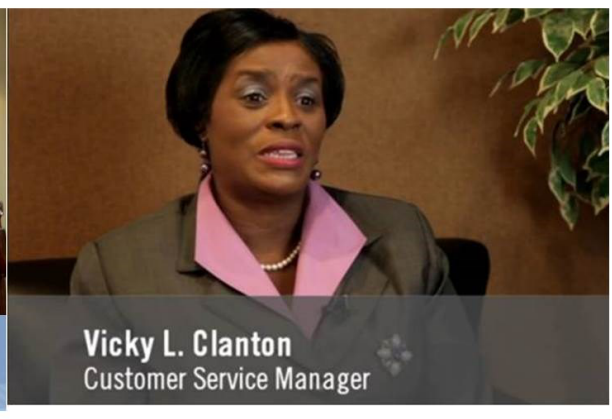
PUBLIC/WORLD PRESS RELEASE

NOTIFICATION Of Vogel Denise Newsome's Filing of Equal Employment Opportunity Commission Charge AGAINST 1st HERITAGE CREDIT LLC

UNITED STATES OF AMERICA'S PLANTATIONS

IGNORANT HOUSE NEGROES

Playing The Game



THE IMPLEMENTATION OF WILLIE LYNCH [BLACK AMERICANS-ON-AFRICAN AMERICAN] DISCRIMINATION USED IN CORPORATE AMERICA

PLANTATION OWNERS/OPERATIVES

The **STUPIDITY. . .IGNORANCE. . .PLAYING PATTY CAKE with the United States of America** and its **WESTERN/EUROPEAN/JEWISH Allies** appears **CAUSED** these Foreign/Middle Eastern Leaders **THEIR LIVES!**

Iraq President Saddam Hussein and United States President George W. Bush

Libya President Muammar Gaddafi with United States President Barack Obama - - France President Nicolas Sarkozy

Palestinian President Yasser Arafat and United States President William "Bill" Clinton

MIDDLE EASTERN LEADERS HAVE BECOME THE UNITED STATES OF AMERICA'S LAUGHING STOCK!

United States Presidents: Jimmy Carter, William "Bill" Clinton, Barack Obama and George W. Bush

The **WILLIE LYNCH PRACTICES** **are ALIVE** and **AGGRESSIVELY** being **IMPLEMENTED** **by the United States of America** and its **WESTERN/EUROPEAN/JEWISH** **Allies.** WILLIE LYNCH Practices which it appears are being used on **MIDDLE EASTERN/ASIAN/AFRICAN** **(Nations-Of-Color) Government Officials** for purposes of **BETRAYING** **their people** and ***SETTING their people up to be ENSLAVED under the United States of America's and its WESTERN/EUROPEAN/JEWISH Allies' DESPOTISM Government Regimes pushing for WHITE/JEWISH SUPREMACY***!

DESPOTISM EXPLAINED:

http://www.slideshare.net/VogelDenise/despotism-**part-1-of-4**-41035201

http://www.slideshare.net/VogelDenise/despotism-**part-2-of-4**

http://www.slideshare.net/VogelDenise/despotism-**part-3-of-4**

http://www.slideshare.net/VogelDenise/despotism-**part-4-of-4**

http://www.slideshare.net/VogelDenise/**despotism-practices**-in-the-united-states-of-america

STUPIDITY. . .IGNORANCE. . .by Middle Eastern/Asian/African Government Officials it appears are ALLOWING the United States of America and its WESTERN/EUROPEAN/JEWISH Allies to cause INSTABILITY in their region while they KILL/MURDER and engage in GENOCIDE PRACTICES against Nations-Of-Color (Middle East/Asia/Africa) through such UNLAWFUL/ILLEGAL/UNETHICAL attacks such as:

- **INHUMANE Drone Strikes**
- **EBOLA** (it appears a disease taken from the **United States of America's CENTER OF DISEASE CONTROL** and **INJECTED** in African Citizens **for GENOCIDE** purposes)
- **MEASLES** (it appears a disease taken from the **United States of America's CENTER OF DISEASE CONTROL** and **INJECTED** in **Pakistan Citizens** and **NOW** being used in the United States of America)
- **AIRPLANE CRASHES in Asian Region(s)** (appears to be the ***United States of America's*** *working with* ***Asian Government Officials*** *to* ***INSTILL fear*** *in Citizens and* ***in RETALIATION*** *to* ***Asian Citizens' OPPOSITION*** *to the United States of America and its* ***Western/European/Jewish*** ***Allies INTERFERENCES***) . . .
- **IT'S GOING TO GET WORST** with the **United States of America** at the **HELM OF THE SHIP** ***behind these INTERNATIONAL TERRORIST ATTACKS!***

The following is a copy of Vogel Denise Newsome's **DISCRIMINATION CHARGE/COMPLAINT** filed with the **United States** ***Equal Employment Opportunity Commission*** ***(EEOC)*** **AGAINST 1st HERITAGE CREDIT LLC (JEWISH CONTROLLED). WATCH and SEE HOW** United States of America's President Barack Obama and his Legal Counsel Baker Donelson Bearman Caldwell & Berkowitz may **engage in CRIMINAL ACTS** ***(OBSTRUCTING Federal Investigation(s)) to PROTECT their OWN!***

SEE for yourself HOW it appears the **United States of America** is going about **to IMPLEMENT** its **WORLDWIDE DESPOTISM TERRORIST Government Regime with the ASSISTANCE** of its **WESTERN/EUROPEAN/JEWISH** Allies – i.e. this **Despotism-Style** Government that the United States of America and its Allies ***are working with Middle Eastern/Asian/African Government Officials to get IMPLEMENTED behind-the-scenes!***

IT IS TIME TO DEAL WITH THE UNITED STATES OF AMERICA'S STINGERS LEFT AROUND THE WORLD!

REMOVING THE HOODS: As Foretold By Muslim Civil Rights Leader Malcolm X

http://youtu.be/ayhW5hXHazs and http://youtu.be/psJj4VupWhw

NOTE: Howard Baker, Jr. served as **CHIEF OF STAFF** to United States of America President Ronald Reagan. Lance B. Leggitt/Baker Donelson serving as **SENIOR ADVISOR** to United States of America **President Barack Obama**

BE CAREFUL WHAT YOU SOW - - Be **NOT deceived**; God is not mocked: **for whatsoever a man soweth, that shall he also reap.** (Galatians 6:7)

We look forward to releasing the **ENGLISH version** on a later date at this **RESERVED Link:** http://www.slideshare.net/VogelDenise/notice-of-eeoc-complaint-against-1-st-heritage-credit-llc-filed **(NOTE: Document will be updated later with a copy of the entire EEOC Charge and Exhibits)**

SEE for yourself HOW it appears **"HOUSE NEGROES"** as **Barack and Michelle Obama** ***were placed in the United States of America's WHITE HOUSE*** *for* ***DECEPTIVE PURPOSES*** ***to PUSH*** *the United States and its Western/European/Jewish Allies' AGENDA(S)!*

- **HOMOSEXUAL/GAY Rights**
- **GENOCIDE Practices** – **Masked under OBAMACARE** and other **FRAUDULENTLY-Created laws** as well as the United States of America's and its Allies **FOREIGN AID Missions** (i.e. it appears using such missions **to INJECT** Foreign Nation Citizens **with DEADLY DISEASES** taken from the United States' **Center For Disease Control**)
- **WHITE/JEWISH Supremacy** – i.e. Pushing the **JEWISH-DOMINANCE** Agenda and launching attacks *to* ***WIPEOUT Muslims/Islam*** *and* ***Christianity.*** . . .then using their **JEWISH-Controlled Media to DISTORT the News** for purposes *of pitting these Religious Faiths against each other*!

Ask **ATTORNEYS/LAWYERS** who studied Law or went to Law School **in the United States of America**, ***"HOW SOLID is this EEOC Charge/Complaint?"*** Is **1st Heritage Credit LEGALLY/LAWFULLY** required to provide **"FACTUAL" evidence** rather than **"MERE VERBAL BABBLINGS"** in response to Vogel Denise Newsome's EEOC Charge/Complaint? *We look forward to keeping the PUBLIC/WORLD abreast on the handling of United States Equal Employment Opportunity Commission's handling of this Charge.*

IMPORTANT TO NOTE: ***Baker Donelson Bearman Caldwell & Berkowitz*** appears to be Legal Counsel for the **United States Equal Employment Opportunity Commission** - - -**CONFLICT OF INTEREST** - - - *See* ***CORRUPTION at its CORE*** as well as **HOW BLACK-Americans** employed by the EEOC and **MANDATORILY required to INVESTIGATE** Newsome's Charge/Complaint may attempt to ***THROW the Investigation(s) in EXCHANGE for FAVORS*** *(i.e. ADVANCING their CAREERS)!*

Ask Yourself, Family and Friends as well as your government leaders, ***"DO you/they want a RACIST Country*** *like the United States of America* ***LEADING THE WORLD****?"* If SO, the following EEOC Complaint will provide information as to what FOREIGN NATIONS and their Citizens can EXPECT under the United States of America's and its WESTERN/EUROPEAN/JEWISH Allies LEADERSHIP!

Through Newsome's EEOC Complaint and Investigation(s), see **HOW Corporations** as **First Heritage Credit LLC** use the ***Willie Lynch Practices*** in its **DAILY OPERATIONS** – i.e. **SLAVEMASTERS** relying on **IGNORANT BLACK-Americans to ATTACK** and **DESTROY each other** *while they* ***sit back*** *and* ***LAUGH*** *at these* ***STUPID BLACK****-Americans*!

With **TRAINED EYES:**

See whether or not **EVIDENCE** (*such as Vogel Denise Newsome's* ***Complaint/Grievance Form***) **EXPOSES Willie Lynch DISCRIMINATION** under **Title VII of the Civil Rights Act** as well as other statutes/laws governing such **RACIST PRACTICES** of White Employers as First Heritage Credit LLC!

Diane Snow advised me during my time working with her that she felt that Vicky did not like her because she is WHITE. However, I could not see that. From my observation, it appears that if there were any racial issues, it may be on the part of Diane Snow – i.e. having an African-American Branch Manager and the thought of having to have Vicky as her Supervisor/Manager. In fact, during my time working here, it was my understanding that there was a CHANGE in organization and Diane Snow was being placed under the Branch Manager (Vicky Clanton); however, this re-organization did NOT last long. I gathered that Diane Snow COMPLAINED and changes were made to REMOVE her from under the Supervision of the Branch Manager (Vicky Clanton).

HARASSMENT IS PROHIBITED
We prohibit harassment of one employee by another employee or manager for any reason including, but not limited to: race, color, religion, national origin, physical or mental disability, sex, genetic information or any other basis protected by federal, state or local law. The purpose of this policy is not to regulate the personal morality of employees. It is to assure that all employees are permitted to work in an environment free of harassment or other objectionable conduct prohibited by law. *(See at FHC Employee Handbook at Pg. 9 as of 07/02/14)*

During my time working with Diane Snow, she also advised me that she was told to train me so that she can be given a BRANCH MANAGER position. Of course, when told this, I was trying to figure out what Branch Manager Position was open and WHERE would she be going. Just from continuing to do my work and observation, it became clear to me that it appeared that Diane Snow may have been EYEING the Front Office Branch Manager Position that Vicky Clanton was in. Not only that, as I watched, observed and heard Diane Snow engage with other employees (Barbara Cooper and Katrina) it became obvious to me that they were ENGAGING in conduct in violation of FHC Policies and Procedures. I advised them to CEASE from such behavior and should they have any issues with the Branch Manager (Vicky Clanton) they should go in and discuss concerns they have with her. ALL seemed NOT to want to go and talk with Vicky Clanton. This seemed strange to me because, as shared, from what I saw and observed, the Branch Manager (Vicky Clanton) was always cordial and professional to all. I observed and watched as new employees would come to the Account Management Center (AMC) how it appears they were IMMEDIATELY approached and provided with false and misleading information regarding the Branch Manager (Vicky Clanton) – at the HELM of the Ship/Diane Snow.

See whether or not First Heritage Credit (a/k/a 1st Heritage Credit) will and can answer Vogel Denise Newsome's EEOC Complaint and WHAT Criminal Acts (if any) it may ENGAGE in due to the INABILITY to REBUT Newsome's claims. It was a good thing that Vogel Denise Newsome DOCUMENTED and RETAINED evidence they sought to destroy.

OH, by the WAY – 1st Heritage Credit may make a **FALSE ASSERTION** of **Copyright INFRINGEMENT;** however, this **is NOT** a DEFENSE. *When 1st Heritage Credit **engaged in TITLE VII violations** and other civil/criminal wrongs in its ATTACKS leveled against Vogel Denise Newsome, it **BREACHED the Agreement** reached between it and Newsome, **thus VOIDING** any CLAIMS and/or ASSERTION of Copyright Infringement.* Moreover, NOW that Newsome has filed an EEOC Charge/Complaint, this information is **NOW a matter** of **PUBLIC INTEREST** and under the laws of the United States of America, it is Newsome's **DUTY/OBLIGATION to REPORT** as well as SHARE/EXPOSE such Civil/Criminal violations because they affect PUBLIC Policy. . . .

On Monday (02/09/15) – DEADLINE FOR NEWSOME TO FILE CHARGE - the EEOC's System was CONVENIENTLY down which precluded Newsome from being able to get the Charge of Discrimination filed. Nevertheless, Newsome knew to get her ***Charge Questionnaire* "RECEIVED STAMPED"** and she was asked to return to submit her Charge at a later date.

CHARGE QUESTIONNAIRE

This form is affected by the Privacy Act of 1974; see Privacy Act Statement on back before completing this form.

EEOC Use Only — Name (Intake Officer)

Please answer the following questions, telling us briefly why you believe you have been discriminated against in employment. An officer of the EEOC will talk with you after you complete this form.

Date of Birth: __

NAME: Vogel (First) Denise (Middle Name or Initial) Newsome (Last) (Please Print) — DATE: 2-9-15

ADDRESS: P. O. Box 31265 — TELEPHONE NO. (Include area code): 601-885-9536

CITY: Jackson — STATE: MS — ZIP: 39286 — COUNTY: __

Please provide the name of an individual at a different address in your local area who would know how to reach you.

NAME: __ RELATIONSHIP: __ PHONE: __

ADDRESS: __ CITY: __ STATE: __ ZIP: __

I believe I was discriminated against by: (Check those that apply)

☑ EMPLOYER ☐ UNION (Give Local No.) ☐ EMPLOYMENT AGENCY ☐ OTHER (Specify)

APPROX. NO. EMPLOYED BY THIS EMPLOYER: __

EMPLOYER'S INFORMATION
NAME: 1st Heritage Credit, LLC
ADDRESS: 605 Crescent Blvd. Suite 101
CITY, STATE, ZIP: Ridgeland MS 39157

SECOND EMPLOYER'S INFORMATION
NAME: __
ADDRESS: __
CITY, STATE, ZIP: __

If you checked "Employer" above, are you now employed by the Employer that you believed discriminated against you?
YES: From __ (date) __ (current position)
NO: I applied for __ (position) on __ (Date)
OR: I was employed as Account Mgr (position) until 8-11-15 (date). I was Fired (laid off, fired, etc.)

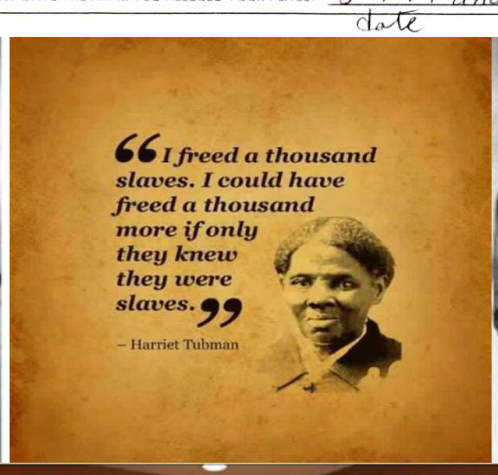
What action was taken against you that you believe to be discriminatory? What harm, if any, was caused to you or others in your work situation as a result of that action? (If more space is required, use reverse.)

Please see My typewritten Complaint EEOC - Discrimination
1) Race
2) Age
3) Retaliation
4) Protected Activity
5) Systematic Discrimination

RECEIVED
FEB 09 2015
U.S. EEOC/JAO

WHAT WAS THE MOST RECENT DATE THE HARM YOU ALLEGED TOOK PLACE? 8-11-14 and continues to date

EEOC Form 283 (10/94)



Why do you believe this action was taken against you?

Because of my race, age, + knowledge of my engagement in protected activities
Retaliation for reporting Title VII violations

Normally, your identity as a complainant will be disclosed to the organization which allegedly discriminated against you.
Do you ☑ consent or ☐ not consent to such disclosures?

Have you sought assistance about the action you think was discriminatory from any agency, from your union, an attorney, or from any other source? ☑ No ☐ Yes (If answer is yes, complete below.)

NAME OF SOURCE ASSISTANCE _____ DATE _____

RESULTS IF ANY: I have been blacklisted

Have you filed a complaint about the action you think was discriminatory with any other Federal, State, or Local Government Anti-discrimination agency? ☑ No ☐ Yes (If answer is yes, complete below.)

NAME OF SOURCE ASSISTANCE _____ DATE _____

RESULTS IF ANY: _____

Have you filed an EEOC Charge in the past? ☐ No ☑ Yes (if answer is yes, complete below)

APPROX. DATE FILED	ORGANIZATION CHARGED	CHARGE NUMBER (IF KNOWN)
various - I'm in the system		

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE Olivia Newsome DATE 2-9-15

PRIVACY ACT STATEMENT: This form is covered by the Privacy Act of 1974: Public Law 93-579. Authority for requesting personal data and the uses thereof are:

1. FORM NUMBER/TITLE/DATE. EEOC Form 283, Charge Questionnaire (12/93).
2. AUTHORITY. 42 U.S.C. § 2000e-5(b), 29 U.S.C. § 211, 29 U.S.C. § 626, 42 U.S.C. 12117(a)
3. PRINCIPAL PURPOSE. The purpose of this questionnaire is to solicit information in an acceptable form consistent with statutory requirements to enable the Commission to act on matters within its jurisdiction. When this form constitutes the only timely written statement of allegations of employment discrimination, the Commission will, consistent with 29 CFR 1601.12(b) and 29 CFR 1626.8(b), consider it to be a sufficient charge of discrimination under the relevant statute(s).
4. ROUTINE USES. Information provided on this form will be used by Commission employees to determine the existence of facts relevant to a decision as to whether the Commission has jurisdiction over allegations of employment discrimination and to provide such charge filing counselling as is appropriate. Information provided on this form may be disclosed to other State, local and federal agencies as may be appropriate or necessary to carrying out the Commission's functions. Information may also be disclosed to charging parties in consideration of or in connection with litigation.
5. WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION. The providing of this information is voluntary but the failure to do so may hamper the Commission's investigation of a charge of discrimination. It is not mandatory that this form be used to provide the requested information.

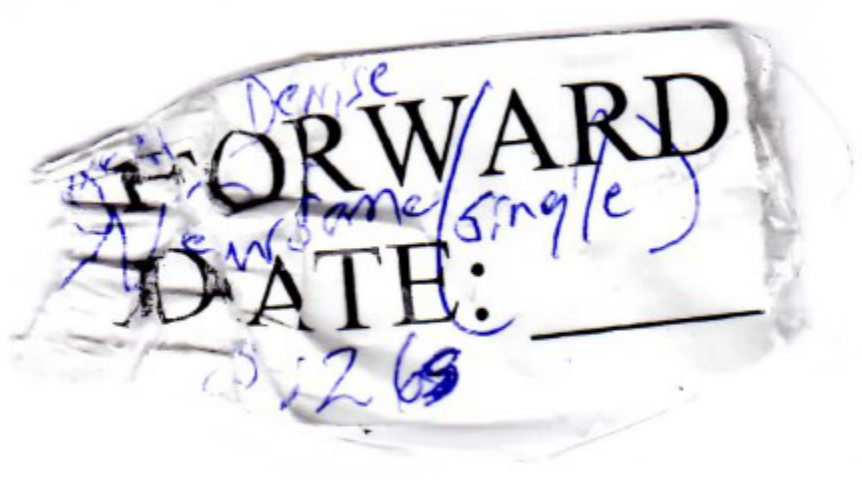
Reverse Side of Form 283 (10/94)

BAKER DONELSON
BEARMAN, CALDWELL & BERKOWITZ, PC

Baker Donelson Bearman Caldwell & Berkowitz and those it COLLUDES with have engaged in the CRIMINAL STALKING and other crimes against Vogel Denise Newsome because of her RACE: (1) Coming AFTER her JOBS; (2) Coming AFTER her BANK ACCOUNT(S); (3) Coming AFTER her RESIDENCES: (4) Having her KIDNAPPED and held in a JAIL CELL (i.e. going as far as having FALSE Criminal Charges brought against her that were DISMISSED), etc.

CRIMINAL STALKING that SPANS well OVER 20 YEARS! News Baker Donelson and a Jewish-Controlled Media have done their best to HIDE from the Public/World and have FAILED!

Then when Newsome checked her mailbox, her mail was CONVENIENTLY being OBSTRUCTED by the United States Postal Service with a "FORWARDING" posting when Newsome was NOT having her mail forwarded. Nevertheless, this is the FOOLISHNESS and CRIMINAL acts that Newsome endures under such a CORRUPT Despotism Government Regime as the United States of America that has to CONTROL INFORMATION!



THE FOLLOWING IS THE "STAMPED RECEIVED"
Copy of Vogel Denise Newsome's
CHARGE OF DISCRIMINATION

Wherein Newsome requested that her approximately **310-Page Complaint** and **SUPPORTING EXHIBITS** be Served on 1st Heritage Credit LLC in *that Federal Laws **allow for** Complainants to provide their **OWN** **written/typewritten** complaint **rather than just rely on the** **VAGUE** **Charge of Discrimination** **the EEOC uses** for purposes **of NOT** wanting to do their jobs in INVESTIGATING and REPORTING Discriminatory practices as that set forth in Vogel Denise Newsome's Charge and previous EEOC Charges filed by her*.

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: [ ] FEPA [X] EEOC

Agency(ies) Charge No(s): 4;

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)	Home Phone (Incl. Area Code)	Date of Birth
Ms. Vogel D. Newsome	**(601) 885-9536**	

Street Address: **P.O. Box 31265, Jackson, MS 39286** City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (*If more than two, list under PARTICULARS below.*)

Name	No. Employees, Members	Phone No. (Include Area Code)
FIRST HERITAGE CREDIT UNION, LLC.	**15 - 100**	**(601) 898-8611**

Street Address: **605 Crescent Boulevard, Suite 101, Ridgeland, MS 39157** City, State and ZIP Code

Name	No. Employees, Members	Phone No. (Include Area Code)

Street Address City, State and ZIP Code

DISCRIMINATION BASED ON (*Check appropriate box(es).*)

[X] RACE [ ] COLOR [ ] SEX [X] RELIGION [ ] NATIONAL ORIGIN
[X] RETALIATION [X] AGE [ ] DISABILITY [ ] GENETIC INFORMATION
[ ] OTHER (*Specify*)

DATE(S) DISCRIMINATION TOOK PLACE
Earliest: **08-11-2014** Latest: **08-11-2014**
[ ] CONTINUING ACTION

THE PARTICULARS ARE (*If additional paper is needed, attach extra sheet(s)*):

I worked for the Respondent as an Account Manager since June 2, 2014. In early July 2014, I filed an internal grievance against Vicky Snow (White, Bankruptcy Specialist) due to workplace safety issues, violence, and harassment. On August 11, 2014, Melvin Stillman (White, Operations Manager) terminated my employment stating I acted with insubordination toward my immediate Supervisor, Vicky Clanton (Black, Branch Manager, 50s) after I sent an email to Clanton. I was replaced by a younger Black female. I believe I was terminated because of my race (Black), age (52), and because I filed a safety grievance.

Also please see attached complaint.

I believe I was retaliated and discriminated against in violation of Title VII of the Civil Rights Act of 1964, as amended and the Age Discrimination in Employment Act of 1967.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

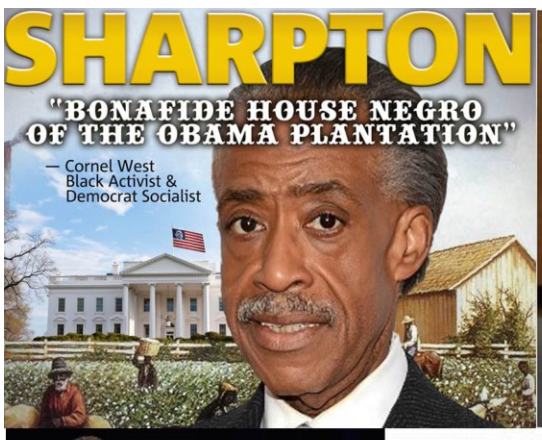
Feb 13, 2015 (Date) Vogel Denise Newsome (Charging Party Signature)

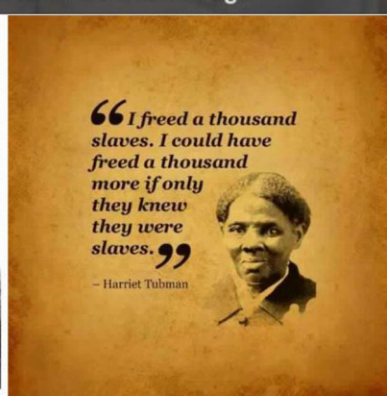
NOTARY – *When necessary for State and Local Agency Requirements*

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (*month, day, year*)

RECEIVED
FEB 13 2015
U.S. EEOC/JAO





PLEASE FEEL FREE TO VISIT
VOGEL DENISE NEWSOME'S WEBSITE AT
WWW.VOGELDENISENEWSOME.NET

PLEASE NOTE: *The **Internet Links** on the TRANSLATED documents **may have changed DURING TRANSLATION**.* Therefore, **please feel free to view the ENGLISH version of the EEOC Complaint when it is posted**. In the meantime, if you are interested in other documents that have been translated in other languages (such as in the translated language of this document) and posted in Vogel Denise Newsome's SlideShare.net Forum, you may find additional documents of interests by typing in your browser information such as: **www.Slideshare.net/VogelDenise/**

The following **United States Equal Employment Opportunity Commission ("EEOC") Charge** AGAINST **First Heritage Credit, LLC** ***is provided for educational and informational purposes and address issues that are a matter of PUBLIC INTERESTS/POLICIES!*** Also, to provide a better understanding of **HOW CORRUPT** and **RACIST** the **United States of America's TOP/KEY Government Agencies' Officials,** their **Legal Counsel Baker Donelson Bearman Caldwell & Berkowitz** and their Cohorts/Co-Conspirators are through the following EEOC Charge AGAINST First Heritage Credit, LLC. Furthermore, will shed additional information **on HOW Terrorist/Racist/White Supremacist Government Regimes as that of the United States of America use their POWERS for CRIMINAL** and **MALICIOUS intent** to FURTHER what appears to be the United States of America's and its ***WESTERN/EUROPEAN/JEWISH allies' interests TARGETING People-Of-Color and NATIONS-OF-COLOR it appears for bringing about the White Supremacist CONTROLLED "ONE WORLD ORDER" so many people have***

heard about; however, may not had any insight as to WHO the MAJOR PLAYERS (as the United States of America/Baker Donelson Bearman Caldwell & Berkowitz) are!

The following EEOC Charge No. 423-2015-00802 provides **FACTS, EVIDENCE**, **LEGAL CASES,** etc. **to SUPPORT:**

A) **Opening up FEDERAL** and STATE Investigations of and against **BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ ("Baker Donelson"), First Heritage Credit LLC** and others to be determined through investigation(s).

B) **ACTIVATING and PROSECUTING** Baker Donelson, First Heritage Credit LLC, etc. for CRIMINAL/CIVIL violations that are a matter of PUBLIC POLICIES, HOMELAND Security, etc.

C) **SEIZING and FREEZING ALL Assets** (Financial, Business and Personal) of Baker Donelson, its attorneys, employees, during the investigation(s) MANDATORILY and LEGALLY/LAWFULLY required to be implemented.

D) **SEIZING and FREEZING ALL Bank Accounts** of Baker Donelson (its attorneys, representatives, employees, etc.) and as well as **SEIZING and FREEZING ALL** Baker Donelson's Banker's (as **JP Morgan Chase Bank**) Assets and Insurance Carrier (as **Liberty Mutual Insurance Company**) Assets during the investigation(s) MANDATORILY and LEGALLY/LAWFULLY required to be implemented.

E) **PULL ALL Government Contracts/Accounts** held by Baker Donelson, its attorneys, representatives, employees, etc. during the investigation(s) MANDATORILY and LEGALLY/LAWFULLY required to be implemented.

F) **OPENING up MANDATORY-required INVESTIGATION(S)** involving CLIENTS of Baker Donelson Bearman Caldwell & Berkowitz (as United States of America's President Barack Obama and First Lady Michelle Obama, Vice President Joseph Biden and Jill Biden; CONGRESSIONAL Members starting at the Top with Speaker of the House John Boehner, Mitchell McConnell, Harry Reid, Nancy Pelosi, Rand Paul, Debbie Wasserman-Schultz and more – i.e. Congress has been TIMELY, PROPERLY and ADEQUATELY notified of Newsome's DEMAND for FEDERAL INVESTIGATIONS in the EXECUTIVE as well as LEGISTLATIVE Branches of the United States of America's Government.

G) **OPENING up MANDATORY-required INVESTIGATION(S)** involving CLIENTS of Baker Donelson Bearman Caldwell & Berkowitz as the United States Supreme Court's Chief Justice John Roberts and other Justices of said Court, Supreme Court Clerk's Office employees, etc. – i.e. said Court has been TIMELY, PROPERLY and ADEQUATELY notified of Newsome's DEMAND for FEDERAL INVESTIGATIONS in the JUDICIAL Branch of the United States of America's Government.

H) **OPENING up MANDATORY-required INVESTIGATION(S)** against other POLITICIAL Figures/Government Officials as Hillary Clinton and her husband (William "Bill" Clinton) and family; the Bush Family which includes but is not limited to the following: George H.W. Bush and Barbara Bush, George H. Bush and Laura Bush, John Ellis "Jeb" Bush and Columba Bush, etc.

I) **OPENING up the MANDATORY-required INVESTIGATION(S)** from information against other CONSPIRATORS/CO-CONSPIRATORS that may become known during investigation(s).

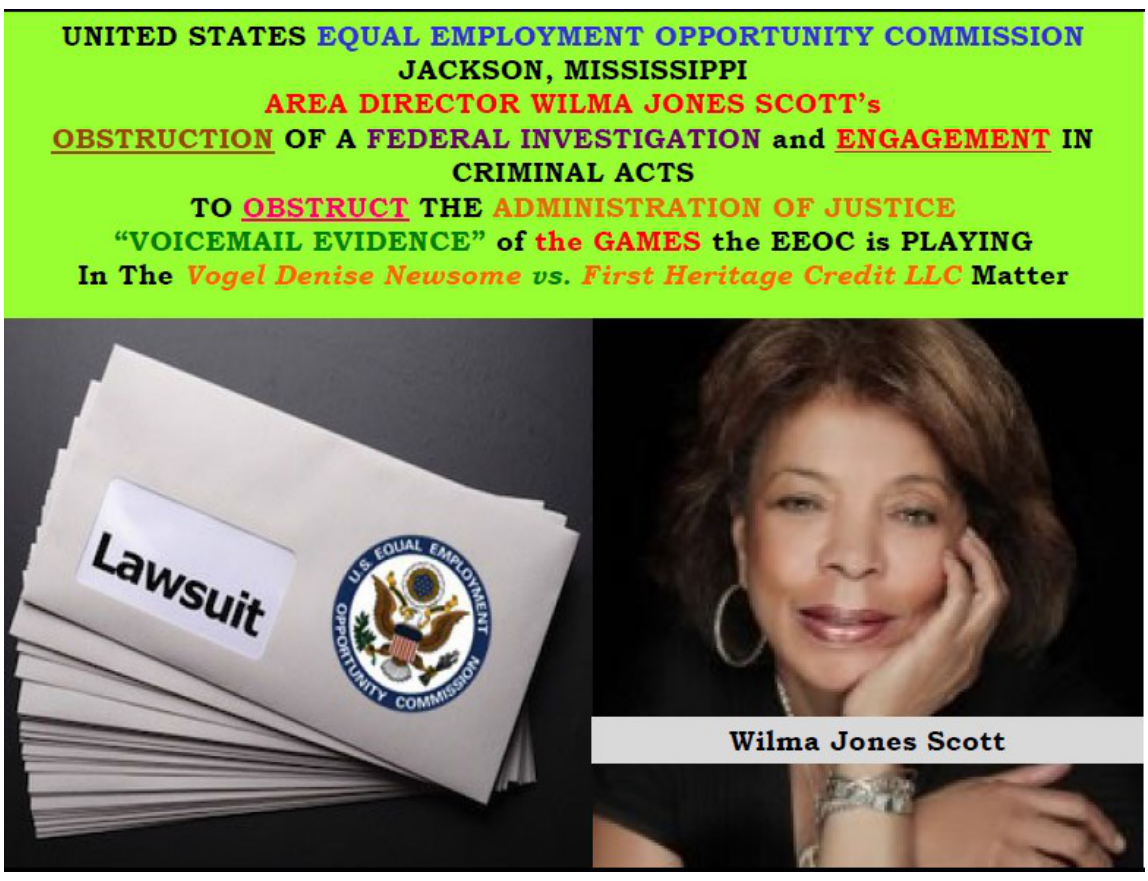
PLEASE TAKE NOTICE: That the United State of America's **EQUAL EMPLOYMENT OPPORTUNITY COMMISSION is PRESENTLY** (as of 03/08/15) engaging in **CRIMINAL/CIVIL WRONGS** in the **OBSTRUCTION of Federal Investigation(s)** Vogel Denise Newsome is LEGALLY/LAWFULLY demanding under the statutes/laws of the United States of America.

YES, Baker Donelson Bearman Caldwell & Berkowitz **IS AWARE** of where Vogel Denise Newsome was presently on an employment assignment at and ***LAUNCHED attacks from BEHIND-THE-SCENE for purposes of having her TERMINATED of keeping their CRIMINAL/CIVIL wrongs out of PUBLIC VIEW!***

http://www.slideshare.net/VogelDenise/merchants-foodservice-termination-of-vogel-denise-newsomes-employment

As you can see Vogel Denise Newsome is using her *unemployment* time WISELY since the Jews and Baker Donelson Bearman Caldwell & Berkowitz have come after her job(s) which now allows her the time to further **RESEARCH, PREPARE, DRAFT** and **DISTRIBUTE information** to the **PUBLIC/WORLD** so that they can understand the **RACIST/TERRORIST JEWISH-CONTROLLED** Law Firm (**Baker Donelson Bearman Caldwell & Berkowitz)** behind the CAUSE of the ***GLOBAL ECONOMIC COLLAPSE*** *(i.e.* ***as GREECE,*** *the* ***SOVIET UNION,*** *etc. whose government officials* ***are STUPID enough to continue to play PATTY-CAKES*** *with the United States and its allies* ***that brought about their country's RUIN/DEMISE****)* as well as **EXPOSE HOW** the United States of America's **corrupt JEWISH** Government Officials **have HIJACKED** the American **TAX DOLLARS** for purposes of paying for the **JEWISH-CREATED TERRORIST CELLS** they are **using as FRONTS** to **OVERTHROW FOREIGN Governments** while the **United States of America, ISRAEL** and **their ALLIES** ***sit back and LAUGH*** *at the* ***STUPIDITY of*** *FOREIGN GOVERNMENT OFFICIALS* ***who ALLOWED them access to their country's RESOURCES*** *because they may have actually* ***thought the WEST*** *and* ***their EUROPEAN Counterparts*** *meant them well* – i.e. **PLEASE ALLOW HISTORY** ***(the OVERTHROW of the INDIANS*** *and the* ***TAKING OF THEIR LANDS*** *and* ***RESOURCES that is NOW called the United States of America)*** **TO BE AN EXAMPLE OF THINGS TO COME** along with the **WILLIE LYNCH** and **JIM CROW PRACTICES! YES, the JEWS** thought they would be able **to MASTERMIND** and **go UNDETECTED** ***in their plans for a GLOBAL TAKE OVER and attacks against CHRISTIANS and MUSLIMS!*** This **has PROVEN** to be **a COSTLY MISTAKE!** Do you see **Vogel Denise Newsome (a Christian – which the HOLY BIBLE speaks of being PERSECUTED) getting DISTRACTED** ***by the FOOLISHNESS in the News they throw out?*** **NO,** Newsome **stays FOCUS and CONTINUES** *to use such* ***BLESSINGS*** to prepare documents such as this **for MASS DISTRIBUTIONS! SO SPREAD THE GOOD NEWS!**

As you prepare to read/review the following EEOC Charge, this LINK contain copies of Voicemail/Telephone recordings (i.e. legally obtained for purposes of EXPOSING and REPORTING Criminal acts; moreover, for record purposes because some agencies advise the phone calls may be RECORDED – thus, Vogel Denise Newsome retaining for her record recording[s] as well). **SEE if you can see the EEOC'S CRIMINAL/CIVIL violations in OBSTRUCTING a FEDERAL Investigation:**



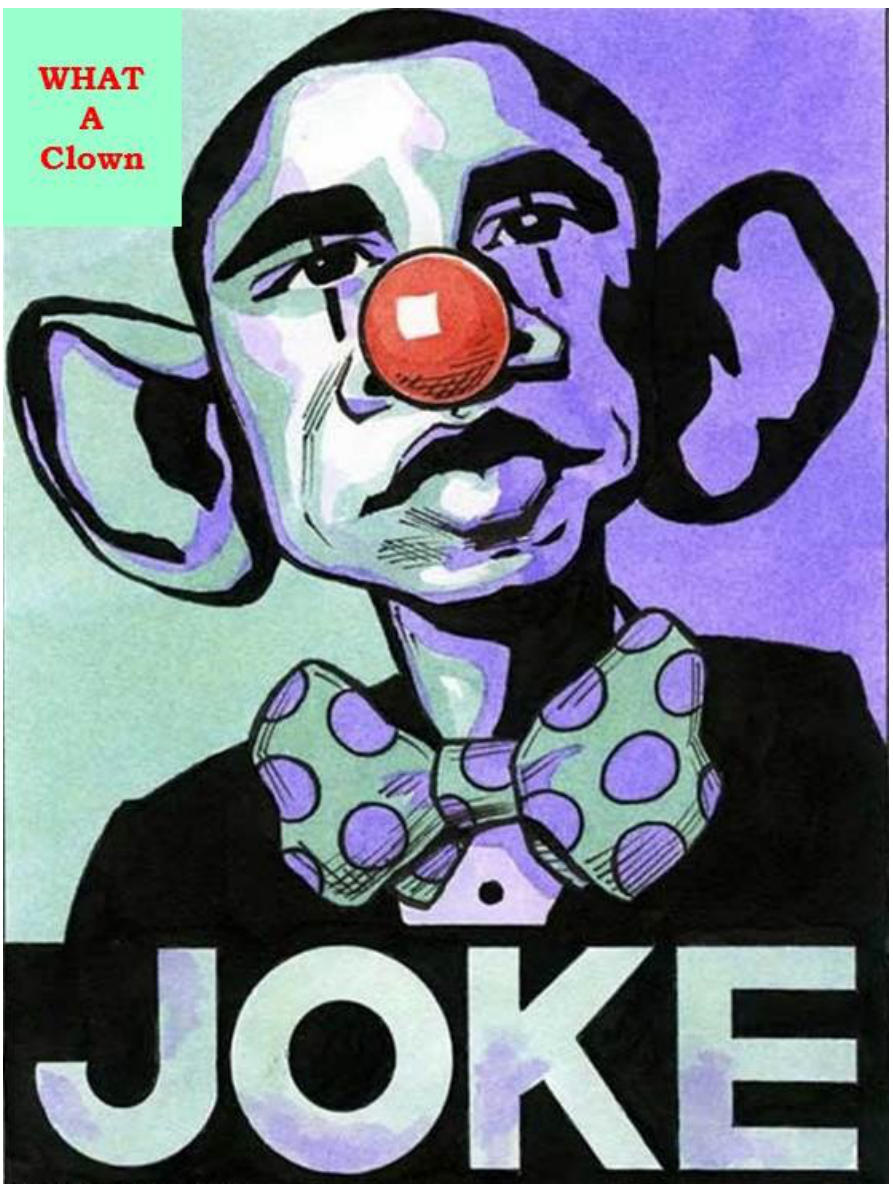
http://www.slideshare.net/VogelDenise/voicemail-recordings-eeoc-usps-first-heritage-credit-matter

We have recently posted this **March 7, 2015, facsimile to the Equal Employment Opportunity Commission - i.e. to the ATTENTION of Federal Investigators Antonio Jones and Willie Churchill:**

Start Date/Time	End Date/Time	Recipient	Company/Corp.	Fax Number	Status	Number of Pages	Image Quality
3/7/2015 8:13:12 PM	3/7/2015 8:14:17 PM	EQUAL EMPLOYMENT OPPORTUNITY COMMISSION - Jackson, MS		16019488401	Sent	2	Normal

http://www.slideshare.net/VogelDenise/030715-fax-to-the-eeoc-first-heritage-credit-matter

HOW MANY People/Nations and their Leaders were FOOLED and BETRAYED by this CLOWN?



OFFICIAL COMPLAINT/CHARGE OF DISCRIMINATION FILED OF AND AGAINST FIRST HERITAGE CREDIT LLC WITH THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (JACKSON, MS); SUBMITTED FOR FILING ON FEBRUARY 9, 2014[1]

Charge Filed With:	**VIA HAND DELIVERY** Equal Employment Opportunity Commission ("EEOC") **ATTN: Wilma Scott (Director)** 100 West Capitol Street – Suite 338 Jackson, Mississippi 39269
Complainant/Employee:	Vogel Denise Newsome ("Newsome") **Mailing Address:** Post Office Box 31265 Jackson, Mississippi 39286 Phone: (601) 885-9536
Respondent(s)/Employer(s):	First Heritage Credit **Attn: DeAnne Walberg** Human Resources Director 605 Crescent Boulevard – Ste 101 Ridgeland, MS 39157
Number of Employees:	15+
Discrimination Based On:	**(1)** Race; **(2)** Age; **(3)** Retaliation; **(4)** Other – knowledge of engagement in protected activity(s); and **(5)** Systematic Discrimination - - - See United States Department of Labor/EEOC's - ***Prohibited Employment Policies/Practices*** at **EXHIBIT "1"** attached hereto and incorporated by reference as if set forth in full herein. (6) Religion
Date of Hire:	**On or about June 2, 2014** – NOTE: This began as a Temp-To-Hire position. Upon completing requirements, 1st Heritage Credit offered Vogel Denise Newsome a permanent placement.
Date Discrimination/Retaliation:	August 11, 2014
Most Recent/**Continuing** Retaliation:	**Is ONGOING** *Macklin v. Spector Freight Systems, Inc.*, 478 F.2d 979 (1973) - [18] Where ***continuing*** violations were alleged, complaint under statute providing that all persons within United States shall have same right to make and enforce contracts as is enjoyed by white citizens ***was not***

RECEIVED
FEB 13 2015
U.S. EEOC/JAO

[1] Newsome relied upon legal (i.e. such as **PREVIOUS** EEOC DECISIONS, **TITLE VII of the Civil Rights Act of 1964**, EEOC Compliance Manual, United States Code Annotated, American Jurisprudence Pleading and Practice Forms, Federal Procedural Forms – Lawyers Edition, American Jurisprudence Proof of Facts, Code of Federal Regulations, Internet, etc.) in the preparation of this Complaint. Boldface, underline, italics, HIGHLIGHTS, caps/small caps added for emphasis.

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barred by limitation. **42 U.S.C.A. § 1981**

Chain Conspiracy - A single conspiracy in which each person is responsible for a distinct act within the overall plan. . . .***All** participants are interested in the overall scheme and **liable for all other participants' acts in furtherance** of that scheme. (Conspiracy §24(3) C.J.S. Conspiracy §§117-118).

Is ONGOING and CONTINUES to date.

If Violations Are Found:

That the Equal Employment Opportunity Commission - (hereinafter "Equal Employment Opportunity Commission" and/or "EEOC") is to enforce the applicable statutes/laws and seek to eliminate discriminatory practices, Title VII violations/employment violations/civil rights violations made known to it.

1st Heritage Credit LLC

About 1st Heritage Credit

Our primary business is making personal loans through our network of branch offices. Someone from the local area manages each First Heritage Credit branch. Our local branch managers make loan decisions based on their knowledge of the community and understanding of the loan business. At First Heritage Credit, we are in the business of providing you extra cash when you need it!

We understand it can be difficult to manage your expenses- no matter how well organized you are- especially when an unexpected event takes place. Maybe you need extra money for that vacation you've been planning, or, for that unexpected car repair. Whatever your needs may be, we are here to help you get the extra cash when you need it![2]

.

NATURE OF ACTION:

This is an action under Title VII of the Civil Rights Act of 1964 and under Title I of the Civil Rights Act of 1991 to correct alleged unlawful employment practices on the bases of retaliation and to provide appropriate relief to Complainant Vogel Denise Newsome who was adversely affected by such practices. Complainant Vogel Denise Newsome was subjected to discrimination practices and retaliated against because she has

[2] Information obtained from 1st Heritage Credit LLC's website as of 02/06/14.

opposed practices made an unlawful employment practice and/or because Complainant Vogel Denise Newsome has testified or participated in a proceeding protected under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.§ 2000e-5(f)(1) and (3), 42 USC § 2000e(b), and other statutes/laws governing said matters

JURISDICTION/VENUE: The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. It is also illegal to discriminate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

The employment practices alleged to be unlawful were committed within the jurisdiction of the State of Mississippi.

PLEASE NOTE: That in compliance with the statutes/laws ***governing the PRODUCTION of EVIDENCE*, "LINKS" *(i.e. to where documents may be found via the Internet)*** may be provided instead of the document(s) itself. ***Due to the VOLUMINOUS nature of the document(s) supporting this Complaint,*** Complainant Vogel Denise Newsome, ***as a matter of law, can provide REFERENCE information as to where document(s)/information may be found/retrieved.*** Therefore, for easy retrieval, some of the documents may be stored at www.slideshare.net/VogelDenise. ***Complainant Vogel Denise Newsome is also working on getting information posted on the Website located at www.vogeldenisenewsome.net).***

42 U.S.C. § 1985. Conspiracy to Interfere With Civil Rights:

(2) Obstructing justice; intimidating party, witness, or juror:

If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) Depriving persons of rights or privileges:

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

COMES NOW Vogel Denise Newsome ("Newsome"), an **African-**American female, and files this her Official **Equal Employment Opportunity Commission** (hereinafter "EEOC") **Complaint** with the *Equal Employment Opportunity Commission* in care of and through the EEOC's Jackson, Mississippi Office of and against 1st Heritage Credit ("1STHC")[3] and/or its representatives under Title VII of the Civil Rights Act of 1964 [42 U.S.C.A. § 2000e et seq.]/ Federal Civil Rights Act of 1964 as amended (78 Stat. 241), the Civil Rights Act of 1991 as amended (P.L. 102-166, amended by P.L. 102-392), the Federal Age Discrimination in Employment Act of 1967 (81 Stat. 602), 29 C.F.R. § 1601.7, and any/all applicable statutes/laws under which the jurisdiction of the EEOC is applicable.

