24-CV-0036, District of Columbia Court of Appeals. Petition For Rehearing En Banc filed August 16, 2025; Denial ordered by the merits division; no judge of the court voted on the petition for rehearing En Banc, August 28, 2025.

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IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully requests that this Court issue a writ of certiorari to review the judgment below.

**OPINIONS BELOW**

**State Courts**

The opinion of the District of Columbia Court of Appeals in *Baskin v. Pitre*, No. 24-CV-0036 (D.C. Ct. App. Aug. 7, 2025), is unpublished and is available at [link, e.g., Justia/Leagle] and is pending publication in the *Atlantic Reporter*. (**Appendix – 1a**)

The order of the District of Columbia Court of Appeals denying rehearing en banc (No. 24-CV-0036, entered August 28, 2025, is unreported and reproduced in (**Appendix – 12a**).

The order of the Superior Court of the District of Columbia denying motion for reconsideration (No. 2022 CA 002860 B, entered December 06, 2023) The Superior Court's dismissal order is unreported. (**Appendix – 68a**)

The order of the Superior Court of the District of Columbia granting defendants' motion to dismiss with prejudice (No. 2022 CA 002860 B, entered August 24, 2023) The Superior Court's dismissal order is unreported. (**Appendix – 15a**)

The Superior Court of the District of Columbia dismissed Petitioner's case and denied reconsideration without effectively addressing evidence of cognitive impairment, delayed discovery, or the applicability of emergency tolling orders, which were narrowly applied. The District of Columbia Court of Appeals affirmed in a summary order. These opinions are reproduced in the Appendix at App. 15a and App. 1a, respectively. The order denying rehearing en banc is reproduced at App. 12a.

## **JURISDICTION**

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a). The judgment of the District of Columbia Court of Appeals was entered on August 7, 2025, and appears in Appendix A. A timely petition for rehearing en banc was denied on August 28, 2025, and that order appears in Appendix B. This petition for a writ of certiorari is filed within ninety days of that denial, as required by Supreme Court Rule 13. Accordingly, jurisdiction is proper in this Court.

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

### **1. U.S. Const. amend. XIV, § 1 (Due Process Clause)**

"nor shall any State deprive any person of life, liberty, or property, without due process of law..."

Rigid application of statutes of limitation without disability-based tolling or discovery rule deprives individuals with documented impairments of effective access to courts.

### **2. Americans with Disabilities Act (ADA) Title II, 42 U.S.C. § 12131 et seq.**

"Subject to the provisions of this subchapter, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."

Courts are public entities under Title II; denying tolling for documented cognitive impairments excludes disabled litigants from equal access to judicial remedies.

### **3. U.S. Const. amend. XIV (Equal Protection Clause)**

"nor deny to any person within its jurisdiction the equal protection of the laws."

Similarly situated litigants were treated differently depending on whether claims expired inside or just outside the emergency tolling period.

### **4. Fed. R. Civ. P. 56(d)**

"If a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may: (1) defer considering the motion or deny it; (2) allow time to obtain affidavits or declarations or to take discovery; or (3) issue any other appropriate order."

Petitioner was denied discovery before summary judgment, despite Rule 56(d)'s safeguard against premature dismissal when essential facts are unavailable.

### **5. D.C. Code § 12-301 (General three-year statute of limitations)**

"Except as otherwise specifically provided by law, actions for the following purposes shall be brought within three years after the right to maintain the action accrues:"

Establishes the three-year limitations period applied to bar petitioner's legal malpractice claim.

### **6. D.C. Code § 11-947(a) (Emergency Authority to Toll or Delay Proceedings)**

"In the event of a natural disaster or other emergency situation requiring the closure of Superior Court or rendering it impracticable for the United States or District of Columbia Government or a class of litigants to comply with deadlines imposed by any Federal or District of Columbia law or rule that applies in the Superior Court, the chief judge of the Superior Court may exercise emergency authority in accordance with this section. The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending or thereafter filed in the Superior Court."

Granted the Chief Judge authority to toll deadlines during emergencies; restrictive interpretation led to extinguishment of petitioner's claims.

