5/31/25

No. 26-36

IN THE SUPREME COURT OF THE UNITED STATES

Faith Townsend, Pro Se,

Petitioner

V.

Rockwell Automation Inc. et al

Respondent

ON PETITION FOR A WRIT OF CERTIORI

TO THE UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

FAITH TOWNSEND/ProSe
803 E. 155th Street
Cleveland, Ohio 44110
216-647-1697

July 3, 2026

QUESTIONS PRESENTED TO THE COURT

1. Is it a violation of U.S. Const. amend. XIV, § 1 due process when a court purposely drives a complaint into the appeals phase to the Supreme court as a way to adjudicate the case. By applying laws differently from the cases it cites, adjudicated in its court and differently from the Supreme court?

2. Is it a violation of U.S. Const. amend. XIV, § 1 due process for a court to present defenses on behalf of a defendant, while denying the plaintiff opportunity to respond to those defenses and denying the plaintiff full benefit of precedent setting cases it cites to?

3. Is it a violation of U.S. Const. amend. XIV, § 1 due process when a judge convert claims and motions into other claims and motions, such as a motion for leave into the motion and a claim of fraud on the Court FRCP 60(d)3 into fraud FRCP 60(b)3 when it's reason for doing so is not supported by the facts?

4. Is it a violation of U.S. Const. amend. XIV, § 1 due process when the court aggressively defends the defendant but refuses to read or give any credence to the plaintiff's complaint?

Parties to the Proceeding

Faith Townsend 803 E.155th Cleveland OH 44110
Rockwell Automation 1201 S. 2nd Str. Mil. Wis. 53204
Robert Rodriguez 7336 Herrick dr. Hudson Oh. 44236
Stephen Ostrom 6680 Beta Dr. Mayfield Oh. 44124

CORPORATE DISCLOSURE STATEMENT

The plaintiff does not own or have interest in any corporation. The defendant's statement can be found at 1:18-cv-02742-JG docket 9

RELATED PROCEEDINGS

1:2018cv02742

Townsend v. Rockwell Automation Inc.

Ohio Northern District Court 01/08/2020

0:2020cv03079

Faith Townsend v. Rockwell Automation

U.S. Court Of Appeals, Sixth Circuit 04/27/2021

1:2021cv02425

Townsend v. United States of America

Ohio Northern District Court 03/09/2022

1:2021cv02226

Townsend v. Rockwell Automation, Inc.

Ohio Northern District Court 02/22/2022

0:2022cv03244

Faith Townsend v. Rockwell Automation, Inc.

U.S. Court Of Appeals, Sixth Circuit 10/25/2022

1:2024cv00528
TOWNSEND V ROCKWELL AUTOMATION Inc. et al .Ohio Northern District Court 07/18/2024

24-3680
Townsend v. Rockwell Automation Inc.
United States Court of Appeals for the Sixth Circuit

03/05/25

Faith Townsend v. Rockwell Automation, Inc.

U.S. Court Of Appeals, Sixth Circuit 10/25/2022

LIST OF PROCEEDINGS FOR REVIEW

1:2018cv02742
Townsend v. Rockwell Automation Inc.
Ohio Northern District Court 01/08/2020

1:2024cv00528
TOWNSEND V ROCKWELL AUTOMATION Inc. et al. Ohio
Northern District Court 07/18/2024

24-3680
Townsend v. Rockwell Automation Inc.
United States Court of Appeals for the Sixth Circuit
03/05/25

1:2018cv02742
Townsend v. Rockwell Automation Inc.
Ohio Northern District Court
01/08/2020 AND 2/20/2024

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CITED AUTHORITIES

Opinions and Orders for Review

The opinions and orders below have not been published and are reproduced in the Appendices.