PLEASE BE ADVISED, that Complainant Vogel Denise Newsome hereby request that ANY/ALL CONFLICTS-OF-INTEREST that is known to the EEOC be made known to her. In

[3] **1st Heritage Credit in this Complaint encompasses its employees, agents, representatives, etc.**

support of this instant Complaint the following CLAIMS, FACTS and LEGAL CONCLUSIONS are relevant/pertinent in understanding the DISCRIMINATORY, RETALATORY and CHAIN CONSPIRACIES which have been leveled against Vogel Denise Newsome by her former employers and those with whom they CONSPIRE:

I. PATTERN-OF-CHAIN-CONSPIRACIES: FACTS/EVIDENCE IN UNDERSTANDING HOW THE CONTINUING DISCRIMINATORY, CONTINUING RETALIATORY AND CONTINUING CONSPIRACY PRACTICES LEVELED AGAINST VOGEL DENISE NEWSOME

The following terms regarding CONSPIRACY actions are relevant and pertinent in understanding the CONTINUING/ONGOING Discriminatory, Retaliatory and Conspiracies leveled against Vogel Denise Newsome that are PROHIBITED by State and Federal laws:

> ***Conspiracy*** - An agreement by two or more persons to commit an unlawful act, coupled with an intent to achieve the agreement's objective, and (in most states) action or conduct that furthers the agreement; a combination for an unlawful purpose. 18 USC §371. . .
>
> > "When two or more persons combine for the purpose of inflicting upon another person an injury which is unlawful in itself, or which is rendered unlawful by the mode in which it is inflicted, and in either case the other person suffers damage, they commit the tort of conspiracy." P.H. Winfield, *A Textbook of the Law of Tort* §128, at 434 (5th ed. 1950)
>
> ***Conspire*** - To engage in conspiracy; to join in a conspiracy.
>
> ***Conspirator*** - A person who takes part in a conspiracy.

> **Respondent** (conspirator) **<u>becomes the agent</u>** <u>of the other conspirator(s)</u>, and ***any act done by one*** *of the combination* ***is regarded under the law*** *as the* ***act of both or all***. In other words, what one does, if there is this combination, ***becomes the act*** *of both or all of them,* ***no matter which individual*** *may have done it.* **This is true as to each member of the conspiracy**, *even those whose involvement was limited to* ***a minor role*** *in the unlawful transaction, and it makes* ***no*** *difference* ***whether or not*** *such* ***individual shared in the profits*** *of the actions*. (Am. Jur. Pleading and Practice Forms, Conspiracy § 9)

This instant Complaint will also set forth the CONSEQUENCES of STATE and FEDERAL Government Agencies'/Officials' FAILURE-TO-PREVENT and CORRECT, PUNISH and END the

DISCRIMNATORY and RETALITORY practices as well as the CHAIN CONSPIRACIES leveled against Vogel Denise Newsome that have been timely, properly and adequately REPORTED to the applicable Government Agencies in the United States of America – for instance the Supreme Court of the United States finding in:

> *U.S. v. Jimenez Recio*, 123 S.Ct. 819 (2003) - Essence of a conspiracy is an agreement to commit an unlawful act.
>
> Agreement to commit an unlawful act, which constitutes the essence of a conspiracy, *is a* ***distinct*** ***evil*** that may exist and be punished whether or not the substantive crime ensues. *Id.*
>
> Conspiracy ***poses a threat to the public*** over and above the threat of the commission of the relevant substantive crime, both because *the combination in crime* ***makes more likely*** *the commission* ***of other*** *crimes* and because it **decreases the probability** that *the individuals involved* ***will depart from their path of criminality***. *Id.*

moreover, that appears to have ENCOURAGED further CIVIL and HUMAN Rights violations against her as well as against other African-Americans and/or People of Color both here in the United States of America and **ABROAD** in **International** Communities **against** their Government Leaders/Citizens that are ALSO Racially, Discriminatorily and Religiously motivated. This instant Complaint is submitted *as a matter of* ***PUBLIC POLICY*** and/or ***PUBLIC CONCERN!*** The ONGOING CHAIN Conspiracies leveled AGAINST Vogel Denise Newsome spanning well **over 25**

YEARS:

> ***Chain Conspiracy*** - A **single** conspiracy in which **each** person is responsible for a distinct act *within the **overall** plan*. . . .*__**All**__ participants ***are interested** in the **overall** scheme* and liable for all other participants' acts in furtherance of that scheme. (Conspiracy §24(3) C.J.S. Conspiracy §§117-118).

have NOT only posed a threat to her but also ***THREATS to the PUBLIC/WORLD*** by Respondents 1STHC and those with whom they CONSPIRE - i.e. it appears as Presidents of the United States of America White House (such as Presidents Barack Obama, George W. Bush, William "Bill" Clinton, etc.), Congressional Members, Supreme Court Justices along with their Legal Counsel Baker Donelson Bearman Caldwell & Berkowitz **(hereafter "Baker Donelson" with a LOCAL OFFICE in JACKSON, Mississippi)** and those with whom they CONSPIRE!

To better understand the **DETRIMENTAL** IMPACT of the CONSPIRACIES and HOW they are causing IRREPARABLE injuries/harm to Complainant Newsome as well as the PUBLIC/WORLD, the information contained herein is RELEVANT to this instant Complaint in that it will further support Respondents 1ST HC's ROLE in the **ONGOING "CHAIN CONSPIRACIES"** that continues TO DATE and REPEATEDLY targets Complainant Newsome. Moreover, HOW such DISCRIMINATION and RETALIATION as well as the criminal/civil CONSPIRACIES addressed in this instant Complaint, makes it MORE likely that the COMMISSION **of continued** DOMESTIC/INTERNATIONAL Terrorist:

> *Scheidler v. National Organization for Women, Inc.*, 123 S.Ct. 1057 (U.S.,2003) - **Crime of "__coercion__"***is __separate__ from extortion* and **involves the __use of force or threat of force__ to restrict another's freedom of action**.

> **__TERRORISM__:** The unlawful use or threatened use of force or violence by a person or an organized group against people or property with the intention of intimidating or coercing societies or governments often for ideological or political reasons.[4]

[4]The American Heritage Dictionary of the English Language (4th Edition).

DOMESTIC TERRORISM: Terrorism that occurs primarily within the territorial jurisdiction of the United States. [18 USCA § 2331(5)] Terrorism that is carried out against one's own government or fellow citizens.[5]

INTERNATIONAL TERRORISM: Terrorism that occurs primarily outside the territorial jurisdiction of the United States, or that transcends national boundaries by the means in which it is carried out, the people it is intended to intimidate, or the place where the perpetrators operate to seek asylum.[6]

TERRORIST:

1) One who engage in acts or an act of terrorism.[7]
2) Somebody who uses violence or the threat of violence, especially bombing, kidnapping, and assassination, to intimidate, often for political purposes.[8]

TERRORIZE:

1) To fill or overpower, with terror; terrify.
2) Coerce by intimidation or fear.[9]
3) ***Motivate somebody by violence*** to intimidate or coerce somebody with violence or the threat of violence.[10]
4) ***Make somebody very fearful*** to fill somebody with feelings of intense fear over a period of time.

TERRORIST- a radical who ***employs terror as a political weapon***; usually organizes with other terrorists in small cells; ***often uses religion as a cover*** for terrorist activities. (**EMPHASIS ADDED**).

ACT OF TERRORISM, TERRORISM, TERRORIST ACT- the ***calculated use of violence*** (or the threat of violence) against civilians in order **to attain goals** that are political or religious or ideological in nature; *this is done through* ***intimidation*** *or* ***coercion*** *or* ***instilling fear***.

RADICAL CELL, TERRORIST CELL- a cell of terrorists (usually 3 to 5 members); "*to insure operational* ***security*** the members of adjacent terrorist cells ***usually*** *don't know each other* or *the* ***identity*** *of their leadership*."

SUPREMACIST:

1) A person who believes in or advocates the supremacy of a particular group, esp. a racial group.[11]

---

[5] Black's Law Dictionary (8th Edition).
[6] *Id.*
[7] The American Heritage. . .
[8] Encarta World English Dictionary (1999).
[9] The American Heritage. . .
[10] Encarta World. . .
[11] Random House Webster's Unabridged Dictionary (2nd Edition).

2) One who believes that a certain group is or should be supreme.[12]

3) Somebody who holds the view that a particular group is innately superior to others and therefore, is entitled to dominate them.[13]

SUPREMACY: A position of superiority or authority over all others.[14]/[15]

Attacks by the United States of America's CORRUPT Government Officials in the White House, Congress, Supreme Court, their Legal Counsel Baker Donelson and those with whom they CONSPIRE will CONTINUE:

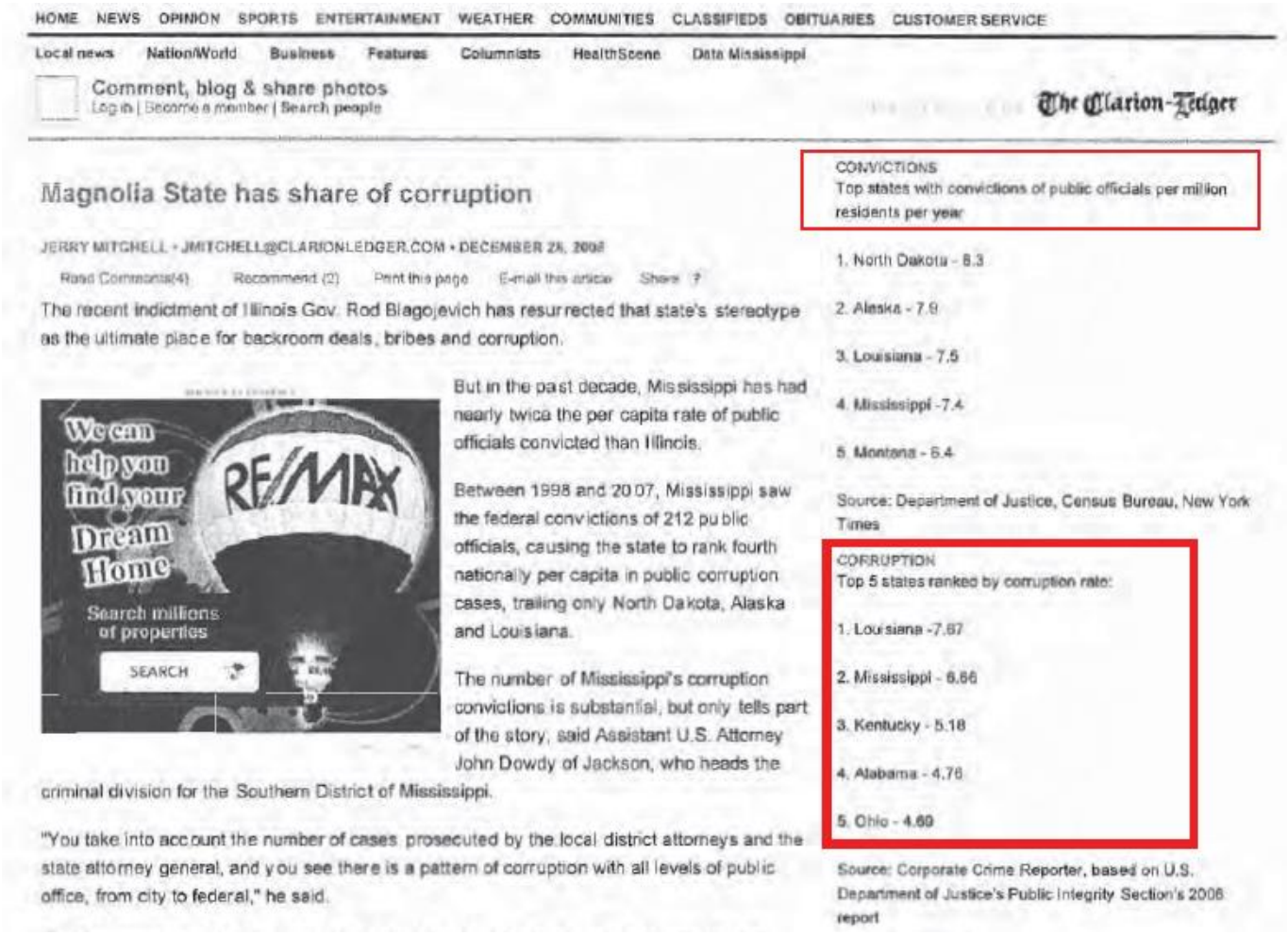
[12]The American Heritage Dictionary of the English Language (4th Edition).

[13]Encarta World English Dictionary (1999).

[14] Encarta World. . .

[15] This can be said of this instant lawsuit. If it had not been for Newsome's *patience, diligence, research, etc.* the United States Supreme Court as well as United States citizens would not be ***aware of the TERRORISTIC acts and CONSPIRACY*** *that has been orchestrated and carried out under the Leadership/Direction of Baker Donelson, its client (Liberty Mutual) and others against African-Americans and/or people of color; as well as smaller countries/nations*. **Why?** Because this instant action will EXPOSE ***just how subtle/elusive such SUPREMACIST/TERRORIST in not wanting to be detected and their intelligence/experience/expertise in covering up their RACIST/DISCRMINATORY/ PREJUDICIAL motives/agenda*** – i.e. *exchanging the white hoods for business suits and judicial robes, etc. to AVOID detection*.

FAILURE-TO-PREVENT by Government Agencies such as the Equal Employment Opportunity Commission ("EEOC"), Mississippi Department of Employment Security, and/or Government Agencies created to deal with Discriminatory/Retaliatory and Civil Rights/Human Rights violations, "POSES THREATS TO THE PUBLIC/WORLD!" In fact, from reports released, that in the TOP FIVE (5) Most Corrupt States – Louisiana (No. 1), **Mississippi** (No. 2), Kentucky (No. 3) and Ohio (No. 5) – **CAN be found** listed due to the CORRUPTION in PUBLIC Government Officials holding office. See **MOST CORRUPT STATES**: **http://www.slideshare.net/VogelDenise/most-corrupt-states** **and** **http://www.slideshare.net/VogelDenise/most-corrupt-mississippi-11574554** incorporated by reference as if set forth in full herein.



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The Clarion-Ledger

Magnolia State has share of corruption

JERRY MITCHELL • JMITCHELL@CLARIONLEDGER.COM • DECEMBER 28, 2008

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The recent indictment of Illinois Gov. Rod Blagojevich has resurrected that state's stereotype as the ultimate place for backroom deals, bribes and corruption.

But in the past decade, Mississippi has had nearly twice the per capita rate of public officials convicted than Illinois.

Between 1998 and 2007, Mississippi saw the federal convictions of 212 public officials, causing the state to rank fourth nationally per capita in public corruption cases, trailing only North Dakota, Alaska and Louisiana.

The number of Mississippi's corruption convictions is substantial, but only tells part of the story, said Assistant U.S. Attorney John Dowdy of Jackson, who heads the criminal division for the Southern District of Mississippi.

"You take into account the number of cases prosecuted by the local district attorneys and the state attorney general, and you see there is a pattern of corruption with all levels of public office, from city to federal," he said.

CONVICTIONS
Top states with convictions of public officials per million residents per year

1. North Dakota - 8.3
2. Alaska - 7.9
3. Louisiana - 7.5
4. Mississippi - 7.4
5. Montana - 6.4

Source: Department of Justice, Census Bureau, New York Times

CORRUPTION
Top 5 states ranked by corruption rate:

1. Louisiana -7.67
2. Mississippi - 6.66
3. Kentucky - 5.18
4. Alabama - 4.76
5. Ohio - 4.60

Source: Corporate Crime Reporter, based on U.S. Department of Justice's Public Integrity Section's 2006 report

Today marks an important anniversary in the annals of public corruption investigations in the U.S.

Twenty years ago today, in a federal courtroom in Chicago, a jury found Harold Conn (top center in photo) guilty on all 4 counts of accepting bribes to be passed on to Cook County judges as payment for fixing tickets. The evidence? He had been caught live on FBI tapes.

This "bagman" had been Deputy Traffic Court Clerk in the Cook County judicial system, and he was the first defendant to be found guilty in a mammoth sting investigation of crooked officials in the Cook County courts.

It was called OPERATION GREYLORD, named after the curly wigs worn by British judges. And in the end -- through undercover operations *that used **honest** and **very courageous** judges* and *lawyers posing as crooked ones*... and with the strong assistance of the Cook County court and local police -- 92 officials had been indicted, including ***17 judges***, ***48 lawyers***, **8 policemen**, **10 deputy sheriffs**, **8 court officials**, and ***1 state legislator***. Nearly all were convicted, most of them pleading guilty (just a few are shown in our photo). ***It was an important first step to cleaning up the administration of justice*** in Cook County.

Furthermore, the following information contains information, facts, evidence and legal conclusions that are UNDISPUTABLE and are being covered up by State and Federal Government Agencies in the ROLE(S) played in the CHAIN Conspiracies leveled against Vogel Denise Newsome:

A) **FAILURE-TO-PREVENT in the *Newsome vs. Floyd West & Company* (1988)** matter resulted in CONSPIRATORS going on to engage in FURTHER employment violations (CRIMINAL and CIVIL) against Vogel Denise Newsome. This is an employment matter in which Newsome provided evidence (documentation) such as tape recording of her being told to ***"take a bath because her SKIN was the WRONG color,"*** RACIAL remarks were written on article in Newspaper and left in the break room of Floyd West & Company ("FWC") to be viewed, and RACIAL literature was allowed to be COPIED and DISTRIBUTED to employees, etc.

Floyd West & Company having TOP/KEY connections to Corporate GIANTS as **Xerox Corporation**, **Lloyds of London**, **Burns & Wilcox,** etc. Thus, having TIES/CONNECTIONS to attorneys/lawyers and government officials for purposes of BLACKMAIL, BRIBES, THREATS, INTIMIDATION, COERCION, etc.

The United States Constitution as well as laws passed by the United States Congress will further support the need for the passing of **House Report No. 92-238.** Congress demonstrated its awareness that claimants might not be able to take advantage of the federal remedy without appointment of counsel. As explained in House Report No. 92-238:

> By including this provision in the bill, the **committee emphasizes** *that the nature of . . .actions more often than not pits parties of unequal strength and resources against each other. The* ***complainant,*** *who is* ***usually a member of the disadvantaged class****, is opposed by* ***an employer who*** *. . .* ***has at his disposal a vast of resources and legal talent****.*

H.R. Rep. No. 238, 92nd Cong., 2d Sess., reprinted in 1972 U.S.C.C.A.N. 2137, 2148.

to have **INVESTIGATIONS** *compromised to SHIELD/HIDE illegal and unlawful employment practices* as well as criminal/civil violations and CONSPIRACIES leveled against Newsome and/or People-of-Color:

> **Conducting a Thorough Investigation**[16]
> Because discrimination often is **subtle**, and there *rarely* is a "**smoking gun**," [Fn. 45 - *See Aman v. Cort Furniture Rental Corp.,* 85 F.3d 1074, 1081-82 (3rd Cir. 1996)("*It has become easier to coat various forms of discrimination with the appearance of propriety*, or *to ascribe some other less odious intention to what is in reality discriminatory behavior*. In other words, while discriminatory conduct persists, **violators have learned *not to leave the proverbial 'smoking gun' behind***."); *cf. McDonnell Douglas Corp. v. Green,* 411 U.S. 792, 801 (1973). . .] determining whether race played a role in the decisionmaking requires examination of all of the surrounding facts and circumstances. The presence or absence of any one piece of evidence often will not be determinative. Sources of information can include ***witness statements, including consideration of their credibility;*** documents; direct observation; and statistical evidence such as EEO-1 data, among others - See ***EEOC's Compliance Manual Section 15: Race and Color Discrimination.***

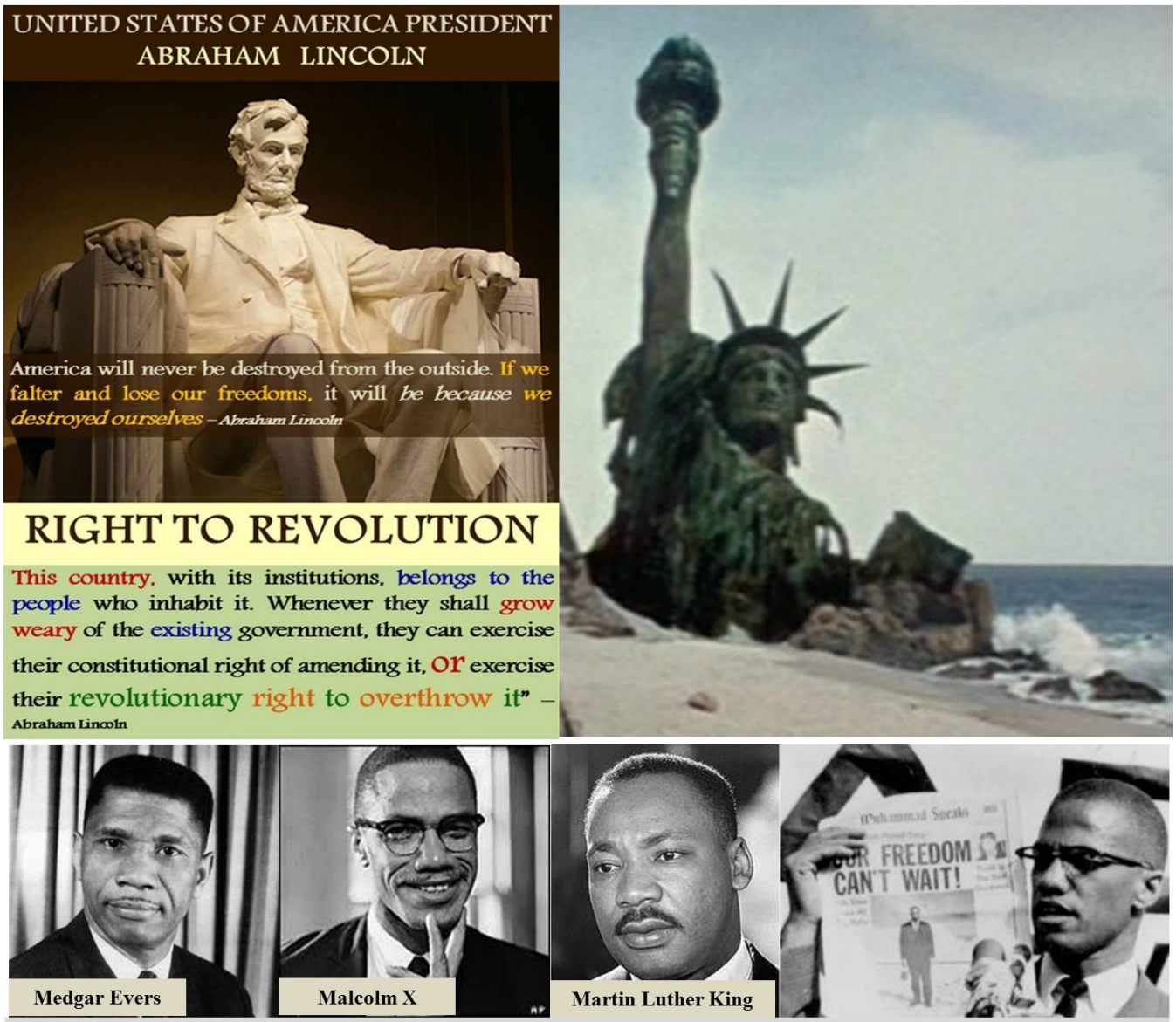
[16] Taken from ***EEOC's Compliance Manual*** **Section 15: Race and Color Discrimination**

Perhaps thinking that nobody would ever be able to ***REVEAL the CULPRITS*** of such criminal/civil violations and **WHERE** the **"SMOKING GUN"** Trail ***blazed by them would LEAD TO*** – **EMPHASIS ADDED!**

PLEASE NOTE: The Floyd West & Company matter is one of PUBLIC record and may be reviewed in the record of the United States District Court – Northern District of Texas – **3:90-cv-00705-G.**

It was Complainant Newsome's ***filing of her FIRST legal action*** in the *Floyd West & Company* matter, that appears to have **LED to the United States of America's CORRUPT Government Officials'** beginning of the **"CHAIN CONSPIRACIES"** (i.e. ***LYNCHING practices***) leveled **AGAINST** Complainant Newsome ***to have information regarding her engagement in "PROTECTED ACTIVITIES" placed out on the INTERNET for purposes of "BLACKLISTING" and/or "BLACKBALLING" and ABUSING their powers for purposes of SENDING potential EMPLOYER(S) "subliminal" messages, "NOT TO HIRE" Complainant Vogel Denise Newsome because she will REPORT their EMPLOYMENT/CRIMINAL/CIVIL violations!*** Out of concerns that there were Criminal/Civil violations involved in the handling of the ***Newsome vs. Floyd West & Company*** matter and **JUDGE Tampering** – i.e. Bribes, Blackmail, Extortion, Threats, etc. for purposes of obtaining SPECIAL favors in that court's/Judge's actions were CONTRARY to statutes/laws governing said matters – Newsome *filed a timely* ***MANDAMUS ACTION*** **–** in the United States District Court – Eastern District of Louisiana (New Orleans) - **2:97-cv-03048-AJM –** which was also compromised by those with **"DIRTY HANDS." Therefore, as a matter of laws, any rulings/decisions by said court is NULL/VOID and CANNOT be upheld!** In other words, while **CONSPIRATORS/CO-CONSPIRATORS** ***working in the JUDICIAL System as well as the DEPARTMENT OF LABOR may attempt to make it appear that legal actions involving Newsome are "CLOSED," as a matter of statutes/laws governing said matters, the legal actions brought by Complainant Newsome are "ALIVE" and "VERY ACTIVE" and the "DECEPTIVE" practices used by the United States of America's CORRUPT Government Officials clearly are for "SHAM" and "MISLEADING" purposes.*** Newsome **continued to submit/file *the APPLICABLE pleadings to PRESERVE her rights and to PROTECT her INTERESTS!*** Therefore, ***so NO matter "HOW" the WHITE SUPREMACISTS/TERRORISTS behind the ATTACKS on Complainant Newsome and "employed by the United States of America's Government" may want it to APPEAR, this instant Complaint looks to bring EVERYTHING out in the OPEN and "SHINE-THE-LIGHT" on the EVIL and WICKED practices of the United States of America's CORRUPT Government Officials so that the PUBLIC/WORLD WILL "KNOW THE TRUTH!"*** **"CHAIN Conspiracies"** beginning as early as about 1988 leveled against Newsome that **CONTINUES to date! While these WHITE SUPREMACISTS/TERRORISTS behind the ATTACKS on Complainant Newsome** ***were too BUSY stalking her from JOB-TO-JOB, EMPLOYER-TO-EMPLOYER and STATE-TO-STATE as well as CARRYING out DOMESTIC and INTERNATIONAL TERRORIST Attacks here on United States Soil and ABROAD over these 25+ years,*** **Newsome was merely "COLLECTING" the EVIDENCE to bring DOWN "GOLIATH":**

since such White Supremacists/Terrorists ALWAYS wanted to PORTRAY those *who were AGAINST the United States of America's RACIST PRACTICES* and *EXPOSED its CRIMINAL/CIVIL violations* as crazy, paranoid, lunatics, etc. and the United States' CORRUPT Government Officials and their CONSPIRATORS/CO-CONSPIRATORS sought ways to have them KILLED/MURDERED/ASSASSINATED, Complainant Vogel Denise Newsome KNEW that when coming forward and EXPOSING the United States of America's CORRUPT Government, that *"MERE WORDS,"* as a matter of law, WOULD NOT suffice and that "EVIDENCE" would be NEEDED to sustain her CLAIMS as well as SUPPORT Legal Actions here in the United States of America as well as those in which she seeks to bring in the "INTERNATIONAL" Tribunals for the United States of America's Government Agencies "FAILURE-TO-PREVENT" and FURTHER attempts to "AID" and "ABET" the WHITE SUPREMACISTS/ TERRORIST Regime of the United States of America: See **http://www.slideshare.net/VogelDenise/041413-public-notice-031113-fax-to-barack-obama-for-translation** incorporated by reference as if set forth in full herein.



These men JEWISH (Zionist)/WHITE SUPREMACISTS – WORST Nightmares!
Their FEAR: These Men Are **TOO** AFRICAN-American ***We Need Men That WE CAN CONTROL and "KEEP in THEIR PLACE"*** – **They Actually BELIEVE THEY HAVE RIGHTS!**

THE AFRICAN-AMERICANS: Are people **with KNOWLEDGE** of his/her Heritage and Roots and ***very HAPPY to know*** and want to learn more about their history/heritage. **Their Heritage/Roots go to the CORE of their Soul and being. They are *VERY HAPPY and PROUD of their COMPLEXION, RACE, HISTORY, etc. and are NOT in Denial of who they are*. Furthermore, they realize they are FREE and NOT in bondage and can have WHATEVER God says they can have and that they are NOT Beneath, but ABOVE. They are NOT SECOND-CLASS Citizens. The HEAD and NOT the Tail. . . They are a NATION of people FEARED by White Racists/Supremacists and Jews/ZIONISTS! They are a NATION of people TARGETED by White Racists/Supremacists and Jews/ZIONISTS to be "Broken**

Down and Destroyed;" however, are willing to SACRIFICE and DIE for the "*Love Of Their People* – i.e. Greater LOVE is a person willing to lay down their life for his/her people!"

> **EXAMPLE:** Although *Moses was TAKEN from his family as a BABY,* it was ***DOWN in his SOUL/DNA*** *to know that it was* ***not*** *RIGHT to* ***"Beat"*** *and/or* ***"Enslave"*** *people.* Therefore, *he COULD* ***NOT*** *stand by and WATCH a slave being mistreated and/or abused!!* Moses also let two brethren fighting each other know of his opposition and that they should **not** be fighting each other *[i.e for each other is* ***NOT*** *the enemy of the other]*

Conducting a Thorough Investigation

Because discrimination often is **subtle**, and there *rarely* is a "**smoking gun**," [Fn. 45 - *See Aman v. Cort Furniture Rental Corp.*, 85 F.3d 1074, 1081-82 (3rd Cir. 1996)("*It has become easier to coat various forms of discrimination with the appearance of propriety*, or *to ascribe some other less odious intention to what is in reality discriminatory behavior*. In other words, while discriminatory conduct persists, **violators have learned *not to leave the proverbial 'smoking gun' behind***."); *cf. McDonnell Douglas Corp. v. Green,* 411 U.S. 792, 801 (1973). . .] determining whether race played a role in the decisionmaking requires examination of all of the surrounding facts and circumstances. The presence or absence of any one piece of evidence often will not be determinative. Sources of information can include ***witness statements, including consideration of their credibility***; documents; direct observation; and statistical evidence such as EEO-1 data, among others - -

See *EEOC's Compliance Manual* Section 15: Race and Color Discrimination

Government Agency's/Officials' ***FAILURE-TO-PREVENT*** in the handling of the Floyd West & Company matter **only ENCOURAGED** parties/members in said **"CHAIN CONSPIRACIES"** leveled AGAINST Complainant Vogel Denise Newsome to **CONTINUE** to engage in criminal/civil violations. This instant Complaint will also shed additional information as to **WHY,** since the **DAYS of SLAVERY,** there were efforts **to keep** Slaves/Blacks from **LEARNING how to READ and UNDERSTAND what they were reading;** moreover, **OBSTRUCTION in getting an education!** In other words, KEEP African-Americans/Black-Americans, **STUPID, DUMB, IGNORANT, LIVING in FEAR, etc.** and **"THROW SOME BLACK-AMERICANS"** (i.e. whose **ALLEGIANCE** is to the **United States of America's *WHITE SUPREMACIST/TERRORIST Regime***) in Office for **"DECEPTIVE PURPOSES:"**

Left To Right: NAACP President **Benjamin Jealous**, U.S. President **Barack Obama**, U.S. Attorney **Eric Holder**

One who has ***NO*** *sense of his heritage and roots* and is **ASHAMED** to be associated with ***African*** Heritage or roots because of what has been depicted in the MEDIA teaching them to hate themselves (i.e. the color of their skin, hair, etc.) and to be ashamed of their looks**:** **http://youtu.be/YtOslGWp13A** *They are **HIGHLY** employed by the United States of America **Government** to serve as HOUSE Negroes/**GATEKEEPERS** and/or to meet **QUOTAS** for **DECEPTIVE** purposes* **- i.e. to DECEIVE and HIDE from the PUBLIC/WORLD the United States of America's WHITE Supremacist and RACIST Agenda.** ***HIGHLY*** *employed by Government Agencies to **COVER-UP** Discriminatory practices in the Government and **PRIVATE** Sector by WHITE Racist Employers/Supremacists***. They are also used to COVER-UP the Corruption and Criminal/Civil wrongs of ***SYSTEMATIC Discriminatory Practices*** leveled against AFRICAN-Americans and People of Color that are seen as a THREAT because they are EDUCATED and are STRONG Civil Rights Activists fighting for the cause of their people and EXPOSING the**

United States of America's CRIMINAL HERITAGE. http://www.slideshare.net/VogelDenise/criminals-in-our-past HOUSE Negroes/BLACK-Americans are usually individuals NOT qualified to perform jobs they are hired for and are merely put into their positions as "GATE KEEPERS" and a direct and proximate result of SPECIAL FAVORS - i.e. them having to COMPROMISE and DENY morals, values and beliefs. *One who will do EVERYTHING possible to FIT IN and be ACCEPTED by White Society. They live in FEAR and have become VERY DEPENDENT on a WHITE-RUN Government DETERMINED to erase and change their IDENTITY and LOOKS.* But NO matter how HARD he/she TRIES, they are STILL seen as "BLACK!" It is BLACK-Americans that a White Reporter is **SCOFFING** at and ***PRAISING the TERRORISTS*** Acts (i.e. **RAPES, MURDERS, LYNCHING,** etc.) of his White Supremacist Counterparts in this interview with ***"Muslim Civil Rights Activist Malcolm X"*** and that Malcolm X prophesied whose **REIGN will come to an END! http://youtu.be/o7f5NTLgtEA**

and their **Black**-American (i.e. **NOT AFRICAN-Americans** – there is a DIFFERENCE) Counterparts can be **CONTROLLED** and **MANIPULATED** by the United States of America's **WHITE SUPREMACIST/TERRORIST** run Government Officials.

B) **FAILURE-TO-PREVENT resulted in Complainant Newsome being subjected to FURTHER Unlawful/Illegal employment practices which resulted in her having to bring legal actions in the filing of *Newsome vs. Entergy* (1999) due to** CONSPIRATORS going on to engage in FURTHER employment violations (CRIMINAL and CIVIL) against Vogel Denise Newsome. **IMPORTANT TO NOTE:** This is the lawsuit it appears that ***Baker Donelson Bearman Caldwell & Berkowitz*** **("Baker Donelson")** decided to enter for ILLEGAL PURPOSES and **"PULL-OFF-THE-HOOD"** to show their faces and acknowledge the role(s) being played in the CONSPIRACIES leveled against Newsome. Moreover, it appears seeing the **SHELLACKING** other law firms/attorneys were getting from PRO SE (self-represented) Newsome, Baker Donelson thinking that with **ALL its GOVERNMENT connections, BIG CORPORATE Clients, BIG MONIES,** etc. that it would be able to **COVER-UP** its CRIMINAL/CIVIL violations and that of their **CORPORATE/GOVERNMENT Clients! INSTEAD, this is what one may see as a "STUPID" move by a CAREER CRIMINAL as Baker Donelson Bearman Caldwell & Berkowitz, that has PROVEN to be FRUITFUL and BENEFICIAL to Complainant Newsome because the "SMOKING GUN" leads BACK *to the HANDS of* Baker Donelson and has "OPENED" a "BLAZING TRAIL" to CRIMINAL/CIVIL violations as well as FRAUDULENT practices by it and its CONSPIRATORS/CO-CONSPIRATORS:**

Howard Henry Baker Jr. and Lance B. Leggitt –
Attorneys For United States of America President Barack Obama

- **Chief of Staff** *to the President of the United States*
- **United States Secretary of State**
- United States **Senate *Majority*** Leader
- **Members of** the *United States Senate*
- **Members of** the *United States House of Representatives*
- **Department of Treasury**
- **Director** of the *Administrative Office of the United States*
- Chief Counsel, Acting Director, and Acting Deputy Director of United States **Citizenship** & Immigration Services within the *United States Department of Homeland Security* – **i.e. HOW does the PUBLIC/WORLD think that President Barack Obama was able to get that FORGED/FAKE Birth Certificate he released in April 2011? WHY does the PUBLIC/WORLD think that Baker Donelson and the United States of America's CONGRESSIONAL Members are SCARED and NERVOUS because of the LEGAL matters Newsome has filed? Moreover, WHY Baker Donelson, President Barack Obama, Congressional Members and Supreme Court Justices are ENGAGING in OBSTRUCTING "JUDICIAL" proceedings brought by Complainant Newsome in which "DISCOVERY" and ENTITLEMENT to ACCESS/OBTAIN documents are CRITICAL to EXPOSE the United States of America's CORRUPTION and CRIMINAL/CIVIL violations:** http://www.slideshare.net/VogelDenise/042711-certificate-oflivebirthdiscrepancies and http://www.slideshare.net/VogelDenise/devine-robertbio-infocolb
- **Majority** and **Minority Staff Director** of the ***Senate Committee on Appropriations***
- ***Member of United States President's Domestic Policy Council***

- Counselor *to the Deputy Secretary for the United States Department of HHS* – HOW do the PUBLIC/WORLD think that United States of America's President Barack Obama, CONGRESS and the SUPREME COURT got ObamaCare PASSED?

- **Chief of Staff** *of the Supreme Court of the United States*
- **Administrative Assistant** to the ***Chief Justice*** *of the United States . . .*
- *United States* ***Circuit Court of Appeals Judge***
- *United States* ***District Court Judges***
- **United States Attorneys**
- ***Presidents*** *of State and Local Bar Associations*

PLEASE NOTE: That for approximately a DECADE, it appears that Baker Donelson **BOLDLY** advertised its **GOVERNMENT connections** on the **LexisNexis** website:

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Baker, Donelson, Bearman, Caldwell & Berkowitz, PC

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New Orleans, Louisiana 70170-1000
(Orleans Parish)
Telephone: 504-566-5200
Email: Contact Us
Web Site: http://www.bakerdonelson.com

Firm Credentials

BAR REGISTER

Bar Register Practice Areas: Commercial Litigation; Construction Law; Health Care Law; Labor and Employment Law; Oil and Gas Law.

Statement of Practice:
Antitrust; Appellate Defense; Bankruptcy and Creditors' Rights; Business Torts; Commercial Litigation; Construction; Corporate and Business Transactions; eBusiness/Technology; Eminent Domain; Employee Benefits and Executive Compensation; Employment and Civil Rights; Environmental, Health and Safety; Equipment Leasing; Estate Planning/Probate; Financial Services and Transactions; Government Investigations and Litigation; Health Law; Immigration; Insurance Defense Coverage; Intellectual Property; International; Labor and Employment; Litigation; Media Law; Oil and Gas Litigation; Products Liability; Professional Liability; Public Policy - Federal; Public Policy - State; Real Estate; Taxation - Federal and State/Local; Transportation.

Year Established: 1888

Firm Profile:

Baker, Donelson, Bearman, Caldwell & Berkowitz was ranked in 2003 as the fastest growing law firm in the U.S. by The National Law Journal and is one of the 200 largest law firms in the country. Through strategic acquisitions and mergers over the past century, the firm has grown to include over 370 attorneys and public policy advisors in ten offices across the southeastern United States, as well as a representative office in Beijing, China. In the United States, Baker Donelson has offices in Memphis, Nashville, Knoxville, Chattanooga and Johnson City, Tennessee as well as Birmingham, Alabama; Jackson, Mississippi; Washington, DC; New Orleans and Mandeville, Louisiana and Atlanta, Georgia.

Current and former Baker Donelson attorneys and public policy advisors include, among many other highly distinguished individuals, people who have served as Chief of Staff to the President of the United States; the U.S. Senate Majority Leader; the U.S. Secretary of State; a member of the United States Congress; the Federal Aviation

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BAKER DONELSON
BEARMAN, CALDWELL & BERKOWITZ, PC

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
Size of Organization: 550
Year Established: 1888
Main Office: Memphis, Tennessee
Web Site: http://www.bakerdonelson.com

Telephone: 901-526-2000
Telecopier: 901-577-2303

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Law Firm Snapshot

Martindale-Hubbell has augmented a firm's provided information with third-party sourced data to present a more comprehensive overview of the firm's expertise.

Profile Visibility
#42 in weekly profile views out of 233,261 total law firms Overall

Bar Register Practice Areas

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, is ranked by The National Law Journal as one of the 100 largest law firms in the country. Through strategic acquisitions and mergers over the past century, the Firm has grown to include more than 550 attorneys and public policy and international advisors. Baker Donelson has offices located in five states in the southern U.S. as well as Washington, D.C., plus a representative office in London, England.

Current and former Baker Donelson attorneys and advisors include, among many other highly distinguished individuals, people who have served as: Chief of Staff to the President of the United States; U.S. Senate Majority Leader; U.S. Secretary of State; Members of the United States Senate; Members of the United States House of Representatives; Acting Administrator and Deputy Administrator of the Federal Aviation Administration; Director of the Office of Foreign Assets Control for the U.S. Department of the Treasury; Director of the Administrative Office of the United States Courts; Chief Counsel, Acting Director, and Acting Deputy Director of U.S. Citizenship & Immigration Services within the United States Department of Homeland Security; Majority and Minority Staff Director of the Senate Committee on Appropriations; a member of President's Domestic Policy Council; Counselor to the Deputy Secretary for the United States Department of HHS; Chief of Staff of the Supreme Court of the United States; Administrative Assistant to the Chief Justice of the United States; Deputy Under Secretary for International Trade for the U.S. Department of Commerce; Ambassador to Japan; Ambassador to Turkey; Ambassador to Saudi Arabia; Ambassador to the Sultanate of Oman; Governor of Tennessee; Governor of Mississippi; Deputy Governor and Chief of Staff for the Governor of Tennessee; Commissioner of Finance & Administration (Chief Operating Officer), State of Tennessee; Special Counselor to the Governor of Virginia; United States Circuit Court of Appeals Judge; United States District Court Judges; United States Attorneys; and Presidents of State and Local Bar Associations.

Baker Donelson represents local, regional, national and international clients. The Firm provides innovative, results-oriented solutions, placing the needs of the client first. Our state-of-the-art technologies seamlessly link all offices, provide instant information exchange, and support clients nationwide with secure access to our online document repository.

Baker Donelson is a member of several of the largest legal networks that provide our attorneys quick access to legal expertise throughout the United States and around the world.

"Baker Donelson represents local, regional, national and INTERNATIONAL clients. The Firm provides innovative, results-oriented solutions, PLACING the NEEDS of the client FIRST. Our state-of-the-art technologies seamlessly LINK ALL OFFICES, provide INSTANT information EXCHANGE, and support clients nationwide with secure access to our online document repository."

However, **ONLY AFTER** Newsome (through **SOCIAL FORUMS/SOCIAL MEDIA NETWORKS**) about **February 2010,** began **GOING PUBLIC in EXPOSING Baker Donelson Bearman Caldwell & Berkowitz' ROLE(S) in the RUNNING/CONTROLLING of the United States Government and EXPOSING HOW** Baker Donelson **IS** using Government Connections to have lawsuits brought by her **"THROWN" in its favor and those of its clients,** Baker Donelson ***MOVED SWIFTLY*** *to have the information REMOVED from the LexisNexis website!* Nevertheless, Newsome was able to find where Baker Donelson moved information and had it posted on its website: See http://www.slideshare.net/VogelDenise/baker-donelson-ties-supremecourtofvirginia incorporated by reference as if set forth in full herein.

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ABOUT THE FIRM

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, was ranked by The National Law Journal in 2006 as one of the 100 largest law firms in the country. Through strategic acquisitions and mergers over the past century, the Firm has grown to include more than 460 attorneys and public policy and international advisors with offices located in 11 markets, including Washington, D.C., plus a representative office in Beijing, China.

Baker Donelson represents local, regional, national and international clients. The Firm provides innovative, results-oriented solutions, placing the needs of the client first. Our state-of-the-art technologies seamlessly link all offices, provide instant information exchange, and support clients nationwide with secure access to our online document repository.

Baker Donelson's practice areas include Intellectual Property. The Intellectual Property group has 33 members, including 12 registered patent attorneys. Current and former Baker Donelson attorneys and advisors include, among many other highly distinguished individuals, people who have served as:

- Chief of Staff to the President of the United States
- U.S. Senate Majority Leader
- U.S. Secretary of State
- Members of the United States Senate
- Members of the United States House of Representatives
- Acting Administrator and Deputy Administrator of the Federal Aviation Administration
- Director of the Office of Foreign Asset Control for the U.S. Department of the Treasury
- Director of the Administrative Office of the United States Courts
- Chief Counsel, Acting Director, and Acting Deputy Director of U.S. Citizenship & Immigration Services within the United States Department of Homeland Security
- Majority and Minority Staff Director of the Senate Committee on Appropriations
- President's Domestic Policy Council
- Counselor to the Deputy Secretary for the United States Department of HHS
- Chief of Staff of the Supreme Court of the United States
- Administrative Assistant to the Chief Justice of the United States
- Deputy Under Secretary for International Trade for the U.S. Department of Commerce
- Ambassador to Japan
- Ambassador to Turkey
- Ambassador to Saudi Arabia
- Ambassador to the Sultanate of Oman
- Governor of Tennessee
- Governor of Mississippi
- Deputy Governor and Chief of Staff for the Governor of Tennessee
- Commissioner of Finance & Administration (Chief Operating Officer), State of Tennessee
- Special Counselor to the Governor of Virginia
- United States Circuit Court of Appeals Judge
- United States District Court Judges
- United States Attorneys

BAKER DONELSON BEARMAN, CALDWELL & BERKOWITZ, PC

It appears that **Baker Donelson THRIVES in advertising its GOVERNMENT connections** and/or ***RUNNING/CONTROLLING Government Agencies for purposes of RECRUITING/HIRING members to join in the "CHAIN CONSPIRACIES" leveled against Complainant Newsome.*** Moreover, it appears, **ASSURING** that due to Baker Donelson's GOVERNMENT connections, **Conspirators/Co-Conspirators can participate FREE OF PROSECUTION** because they will use such connections to **COVER-UP** criminal/civil violations **AND** thinking that there would be **NO "SMOKING GUN" Trail** leading back to it. However, Baker Donelson **was WRONG!**

ATTORNEY/SENATOR	**DESCRIPTION/POSITIONS HELD**
Howard Henry Baker, Jr.	• Grandfather **founder** of Baker Donelson • *Senate **Majority** Leader* • *Senate **Minority** Leader* • *White House **Chief of Staff** (President **Ronald Reagan**)* • *U.S. **Ambassador** to China (**George W. Bush**)* • ***Senior Counsel** to Baker Donelson*

- ***Presidential* Advisor**
- *Vice Chairman of the Senate* ***Watergate* Committee**
- 1980 *Candidate for* ***Republican Presidential*** *Nomination*
- *Delegate –* ***United Nations***
- **Member** *– President's* ***Foreign Intelligence*** *Board*
- **Member** – ***Council*** *on* ***Foreign Relations***
- ***Board Member*** *– Forum Of* ***International*** *Policy*
- Author – ***"No Margin for Error"***
- *Was* ***considered by President Richard Nixon for*** *one of the two* ***vacancies*** *that occurred on the* ***United States Supreme Court***
- Son-In-Law (wife – former ***Senator*** Nancy Landon Kassebaum) of former Governor Alfred M. Landon – *1936* ***Republican Nominee for President***
- Son-In-Law (deceased wife – Joy Dirksen) of former ***Senate Minority Leader Dirksen***

SHELIA P. BURKE

SECRETARY of the Senate. ***CHIEF*** *Administrative Officer of the United States Senate.* Served 19 YEARS on Capitol Hill. Member of the Staff of the Senate FINANCE Committee responsible for Legislation relating to Medicare, Medicaid, and other HEALTH Programs. *DEPUTY Staff* ***DIRECTOR*** *of the* ***Finance Committee.*** **DEPUTY CHIEF** of Staff/*CHIEF OF STAFF* to Senate **MAJORITY Leader Bob Dole** (i.e Chairman of Senate **Finance Committee**). In these roles she was involved with NUMEROUS Legislature issues including Medicare, Medicaid and the Maternal and Child Health Programs, Welfare Reform, and previous **Legislative efforts to REFORM *Health Care*** **SENIOR** Policy Advisor at Baker Donelson Bearman Caldwell & Berkowitz.