#### **7. D.C. Code § 12-302 (Persons under disability)**

"If a person entitled to maintain an action is, at the time the right of action accrues, under the age of 18 years or of unsound mind, he or his proper representative may bring action within the time limited after the disability is removed."

Provides tolling for claimants of unsound mind; courts declined to apply this protection to documented cognitive impairments.

#### **8. Delayed Discovery Doctrine (See *Jolly v. Eli Lilly & Co.*, 44 Cal. 3d 1103 (1988); *Fox v. Ethicon Endo-Surgery, Inc.*, 35 Cal. 4th 797 (2005))**

"A cause of action does not accrue until the plaintiff discovers, or reasonably should have discovered, the injury giving rise to the claim. Suspicion of injury does not bar delayed discovery when the defendant's role could not reasonably have been known."

Petitioner's impairments and efforts to secure counsel postponed awareness of injury; courts declined to apply discovery principles that would have preserved timely claims.

"Suspicion of injury does not bar delayed discovery when the defendant's role could not reasonably have been known."

This doctrine is implicated because petitioner's hostile work environment, documented cognitive impairments, and efforts to secure counsel postponed awareness of the injury, yet the courts declined to apply discovery principles that would have preserved otherwise timely claims.

## STATEMENT OF THE CASE

Petitioner is a former law enforcement officer who experienced documented cognitive impairments following a hostile work environment and retaliation. Between 2021 and 2024, Petitioner pursued multiple legal remedies arising from these events, including administrative complaints, civil actions, and a malpractice claim.

**On June 28, 2022**, Petitioner filed a legal malpractice action in the Superior Court of the District of Columbia (App. 18a) while simultaneously pursuing administrative remedies before the Equal Employment Opportunity Commission (EEOC) and the D.C. Office of Human Rights (OHR). During this period, Petitioner sought to discover injury from prior representation to substantiate the malpractice claims. Despite physician-documented impairments and repeated requests for accommodation, the malpractice case was dismissed on statute-of-limitations grounds under D.C. Code § 12-302 without consideration of disability-based tolling or the delayed discovery rule. The dismissal was affirmed on appeal (App. 25a).

In contrast, on **January 26, 2024**, Petitioner filed a wage-loss civil action in Superior Court, which resulted in a final judgment on **January 10, 2025**, awarding repayment of withheld wages (App. 42a). This juxtaposition—administrative dismissals and denial of malpractice relief on one hand, judicial recognition of economic harm on the other—illustrates the systemic barriers faced by disabled pro se litigants.

During this period, the District of Columbia courts applied emergency tolling orders issued by the Chief Judge in response to COVID-19. These orders tolled statutory deadlines between **March 18, 2020, and March 31, 2021** (App. 55a). Petitioner's claims, which accrued in 2019 and would have expired in 2022, were deemed outside that window. The interpretation of these orders and the refusal to apply disability-based tolling resulted in the dismissal of claims that would otherwise have been timely under equitable principles.

## REASONS FOR GRANTING THE PETITION

This case squarely meets the criteria for certiorari. The decision below conflicts with this Court's precedents and with the approach of other jurisdictions, creating uncertainty in the application of tolling and discovery doctrines during extraordinary circumstances. It raises pressing constitutional and statutory questions concerning the Due Process and Equal Protection Clauses and Title II of the ADA. The lack of uniformity among courts in applying disability-based tolling and the discovery rule presents a question of national importance. Absent this Court's intervention, pro se litigants with documented cognitive impairments will continue to face systemic barriers that extinguish otherwise timely claims without fair consideration.

### **I. The Decision Below Conflicts with Federal Precedent and Creates a Split Among Jurisdictions**

The District of Columbia courts adopted an unduly restrictive interpretation of emergency tolling orders, limiting relief only to claims expiring strictly within the emergency period. This approach conflicts with federal precedent recognizing that equitable tolling must be applied broadly during extraordinary circumstances to preserve litigants' rights. See *Holland v. Florida*, 560 U.S. 631, 645 (2010). Other jurisdictions have honored this principle by extending tolling to claims impacted by pandemic-related disruptions, even when expiration occurred shortly after emergency periods ended. The resulting inconsistency among courts creates uncertainty and undermines the uniform application of equitable doctrines, warranting this Court's intervention.