Case: 1:24-cv-00528-PAB Doc #: 11 Filed: 07/18/24
Case: 24-3680 Document: 16 Filed: 03/05/2025
Case: 1:18-cv-02742-JG Doc #: 75 Filed: 02/20/24

JURISDICTION

The Judgement of the court of appeals was entered on 03/05/25. The Jurisdiction of this court is invoked under 28 U.S. Code § 1254(1)

Relevant Constitutional Provisions and statues U.S. Const. amend. XIV, § 1

Statement of the Case

This case is of public interest because it involves every citizen's access to the court's equal and unbiased approach to adjudication of claims presented pursuant to the Federal Rules of Procedure, and the US constitution in a manner consistent with established precedent and the right to due process. If the court finds it necessary to argue outside the pleadings, it should ensure the issue raised resulted from a thorough review of the claim. Additionally, if it argues outside the pleadings and that argument supports one litigant over another, the court should ensure that this type of interjection is even handed for both litigants. An incorrect assertion of a failure to state a claim defense on behalf of the defendant, resulted in deprivation of equal treatment of the plaintiff by the court. To allow a motion for leave to be referred to and treated as a motion throughout these proceedings without equal correction is evidence that one litigant is favored over another. In this case the career attorney over the Pro Se litigant. If the pro se litigant is not entitled to any concessions due to their lack of knowledge of the law, they are equally entitled to equal protection under the law. In this case the one piece of evidence that the defense provided and the court relied on to establish the only defense the defendant offered was not a motion but a motion for leave. With proper review of the pleading this would have clearly established that fraud and/or fraud on the court had not been previously adjudicated and a res judicata defense was not supported. The Plaintiff questions whether the court actually read the complaint or simply resorted to the defenses narrative. The evidence suggest the later. The lack of reading the complaint, applying the FRCP and law precedence as discussed in the appeal brief resulted in a decision not based in fact. This plaintiff request review of the U.S. Supreme Court.

Reason for Granting the Petition

This plaintiff seeks review from the Supreme Justices on the issue of how a motion for leave is resolved. Can a motion for leave be resolved as a motion itself without addressing the request for leave, effectively converting the request for leave into a motion. Is it just to make this conversion when doing so will revoke optional remedies offered by law.

Four years after case 18cv02742 and 2 years after 21cv02226 were adjudicated the plaintiff discovered the documents submitted by the defendant were fraudulent. The plaintiff filed a motion for leave under FRCP 60(b) for both cases. Both courts responded that the time limit under FRCP 60(b) is a mandatory 1 year and upheld that rule. The judge of case 18cv02742 went further adding that the evidence the plaintiff presented as fraud would not change his ruling on the claim of "structural disparate pay", a claim Rockwell Automation raise against itself (See pgs. 301, 400, 700) then denied a motion to vacate only mentioning Structural pay disparities and not the claim of retaliation as stated in the initiating complaint and the motion for leave. Never addressing the motion for leave, stating.... "For the foregoing reasons, the Court DENIES Plaintiff Townsend's emergency motion to vacate the January 1, 2020, judgment". (see pg. 303

Unaware of the any limits to the powers of the court there after the plaintiff, defendant and the court referred to her filing as a motion to vacate because that is what was stated in order 75 dispite the filing category of doc # 74 (Exhibit A pg. 400).

During litigation of 2024cv00528 the judge used its power to raise a defense of failure to state a claim on behalf of the defendant. By raising a defense not asserted by the defendant, in the dismissal order the plaintiff was deprived of an opportunity to respond. The plaintiff was able to successfully refute this during the appeal. However, this alone would have unfairly drove the case into the appeal stage where the dispute is now between the court and the plaintiff/appellant. If the court uses its discretion to inject a defense, should it not also use it when examining the defendant's evidence that shows the plaintiff actually filed a motion for leave. Not doing so unfairly advanced the assertion of res judicata.

Once the court falsely asserted failure to state a claim it proceeded to exclude all evidence fraud on the court. With the fraud claim deem adjudicated based on a perceived motion to vacate, the case was dismissed.