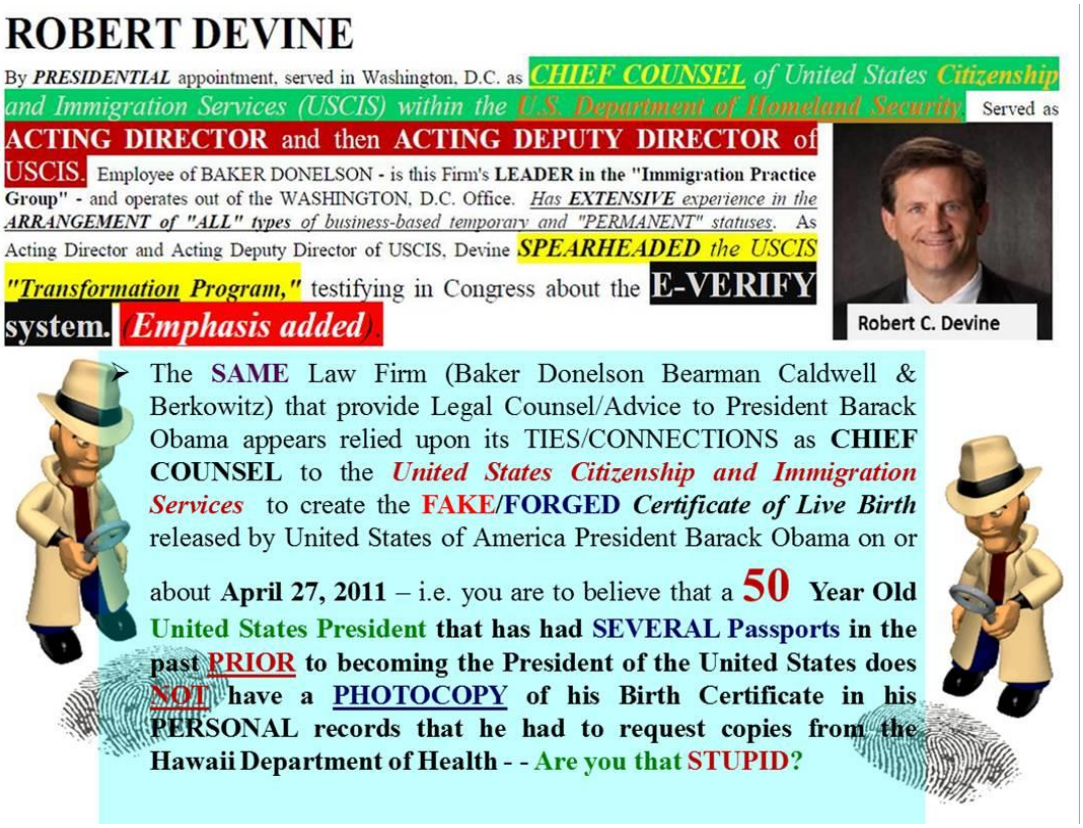
Shelia P. Burke
Baker Donelson

Robert ("Bob") Joseph Dole - United States Senate **MAJORITY**/Minority Leader. **CHAIRMAN** United States Senate **FINANCE** Committee. Member of the United States House of Representatives. **CHAIRMAN** Republican National Committee. Pictured (Left to Right: With United States **President William ("Bill") Clinton** and United States **President George W. Bush**).

Shirley P. Burke

- Served approximately ***19 years*** *on Capitol Hill*

- *Senate Finance Committee (Deputy Chief of Staff)*
- Legislation regarding – Medicare, Medicaid and other Health Programs
- Deputy Chief of Staff to Senator Majority Leader Bob Dole – 1996 Republican Presidential Nominee
- Secretary of the Senate
- Chief Administration Officer of the United States Senate



Robert Devine

- ***Chairman of the Immigration Group*** *at Baker Donelson*
- Chief Counsel and Acting Director of the United States Citizenship and Immigration Services

LAWRENCE EAGLEBURGER

Lawrence Sidney Eagleburger
Baker Donelson

United States SECRETARY of State (George H.W. Bush). United States DEPUTY Secretary of State. United States UNDER Secretary of State for Political Affairs. United States Assistant SECRETARY of State for European Affairs. United States AMBASSADOR to Yugoslavia. DEPUTY Under Secretary for Management United States State Department. EXECUTIVE Assistant to Henry Kissinger United States State Department. DEPUTY Assistant to the President - National Security Operations - White House Staff. DEPUTY Assistant Secretary of Defense United States Defense Department. CHIEF of the Political Section - US Misson to NATO - United States State Department. European Affairs United States National Security Council. Staff European Affairs/Secretariat United States State Department. Economic Section United States State Department (Belgrade, Yugoslavia). Intelligence Research Specialist United States State Department (Cuba). Vice Consul United States State Department (Tegucigalpa, Honduras). Member of the BOARD of Halliburton.

Lawrence Eagleburger &
Former President George H. W. Bush

FOREIGN Policy Advisor Baker Donelson Bearman Caldwell & Berkowitz.

Lawrence S. Eagleburger

- *Secretary of State* (later resigning under **George H. W. Bush**)
- *Deputy Secretary of State* (**George H. W. Bush**)
- ***Senior Policy Advisor*** *for Baker Donelson*
- ***Board*** *Member of* ***Halliburton Company***

Lamar Alexander

Lamar Alexander
Baker Donelson

- Baker Donelson is listed as Alexander's **4th LARGEST Campaign Contributor**
- ***United States Secretary of Education***[17]
- ***Governor of Tennessee***
- 1996 & 2000 Candidate for the ***Republican Presidential Nomination***
- *Legislative Assistant/Staffer* ***for Howard Baker***

Nancy L. Johnson

- Approximately ***24 years*** *in the United States*

[17]**EMPHASIS ADDED:** *NEXUS in the recent attacks by President Obama and his Administration's unlawful/illegal EMBEZZLEMENT of Newsome's 2009 Federal Income Tax Return. While the Department of Treasury* (Timothy Geithner – having a debt of approximate $43,000 owed in taxes at the time nominated [i.e. most likely Baker Donelson's choice] *assumed responsibility for such criminal acts, it was done on behalf of the Department of Education – wherein Newsome received a full athletic scholarship to college(s) attended. NEXUS established with connections to criminal acts rendered Newsome* – i.e. Baker Donelson's ***sitting*** Senator LAMAR ALEXANDER to which it is **his 4th Largest Campaign Contributor**

	Congress • Approximately ***18 years*** *with House Ways & Means Committee* • ***Senior Public Policy Advisor*** *for Baker Donelson*
J. Keith Kennedy	• Approximately ***28 years*** *in the Senate* • *Served under* ***Senator Thad Cochran*** • ***Majority Staff Director*** *of United States Senate Committee on Appropriation* • ***Managing Director*** *of Baker Donelson*
Eric Washburn	• Policy-Maker/Management Capacity in United States Senate • *Worked for Senator Tom Daschle – wife (Linda Daschle) who was a* ***TOP Lobbyist*** *for Baker Donelson – Tom Daschle was President* ***Obama's pick for Secretary for Health and Human Services Department*** • *Democratic Staff Director* for **Harry Reid** of the Senate Environment & Public Works • ***Legislative Director*** *for Tom Daschle* • ***Senior Public Policy Advisor*** *for Baker Donelson*
George C. Montgomery	• *Ambassador of the United States to Sultanate of Oman* (***President Ronald Reagan***) • *Member –* ***Council on Foreign Relations*** • ***Chief Legislative Assistant*** *to Senator Howard Baker* • ***Managing Partner*** *at Baker Donelson*
Harry S. Mattice	• ***United States Attorney General*** • ***Counsel of Baker Donelson*** • ***Senior Counsel*** *to United States Senate Committee on* ***Government Affairs***
John Tuck	• ***Assistant to*** *United States President* • Senior Policy Advisor at Baker Donelson

- ***Assistant Secretary for the Majority*** – *United States Senate*
- Chief of the Minority Floor Information Services

For instance, those WHO may not know, it appears BAKER DONELSON is the AUTHOR and CREATOR [EVIL HANDS/DIRTY HANDS that DRAFTED the LEGISLATION for the *Patient Protection and Affordable Care Act*] the ObamaCare Baker Donelson *who is a PRIVATE and WHITESUPREMACIST/TERRORIST Law Firm having CREATED Legislation and NOT United States Congressional Members* – See for instance http://www.slideshare.net/VogelDenise/baker-donelson-health-law, and http://www.slideshare.net/VogelDenise/baker-donelson-federal-health-policy-highlighted incorporated by reference as if set forth in full herein.

The above ObamaCare document was created by Complainant Vogel Denise Newsome on or about March 2010, in a PowerPoint Presentation entitled, *"November 2010/2012 Elections – CHANGE: It's Time To Clean House - Vote OUT The Incumbents/CAREER Politicians – Where have our CHRISTIAN Morals/Values Gone?"*
See http://www.slideshare.net/VogelDenise/03-2010-power-point-november-2010-elections incorporated by reference as if set forth in full herein.

WHY does the PUBLIC/WORLD think that Barack Obama was placed in the WHITE HOUSE and WHY they call this "OBAMA'S" and NOT Baker Donelson's SIGNATURE LEGISLATION (i.e. to HIDE/SHIELD criminal practices from the PUBLIC/WORLD). It appears President Barack Obama was PLACED in the WHITE HOUSE through CRIMINAL/FRAUDULENT practices *for PURPOSES of ObamaCare and the PUSHING of "DEFENSE OF MARRIAGE ACT!"*

Barney Frank

There is a REASON for INTERNATIONAL/FOREIGN Leaders QUESTIONING the United States of America's CREDIBILITY!

Yes, Baker Donelson **FAILED** – thus, it appears, engaging in CRIMINAL acts as **BRIBES, BLACKMAIL, EXTORTION, THREATS, INTIMIDATION,** etc. with Government Officials (Judges, Judicial Officials, Administration Officials, etc.) for purposes of obtaining SPECIAL FAVORS and RULINGS in favor of their Clients.

"Our investigation found that **Judge Porteous** participated in ***a pattern of corrupt conduct for years***," said U.S. Rep. Adam Schiff, DCalifornia, chairman of the House Judiciary Committee Task Force on Judicial Impeachment.

"Litigants **have the right to expect** a judge hearing their case ***will be fair and impartial, and avoid even the appearance of impropriety***.

Regrettably, no one can have that expectation in Judge Porteous' courtroom." . . .

"Today's vote marks only the second time in over 20 years that this has occurred," Goodlatte said in a House news release. "However, when **evidence emerges that an individual is abusing his judicial office for his own advantage, the integrity of the entire judicial system becomes compromised**."

In a statement, Porteous' lawyer Richard W. Westling said the Justice Department had decided not to prosecute because it did not have credible evidence.

"Unfortunately, the House has decided to disregard the Justice Department's decision and to move forward with impeachment. As a result, we will now turn to the Senate to seek a full and fair hearing of all of the evidence."

IMPORTANT TO NOTE: It appears the *"Justice Department had not decided to prosecute"* was NOT because *"it did not have credible evidence,"* it is BECAUSE the Justice Department was AIDING and ABETTING Baker Donelson in the COVER-UP of Judge Porteous', Baker Donelson's and their Conspirators/Co-Conspirators CRIMINAL ACTIVITIES. It is a GOOD THING that there is RECORD EVIDENCE that as EARLY as 2004, through Newsome's document entitled, *"PETITIONER'S PETITION SEEKING INTERVENTION/PARTICIPATION OF THE UNITED STATES DEPARTMENT OF JUSTICE"* (http://www.slideshare.net/VogelDenise/ex-34-091704-petition-seekingintervention-entergymatter - incorporated by reference as if set forth in full herein) the United States Department of Justice had SUFFICIENT EVIDENCE to support and SUSTAIN an INVESTIGATION into the CRIMINAL Acts of Judge G. Thomas Porteous and his Legal Counsel Baker Donelson! *FAILURE-TO-PREVENT "ONLY" encouraged Judge Porteous and his LAWYERS/ATTORNEYS (Baker Donelson) to CONTINUE their CRIMINAL WAYS*! The United States Supreme Court defining what AIDING and ABETTING entails:

Scales v. U.S., 81 S.Ct. 1469 (1961) - Legal concepts of conspiracy and complicity manifest general principle **that society,** having **power to punish dangerous behavior, cannot be powerless against those who work to bring about that behavior.**

"Complicity" means that **a person is an accomplice of another person** in commission of a crime, if

with purpose of **promoting** or **facilitating commission of the crime he commanded, requested, encouraged** or **provoked** such other person to commit it, or **aided, agreed to** or **attempted to aid** such other person **in planning** or **committing it**, or, **acting with knowledge** that such **other person was committing the crime, knowingly,** substantially facilitated its commission. *Id.*

Pereira v. U.S., 74 S.Ct. 358 (1954) - One who **aids, abets, counsels,** commands, **induces,** or procures the commission of an ***act is as responsible for that act as if he had directly committed the act himself***. 18 U.S.C.A. § 2(a).

"Aiding, abetting and counseling" are not terms which presuppose existence of an agreement, but such terms have a broader application, **making defendant a principal when he consciously shares in a criminal act,** regardless of existence of a conspiracy. *Id.*

U.S. v. Williams, 71 S.Ct. 595 (1951) - **"Aiding and abetting"** means **to assist** the perpetrator of the crime.

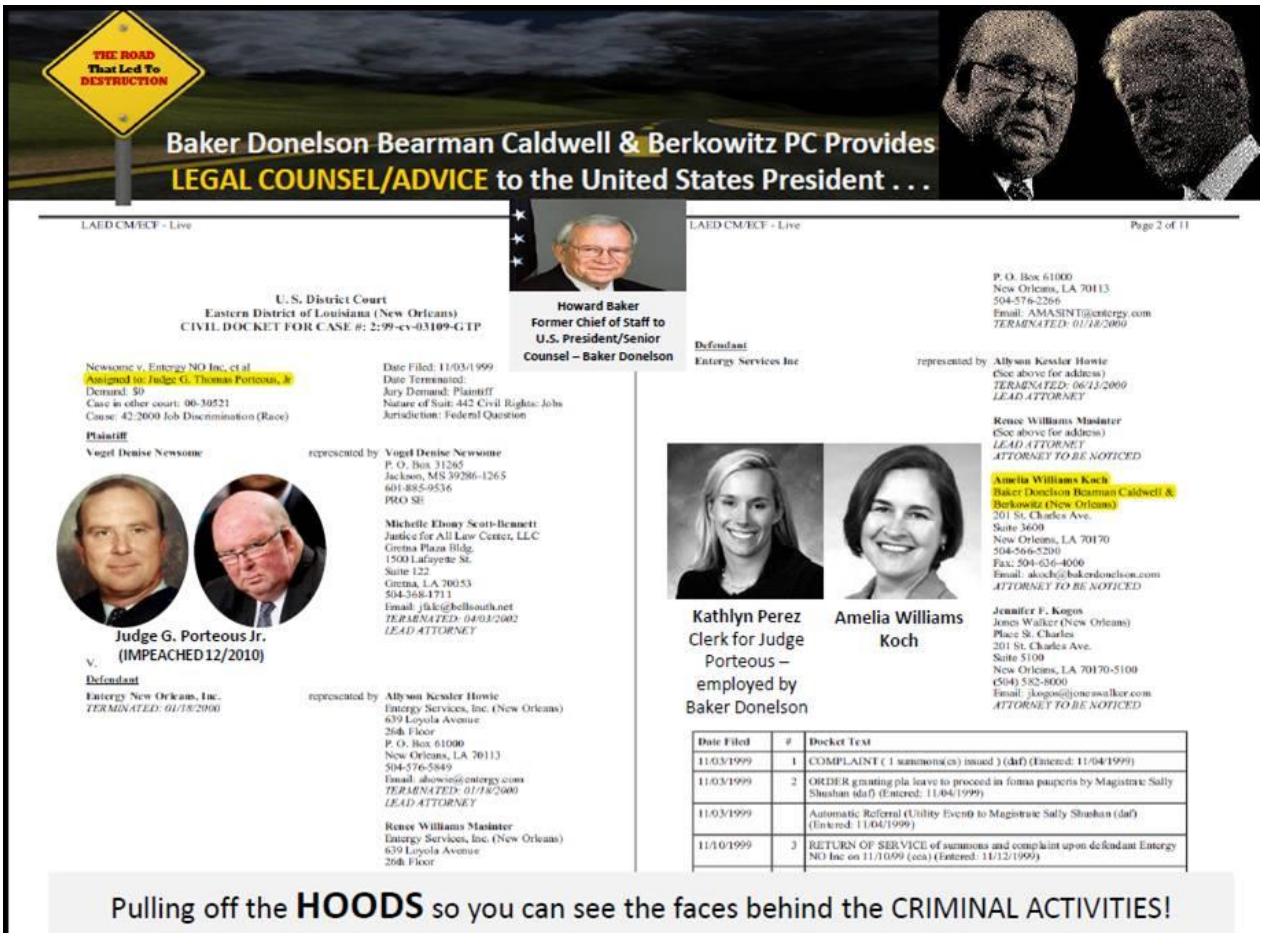
Judge Morey L. Sear

Judge G. Thomas Porteous

Dennis v. Sparks, 101 S.Ct. 183 (1980) - **State judge** *may be found* ***criminally*** *liable* for violation of civil rights *even though the judge may be immune from damages under the civil statute*. 18 U.S.C.A. § 242; 42 U.S.C.A. § 1983.

Ocala Star-Banner Co. v. Damron, 91 S.Ct. 628 (1971) - ***Charge of criminal conduct*** *against* ***public official*** or candidate for public office, *no matter how remote in time or place, is* ***always*** *relevant to his fitness for office*. . .

Gandia v. Pettingill, 32 S.Ct. 127 (1912) - ***Anything****bearing upon the acts of a public officer connected with his office****is a legitimate subject*** *of statement and comment*, at least in the absence of express malice.



- *Involvement in a corrupt kickback scheme*
- *Failure to* ***recuse*** *himself* from a case he was involved in
- Allegations that Porteous *made* ***false*** *and* ***misleading*** *statements*, including concealing debts and gambling losses
- Allegations that Porteous *asked for and* ***accepted*** *"numerous things of value*, including meals, trips, home and car repairs, *for his* ***personal*** *use and benefit*" **while taking official actions *on behalf* of his benefactors**
- Allegations that Porteous lied about his past to the U.S. Senate and to the FBI about his nomination to the federal bench "*in order to* ***conceal corrupt***

relationships," Schiff said in his floor statement as prepared for delivery

. . .Schiff said. "His ***long-standing*** *pattern of corrupt activity*, so utterly lacking in *honesty and integrity*, *demonstrates* his **unfitness to serve** as a United States District Court judge . . . "

* Judge Morey Leonard Sear (appointed under President Gerald Ford Administration); wherein, it appears **Baker Donelson played a KEY/MAJOR role in APPOINTMENT** to the Judicial Bench.

* Judge G. Porteous, Jr. (appointed under President William J. Clinton); wherein, it appears **Baker Donelson played a KEY/MAJOR role in APPOINTMENT** to the Judicial Bench.

"The House of Representatives voted ***unanimously***. . .*to IMPEACH Judge G. Thomas Porteous Jr. of U.S. District Court for the Eastern District of Louisiana. . .*

Our investigation found that Judge Porteous participated in a ***pattern of CORRUPT conduct for YEARS***. . . *says chairman of the* ***House JUDICIARY Committee Task Force on Judicial Impeachment. . .***

'However, when evidence emerges that an individual ***is abusing his judicial office*** *for his* ***own advantage****, the* ***integrity*** *of the* ***entire*** *judicial system becomes compromised****.'***

In a statement, Porteous' lawyer. . . said the Justice Department had decided ***not to prosecute*** *because it did not have credible evidence.*

'Unfortunately, the House has ***decided to disregard*** *the Justice Department's decision and to move forward with impeachment. As a result we will now turn to the Senate to seek a full and fair hearing of all of the evidence. . .'"*

In 2007, after **an FBI** and federal grand jury investigation, the Justice Department alleged "**pervasive** misconduct" by Porteous and evidence "that Judge Porteous may have **violated***federal and state criminal laws,* ***controlling*** *canons of judicial conduct,* ***rules*** *of professional responsibility,* and *conducted himself in a manner* ***antithetical*** *to the constitutional standard of good behavior*

*required of **all** federal judges*. The complaint said the department opted not to seek criminal charges for reasons that included issues of *statute of limitations* and **other** ***factors***. But Westling said the *statute of limitations* ***WAS NOT*** *applicable.*
See **http://www.slideshare.net/VogelDenise/impeached-judge-g-thomas-porteous** incorporated by reference as if set forth in full herein.

* **Baker Donelson Bearman Caldwell & Berkowitz places itself on NOMINATION Committees regarding the APPOINTMENT of Judges to the JUDICIAL Bench**. See http://www.slideshare.net/VogelDenise/nomination-judicial-panel incorporated by reference as if set forth in full herein.

* **Baker Donelson Bearman Caldwell & Berkowitz is Legal Counsel for the FEDERAL JUDGES ASSOCIATION**. See http://www.slideshare.net/VogelDenise/duff-james-duff-legal-counsel-for-federal-judges-associationhighlighted incorporated by reference as if set forth in full herein.

* **Both** Judge Morey Sear and Judge Porteous ***appear to be on the LIST of JUSTICES/JUDGES/MAGISTRATES owned/purchased/controlled by Baker Donelson Bearman:*** See at **http://www.slideshare.net/VogelDenise/baker-donelson-ties-to-judgesjustices-as-of120911** and/or **http://www.slideshare.net/VogelDenise/baker-donelson-listing-of-judgesjustices** incorporated by reference as if set forth in full herein.

Appellate Practice

Federal Court Clerks

U.S. Court of Appeals

- Gerardo R. Barrios, U.S. Ninth Circuit Court of Appeals, Honorable Robert R. Beezer
- Amy Champagne, U.S. Fifth Circuit Court of Appeals, Honorable W. Eugene Davis
- Bradley Clanton, U.S. Sixth Circuit Court of Appeals, Honorable David A. Nelson
- Angie Davis, U.S. First Circuit Court of Appeals, Houston, Texas, Honorable Sam Nuchia
- Nakimuli O. Davis, U.S. Fifth Circuit Court of Appeals, Honorable Leslie H. Southwick
- William Fones, U.S. Court of Appeals for Federal Circuit, Honorable Marion T. Bennett
- Jonathan Green, U.S. Court of Appeals for Eleventh Circuit
- W. Patton Hahn, U.S. Court of Federal Claims, Honorable Eric G. Bruggink
- Thomas Helton, U.S. Sixth Circuit Court of Appeals, Honorable Paul C. Wieck, Chief Judge
- Aubrey "Copper" Hirsch, U.S. District Court, Eastern District of Louisiana, Chief Judge Frederick Heebe
- Elizabeth B. Jones, U.S. Sixth Circuit Court of Appeals, Honorable Eugene Siler, Jr
- Lynn Landau, U.S. Eleventh Circuit Court of Appeals, Honorable James C. Hill
- Ronald Range, U.S. Fourth Circuit Court of Appeals, Honorable H. Emory Widener Jr.
- William Reed, U.S. Fifth Circuit Court of Appeals, Honorable Elbert P. Tuttle
- Wendy Thompson, U.S. Fifth Circuit Court of Appeals, Honorable Rhesa H. Barksdale
- Sandi S. Varnado, U.S. Fifth Circuit Court of Appeals, Honorable James L. Dennis

U.S. District Court Clerks

- Allisa J. Allison, U.S. District Court, Northern District of Mississippi, Judge L.T. Senter
- Brian M. Ballay, U.S. District Court, Eastern District of Louisiana, Judge Carl J. Barbier
- Kate Bogard, U.S. District Court, Western District of Tennessee, Honorable S. Thomas Anderson
- Joy Boyd, U.S. District Court, Middle District of Georgia, Honorable C. Ashley Royal and Honorable Duross Fitzpatrick
- Spencer Clift, U.S. Bankruptcy Court, Western District of Tennessee, Honorable David S. Kennedy
- Laurie Clark, U.S. District Court, Eastern District of Louisiana, Judge Morey L. Sear and U.S. District Court, Middle District of North Carolina, Judge P. Trevor Sharp
- Caldwell Collins, U.S. District Court, Eastern District of Missouri, Judge Audrey G. Fleissig
- Joann Coston-Holloway, U.S. District Court, Eastern District of Louisiana, Honorable Ivan L.R. Lemelle
- Jacob Dickerson, U.S. District Court, Western District of Tennessee, Honorable Jon P. McCalla
- Kevin Garrison, U.S. District Court, Middle District of Alabama, Honorable W. Keith Watkins
- Russell Gray, U.S. District Court, Eastern District of Tennessee, Honorable Allan Edgar
- Clay Gunn, U.S. District Court, Southern District of Mississippi, Honorable Daniel P. Jordan, III
- Whitney Harmon, U.S. District Court, Eastern District of Kentucky, Honorable Karl S. Forester
- Russell Headrick, U.S. District Court, Western District of Tennessee, Honorable Harry W. Wellford
- Cameron Hill, U.S. District Court, Eastern District of Tennessee, Honorable Curtis L. Collier
- J. Forrest Hinton, U.S. District Court, Southern District of Alabama, Honorable Virgil Pittman
- Frank James, U.S. District Court, Southern District of Alabama, Honorable Virgil Pittman
- Brandon Jolly, United States District Judge for the Southern District of Mississippi, Judge William H. Barbour Jr.
- Stephen Kennedy, U.S. District Court, Southern District of Mississippi, Honorable Tom S. Lee, Chief Judge
- Kenneth Klemm, U.S. District Court, Eastern District of Louisiana, Judge George Arceneaux Jr.
- William Lawrence, U.S. District Court, Northern District of Alabama, Honorable Robert B. Propst, (also sitting by designation on Eleventh Circuit)
- Erno D. Lindner, U.S. Bankruptcy Court, Western District of Tennessee, Honorable David S. Kennedy
- C. Lee Lott, U.S. District Court, Northern District of Mississippi, Honorable Glen H. Davison
- Gabriel P. McGaha, U.S. District Court, Western District of Tennessee, Honorable Jon P. McCalla
- Brad C. Moody, U.S. District Court, Southern District of Mississippi, Honorable David C. Bramlette
- Matt Mulqueen, U.S. District Court, Southern District of New York, Chief Judge Loretta A. Preska
- Kathlyn Perez, U.S. District Court, Eastern District of Louisiana, Honorable G. Thomas Porteous Jr.
- Paul Peyronnin, U.S. District Court, Eastern District of Louisiana, Honorable Henry A. Mentz Jr.
- Andrew Potts, U.S. Bankruptcy Court, Southern District of Alabama, Honorable Gordon B. Kahn, Chief Judge
- Anna Powers, U.S. District Court, Northern District of Mississippi, Chief Judge Michael P. Mills
- Damany Ransom, U.S. District Court, Eastern District of Louisiana, Honorable Karen Wells Roby
- Fredrick N. Salvo, III, U.S. District Court, Southern District of Mississippi, Honorable John M. Roper, Chief U.S. Magistrate
- Eric Thiessen, U.S. District Court, Western District of Virginia, Honorable Cynthia D. Kinser, Magistrate (currently Justice, Supreme Court of Virginia)
- Susan Wagner, U.S. District Court, Northern District of Alabama, Honorable Sam C. Pointer Jr.

* **FAILURE-TO-PREVENT** it appears led to Baker Donelson's ROLE in the **ORCHESTRATING, PLANNING** and **CARRYING out** of the ***September 11, 2001, DOMESTIC TERRORIST Attacks on the United States of America's World Trade Center and other targets (a/k/a 9/11 Attacks).***

- ***CAN Baker Donelson Bearman Caldwell & Berkowitz' PRESENCE in the White House, Congress and Supreme Court be TRACKED to support what appears to be its attorneys' MAJOR ROLE in the PLANNING/CARRYING out of the 9/11 Attacks?* Yes!** For instance:

- Baker Donelson served as Chief of Staff under United States of America President Ronald Regan

United States of America
PRESIDENT RONALD REAGAN

HOWARD HENRY BAKER, JR.
United States of America **CHIEF OF STAFF** to Ronald Reagan
United States Senate **MAJORITY**/**MINORITY** Leader
United States **Ambassador to JAPAN**
SENIOR COUNSEL – Baker Donelson Bearman Caldwell & Berkowitz
FOUNDER of Baker Donelson Offices in **Washington, DC** and **London, England**
See at **http://www.slideshare.net/VogelDenise/bd-howard-baker-wiki-info** incorporated by reference as if set forth in full herein.

IMPORTANT TO NOTE: Members of the **PUBLIC** were wondering **HOW** President Ronald Reagan *was able to* ***remain*** *in the* ***White House*** *considering that it appears he was* ***suffering from the EARLY STAGES of Alzheimer*** – i.e. in other words, **who is REALLY running/controlling the White House?** So hopefully, this information will shed additional light as to Baker Donelson Bearman Caldwell & Berkowitz' **PRESENCE** and **ROLE(S)** in the **RUNNING**/**CONTROL** of the White House. Moreover, it appears (according to HILLARY CLINTON), Congressional Members and Baker Donelson began ***LAYING the GROUNDWORK for the attacks on September 11, 2001, of the World Trade Center and other targets.***

REPORTER: So you think that if we had walked away from this and didn't give them money today, it would be worse for us from the security standpoint?

HILLARY CLINTON: I do. I do. We're building a relationship that just did not exist. I said in our last trip when you were with me, that we had a huge trust deficit in part because the United States had. . .to be. . .to be fair, we had helped create the problem we are now fighting.

REPORTER: How?

HILLARY CLINTON: Because when the Soviet Union invaded Afghanistan, we had this brilliant idea that we were going to come to Pakistan and create a force of Mujahideen, equip them with stinger missiles and everything else to go after the Soviets inside of Afghanistan; and we were successful. The Soviets left Afghanistan and then we said, **"GREAT, GOOD BYE!" LEAVING THESE TRAINED PEOPLE WHO WERE FANATICAL** in Afghanistan and Pakistan leaving them **WELL ARMED, CREATING A MESS FRANKLY** that at the time we really didn't recognize. **WE WERE SO HAPPY TO SEE THE SOVIET UNION FALL** and we thought, **"OKAY FINE, WE'RE OKAY NOW. EVERYTHING IS GOING TO BE SO MUCH BETTER."** Now you look back, the people we are fighting today, we were supporting in the fight against the Soviets.

IT IS TIME TO DEAL WITH THE UNITED STATES OF AMERICA'S STINGERS LEFT AROUND THE WORLD!

We also have a history of kinda moving in and out of Pakistan. I mean let's remember here the people we are fighting today, **WE FUNDED 20 YEARS AGO** and ***we did it because we were locked in this struggle with the Soviet Union*.** They invaded Afghanistan and we did not want to see them control Central Asia and **we "WENT TO WORK"** and *it was* ***President Reagan IN PARTNERSHIP with the Congress led by Democrats*** who said, "*You know what, sounds like a pretty good idea. Let's deal with the ISI, and the Pakistani Military and* **let's go RECRUIT** *these Mujahideen and. . . that's great! Let's get some to come from Saudi Arabia and other places importing their Wahhabi brand of Islam so that we can go and beat the Soviet Union;"* and guess what, they retreated, they **LOST BILLIONS OF DOLLARS and it LED TO THE COLLAPSE OF THE SOVIET UNION.** So there's a very strong argument which is, **"IT WASN'T A BAD INVESTMENT TO END THE SOVIET UNION, but LET'S BE CAREFUL WHAT WE SOW BECAUSE WE WILL HARVEST!"** So we then left Pakistan. **We said, "Okay, FINE you DEAL WITH THE STINGERS that WE LEFT ALL OVER YOUR COUNTRY, you DEAL WITH THE MINES THAT ARE ALONG THE BORDER, and by the way, WE DON'T WANT TO HAVE ANYTHING TO DO WITH YOU, in fact, WE ARE SANCTIONING YOU!"** So we stopped dealing with the Pakistani Military and with ISI and we are NOW are MAKING UP FOR A LOT OF LOST TIME!

See at **http://www.slideshare.net/VogelDenise/082112-hillary-clinton-dealing-with-the-united-states-of-americas-stingers** incorporated by reference as if set forth in full herein.

United States President William "Bill" Clinton and MISTRESS Monica Lewinsky

It appears that while **United States of America** **President William "Bill" Clinton** was in the White House, **Baker Donelson Bearman Caldwell & Berkowitz** and their CONSPIRATORS/CO-CONSPIRATORS provided him with ***APHRODISIAC Monica Lewinsky for SEXUAL ENTERTAINMENT as they PLANNED/ORCHESTRATED the carrying out of the 9/11 Attacks on the World Trade Center and other alleged targets!*** Of course under the Clinton Administration, the use of AIRPLANES were needed, therefore, it appears that Baker Donelson RECRUITED the services of **LINDA DASCHLE** (***Deputy of the Federal Aviation Administration, Senior Vice President of American Association of Airport Executives, Director Federal Affairs at Air Transport Association of America, Director/Regional Director at Civil Aeronautics Board, TOP/KEY Lobbyist in the Airline Industry, SENIOR Policy Advisor for Baker Donelson – Linda's CLIENTS List included American Airlines, Northwest Airlines, Boeing, L-3 Communications, Loral and United Technologies, paying over $1 MILLION DOLLARS to Baker Donelson, etc.***) and her husband **THOMAS DASCHLE** (***United States of America SENATE Majority/Minority Leader***) as well as **DANILLA LANDAU** (***Aide/Staff of the PRESIDENTIAL TRANSITION Team for President Clinton, Managing Director/Government Affairs for AMERICAN Airlines – Airline used in the 9/11 Attacks, Employee of Baker Donelson Bearman Caldwell & Berkowitz***)

LINDA DASCHLE:

***DEPUTY** of the Federal Aviation Administration (FAA) – Under United States President William "Bill" Clinton; Acting Administrator for FAA;*


Linda Daschle
Baker Donelson Bearman Caldwell & Berkowitz

Senior Vice President of American Association of Airport Executives; Director Federal Affairs at Air Transport Association of America; Director/Regional Director at Civil Aeronautics Board; SENIOR Policy Advisor for Baker Donelson Bearman Caldwell & Berkowitz – *i.e. bringing approximately 20 Years in the AVIATION Industry.*— http://www.opensecrets.org/revolving/rev_summary.php?id=50112

- Wife of Former South Dakota's United States Senator Thomas Daschle – i.e. Senate MAJORITY/Minority Leader *[Tom Daschle was an early supporter of Barack Obama's presidential candidacy, and was offered the position of Secretary of the Department of Health and Human Services after the 2008 election. He was President Obama's nominee to serve as the Secretary of Health and Human Services (HHS) in the Cabinet, **but withdrew his name on February 3, 2009, amid a growing controversy over his failure to accurately report and pay income taxes**];*
- One of the Airline Industry's TOP Lobbyists for TWO (2) Decades;
- Approximately 11 days after the 9/11 attacks, her husband (United States Senator Thomas Daschle) RUSHED through a "DEMOCRATIC" Senate a "$15 BILLION" Bailout for the airline industry – i.e. the Daschles making sure that Bailout EXEMPTED American (having safety issues and FAILING safety standards), and others from real liability to lawsuits from families of the 9/11 victims; - - http://macsmind.com/wordpress/2009/02/01/daschles-problem-not-new-revisting-his-wifes-lobbyist-ties-in-2003/
- Linda Daschle was cited in an FAA report for failing to enforce a "zero tolerance" policy she announced in 1996 while Deputy Director of the FAA against violent airline passengers a pledge that some say could have prevented the 9/11 terrorist hijackings; - - http://www.freerepublic.com/focus/news/585010/posts
- PRIOR to 9/11, Senator Daschle SPEARHEADED what appears to be "Behind-the-Door" deals that FORCED the FAA to buy DEFECTIVE Baggage Scanners (i.e. acts which may have CONTRIBUTED to the Role required to COVER-UP the United States Corruption and carrying out of the 9/11 attacks on its OWN Citizens and others);
- Linda Daschle's client list included airlines American and Northwest, aircraft maker Boeing, and aviation technology companies L-3 Communications, Loral and United Technologies. She also represents airport executives, airports in Cleveland and Englewood, Colo., and a trade association for concrete paving contractors. *Those clients paid Daschle's law and lobbying firm, Baker, Donelson, Bearman & Caldwell, **about $1.1 million in the year ending last June, the most recent records available.** - - http://www.usatoday.com/news/washington/june01/2001-06-06-daschle-linda.htm*
- **DOCUMENT DESTRUCTION:** It appears that documents EXPOSING the Daschles' efforts to MINIMIZE inspection of . . . planes were SHREDDED by FAA Officials under the direction and leadership of Linda Daschle; and
- It appears Linda's husband Tom Daschle led the Democrat effort to PREVENT the IMPEACHMENT of President William "Bill" Clinton.

*It appears from RESEARCH that Baker Donelson may have relied upon another Woman **DANIELLA LANDAU** with **AVIATION TIES** – i.e. American Airlines.* American Airlines planes were used in the carrying out of the September 11, 2001 "DOMESTIC" TERRORIST Attacks which appear to have been ORCHESTRATED and "Carried Out" under the DIRECTION and LEADERSHIP of Baker Donelson under the "SHIELD/LIES" that there were FOREIGN TERRORIST – i.e. Al Qaeda involved (when it was NOT).

IMPORTANT TO NOTE: (1) There September 11, 2001 ***"Domestic"*** Terrorist attacks appear to have been **PLANNED** *under Former President William "Bill" Clinton's WATCH*; (2) **CARRIED out** *under Former President George W. Bush's WATCH*; and (3) the **FALSE/MALICIOUS Lie of the "Killing of Osama Bin Laden"** *to COVER-UP the United States of America's 9/11 CONSPIRACIES and Criminal Acts under President Barack Obama's WATCH*.

- **DANILLA LANDAU** was: (**A**) Aide/Staff of the ***PRESIDENTIAL** Transition Team for President Clinton*; (**B**) **Managing Director** of AMERICAN AIRLINES; and (**C**) Employee of Baker Donelson Bearman Caldwell & Berkowitz. – http://www.opensecrets.org/revolving/rev_summary.php?id=70371

BAKER DONELSON
BEARMAN, CALDWELL & BERKOWITZ, PC

The following positions held by **Baker Donelson Bearman Caldwell & Berkowitz** **is PERTINENT** and/or **RELEVANT** in understanding what appears to be the **"CHAIN CONSPIRACIES"** leveled **AGAINST**

Complaint Vogel Denise Newsome, other African-Americans/Black-Americans and/or People-Of-Color as well as the RACIAL INJUSTICES/DISCRIMINATORY practices being carried out by in the United States of America's Government Agencies/Officials and their Legal Counsel Baker Donelson:

W. Lee Rawls
Baker Donelson

W. LEE RAWLS – **PARTNER** at Baker Donelson Bearman Caldwell & Berkowitz

- **SENIOR COUNSEL** to the **DIRECTOR** of the **Federal Bureau of Investigation**
- Counsel/**CHIEF OF STAFF** for the **Federal Bureau of Investigation**
- **CHIEF OF STAFF** to Senate MAJORITY Leader William (Bill) Harrison Frist, Sr.
- Assistant Attorney General – **LEGISLATIVE Affairs**

See at **http://www.slideshare.net/VogelDenise/rawls-w-lee-baker-donelsonemployeesenior-counsel-to-fbi**, **http://www.slideshare.net/VogelDenise/rawls-w-lee-ties-to-baker-donelson** and **http://www.slideshare.net/VogelDenise/rawls-w-lee-fbi-baker-donelson** incorporated by reference as if set forth in full herein.

JAMES C DUFF

JAMES C. DUFF – **MANAGING PARTNER** at Baker Donelson Bearman Caldwell & Berkowitz

- **DIRECTOR** of the **Administrative Office** of the **United States Courts**
- **CHIEF OF STAFF** to the **Chief Justice** of the United States **Supreme Court**
- **COUNSEL** for the **Federal Judges Association**
- **PRESIDENT**/**CHIEF EXECUTIVE OFFICER** of the Freedom Forum

http://www.slideshare.net/VogelDenise/duff-jameswikipediaresignhighlighted-copy, **http://www.slideshare.net/VogelDenise/duff-james-cduff-announceresignationfromuscourts**, **http://www.slideshare.net/VogelDenise/baker-donelson-justice-johnroberts-appoint-jamesduffhighlighted** and **http://www.slideshare.net/VogelDenise/duff-james-memphis-dailynewshighlighted** incorporated by reference as if set forth in full herein.

During the handling of the ***Newsome vs. Entergy*** matter, it is important to note that Complainant Newsome **REPORTED the CRIMINAL/CIVIL violations** of **Baker Donelson Bearman Caldwell & Berkowitz, Judges Morey Sear** and **G. Thomas Porteous** as well as the acts of their CONSPIRATORS/CO-CONSPIRATORS **to the United States Department of Justice** – i.e. CRIMES/CIVIL violations which to date **have NOT** been resolved **nor PROSECUTED!** The Criminal/Civil violations of Baker Donelson and their CONSPIRATORS/CO-CONSPIRATORS **are memorialized** in Newsome's pleading on or about **September 17, 2004** entitled, ***"PETITIONER'S PETITION SEEKING INTERVENTION/PARTICIPATION OF THE UNITED STATES DEPARTMENT OF JUSTICE"*** and supporting Exhibits! **(http://www.slideshare.net/VogelDenise/ex-34-091704-petition-seekingintervention-entergymatter - incorporated by reference as if set forth in full herein)**

IMPORTANT TO NOTE: Complainant Newsome believes that the **FAILURE-TO-PREVENT** on her TIMELY submitted Complaints **BEGINNING in 1988,** to the proper Government Agencies **reporting the CRIMINAL/CIVIL violations** of **Baker Donelson Bearman Caldwell & Berkowitz** and its Conspirators/Co-Conspirators appear to have led to the **CARRYING OUT of the September 11, 2001attacks** – i.e. on the WORLD TRADE CENTER TOWERS and other Targets on said date. Moreover, realizing that the Complaints submitted by Newsome **WARRANTED Investigations and PROSECUTIONS,** it appears that Baker Donelson **with the SUPPORT** of **Congressional** and **White House Members, CONSPIRED** to have **WITNESSES** to the **"BOMINGS"** of the World Trade Center Towers **"ASSASSINATED/KILLED/MURDERED"** to keep them from talking and, it appears, to keep the **"DOMESTIC"** Terrorist Attacks of Baker Donelson, White House Members and Congressional Members HIDDEN from the PUBLIC/WORLD! For instance, Complainant Newsome's RESEARCH has yielded the following information to SUPPORT the United States Supreme Court's ruling in ***U.S. vs. Jimenez Recio,*** of how members (i.e. as Baker Donelson Bearman Caldwell & Berkowitz, its CLIENTS and Conspirators/Co-Conspirators) ***go on to COMMIT OTHER crimes because they are not PROSECUTED:***

> *U.S. v. Jimenez Recio,* 123 S.Ct. 819 (2003) - Essence of a conspiracy is an agreement to commit an unlawful act.
>
> Agreement to commit an unlawful act, which constitutes the essence of a conspiracy, *is a* ***distinct evil*** that may exist and be punished whether or not the substantive crime ensues. *Id.*
>
> Conspiracy ***poses a threat to the public*** over and above the threat of the commission of the relevant substantive crime, both because *the combination in crime* ***makes more likely*** *the commission* ***of other*** *crimes* and because it **decreases the probability** that *the individuals involved* ***will depart from their path of criminality***. *Id.*

There are those who may remember that on or **about May 2012,** there were News reports that United States of America President Barack Obama has a **SECRET KILL LIST** bearing names of person(s) to have **KILLED/MURDERED!** Therefore, a reasonable mind may conclude that FORMER United States of America Presidents and CONGRESSIONAL Members have "KILL" Lists as well **for purposes of SILENCING those they do NOT want**

SPEAKING Out and EXPOSING their CRIMINAL ACTIVITIES:

http://www.slideshare.net/VogelDenise/obama-secret-kill-list-13166139

SUSPICIOUS DEATH/MURDER of Bertha Champagne – BABYSITTER for Marvin Bush (i.e. brother of George W. Bush):
http://www.slideshare.net/VogelDenise/champagnebertha-fwp-article

BERTHA CHAMPAGNE: Babysitter for Margaret Bush and **Marvin Bush (younger brother of United States President George W. Bush and youngest son of United States President George H. W. Bush and Barbara Bush).** Bertha Champagne was found ***CRUSHED TO DEATH by her own vehicle IN THE DRIVEWAY of Marvin/Margaret Bush's home***. **Marvin Bush was on the Board of DIRECTORS of SECURACOM** (i.e. *company which maintained* ***SECURITY for the World Trade Center Towers up until September 11, 2001*** [9/11 Attacks]). **Securacom** also provided electronic security for Washington Dulles International Airport (i.e. *airport alleged to be the one planes used in 9/11 attacks departed from*), **United Airlines, Hewlett-Packard,** EDS, Gillette, etc. Marvin Bush also served as ***DIRECTOR for HCC Insurance Holdings*** which insured the World Trade Center. Bertha Champagne's **DEATH/MURDER about September 29, 2003.**

INFORMATION on Marvin P. Bush:
http://www.slideshare.net/VogelDenise/bush-marvinpierce-wiki-info

DR. DAVID GRAHAM: Shreveport Dentist. There are reports that alleged Dr. Graham *met three (3) of the September 11, 2001, alleged hijackers* **a year PRIOR to the attacks** in Shreveport. Family members believed that Dr. Graham may have been **POISONED** *approximately two (2) years BEFORE his death* and mentions he was *trying to publish a manuscript about meeting three middle easterners in Shreveport. Men he suspected* ***may be plotting to bomb*** *Barksdale Air Force Base*. It is alleged that **Dr. Graham *contacted the FBI to warn of his concerns.*** It appears from reports that Dr. Graham may have learned the nature of these

http://www.slideshare.net/VogelDenise/grahamdavid-saw-911-hijackers-inshreveport

three men when pictures were released of the hijackers alleged to have been involved in the 9/11 Attacks. **David Graham's DEATH September 17, 2006.**

http://www.slideshare.net/VogelDenise/grahamdavid-who-killed-him-ksla-news

IMPORTANT TO NOTE: For those who may be wondering **WHY** alleged Terrorist would be in LOUISIANA, see Baker Donelson's **ADVERTISEMENT as to where its Offices are:**

> *"Baker, Donelson, Bearman, Caldwell & Berkowitz was ranked **in 2003** as the FASTEST growing law firm in the U.S. by The National Law Journal and is one of the 200 LARGEST law firms in the country. Through STRATEGIC acquisitions and MERGERS over the past century, the firm has grown to include over 370 attorneys and PUBLIC POLICY advisors in ten offices in the southeastern United States, as well as a representative office in BEIJING, China. In the United States, Baker Donelson has offices in MEMPHIS, Nashville, Knoxville, Chattanooga and Johnson City, Tennessee as well as Birmingham, Alabama; **JACKSON, Mississippi; WASHINGTON, D.C; NEW ORLEANS and MANDEVILLE, Louisiana** and Atlanta, Georgia."*

Furthermore, it appears that ***the MISTAKE Dr. Graham made was going to the FEDERAL BUREAU OF INVESTIGATION (FBI) with his information because this Government Agency is a CONSPIRATOR/CO-CONSPIRATOR in the carrying out of the September 11, 2001 (9/11) Attacks***. But of course Dr. Graham may not have known this and **it appears to have COST him is LIFE!**

ABOUT TWO (2) MONTHS LATER

CHRISTOPHER LANDIS: OPERATIONS MANAGER for Safety Patrol for the Virginia Department of Transportation. Reports allege Landis **COMMITTED SUICIDE** *approximately **ONE (1)** Week **AFTER** providing a **photo collection of the 9/11 attack** on the Pentagon* **which CONTRADICTS** Government/Media accounts. Christopher Landis' **DEATH November 2006.**

http://www.slideshare.net/VogelDenise/landischristopher-washington-post-obituary

ABOUT SIX (6) MONTHS LATER

SALVATORE PRINCIOTTA: FIRST RESPONDER Firefighter from Ladder 9 at the September 11, 2001 (9/11) Attacks.

Alleged that a family member found Princiotta's body on or about May 14, 2007, claiming he had been KILLED/MURDED - from FOUR gunshots - by Jeffrey Lynn Bigham. ***Motive for KILLING/MURDER is alleged to be for Princiotta's coin collection worth $20,000.*** It is alleged that *Bigham flew to California where he sold the coins to an unsuspecting coin dealer in*

Vista, California for $18,000, and also gave the dealer a large commemorative Elvis stamp to sell for him that had been stolen from Princiotta. ***[Yet NO name of the alleged dealer is provided for VERIFICATION].***

Government sources allege that ***Bigham tried to evade capture*** and **"fled on foot"** and that *"**before** **he could be apprehended**,* Bigham ***pulled out a gun and shot himself.**"* [The United States government officials who ***have HONESTLY EARNED*** *the reputation of engaging in CORRUPTION, COVER-UP and FRAMING innocent people for its crimes*]. The **ONLY** person (Bigham) that may be able to tell the truth about who killed/murdered Salvatore Princiotta, it appears ***became a COINCIDENTAL victim of an alleged SUICIDE*** - by a gunshot to himself.