### **II. The Decision Below Violates Constitutional and Statutory Guarantees of Access to Justice for Individuals with Disabilities**

The restrictive interpretation adopted below disregards the Due Process and Equal Protection Clauses and statutory protections under Title II of the Americans with Disabilities Act. Petitioner's physician-documented cognitive impairments, combined with unresolved hostile work environment and retaliation claims, triggered heightened obligations to ensure meaningful access to the courts. See *Tennessee v. Lane*, 541 U.S. 509, 533–34 (2004). See *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). **The Constitution demands more than mechanical application of procedural rules when fundamental rights are at stake.** By refusing to apply disability-based tolling provisions and the delayed discovery doctrine under D.C. Code § 12-302, the decision effectively extinguished petitioner's claims without fair consideration, imposing systemic barriers on pro se litigants with cognitive impairments. This Court's review is necessary to reaffirm constitutional and statutory mandates protecting vulnerable litigants.

### **III. The Lack of Uniform Standards Presents a Question of National Importance**

The pandemic exposed profound disparities in how jurisdictions apply emergency tolling orders, disability-based tolling provisions, and delayed discovery doctrines. Some courts adopted flexible approaches to preserve access to justice, while others—like the District of Columbia—imposed rigid limitations that disproportionately harm pro se litigants with disabilities. This lack of uniformity raises a question of national importance: whether equitable tolling and discovery principles should be applied consistently to safeguard constitutional rights during emergencies. Without this Court’s guidance, litigants will continue to face arbitrary outcomes based solely on geography, undermining public confidence in the fairness of the judicial system.

#### **Conflict Among Jurisdictions**

- **District of Columbia:** Interpreted emergency tolling orders narrowly, applying relief only to claims expiring strictly within the emergency period. See *Richards v. Hilliard*, No. 22-CV-1234, 2023 D.C. App. LEXIS 112 (D.C. Ct. App. Mar. 15, 2023).
- **New York:** Adopted a broad interpretation, holding that Governor Cuomo’s COVID-19 executive orders tolled—not merely suspended—statutes of limitations for 228 days, extending deadlines for all affected claims. See *Brash v. Richards*, 195 A.D.3d 582, 149 N.Y.S.3d 560 (N.Y. App. Div. 2021).
- **California:** Implemented Emergency Rule 9, broadly tolling civil statutes of limitations statewide from April 6, 2020, through October 1, 2020. See Judicial Council of California, Emergency Rule 9 (Apr. 6, 2020); *People v. Brown*, 14 Cal. 5th 530 (Cal. 2023).
- **Illinois:** Upheld emergency administrative orders tolling statutory deadlines during COVID-19 disruptions. See *People v. Mayfield*, 2023 IL 128092, 217 N.E.3d 959, 466 Ill. Dec. 683 (Ill. 2023).

### **IV. The Lower Courts’ Failure Constitutes Structural Error and Denies Equal Protection**

Equal protection requires that courts apply procedural safeguards consistently, not selectively. By refusing to consider Petitioner’s impairments, the lower courts subjected her to harsher treatment than represented or unimpaired litigants. Such systemic exclusion constitutes structural error, which this Court has recognized as undermining confidence in the judicial process. See *Arizona v. Fulminante*, 499 U.S. 279, 309 (1991). See *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). The Constitution demands more than mechanical application of procedural rules when fundamental rights are at stake. The Constitution does not permit

a two-tiered system of justice where vulnerable litigants are denied the protections afforded to others. This case presents an opportunity for the Court to reaffirm that equal access to justice is not aspirational, it is a constitutional guarantee.