Deprivation of Due Process Equal Protection

The plaintiff was able to defeat the assertion of FRCP 8(a)2 and 12(b)6 by showing the required statement of fact was satisfied and that the evidence included raise any statement drawing legal conclusion was supported with enough evidence to raise the statement to a level beyond speculation, but proven as fact as shown in the appeal Case: 24-3680 Document: 8 Filed: 09/27/2024 Page: 12 -16. *citing Mayer v. Mylod, 988 F.2d 635, 639 (6th Cir. 1993), Ashcroft v. Iqbal, 556 U.S. 662, 663-64 (2009), Bell Atl. Corp. v. Twombly, 550 U.S. 544, 540-541, 127 S. Ct. 1955, 167 L. Ed. 2d 929 (2007) Wright & A. Miller, Federal Practice and Procedure §1216, pp. 235–236 (3d ed. 2004) (hereinafter Wright & Miller), Swierkiewicz v. Sorema N. A., 534 U. S. 506, 508, n. 1 (2002); Neitzke v. Williams, 490 U. S. 319, 327 (1989), Scheuer v. Rhodes, 416 U. S. 232, 236 (1974), Ashcroft v. Iqbal, 556 U.S. 662, 679 (2009)*

Because the satisfying statement was located on page one of the complaint, this suggest the court did not read the complaint. see *(Case: 1:24-cv-00528-PAB Doc #: 1 Filed: 03/21/24 5 of 43. PageID #: 5 = page 1).* The cases cited above are directly from the judges order and opinion and were not applied in this case as they are in the precedent cases cited *(see Case: 24-3680 Document: 8 Filed: 09/27/2024 Page: 28)*

The plaintiff has been denied basic rights of equal protection under the rules of federal procedure based on the courts speculation as expressed in the order and opinion of 24cv00528 see appendix page 100. Because of this, the court has mischaracterized the basis for the claim and cause of action as described in the appeal 24-3680 and has adjudicated the case by simply driving it into the appeal process towards the supreme court where the case would likely be unheard due to the perception of a prose litigant's ability to effectively argue against the judicial system being very low.

The court has violated the plaintiff's rights by not examining the facts as presented to the court, accepting the facts as true and mischaracterizing key pieces of evidence. The Court recites an inaccurate case history provided by the defendant despite an accounting provided by the plaintiff base on the court docket, subsequently ignoring the significance of court filings that contradict the bases upon which the judgement was made. The court has express strong opposition to allowing the plaintiff access to the benefit of the court base on its perceived suspicion of the plaintiff's motives, which has created bias in its adjudication of the case, causing the court to overlook crucial evidence. This bias has caused the court to assert defenses on behalf of the defendant in violation of FRCP 12(d), *(see Case: 24-3680 Document: 8 Filed: 09/27/2024 Page: 12)* and not confirm the evidence provided by the defendant actually supports their defense. Also overlooking any evidence that works against the assertion of the res judicata defense, even when the plaintiff's evidence contests. This approach has resulted in the court including or excluding facts and evidence to the extent that a motion for leave is adjudicated as a motion to vacate and a fraud on the court claim is adjudicated as a fraud.

THE EFFECT OF DEPRIVATION OF DUE PROCESS UPON THE MERIT OF THE CASE

If the judge can add a defense outside the pleading, surely it is only fair to inform the defendant that a motion for leave is not a motion to vacate. *citing United States v. Boch Oldsmobile, Inc., 909 F. 2d 657, 661 (CA1 1990);* It is Judge's position that the motion to vacate constitutes adjudication of the "fraud" claim. A motion made 4 years after the conclusion of a case requires a motion for leave which is what was filed detailing the reason for the request.

The court makes reference to the statements of the judge resolving the motion, indicating that the filing was reviewed. Not to take into consideration that the defendant incorrectly identified the filing as a motion to vacate, while asserting additional defenses on behalf of the defendant suggests bias and unequal protection under law. The court furthers disregards all evidence of "fraud on the court" because she states the plaintiff is attempting to relitigate issues relating to plaintiff's employment at Rockwell Automation. This is a flagrant mischaracterization of the case.