It appears from reports, **that NBC News** *attempted to COVER-UP the Killing/Murder of Salvatore Princiotta and report his death* ***"as a result of post 9/11 lung complications."***

PRINCIOTTA'S OBITUARY:
http://www.slideshare.net/VogelDenise/princiotta salvatore-obituary-911-firefighter

PRINCIOTTA AMERICA'S MOST WANTED ARTICLE:
http://www.slideshare.net/VogelDenise/princiotta salvatore-america-mostwanted-article

PRINCIOTTA NEWS ARTICLE:
http://www.slideshare.net/VogelDenise/princiotta salvatore-news-article-ofdeath-911firefighter-11709069

It is alleged that the Stamp Collection and $7,000 **were the ONLY items returned to family members**. One may conclude that since there has been NO PROOF released that Bigham committed murder (i.e. and ***the Public is supposed to take the word of a CORRUPT Government Agency***), that it may have been the United States Government who MURDERED Salvatore Princiotta –i.e. in that ***the MURDERER would have the alleged items stolen in their possession and it was GOVERNMENT Officials that had these items and returned them*** to the family. Salvatore Princiotta's **DEATH May 2007.**

ABOUT FIVE (5) MONTHS LATER

PAUL SMITH: HELICOPTER/CHOPPER 7 PILOT for ABC. Reports alleged him to be Pilot of **ABC's 9/11** *"International Shot" that CAPTURED the SECOND plane flying into the Tower*. Reports allege Cameraman John Del Giorno was on the helicopter with Smith and **took the FIRST footage aired live "allegedly" of UNITED AIRLINES Flight 175.** *Reports claim that John Del Giorno **REFUSES** to talk about what he saw.* It appears that Paul Smith **was KILLED/MURDERED on October 7, 2007,** when a cab driver **LOST CONTROL** of his vehicle **AFTER** being **"CUT OFF"** by another vehicle (i.e. CAPTURED ON VIDEO).

PAUL SMITH – Daily News Article Regarding

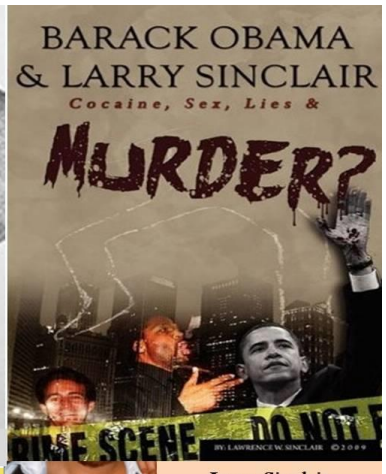
Death:
http://www.slideshare.net/VogelDenise/smith-paul-911-helicopter-pilot-killed

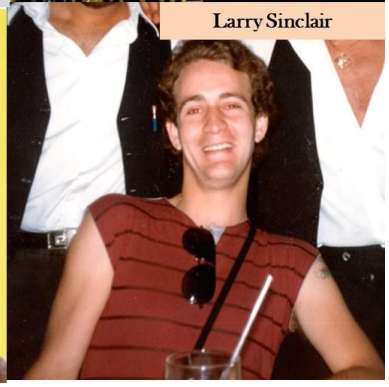
PAUL SMITH – Cab Driver Story Of Being Clipped:
http://www.slideshare.net/VogelDenise/smith-paulabc-pilot-cab-clipped

ABOUT ONE (1) MONTH LATER

IS THIS WHAT PRESIDENT BARACK OBAMA MEANT ABOUT HIS **HOMOSEXUAL EVOLUTION** or IS IT POSSIBLE, HE IS **ALREADY** THERE?
http://youtu.be/TOPnRTCepqA or
https://secure.filesanywhere.com/fs/v.aspx?v=8a716a8d5a666eaf9da6


Barack Obama




Larry Sinclair

WHEN will United States of America President Barack Obama and First Lady Michelle Obama let the PUBLIC/WORLD know the TRUTH about Barack Obama's HOMOSEXUAL Preferences? WHAT is Obama ASHAMED of if this LIFESTYLE is what he WANTS? Most likely after leaving the White House and the SPOTLIGHTS GO OUT, Michelle may ask for a DIVORCE! TIRED and NO LONGER wanting to FAKE the MARRIAGE!

Jeremiah Wright is the former Pastor of Trinity United Church of Christ (Chicago, Illinois – President Barack Obama's Hometown)


Jeremiah Wright and Barack Obama

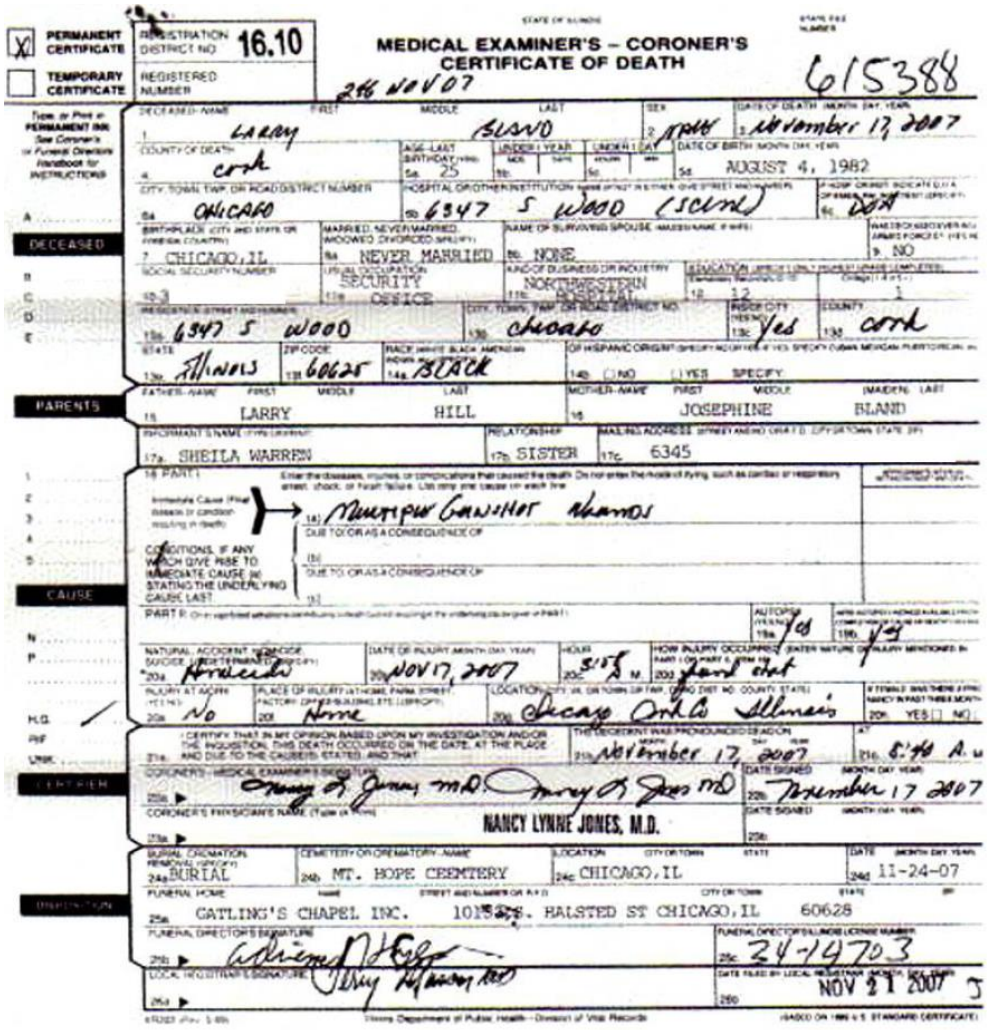

Trinity United Church of Christ


Jeremiah Wright

It is reported that **two OPENLY Gay/Homosexuals** at **Trinity United Church of Christ** also died and/or may have been **MURDERED/KILLED.** For instance:

Larry Bland

THEN on or about **November 17, 2007,** Larry Bland according to report(s) was **KILLED/MURDERED** (i.e. **EXECUTION** style).



MEDICAL EXAMINER'S – CORONER'S CERTIFICATE OF DEATH

615388

PERMANENT CERTIFICATE ☒ TEMPORARY CERTIFICATE ☐

REGISTRATION DISTRICT NO. 16.10

24 NOV 07

DECEASED: 1 LARRY BLAND — 2 MALE — 3 November 17, 2007 — 4 cook — 5a AGE-LAST BIRTHDAY 25 — 5d DATE OF BIRTH AUGUST 4, 1982 — 6a CHICAGO — 6b 6347 S WOOD (SCENE) — 7 CHICAGO, IL — 8a NEVER MARRIED — 8b NONE — 8d NO — 9 SECURITY — 10a OFFICE — 10b NORTHWESTERN — 11a 12 — 11b 1 — 12a 6347 S WOOD — 12b CHICAGO — 12c Yes — 12d cook — 13a ILLINOIS — 13b 60625 — 14a BLACK — 14b NO — 14c YES SPECIFY

PARENTS: 15 FATHER'S NAME LARRY HILL — 16 MOTHER'S NAME (MAIDEN) JOSEPHINE BLAND

17a INFORMANT'S NAME SHEILA WARREN — 17b RELATIONSHIP SISTER — 17c MAILING ADDRESS 6345

CAUSE: PART I 18a MULTIPLE GUNSHOT WOUNDS — 18b DUE TO OR AS A CONSEQUENCE OF — 18c DUE TO OR AS A CONSEQUENCE OF — PART II 19a AUTOPSY YES — 19b YES

20a NATURAL, ACCIDENT, HOMICIDE, SUICIDE, UNDETERMINED, PENDING INVESTIGATION HOMICIDE — 20b DATE OF INJURY NOV 17, 2007 — 20c HOUR 5:15 P.M. — 20d HOW INJURY OCCURRED gun shot — 20e INJURY AT WORK NO — 20f PLACE OF INJURY home — 20g LOCATION Chicago Cook Illinois — 20h YES NO

21a I CERTIFY THAT IN MY OPINION BASED UPON MY INVESTIGATION AND/OR THE INQUISITION, THIS DEATH OCCURRED ON THE DATE, AT THE PLACE AND DUE TO THE CAUSE(S) STATED, AND THAT — 21b THE DECEDENT WAS PRONOUNCED DEAD ON November 17, 2007 — 21c AT 8:40 A.M.

20a CORONER'S / MEDICAL EXAMINER'S SIGNATURE Nancy Lynne Jones M.D. — 20b DATE SIGNED November 17 2007

23a CORONER'S PHYSICIAN'S NAME (Type or Print) NANCY LYNNE JONES, M.D. — 23b DATE SIGNED

24a BURIAL — 24b CEMETERY OR CREMATORY NAME MT. HOPE CEMETERY — 24c LOCATION CITY OR TOWN CHICAGO, IL — 24d DATE 11-24-07

25a FUNERAL HOME GATLING'S CHAPEL INC. — 25b STREET AND NUMBER OR R.F.D. 10158 S. HALSTED ST — CITY OR TOWN CHICAGO, IL — 60628

25b FUNERAL DIRECTOR'S SIGNATURE — 25c FUNERAL DIRECTOR'S LICENSE NUMBER 24-14703

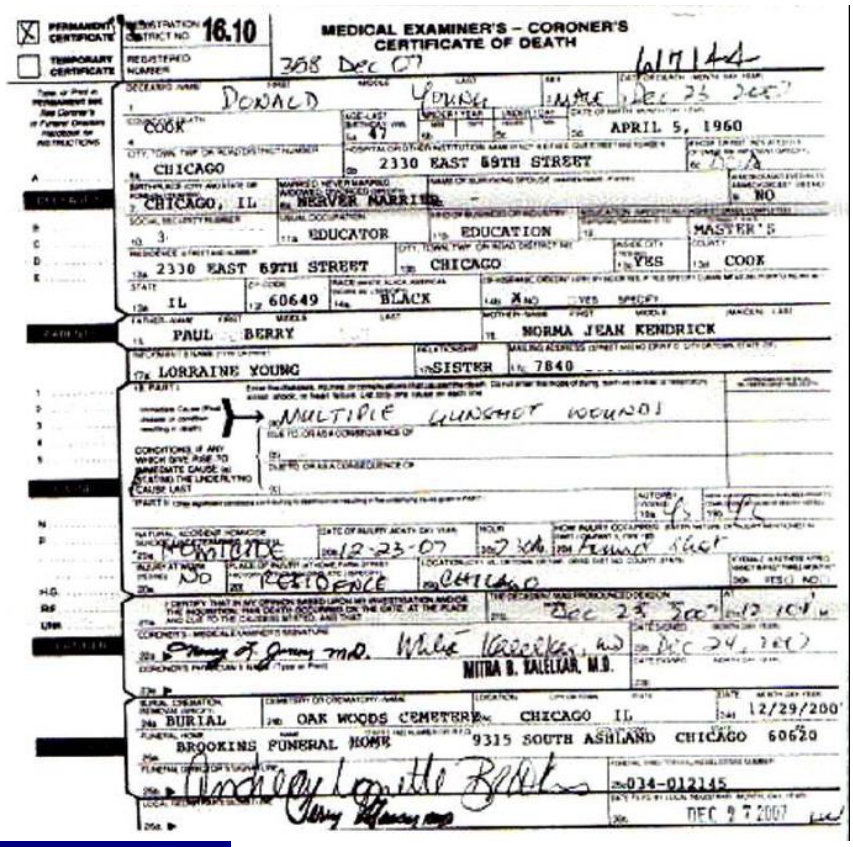
26a LOCAL REGISTRAR'S SIGNATURE — 26b DATE FILED BY LOCAL REGISTRAR NOV 21 2007

Illinois Department of Public Health – Division of Vital Records — (REV. 09) U.S. STANDARD CERTIFICATE

Then approximately **36** days later:

Donald Young

On or about **December 23, 2007, Donald Young** was **SHOT** and **KILLED/MURDERED** (i.e. **EXECUTION** style - how CRUEL about two days before Christmas).



MEDICAL EXAMINER'S – CORONER'S CERTIFICATE OF DEATH

16.10

DONALD YOUNG

COOK

APRIL 5, 1960

CHICAGO

2330 EAST 69TH STREET

CHICAGO, IL

NEVER MARRIED

NO

EDUCATOR

EDUCATION

MASTER'S

2330 EAST 69TH STREET

CHICAGO

YES

COOK

IL

60649

BLACK

PAUL BERRY

NORMA JEAN KENDRICK

LORRAINE YOUNG

SISTER

7840

MULTIPLE GUNSHOT WOUNDS

12-23-07

HOMICIDE

NO

RESIDENCE

CHICAGO

Dec 23, 2007

Dec 24, 2007

MITRA B. KALELIAN, M.D.

BURIAL

OAK WOODS CEMETERY

CHICAGO IL

12/29/2007

BROOKINS FUNERAL HOME

9315 SOUTH ASHLAND CHICAGO 60620

034-012145

DEC 27 2007

Then approximately **TWO** days later:

On or about **December 26, 2007 – approximately TWO Day after Christmas, Nate Spencer COINCIDENTALLY,** died of alleged complications from illnesses – i.e. Septicemia, Pneumonia and HIV.

What do these THREE men have in COMMON:

1) Reports allege **SEXUAL RELATIONSHIPS** to now United States of America President Barack Obama.

2) **ALL** were members of Trinity United Church of Christ at the time then Senator Barack Obama was a member and **ALL** **their DEATHS were in approximately within a ONE MONTH period.**

3) **ALL** allege **SEXUAL relationships** with MICHELLE Obama's **HUSBAND** – i.e. Malia's and Sasha's **DADDY!**

So one may wonder **how early** did United States of America President Barack Obama **begin engaging** in such **GANGSTER-STYLE** killing sprees (i.e. use of **"KILL LIST"**) for purposes of keeping what appears to be his **HOMOSEXUAL escapades "IN-THE-CLOSET!"**

THEN ABOUT FIVE (5) MONTHS LATER

DEBRA JEANE PALFREY: Was given the nickname **"DC Madame"** because of an alleged **"HIGH-CLASS"** Prostitution ring ran by her which ***catered to TOP/KEY Officials involved in the 9/11 Attacks.*** In January 2007, **Brandy Britton,** *an employee of Palfrey, was alleged to have* ***COMMITTED suicide*** *by hanging* ***day PRIOR*** *to* ***going to court for*** *"Prostitution."* There were concerns that there were those who ***FEARED*** *what Britton knew that could be* ***VERY DAMAGING.*** *Then days* ***BEFORE*** *Deborah Palfrey* ***was to go to court, she too COMMITTED suicide by hanging***; **AFTER** stating **PUBLICLY** and during an **INTERVIEW** that she would **NOT** commit suicide. *It appears Palfrey* ***was KILLED/MURDERED*** *on or about* ***May 1, 2008.*** What is also INTERESTING about these KILLINGS/MURDERS, ***one may wonder who represented these women?*** **What happened to the EVIDENCE Deborah Palfrey claimed to have that would EXONERATE/ CLEAR her of Charges?**

DEBORAH PALFREY INTERVIEW:
http://prisonplanet.com/audio/010508palfrey.mp3

DEBORAH JEANE PALFREY:
http://www.slideshare.net/VogelDenise/palfrey-debra-jeane-11708802
PORTER JOHNSTON GOSS:
http://www.slideshare.net/VogelDenise/porter-johnston-goss-wikipedia-info

In checking the **DOCKET** sheet for ***USA v. PALFREY,*** Complainant Newsome noticed the following in regards to this case:

- *It appears from the Docket that Deborah Palfrey was* ***FIRST*** *represented by* ***A.J. Kramer****/Office of the* ***FEDERAL*** *Public Defender i.e for approximately 2 ½ MONTHS before a "WITHDRAWAL" Motion was filed.*

- ***FUNDING*** *and* ***APPROVAL*** *of appointment of attorneys for the Office of Federal Public Defender is handled* ***by the DIRECTOR*** *of the Administrative Office of the United States Courts (i.e in PALFREY's case, the* ***DIRECTOR*** *at the time appears to have* ***been JAMES C. DUFF*** *- an employee with BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ).*

Therefore, it appears *providing the United States of America with* ***MEANS, MOTIVE and ACCESS*** *to information/evidence that Deborah Palfrey possessed* – i.e. moreover, **to destroy information/evidence** and ***get rid of Palfrey*** **if such information/evidence** ***could lead back to Baker Donelson,*** its Clients and the United States Government's **role in DOMESTIC TERRORIST acts on 9/11.** Such as, it is alleged there are reports that **Palfrey's professional services included: (a)** 9/11 Operatives that **were among** Palfrey's CLIENTS; **(b)** the Sherlington Limousine company was used to provide Palfrey's Call Girls to clients and events **attended by CIA Director and Director of National Intelligence (Porter Goss);** and **(c)** "*In* ***AUGUST 2001*** *Goss, Senator Bob Graham and Senator Jon Kyl visited ISLAMABAD, Pakistan. Meetings were held with* ***President Pervez Musharraf*** *and* ***Pakistan's military*** *and intelligence officials including the* ***HEAD of Pakistan's Inter Services Intelligence (ISI) General Mahmud Ahmed,*** *as well as with the Afghan Ambassador to Pakistan, Abdul Salam Zaeef.* On the **morning of September 11, 2001, Goss and Senator Bob Graham were having breakfast with General Ahmad. Ahmad's network had ties to Osama Bin Laden and DIRECTLY funded, supported, and trained the Taliban.** They met with Musharraf and Zaeef on the 27th. As reported by Agence France Presse on August 28, 2001, Zaeef assured the United States delegation that the Taliban would never allow Bin Laden to USE Afghanistan to launch attacks on the United States or any other country. . . *With the White House and Senator Graham, his counterpart in the Senate Intelligence Committee, Goss rebuffed calls for an inquiry in the weeks immediately following September 11.* **After growing pressure,** Congress **established the Joint Inquiry** into Intelligence Community Activities **BEFORE and AFTER the Terrorist Attacks of September 11, 2001**, *a joint inquiry of the two intelligence committees,* ***LED BY Graham and Goss***. Goss and Graham **made it clear** that their goal was **NOT** to identify specific wrongdoing: Graham said the *inquiry would* ***NOT*** *play 'the blame game about what went wrong from an intelligence perspective,'* and Goss said, 'This is **NOT** ***a who-shall-we-hang type of investigation.*** It is about where are the gaps in America's defense and what do we do about it type of investigation.'"

- It appears that **ABC News** *had an Interest in the* ***PALFREY*** *matter, that Palfrey filed, "****OPPOSITION to ABC News Motion to Quash and Request for Oral Argument****" on or about* ***December 29, 2007****. Recalling that* ***ABC's*** *Helicopter Pilot (Paul Smith)* ***appears to have been KILLED/MURDERED just TWO (2) Months PRIOR.*** See Docket Sheet at **Entry 236** of *USA vs. Palfrey* in the United States District Court (District of Columbia) - Criminal Case No. 1:07-cr-00046-JR-1.

  http://www.slideshare.net/VogelDenise/palfreydebra-docket

  - There appears to have *been a* ***CONFLICT-OF-INTEREST*** *involved because the United States of America had* ***PERSONAL, FINANCIAL,*** *and* ***BUSINESS*** *interest in the outcome of Palfrey's case as well* ***as the FEDERAL Public Defender*** *to obtain information/evidence from Palfrey while* ***APPEARING*** *to represent her when* ***its ONLY interest*** *may have*

been to provide the United States Attorney's Office ***WITH INFORMATION*** *and* ***EVIDENCE*** *Palfrey had to DEFEND her case.* If the Federal Public Defender (A.J. Kramer and/or any other Public Defender) obtained information/evidence from Palfrey during the time of representation, then it is CLEAR that there may be ***not ONLY "Ethical" violations*** **but CRIMINAL** and **CIVIL RIGHTS violations** here. Therefore, simply is **NO EXCUSE for these CRIMINAL acts and INJUSTICES.** Yet, it appears **JAMES C. DUFF** and Baker Donelson may have been in the **DRIVER'S** seat of these **INDICTMENTS** and the **"JUDICIAL"** proceedings! *From looking at the* ***DOCKET*** *entries is appears that the* ***GOVERNMENT'S interest in COVERING-UP information/evidence that Palfrey had in her possession*** *and may* ***have provided to the*** *FEDERAL Public Defenders – i.e thus, moving the United States Government* ***to MOVE to TRY*** *and* ***keep information*** ***from reaching the PUBLIC*** *and PROTECTING its own:*

> On **03/16/2007,** there is a DOCKET Entry stating in part, ". . . the extent that they concern DEFENDANT'S List. . . MEMORANDUM ORDER **Granting** *Government's Application for a Temporary Restraining Order, Protective Order. . .*"
>
> On **03/19/07,** there is a DOCKET Entry stating in part, ". . .Defendant received TRO papers in open court." TRO stands for "Temporary Restraining Order."
>
> On **03/22/07,** there is a DOCKET Entry that states in part, ". . .to the extent that they concern DEFENDANT'S List. . .
>
> ORDER **GRANTING** the Government's request for a Temporary Restraining Order and a Request for a Hearing as to DEBORAH PALFREY. ***It is Hereby Ordered that*** the defendant, **Deborah Jeane Palfrey**, and **her AGENTS** and **ATTORNEY**S shall **NOT** act, or **CAUSE** any act to be **DONE**, to further the civil action entitled *Palfrey v. Neble*, Civil Action No. 1:07-cv-461 (GK), pending in the United States District Court for the District of Columbia, and shall **NOT** engage in any other similar acts or actions ***AGAINST Government witnesses***, agents and **INVESTIGATORS**. It is further Ordered that this Order shall remain in effect if and until modified by the Court. . ."
>
> On **05/10/2007,** there is a DOCKET Entry stating in part, ". . .ORDER **directing** the DEFENDANT and her agents and **ATTORNEYS,** including her civil counsel, Montgomery Blair Sibley, **NOT** to release, further **DISTRIBUTE**, or otherwise ***PROVIDE to any person or organization the phone records*** *of Pamela Martin & Associates* and/or the ***phone RECORDS of Deborah Jeane Palfrey. . ."***
>
> On **05/18/07,** there is a DOCKET Entry stating, "MOTION to Withdraw as Attorney by A.J. Kramer. . ." This WITHDRAWAL coming *approximately* ***TWO and a Half (2***

1/2) *months* ***FROM*** *the Indictment filed against Deborah Palfrey.*

DOCKET SHEET:
http://www.slideshare.net/VogelDenise/palfreydebra-docket

Palfrey's counsel (Preston Burton) *filed a* ***Motion for Acquittal or for New Trial*** on her behalf on **April 23, 2008**. While a date may not have been set on Palfrey's motion, it appears this time may have been used by the United States Government and its **CONSPIRATORS** to **KILL/MURDER** ***her by HANGING*** (i.e. as Palfrey mentioned in interview - LYNCHING). It appears **LYNCHING** *being a* ***COMMON method*** *of practices* the Federal Bureau of Investigation (FBI) and Central Intelligence Agency (CIA) used ***in getting rid of KEY/TOP witnesses with CRITICAL/ CRUCIAL information*** in regards to the 9/11 Attacks - i.e. as with the FBI's recent telephone call on **NOVEMBER 9, 2011** advising Former Congresswoman Cynthia McKinney of the THREAT on her life.

http://www.slideshare.net/VogelDenise/mc-kinney-cynthiajusticedepartmentprotection

ABOUT THREE (3) MONTHS LATER

BARRY JENNINGS
EMPHASIS: "ABC" Photo

BARRY JENNINGS: New York Housing Authority Emergency Coordinator - Reports and INTERVIEWS state that Jennings was a WITNESS of the September 11, 2001 attacks on the World Trade Centers where he says he and Corporation Counsel for New York City (Michael Hess) were in World Trade Center 7 **when they kept hearing "EXPLOSIONS" going off in their building.** *Appears Jennings was MURDERED* ***approximately two (2) days (August 19, 2008) BEFORE*** *the release of the National Institute of Standards and Technology (NIST) draft REPORT. To date* ***NO "Cause of Death"*** *is known for Jennings* ***DEATH/MURDER on August 19, 2008.***

http://www.slideshare.net/VogelDenise/barryjennings-911-witness-killed

ABOUT TWELVE (12) DAYS LATER

Kenneth Johanneman: Janitor at World Trade Center. Pulled a burning victim from the building. ***Reported seeing EXPLOSIONS in the basement and upper floors of one of the Twin Towers.*** It is alleged he **committed SUICIDE as a result of receiving an EVICTION Notice.** Family Members/Friends CONTRADICT and are SUSPICIOUS of suicide allegations claimed because **they made themselves available to Johanneman if he needed anything. FOUND at the "SCENE OF THE CRIME" was a "White House Letter" to Kenny Johanneman.** Johanneman appears ***to have been MURDERED on*** or about **August 31, 2008,** *approximately* ***13 days*** *from the* ***MYSTERIOUS*** *death of Barry Jennings.*

Kenneth Johanneman

http://www.slideshare.net/VogelDenise/kenny-johanneman-911-witness-killed

IMPORTANT TO NOTE: The "EVICTION" process – i.e. SIMILAR methods of those REPEATEDLY used on Newsome to UNLAWFULLY/ILLEGALLY *gain access to her and her property*. Moreover, providing Government Officials with MEANS, MOTIVES and OPPORTUNITIES to commit MURDERS/ KILLINGS on those they seek to SILENCE!

ABOUT SIX (6) MONTHS LATER

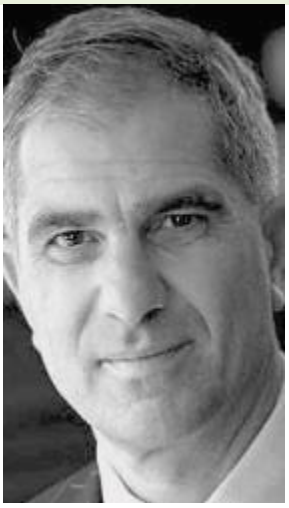
BEVERLY ECKERT: Lost her husband (Sean Rooney) in the DOMESTIC Terrorist acts carried out by the United States on or about September 11, 2001. She was ***an ACTIVIST and advocate for the creation of the 9/11 Commission to INVESTIGATE 9/11.*** *Advocate* ***PUSHING for the TRUTH*** *behind the 9/11 Attacks.* Reports allege that *Eckert* ***was OFFERED money*** to **keep *SILENT but REFUSED!*** *She died in a commuter aircraft accident.* **She met with United States President Barack Obama** as an advocate of those affected by 9/11 ***"LESS THAN A WEEK"*** **before** her **DEATH/MURDER** on **February 12, 2009.**

http://www.slideshare.net/VogelDenise/beverly eckert-wife-of-911-victim-wikipedia-info

According to reports, ***there are QUESTIONS/SUSPICIONS surrounding the plane crash*** – i.e. keep in mind that to the United States Government Officials that are involved in CONSPIRACIES with Baker Donelson and others, *it appears their mentality is that it may* ***be better to take out a few people*** *than to* ***allow the TRUTH*** *to come out about the United States Government's* ***DOMESTIC TERRORISTS*** *acts which* ***will take DOWN a Nation!***

ABOUT TWO (2) MONTHS LATER

MICHAEL H. DORAN: *Attorney who* ***volunteered*** *his services to* ***help VICTIMS of the September 11, 2001 attacks receive compensation***. It appears Doran and a law firm associate (Matthew Schnirel) were killed/murdered in a plane crash near Cleveland. *Reports have it that the National Transportation Safety Board is trying to figure out the cause of the plane crash. There are alleged reports that* ***the Cirrus SR-22*** *(i.e. type of plane Doran was piloting)* ***has a BUILT-IN PARACHUTE****. "The aircraft is perhaps known for being equipped with the Cirrus Aircraft Parachute System (CAPS),* ***an EMERGENCY Parachute CAPABLE of LOWERING the ENTIRE AIRCRAFT (and OCCUPANTS) to the GROUND in an EMERGENCY."*** The pilot can reach overhead in the cockpit and pull a red handle that deploys a fuel rocket that pulls the parachute from the back of the plane.



MICHAEL DORAN DEATH NOTICE:
http://www.slideshare.net/VogelDenise/doranmichael-death-notice

MICHAEL DORAN MEMORIAL:
http://www.slideshare.net/VogelDenise/doranmichael-memorial-911

MICHAEL DORAN – BUFFALO NEWS REPORTING CRASH:
http://www.slideshare.net/VogelDenise/doranmichael-buffalo-news911-matter

Concerns as to whether an ***EXPERIENCED and FAA Certified Pilot*** *as Michael Doran TRIED to use this SAFETY/EMERGENCY feature. "Eyewitness accounts, according to published reports, said Mr. Doran directed the plane away from neighboring houses, and he was hailed as a hero."* So it appears from reports that *Doran took the necessary precautions to avoid casualties* on the ground **BUT DIDN'T TRY THE EMERGENCY BACK-UP PARACHUTE that is a SPECIAL FEATURE of the CIRRUS SR-22 he was piloting!** ***Is it a COINCIDENT*** *that Michael Doran represented some of the VICTIMS in the 9/11 attacks*? **Is it a COINCIDENT that Doran represented one of the VICTIMS in the Flight 3407 Airplane Crash on February 12, 2009? Is it a COINCIDENT** *that one of the VICTIMS on Flight 3407 was Beverly Eckert* (wife of 9/11 Attacks Victim Sean Rooney) **who just happened to meet with United States President Barack Obama** ***less than a week before her life ended in a plane crash*** and ***then approximately***

***TWO (2) MONTHS later**, the lives of attorney Michael Doran and his associate are taken **in a plane crash**?*
DATE of **DEATH/MURDER April 28, 2009.**

ABOUT TWO (2) MONTHS LATER

DAVID F. WHERLEY: Major General. Was the Commanding General of Joint Force Headquarters, District of Columbia National Guard. Responsible for operational readiness and command and control of District of Columbia Army and Air National Guard units. *"Wherley was the officer **who scrambled fighters** into Washington's skies **on the day of the Sept. 11, 2001** terrorist attacks."*

"***The general manager of the Metro system***, John B. Catoe Jr., said one train had stopped near a platform and was waiting for permission to proceed when it was HIT FROM BEHIND by the second train. Mr. Catoe did not speculate on *whether **SAFETY DEVICES** **intended to PREVENT** such crashes had FAILED. . ."*

"A **critical question** for investigators will be **why the rear train's computer system,** which among other things **controls the brakes,** apparently **did not automatically engage** just before the crash. Ms. Hersman said that ***the mushroom-shaped button the operator presses for emergency braking was found in the on position and that blue marks on the brake rotors suggested that the brake had activated. . .***

http://www.slideshare.net/VogelDenise/davidwherley-911-witness-major-general-wife-killed

http://www.slideshare.net/VogelDenise/davidwherley-general-and-911-witness-killed

Metro crash in the system's **33-YEAR history**. . ." "Passengers said about **15 MINUTES PASSED BEFORE** officials showed up or any announcements were made."

"Metro, like all transit agencies, *is **supposed** to have **NUMEROUS** **safety systems** in place **to PREVENT** crashes, and it was NOT clear what caused yesterday's accident. . .* Although the investigation is just beginning, certain systems are **DESIGNED to PREVENT** an accident like yesterday's. During morning and afternoon rush hours, **all** trains except longer eight-car trains typically *operate in **AUTOMATIC MODE,** meaning their movements are **CONTROLLED by COMPUTERIZED** systems and **the central** **Operations Control Center.*** Both trains in yesterday's crash were six-car trains. But officials would not say whether the trains were in automatic mode or being operated manually. *Investigators will probably focus on a possible **FAILURE** of Metro's **COMPUTERIZED signal system**, which is **DESIGNED to PREVENT trains from coming close enough to collide,** as well as operator error, according to former Metro officials. . ."*

http://www.slideshare.net/VogelDenise/davidwherley-general-and-911-witness-killed

Major General David Wherley retired June 30, 2008 and appears may have been **KILLED/MURDERED on June 22, 2009** – i.e. *approximately **TWO (2)** months from Doran's **DEATH/MURDER*** and *approximately **FOUR (4)** months from Eckert's **DEATH/MURDER*** – because of the information/knowledge regarding the 9/11

Attacks!

PLEASE NOTE: The "KILL LIST" Murders did NOT stop here and they CONTINUE to date as well. Please keep reading and see:

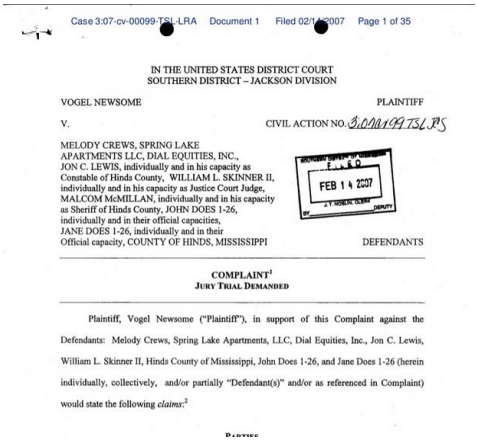
C) **FAILURE-TO-PREVENT** resulted in Complainant Vogel Denise Newsome being subjected to FURTHER Discriminatory, Retaliatory and Hostile working conditions in the ***Newsome vs. Equal Employment Opportunity Commission*** [EEOC] matter **(**regarding **CHRISTIAN HEALTH MINISTRIES)** – Eastern District Court of Louisiana (New Orleans) **2:00-cv-02861-AJM (2000).** All Newsome, as a matter of law is required to do, is show that she **TIMELY, PROPERLY** and **ADEQUATELY** filed the applicable legal actions to **ADDRESS and PRESERVE said issues.** Due to the **CONTINUED "CHAIN CONSPIRACIES" (i.e. LYNCHING practices)** leveled against Newsome; this matter is also **LEGALLY and LAWFULLY active!** ***So DO NOT go by what CORRUPT Government Officials have fixed the "DOCKET SHEET" in this legal action to look like. One MUST go by the "LAWS/STATUTES" that govern such CRIMINAL/CIVIL VIOLATIONS – i.e. which supports "NULL/VOID" rulings due to CRIMINAL/FRAUDULENT practices (such as BRIBES, EXTORTION, BLACKMAIL, etc.) to obtain "SPECIAL FAVORS" from CORRUPT/TAINTED Judges/Justices placed in positions by those WHO ARE MEMBERS and/or PARTICIPANTS in the "CHAIN CONSPIRACIES" leveled against Complainant Vogel Denise Newsome.*** What is the expression, ***"Things are NOT always what they APPEAR to be?"*** The United States of America's CORRPT Government Officials **"SPECIALIZES" in FRAUDULENT and DECEPTIVE practices to COVER-UP and/or SHIELD ILLEGAL Animus!** Under the laws of the United States of America, ***ALL Newsome is required to do is SHOW "PROOF" (direct and/or circumstantial) of "CHAIN CONSPIRACIES"*** as well as **"PROOF" that she has acted in GOOD FAITH to PRESERVE Claims raised through her Legal Actions and she does so!** Moreover, the **NEXUS/RELATIONSHIP "LINKING"** the **ONGOING Conspiracies** leveled **AGAINST** Complainant Newsome.

D) **FAILURE-TO-PREVENT** resulted in Complainant Vogel Denise Newsome being subjected to FURTHER Discriminatory, Retaliatory and Hostile working conditions in the *Newsome vs. Equal Employment Opportunity Commission* matter **(**regarding **LOUISIANA STATE UNIVERSITY HEALTH SCIENCES CENTER)** – Eastern District Court of Louisiana (New Orleans) **2:01-cv-02134-ILRL (2001).** All Newsome, as a matter of law is required to do, is show that she **TIMELY, PROPERLY** and **ADEQUATELY** filed the applicable legal actions to **ADDRESS and PRESERVE said issues.** Due to the **CONTINUED "CHAIN CONSPIRACIES" (i.e. LYNCHING practices)** leveled against Newsome; this matter is also **LEGALLY and LAWFULLY active!** ***So DO NOT go by what CORRUPT Government Officials have fixed the "DOCKET SHEET" in this legal action to look like. One MUST go by the "LAWS/STATUTES" that govern such CRIMINAL/CIVIL VIOLATIONS – i.e. which supports "NULL/VOID" rulings due to CRIMINAL/FRAUDULENT practices (such as BRIBES, EXTORTION, BLACKMAIL, etc.) to obtain "SPECIAL FAVORS" from CORRUPT/TAINTED Judges/Justices placed in positions by those WHO ARE***

MEMBERS *and/or* ***PARTICIPANTS*** *in the* ***"CHAIN CONSPIRACIES"*** *leveled against Complainant Vogel Denise Newsome.* What is the expression, ***"Things are NOT always what they APPEAR to be?"*** The United States of America's CORRPT Government Officials **"SPECIALIZES" in FRAUDULENT and DECEPTIVE practices to COVER-UP and/or SHIELD ILLEGAL Animus!** Under the laws of the United States of America, ***ALL Newsome is required to do is SHOW "PROOF" (direct and/or circumstantial) of "CHAIN CONSPIRACIES"*** as well as **"PROOF" that she has acted in GOOD FAITH to PRESERVE Claims raised through her Legal Actions and she does so!** Moreover, the **NEXUS/RELATIONSHIP "LINKING"** the **ONGOING Conspiracies** leveled **AGAINST** Complainant Newsome.

E) **FAILURE-TO-PREVENT resulted in the FEBUARY 14, 2006, KIDNAPPING of Newsome which has resulted in the filing of the *Newsome vs. Spring Lake Apartments* (2007) matters. This lawsuit is a matter of PUBLIC record and Complaint and subsequent pleadings may be obtained through said court. Nevertheless, to obtain/view a copy of the Complaint and supporting Exhibits, please feel free to retrieve from the following links:**

See Civil Complaint at 3:07-cv-00099 at http://www.slideshare.net/VogelDenise/021407-complaint-sla-99 incorporated herein by reference as if set forth in full herein.



Case 3:07-cv-00099-TSL-LRA Document 1 Filed 02/14/2007 Page 1 of 35

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT – JACKSON DIVISION

VOGEL NEWSOME — PLAINTIFF

V. — CIVIL ACTION NO. 3:07CV99TSLJCS

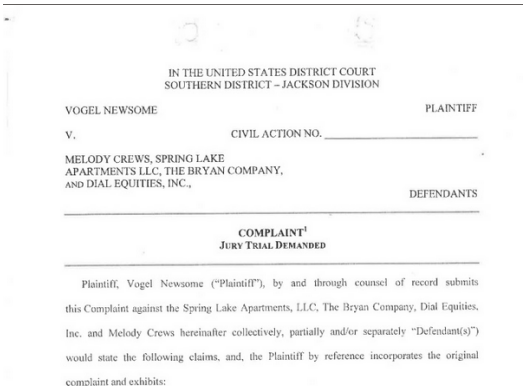
MELODY CREWS, SPRING LAKE APARTMENTS LLC, DIAL EQUITIES, INC., JON C. LEWIS, individually and in his capacity as Constable of Hinds County, WILLIAM L. SKINNER II, individually and in his capacity as Justice Court Judge, MALCOM McMILLAN, individually and in his capacity as Sheriff of Hinds County, JOHN DOES 1-26, individually and in their official capacities, JANE DOES 1-26, individually and in their Official capacity, COUNTY OF HINDS, MISSISSIPPI — DEFENDANTS

FILED FEB 14 2007

COMPLAINT[1]
JURY TRIAL DEMANDED

Plaintiff, Vogel Newsome ("Plaintiff"), in support of this Complaint against the Defendants: Melody Crews, Spring Lake Apartments, LLC, Dial Equities, Inc., Jon C. Lewis, William L. Skinner II, Hinds County of Mississippi, John Does 1-26, and Jane Does 1-26 (herein individually, collectively, and/or partially "Defendant(s)" and/or as referenced in Complaint) would state the following *claims*:[2]

and Housing Violation Complaint at 3:07-cv-00560 at http://www.slideshare.net/VogelDenise/092107-complaint-sla560 incorporated herein by reference as if set forth in full herein.



IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT – JACKSON DIVISION

VOGEL NEWSOME — PLAINTIFF

V. — CIVIL ACTION NO. _____

MELODY CREWS, SPRING LAKE APARTMENTS LLC, THE BRYAN COMPANY, AND DIAL EQUITIES, INC., — DEFENDANTS

COMPLAINT[1]
JURY TRIAL DEMANDED

Plaintiff, Vogel Newsome ("Plaintiff"), by and through counsel of record submits this Complaint against the Spring Lake Apartments, LLC, The Bryan Company, Dial Equities, Inc. and Melody Crews hereinafter collectively, partially and/or separately "Defendant(s)") would state the following claims, and, the Plaintiff by reference incorporates the original complaint and exhibits:

FACTS TO UNDERSTAND ABOUT THIS LAWSUIT:

- This matter is one in which it appears **Baker Donelson Bearman Caldwell & Berkowitz** **RECRUITED** more members of its CLIENTS (i.e. Spring Lake Apartments, Dial Equities, **LIBERTY MUTUAL INSURANCE COMPANY,** the Administration of **Mississippi** **GOVERNOR HALEY BARBOUR,** etc.) to having Newsome **"KIDNAPPED"** and **"ILLEGALLY" EVICTED** and engages in the **"CHAIN Conspiracies"** leveled against Vogel Denise Newsome - - **NOTE:** Illegal **EVICTIONS** and/or **Illegal ENTRIES/SEIZURES** are a **PATTERN-OF-CRIMINAL** activities in which **Baker Donelson** engage in with its Conspirators/Co-Conspirators. It appears from record evidence, that ONCE Baker Donelson and their Conspirators have OBTAINED evidence that can INCRIMINATE them, they engage in criminal acts of MURDER to SILENCE witnesses – with Ku Klux Klan Type LYNCHINGS (masked as suicides) being their PREFERRED method in such crimes. See the section of this instant Complaint/Charge addressing United States of America President Barack

Obama's **"SECRET KILL LIST."** Acts which are CLEARLY prohibited by State and Federal laws. Such practices (i.e. known as **WHITECAPPING**) which are COMMONLY used by Ku Klux Klan Members as Baker Donelson and those of its Clients:

> **MISSISSIPPI CODE OF 1972 - SEC. 97-3-87**. *Threats and Intimidation;* ***WHITECAPPING:*** Any person or persons who shall, by placards, or other writing, or verbally, **attempt by THREATS,** direct or implied, of **injury to the person** or **property of another, to INTIMIDATE such person into an ABANDONMENT or CHANGE of home or EMPLOYMENT,** shall, upon conviction , be fined not exceeding five hundred dollars, or imprisoned in the county jail not exceeding six months, or in the penitentiary not exceeding five years, as the court, in its discretion may determine.
>
> **WHITECAPPING:** The criminal act of **THREATENING a person** - usu. a member of a **MINORITY group** - **with VIOLENCE** in an effort to COMPEL the person to either **MOVE away or to STOP engaging in a certain business or occupation.** ***WHITECAPPING statutes** were originally enacted to **CURTAIL the activities** of the **Ku Klux Klan.** - Black's Law Dictionary (Second Pocket Edition)

See the correspondence sent to Newsome's Legal Counsel (Wanda Abioto) by what appears to be **the FRONTING Firm (DunbarMonroe)** that Baker Donelson Bearman **used in the** Spring Lake Apartments matter. Using such **"WHITECAPPING" practices against** Newsome and **in THREATS made to** Newsome's Legal Counsel (Abioto) **for purposes of getting her to ABANDON** Newsome and in ***FURTHERANCE of the "CHAIN CONSPIRACIES" and CONTINUING Discriminatory/Retaliatory practices leveled against Newsome***. Such **THREATS** made to Wanda Abioto for purposes of **"INTIMIDATION,** ***THROWING OF LAWSUIT,*** **FEAR, COERCION, BLACKMAIL, FRAUD,** etc." affecting ones LIVELIHOOD, PEACE, PURSUIT OF HAPPINESS, etc. See **http://www.slideshare.net/VogelDenise/ex-40-02-08-letterstoabiotofrommonroe** incorporated by reference as if set forth in full herein. **THREATS made to** Newsome's Legal Counsel for purposes of obtaining an ***UNDUE/UNLAWFUL ADVANTAGE in the Lawsuits*** filed in that Newsome, in the PRESERVATION of her Rights, proceeded to get the pleadings filed herself as a party to the action (VIA PRO SE). ***Rendering opposing Parties and their Legal Teams with a GOOD OLD FASHION SHELLACKING!*** ☺

- It appears that Baker Donelson had ANOTHER one of its TAINTED/CORRUPT Judges (Tom Stewart Lee) placed over this lawsuit

with KNOWLEDGE of the CONFLICTS-OF-INTEREST present. Not only that, Judge Lee is AWARE of said CONFLICTS; however, REFUSED to RECUSE himself from lawsuits although he did so for others in UNRELATED lawsuits. See http://www.slideshare.net/VogelDenise/lee-judge-recusal-orders incorporated by reference as if set forth herein.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

JONI B. TYLER, et al.	**PLAINTIFFS**
VS.	**CIVIL ACTION 3:09cv338 TSL-FKB**
JPF1, LLC, et al.	**DEFENDANTS**

RECUSAL ORDER

Pursuant to 28 U.S.C. §455(a), the undersigned is compelled to disqualify himself in the above styled and numbered proceedings for the reason that the law firm of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, counsel for the defendants, is on the recusal list of the undersigned United States district judge.

Accordingly, the undersigned does hereby recuse himself in this cause.

ORDERED this 25th day of March, 2010.