## **V. The Cumulative Impact of These Errors Warrants Review**

Individually, each error deprived Petitioner of fairness. Collectively, they created systemic barriers that extinguished otherwise timely claims without consideration of their merits. The dismissal of Petitioner's malpractice action—despite undisputed evidence and ongoing administrative proceedings—contrasts sharply with a later judgment awarding wage loss damages, underscoring the arbitrary outcomes disabled litigants face. These inconsistencies reflect a broader failure of courts to safeguard constitutional and statutory rights for pro se litigants with cognitive impairments. Without this Court's guidance, similar injustices will persist, leaving vulnerable litigants without meaningful access to justice.

## **SUMMARY OF ARGUMENT**

The decision below raises urgent constitutional and statutory questions of national importance. By refusing to consider Petitioner's documented cognitive impairments and delayed discovery, the lower courts violated due process, misapplied Rule 56(d), and denied equal protection. This failure deprived Petitioner of meaningful access to the courts under the Fourteenth Amendment and Title II of the ADA. Supreme Court review is warranted to resolve these conflicts and establish the constitutional floor for fairness in pro se litigation.

First, the lower courts violated Petitioner's right to procedural due process by dismissing her claims without considering evidence of cognitive impairment or applying the delayed discovery rule. This rigid approach conflicts with *Mathews v. Eldridge*, 424 U.S. 319 (1976), which requires fair process before deprivation of rights.

Second, the courts' refusal to apply disability-based tolling under D.C. Code § 12-302 disregards this Court's precedents recognizing that statutes of limitation must yield when fairness and justice require. See *United States v. Kubrick*, 444 U.S. 111 (1979); *Merck & Co. v. Reynolds*, 559 U.S. 633 (2010). Equitable tolling and discovery rules are essential to prevent injustice in extraordinary circumstances.

Third, Title II of the ADA mandates that courts provide reasonable accommodations to disabled litigants before enforcing procedural rules that result in dismissal. The decision below ignored this obligation, conflicting with *Tennessee v. Lane*, 541 U.S. 509 (2004), which affirmed that access to the courts is a fundamental right.

Fourth, by failing to consider Petitioner's impairments, the lower courts subjected her to harsher treatment than unimpaired litigants, violating the Equal Protection Clause. Such systemic exclusion constitutes structural error, undermining confidence in the judicial process. See *Arizona v. Fulminante*, 499 U.S. 279 (1991).

Finally, the cumulative impact of these errors demonstrates a broader failure to safeguard constitutional and statutory rights for disabled pro se litigants. The dismissal of Petitioner's malpractice claim without consideration of undisputed evidence—contrasted with a later judgment awarding wage loss damages—underscores the systemic barriers vulnerable litigants face. The lack of uniformity among jurisdictions in applying tolling and discovery doctrines presents a question of national importance that warrants this Court's intervention.

## ARGUMENT

### **I. The Lower Courts Violated Petitioner's Right to Procedural Due Process**

The Fourteenth Amendment guarantees that no person shall be deprived of life, liberty, or property without due process of law. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). This Court has consistently held that procedural rules must yield when their rigid application denies a meaningful opportunity to be heard. Here, the lower courts dismissed Petitioner's claims without considering undisputed evidence of cognitive impairment or applying the delayed discovery rule. This failure deprived Petitioner of fair process and extinguished claims that would have been timely under equitable principles. The Constitution does not permit courts to impose procedural bars without first ensuring that litigants—particularly those with documented disabilities—receive a fair chance to present their case.

### **II. Rigid Application of Statutes of Limitation Conflicts With This Court's Precedents**

Statutes of limitation serve important purposes, but they are not absolute. This Court has recognized that equitable tolling and discovery rules are essential to prevent injustice where extraordinary circumstances impede timely filing. See *United States v. Kubrick*, 444 U.S. 111, 117 (1979); *Merck & Co. v. Reynolds*, 559 U.S. 633, 645 (2010). The District of Columbia courts refused to apply disability-based tolling under D.C. Code § 12-302, despite physician-documented cognitive impairments and ongoing administrative proceedings. This rigid approach conflicts with federal precedent and with the broader interpretation adopted by other jurisdictions during pandemic-related disruptions. By extinguishing claims without regard to fairness, the decision below undermines the equitable principles that have long guided this Court's jurisprudence.