A defense of res judicata requires is a decision based on the merits of the case. It requires "examination" of the evidence presented in support of the facts asserted by the litigants. The defendant referenced doc # 74 as evidence of the filing of a motion to vacate (see Case: 1:24-cv-00528-PAB Doc #: 6 Filed: 04/29/24 7 of 16. PageID #: 129 footnote and Exhibit A pg.400). The entire judgement relies on this document but the filing was not viewed or examined at all. The title and filing category was overlooked, in conjuction with the opinions of 21cv02226 and 18cv02742, causing the court to treat this filing as a motion to vacate instead of a "motion for leave." It is the courts responsibility to verify that the evidence presented supports the litigants position when weighing the evidence. See pg.700 Case: 1:18-cv-02742-JG Doc #: 75 Filed: 02/20/24 3 of 4. PageID #: 902 and Exhibit A, Case: 1:18-cv-02742-JG Doc #: 74 Filed: 12/13/23 1 of 26. PageID #: 831 and Case: 24-3680 Document: 8 Filed: 09/27/2024 Page: 20 and see pages 503,504.

Requesting "Leave" or permission from the court to file a motion does not constitute adjudication of the motion. The Motion the plaintiff desired to have considered has a mandatory 1-year filing limit which removes the power of the court to grant leave or even consider the attached brief of the reason upon which the motion to vacate was being requested. Based on the one year statute of limitation Leave was denied but the opinion was narrated detailing additional reasons why the judge in the originating case would not consider a motion to vacate. It is this narration upon which the 24cv00528 used to support the res judicata defense, while ignoring the title of the filing, for all practical purposes the motion for leave has been converted to a motion to vacate. (seeCase: 24-3680 Document: 8 Filed: 09/27/2024 Page: 10 *"....... In addition, the previous district courts faced mandatory restriction from considering the motions to vacate and any comments added only served to prejudice future litigation."*

Despite the plaintiff assertion that the motion was an attempt to get the court to reopen the case and the opinion given for denying the motion for leave prejudiced her case *(see exhibit A and B, see Case: 24-3680 Document: 8 Filed: 09/27/2024 Page: 10)*, the Appeals court upheld the ruling stating that if the plaintiff was unhappy with the ruling she should have appealed it, even though there was nothing to appeal. Judge Gwin denied the request base on a mandatory one year limitation. The court has effectively converted a Motion for Leave into a Motion to vacate.

Even if the court the court agrees that asking for leave to file a motion is equal to filing the motion, a FRCP 60(b)3 motion which the court had no power to adjudicate, would still constitutes adjudication, it does not bar a subsequent FRCP 60(d)3 independent action. citing Burbrook MFG. Co. v. St. George Textile Corp. 283 ad 640, 643-44

Additionally, both the Trial court and the appeals court has relied on a single statement identified by the defendant, in support of res judicata *(see Case: 1:24-cv-00528-PAB Doc #: 6 Filed: 04/29/24 10 of 16. PageID #: 132).* This statement is true but unrelated to the claim of fraud or fraud on the court. This statement references the percentage of "merit increase" reported on the fraudulent wage document-discovery. This statement is based on the January 2009 and the October 2010 paycheck stubs she had in her possession. The courts ignore the fact that the DECEMBER 2009 paycheck stubs shows a previously unexplainable discrepancy in the merit percentages provided by the defendant, calculated with the January 2009 and October 2010 paystubs based on her total salary. Later the decrease in salary was shown to be a result of a decrease in her hourly rate, Demonstrated by the December 2009 paystub. Without the December 2009 paystub the plaintiff could not have supported a claim of fraud even if she was aware of it. See Case: 24-3680 Document: 8 Filed: 09/27/2024 Page: 22. The Plaintiff did not and could not have asserted fraud or fraud on the court in previous litigation as the trial and appeals court has stated. The plaintiff states this in the complaint and appeal *(see Case 24-3680 Document: 13 filed 11/27/24 Page 13)*