/s/Tom S. Lee
UNITED STATES DISTRICT JUDGE

- It appears that Baker Donelson CONSPIRED with the attorneys/lawyers at the Law Firms of **DunbarMonroe PA** and **Steen Dalehite & Pace** to be used as "FRONTING" legal counsel for purposes to SHIELD/HIDE its ROLE(S) in the furtherance of the **"CHAIN Conspiracies"** leveled against Newsome. Baker Donelson's USE of FRONTING LAW Firms to HIDE/SHIELD their identity is a COMMON PRACTICE by it in efforts to AVOID LIABILITY:

UNDERSTANDING HOW
BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ
GOES ABOUT REMAINING INVISIBLE
and use FRONTING LAW FIRMS
WHILE IT PULLS-THE-STRINGS
BEHIND-THE-SCENE

BAKER DONELSON

LABOR AND EMPLOYMENT

A Law Firm With
No INTEGRITY But Practices IMMORALITY:

http://www.slideshare.net/VogelDenise/baker-donelson-invisible-practices-pulling-the-strings-behindthescene-practices

- This is a matter in which **WHITECAPPING** practices were used by Defendants in this lawsuit and Baker Donelson and those with whom they CONSPIRE for purposes to THREATEN, COERCE, INTIMIDATE, etc. and INJURE Newsome as well as the THEFT/BURGLARY, etc. of Newsome's property. *See* ***"COMPLAINT and REQUEST FOR INVESTIGATION TO***

THE UNITED STATES DEPARTMENT OF JUSTICE and FEDERAL BUREAU OF INVESTIGATIONS" *- Filed June 26, 2006 at*

http://www.slideshare.net/VogelDenise/062606-fbi-complaint-mississippi-matter

and is hereby INCORPORATED by reference in accordance with statutes and laws; wherein, **REFERENCE "ONLY"** as to where document may be obtained is applicable, as a matter of law, ***due to the VOLUMINOUS nature of the documents/evidence*** which supports the claims made in this instant Complaint.

- This is a matter in which on February 14, 2006, Newsome **"TAPE RECORDED"** the criminal/civil violations of Defendants for her record. However, upon an ILLEGAL search of her persons, Jon Lewis REMOVED Newsome's Tape Recorder for purposes of DESTROYING EVIDENCE; moreover, FAILED to turn in Newsome's Microcassette recorder. Although Newsome has DEMANDED the return of her recorder, to date, it has NOT been returned. See EMERGENCY COMPLAINT submitted to the United States of America's CONGRESS at Exhibit 24 (about Page 561) at http://www.slideshare.net/VogelDenise/071408-emergency-complaints-withexhibits-reversedorderreduced incorporated by reference as if set forth in full herein.

MISSISSIPPI CODE § 97-9-125 Tampering With Physical Evidence:

(1) A person commits the crime of ***tampering with*** *physical* ***evidence*** if, believing that an *official proceeding* is pending or **may be instituted**, and acting **without** *legal right* or *authority*, he:

a. **Intentionally** ***destroys***, mutilates, ***conceals***, ***removes*** *or* ***alters*** *physical evidence* with ***intent to impair*** *its use, verity* or ***availability in the pending*** *or* ***prospective official proceeding***;
b. Knowingly makes, presents or offers any false physical evidence with intent that it be introduced in the pending or prospective official proceeding; or
c. ***Intentionally prevents*** *the production of physical evidence by an act of* ***force***, ***intimidation*** *or* ***deception*** *against any person*.

(2) **TAMPERING *with*** physical **EVIDENCE** is a Class 2 felony.[18]

There is record evidence to support that Newsome requested in WRITING and made known the CRIMINAL acts of Jon Lewis; however, to date, it appears that he may still be out on the streets – i.e. thus a THREAT to the PUBLIC-AT-LARGE! See at **http://www.slideshare.net/VogelDenise/081106-complaint-hinds-countyboardofsupervisors** incorporated by reference as if set forth in full herein.

FAILURE-TO-PREVENT by Hinds County Officials to the Complaint(s) filed **AGAINST** Jon Lewis where he has a **WELL-ESTABLISHED** pattern of **ILLEGAL INVASIONS/SEIZURES** and **BURGLARY/THEFT,** ETC. (see at http://www.slideshare.net/VogelDenise/ex-116-frank-baltimore-info incorporated herein by reference as if set forth in full herein) RESULTED in Jon Lewis and his Conspirators going on to commit the **FEBRUARY 14, 2006 (Valentine's Day), KIDNAPPING** of Newsome which was TAPE RECORDED by Newsome. One may wonder HOW did a former All-Star/All-Pro BLACK-American by the name of Orenthal James Simpson (a/k/a O.J. Simpson) get approximately 33 years ***for SIMILAR crimes as that committed by Jon Lewis, Baker Donelson and those with whom they CONSPIRE***. See O.J. Simpson's CRIMINAL COMPLAINT at http://www.slideshare.net/VogelDenise/simpson-oj-complaint-info incorporated herein by reference as if set forth in full herein. Well since he was STUPID enough to think that they LOVED him, Simpson appears to be getting just what is to be EXPECTED when dealing with the likes of Baker Donelson (i.e. apparently having ENTIRE CONTROL of the Judicial System) and those with whom they CONSPIRE. Now that Simpson has been CAPTURED and appears is being subjected to the "WILLIE LYNCH" practices to "BREAK HIM DOWN" to become SUBMISSIVE as well as "TURN HIM OUT," one may gather the likes of Baker Donelson will make GREAT USE of his IMPRISONMENT! See ***"Willie Lynch Letter"*** at http://www.slideshare.net/VogelDenise/barack-obama-administrations-willie-lynch-and-jim-crow-practices-english incorporated by reference as if set forth in full herein. One may conclude that O.J. Simpson just did NOT know when to STOP and CONTINUED on to commit criminal acts that landed him

[18] **Mississippi Code § 97-9-129.Sentencing.**

(1) A person who has been convicted of any Class 1 felony under this article shall be sentenced to imprisonment for a term of not more than five (5) years or fined not more than Five Thousand Dollars ($5,000.00), or both.

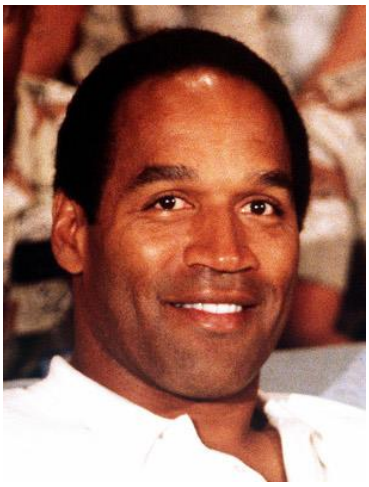
(2) A person who has been convicted of any Class 2 felony under this article shall be sentenced to imprisonment for a term of not more than two (2) years or fined not more than Three Thousand Dollars ($3,000.00), or both.

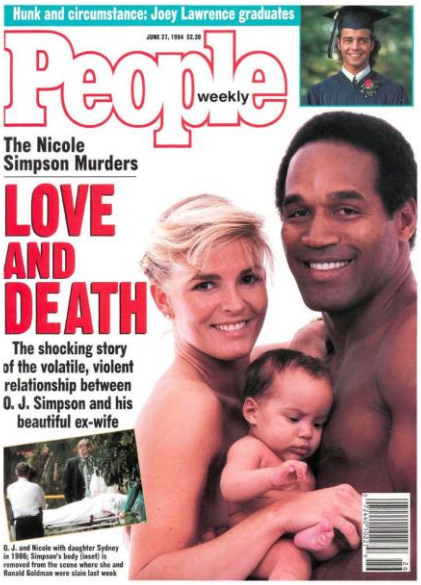
(3) A person who has been convicted of any misdemeanor under this article shall be sentenced to confinement in the county jail for a term of not more than one (1) year or fined not more than One Thousand Dollars ($1,000.00), or both.

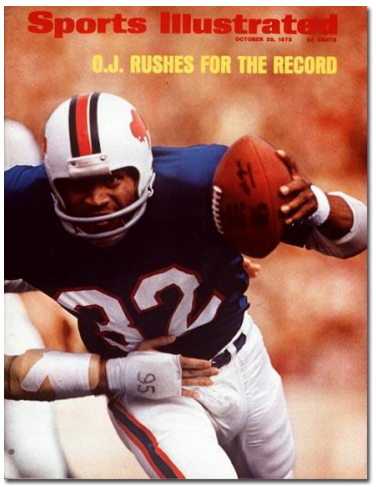
behind bars and in BAKER DONELSON'S Judicial System! **Now he wants to blame his METAMORPHOSIS on the "PORK-N-BEANS!"** WOW, look at what the likes of the *Baker Donelson Bearman Caldwell & Berkowitz' Willie Lynch Practices* appears to be doing:

For some STUPID reason, it appears that O.J. Simpson thought that the United States of America's "WHITE" Justice System was going to work for him. Even President Barack Obama in his May 2008 "INFAMOUS Race Speech" knows that there is a "WHITE Judicial System" in play and there is "NO Equality in the application of the laws when People-Of-Color" are involved.

FAILURE-TO-PREVENT to remove Jon Lewis from Office as well as allowing him to ENGAGE in CRIMINAL activities "ON BEHALF" of Baker Donelson Bearman Caldwell & Berkowitz and their Conspirators, just a few weeks AFTER Newsome's February 14, 2006 KIDNAPPING, led to what appears to be Jon Lewis' "LINING HIS POCKETS" – i.e. it appears Jon Lewis is having his VICTIMS **send "FINES for TICKETS" issued to HIS "HOME"** and NOT the Clerk's Office! WOW. See at http://www.slideshare.net/VogelDenise/ex-117-constable-jon-lewis incorporated by reference as if set forth in full herein.




Hunk and circumstance: Joey Lawrence graduates
People
weekly
The Nicole Simpson Murders
LOVE AND DEATH
The shocking story of the volatile, violent relationship between O. J. Simpson and his beautiful ex-wife
O. J. and Nicole with daughter Sydney in 1988; Simpson's body (inset) is removed from the scene where she and Ronald Goldman were slain last week


Sports Illustrated
O.J. RUSHES FOR THE RECORD

REALITY CHECK - - It is all about seeing how the **METAMORPHOSIS** of "WILLIE LYNCH" looks! The **"BREAKING of a MULE!"**

For some STUPID reason, it appears that O.J. Simpson thought that the *United States of America's* ***"WHITE"*** ***Justice System*** *was going to work for him*. Even President Barack Obama in his March 18, 2008 ***"INFAMOUS Race Speech"*** – i.e. most likely written by the likes of Baker Donelson for DECEPTIVE purposes - knows that there is a ***"WHITE"*** ***Justice System*** in play and there is *"NO Equality in the application of the laws when People-Of-Color are involved."*

See at http://www.slideshare.net/VogelDenise/031812-barack-obama-race-speech-english incorporated by reference as if set forth in full herein.

FAILURE-TO-PREVENT, remove from Office and prosecute Jon Lewis allowed him to CONTINUE to ENGAGE in CRIMINAL activities ***"ON BEHALF"*** *of* ***Baker Donelson*** ***and their Conspirators (i.e. LIBERTY MUTUAL INSURANCE COMPANY, etc.),*** just a few weeks AFTER Newsome's February 14, 2006 KIDNAPPING, led to what appears to be Jon Lewis' **"LINING HIS POCKETS"** – i.e. ***it appears Jon Lewis is having his VICTIMS send "FINES for TICKETS" issued to HIS "HOME" and NOT the Clerk's Office!*** WOW!

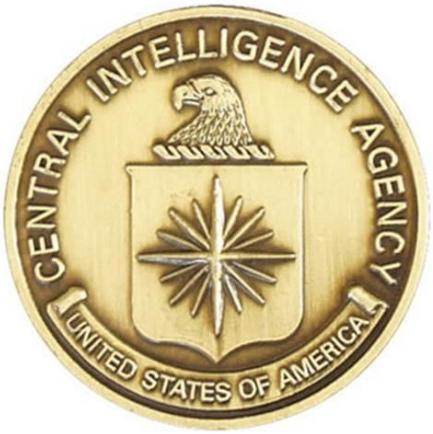
> See at **http://www.slideshare.net/VogelDenise/ex-117-constable-jon-lewis** incorporated by reference as if set forth in full herein.

Then one may wonder WHY "Mississippi" has wound up in the "NO. 1" position for the "MOST" Corrupt State. See at "Corporate Crime Report" at Page 3: http://www.slideshare.net/VogelDenise/most-corrupt-states incorporated herein by reference as if set forth in full herein.

- This is a matter in which upon RESEARCH, Newsome has obtained information LINKING Mississippi GOVERNOR Haley Barbour's, his Legal Counsel Baker Donelson Bearman Caldwell & Berkowtiz' and those with whom they conspire, with ROLE(S) in the Criminal/Civil violations leveled against Newsome. Yes, from research, Jon Lewis (at the time of the February 14, 2006, KIDNAPPING and illegal/unlawful EVICTION, etc. of Newsome) also served as ***CHAIRMAN of the Mississippi Athletic Commission*** under

Governor Haley Barbour's Administration. See **http://www.slideshare.net/VogelDenise/mississippi-athletic-commission-jon-lewis** - incorporated by reference as if set forth in full herein.

- This is a matter in which it appears that Baker Donelson relied upon a CORRUPT Judge by the name of William L. Skinner II ("Judge Skinner"). Upon research, it appears that Judge Skinner is the son of a former Jackson Police Officer (Lt. William Louis Skinner) who was allegedly killed during a SHOOTOUT with the Republic of New Africa ("RNA"). ***From research, this organization appears to be a LEGACY of Muslim Civil Rights Leader Malcolm Little (a/k/a Malcolm X, El-Hajj Malik El-Shabazz). Information that is RELEVANT to see JUST HOW DETERMINED the United States of America's Government was in DESTROYING Malcolm X and those who may have shared his viewpoints in the United States of America's TERRORISTS' Acts*** – See **http://www.slideshare.net/VogelDenise/071408-emergency-complaints-withexhibits-reversedorderreduced** incorporated by reference as if set forth in full herein.



Judge William ("Bill") Louis Skinner II
Can you believe in this picture Judge Skinner is only about 50 years old?

From Left to Right: Judge Bill Skinner - President of the Board of Directors for the Mississippi Center for Police & Sheriffs; Special Agent Matt Dunne; Special Agent in Charge Daniel McMullen, Jackson Field Office.
May 12, 2011 – Mississippi's Annual Police Memorial & Appreciation Day Luncheon

The Federal Bureau of Investigations ("FBI") IMMEDIATELY targeted the RNA and began raiding their meetings.

In August 1971, the FBI and the Jackson Police

Department, **WITHOUT warning,** ATTACKED the RNA government residence **with arms, tear gas, and a tank.** ONE Jackson police agent, WILLIAM SKINNER, was killed, one patrolman and an FBI agent were wounded but there were no RNA casualties. . . The RNA protested the arrests and verdicts, pointing out that the RNA 11 part of a "long pattern" of violence and injustice against Blacks in Mississippi.
See at http://www.slideshare.net/VogelDenise/071408-emergency-complaints-withexhibits-reversedorderreduced
and Exhibit 15 of this July 14, 2008 Complaint incorporated by reference as if set forth in full herein.

EMPHASIS ADDED: MISSISSIPPI CODE OF 1972 § 97-1-1 - Conspiracy: If two (2) or more persons conspire either:

(a) To commit a crime; or

(b) Falsely and maliciously to indict another for a crime, or to procure to be complained of or arrested for a crime; or

(c**) Falsely to institute** or **maintain an action** or suit **of any kind**; or

(d) **To cheat** and **defraud another out of property** by any means **which are in themselves criminal**, or which, if executed, would amount to a cheat, or to **obtain money** or any **other property** or thing **by false pretense**; or

(e) **To prevent another** *from exercising a lawful trade or calling*, or doing any other lawful act**, by force, threats, intimidation, or by interfering or threatening to interfere** with tools, implements, or property belonging to or used by another, or **with the use of employment** thereof; or

(f) To commit any **act injurious to the public health, to public morals,** trade or commerce, **or for the perversion or obstruction of justice,** or of the **due administration of the laws;** or

(g) **To overthrow** or violate the laws of this state **through force, violence, threats, intimidation, or otherwise**; or

(h) To accomplish any unlawful purpose, or a lawful purpose by any unlawful means; such persons, and each of them, shall be guilty of a felony and upon conviction may be punished by a fine of not more than five thousand dollars ($5,000.00) or by **imprisonment for not more than five (5) years,** or by both.

Provided, that where the crime conspired to be committed is capital murder or murder as defined by law or is a violation of section 41-29-139 (b)(1) or section 41-29-139 (c)(2)(D), Mississippi Code of 1972, being provisions of the Uniform Controlled Substances Law, the offense shall be punishable by a fine of not more than five hundred thousand dollars ($500,000.00) or by imprisonment for not more than twenty (20) years, or by both.

Provided, that where the crime conspired to be committed is a misdemeanor, then upon conviction said crime shall be punished as a misdemeanor as provided by law.

C. Lee Lott III
Deputy Special Counsel to Mississippi Governor Haley Barbour

BAKER DONELSON
BEARMAN, CALDWELL & BERKOWITZ, PC

Henry Howard Baker, Jr.
Legal Counsel to Mississippi Governor Haley Barbour

Hinds County, Mississippi
William Louis Skinner – Judge
Ku Klux Klan Activist

Hinds County, Mississippi
Jon Lewis – Constable
Chairman of the Mississippi Athletic Commission In Haley Barbour Administration
Ku Klux Klan Activist

Former **Mississippi GOVERNOR**
Haley Barbour
Ku Klux Klan Activist

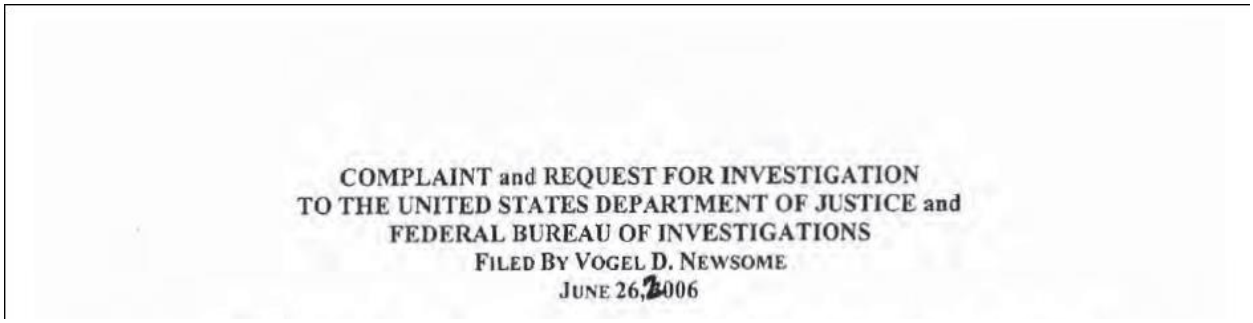
In a letter to the county administrator, Justice Court Clerk Patricia Woods accused Constable John Lewis of using questionable tactics. . .

"*I **refuse to be a part** of his collection process*," said Woods in her letter to County Administrator Anthony Brister. "*I cannot imagine how many letters were mailed or **payments received** at his **home** address. . .*"

"I am welcoming an investigation from the **auditor's** office. I would like it to be looked into very thoroughly," said Lewis.

Constable Lewis says the letter to the defendant about the speeding ticket was a mistake on his part, but he makes no apologies for using tough methods.

In one letter to a defendant, *Lewis advised the man **not to talk to anyone but him**. He told the man **not to call the court**. . .*
See at **http://www.slideshare.net/VogelDenise/100910-emergency-motion** - at Exhibit 117 – incorporated by reference as if set forth in full herein.



COMPLAINT and REQUEST FOR INVESTIGATION
TO THE UNITED STATES DEPARTMENT OF JUSTICE and
FEDERAL BUREAU OF INVESTIGATIONS
FILED BY VOGEL D. NEWSOME
JUNE 26, 2006

> *U.S. v. Jimenez Recio*, 123 S.Ct. 819 (2003) - Essence of a conspiracy is an agreement to commit an unlawful act.
>
> Agreement to commit an unlawful act, which constitutes the essence of a conspiracy, *is a **distinct evil*** that may exist and be punished whether or not the substantive crime ensues. *Id.*
>
> Conspiracy ***poses a threat to the public*** over and above the threat of the commission of the relevant substantive crime, both because *the combination in crime **makes more likely** the commission **of other** crimes* and because it **decreases the probability** that *the individuals involved **will depart from their path of criminality**. Id.*

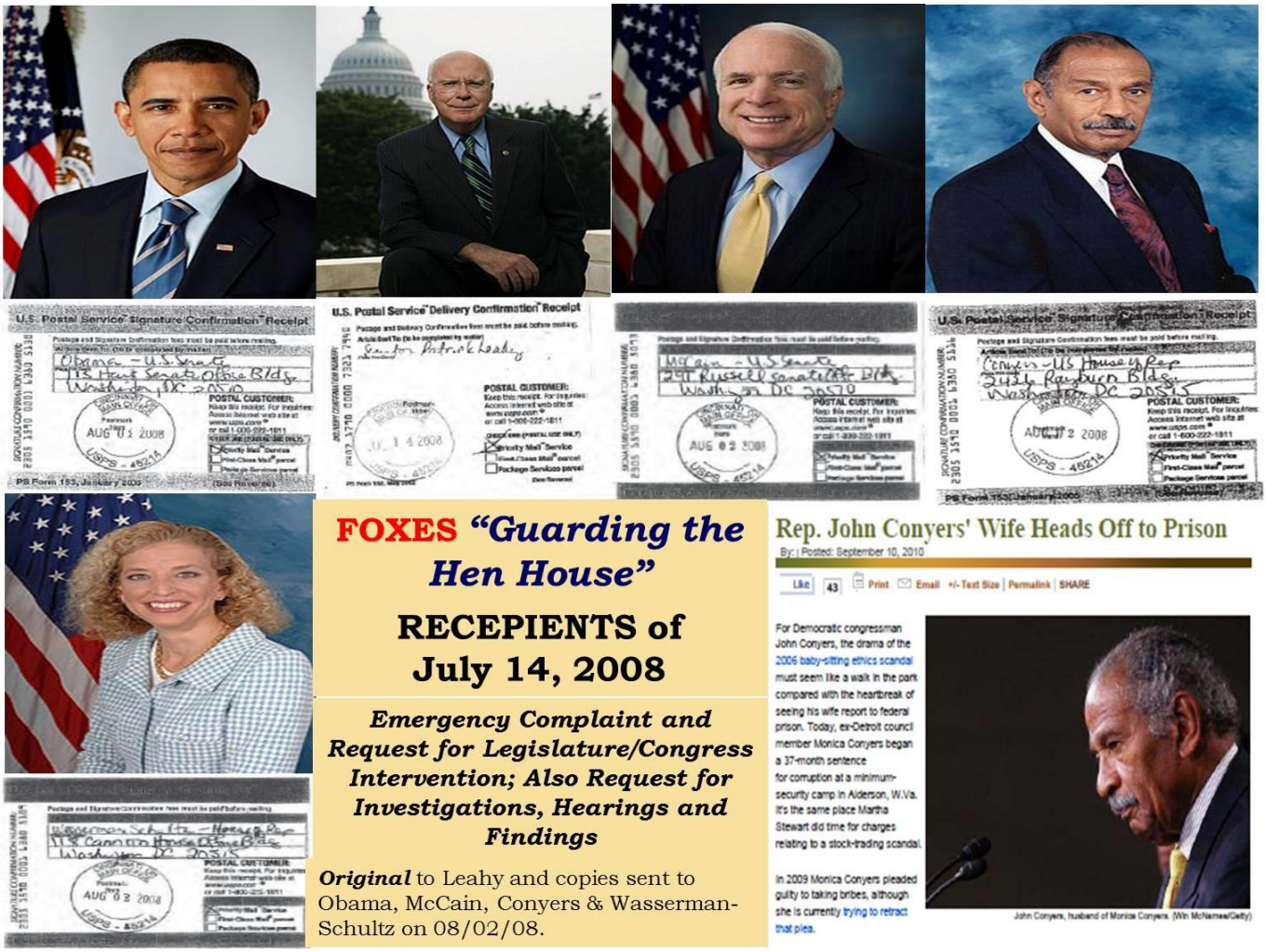
"I am a African American citizen who resided in Jackson Mississippi and *was **run out by threats** made and Constitutional rights violations performed by Constable Jon Lewis against me* . . . I have experienced the racism of the south that I read about in history books and watched on TV. *I contacted the board of supervisors and the board's attorney back in 2004, 2005, and 2006*. I have asked you to help me on ***numerous*** occasions to no avail from any board member. . . I am asking you to call for and add my complaint to your already Internal Investigation presently

going on against Jon Lewis. *He took my badges, stun gun, diamond earring, and $100 dollars in cash money from me, and never returned them to me to his present date*. . . .

I have sent certified letter to him demanding him to return my property and money. He has refused, not responded, . . .

See at Exhibit 116

- **FAILURE-TO-PREVENT** resulted in what appears to be Baker Donelson's having Jon Lewis bring FALSE and MALICIOUS Criminal Charges AGAINST Newsome alleging "**RESISTING ARREST, DISORDERLY CONDUCT** and **FAILURE TO COMPLY WITH LAW ENFORCEMENT**!" See at http://www.slideshare.net/VogelDenise/ex-41-071107-criminal-charges-sla incorporated by reference as if set forth in full herein. A reasonable mind may conclude WHY it is IMPORTANT to have such EVIDENCE as the "Microcassette Recording" that was UNLAWFULLY/ILLEGALLY seized by Jon Lewis on BEHALF of Baker Donelson Bearman Caldwell & Berkowitz and its Conspirators (as LIBERTY MUTUAL INSURANCE COMPANY, etc.). It is a GOOD THING that Newsome went PUBLIC regarding this matter because clearly they were looking to PULL THE "WILLIE LYNCH" through such CRIMINAL Activities. As a result of Newsome's GOING Public and NOTIFYING various ORGANIZATIONS and MEDIA Sources of such RACIST practices, the FALSE CHARGES brought by Jon Lewis on BEHALF of Baker Donelson and its CONSPIRATORS (i.e. LIBERTY MUTUAL INSURANCE COMPANY, etc.) were DISMISSED! See at http://www.slideshare.net/VogelDenise/ex-44-criminal-charges-dismissed-sla incorporated by reference as if set forth in full herein. IMPORTANT TO NOTE: That while Newsome retained a Criminal Lawyer (A **WHITE Male** - Richard Rehfeldt – i.e. ***research revealing his EMPLOYMENT History with the GOVERNMENT***), it appears that he ENGAGED in CONSPIRACIES AGAINST her – i.e. **TAKING a RETAINER** and then ATTEMPTED to ***"THROW THE CASE"*** **by NOT** telling Newsome about the Court Date set. Newsome LAUGHED when advised that the JUDGE **"THREW OUT/DISMISSED CHARGES"** against her because she NEVER had to make an appearance in Court to enter a plea to the FALSE and MALICIOUS charges brought AGAINST her. It appears that Rehfeldt was TOO busy trying to FULFILL his role in the CONSPIRACIES that he was NOT aware that Newsome had "GONE PUBLIC" to EXPOSE such UNLAWFUL/ILLEGAL practices – i.e. wherein Newsome provided EVIDENCE in correspondence to support the RACIST attacks against her!



See:

http://www.slideshare.net/VogelDenise/071408-usps-mailing-receipts-proof-of-mailing-for

http://www.slideshare.net/VogelDenise/leahy-patrick-082008-letteremergency-complaint

http://www.slideshare.net/VogelDenise/obama-letter-of-080208-emergency-complaint

http://www.slideshare.net/VogelDenise/mc-cain-john-080211-letter-emergency-complaint

http://www.slideshare.net/VogelDenise/conyers-john-080211-letter-emergency-complaint and

http://www.slideshare.net/VogelDenise/wasserman-shultz-debbie-080211-letter-emergency-complaint

incorporated herein by reference as if set forth in full herein.

KING DOWNING – American Civil Liberty (ACLU) Attorney
A VICTIM of RACIAL Profiling

- This is the lawsuit in which Newsome, as a matter of law, proceeded to take to the **United States of America's CONGRESS.** Newsome had the opportunity in early 2008 to meet an attorney (King Downing) at a conference she was attending in St. Louis, Missouri that shared some very beneficial information with her. **WHY?** Because as a matter of law, once Newsome submitted her July 14, 2008 EMERGENCY COMPLAINT to the United States of America's **CONGRESS,** the **United States District Court *is VOID* *and/or* *PROHIBITED* *from taking any further action because JURISDICTION* *is NOW* *with the Congressional Branch*** as a matter of **statutes/laws** governing said matters. Nevertheless, Baker Donelson's CORRUPT Judge Tom S. Lee and/or the Southern District Court of Mississippi (Jackson Division) attempted to ENCROACH upon the Legislative Powers of the United States Congress and "CLOSE" the Spring Lake Apartments Lawsuits with KNOWLEDGE it LACKED authority to close lawsuits. The Supreme Court of the United States as well as Federal and State Courts are FIRM on the issue that Courts CANNOT ENCROACH upon on the LEGISLATIVE process once citizen has sought INTERVENTION:

> *Watkins v. U.S.*, 77 S.Ct. 1173 (1957) - [n.2] Power of Congress to conduct investigations is inherent in the legislative process, and is broad.
>
> [n.5] **In conducting investigation,** Congress is not a law enforcement or trial agency and no inquiry is an end in itself, **but it must be related to and in furtherance of a legitimate task of Congress.**
>
> > [2][5]We start with several basic premises on which there is general agreement. **The power of the Congress to conduct investigations is inherent in the legislative process. That power is broad.** It encompasses inquiries concerning the

> administration of existing laws as well as proposed or possibly needed statutes. **It includes surveys of defects in our social, economic or political system for the purpose of enabling the Congress to remedy them.** It comprehends **probes into departments of the Federal Government to expose corruption,** inefficiency or waste. But, broad as is this power of inquiry, it is not unlimited. There is no general authority to expose the private affairs of individuals without justification in terms of the functions of the Congress. This was freely conceded by the Solicitor General in his argument of this case. [FN8]Nor is the Congress a law enforcement or trial agency. These are functions of the executive and judicial departments of government. No inquiry is an end in itself; **it must be related to, and in furtherance of, a legitimate task of the Congress.** . . .
>
> > FN8. 'Now, we don't claim on behalf of the Government that there is any right to expose for the purposes of exposure. And I don't know that Congress has ever claimed any such right. But we do say, in the same breath, **that there is a right to inform the public at the same time you inform the Congress.'**

Berry vs. American Express Pub., Corp., 381 F.Supp. 2d 1118 (2005) - Where source of legal authority is statutory **and NOT** constitutional, Congress retains ability to CREATE and **DIRECT law**, so long as it is consistent with constitutional principles, and ***it is particularly important for COURT to follow that DIRECTIVE*.**

Overlie vs. Owatonna Independent School Dist. No. 761, 341 F.Supp.2d 1081 (2004) - **Once Congress addresses a subject, the lawmaking authority of federal courts is greatly diminished.**

Bruner vs. U.S., 340 F.Supp.2d 1204 (2004) - Congress is invested with a wide discretion, **and its action, unless purely arbitrary, MUST be accepted and given FULL effect by the courts.**

Page vs. Shelby, 995 F.Supp. 23 (1998) - **VINDICATION of**

PUBLIC interest in governmental observance of Constitution and law is **FUNCTION of Congress and President**, **NOT judiciary.**

Henrietta D. vs. Giullani, 21 A.D.D. 329 (1996) - **District court may enjoin executive or legislative action** *if that action is* ***UNCONSTITUTIONAL*** *or* ***VIOLATES statutes*** *or regulations*.

Northwest Airlines, Inc. vs. Transport Workers Union of America, AFL-CIO, 101 S.Ct. 1571 (1981) - Federal lawmaking power is vested in the legislative, not the judicial, branch of government and therefore, *the federal common law* ***is subject to the paramount authority of Congress.***

Doe vs. McMillan, 93 S.Ct. 2018 (1973) - ***A court has NO authority to oversee judgment*** of a congressional committee in regard to what matter to include in reports prepared within the legislative sphere or to impose liability on its members if the court disagrees with their legislative judgment. U.S.C.A.Const. art. 1, § 6, cl. 1.

McGrain vs. Daugherty, 47 S.Ct. 319 (U.S. Ohio 1927) - Power of inquiry is essential and appropriate auxiliary to legislative function. . . ***Congress may inquire into PRIVATE affairs and compel disclosures only in so far as to make express powers effective.***

Watkins vs. U.S., 77 S.Ct. 1173 (1957) - **Power of Congress to conduct investigations is inherent in the legislative process and is broad** . . . Congress, through its committees, may **obtain any information it needs for proper fulfillment of its role, and is free to determine the kinds of data that should be collected;** it is only investigations conducted by ***use of compulsory process that give rise to the need to protect rights of individuals against illegal encroachment.*** 2 U.S.C.A. § 192.

Clark vs. Board of Ed. Of Shelbyville, Ky., 350 F.Supp. 149 (1972) - **Courts MAY NOT invade the domain of the legislature; where a plaintiff IS ASKING for legislative relief** or relief which **would ENCROACH *on the legislative process* the courts are WITHOUT powers to act.**

Ashland Oil, Inc. vs. F.T.C., 409 Supp. 297 (1976) - **Although the INVESTIGATORY powers of Congress is penetrating and FAR reaching in scope, it is not unlimited.** U.S.C.A.Const. art. I, § I et seq.

Nixon vs. Administrator of General Services, 408 F.Supp. 321 (1976) - **Congressional power to INVESTIGATE,** although limited to areas in which Congress possesses

legislative authority, **is both BROAD and INTEGRAL to the legislative process.**

American Federation of Government Employees, AFL-CIO vs. U.S., 330 F.3d 513 (2003) - Incident to its lawmaking authority, **Congress has the authority to decide whether to conduct INVESTIGATIONS and HOLD HEARINGS to gather information.**

McDonnell Douglas Corp. vs. U.S., 754 F.2d 365 (1985) - Congress has implied as well as express powers incident to **its DUTY to legislate wisely, including POWER to INVESTIGATE.**

U.S. vs. McDonnell Douglas Corp., 751 F.2d 220 (1984) - **Power to INVESTIGATE is necessarily incident to Congress' power to legislate.**

Watkins vs. U.S. 77 S.Ct. 1173 (1957) - **Congressional power of INVESTIGATION is not unlimited** and there **is NO general authority to expose the PRIVATE affairs of individuals WITHOUT justification** in terms of the functions of Congress.

Raney vs. Stovall, 361 S.W.2d 518 (1962) - That legislature may make wrong decision is NO reason for INVASION by judiciary of EXCLUSIVE domain of legislature; **and court MUST assume that SENATE will NOT KNOWINGLY permit VIOLATIONS of CONSTITUTIONAL provisions.**

- There is record evidence to support that Newsome also CONTACTED her Mississippi Representative (Senator Thad Cochran) to advise him of CRIMINAL and CIVIL violations. On or about June 1, 2006, Mississippi Sentor Thad Cochran wrote Newsome advising:

> *This appears to be a private, legal matter. However, in an effort to be of assistance, I have contacted the proper Office of the Attorney General officials on your behalf.* ***As soon as I receive a report from them, I will get back in touch with you.***

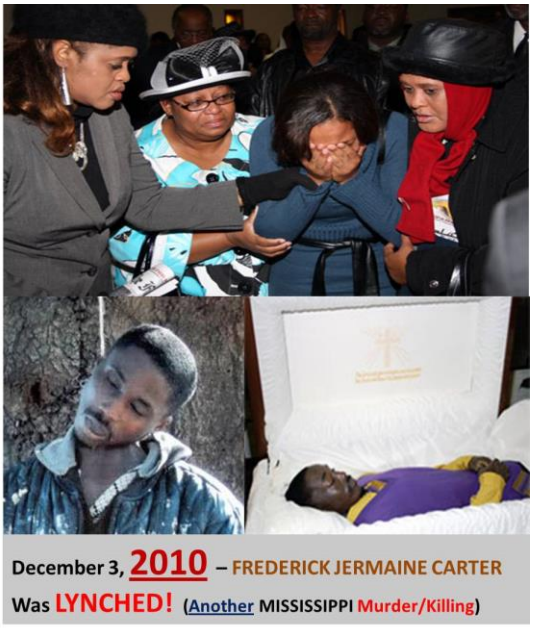
Upon doing further research, Newsome was able to obtain evidence showing that ***Senator Thad Cochran receives HUGE Financial Contributions from Baker Donelson Bearman:*** **http://www.slideshare.net/VogelDenise/060106-letter-from-thad-cochran** incorporated herein by reference as if set forth in full herein. **IMPORTANT TO NOTE:** To date, Newsome has NOT heard from Mississippi Senator Thad Cochran as to the **STATUS** of his inquiry and/or the **"REPORT!"**

- This is a lawsuit in which Judge William Skinner is a named Defendant. In fact, on or about May 21, 2009, Newsome submitted document entitled:

to the attention of United States of America President Barack Obama and United States of America Attorney General Eric Holder (See **http://www.slideshare.net/VogelDenise/062409-request-fedral-investigation-obama-holderd** incorporated by reference as if set forth in full herein). IMPORTANT TO NOTE: This matter involves Judge William Skinner being GIVEN CONTROL of the "HENLEY YOUNG **JUVENILE YOUTH** DETENTION CENTER" in Hinds County, Mississippi - - **Remember "WILLIE LYNCH!"** Well apparently UNDER Judge William Skinner's WATCH there is a GREAT DEAL of ABUSE going on. What was so surprising when Newsome conducted RESEARCH to provide FACTS and EVIDENCE to the May 21, 2009 document (at Page 24), she found out that the BLACK-American attorney (Brandon Dorsey – BLACK-American Male) who began REPRESENTATION for her in ***Spring Lake*** matter and was THREATENED to the point that he had concerns of being ***"UNABLE to LIVE in MISSISSIPPI"*** and the ***"ABILITY to FEED his FAMILY"*** *(See at Page 58 of the July 14, 2008 Emergency Complaint submitted to the United States of America's CONGRESS* ***http://www.slideshare.net/VogelDenise/071408-emergency-complaints-withexhibits-reversedorderreduced*** *incorporated by reference as if set forth in full herein)*, **elected to ABANDON her to go and REPRESENT Judge William Skinner**.

FAILURE-TO-PREVENT by ***United States of America's President Barack Obama*** as well as the ***United States Department of Justice's Attorney General Eric Holde***r upon the CRIMINAL activities reported in Newsome's June 24, 2009 documentation, appears led to **ADDITIONAL "HATE"** Crimes in MISSISSIPPI (as well as nationally and abroad) **AGAINST** African-Americans and People-of-Color. For instance:

Frederick Jermaine Carter



African-American Male - LYNCHED about December 2010 in Mississippi: See

http://www.slideshare.net/VogelDenise/carter-frederick-carter-122010-lynching and

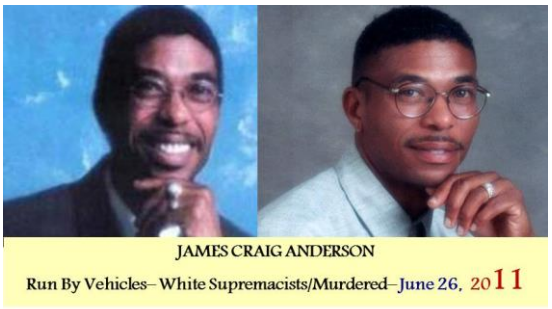
http://www.slideshare.net/VogelDenise/carter-frederick-jermaine

incorporated by reference as if set forth in full herein.

James Craig Anderson

African-American Male - RUN over by a VEHICLE of WHITE RACISTS approximately SIX months (June, 2011) later in JACKSON, Mississippi: See

http://www.slideshare.net/VogelDenise/james-



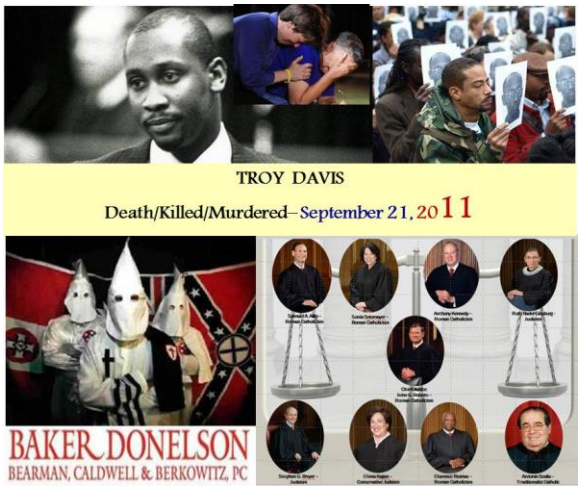
craig-anderson-racist-killingmurder-24687594

http://www.slideshare.net/VogelDenise/james-craig-anderson-racist-killing-run-over and

http://www.slideshare.net/VogelDenise/anderson-james-craig

incorporated by reference as if set forth in full herein.

Troy Davis

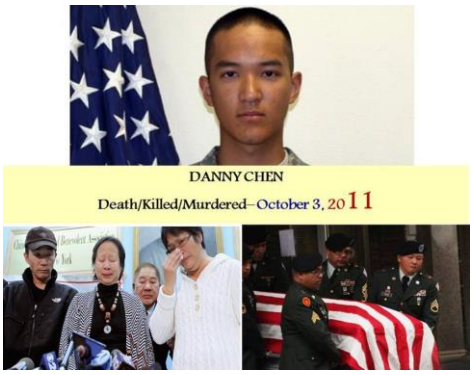


African-American Male it appears was SENTENCED to DEATH by a RACIST United States Supreme Court *(CONTROLLED by Baker Donelson Bearman Caldwell & Berkowitz)* for a crime he may not have committed approximately THREE (3) months (September, 2011) later: See

http://www.slideshare.net/VogelDenise/troy-davis-execution-despite-recantations

incorporated by reference as if set forth in full herein.

Danny Chen



Asian-American Male it appears MURDERED by WHITE RACIST Militants and TREATED LIKE AN ANIMAL by United States of America SOLDIERS approximately ONE (1) month (October, 2011) later: See

http://www.slideshare.net/VogelDenise/chen-danny-crawl-on-gravel

http://www.slideshare.net/VogelDenise/danny-chen-criminal-past-of-soldier-involved and

http://www.slideshare.net/VogelDenise/asian-soldier-8-soldiers-charged-for-death **incorporated by reference as if set forth in full herein.**

Trayvon Martin

African-American Male who was SHOT and KILLED/MURDERED (appears FIRST-Degree) by a WHITE RACIST (George Zimmerman). This is the CRIMINAL matter in which it appears United States of America President Barack Obama and his LYNCHING Team headed by his Lawyers/Attorneys (Baker Donelson Bearman Caldwell & Berkowitz) and their Conspirators/Co-Conspirators CONSPIRED to "THROW-THE-TRIAL" of George Zimmerman as well as "FAILED TO PROSECUTE for FIRST-Degree Murder" and other Crimes.

There is EVIDENCE posted in Newsome's PUBLIC Forums to support her EXPOSURE of the CRIMINAL Acts of United States President Barack Obama, his Legal Counsel Baker Donelson and those with whom they CONSPIRE. See from following the EVIDENCE to support President Barack Obama's, his Lawyer's Baker Donelson's, and their CONSPIRATORS' (as LIBERTY MUTUAL INSURANCE COMPANY) interests in the outcome of the George Zimmerman Criminal matter regarding what appears to be the FIRST-Degree Shooting of Trayvon Martin.

See the following links that have been posted in social forums and RELEASED to the PUBLIC/WORLD to EXPOSE United States of America's President Barack Obama and his Legal Counsel Baker Donselson Bearman & Caldwell's ROLE(S) in the *THROWING* of the George Zimmerman Criminal Trial: See the following

http://www.slideshare.net/VogelDenise/041413-public-notice-031113-fax-

to-barack-obama-for-translation

http://www.slideshare.net/VogelDenise/double-jeopardy-problems-that-george-zimmerman-may-face-for-translation

http://www.slideshare.net/VogelDenise/02-262012-emergency-911-call-from-george-zimmerman

http://www.slideshare.net/VogelDenise/george-zimmermans-re-enactment-of-killingmurder-of-fcking-coon-trayvon-martin

http://www.slideshare.net/VogelDenise/george-zimmermans-not-guilty-verdict-not-so-fast

http://www.slideshare.net/VogelDenise/english-040512

http://www.slideshare.net/VogelDenise/022812-email-content-english-final

incorporated by reference as if set forth in full herein.

IMPORTANT TO NOTE: FAILURE-TO-PROSECUTE George Zimmerman for PREVIOUS Crimes alleged as:

- **DOMESTIC Violence – RESTRAINING ORDER Issued**

- **RESISTING Officer With VIOLENCE – BATTERY Of Law Enforcement Officer**

and *allowing him to remain AT-LARGE in the PUBLIC population* (i.e. rather than INCARCERATE him for the PROTECTION of the Public) appears LED to the FIRST-Degree *Murder of Trayvon Martin* and the CORRUPT Government Officials and their Lawyers (as Baker Donelson Bearman Caldwell & Berkowitz) COVERING-UP criminal acts. Thus, by such CRIMINAL Cover-Ups, George Zimmerman, it appears, CONTINUES his CRIMINAL and TERRORIST acts on other victims and/or Citizens of the Public! FAILURE-TO-PREVENT and CORRUPT Government Officials and their CORRUPT Lawyers has resulted in George Zimmerman remaining AT-LARGE in the PUBLIC Population to further commit RACIALLY motivated crimes:

http://www.slideshare.net/VogelDenise/02-262012-emergency-911-call-from-george-zimmerman

WHO CONTROLS THE MEDIA COVERAGE? The JEWS!

Who most likely FINANCED George Zimmerman's CRIMINAL Trial?

It is IMPORTANT to note that the CORRUPT Judge (Debra Steinberg) used in the George Zimmerman Trial is JEWISH!

http://www.slideshare.net/VogelDenise/despotism-usas-government-censorship

http://www.slideshare.net/VogelDenise/despotism-usas-control-of-information

Judge Debra STEINBERG Nelson

She replaced Judge Kenneth Lester, Jr. who QUESTIONED criminal activities in the handling of the George Zimmerman matter.

IMPORTANT TO NOTE: DISCRIMINATORY Practices "Based on RELIGION" are resorted to in deciding Supreme Court of the United States Justices – i.e. REQUIRED to be EITHER JEWISH or CATHOLIC!

Yes, FAILURE-TO-PREVENT led to the "THROWING OF THE GEORGE ZIMMERMAN CRIMINAL TRIAL!" ***Had Newsome NOT gone PUBLIC, President Barack Obama and his TERRORIST REGIME led by Baker Donelson Bearman Caldwell & Berkowitz may have gotten away with the COVER-UP of George Zimmerman's FIRST-Degree MURDER of Trayvon Martin.*** **However,**

it appears it is BECAUSE of Newsome's DUTY-TO-INFORM the PUBLIC of the CRIMES committed in the handling of the George Zimmerman Trial, has led attempts by President Obama's Administration to do DAMAGE CONTROL: FIRING person(s) USED in their CRIMINAL CONSPIRACIES in the handling of the *George Zimmerman vs. Trayvon Martin* matter.

IMPORTANT TO UNDERSTAND: There is evidence to support Newsome's POSTINGS on SlideShare information regarding the CRIMINAL ACTS/CONSPIRACIES in the George Zimmerman Trial on or about July 6, 14 and 23, 2013. REMEMBER THE MEDICAL EXAMINER (Shiping Bao) that testified at the trial? Well apparently he has been FIRED! See the following links (as of December 23, 2013):

http://www.cbsnews.com/news/shiping-bao-medical-examiner-in-trayvon-martin-case-fired/

http://www.huffingtonpost.com/2013/09/11/shiping-bao-medical-examiner-george-zimmerman-case-fired_n_3907750.html

WHAT A JOKE! Now it appears that Bao is SUING! HELLO, it appears that Bao MADE a WILLFUL and MALICIOUS decision to PARTICIPATE in the CRIMINAL CONSPIRACIES to "THROW THE CASE!"

http://thegrio.com/2013/09/16/zimmerman-trial-medical-examiner-prosecutors-police-threw-the-case/

http://www.alternet.org/news-amp-politics/trayvon-martin-me-prosecution-threw-case

(as of December 23, 2013) **Bao took the stand and UNDER OATH, it appears, KNOWINGLY provided FALSE TESTIMONY.** ***Bao had a DUTY on the STAND to EXPOSE the CRIMINAL acts being committed; however, it appears, did KNOWINGLY and WILLINGLY in providing FALSE and/or MISLEADING Testimony in FURTHERANCE of President Barack Obama's and his TERRORIST Regime's Baker Donelson Bearman Caldewell & Berkowitz led "CHAIN CONSPIRACIES!"***

Jonathan A. Ferrell

African-American Male who it appears was SHOT approximately 10 TIMES and KILLED/MURDERED by a WHITE RACIST (Randall Kerrick) when he may have been seeking HELP from injuries he sustained in a CAR ACCIDENT:

http://www.slideshare.net/VogelDenise/troy-davis-execution-despite-recantations

- Record evidence will support that Defendants were UNABLE to REBUT the facts, evidence and legal conclusions in the Complaints regarding the Spring Lake Lawsuits filed. Moreover, how TAINTED and CORRUPT Judge Tom S. Lee is the Baker Donelson Bearman & Caldwell JUDGE assigned as the "GATEKEEPER" in these lawsuits.