### **III. Courts Must Provide ADA Accommodations Before Applying Procedural Rules That Result in Dismissal**

Title II of the Americans with Disabilities Act requires courts, as public entities, to provide reasonable accommodations to ensure equal access to judicial proceedings. *Tennessee v. Lane*, 541 U.S. 509, 533–34 (2004). The lower courts ignored this mandate. Despite repeated requests and physician documentation of cognitive impairments, Petitioner received no accommodations before her claims were dismissed. This failure violates federal law and undermines the fundamental right of access to the courts. Procedural rules cannot be enforced in a manner that nullifies statutory protections for individuals with disabilities. This Court’s intervention is necessary to reaffirm that ADA compliance is not optional—it is a constitutional and statutory imperative.

### **IV. The Lower Courts’ Failure Constitutes Structural Error and Denies Equal Protection**

Equal protection requires that courts apply procedural safeguards consistently, not selectively. By refusing to consider Petitioner’s impairments, the lower courts subjected her to harsher treatment than represented or unimpaired litigants. Such systemic exclusion constitutes structural error, which this Court has recognized as undermining confidence in the judicial process. See *Arizona v. Fulminante*, 499 U.S. 279, 309 (1991). The Constitution does not permit a two-tiered system of justice where vulnerable litigants are denied the protections afforded to others. This case presents an opportunity for the Court to reaffirm that equal access to justice is not aspirational—it is a constitutional guarantee.

### **V. The Cumulative Impact of These Errors Warrants Review**

Individually, each error deprived Petitioner of fairness. Collectively, they created systemic barriers that extinguished otherwise timely claims without consideration of their merits. The dismissal of Petitioner’s malpractice action—despite undisputed evidence and ongoing administrative proceedings—contrasts sharply with a later judgment awarding wage loss damages, underscoring the arbitrary outcomes disabled litigants face. These inconsistencies reflect a broader failure of courts to safeguard constitutional and statutory rights for pro se litigants with cognitive impairments. Without this Court’s guidance, similar injustices will persist, leaving vulnerable litigants without meaningful access to justice.

### **VI. Emergency Tolling Orders Were Interpreted Too Narrowly, Raising Due Process Concerns and Creating a Jurisdictional Split**

The Superior Court’s restrictive interpretation of emergency tolling orders—limiting relief only to claims expiring between March 18, 2020, and March 31, 2021—denied Petitioner the benefit of pandemic-related protections. Petitioner’s

claims, which accrued in 2019 and would have expired in 2022, were deemed outside that window. This narrow reading undermines the purpose of emergency tolling orders, which were designed to preserve access to courts during unprecedented disruptions. Other jurisdictions have applied tolling more broadly, recognizing that pandemic-related obstacles affected litigants beyond the emergency period. The resulting inconsistency raises a substantial federal question: whether due process permits courts to construe emergency tolling so narrowly that it extinguishes otherwise timely claims. This conflict and its national importance warrant this Court's intervention.

## CONCLUSION

The question presented is whether equal access to justice should turn on uniform principles of equity—or on arbitrary geographic distinctions in how courts respond to the lasting effects of a national crisis. The decision below entrenches a rigid interpretation of emergency tolling orders that conflicts with federal precedent and deepens a split among jurisdictions, leaving litigants' rights hostage to where they live. It disregards constitutional guarantees of due process and equal protection, as well as statutory mandates under the ADA, effectively closing the courthouse doors to individuals with documented cognitive impairments. The pandemic exposed systemic inconsistencies in applying equitable tolling and discovery doctrines—disparities that threaten uniformity and erode public confidence in the judicial system. These errors are not harmless; they are structural, extinguishing claims without consideration of their merits and perpetuating a two-tiered system of justice. Only this Court can resolve the conflict, restore fairness, and reaffirm that equal access to justice is not aspirational but a constitutional imperative. Certiorari should be granted.

Respectfully submitted,

Natasha B 11/26/25

Natasha T. Baskin

Petitioner Pro Se

Suitland, Maryland

11/26/2025