"... Without the dec 2009 paystub that was not possible. If the statements in the complaint are to be considered true, this complaint should not have been dismissed...."

citing Swierkiewicz v. Sorema N. A., 534 U. S. 506, 508, n. 1 (2002), Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 127 S. Ct. 1955, 167 L. Ed. 2d 929 (2007); Ashcroft v. Iqbal, 556 U.S. 662, 679, 129 S. Ct. 1937, 173 L. Ed. 2d 868 (2009)

The courts goes further stating that the evidence of fraud and fraud on the court are mirror images and because of this the claims are the same. In order to claim fraud on the court a plaintiff must show with certainty that the court was defrauded by an officer of the court. The fraud was committed willfully and was intended to impact the outcome of the case. The plaintiff provided evidence of the fraud on the court using the court docket combined with the evidence of fraud submitted with the motion for leave highlighting the fraudulent document submitted after the court granted the defendant permission to provide discovery documents instead of granting the plaintiff's request for a subpoena. The evidence of fraud included in the motion for leave is in fact the same but necessary to show how the actions of the officers of the court impacted the case and violated FRCP Rule 26(g) and FRCP Rule 26(g)(1)(B)ii (see Case: 1:24-cv-00528-PAB Doc #: 1 Filed: 03/21/24 general)

Additionally, both courts state the issue of pay was not included in 18cv02742 which is untrue. Issues involving pay and merit increases are listed in the original initiating complaint *see appendix 700.* The new documents shows decreasing her wages was an act of retaliation as it happened directly after she reported her co-workers to the HR. department and also would have fallen under the constructive discharge section of the complaint.

As a result of demonstrating to the court the extensive effort devoted to committing the fraud per the requirement of asserting a fraud on the court claim, all evidence and references the court docket including the fraudulent declarations made under penalty of perjury used in support of the fraudulent discovery document, were excluded from consideration. In fact, this evidence is not mentioned at all in the judgement. By only considering evidence of fraud exclusively, the fraud on the court claim is effectively (converted) to a fraud claim in order to support res judicata.

Not Considering the Claim presented

The erroneous assertion by the court that the defendant was entitles to an additional defense of FRCP 8(a)(2) with 12(b)(6) – Failure to state a claim, was the catalyst to discard all evidence supporting the Fraud On The Court claim. This defense was refuted during the appeal *(see Case: 24-3680 Document: 8 Filed: 09/27/2024 Page: 13).*

However, the damage was already done. The trial court-not the evidence, prevented the claim from going forward stating:

> .... *However, the Court will not permit any litigant to use the Court's resources to address filings which are clearly designed to harass the Court or opposing counsel/parties..... To achieve that end, the United States Court of Appeals for the Sixth Circuit has approved enjoining vexatious and harassing litigants by requiring them to obtain leave of court before submitting additional filings....... An independent action under Rule 60(d), however, is rare and only available "to prevent a grave miscarriage of justice*

It is only by (1)misstating the facts of the case, (2)not following the guidelines of FRCP, particularly- *"construing the pleading in the light most favorable to the plaintiff, accept all factual allegations as true, and determine whether the complaint contains "enough facts to state a claim to relief that is plausible on its face." (see Case: 24-3680 Document: 8 Filed: 09/27/2024 Page: 12 -16* (3) converting motions and claims (4) Adjudicating a defense asserted by the court - could the court have reached this outcome. The court effectively eliminated any path forward supported by law, leaving only the courts discretion of the definition of a grave miscarriage of justice.