- For **FRAUDULENT** and **DECEPTIVE** purposes the U.S. Southern District Court (Jackson, Mississippi) has "MISLABELED" the Spring Lake Apartment Lawsuits as "CLOSED" when, as a matter of law, they are **"OPEN"** and **"ACTIVE"** Lawsuits, as a matter of law, that have been TIMELY and LEGALLY presented to the United States of America's Congress!

F) **FAILURE-TO-PREVENT resulted in FURTHER Discriminatory and Retaliatory actions leveled against Newsome and resulting in the filing of the *Newsome vs. GMM Properties* (2006)** matter.

TERRORIST/WHITE SUPREMACIST JUDGES, POLITICIANS, ATTORNEYS: **(KENTUCKY LAWSUIT:** *Denise Newsome vs. Gary M. Martin, Bernice Martin, Dennis Donnellan, and Betty Donnellan – d/b/a GMM Properties ;* Circuit Court of KENTON County, Kentucky – Case No. 06-CI-3270 (Division III) – *3rd MOST CORRUPT State in the United States of America*

Matthew 10:16 - Behold, I send you forth **as Sheep** ***in the midst of WOLVES:*** be ye therefore ***WISE*** *as Serpents* and ***HARMLESS*** *as Doves.*

Kentucky Senator
Mitchell McConnell
Ring Leader *of Klu Klux Klan Practices*

Kentucky Governor
Steven Lynn Beshear
Promotes *Klu Klux Klan Practices*

Kentucky Senator
Randal "Rand" Howard Paul
Ring Leader of the Racist TEA PARTY
(i.e. *PROMOTES Klu Klux Klan Beliefs*)

Kentucky Congressman
Geoffrey "Geoff" C. Davis

Kentucky Attorney General
John William "Jack" Conway

James M. West
Attorney for GMM Defendants

Gary M. Martin
Defendant in Lawsuit

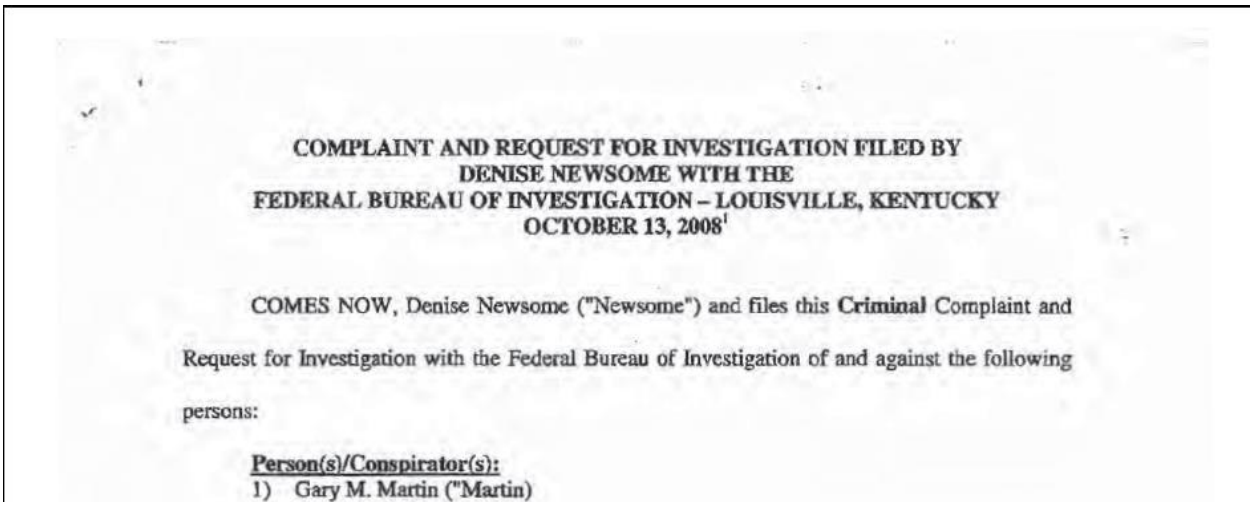
Gailen W. Bridges
Attorney for GMM Defendants

Brian Bishop – KEPT $1,300 Retainer
Attorney Retained by Vogel Denise Newsome

Kentucky Supreme Court
Chief Justice John D. Minton

Judge Ann Ruttle
Kenton County *District* Court (Kentucky)

Judge Gregory M. Bartlett
Kenton County *District* Court (Kentucky)



COMPLAINT AND REQUEST FOR INVESTIGATION FILED BY
DENISE NEWSOME WITH THE
FEDERAL BUREAU OF INVESTIGATION – LOUISVILLE, KENTUCKY
OCTOBER 13, 2008[1]

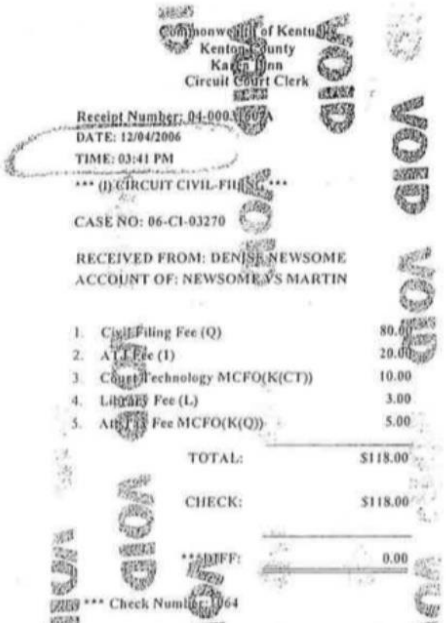
COMES NOW, Denise Newsome ("Newsome") and files this **Criminal** Complaint and Request for Investigation with the Federal Bureau of Investigation of and against the following persons:

Person(s)/Conspirator(s):
1) Gary M. Martin ("Martin)

FACTS TO UNDERSTAND ABOUT THIS LAWSUIT:

- Yes, there is evidence in the Government Agency(s) records to support that Newsome TIMELY NOTIFIED the Commission on GMM's CRIMINAL acts; however, did NOTHING to deter or END such unlawful/illegal practices in VIOLATION of the Kentucky Civil Rights Act and other statutes/laws governing said matters.

- FAILURE-TO-PREVENT resulted in Newsome having to file a lawsuit. See at http://www.slideshare.net/VogelDenise/120406-complaint-gmm and http://www.slideshare.net/VogelDenise/gmm-photos-damages-of-apartment incorporated by reference as if set forth in full herein.



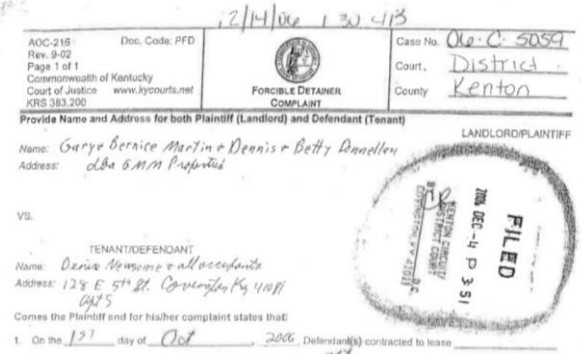
Commonwealth of Kentucky
Kenton County
Karen Linn
Circuit Court Clerk

Receipt Number: 04-000[illegible]
DATE: 12/04/2006
TIME: 03:41 PM
*** (I) CIRCUIT CIVIL-FIL[illegible] ***
CASE NO: 06-CI-03270

RECEIVED FROM: DENISE NEWSOME
ACCOUNT OF: NEWSOME VS MARTIN

1.	Civil Filing Fee (Q)	80.00
2.	ATJ Fee (I)	20.00
3.	Court Technology MCFO(K(CT))	10.00
4.	Library Fee (L)	3.00
5.	ATJ Fee MCFO(K(Q))	5.00
	TOTAL:	$118.00
	CHECK:	$118.00
	***DIFF:	0.00

*** Check Numb[illegible]064



12/4/06 1:30 413

AOC-216 Rev. 9-02 Page 1 of 1 Commonwealth of Kentucky Court of Justice www.kycourts.net KRS 383.200
Doc. Code: PFD
FORCIBLE DETAINER COMPLAINT
Case No. Okc-C: 5059
Court: District
County: Kenton

Provide Name and Address for both Plaintiff (Landlord) and Defendant (Tenant)

LANDLORD/PLAINTIFF
Name: Gary & Bernice Martin & Dennis & Betty Runnells
Address: dba GMM Properties

VS.

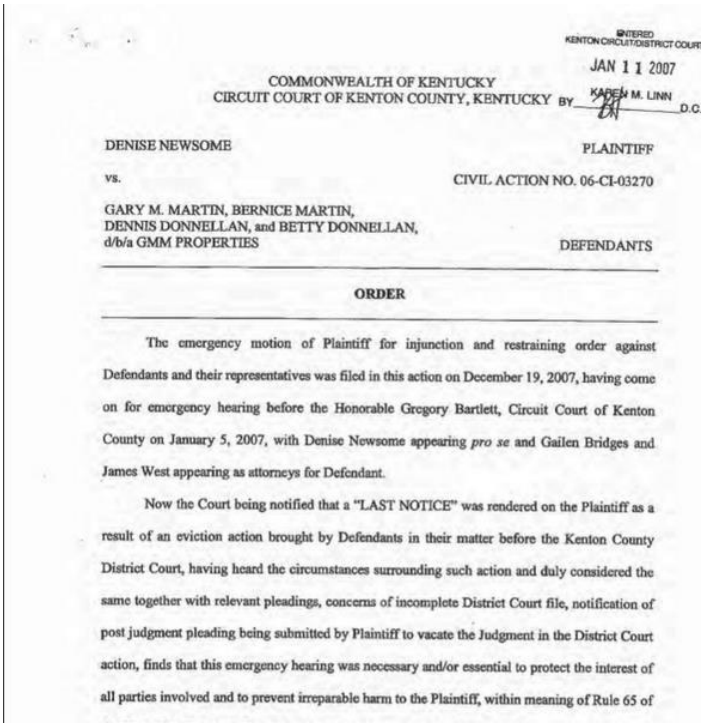
TENANT/DEFENDANT
Name: Denise Newsome & all occupants
Address: 128 E 5th St. Covington Ky 41011

Comes the Plaintiff and for his/her complaint states that:
1. On the 1st day of Oct 2006 Defendant(s) contracted to lease

FILED
2006 DEC -4 P 3:51

IMPORTANT TO NOTE: Aware of the statutes/laws governing said matters and in WHICH Court JURISDICTION will lie depends on WHICH Party(s) get the Lawsuit filed "FIRST," ***GMM Properties "FAILED" in their efforts in beating her to the Courthouse to get their Complaint filed before her.*** What happened on this date was that GMM Properties Representative (Gary M. Martin) at an Intersection saw Newsome heading towards the Courthouse. Thus, a reasonable mind may conclude that upon seeing this, Gary Martin made a "MAD DASH" to his attorney's (Gailen Bridges) Office to tell him what he saw. The record evidence will support that **Newsome's Complaint was FILED "FIRST" and, therefore, the Court in she selected RETAINED Jurisdiction over the matter.**

- **FAILURE-TO-PREVENT resulted in** Newsome having to get an ***"INJUNCTION and RESTRAINING ORDER"*** of and against GMM Properties and its Representatives. See at http://www.slideshare.net/VogelDenise/injunction-restraining-order-ky-gmm incorporated by reference as if set forth in full herein.



ENTERED
KENTON CIRCUIT/DISTRICT COURT
JAN 11 2007
KAREN M. LINN D.C.

COMMONWEALTH OF KENTUCKY
CIRCUIT COURT OF KENTON COUNTY, KENTUCKY BY

DENISE NEWSOME — PLAINTIFF

vs. — CIVIL ACTION NO. 06-CI-03270

GARY M. MARTIN, BERNICE MARTIN,
DENNIS DONNELLAN, and BETTY DONNELLAN,
d/b/a GMM PROPERTIES — DEFENDANTS

ORDER

The emergency motion of Plaintiff for injunction and restraining order against Defendants and their representatives was filed in this action on December 19, 2007, having come on for emergency hearing before the Honorable Gregory Bartlett, Circuit Court of Kenton County on January 5, 2007, with Denise Newsome appearing *pro se* and Gailen Bridges and James West appearing as attorneys for Defendant.

Now the Court being notified that a "LAST NOTICE" was rendered on the Plaintiff as a result of an eviction action brought by Defendants in their matter before the Kenton County District Court, having heard the circumstances surrounding such action and duly considered the same together with relevant pleadings, concerns of incomplete District Court file, notification of post judgment pleading being submitted by Plaintiff to vacate the Judgment in the District Court action, finds that this emergency hearing was necessary and/or essential to protect the interest of all parties involved and to prevent irreparable harm to the Plaintiff, within meaning of Rule 65 of

87 CJS Trespass § 2

Trespass – In a general sense any invasion of another's rights is a trespass. In law, "trespass" has a well ascertained and fixed meaning, embracing every infraction of a legal right, that is a wrong against the right of possession. Thus, the term "trespass" in its broadest sense means any act which exceeds or passes beyond the bounds of any rights which have been legally granted, any invasion of the interest in exclusive possession of property, or any misfeasance, transgression, or offense which damages another's person, health, reputation, or property. As a tort, "trespass" may be included in alienation of affections, libel, or negligence.

Forcible Trespass - A forcible trespass is the highhanded invasion of the actual possession of another who is present and forbidding.

Trespasser – One who does an unlawful act, or a lawful act in an unlawful manner, to the injury of the person or property of another. Thus, a trespasser is one who makes an unauthorized entry on another's property, without the privilege to do so created by the possessor's consent or otherwise. . . . Alternatively, a trespasser is one who unlawfully enters or intrudes upon another's land, or unlawfully and forcibly takes another's personal property

Larceny - The unlawful taking and carrying away of someone else's personal property with the intent to deprive the

possessor of it permanently. *Common-law larceny has been broadened by some statutes to include embezzlement and false pretense, all three of which are often subsumed under the statutory crime of "theft."

> "The criminal offence of larceny or theft in the Common Law was intimately connected with the civil wrong of trespass. 'Where there has been no trespass,' said Lord Coleridge, 'there can at law be no larceny.' Larceny, in other words, is merely a particular kind of trespass to goods which, by virtue of the trespasser's intent, is converted into a crime. Trespass is a wrong, not to ownership but to *possession*, and theft, therefore, is not the violation of a person's right to ownership, but the infringement of his possession, accompanied with a particular criminal intent."

Aggravated Larceny - Larceny accompanied by some aggravating factor (as when the theft is from a person).

Grand Larceny - Larceny of property worth more than a statutory cutoff amount, usu. $100.

Mixed Larceny - (1) Larceny accompanied by aggravation or violence to the person. (2) Larceny involving a taking from a house.

- **FAILURE-TO-PREVENT resulted in** an UNLAWFUL/ILLEGAL Eviction action AGAINST Newsome **FROM a Court which LACKED Jurisdiction to act.** IMPORTANT TO NOTE: That when Newsome contacted the Covington Police Department to file a CRIMINAL Complaint, the Police Department *had ALREADY been CONTACTED by GMM's Attorney* and **told NOT to RESPOND**. The ***EVICTION NOTICE: WARRANT FOR POSSESSION*** used containing **"WRITTEN KNOWLEDGE"** (on the back of document) which states:

> PAPER ON DOOR ENTRY:
>
> **IMPORTANT NOTICE**
>
> THE CIRCUIT COURT HAS **ORDERED** INJUNCTION AND RESTRAINING ORDER AGAINST OWNERS/GMM PROPERTIES FROM TAKING ANY TYPE OF EVICTION (REMOVAL OR OBTAINING PREMISES) ACTION AGAINST THIS TENANT.

Further supporting hat PRIOR to engaging in the Criminal Activities, Officer(s) and those with whom they CONSPIRED ***"confirmed"*** the **INJUNCTION AND**

RESTRAINING ORDER **NOTICE** **posted** on Newsome's Apartment door. Nevertheless, with WILLFUL and MALICIOUS motives/intent PROCEEDED to commit criminal and civil violation AGAINST Newsome.

IMPORTANT TO NOTE: Said *Eviction Notice: Warrant For Possession* **was ISSUED** out of the Kenton **DISTRICT** Court and **EXECUTED by Judge Ann Ruttle** *which said Court/Judge* ***LACKED*** ***Jurisdiction*** *to act and THUS, makes document* ***VOID*** *as well as UNLAWFUL/ILLEGAL*! The **INJUNCTION and RESTRAINING Order** referenced *was* ***ISSUED*** *out of the* ***CIRCUIT*** *Court of Kenton County, Kentucky*. Thus supporting, this is a GREAT example of **the "KENTUCKY GOOD-BOY SYSTEM" at work!**

Invasion - (1) A hostile or forcible encroachment on the rights of another.

Intentional Invasion - A hostile or forcible encroachment on another's interest in the use or enjoyment of property, esp. real property, though not necessarily inspired by malice or ill will.

Invasion of Privacy - An unjustified exploitation of one's personality or intrusion into one's personal activities, actionable under tort law and sometimes under constitutional law.

Invasion of Privacy by Intrusion - An offensive, intentional interference with a person's seclusion or private affairs.

Intrusion - (1) A person entering without permission. (2) In an action for invasion of privacy, a highly offensive invasion of another person's seclusion or private life.

Intruder - A person who enters, remains on, uses, or touches land or chattels in another's possession without the possessor's consent.

- **FAILURE-TO-PREVENT** **resulted in** Newsome's filing a CRIMINAL Complaint with the Federal Bureau of Investigation. See http://www.slideshare.net/VogelDenise/101308-fbi-complaint-gmm-properties incorporated by reference as if set forth in full herein.

Burglary - (2) The modern statutory offense of breaking and entering any building - not just a dwelling, and not only at night - with the intent to commit a felony.

Burglar - One who commits burglary.

Burglarized - To commit burglary.

Breaking - (Criminal Law): In the law of burglary, the act of entering a building without permission.

> "[T]o constitute a breaking at common law, there had to be the creation of a breach or opening; a mere trespass at law was insufficient. If the occupant of the dwelling had created the opening, it was felt that he had not entitled himself to the protection of the law, as he had not properly secured his dwelling . . . In the modern American criminal codes, only seldom is there a requirement of breaking. This is not to suggest, however, that elimination of this requirement has left the 'entry' element unadorned, so that any type of entry will suffice. Rather, at least some of what was encompassed within the common law 'breaking' element is reflected by other terms describing what kind of entry is necessary. The most common statutory term is 'unlawfully,' but some jurisdictions use other language, such as '**unauthorized**,' by '**trespass**,' '**without authority**,' '**without consent**,' or '**without privilege**.' Wayne R. LaFave & Austin W. Scott Jr., *Criminal Law* §8.13 at 793-94 (2d ed. 1986).

Theft - (1) The felonious taking and removing of another's personal property with the intent of depriving the true owner of it; larceny [Cases: Larceny §1. C.J.S. Larceny ~§1(1,2), 9.] (2) Broadly, any act or instance of stealing, including larceny, burglary, embezzlement, and false pretenses.

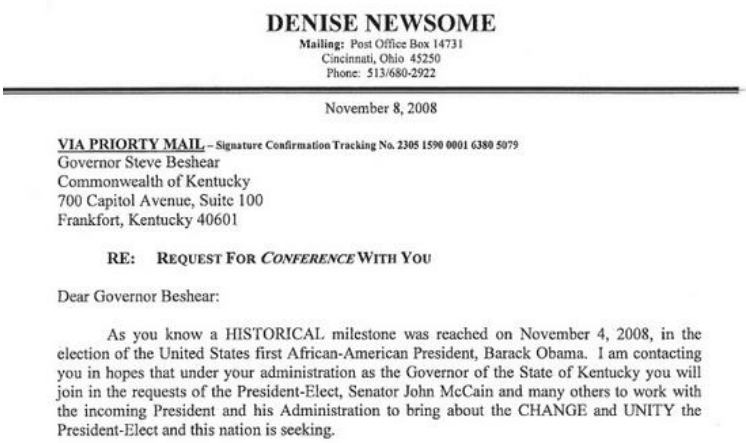
Under such a statute it is not necessary for the indictment charging theft to specify whether the offense is larceny, embezzlement or false pretenses." Rollin M. Perkins & Ronald N. Boyce, Criminal Law 389-90 (3d ed. 1982).

Theft by Deception - The use of trickery to obtain another's property, esp. by **(1)** creating or reinforcing a false impression . . . **(2)** preventing one from obtaining information that would affect one's judgment about a transaction, or **(3)** failing to disclose, in a property transfer, a known lien or other legal impediment.

Theft by Extortion - Larceny in which the perpetrator obtains property by threatening to **(1)** inflict bodily harm on anyone or commit any other criminal offense. . . **(4)** take or withhold action as an official, or cause an official to take or withhold action, **(5)** bring about . . .collective unofficial action, if the property is not demanded or received for the benefit of the group in whose interest the actor purports to act, **(6)** testify or provide information or withhold testimony or information with respect to another's legal claim or defense, or **(7)** inflict any other harm that would not benefit the actor.

Theft of Services - The act of obtaining services from another by deception, threat, coercion, stealth, mechanical tampering, or using a false token or device.

- **FAILURE –TO-ACT resulted in** Newsome's on or about November 8, 2008, reporting Criminal/Civil violations to Kentucky Governor Steve Beshear requesting a Conference: See at http://www.slideshare.net/VogelDenise/110808-request-for-conference-governor-steve-beshear incorporated by reference as if set forth in full herein. To DATE, Newsome has NOT received a response from Kentucky Governor Steve Beshear in regards to her request. Therefore, a reasonable mind may conclude that, YES, Kentucky Governor Steve Beshear is on Baker Donelson Bearman Caldwell & Berkowitz' LIST of GOVERNORS owned!



DENISE NEWSOME
Mailing: Post Office Box 14731
Cincinnati, Ohio 45250
Phone: 513/680-2922

November 8, 2008

VIA PRIORTY MAIL – Signature Confirmation Tracking No. 2305 1590 0001 6380 5079
Governor Steve Beshear
Commonwealth of Kentucky
700 Capitol Avenue, Suite 100
Frankfort, Kentucky 40601

RE: REQUEST FOR *CONFERENCE* WITH YOU

Dear Governor Beshear:

As you know a HISTORICAL milestone was reached on November 4, 2008, in the election of the United States first African-American President, Barack Obama. I am contacting you in hopes that under your administration as the Governor of the State of Kentucky you will join in the requests of the President-Elect, Senator John McCain and many others to work with the incoming President and his Administration to bring about the CHANGE and UNITY the President-Elect and this nation is seeking.

In fact, in the July 14, 2008 Emergency Complaint submitted to the United States of America's Congress, it states in part:

> Before I begin to address the Kentucky issue, I believe it is important to raise my concerns as to how there appears to be a SYSTEMATIC and/or WELL-DESIGNED CONSPIRACY NETWORK between "CERTAIN" WHITES **across** STATES and/or the country. From the information contained in this record, the evidence will yield a PATTERN-OF-ORGANIZED-CRIMINAL **wrongs** INVOLVING government entities/employees to OPPRESS African-Americans and/or people of color seeking to exercise rights under the Civil Rights Act, Title VII, FAIR HOUSING ACT, Constitution, etc. - the LAWS CREATED and DESIGNED to PROTECT persons of color FROM the unlawful/illegal wrongs complained of herein. WHAT is DISTURBING, is not that it FOLLOWING ME, but HOW the GOVERNMENT has USED ITS RESOURCES to "BLACKLIST" me and "NETWORK" with their OWN ORGANIZATIONS and engage in such unlawful/illegal and UNETHICAL PRACTICES AGAINST me for the PURPOSES of OBSTRUCTING the administration of justice and to DEPRIVE me EQUAL PROTECTION of the laws and DUE PROCESS of laws. Yes, I find our government's PARTICIPATION in such activities VERY DISTURBING in that when a citizen brings concerns of such injustices (without evidence) they are PROJECTED as being crazy or mentally imbalanced, etc. However, when they have the evidence to sustain their claims (as in my case), the government officials PARTICIPATE with others to FURTHER such civil/criminal INJUSTICES AGAINST me. I am ENTITLED to an EXPLANATION for such actions by our government and through this instant Complaint DEMAND such.
>
> While I presently work in Ohio, my RESIDENCE is in KENTUCKY. Since moving here, I have found that Kentucky is WELL KNOWN for its Klu Klux Klan (KKK) associations. Which I find very sad. I also have LEARNED that the COURTS here OPERATE UNDER the "GOOD BOY" association - which to me EXCLUDES African-Americans and/or/people of color - wherein they are KNOWN to DISREGARD the laws in efforts of yielding SPECIAL FAVORS to one another.
>
> *Based upon the facts, evidence and legal conclusions presented in this instant Complaint the*

Legislature/Congress' INTERVENTION is sought to PULL ALL matters addressed herein and/or made known to it in relation to the matters addressed herein and CREATE the REQUIRED "INFERIOR" court and/or committee to address the civil/criminal wrongs involving the CONSTITUTIONAL and CIVIL RIGHTS violations addressed. . . .

. . . IT IS IMPORTANT TO NOTE that the ATTORNEY REPRESENTING the LANDLORD, James West, ALSO WORKED with the JUDGE, Gregory M. Bartlett, BEFORE Bartlett took the bench. *Do you think this was information made known to me by the court?* NO. **This information was provided to me by one of the lawyers at the law firm I am presently employed at.** Moreover, said lawyer advised me WHY some attorneys do NOT like practicing in the state of Kentucky - BECAUSE of the "GOOD BOY" NETWORK in place in Kentucky. . . .**IT IS IMPORTANT TO NOTE** that in said action I have SUCCESSFULLY obtained an INJUNCTION/RESTRAINING ORDER AGAINST the LANDLORD; however, since obtaining same, West through the assistance of Bartlett has been trying to get it removed/lifted and attempting to UNLAWFULLY/ILLEGALLY get their HANDS ON RENT MONEY BEING RETAINED in ESCROW. However, the PROPER pleadings have been filed to PRESERVE my rights. **IT IS IMPORTANT TO NOTE** *that I have filed the applicable pleadings requesting the RECUSAL of Bartlett from this matter; however, he has FAILED to do so. He has ALSO FAILED to OBEY the RULING of the HIGHER COURT (Kentucky Court of Appeals) and REFUSES to enter rulings in COMPLIANCE with the STATUTES/LAWS. Therefore, this matter and the UNRESOLVED issues are PRESENTLY pending. . .*

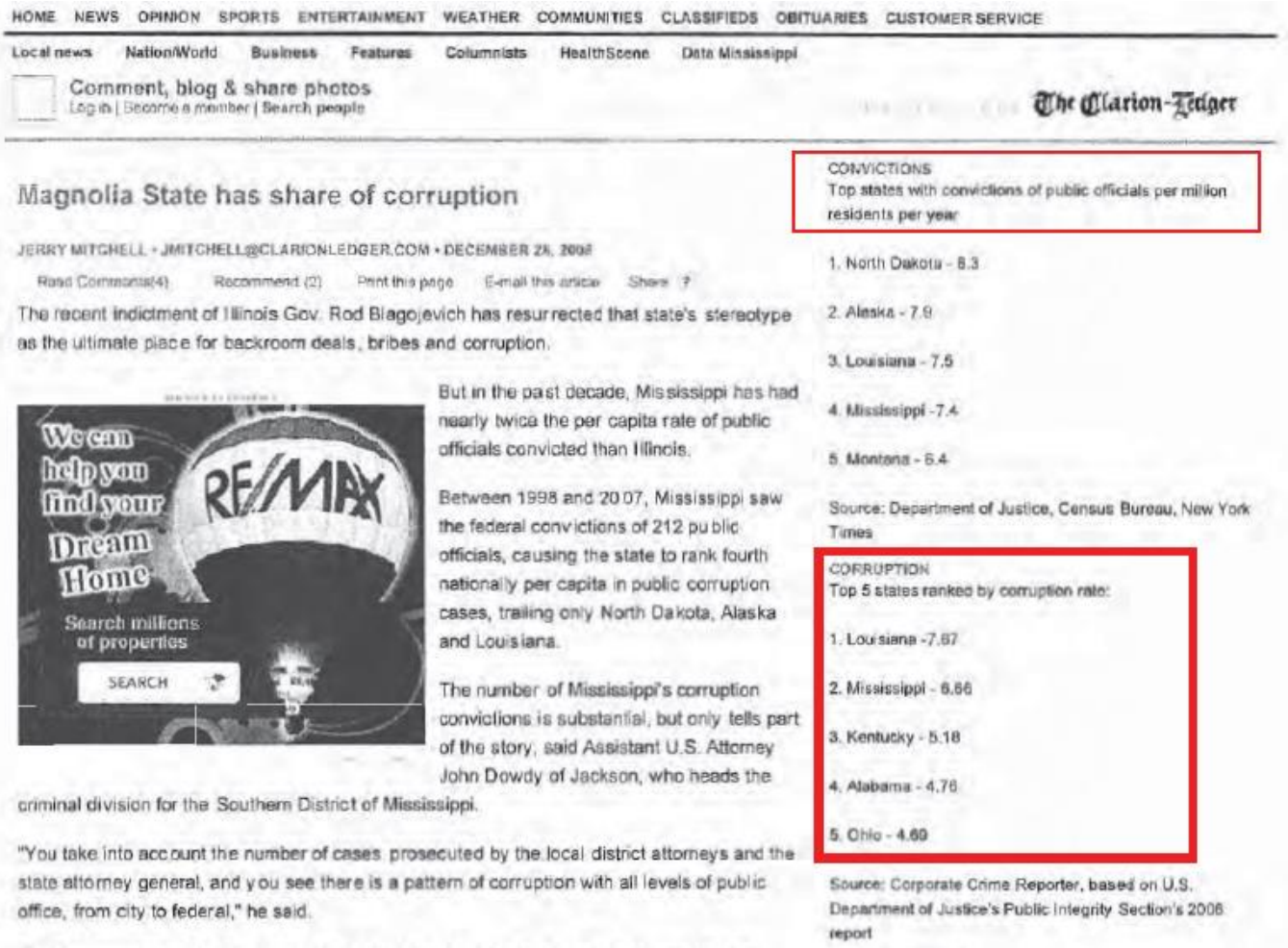
IT IS IMPORTANT TO NOTE that I have also filed charges with the Equal Employment Opportunity Commission. To no avail. This agency has elected CIRCUMVENT the laws OVER my OBJECTIONS. . . **IT IS IMPORTANT TO NOTE** that while there IS EVIDENCE in the Commissions record to SUPPORT the landlords providing the REQUIRED REPAIRS to other tenants and other tenants NOT being FORCED and/or REQUIRED to move out, said landlord has FAILED to provide me with the SAME services. Therefore, I believe ti may be due to the landlord and their counsel's KNOWLEDGE of my ENGAGEMENT IN PROTECTED ACTIVITIES as well as KNOWLEDGE of my matters pending BEFORE

USDS-MS. **IT IS IMPORTANT TO NOTE** that the Commission has TAKEN A FAR DEPARTURE FROM the laws/statutes under which they are governed to DEPRIVE me EQUAL PROTECTION of the laws and DUE PROCESS of laws. I believe unlawful/illegal actions by said agency is DUE to its KNOWLEDGE of my ENGAGEMENT in PROTECTED ACTIVITIES and merely this government agency FURTHERING the CONSPIRACY I have alleged.

See ***http://www.slideshare.net/VogelDenise/071408-emergency-complaints-withexhibits-reversedorderreduced*** at Pages 60-63 incorporated by reference as if set forth in full herein.

- **FAILURE-TO-PREVENT** **resulted in** the EMBEZZLEMENT of the RENT monies by GMM Properties' attorney (Gailen Bridges) and his Conspirators that Newsome was ordered to "PAY INTO ESCROW!" How much did these Criminals with the assistance of Baker Donelson and its CORRUPT Judges (Gregory M. Bartlett and Ann Ruttle) and those with whom they CONSPIRE make off with? *Approximately **$16,250.00** was **EMBEZZLED** and/or **STOLEN** from the Escrow Account established in the Kenton County Circuit Court on behalf of Newsome **and for the SAFEKEEPING** of her Rental Payments.* Nevertheless, there is record evidence to support that Gailen Bridges did **KNOWINGLY** and with **MALICIOUS** and **FRAUDULENT** **intent** seek a Motion **from the Kenton District Court** monies ***Newsome entrusted to Escrow in the CIRCUIT Court of Kenton County, Kentucky***. See EXHIBIT "X" Gailen Bridges'/GMM's Motion incorporated by reference as if set forth in full herein.

- **IMPORTANT TO NOTE:** **YES, Kentucky also appears on a report listing it as one of the "MOST CORRUPT STATES!"**



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The Clarion-Ledger

Magnolia State has share of corruption

JERRY MITCHELL • JMITCHELL@CLARIONLEDGER.COM • DECEMBER 28, 2008

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The recent indictment of Illinois Gov. Rod Blagojevich has resurrected that state's stereotype as the ultimate place for backroom deals, bribes and corruption.

But in the past decade, Mississippi has had nearly twice the per capita rate of public officials convicted than Illinois.

Between 1998 and 2007, Mississippi saw the federal convictions of 212 public officials, causing the state to rank fourth nationally per capita in public corruption cases, trailing only North Dakota, Alaska and Louisiana.

The number of Mississippi's corruption convictions is substantial, but only tells part of the story, said Assistant U.S. Attorney John Dowdy of Jackson, who heads the criminal division for the Southern District of Mississippi.

"You take into account the number of cases prosecuted by the local district attorneys and the state attorney general, and you see there is a pattern of corruption with all levels of public office, from city to federal," he said.

CONVICTIONS
Top states with convictions of public officials per million residents per year

1. North Dakota - 8.3
2. Alaska - 7.9
3. Louisiana - 7.5
4. Mississippi - 7.4
5. Montana - 6.4

Source: Department of Justice, Census Bureau, New York Times

CORRUPTION
Top 5 states ranked by corruption rate:

1. Louisiana -7.67
2. Mississippi - 6.66
3. Kentucky - 5.18
4. Alabama - 4.76
5. Ohio - 4.69

Source: Corporate Crime Reporter, based on U.S. Department of Justice's Public Integrity Section's 2006 report

- Record evidence will support that Defendants were UNABLE to REBUT the facts, evidence and legal conclusions in the Complaints regarding the Spring Lake Lawsuits filed. Moreover, how TAINTED and CORRUPT Judge Tom S. Lee is the Baker Donelson Bearman & Caldwell JUDGE assigned as the "GATEKEEPER" in these lawsuits.

- For **FRAUDULENT** and **DECEPTIVE** purposes the Circuit Court of Kenton County, Kentucky has "MISLABELED" the GMM Properties Lawsuit as "CLOSED" when, as a matter of law, it is an **"OPEN"** and **"ACTIVE"** Lawsuit.

G) **FAILURE-TO-PREVENT** **in the** ***Newsome vs. Wood & Lamping*** **(2010)** matter resulted in CONSPIRATORS going on to engage in FURTHER employment violations (CRIMINAL and CIVIL) against Vogel Denise Newsome.

FACTS TO UNDERSTAND ABOUT THIS LAWSUIT:

HOW BLATANT IS DISCRIMINATION/**SELECTIVE** PROSECUTION in the handling of Complaints/Charges submitted to the attention of President Obama/His Administration and/or Government Agencies? ***Newsome requested the TERMINATION/FIRINGS of Department of Labor Officials/Employees that may be found "GUILTY" over criminal/civil wrongs in the COVER-UP and OBSTRUCTION OF JUSTICE.***

> See at **http://www.slideshare.net/VogelDenise/121009-ltr-obamasolisholderfinal** - at Exhibit 114 - incorporated by reference as if set forth in full herein. ("**12/10/09 Obama Correspondence**") incorporated by reference as if set forth in full herein.

To understand President Barack Obama and his Administration's (United States Department of Labor Secretary Hilda Solis) Officials'/Employees' role in CONSPIRACY and COVER-UP of employment (i.e. FMLA) violations, Newsome provides the Equal Employment Opportunity Commission/Equal Employment Opportunity Commission provide information as to where a copy of the ***WHISARD Compliance Action Report*** as well as documents provided by Newsome to REBUT Report (i.e. record of Wage & Hour Division contains

additional evidence in support of Newsome's claims) may be located to assist in Investigation(s) of this Complaint at the October 9, 2010 EMERGENCY MOTION filed with the Supreme Court of the United States at **http://www.slideshare.net/VogelDenise/100910-emergency-motion** - See at Exhibit 137 of that document which contains the following information along with Newsome's feedback/comments:

CONCLUSIONS & RECOMMENDATIONS:

EE claims she was denied her right to take FMLA leave. She claims she was terminated for asking for FMLA leave. Contact: Andrea Griffith, Office Manager; stated that at no time did C request or give enough information for her to determine that she needed FMLA leave. Ms. Griffith stated that C's termination was due to the elimination of her position. No violation was found. Ms. Griffith agreed to continued compliance. No further action.

EMPLOYER CREDIBILITY[19]

The credibility of the employer's explanation is key and must be judged in light of all the evidence obtained during the investigation. If an employer's explanation for the employee's treatment ultimately is not credible, that is powerful evidence that discrimination is the most likely explanation. [Fn. 59 – *See Reeves*,[20] 530 U.S. at 147 ("Proof that the defendant's explanation is unworthy of credence is simply one form of circumstantial evidence that is probative of intentional discrimination, and it may be quite persuasive. Proving the employer's reason false becomes part of (and often considerably assists) the greater enterprise of proving that the real reason was intentional discrimination. In appropriate circumstances, the trier of fact can reasonably infer from the falsity of the explanation that the employer is dissembling to cover up a discriminatory purpose. Such an inference is consistent with the general principle of evidence law that the factfinder is entitled to consider a party's dishonesty about a material fact as affirmative evidence of guilt.")(citations and internal quotation marks omitted).] An employer's credibility will be undermined if its explanation is unsupported by or contrary to the balance of the facts. Similarly, the credibility of the explanation can be called into question if it is unduly vague, [Fn. 60 – Employers have leeway to make subjective decisions, but regardless of whether the reasons are objective or subjective, the employer's "explanation of its legitimate reasons must be clear and reasonably specific" so that "the plaintiff is afforded a 'full and fair opportunity' to demonstrate pretext." *See Texas Dep't of Community Affairs v. Burdine,* 450 U.S. 248, 258 (1981). **The explanation must be clearly set forth through the *presentation of evidence***. *Id.* at 255. A person evaluating a decision based on subjective factors should do so carefully because subjective factors "are more susceptible of abuse and more likely to mask pretext." *See Goosby v. Johnson & Johnson Med., Inc.*, 228 F.3d 313, 320 (3rd Cir. 2000)(citation and quotation marks omitted)] appears to be an after-the-fact explanation, or appears otherwise fabricated (e.g., the explanation shifts, or inconsistent reasons are given). . . .

QUALIFYING CONDITION/SERIOUS

Ms. Newsome did not indicate that she had a

[19] EEOC Compliance Manual Section 15: Race and Color Discrimination
[20] *Reeves v. Sanderson Plumbing Prods., Inc.*, 530 U.S. 133 (2000).

HEALTH CONDITION

serious health condition. There is no evidence to indicate that Ms. Newsome gave notice to the firm of her need for FMLA qualifying leave.

EMPLOYER NOTIFICATION

Ms. Newsome stated that in December 2008, she spoke with Andrea Griffith (HR manager at Wood & Lamping) regarding a medical procedure she would need to have completed at the end of January 2009.

Ms. Newsome stated that Ms. Griffith informed her of the process of medical leave under FMLA and sick leave.

FEBRUARY 1, 2009 – TRANSCRIBED VOICEMAIL FROM PAUL BERNINGER

Denise this is Paul Berninger from the law firm. The reason I'm calling you is that I am aware of the lay-off situation that has taken place and I had some conversations with Andrea due to your situation and I've asked for the opportunity to give you a call. I know you wrote a letter addressing some things to C.J. Schmidt regarding health insurance and I wanted to talk to you about that. I believe that the firm should extend your health insurance coverage for a period of time. **I believe that is because I understand that you did say something to Andrea about a need for some kind of medical attention. I don't know what it is and she didn't disclose anything to me in regards to what that was**. But what I want to do is to talk to you about that. Find out what it is that you would want in terms of extension of your medical insurance at our cost for a period of time. **So that you could attend to that medical need**. *I would just let you know that there would be one part that I know that I would have to get from you in order for me to convince the firm to extend medical insurance coverage for some period of time and that would basically be a release. By that, I mean that I would write something up that you would sign* ***that would clearly indicate*** *that you* ***would not*** *(under* ***any*** *circumstances)* ***be able to file any kind of a charge against the firm or file a lawsuit****.*

IMPORTANT TO NOTE: Newsome following up voicemail message left by Paul Berninger and advising of her opposition to discriminatory practices/retaliation and concerns of being deprived protected rights. . . .

See at **http://www.slideshare.net/VogelDenise/wood-lamping-voicemail-message-from-paul-berninger** incorporated by reference as if set forth in full herein.

STATUS OF COMPLIANCE

Ms. Griffith stated that she only talked to Ms. Newsome about a doctor's appointment later in the month of January 2009. Ms. Griffith stated that there **was no** mention of a SHC.

RECORD OF DEPARTMENT OF LABOR CONTAINS INFORMATION AS THE FOLLOWING – See at Exhibit 137 of that document which states in part:

Newsome: Andrea,
Please see the attached document. I am providing with original.

Griffith: Denise,
We do need to meet this afternoon to discuss your being out of the office so much over the last couple of days. Also, you need to inform me in advance on doctor's appointments. 45 minutes before an appointment is not sufficient time. Please see me when you return.

Newsome: Andrea:
I am going to be leaving to go to the doctor for a 12:15 **Sono** (*the one **originally** set for Monday that I had to **reschedule***)[21]

Was wondering do you have time for me this afternoon?
Thanks.

*FMLA **protects** employee who visits a doctor with symptoms that **are***

[21] Appointment that was set **PRIOR** to the October 8, 2009, criminal acts in Kentucky matter.

eventually diagnosed *as constituting a serious health condition,* ***even if, at the time of the initial medical appointments****, the illness* ***has not yet been diagnosed*** *nor its degree of seriousness determined.* Family and Medical Leave Act of 1993, § 102(a)(1)(D), 29 U.S.C.A. § 2612(a)(1)(D); 29 C.F.R. § 825.114(b).

STATUS OF COMPLIANCE – *Cont'd*

Ms. Newsome also stated that she submitted written notice on January 8, 2009. This notice was in the form of an internal leave slip dated January 8, 2009, requesting ½ day off for "medical" on January 9, 2009.

According to 825.208a of the ***old*** regulations, the employee must explain the reasons for the needed leave so as to allow the employer to determine that the leave qualifies under FMLA. Ms. Newsome's request for ½ day off for "medical" does not give enough information to the employer for determining if it qualifies under FMLA.

Killian v. Yorozu Automotive Tennessee, Inc., 454 F.3d 549 (6th Cir. 2006) - Even if employee fails to provide medical certification in timely fashion, *employer's remedy under FMLA regulations* ***is delayed*** *leave,* ***not*** *termination*. Family and Medical Leave Act of 1993, § 103(e), 29 U.S.C.A. § 2613(e); 29 C.F.R. §§ 825.305(b), 825.311.

STATUS OF COMPLIANCE – *Cont'd*

Ms. Newsome's request for leave (½ day "medical") was approved by 2 staff attorneys.

On January 9, 2009, Ms. Newsome was informed by Ms. Griffith that her job was eliminated.

Ms. Griffith stated that when Ms. Newsome was terminated, ***she had not yet received*** the written notice for 1/2 day off from Ms. Newsome.

STATUS OF COMPLIANCE – *Cont'd*

Ms. Griffith stated that Ms. Newsome's termination had nothing to do with FMLA ***as the firm has granted other employees requests for FMLA***.[22] She stated that Ms. Newsome's

[22]*Bradley v. Mary Rutan Hosp. Assoc.*, 322 F.Supp.2d 926 (S.D.**Ohio**.E.Div.,2004) - An employer violates the Family Medical Leave Act (FMLA) when it violates either the FMLA statute itself or its implementing regulations. Family and Medical Leave Act of 1993, §§ 104, 105, 29 U.S.C.A. §§ 2614, 2415; 29 C.F.R. § 825.220(b).

termination was the result of her job being eliminated. She was the least senior legal secretary and weakest performer. As of today, her position has not been filled.

Employer **may not** use *reduction-in-force (RIF)*, reorganization, or improved-efficiency rationale as pretext to mask actual discrimination or retaliation for employee's exercise of FMLA rights; the mere incantation of the mantra of "efficiency" is not a talisman insulating an employer from liability for invidious discrimination. Family and Medical Leave Act of 1993, § 105(a), 29 U.S.C.A. § 2615(a); 29 C.F.R. § 825.220.

> n.23 - But an employer **may not** use its RIF/reorganization/improved-efficiency rationale as a *pretext* **to mask** *actual discrimination* or *retaliation*; the mere incantation of the mantra of "efficiency" is not a talisman insulating an employer from liability for invidious discrimination. See *McDonnell Douglas*, 411 U.S. at 804, 93 S.Ct. 1817 (employer **may not** use an *ostensibly legitimate reason for an adverse action **as a pretext** for discrimination that is prohibited by statute*); 29 U.S.C. § 2615(a); 29 C.F.R. § 825.220; cf. *INS v. Chadha*, 462 U.S. 919, 944, 103 S.Ct. 2764, 77 L.Ed.2d 317 (1983): "Convenience and efficiency are not the primary objectives-or the hallmarks-of democratic government." Nor are they the objectives of public policy underlying statutes like the FMLA or the ADA.

Even if employer's articulated reason for its adverse employment action is facially neutral, as in the case of a reduction in force (RIF), *if **in reality the employer acted for reason prohibited by the FMLA's retaliation provision**, then its asserted legitimate reason and its ostensibly nondiscriminatory selection criteria as to who is subject to RIF **cannot insulate** it from liability*. Family and Medical Leave Act of 1993, § 105(a), 29 U.S.C.A. § 2615(a).

> N.25 - Because of the availability of *seemingly neutral rationales* under which an employer ***can hide its discriminatory intent***, and because of the difficulty of accurately determining whether an employer's motive is legitimate or is a pretext for discrimination, there is reason to be concerned about the possibility *that an employer **could manipulate** its decisions to purge employees it*

Hollins v. Ohio Bell Telephone Co., 496 F.Supp.2d 864(S.D.**Ohio**.W.Div.,2007) - When an employee complies with the requirements of the Family and Medical Leave Act (FMLA), the **employee is entitled to certain substantive rights under the Act**, *including the right to take FMLA leave and the right, upon return from the leave, to be restored to the position of employment held when the leave commenced or to an equivalent position*. Family and Medical Leave Act of 1993, §§ 102, 104, 29 U.S.C.A. §§ 2612, 2614.

Schmauch v. Honda of America Manufacturing, Inc., 295 F.Supp.2d 823(S.D.**Ohio**.E.Div.,2003) - Employers have prescriptive obligation under the FMLA, i.e., they must grant employees substantive rights guaranteed by the FMLA, and they have a proscriptive obligation, i.e., they may not penalize employees for exercising such rights. Family and Medical Leave Act of 1993, § 2 et seq., 29 U.S.C.A. § 2601 et seq.

Skrjanc v. Great Lakes Power Service Co., 272 F.3d 309(C.A.6.**Ohio**,2001) - **The FMLA protects an employee's right to be treated the same as other similarly situated employees**. Family and Medical Leave Act of 1993, § 2 et seq., 29 U.S.C.A. § 2601 et seq.

wanted to eliminate. See *Weldon v. Kraft, Inc.*, 896 F.2d 793, 798 (3d Cir.1990) (Subjective evaluations of performance "are more susceptible of abuse and more likely to mask pretext" than objective job qualifications.) (internal quotation marks omitted). **The law does not permit this**. Even if an employer's actions and articulated reasons are facially neutral (e.g., a RIF), *if in reality the employer acted for a prohibited reason* ***(e.g., retaliation for exercising a protected right)***, then its asserted legitimate reason for the RIF and its ostensibly nondiscriminatory selection criteria as to who gets RIFed ***cannot*** **insulate***it from liability*. As Judge Posner wrote in the context of . . . discrimination, "[a] RIF is not an open sesame to discrimination against a . . .person. Even if the employer has a compelling reason wholly unrelated to the disabilities of any of its employees to reduce the size of its work force, this does not entitle it to use the occasion as a convenient opportunity to get rid of its . . . workers." *Matthews v. Commonwealth Edison Co.*, 128 F.3d 1194, 1195 (7th Cir.1997) (citation omitted). ***Nor can it be an opportunity to get rid of workers who exercise their FMLA right to take medical leave for serious medical conditions***. See 29 U.S.C. § 2615(a).