The Plaintiff raised these issues in the appeal, as well as again arguing that the motions filed did not constitute adjudication of the fraud claim. Adding, that a previous fraud claim does not prevent a claim of "Fraud on the Court" from moving forward. The Appeals court doesn't address the defense asserted by the trial court (8(a)(2) with 12(b)(6)) but focuses on a single statement, when quoted by the court the words "merit" is swapped with "pay", and the circumstances taken out of context (See pg. 201)

> *...... In 2021, Townsend filed another Title VII complaint against Rockwell. This time, Townsend claimed that Rockwell discriminated against her on the basis of race and sex with respect to her compensation. Townsend alleged that Rockwell paid similarly situated white men more than her, and that a 2009 decrease in her pay coincided with the initial discrimination complaint that she made during her employment. ....(see Case: 24-3680 Document: 15-1 Filed: 03/05/2025 Page: 2) and (see Case: 24-3680 Document: 13 Filed: 11/27/2024 Page: 8-9)*

What the plaintiff actually stated is

> *.... A decrease in merit incentive coincides with her initial complaint in 2009, (see Case: 1:21-cv-02226-JPC Doc #: 15-1 Filed: 02/20/22 3 of 8. PageID #: 107)*

A statement showing the connection to her complaint to human resources. The court used this false narrative to establish that the plaintiff could/should have asserted a claim of fraud that previous litigation. Both courts looked at the motions, ignored the fact that these were motions for leave and treated them as motions to vacate.

The Appeals court goes further in its false narrative that the bulk of the initiating case was concerning pay disparities which it totally false. The court states:

"*Townsend claimed that between 2007 and when she resigned in 2018, Rockwell and its employees discriminated against her on the basis of race, subjected her to a hostile work environment, and retaliated against her for complaining about discrimination. As set forth in her amended complaint, Townsend's discrimination claims centered on allegedly unfair performance reviews, a demotion, the denial of training and professional certification opportunities, and being required to perform more work than similarly situated nonprotected employees*".

Exhibit D is an excerpt from the complaint shows that case 18cv02742 was concerning harassment, retaliation and a willful negligence of Rockwell Automation to provide a safe workplace for its employee, this plaintiff. It shows all the items the court list as retaliatory acts Rockwell committed after she reported to the HR department, including multiple items that would directly impact her merit increases. She sought to establish whether her pay was affected by retaliation through discovery and the court agreed that this was within the scope of the claim and ordered the discovery document which is the focal point of this claim. The defendant provided false documents to conceal the fact that Rockwell Automation conspired with multiple departments to retaliate and decreased her hourly rate in the last month of the year and based her merit increase on that lowered amount. This occurred within a few months of the plaintiff contacting HR.

This establishes the continuing violation the plaintiff argued in the originating case. Even if all the other compliant were time barred as the judge stated 42USC2000e–2(a),Lilly Ledbetter Fair pay act 2009 does not allow barring acts against wages, nor does constructive discharge.

This excessive effort to mischaracterize and eliminate claims the plaintiffs denies the plaintiff Due Process Under the Law and Equal Protection.

Either the trial court did not read the complaint or negligently reviewed the statements of fact, key details of the complaint were mischaracterized, particularly the new evidence – the December 2009 paystub which unveiled the act of fraud and fraud on the court . See complaint and appeal general(Case: 1:24-cv-00528-PAB Doc #: 1 and Case: 24-3680 Document: 8

Grave Miscarriage of justice

Once the court ignored the new evidence, eliminated the evidence of fraud on the court and failed to acknowledge the motion for leave, " Grave Miscarriage of Justice" is left.