STATUS OF COMPLIANCE – *Cont'd*

On March 20, 2009, Wood & Lamping, put forth a settlement offer. *The offer stated that Wood & Lamping would pay for the full cost of Newsome's health insurance for 1 year* ***with the understanding that she would agree to drop all claims against the firm***. In a telephone conversation with Ms. Newsome on March 31, 2009, she declined the settlement offer. She also declined the offer in an email on March 31, 2009 to this investigator.

After several attempts to contact Ms. Newsome, contact was made on April 20, 2009 to discuss further settlement issues. ***She again demanded reinstatement and all back pay. She also requested that she be permitted to take medical leave as "originally planned***."

This settlement offer was presented to Ms. Griffith at Wood and Lamping. On April 29, 2009, Ms. Griffith declined the offer put forth by Ms. Newsome.

McConnell v. Applied Performance Technologies, Inc.,98 Fed.Appx. 397 (C.A.6.Ohio,2004) - Former employee **could not** waive claims for violations of Fair Labor Standards Act (FLSA) in settlement agreement with employer. Fair Labor Standards Act of 1938, § 1 et seq., 29 U.S.C.A. § 201 et seq.

EEOC vs. COGNIS CORP., U.S. District Court/Central District of Illinois (Urbana Division), Case No. 2:10-cv-02182-MPM-DGB

. . . "required a number of its employees - ***as a condition of employment*** - *to enter into agreements that purport to waive the employees' right to recover for discrimination occurring in the future*."

. . . "Last Chance Agreement ("LCA") that included an extensive series of releases and waivers that would have insulated Defendant from any effort by Charging Party to file charges with the EEOC or to seek recovery for future discrimination under Title VII. Charging Party asked Defendant to modify the agreement by removing the waivers, explaining that he did not wish to give up his civil rights, but Defendant told him the LCA could not be modified. Because Defendant refused to modify the LCA to remove the rights-waiving provisions, Charging Party revoked the agreement . . .Defendant then discharged Charging Party that same day."

. . ."The effect of the practices complained of above has been to deprive a class of employees, including the Charging Party, of equal employment opportunities and otherwise adversely affect their status as employees in retaliation for opposition to discrimination prohibited by Title VII and/or anticipated participation in activity protected under Title VII."

. . ."The unlawful employment practices complained of above were and are intentional."

. . . "The unlawful employment practices complained of above were and are done with malice and with reckless indifference to the federally protected rights of each member of the class of employees described above, including Charging Party."

BARBARA DOUGHERTY vs. TEVA PHARMACEUTICALS USA, INC., U.S. District Court/Eastern District of Pennsylvania, Case No. 05-02336

ISSUE PRESENTED: The Secretary's regulation at 29 C.F.R. 825.220(d) states, in part, that "[e]mployees ***CANNOT waive***, nor may employers induce employees to waive, their rights under FMLA." The question presented is whether this legislative rule barring waivers of FMLA rights by employees also prohibits settlements of FMLA claims based on past employer actions.

STATUS OF COMPLIANCE – ***Cont'd***

Based on the above information, there was not sufficient evidence to substantiate Ms. Newsome's claim that her rights were violated under FMLA. No evidence was found to show that Ms. Newsome gave Wood & Lamping notice of her intention to take FMLA leave. There is also no evidence to show that the employer denied Ms. Newsome her rights under FMLA.

*FMLA **protects** employee who visits a doctor with symptoms that **are eventually diagnosed** as constituting a serious health condition, **even if, at the time of the initial medical appointments**, the illness **has not yet been diagnosed** nor its degree of seriousness determined.* Family and Medical Leave Act of 1993, § 102(a)(1)(D), 29 U.S.C.A. § 2612(a)(1)(D); 29 C.F.R. § 825.114(b).

Killian v. Yorozu Automotive Tennessee, Inc., 454 F.3d 549 (6th Cir. 2006) - Even if employee fails to provide medical certification in timely fashion, *employer's remedy under FMLA regulations* ***is delayed*** *leave*, ***not*** *termination*. Family and Medical Leave Act of 1993, § 103(e), 29 U.S.C.A. § 2613(e); 29 C.F.R. §§ 825.305(b), 825.311.

DISPOSITION

. . . The FMLA was discussed in detail with Ms. Griffith. She stated that she has had other employees on FMLA and there have been no problems. She agreed to continued compliance with the FMLA.

Ms. Newsome was not informed of the final results of the investigation. Ms. Newsome was not satisfied with how the investigation was handled and was not willing to participate in any settlement agreements presented to her. She was only interested in reinstatement and full back pay. She was not willing to hear that violations may not be found.

Every telephone conversation made to Ms. Newsome *was met with an angry email* the next day. ***The emails contained threats***

PATTERN-OF-PRACTICES *by WAGE & HOUR DIVISION to* ***cover-up*** *employment violations of Newsome's employer(s):* This information is PERTINENT and RELEVANT in that Newsome is confident that it will support Wage & Hour Division's inability to remain impartial and actions are in RETALIATION of Newsome having brought legal action against the United States Department of Labor/EEOC in the past. Furthermore, the record evidence will support that said statements by Official/Employee (Joan Petric) are FALSE and MALICIOUS and has been provided to COVER-UP illegal animus by the Wage & Hour Division and that of Wood & Lamping. Furthermore, how such statements by Official/Employee is WILLFUL, MALICIOUS and WANTON and is provided to deprive Newsome EQUAL protection of the laws, EQUAL privileges and immunities of the laws and DUE PROCESS of laws – i.e. deprivation of rights secured under the FMLA, United States Constitution, and other laws of the United States.

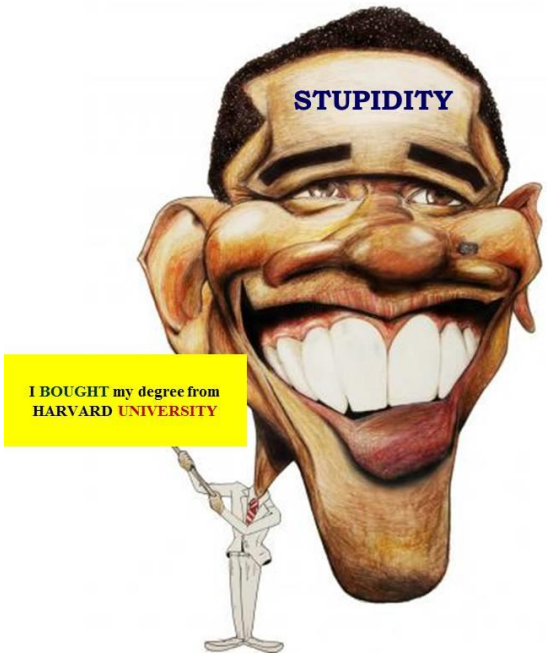
> *U.S. v. Jimenez Recio,* 123 S.Ct. 819 (2003) - Essence of a conspiracy is an agreement to commit an unlawful act.
>
> Agreement to commit an unlawful act, which constitutes the essence of a conspiracy, *is a* ***distinct evil*** that may exist and be punished whether or not the substantive crime ensues. *Id.*
>
> Conspiracy ***poses a threat to the public*** over and above the threat of the commission of the relevant substantive crime, both because *the combination in crime* ***makes more likely*** *the commission* ***of other*** *crimes* and because it **decreases the probability** that *the individuals involved* ***will depart from their path of criminality***.

> *Thornhill v. State of Alabama,* 60 S.Ct. 736 (1940) - The "**freedom of speech and of the press**" *guaranteed by the Constitution embraces at least the* ***liberty*** ***to discuss publicly*** *and* ***truthfully*** *all* ***matters of public concern*** *without previous* ***restraint*** *or* ***fear of subsequent punishment***. U.S.C.A.Const. Amends. 1, 14.
>
> *Curtis Pub. Co. v. Butts,* 87 S.Ct. 1975 (1967) - *Right to communicate information* ***of public interest*** *is not unconditional*. (Per Mr. Justice Harlan with three Justices concurring and the Chief Justice concurring in result.) U.S.C.A.Const. Amend. 1.

Said FALSE and MALICIOUS comments by Official/Employee (Joan Petric) were provided because of her REFUSAL and INABILITY to address/rebut ALL issues raised by Newsome that proved and supported Newsome's FMLA charge/complaint. See for instance Exhibit 140 of that document. The record evidence will support that through Newsome's December 10, 2009 Complaint, she requested the TERMINATION/FIRINGS of U.S. Secretary of Labor Hilda Solis and applicable officials/employees – See EXCERPT to support proof of mailing at Exhibit 114 of that document:

> *UNITED STATES PRESIDENT BARACK OBAMA - CORRUPTION: PERSECUTION OF A CHRISTIAN and COVER-UP OF HUMAN RIGHTS VIOLATIONS/DISCRIMINATION/PREJUDICIAL PRACTICES AGAINST AFRICAN-AMERICANS;* ***Request for IMMEDIATE Firing/Termination of U.S. Secretary of Labor Hilda L. Solis and Applicable Department of Labor Officials/Employees; Request for Status of July 14, 2008 Complaint; Request for Findings in FMLA Complaint of January 16, 2009, and EEOC Complaint of July 7, 2009****; IF APPLICABLE EXECUTION OF APPROPRIATE EXECUTIVE ORDER(S) and REQUEST DELIVERANCE OF FILES FOR REVIEW & COPYING IN THE CINCINNATI, OHIO WAGE & HOUR OFFICE AND EEOC OFFICE ON DECEMBER 22, 2009 - HEALTH CARE REFORM: See How The Obama Administration Has Interfered/Blocked Newsome's Health Care Options and Denied Her Medical Attention Sought Under The FMLA - - What to Expect Under A Government-Runned Health Care Program*

Information to support the ILL MOTIVES of the United States Department of Labor because of Newsome's requests as well as releasing information to the PUBLIC/MEDIA. Just as the Department of Labor has taken MALICIOUS actions to post information that it knew and/or should have known was FALSE, MISLEADING and provided for unlawful/illegal purposes, Newsome has the right to EXPOSE and reveal the CRIMINAL/CIVIL violations of the United States Department of Labor PUBLICLY – i.e. releasing to PUBLIC/WORLD at large.



Milkovich v. Lorain Journal Co., 110 S.Ct. 2695 (1990) - Where statement of "opinion" ***on matter of public concern*** *reasonably implies* ***false*** *and* ***defamatory*** *facts involving private figure,* plaintiff must *show that* ***false*** *implications were made with some level of fault* to support recovery. U.S.C.A. Const.Amend. 1.

Rosenbloom v. Metromedia, Inc., 91 S.Ct. 1811(1971) - First Amendment protects all discussion and communication involving ***matters of public*** *or general* ***concern*** *without regard to* ***whether persons involved*** *are* ***famous*** *or* ***anonymous***. (Per Mr. Justice Brennan with the Chief Justice and one Justice joining in the opinion and two Justices concurring in the judgment.) U.S.C.A.Const. Amend. 1.

*Rosenblatt v. Baer,*86 S.Ct. 669 (1966) -***Criticism of government*** *is at the very center of the constitutionally protected area of free speech*; ***criticism of those responsible for government operations*** *must be free*, lest criticism of government itself be penalized. *U.S.C.A.Const. Amends. 1, 14.*

Garrison v. State of La., 85 S.Ct. 209 (1964) - The **First** and **Fourteenth** Amendments *embody profound national commitment to principle that debate on public issues should be* ***uninhibited***, ***robust*** *and* ***wide open*** *and that it may well include* ***vehement***, ***caustic*** *and sometimes* ***unpleasantly sharp attacks*** *on government and public officials*. U.S.C.A.Const. Amends. 1, 14.

Baumgartner v. U.S., 64 S.Ct. 1240 (1944) - *One of the* ***prerogatives*** *of American citizenship is the right to* ***criticize public*** *men and measures, which means* ***not only*** *informed*

and responsible criticism, but the freedom to speak . . .without moderation.

Conducting a **Thorough** Investigation[23]

Because discrimination often is **subtle**, and there *rarely* is a "**smoking gun**," [Fn. 45 - *See Aman v. Cort Furniture Rental Corp.,* 85 F.3d 1074, 1081-82 (3rd Cir. 1996)("It has become easier to coat various forms of discrimination with the appearance of propriety, or to ascribe some other less odious intention to what is in reality discriminatory behavior. In other words, while discriminatory conduct persists, violators have learned not to leave the proverbial 'smoking gun' behind."); *cf.McDonnell Douglas Corp. v. Green,* 411 U.S. 792, 801 (1973)("it is abundantly clear that Title VII tolerates no racial discrimination, subtle or otherwise").] determining whether race played a role in the decisionmaking requires examination of all of the surrounding facts and circumstances. The presence or absence of any one piece of evidence often will not be determinative. Sources of information can include witness statements, including consideration of their credibility; documents; direct observation; and statistical evidence such as EEO-1 data, among others. See EEOC Compl. Man., Vol. I, Sec. 26, Selection and Analysis of Evidence." A non-exhaustive list of important areas of inquiry and analysis is set out below.

Newsome further believes that a reasonable person/mind knowing all the facts and circumstances surrounding charges/complaints with the Department of Labor as well as her OPPOSITION to President Obama and his Administration's role in CONSPIRACIES to cover-up employment violations is of PUBLIC/WORLDWIDE interest – i.e. especially when President Obama and his Administration has gone PUBLIC in requesting that Foreign Countries/Foreign Leaders clean up the corruption in their governments. Furthermore, the record evidence will support that Newsome has REPEATEDLY voiced her OPPOSITION to the DISCRIMINATORY handling of charges/complaints filed by her. See for example Exhibit 141 supporting the mailing and receipt of the following:

> **March 18, 2010** - "*Executive Department's Engagement In Criminal Acts*" and "*Obama Administration's Obstructing Justice*"
>
> **April 16, 2010** - "*Executive Department's Engagement in Criminal Acts*" and "*Obama Administration's Obstruction Justice*"
>
> **May 19, 2010** - "*Response To May 13, 2010 Letter*," "*Executive Department's Engagement in Criminal Acts*" and "*Obama Administration's Obstructing Justice*"
>
> **June 8, 2010** - "*Requests for Response & Affidavits By June 23, 2010*" (***faxed*** *to Obama*)
>
> **July 9, 2009** - "*Status Request of Complaints Filed By July 23, 2009*"

[23] EEOC Compliance Manual Section 15: Race and Color Discrimination

July 24, 2009 - "*PATTERN OF DISCRIMINATION: COVER-UP OF DISCRIMINATION/CONSTITUTIONAL/CIVIL RIGHTS VIOLATIONS - Requests for Investigation; Request for Termination/Firings (Of Secretary Hilda L. Solis; District Director Karen R. Chaikin and* ***Investigator Joan M. Petric****) If Violations are Found in the Handling of Wage and Hour Division Charge No. 1537034; Request for Documentation Regarding Administrative Appeal Process; and DEMAND/RELIEF REQUESTED*"

August 9, 2010 - "*FINAL DETERMINATION and REQUEST THAT HARASSMENT/ATTACKS ON NEWSOME CEASE*"

December 10, 2009 - "*UNITED STATES PRESIDENT BARACK OBAMA - CORRUPTION: PERSECUTION OF A CHRISTIAN and COVER-UP OF HUMAN RIGHTS VIOLATIONS/DISCRIMINATION/PREJUDICIAL PRACTICES AGAINST AFRICAN-AMERICANS; Request for IMMEDIATE Firing/Termination of U.S. Secretary of Labor Hilda L. Solis and Applicable Department of Labor Officials/Employees; Request for Status of July 14, 2008 Complaint; Request for Findings in FMLA Complaint of January 16, 2009, and EEOC Complaint of July 7, 2009; IF APPLICABLE EXECUTION OF APPROPRIATE EXECUTIVE ORDER(S) and REQUEST DELIVERANCE OF FILES FOR REVIEW & COPYING IN THE CINCINNATI, OHIO WAGE & HOUR OFFICE AND EEOC OFFICE ON DECEMBER 22, 2009 - HEALTH CARE REFORM: See How The Obama Administration Has Interfered/Blocked Newsome's Health Care Options and Denied Her Medical Attention Sought Under The FMLA - - What to Expect Under A Government-Runned Health Care Program*"

- **IMPORTANT TO NOTE:** That during Newsome's employment with Wood & Lamping ("W&L") she was assigned an attorney by the name of Brian Gillan; however, W&L *failed* to advise Newsome of the employment problems they were having with Gillan. It was brought to Newsome's attention that Gillan had only been with W&L for a few months prior to her employment. That Newsome **was about the third (3rd) Secretary/Legal Assistant** Gillan had been assigned to **in his *short* tenure.**

- **IMPORTANT TO NOTE:** That upon Newsome's hiring it was brought to her attention that a Paralegal (***contractor and white***) **was upset at Newsome being hired** *in that the Paralegal had been there before Newsome and wanted to be hired on as well*. It was also brought to Newsome's attention **that this Paralegal (married) was having a sexual relationship and/or affair with one of the attorneys (Brian P. Gillan – of counsel and white)** which may have been exposed by the Paralegal's husband. The *Paralegal was let go and of course Gillan denied having any such relationship with the Paralegal although there was evidence on the W&L's computer to this relationship, in that both spent time using W&L's e-mail to correspond with each other*. **Gillan specializes in employment law; therefore, he knew and/or should have known of the**

liability such acts would cost W&L. Nevertheless, he was allowed to remain in the employment of W&L with W&L's knowledge of such conduct. Conduct CLEARLY in violation of statutes/laws governing said matters as well as W&L's Policies and Procedures:

POLICY AGAINST UNLAWFUL HARASSMENT
General:
Wood & Lamping is committed to maintaining a professional and collegial work environment in which all individuals are treated with respect and dignity. The firm prohibits discrimination because of race, color, religion, sex, national origin, age, veteran's status, disability, or any other protected status in accordance with applicable laws. *Harassment is a form of discrimination and **will not** be tolerated.*

Wood & Lamping encourages individuals who believe they are subject to harassing behavior to clearly and promptly notify the offender that his or her behavior is unwelcomed, but one is not required to do so. However, any individual who believes he or she has been subject to harassment of any kind must notify a partner of the firm or a member of management in order for the matter to be resolved. (Wood & Lamping LLP Policies and Procedures Manual @ p. 20)

Policy Against Sexual Harassment:

A. Sexual Harassment Defined
. . .While mutually consenting relationships between members of the firm are not sexual harassment, these relationships *are considered **unwise*** because of the potential denial of mutual consent.

B. Procedures for Reporting Sexual Harassment
Wood & Lamping encourages individuals who believe they are subject to sexual harassment to clearly and promptly notify the offender that his or her behavior is unwelcomed. However, one is not required to do so. Any individual who believes he or she has been subject to harassment **of any kind** must notify a partner of the firm or a member of management. The partner or manager will initiate an investigation of the matter….

C. Investigations
Investigations will be prompt, thorough, accurate, consistent, and conducted as discreetly as possible. Confidentiality will be maintained to the extent practical, but a few members of the firm will have to know about the situation due to the employer's **obligation** to investigate. Effective enforcement of this policy requires that the offender be made aware of the alleged conduct at some point, and fairness demands that an accused be afforded an opportunity to make a defense. The

reporting individual will be notified before the offender is questioned about or told of the charge.

Once the investigation is complete, findings and decisions will be made and communicated to the reporting individual and the offender. If there is no evidence to support the allegations, the matter will be dropped and the investigation closed. If the investigation confirms that harassment occurred, the harasser will be subject to resolution procedures and/or appropriate disciplinary penalties, which may include one or more of the following: referral to counseling, withholding of a promotion, reassignment, mediation, temporary suspension without pay, a written warning, and *discharge* from the firm.

Non-Retaliation Policy:
No *one* will be subject to ***any*** *form* of discipline or *retaliation* for reporting incidents of unlawful harassment, ***pursuing*** *any such claim,* or ***cooperating*** *in the investigation of such reports*. Any form of retaliation will result in appropriate disciplinary procedures, up to and including discharge from the firm. However, individuals who falsely and maliciously accuse another will be subject to the disciplinary procedures described above.
(Wood & Lamping LLP Policies and Procedures Manual @ pp. 20-22)

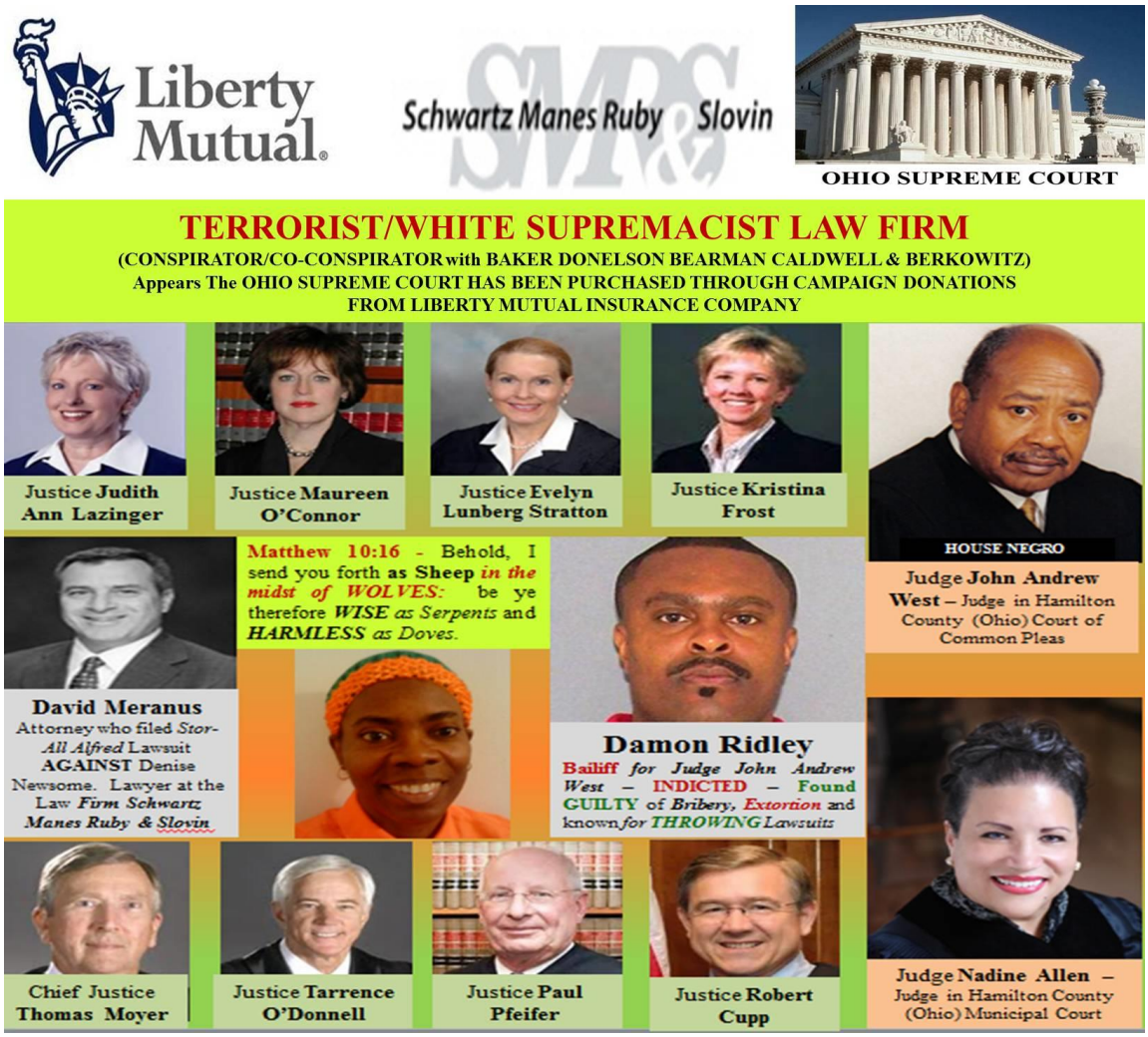
- Record evidence will support that Wood & Lamping has been UNABLE to REBUT the facts, evidence and legal conclusions in the EEOC and FMLA Complaints filed regarding the employment violations. Moreover, how Newsome, as a matter of law, has TIMELY, PROPERLY and ADEQUATELY requested

UNITED STATES PRESIDENT BARACK OBAMA - CORRUPTION: PERSECUTION OF A CHRISTIAN AND COVER-UP OF HUMAN RIGHTS VIOLATIONS/DISCRIMINATION/PREJUDICAL PRACTICES AGAINST AFRICAN-AMERICANS; REQUEST FOR IMMEDIATE FIRING/TERMINATION OF U.S. SECRETARY OF LABOR HILDA L. SOLIS AND APPLICABLE DEPARTMENT OF LABOR OFFICIALS/EMPLOYEES; REQUEST FOR STATUS OF JULY 14, 2008 COMPLAINT; REQUEST FOR STATUS OF MAY 21, 2009 COMPLAINT AND SUBSEQUENT SUBMITTALS; *REQUEST FOR FINDINGS IN FMLA COMPLAINT OF JANUARY 16, 2009, AND EEOC COMPLAINT*

OF JULY 7, 2009; ***IF APPLICABLE EXECUTION OF APPROPRIATE EXECUTIVE ORDER(S)*** AND **REQUEST DELIVERANCE OF FILES FOR REVIEW & COPYING IN THE CINCINNATI, OHIO WAGE & HOUR OFFICE AND EEOC OFFICE ON DECEMBER 22, 2009 - HEALTH CARE REFORM: SEE HOW THE OBAMA ADMINISTRATION HAS INTERFERED/BLOCKED NEWSOME'S HEALTH CARE OPTIONS AND DENIED HER MEDICAL ATTENTION SOUGHT UNDER THE FMLA - - WHAT TO EXPECT UNDER A GOVERNMENT-RUNNED HEALTH CARE PROGRAM**

See at **http://www.slideshare.net/VogelDenise/121009-ltr-obamasolisholderfinal** and **http://www.slideshare.net/VogelDenise/121009-usps-mailing-receipts-obama-holdersolis** incorporated by reference as if set forth in full herein; which to date, Newsome has been DENIED access to the files/documents in the United States Department of Labor's Wage & Hour and Equal Employment Opportunity Commission Divisions.

H) **FAILURE-TO-PREVENT** **in the** ***Stor-All vs. Denise V. Newsome*** **(2009)** matter resulted in CONSPIRATORS going on to engage in FURTHER employment violations (CRIMINAL and CIVIL) **against** Vogel Denise Newsome. See at **http://www.slideshare.net/VogelDenise/012009-complaint-filedbystorall** incorporated by reference as if set forth in full herein.



FACTS TO UNDERSTAND ABOUT THIS LAWSUIT:

- **FAILURE-TO-PREVENT on Newsome's July 14, 2008 EMERGENCY COMPLAINT** submitted to the United States Congress, resulted in Newsome TIMELY NOTIFYING United States Congressional Member(s) of her visit to Washington, D.C. in DECEMBER 2008, to check into the STATUS of said Complaint.

  Newsome's December 2008 trip to Washington, D.C. is memorialized at the following document(s): http://www.slideshare.net/VogelDenise/faxes-toleahyconyersbiden-memorializingdec08dc-trip

- **NEXUS/RELATIONSHIP ESTABLISHED:** In RETALIATION, as a direct and proximate result of Newsome's visit to Washington, D.C. regarding PROTECTED ACTIVITIES, it appears that Baker Donelson Bearman Caldwell & Berkowitz ***learning of Newsome's Washington, D.C. Trip*** and ***made aware of the conflict Newsome was in with one of its Client's (LIBERTY MUTUAL INSURANCE COMPANY) insured (Stor-All Alfred)*** had a FRIVOLOUS lawsuit brought

AGAINST Newsome **through the use of a JEWISH "FRONTING LAW FIRM" – Schwartz Manes Ruby & Slovin – for purposes of SHIELDING/HIDING Baker Donelson's ROLE in this attack.** However, on or/or about February 6, 2009, upon taking a SHELLACKING in the Courtroom and the Judge RULING in Newsome's FAVOR and GRANTING the Relief sought in her "Motion To Transfer," while EXECUTING/SIGNING documentation regarding Judge's decision, Stor-All's Counsel (David Meranus) made KNOWN his KNOWLEDGE of her engagement in the New Orleans, Louisiana matter(s). Clearly it was obvious to Newsome that Meranus' sharing of his KNOWLEDGE of her engagement in PROTECTED ACTIVITIES was done for purposes of coercion, threats, intimidation, etc. to get her to WITHDRAW her Counterclaim and to let her KNOW what "BIG MONEY" INTERESTS were involved. Of course Newsome found GREAT JOY in Meranus' sharing of this information because, as she shared, while aware that she was being STALKED from job-to-job/employer-to-employer and state-to-state, she needed the "SMOKING GUN PERPETRATORS" – i.e. Baker Donelson Bearman Caldwell & Berkowitz and/or its Conspirators/Co-Conspirators.

- **THIRD-PARTY(S) INTERFERENCE/INVOLVEMENT IN "CHAIN CONSPIRACIES" LEVELED AGAINST NEWSOME:** Through the February 6, 2009, Facsimile to David Meranus and copy(s) to Wood & Lamping Representatives which states in part:

> This will confirm that during the signing of the attached *Magistrate's Decision*, you brought to my attention **your knowledge of legal actions** brought by me in New Orleans, Louisiana. Information I believe a reasonable mind will conclude has no bearing on the above referenced lawsuit. *I gather your bringing of this information was done to* ***blackmail*** *and/or* ***extort*** *monies from me* – thinking I was going to drop my Counter-Claim against your client. I gathered from the way you presented the information to me, you that I was going to back down. To your disappointment, I advised you that I had a feeling that there were illegal motives behind the filing of this lawsuit on behalf of your client (Stor-All Alfred, LLC). It also appears **your *arrogance*** got the best of you. At least I now have additional information **as to the reason** and **ill motives behind you** and/or **your client contacting Wood & Lamping** and the reasons underlying my termination (along with the **Conflict of Interest – Thomas J. Breed's relationship with Schwartz Manes Ruby & Slovin** – ***my working directly with Breed at Wood & Lamping and the conflict that would arise if Wood & Lamping were to represent me in this matter*****. So to appease you and your client, my employment with Wood & Lamping was terminated and I was denied rights under the Family & Medical Leave Act, etc.) SHAME, SHAME, SHAME!!!!!!**
>
> **I advised you** that I was just up **in Washington, D.C. in December 2008** addressing concerns of such unlawful/criminal acts committed by you and/or your client.

This stalking, harassing, etc. me from state-to-state, job-to-job (CONTACTING MY EMPLOYER)*, is clearly prohibited by laws/statutes and clearly in violation of my Constitutional Rights (Ohio and United States), Civil Rights, Landlord & Tenant Act, etc*. **Thanks for confirming my beliefs *as to Wood & Lamping's motives*. This is well deserved information**.

While you seemed to be comfortable **in advising me that it is the insurance company that is going to pay the liability,** what you failed to understand **is that the divulgence of your knowledge of matters regarding me in New Orleans, Louisiana opens the doors for additional claims** of and against you, your law firm (Schwartz Manes Ruby & Slovin), Stor-All Alfred, LLC, Wood & Lamping and who knows who else. **I THANK YOU, THANK YOU, THANK YOU. . . . . for such good news.** I shared during my trip to Washington, D.C. **continued concerns of conspiracies to destroy my life, liberties** and **pursuit of happiness,** etc. and **such willful, malicious and wanton acts** as that committed by you and others **to continue to cause me irreparable harm/injury.**

My termination from employment with Wood & Lamping, LLP, your acknowledgment in Court today in efforts of extorting and/or blackmailing me, (along with other reasons known to you) etc. is **clearly UNACCEPTABLE!!!!** Your acts which not only **violate the Ohio Rules of Civil Procedure,** but that of the **Ohio Code of Professional Conduct** and/or other statutes/laws governing such matters. You are aware that I have filed the appropriate Motion for Sanctions and through this motion am **I not only seeking sanctions but, if possible, your disbarment.** When you **use your profession to interfere with the life of another for unlawful/illegal gain;** moreover, for **racial** and/or **prejudicial** reasons, I do not believe as an ***"officer of the court"*** that you uphold **neither** the **integrity** nor **the respect** of the Court and/or **judicial process.** The criminal/civil wrongs you, your client and others have committed against me have cause irreparable injury/harm and such acts which cannot go unaddressed.

Again, **THANK YOU, THANK YOU, THANK YOU, THANK YOU, THANK YOU. . . . You know this is news/information that needs to be shared. This was the nail I needed to expose and shine the light on such criminal/civil wrong.** Did you and others in cohort with you not understand the message sent on November 4, 2008 (Presidential Election) – **CHANGE, NOT MORE OF THE SAME!!!!**

See at http://www.slideshare.net/VogelDenise/020609-meranus-letter incorporated by reference as if set forth in full herein.

- A reasonable mind may conclude that, based on the information provided by David Meranus, that Baker Donelson Bearman Caldwell & Berkowitz RELIED upon the conflict between Newsome and its Client LIBERTY MUTUAL INSURANCE COMPANY'S insured to NOT only "STALK" her, but determine WHERE Newsome was employed for purposes of having her TERMINATED!

- Stor-All's Complaint **AGAINST** Newsome was met with a COUNTERCLAIM. See at http://www.slideshare.net/VogelDenise/012909-answercounterclaim-storall-vs-newsome incorporated by reference as if set forth in full herein. **A Counterclaim that went UNDISPUTED!**

- This is a lawsuit which it appears has been assigned CORRUPT and TAINTED Judge John Andrew West who had under his Administration a TAINTED/CORRUPT Bailiff to engaged in CRIMINAL acts for purposes of "THROWING" legal actions:

> **IMPORTANT TO NOTE:** The previously scheduled action in the Hamilton County Court of Common Pleas (Cincinnati, Ohio) action out of which this Appeal arises, was set for Tuesday, **September 28, 2010**, at 2:15 p.m. before Judge John Andrew West ("Judge West"). . . .. Out of concerns of Judge West's/lower court's effort to get Newsome to waive RIGHTS secured under the Constitution, she did not attend and notified lower court (i.e. through NOTIFICATION OF NONATTENDENCE) that she would not be waiving her rights and will be bringing matter before the United States Supreme Court under its "ORIGINAL" jurisdiction (if applicable). Judge West who has engaged in criminal/civil wrongs against Newsome which resulted in her having to file a CRIMINAL COMPLAINT with the United States Department of Justice (Federal Bureau of Investigation ["FBI']).*This lower court matter is a lawsuit that was brought against Newsome by President Obama's Top/Key Financial Supporter and/or Special Interest Group, LIBERTY MUTUAL'S insured (Stor-All).* Just as *recent as* ***May 2009***, Judge West's Bailiff (Damon Riley) was indicted for:
>
> (a) Theft in office;
> (b) Bribery; and
> (c) Attempted Bribery
>
> And on or about **March 9, 2010**a Jury found him "GUILTY" of ***Attempted Bribery***. (**EMPHASIS** ADDED). . . . Considering the circumstances of this lawsuit and the criminal/civil wrongs Judge West has engaged in against Newsome, she believes *a reasonable mind may conclude that Judge West knew and/or should have known of the criminal activities of his Bailiff; moreover, may have been a recipient of such profits and/or may have been a willing participant in such criminal acts*.

See at **http://www.slideshare.net/VogelDenise/100910-emergency-motion** - Incorporated by reference as if set forth in full herein. See at Exhibit 6.

. . . "A former Ohio court bailiff accused of offering to get a case dismissed for money in the courtroom where he worked has been found guilty of attempted bribery."

". . .The former bailiff for Hamilton County Common Pleas Judge John West could be sentenced to up to 18 months in prison. . ."

". . . That alleged incident is the centerpiece of a criminal investigation into Damon Ridley, who was the bailiff of Hamilton County Common Pleas Judge John "Skip" West until Ridley was confronted with allegations and resigned. . . case has investigators poring over thousands of court documents involving criminal cases before West over the last five years. They are looking at why some cases presided over by West never had their sentences carried out and why other cases before him had no activity for years . . .

The issue is whether Ridley. . . accepted money or favors in exchange for fixing sentences handed down by West or delaying them so long that thousands of dollars in fines and court fees were never paid. Bailiffs run the day-to-day operations of courtrooms and schedule when cases are heard. . . Johnson plead guilty March 25 before West to reduced charges that still could have sent him to prison for 5½ years. Instead, West sentenced Johnson to probation and to serve up to six months in the River City Correctional Center, a drug-rehabilitation center by Hamilton County judges. Investigators asked Ridley on October 29 about the allegation. He resigned the next day. "I can tell you (Ridley) has told us numerous stories," Deters said.

". . .Ridley resigned after being questioned, he said, to lessen any impact on the judge. 'I have a lot of respect for Judge West and I wasn't going to bring anything (negative) to him,' Ridley said. He declined to answer additional questions, he said, on the advice of his attorney. He refused to say who his attorney was. If the allegations are proved, Ridley's actions could be disastrous to the Hamilton County court system as the public – and criminals – may infer the judicial system was undermined by one person's greed. "When you've got someone putting their thumb on the scales of justice, it's a very serious offense," University of Cincinnati law professor Christo Lassiter said. 'You lose faith in government and there is a very serious threat to the judicial branch.'

'The whole idea is to have a neutral arbiter. Why do that if there is a judge whose decisions are being bought by a bailiff? We may as well not have a judicial system.' Deters is unsure of what role, if any, the judge has in the delay of cases,. . . 'Wherever this leads, we will go,' Deters said, 'but it would shock me to my core if the judge was involved. The judge is cooperating with us.' West has refused to talk about the investigation, referring questions to Deters. . ."

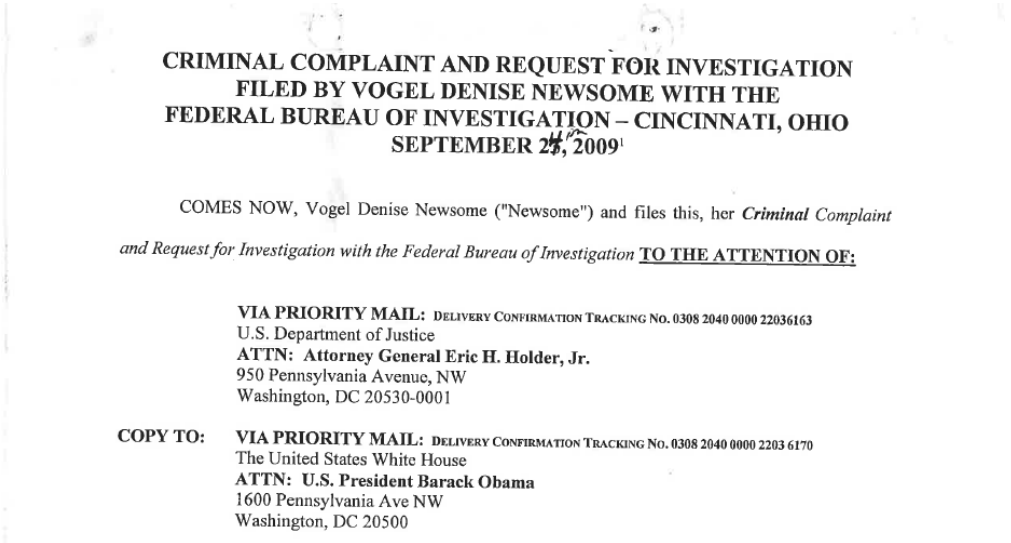
"Prosecutors became so frustrated with the slow pace of justice in West's courtroom that one, Katherine Pridemore, filed a legal motion requiring her to be contacted on a specific case that had been continued – without her knowledge or agreement – dozens of times.[1]. . .

The investigation has taken an emotional toll on West. West was close personally to Ridley, treating him like family. West and his family vacationed with Ridley and socialized with him. In West's courthouse chambers, there is a studio portrait of West, Ridley and another of West's court workers. . ."

"Damon Ridley. . . had been accused of ***taking money from a defendant in exchange for a GURANTEE on a particular sentence*** *and attempting to extort additional money from the same defendant for a lesser sentence."*

See at **http://www.slideshare.net/VogelDenise/100910-emergency-motion** - Incorporated by reference as if set forth in full herein.

- On or about September 24, 2009, Newsome filed a Criminal Complaint with the Federal Bureau of Investigation in Cincinnati, Ohio of and AGAINST Stor-All Alfred and those with whom it conspired. This was also Criminal acts in which it appeared to Newsome that Stor-All and its attorneys were attempting to LURE her through CRIMINAL practices to the storage facility for purposes of most likely SHOOTING/KILLING Newsome and then COVERING UP their Criminal acts – i.e. most likely they would have alleged some ADDITIONAL FALSE and FRIVOLOUS reasons for taking her life and property. However, Newsome did not fall for such TRICKERY and CRIMINAL practices!



CRIMINAL COMPLAINT AND REQUEST FOR INVESTIGATION FILED BY VOGEL DENISE NEWSOME WITH THE FEDERAL BUREAU OF INVESTIGATION – CINCINNATI, OHIO SEPTEMBER 24, 2009

COMES NOW, Vogel Denise Newsome ("Newsome") and files this, her ***Criminal*** *Complaint and Request for Investigation with the Federal Bureau of Investigation* **TO THE ATTENTION OF:**

VIA PRIORITY MAIL: DELIVERY CONFIRMATION TRACKING NO. 0308 2040 0000 22036163
U.S. Department of Justice
ATTN: Attorney General Eric H. Holder, Jr.
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

COPY TO: **VIA PRIORITY MAIL:** DELIVERY CONFIRMATION TRACKING NO. 0308 2040 0000 2203 6170
The United States White House
ATTN: U.S. President Barack Obama
1600 Pennsylvania Ave NW
Washington, DC 20500

See **http://www.slideshare.net/VogelDenise/092409-fbi-complaint-storall** incorporated by reference as if set forth in full herein.

Unlawful Entry - (1) The crime of entering another's real property, by fraud or other illegal means, without the owner's consent.

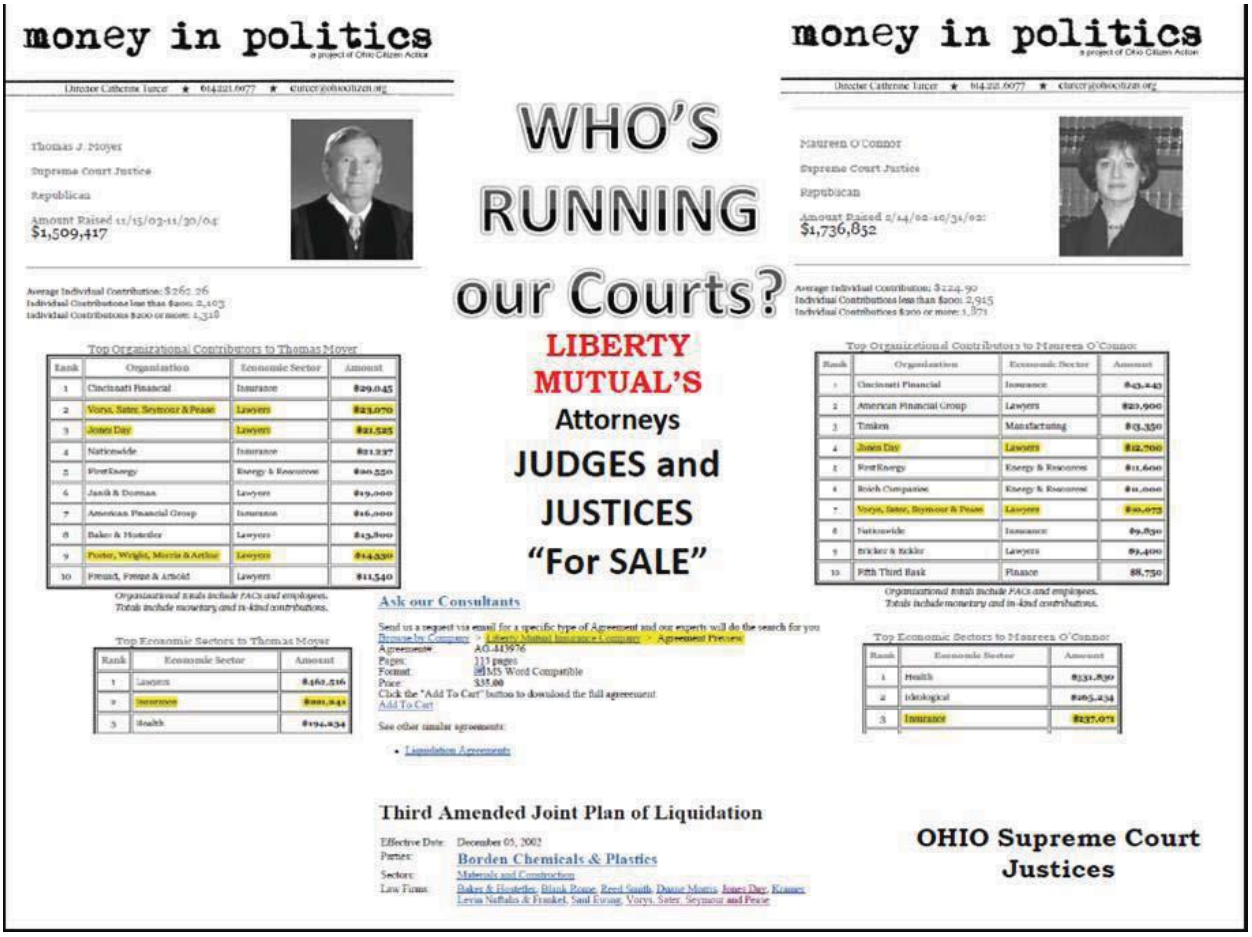
Forcible - Effected by force or threat of force against opposition or resistance.

Forcible Detainer - (1) The wrongful retention of possession of property by one originally in lawful possession, often with threats or actual use of violence.

Forcible Entry and Detainer - (1) The act of violently taking and keeping possession of lands and tenements without legal authority. (2) A quick and simple legal proceeding for regaining possession of real property from someone who has wrongfully taken, or refused to surrender, possession.

Forcible Entry - (1) The act or an instance of violently and unlawfully taking possession of lands and tenements against the will of those in lawful possession. (2) The act of entering land in another's possession by the use of force against another or by breaking into the premises.

- There is record evidence to support that PRIOR to Newsome's taking the Stor-All Alfred matter before the Supreme Court of the United States, she brought legal action before the OHIO Supreme Court. While there is RECORD evidence to support Newsome's request to be advised of any/all CONFLICTS-OF-INTEREST in the handling of this matter, said Court elected to ENGAGE in CRIMINAL acts for purposes of "THROWING" the lawsuit in FURTHRANCE of the "CHAIN Conspiracies" leveled AGAINST Newsome. Upon research into the JUSTICES of the OHIO Supreme Court, Newsome obtained evidence which is a matter of PUBLIC RECORD that the Justice(s) in said Court receive HUGE/SUBSTANTIALLY LARGE monetary contributions from "LIBERTY MUTUAL INSURANCE COMPANY!" Stor-All Alfred is an INSURED of Liberty Mutual Insurance Company. Liberty Mutual Insurance Company is a TOP/KEY CLIENT of Baker Donelson Bearman Caldwell & Berkowitz.



See http://www.slideshare.net/VogelDenise/ohio-supreme-court-justices-campaign-contributions incorporated by reference as if set forth in full herein.