What is it? Totally dependent on the court of the day. This trial court has cited cases where a person's life is not worth straying from the principles of res judicata even when fraud is found. While others state that victory by way of fraud will not suffice. The United States Supreme Court defines it citing Sawyer v. Whitley (91-6382), 505 U.S. 333 (1992). A showing of prejudice by showing clear and convincing evidence that no reasonable person would have drawn the same conclusion if the evidence was presented. The plaintiff accomplished this with irrefutable evidence of fraud as well as the act of fraud on the court by the defendant's attorney. She has also demonstrated unusual and exceptional circumstance as the fraud was used to conceal violation of her constitutional rights to a workplace free from race based harassment, hostility and retaliation. Harassment so pervasive that her supervisor/ Robert Rodriguez appeared (uninvited) at her son's funeral knowing that he had participated in that harassment against her in the workplace (see resignation letter Case: 1:18-cv-02742-JG Doc #: 28-1 Filed: 07/31/19 1 of 1. PageID #: 130, Case: 20-3079 document 9-1 filed 03/05/2020 page: 16. Rodriguez's actions were so egregious HR/management felt the need to arm themselves to take a meeting with Mrs. Townsend. The new evidence shows once she complained to the human resource department in 2009, a retaliatory conspiracy involving management, HR and payroll emerged against her instead of attempting to address her complaint. The new evidence consolidated all the plaintiff's complaints into one continuous act and the fraud and fraud on the court concealed this information during litigation. In addition to years of no response to multiple complaints to the HR. department, Rockwell retaliated further when she sought help from the EEOC. Rockwell lied to the EEOC, Unemployment agency and retroactively cancelled her insurance while she was on medical leave. And most importantly here, Rockwell committed fraud and fraud on the court when the court granted permission for Rockwell to honestly comply with the discovery request instead of granting the plaintiff's subpoena request. Now the court accuses the plaintiff of filing vexatious and harassing claims rather than giving her claim the consideration it deserves. This court abuses it discretion by not adhering to the FRCP and precedent it cites to as reasons to dismiss this case (s*ee Case: 24-3680 Document: 8 Filed: 09/27/2024 Page: 29-32)*

Similar interjections by the court happened in the originating case in reference to wages *see case* Case: 1:18-cv-02742-JG Doc #: 66 Filed: 01/08/20 6 of 14. PageID #: 785

The defendant never argued this point as the intake form was already in it's possession and should have been on the court docket had the plaintiffs filing been entered chronologically to the judgement. The scope of the investigation test he cites would have been satisfied had the plaintiff not been surprised with the Dixon defense presented in the judgement. The intake form was on the DVD submitted prior to the judgement. See Case: 1:18-cv-02742-JG Doc #: 68-1 Filed: 01/06/20 1 of 1. PageID #: 796, stamped for the 6th listed in the docket after the judgement on the 8th.

> *"[T]he general rule in this circuit [is] that the judicial complaint must be limited to the scope of the EEOC investigation reasonably expected to grow out of the charge of discrimination." (footnote 29Citing Dixon v. Ashcroft, 392 F.3d 212, 217 (6th Cir. 2004)). 20-3079 Document 9-1 filed 03/05/2020, pg. 5.*

Summary

Each reason the court stated for dismissing the case was address is the appeal and proven invalid. Additionally, each statement, the plaintiff previously made, to which the appeals court used to establish that the plaintiff could have asserted a claim of fraud on the court was not contextually accurate as the plaintiff has shown here in this writ. The plaintiff demonstrated the same during the appeal. Despite the reference to a motion to vacate during the proceedings the motion was a "Motion for Leave". Despite the contents of the motion it is still a request for permission to file what is contained within. Surely if the court can raise a defense overlooked by the defendant it should raise all pertinent facts upon which the judgement relies.

Once the court eliminated the bulk of the complaint by falsely applying FRCP 12(b)6, all FRCP 60(d)3 evidence was eliminated. It was then and only then, able to apply the case citations in support of a res judicata dismissal(*citing* United States of America v Boch Oldsmobile, Inc., Boch Toyota, Inc., and Ernest J. boch, Defendants, Appellants, 909 F.2d 657 (1st Cir. 1990))

Conclusion

This Plaintiff is seeking a fair opportunity, free of fraud and fraud on the court to litigate the claim of retaliation and others presented in the originating case. The plaintiff request this court vacate the judgement of 18cv02742 and/or reverse the decisions of 24cv00528 and 24-3680, and allow the evidence of fraud and fraud on the court to be adjudicated.

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