> *Liteky v. U.S.*, 114 S.Ct. 1147 (1994) - Revision made in 1974 to statute prohibiting judge's participation in case which he has an interest or relationship to a party brought into the statute elements of general bias and prejudice recusal that had previously been addressed only in statute dealing with recusal of a . . . judge for bias in general; it entirely duplicated the grounds of recusal set forth in the latter statute but *made them applicable to **all** justices, judges, and magistrates*, not just district judges, and ***placed the obligation to identify the existence** of those grounds* **upon the judge** himself, *rather than **requiring recusal** only in response to a party's affidavit*. 28 U.S.C.A. §§ 144, 455(b)(1).
>
> *Gibson v. Berryhill*, 411 U.S. 564, 93 S.Ct. 1689 (1973) - [7] It is sufficiently clear from our cases that those with substantial pecuniary interest in legal proceedings should not adjudicate these disputes. *Tumey v. Ohio*, 273 U.S. 510, 47 S.Ct. 437, 71 L.Ed. 749 (1927). And *Ward v. Village of Monroeville*, 409 U.S. 57, 93 S.Ct. 80, 34 L.Ed.2d 267 (1972), **indicates that the financial stake need not be as direct or positive** as it appeared to be in *Tumey*. . . .

Hilltop Basic Resources, Inc. v. County of Boone, 180 S.W.3d 464 (**Ky.,**2005) - Legislative or administrative decision makers are not free to be biased or prejudicial when performing nonjudicial functions; to the contrary, any bias or prejudicial conduct which demonstrates malice, fraud, or corruption is expressly prohibited as arbitrary.

Newsome's research having yielded that approximately **SIX***of the Seven Justices* on the Ohio Supreme Court are HEAVILY supported by SUBSTANTIAL campaign contributions by LIBERTY MUTUAL's lawyers and/or law firms which include the following firms:

a) Vorys, Sater, Seymour & Pease
b) Jones Day
c) Porter, Wright, Morris & Arthur
d) Frost Brown Todd

A classic example of "***BIG MONEY*** *using the judicial process to inflict and deprive the poor/weak of justice – i.e. that JUSTICE can be purchased for a price."*

- On or about December 28, 2009, Newsome filed a CRIMINAL Complaint AGAINST the Justices of the OHIO Supreme Court for the CRIMES committed in the handling of the Stor-All matter; wherein, it appears said Court TAMPERED/COMPROMISED mail for purposes of OBSTRUCTING JUSTICE and PREVENTING Newsome from getting its decision in a TIMELY manner.

OHIO SUPREME COURT

COMPLAINT AND REQUEST FOR INVESTIGATION FILED BY VOGEL DENISE NEWSOME WITH THE FEDERAL BUREAU OF INVESTIGATION – CINCINNATI, OHIO; AND REQUEST FOR UNITED STATES PRESIDENTIAL EXECUTIVE ORDER(S) DECEMBER 28, 2009[1]

COMES NOW, Vogel Denise Newsome ("Newsome") and files this, her ***Criminal Complaint and Request for Investigation with the Federal Bureau of Investigation and Request for United States Presidential Executive Order(s)*** **TO THE ATTENTION OF:**

VIA PRIORITY MAIL: SIGNATURE CONFIRMATION TRACKING NO. 2306 1570 0001 0585 6171
The United States White House
ATTN: U.S. President Barack Obama
1600 Pennsylvania Ave NW
Washington, DC 20500

VIA PRIORITY MAIL: SIGNATURE CONFIRMATION TRACKING NO. 2306 1570 0001 0585 6225
U.S. Department of Justice
ATTN: Attorney General Eric H. Holder, Jr.
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

VIA PRIORITY MAIL
U.S. Department of Justice
c/o Brick Bradford - *Special Investigations*
550 Main Street, Room 9000
Cincinnati, Ohio 45202

through the Cincinnati, Ohio Office of and against the following persons for the ***crimes set forth herein that were committed on or about December 2, 2009*** – Stating as follows:

See **http://www.slideshare.net/VogelDenise/122809-fbi-complaint-ohio-supreme-court** incorporated by reference as if set forth in full herein.

- RECORD EVIDENCE will support that the LAST ACTION taken by Complainant Newsome in the Stor-All matter was the submittal of her pleading to the Supreme Court of the United States on or about **June 10, 2013, in** the ***Stor-all*** matter entitled, *RESPONSE TO SUPREME COURT OF THE UNITED STATES' RETURN OF PETITIONER'S APRIL 1, 2013 PLEADING(S) – REQUEST TO BE NOTIFIED OF ANY/ALL CONFLICTS OF INTEREST.*
  See **http://www.slideshare.net/VogelDenise/response-to-040913-us-supreme-court-letter-stor-all-28097903** incorporated by reference as if set forth in full herein. In the ***Page Kruger & Holland*** matter, see pleading entitled, *RESPONSE TO SUPREME COURT OF THE UNITED STATES' RETURN OF PETITIONER'S APRIL 1, 2013 PLEADING(S) – REQUEST TO BE NOTIFIED OF ANY/ALL CONFLICTS OF INTEREST.* See **http://www.slideshare.net/VogelDenise/response-to-040913-us-supreme-court-letter-pkh-28097670** incorporated by reference as if set forth in full herein. TO DATE, Newsome **has NOT** had a response to said submittal(s).

I) **FAILURE-TO-PREVENT in the *Newsome vs. Public Storage* (2010)** matter resulted in CONSPIRATORS going on to engage in FURTHER employment violations (CRIMINAL and CIVIL) against Vogel Denise Newsome. See at **http://www.slideshare.net/VogelDenise/060910-fbi-complaint-public-storage** incorporated by reference as if set forth in full herein.

VOGEL DENISE NEWSOME
Post Office Box 14731
Cincinnati, Ohio 45250
PLAINTIFF

vs.

JAMES SOMERVILLE (SP?),
BRANDI _____ (SP?)*[1],
MARIE _____(SP?)*, AND
PUBLIC STORAGE THROUGH ITS AGENTS/REPRESENTATIVES[2]
4070 Mt. Carmel-Tobasco Road
Cincinnati, Ohio 45245
DEFENDANTS

UNITED STATES DEPARTMENT OF JUSTICE FEDERAL BUREAU OF INVESTIGATION CINCINNATI, OHIO OFFICE CRIMINAL COMPLAINT[3]

Filed With:
c/o Brick Bradford - *Special Investigations*
550 Main Street, Room 9000
Cincinnati, Ohio 45202

(JURY TRIAL DEMANDED IN THIS ACTION)

FACTS TO UNDERSTAND ABOUT THIS LAWSUIT:

- This is a Criminal Complaint that has been filed with the Federal Bureau of Investigation. A reasonable mind may conclude that such attacks on Newsome's at storage facilities are in furtherance of the "CHAIN Conspiracies" and efforts of getting their hands on documentation and evidence thought to be stored for purposes of OBSTRUCTION and DESTROYING of evidence. However, when dealing with the likes of such Terrorists keep other BACK UP resources and plans for preservation of evidence.

- There is record evidence will support that as a DIRECT and PROXIMATE RESULT and furtherance of the "CHAIN Conspiracies" leveled AGAINST Newsome, TO DATE (December 23, 2013) she has NOT received information regarding the STATUS of the Public Storage Criminal Complaint.

J) **FAILURE-TO-PREVENT in the *Newsome vs. Mitchell McNutt & Sams* (2010)** matter resulted in CONSPIRATORS going on to engage in FURTHER employment violations (CRIMINAL and CIVIL) against Vogel Denise Newsome and subjecting her to FURTHER discriminatory, retaliatory and criminal/civil violations! See at **http://www.slideshare.net/VogelDenise/120310-complaint-mmsexhibits** incorporated by reference as if set forth in full herein.

FACTS TO UNDERSTAND ABOUT THIS LAWSUIT:

Although this lawsuit was filed on or about December 3, 2010, in the ***United States District Court – Southern District of Mississippi (Jackson Division),*** it appears that it remained DORMENT and has recently been acted upon *(i.e. SINCE the LAUNCHING of Newsome's Email Project addressing what appears the United States of America's ROLE in the "CHEMICAL MASSACRE IN SYRIA")*

as a direct and proximately result of the **"CHAIN Conspiracies"** leveled **AGAINST** Vogel Denise Newsome. Not only that, as a DIRECT and PROXIMATE result of RETALIATION of Newsome's RECENT "EMAIL" Project entitled, ***"DAMAGE CONTROL ATTEMPTS: THE UNITED STATES OF AMERICA HAS "NO" CREDIBILITY – A COUNTRY CONTROLLED BY TERRORISTS, CORRUPTION . . . CHALLENGING THE UNITED STATES OF AMERICA AND DEMANDING EVIDENCE TO SUPPORT THEIR CLAIMS . . .NOW THE GOVERNMENT SHUTDOWN - - - EDWARD SNOWDEN (NSA SCANDAL) - - LET'S MAKE SURE THAT HISTORICAL EVENTS ARE ACCURATE!"*** See at **http://www.slideshare.net/VogelDenise/110113-united-states-of-americas-damage-control-tactics-credibility-issues-28013416** incorporated by reference as if set forth in full herein - being released to the PUBLIC/WORLD for informational and educational purposes. This is the lawsuit in which it appears Baker Donelson Bearman Caldwell & Berkowitz and its Conspirators/Co-Conspirators RECRUITED lawyers/employees of Newsome's former employer (Mitchell McNutt & Sams, P.A.) to fulfill ROLE(S) in the "CHAIN Conspiracies" toward Complainant Newsome in FURTHERANCE of DISCRIMINATORY, RETALIATORY and CRIMINAL/CIVIL violations leveled AGAINST her.

The record evidence in said Court in the Complaint submitted will provide **"VERBAL" ADMISSION** by Mitchell McNutt & Sams' representatives **ADMISSIONS** to subjecting Newsome to **DISCRIMINATION and HOSTILE** work environment**: See at http://www.slideshare.net/VogelDenise/ex-83-transcript-mms** Incorporated by reference as if set forth in full herein.

Mitchell McNutt & Sams relying on WHITE Employees to provide LIES and COMMIT PERJURY during Government Investigations. It was a good thing that Newsome was able to obtain the following information from the United States Department of Labor the following **FLSA NARRATIVE REPORT**:

> Evidence: Interviews of Supervisor Robert Gordon, Attorney Mike Farrell, and Secretary Ladye Margaret Townsend[24] revealed that Ms. Newsome had been rebellious and insubordinate in job duties assigned her from the start of her employment.
>
> [redacted] interview (Exhibit [redacted]) ***stated that every since Ms Newsome was hired she been looking for a way to get fired to pursue a lawsuit. . .*** After this incident Ms Newsome began working on whether she was paid properly . . . Newsome disagreed with Attorney Farrell and told Cochanuer and Townsend she was going to contact Wage Hour. [redacted] didn't know if Newsome did or not because nothing came of it. [redacted] further confirmed other events of insubordination. (Exhibit [redacted]).
>
> Further action:
> [redacted]
>
> (Note) ***During the course of this investigation, District Director*** ("DD") ***Billy Jones retired from the department***. Regional Administrator McKeon assigned Assistant District Director ("ADD") Oliver Peebles as Acting DD for the Gulf Coast District. DD Peebles has been advised through all actions of this case, and all of his instructions have been followed.

See **http://www.slideshare.net/VogelDenise/120310-complaint-mmsexhibits** and Exhibit 13 incorporated by reference as if set forth in full herein.

Information which clearly supports MM&S and its employee's ***knowledge of Newsome's engagement in protected activities***. Newsome believes the redacted information is pertinent. Moreover, that Newsome may not have been provided with the entire file. *During Newsome's employment with MM&S, she noticed* ***how Billy Jones would call quite often requesting to speak to Michael Farrell (one of the attorneys).*** *Newsome found it interesting because during one of the meetings* ***with Farrell, he made it known how he was familiar with the Wage & Hour Division;*** *moreover, how* ***he had the employees personal direct lines and provided such information.*** While the Department of Labor (Wage & Hour) Officials wanted Newsome to believe she did not understand the FLSA and that MM&S was not in violation, such is not the case. Prior to bringing FLSA action, **Newsome spoke with an attorney she had worked with at another firm and said attorney *confirmed* Newsome's understanding of the statute/laws was correct**.

[24] All of whom are "White" and having a personal interest and financial interest (either employment and/or business investment related).

MM&S' employees were willing to come before the Mississippi Department of Employment Security (MDES) and produce information they knew to be false and/or misleading. They came with what they thought was a well laid out plan, that before they knew it, they were providing testimony to support Newsome's claims of retaliation, discrimination, hostile treatment, etc.

> *DeCarlo v. Bonus Stores, Inc.*, 413 F.Supp.2d 770 (S.D.Miss.,2006.) - In his complaint, McArn charged that Terminix maliciously defamed him before the Mississippi Employment Security Commission by stating he was fired for a "bad attitude." At trial, McArn testified that Terminix's contention that he was insubordinate was false. That is the extent of McArn's evidence of defamation.
>
> > (n. 10) Under Mississippi law, public policy exception to employment at will doctrine permits employee to bring action in tort for damages against his employer if he is terminated for: **(1)*refusing*** *to participate in illegal act,* or **(2) reporting** *illegal acts of his employer to employer or anyone else.*

McArn v. Allied Bruce-Terminix Co., Inc., 626 So.2d 603 (Miss.,1993) - [3] McArn argues that the Mississippi Employment Security Commission was falsely told that he was terminated for a bad attitude and not told the true reason for his firing. McArn argues that Miss.Code Ann. § 71-5-131 (1972)*permits a claim for defamation whenever the employer* ***makes statements*** *to the Commission which are "****false in fact and maliciously*** *. . .* ***made for the purpose of causing a denial of benefits****."*

There is no question but that Miss.Code Ann. § 71-5-131 provides that communications between an employer and the Commission are privileged and "when qualified privilege is established, statements or written communications are not actionable as slanderous or libelous absent bad faith or malice if the communications are limited to those persons who have a legitimate and direct interest in the subject matter." *Benson v. Hall,* 339 So.2d 570, 573 (Miss.1976).

In his complaint, McArn charged that Terminix maliciously defamed him before the Mississippi Employment Security Commission by stating he was fired for a "bad attitude." At trial, McArn testified that Terminix's contention that he was insubordinate was false.

IMPORTANT TO NOTE: This is a matter in which Judge Bobby DeLaughter resided over. Based on information Newsome was able retrieve from research, Judge DeLaughter was recently INDICTED for:

> 18 USC § 371. ***Conspiracy to Commit Offense or to Defraud United States***

18 USC § 666. ***Theft or bribery concerning programs receiving Federal funds***

18 USC § 1341. ***Frauds and Swindles***

18 USC § 1346. . . .***Scheme or Artifice to Defraud***

18 USC § 1512. ***Tampering with a witness, victim, or an informant;***

however, only pled guilty to "lying to an FBI agent who was investigating a corruption case. . . attempting to obstruct, influence and impede an official proceeding while being interviewd. . ." and pled GUILTY. See Exhibit 11 of that document, as well as Paragraph B/Page 14 of the ***EMTS & MFEOTWOC)***.

This is PERTINENT and RELEVANT information because if Judge DeLaughter is a ***hidden*** member and participant (i.e. based on the listing provided at Paragraph 28(h)/Page 44 above and listing of Judges/Justices PUBLISHED and ADVERTISED on the Internet by Baker Donelson – See Exhibit 35 of that document) *of such SUPREMACIST/TERRORIST groups* that are involved in the criminal/civil wrongs leveled against Newsome, ***then such information is of PUBLIC/WORLDWIDE interes***t.

- There is record evidence as the following EXCERPT from the Mississippi Department of Employment Security's Transcript of MMS' Representatives AFFIRMING the UNLAWFUL/ILLEGAL employment violations to which Newsome was subjected to during her employment with MMS. The following **TRANSCRIPT** Excerpts is From Allen's and Gordon's Examination during Unemployment Compensation Hearing: *McArn v. Allied v. Allied Bruce-Terminix Co., Inc.*, 626 So.2d 603 (Miss. 1993) – *Whether or not there is a written contract, there should be public policy exceptions to employment-at-will doctrine for employee who refuses to participate in illegal act or employee who reports illegal act of his employer; these exceptions will apply even where there is "privately made law" governing employment relationship, or where illegal activity either declined by employee or reported by him affects third parties among general public, though they are not parties to lawsuit*. (n.3) *Employer's alleged statement to Employment Security Commission that employee was terminated for a "bad attitude" was privileged and could not be basis for libel suit, absent proof that such statements were false or maliciously made.*

Newsome	56	2-4	Okay, so my December 1, 2004 e-mail in regards to harassment incident, was not out of the ordinary. I have submitted complaints in the past in regards to Mr. Gordon's behavior, is that correct?
Allen	56	5	You have.
Newsome	56	6-8	At any time during my employment**, did I mention to you that I felt that Mr. Gordon's treatment, or his behavior, and conduct in regards to me was hostile?**

Allen	56	9	**You did.**
Newsome	56	10	Okay, was this before your June 7th Memorandum or after?
Allen	56	11	I don't recall.[1]
Newsome	56	16-18	And the complaint that I submitted to OSHA, OSHA contacted the firm, you were to respond, if I'm not mistaken, by June 8, 2004. Is that correct?
Allen	56	19-20	I don't know the exact date. We did respond within the time limits they asked us to.
Newsome	57	1-4	Okay, the date of that Memorandum . . .was June 7, 2004, the response, if I'm not mistaken, because like I said, I wasn't aware this was coming up, was due on June 8, 2004. That e-mail or that Memorandum came out the day prior. Did that have anything to do?
Allen	57	5-6	Absolutely not, that's why I stated in here, you could do all you wanted about, with, with agencies.[1]
Newsome	57	7-10	But also in regards to the complaints that I had submitted to the firm, have I ever submitted any complaints of harassment, discrimination, or anything to the attention of Mitchell, McNutt & Sams in regards to Bob Gordon?
Allen	57	11	Discrimination, harassment, yes, you've used that word several times.
Newsome	57	12-14	Okay, and did I ever mention to you that I felt that I was discriminated or either in the handling of my complaints being discriminative in any nature?
Allen	57	15-16	You asked me to follow through with going to the Board, is that what you're referring to?
Newsome	57	17-20	No, I'm asking did you ever receive any e-mail correspondence from me in regards to complaints I submitted to the firm, that I felt I was being subjected to certain treatment?
Allen	57	20	Discriminatory.
Newsome	58	1	Discriminative treatment?
Allen	58	2	You're, **I believe you sent me one like that, yes.**
Newsome	58	3-5	Okay, so you were, so **Mitchell, McNutt & Sams was made aware prior to November 30th on several occasions that I had filed complaints in regards to Mr. Gordon's behavior?**

Allen	58	6	**Yes.**
Newsome	58	7-9	Did Mitchell, McNutt & Sams at any time prior to November 30, 2004 submit in writing to me, written responses to my complaints in regards to Mr. Gordon's behavior?
Allen	58	10-12	Let's see, we, we talked about it at the Board, and talked to Mr. Gordon about it, and I'm trying to think if, what happened from that point forward. I don't recall if we sent anything to you, if I did.
Newsome	58	13-15	Okay, so I can, it, it is your testimony that I submitted several complaints, but the firm never responded to me in writing in regards to my complaints on Mr. Gordon's behavior.
Allen	58	16	I responded back to you.
Newsome	58	17	In regards to Mr. Gordon's behavior?
Allen	58		Uh hum.
Newsome	58	17-18	Do you have any documentation?[1]
Allen	58	19-20	Oh, I tried, I may have some e-mails that we had through correspondence commenting back on.
Newsome	59	1-3	Okay, did Mr. Gordon ever receive an elaborate e-mail or Memorandum such as. . . that you forwarded to me in regards to the complaints I submitted in regards to him?
Allen	59	4	Did he receive one?
Newsome	59	5-9	Did Mr. Gordon, I submitted a complaint in regards to harassment or discrimination like I said, I don't' have them all, but I submitted my complaints to the firm in regards to Mitchell, McNutt & Sams conduct and behavior as well as Mr. Gordon, did you ever follow up with an e-mail or memorandum as you June 7, 2004?
Allen	59	10	To Mr. Gordon?
Newsome	59	11	To Mr. Gordon?
Allen	59	12	No.
Newsome	59	13-14	So Mitchell, McNutt & Sams did nothing to deter or discourage Mr. Gordon's behavior?
Allen	59	15-16	I don't know if there was, there was some discussions with, that, that we had.

PRETEXT:(1) Allen's memory was so good with dates, etc. when MMS' attorney, Ardelean, was coaching him; however, now unable to recall dates and time under cross-examination; **(2)** Credibility, malicious, willful and wanton memorandum brief. Claims Allen was not aware that Memorandum was created day before OSHA deadline to respond to complaint; however, he coincidentally mentions my filing complaints with agencies in Memorandum; and **(3)** At hearing regarding matter, MMS representatives were turning over exhibits regarding Newsome and its evidence of unlawfully and/or illegally padding her personnel file; however, *produced not one document to support MMS' handling of discrimination and harassment complaints Newsome submitted against Gordon*.

Newsome	144	19-20	Yes, just a moment. It was the incident that I went out to lunch with Attorney Mike Farrell and Ladye Margaret?
Gordon	146	7-13	She was gone for, what to me was an inordinate of the time to get something to pick up, to pick something up to bring it back. My recollection is that she was gone approximately forty-five minutes or so, and then she returned and at that time I criticized her for having gone and eaten out when I had told her that she needed to work through the lunch hour, and if she was going to get something to eat, go get it, and bring it back.
Newsome	146	14-15	So you said it was about forty-five minutes. For the record, can you explain your conduct when I did return, your behavior?
Newsome	147	1-2	So would you say your behavior, for instance stomping around and slamming the door is acceptable?
Gordon	147	3-4	I don't know that I stomped around and slammed the door, but I, yes, I was very upset.
Newsome	147	5	Okay, **would you say you were hostile?**
Gordon	147	6	**Yes.**
Newsome	147	8-9	Were you aware that your behavior was noticed by other employees at Mitchell, McNutt & Sams?
Gordon	147	10	Yes.
Newsome	147	11	Are you aware that I reported that behavior to Mr. Allen?
Gordon	147	12	Sitting here right now, I don't, I do not recall being aware of that.
Newsome	148	1-2	You, were you aware that when I went to lunch, that I was not driving, that I did go with Mr. Farrell and Ladye Margaret?
Gordon	148	3-4	You told me that when you returned, you did not tell me that before you were going.
Newsome	148	5-6	Prior to leaving. Were you aware that the lunch break was only about probably thirty-five minutes?

Gordon	148	7	It occurred, it appeared to me it was around forty-five minutes.
Newsome	148	16-17	Did that thirty-five minutes, or if you say forty-five minutes, did that preclude or prevent you from getting that Pleading filed in time?
Gordon	148	18-20	We got the Pleading filed on that day, but while you were out, a revision or revisions to that Pleading were sitting at your desk and not being done.
Newsome	149	14-16	And are you aware that your conduct affected the work of another attorney, who was wondering whether or not you had calmed down that day after that particular incident?
Gordon	149	17	No.
Newsome	150	2	So Mr. Gordon, you **would say your conduct was hostile?**
Gordon	150	3	**That's what I, yes, I said that.**
Newsome	150	4-5	Did Mitchell, McNutt & Sams ever notify you of your conduct of being you know, you being a hostile employee?
Gordon	150	6	No.
Newsome	150	13-14	Are you aware that I have, that I submitted complaints in regards to your conduct to Mitchell, McNutt & Sams?
Gordon	150	15	You have submitted complaints or e-mails alleging harassment.

See **http://www.slideshare.net/VogelDenise/120310-complaint-mmsexhibits** and Exhibit 7 incorporated by reference as if set forth in full herein.

- The Mitchell McNutt matter is a lawsuit in which Defendants served EXECUTED ***"WAIVER OF THE SERVICE OF SUMMONS"*** stating **SELF-REPRESENTATION;** however, attempted to take advantage of Newsome because of her PRO SE status and ***attempted to have*** *a CORRUPT/TAINTED Lawyer (Paula Graves Ardelean)* ***enter the lawsuit WITHOUT filing*** *the MANDATORY document(s)* ***(Notice of Appearance)*** *to support her representation of the Defendants served in said lawsuit*. This appears to be a MALICIOUS and FRIVOLOUS DEFENSE MOVE (failure to file APPEARANCE) that has PROVEN FATAL to the Defendants served. The move by Ardelean was done with DELIBERATE and MALICIOUS FORETHOUGHT to SHIELD her and her Law Firm (Butler Snow O'Mara, Stevens & Cannada) from LIABILITY! Again, FRIVOLOUS DEFENSE TACTIC that has PROVEN to be FATAL to the Defendants served because such unlawful/illegal practices were timely CONTESTED by Newsome's objections. See *MOTION FOR RELIEF FROM THE OCTOBER 23, 2013 FINAL*

JUDGMENT; MOTION TO DISQUALIFY JUDGE LOUIS GUIROLA, JR. and DEMAND FOR JURY TRIAL at **http://www.slideshare.net/VogelDenise/110613-rebuttal-motion-to-102313-ruling-mms** incorporated by reference as if set forth in full herein.

> *Partin v. Pletcher,* Case No. 08CA5, COURT OF APPEALS OF OHIO, FOURTH APPELLATE DISTRICT, JACKSON COUNTY, 2008 Ohio 6749; 2008 Ohio App. LEXIS 5637, December 12, 2008, Date Journalized
> **For a court to acquire jurisdiction there must . . . an entry of appearance**, *and* ***a judgment rendered without proper*** *service or* ***entry of appearance*** *is a* ***nullity and void.*** A decision entered without jurisdiction is unauthorized by law and **amounts to usurpation** of judicial power.
> [HN1] . . . HN1"[F]or a court to acquire jurisdiction there must be . . . an entry of appearance, and a judgment rendered **without** . . . entry of appearance is a nullity and void." *Lincoln Tavern, Inc. v. Snader* (1956), 165 Ohio St. 61, 64, 133 N.E.2d 606; see, also, *Cincinnati School Dist. Bd. of Edn. v. Hamilton Cty. Bd. of Revision* (2000), 87 Ohio St.3d 363, 366-367, 2000 Ohio 452, 721 N.E.2d 40; *Knickerbocker Properties, Inc. XLII v. Delaware Cty. Bod. of Revision*, 119 Ohio St.3d 233, 2008 Ohio 3192, 893 N.E.2d 457, at P20. **A decision entered without jurisdiction "is unauthorized by law and amounts to usurpation of judicial power**." *State ex rel. Ballard v. O'Donnell* (1990), 50 Ohio St.3d 182, 184, 553 N.E.2d 650, [**5] citing *State ex rel. Osborn v. Jackson* (1976), 46 Ohio St.2d 41, 52, 346 N.E.2d 141.

> *Farmers Mkt. Drive-In Shopping Ctrs., Inc. v. Magana, No. 06AP-532* , COURT OF APPEALS OF OHIO, TENTH APPELLATE DISTRICT, FRANKLIN COUNTY, 2007 Ohio 2653; 2007 Ohio App. LEXIS 2450, May 31, 2007, Rendered - *Lincoln Tavern, Inc. v. Snader (*1956), 165 Ohio St. 61, 64, 133 N.E.2d 606 (stating that *"[i]t is* ***axiomatic*** that for a court to acquire jurisdiction there **must** be . . . an entry of appearance, and **a judgment** *rendered* ***without*** . . .entry of appearance **is a nullity and void**").
>
> *Knickerbocker Props. v. Del. County Bd. of Revision,* No. 2007-0896, SUPREME COURT OF OHIO, 119 Ohio St. 3d 233; 2008 Ohio 3192; 893 N.E.2d 457; 2008 Ohio LEXIS 1750, April 22, 2008, Submitted, July 3, 2008, Decided - [HN7]*It is* ***axiomatic*** that for a court to acquire jurisdiction there must be . . . an entry of appearance, and a judgment rendered without proper service or entry of appearance is a nullity and void.

A Court of Appeals also finding:

FIA Card Services, N.A. v. Salmon, --- N.E.2d ----, 2009 WL 57592 (Ohio App. 3 Dist.,2009)
[n. 4] An "abuse of discretion" constitutes more than an error of law or judgment and implies that the trial court acted unreasonably, arbitrarily, or unconscionably.

Mr. Warner: Well, your Honor, for the record I would like to at least argue our motion.

The Court: Well, no. I'm not going to let you argue your motion. ***You haven't entered an appearance.*** *I'm not going to let you do that.* ***That's not right****.*

Mr. Warner: Your Honor, I could-

The Court: Mr. McCann is the one who should be here. ***Either that or has to be some sort of a substitution or some sort of an entry of appearance***.

Mr. Warner: *Well, I am from the same law firm as him, your Honor*.

The Court: ***I don't know that. Don't see it on the record. Not here***.

Mr. Warner: *I can give you one of my business cards.*

The Court: I don't want your business card. So we're done, aren't we?

Mr. Warner: Well, your Honor, I'd ask for a reasonable continuance then of the matter.

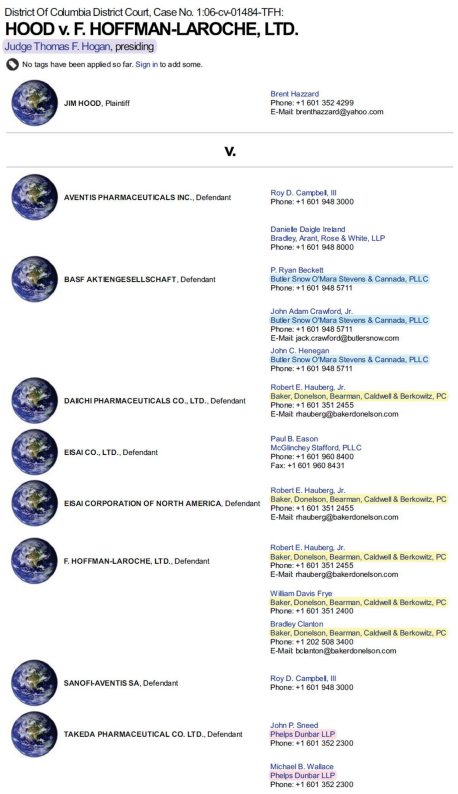
The Court: *Well,* ***you haven't even entered an appearance.*** *How can you ask for a continuance*?

{¶ 14} Our review of the record reveals that at the hearing on May 22, 2008, attorney Warner advised the trial court that he was admitted to the Ohio bar and licensed to practice before the courts in the state of Ohio. Additionally, attorney Warner is employed by Javitch, Block & Rathbone, L.L.P., which **is the same firm that employs** attorney McCann, whose name appears on the pleadings in this case on behalf of FIA. Furthermore, we note that the appearance of attorney Warner as substitute counsel for attorney McCann was in no way ***prejudicial*** *to the appellee in this case*.

{¶ 15} Based on the foregoing, as the appearance of attorney Warner as substitute counsel was in no way ***prejudicial*** to the appellee, we find that the trial court abused its discretion by dismissing FIA's case for failure to prosecute pursuant to

Civ.R. 41(B)(1). Accordingly, FIA's sole assignment of error is sustained.

- This is a Lawsuit in which it appears Baker Donelson Bearman Caldwell & Berkowitz in efforts to **SHIELD/HIDE its ROLE** in the Lawsuit turned to its **"FRONTING" Law Firm Butler Snow O'Mara Stevens & Cannada ("Butler Snow")** to make Butler Snow seem as if it was representing the Defendants served Mitchell McNutt & Sams. Upon doing RESEARCH Newsome was able to obtain information to support Baker Donelson's and Butler Snow's **PARTNERING TOGETHER** in Lawsuits regarding their CLIENTS.



District Of Columbia District Court, Case No. 1:06-cv-01484-TFH:
HOOD v. F. HOFFMAN-LAROCHE, LTD.
Judge Thomas F. Hogan, presiding
No tags have been applied so far. Sign in to add some.

JIM HOOD, Plaintiff
Brent Hazzard
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V.

AVENTIS PHARMACEUTICALS INC., Defendant
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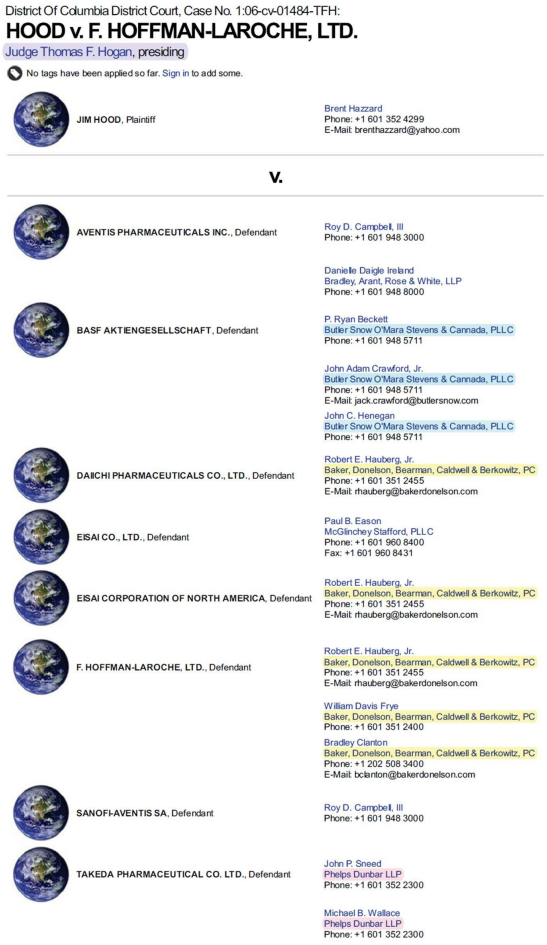
- Record evidence will support that Defendants **were UNABLE to REBUT** the facts, evidence and legal conclusions in the Complaint regarding the Mitchell McNutt & Sams Lawsuit filed. Moreover, ***how TAINTED*** *and* ***CORRUPT Judges Henry T. Wingate*** *and* ***Linda Randle Anderson*** *(**BLACK-Americans/HOUSE Negroes**) are Baker Donelson Bearman & Caldwell JUDGES assigned as the "GATEKEEPERS" in this lawsuit.* Thus, AFTER approximately THREE years of being DORMANT, only AFTER Newsome's going PUBLIC with her email campaign to the International Communities, in RETALIATION did Baker Donelson Bearman Caldwell & Berkowitz and those with whom they CONSPIRE replace those BLACK-Americans with one of their WHITE SUPREMACIST Judges (Louis Guirola, Jr.) to further their CRIMINAL practices and attempt to "CLOSE" the Lawsuit.

- For **FRAUDULENT** and **DECEPTIVE** purposes the U.S. Southern District Court (Jackson, Mississippi) has **"MISLABELED"** the Mitchell, McNutt & Sams Lawsuit as "CLOSED" when, as a matter of law, it is an **"OPEN"** and **"ACTIVE"** Lawsuit. Furthermore, said Court is REFUSING to make KNOWN the CONFLICTS-OF-INTEREST that is present in Judge Louis Guirola, Jr.'s handling of this Lawsuit.



District Of Columbia District Court, Case No. 1:06-cv-01484-TFH:

HOOD v. F. HOFFMAN-LAROCHE, LTD.

Judge Thomas F. Hogan, presiding

No tags have been applied so far. Sign in to add some.

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K) **FAILURE-TO-PREVENT in the *Garretson Firm Resolution Group vs. Vogel Denise Newsome* (2012)** – See Newsome's pleading filed advising of her not entertaining such FRIVOLOUS ACTIONS at http://www.slideshare.net/VogelDenise/020912-notice-ofnonattendancehearinggarretsonstamped and demanding the **VACATING of the FRIVOLOUS ACTION** brought AGAINST her at http://www.slideshare.net/VogelDenise/020912-garretson-resolution-group-motion-to-vacate-stamped incorporated by reference as if set forth in full herein.

Jim Messina (CAMPAIGN Manager/Deputy Chief of Staff/Director of Personnel for the Transition Team *for United States President Barack Obama*)

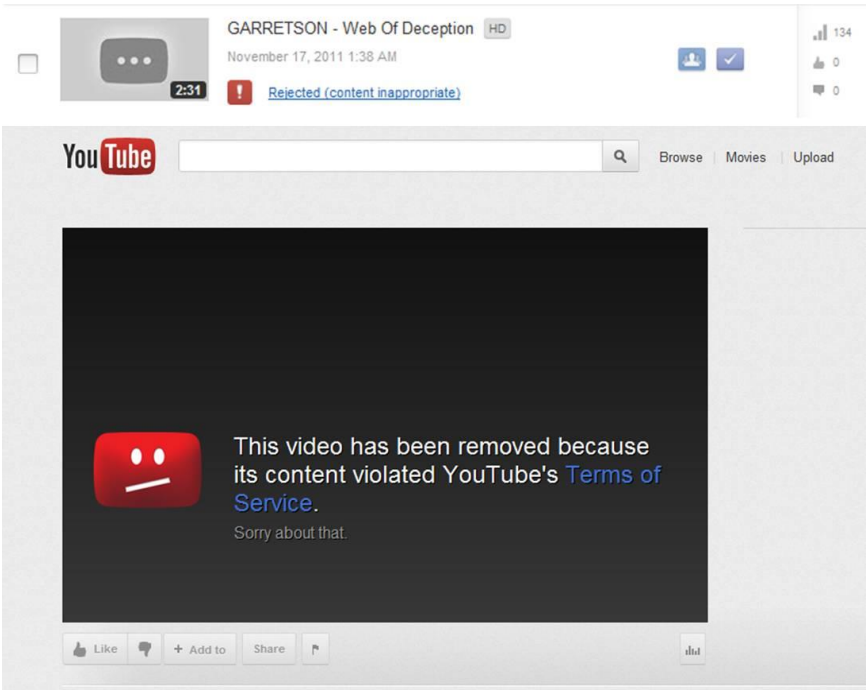
MESSINA STAFFING
We Fill Jobs
MESSINA MANAGEMENT SYSTEMS

FACTS TO UNDERSTAND ABOUT THIS LAWSUIT:

- The Garretson Firm Resolution ("GRG") matter is the firm that the United States of America's Government was using to handle the PAYOUTS to Responders in the September 11, 2001, World Trade Center Attacks. See **http://www.slideshare.net/VogelDenise/ex-xix-garretson-q-and-a-the-911-adjuster-17117981** incorporated by reference as if set forth in full herein which states in part:

> . . .The Garretson Firm Resolution Group, with offices in Cincinnati and Charlotte, N.C., is administering the claims, which involve more than 10,000 plaintiffs. . . .
>
> . . .We're being paid by the W.T.C. Captive Insurance Company (the city's insurer). They agreed to pay up to $3.5 million of our expenses. . .

- There is record evidence to support that when Newsome went PUBLIC on YouTube.com to share United States of America's President Barack Obama's and his Administration's ROLE(S) in the CRIMINAL Acts in which GRG engaged WHITE RACIST employees to frame her for their CRIMES entitled, "WEB OF DECEPTION," they moved SWIFTLY to engage YouTube.com to work with them to COVER-UP evidence from their Website and keep the PUBLIC/WORLD in the dark. YouTube.com in FULFILLING its role(s) in the "CHAIN Conspiracies" had Newsome reporting of The Garretson Firm Resolution Group's "WEB OF DECEPTION" removed from their website.



In that there is ***"MORE-THAN-ONE-WAY-TO-SKIN THE OBAMA CAT,"*** Newsome put this presentation at **http://www.slideshare.net/VogelDenise/garretson-resolution-group-web-of-deception** incorporated by reference as if set forth in full herein.

- It is of PUBLIC/WORLD importance to make known that GRG is also the firm that the United States of America's CORRUPT Government Officials turned to, to handle the PAYOUTS in the Bernard "Bernie" Madoff PONZI Scams – i.e. this is NOT coincidental that the JEWS turned to GRG to handle the PAYOUTS in such matters.

Matt Garretson and Nicholas Papain

. . .The WTC Captive was created **with a $1 billion grant from the Federal Emergency Management Agency** to insure the City of New York and its debris removal contractors because in the aftermath of 9/11 the City of New York was unable to procure an adequate amount of liability insurance coverage in the commercial insurance market for the World Trade Center site rescue, recovery and debris removal work.

The settlement will cost the **taxpayer-funded WTC Captive $625 million in cash** at the required 95% plaintiff participation, with an additional $87.5 million paid if certain conditions are met. Plaintiffs' attorneys are capping their fees at 25% of the settlement amount, resulting in savings to plaintiffs of over $50 million. Those savings, together with the additional funding of up to $50 to $55 million by the WTC Captive, the waiver of the workers' compensation liens and credits, and the assumption by the WTC Captive of additional costs of allocating the settlement proceeds among the plaintiffs, increase the value of this amended settlement to plaintiffs by approximately $125 million as compared to the settlement first announced in March, making the total value of the settlement $712.5 million. . . .

The WTC Captive was funded with just under **$1 billion** in federal funds provided through a grant from the **Federal Emergency Management Agency (FEMA)**—part of the **$20 billion of such funds requested by the Administration and authorized by**

> **Congress** to help New York City and its people recover and rebuild after 9/11. . .

See Exhibit "XX" – ***"Press Release - WTC Plaintiffs to Receive Approximately $125 Million in Addition"*** at **http://www.slideshare.net/VogelDenise/garretson-world-trade-center-settlement and http://www.slideshare.net/VogelDenise/garretson-napoli-bern-ripka-shkolnik-wtc-plaintiff-receive-approximately-125-million** incorporated by reference as if set forth in full herein.

> . . .As you may know, each claim must be reviewed and approved by Matt Garretson, who is the Court-appointed "Allocation Neutral" and his team. Not surprisingly, Mr. Garretson's office has been **inundated with hundreds of thousands of documents** that must be reviewed as part of this process. You may already be aware that payment authority is being issued by the Garretson office in "waves" of several thousand plaintiffs at a time. . . .

See Exhibit "XXI" – ***"Initial Payment Update"*** at **http://www.slideshare.net/VogelDenise/garretson-initial-payment-update-worby-groneredelmannapolibern** incorporated by reference as if set forth in full herein.

Bernard "Bernie" Madoff ["Ponzi Scam"] matter. It appears that Garretson Resolution Group/The Garretson Firm Resolution Group Inc. may have also been retained to handle PAYOUTS in this matter. See Exhibit "XXII" – **"Bernard Madoff Ponzi Scheme"** at**http://www.slideshare.net/VogelDenise/garretson-resolution-group-bernie-madoff-settlement-payouts** and **http://www.slideshare.net/VogelDenise/garretson-bernie-madoff-ponzi-scheme-lawsuits-napoli-bernripkashkolnik-firm** incorporated by reference as if set forth in full herein.

- There is record evidence to support that the United States of America's White House, Congressional Members and their Legal Counsel Baker Donelson Bearman Caldwell & Berkowitz has a WELL-ESTABLISHED PATTERN/HISTORY to RETALIATE against AFRICAN-Americans and DESTROY their LIFE because they seek to EXPOSE the United States of America's Corrupt Government Officials' DOMESTIC TERRORISTS Act. For instance, look at what happened to Congresswoman Cynthia McKinney. See

http://www.slideshare.net/VogelDenise/cynthia-mckinney-synopsis-information incorporated by reference as if set forth in full herein.

UNDERSTANDING HOW The National Security Agency Scandal ("NSA") works, one may consider that on or about November 11, 2011, when Newsome decided to do some RESEARCH on Congresswoman McKinney,

SHORTLY thereafter, the United States Department of Justice CONTACTED McKinney alleging that her life was in danger.

McKINNEY-Cynthia(SynopsisInfo)	11/7/2011 10:28 PM
McKINNEY-Cynthia(LetterToPrinceNotInDenial)	11/7/2011 3:36 PM
9-11 TRUTH MOVEMENT	11/7/2011 2:34 PM
McKINNEY-Cynthia(QuestionRegarding9-11)	11/7/2011 2:29 PM
McKINNEY-Cynthia(WikiBio-MLK & 9-11)	11/7/2011 1:26 PM
CARLYLE GROUP (BinLaden & BushTies)	11/7/2011 1:06 PM

It appears from Research (Article about AUGUST 2009) that the *United States Government's Department of Justice/FBI* **"TRAINED" and "PAID" a Journalist (Hal Turner)** *that called for the* ***LYNCHING*** ***of AFRICAN-American*** *Congresswoman Cynthia McKinney*:

> "Hal Turner called her 'a violent, black, racist, b***h' whose lynching would teach other Blacks that 'white people are tired of her b***t, behave or die'
>
> Former Congresswoman Cynthia McKinney sent an email around on Sunday in which she wrote:

"[I]t has just now come to my attention that a 'journalist' who suggested taht I be lynched was actually being paid by our own government to say that. Now, when I reported it to the FBI, how in the world was I to know that he was at the time on the FBI's payroll?"

"Hate blogger" Hal Turner's lawyer said last week, and prosecutors agreed, that Turner was "trained by the FBI on how to be DELIBERATELY PROVOCATIVE" and worked for the FBI from 2002 to 2007 as an 'agent provocateur' and was taught by the agency 'what he could say that wouldn't be crossing the line."' See http://www.slideshare.net/VogelDenise/mc-kinney-cynthia-hal-turnerlynchingrequest incorporated by reference as if set forth in full herein.

Is it a COINCIDENT ***that FBI Special Agent-In-Charge (Brian Lamkin)*** of the Bureau's Atlanta Office would **contact** Congresswoman Cynthia McKinney on or about **November 9, 2011** (i.e. approximately **two [2]** days **AFTER** Vogel Newsome ***drafted information on*** **NOVEMBER 7, 2011** to post on her website)?

"What in the world would the FBI want with me? First of all, at 4:56 p.m. today they called me at my mother's home while I was there, so I was able to speak with them. Then I was told that the four men indicated in the story below, which broke in the metro Atlanta news today, had listed me as a target for assassination. Attorney General Eric Holder and,
according to FBI Special Agent-In-Charge Brian Lamkin of the bureau's Atlanta office, President Obama were also targeted.

Let me be clear: I am not afraid of these men listed below. **I do, however, have concerns about the activities of the FBI that had on its payroll a so-called radio "shock jock,"** Hal Turner, who announced to his listeners in 2006 that I should be lynched on my way to vote. . .

So now, the FBI, the government agency that was paying the shock jock to threaten me, rings to inform me that I now qualify for their "victim witness" services.

I don't know what political reaction they expect from me. I do have an idea, but they surely won't get it. Recently I have been reaching out to conservative White individuals and organizations for dialogue and I will continue to do so. The people I've been reaching out to are hearing my message and it is getting through: if you and I fail to talk about our problems, we will never resolve them and the same old culprits who have skillfully divided us on the false basis of race will continue to steal opportunity from both of us. Let's at least talk to each other and keep our eyes together on the ones stealing the people blind.

I will continue my political activities with the Bertrand Russell Tribunal on Palestine that just this past weekend announced its findings that from witness testimony from Israel and Palestine, it is clear that Israel practices its own unique form of apartheid.

I will continue to OPPOSE the senseless, inane, immoral, illegal wars of the Obama administration. I will continue to PURSUE war crimes prosecutions AGAINST war criminals and that includes

former presidents and prime ministers. I will continue to SEEK understanding from my fellow Americans so that we can OPPOSE the madness that is now running our country that, unfortunately, is running roughshod over the environment and our world."

See **http://www.slideshare.net/VogelDenise/mc-kinney-cynthia-whyisfbicallingme incorporated by reference as if set forth in full herein.** Yes, Congresswoman Cynthia McKinney have reasons to be SUSPICIOUS of this, *because the FBI is "**KNOWN TO BE** A **Government TERRORIST Organization**"* who has **REPEATEDLY** worked and engaged in ***RACIST/SUPREMACIST activities to SILENCE*** *AFRICAN-Americans that* ***OPPOSE*** *and* ***EXPOSE*** ***the "Criminal and Civil/Human Rights" violations*** *of the United States of America.* **The FBI is ONLY *one of the MANY organizations*** involved **in the CONSPIRACIES** and **COVER-UPS** in the **MURDERS/ASSASSINATIONS** of Malcolm X, Martin Luther King Jr. and Medgar Evers, other Civil Rights Leaders and Citizens.

WHAT A JOKE! President Barack Obama and United States Attorney General Eric Holder ***right about now may want the FBI/CIA to have them assassinated to AVOID IMPEACHMENT/REMOVAL FROM OFFICE and CRIMINAL PROSECUTION;*** however, the American people are entitled to see to the PROSECUTION of President Barack Obama, Congressional Members, Supreme Court Justices, their Legal Counsel Baker Donelson Bearman Caldwell & Berkowitz and their Conspirators/Co-Conspirators. United States of America President Barack Obama ***has been WORTHLESS since he has been in office so it is "STUPIDITY" to have alleged such FRAUDULENT claims for purposes of GAINING ACCESS to Congresswoman Cynthia McKinney.***

L) FAILURE-TO-PREVENT in the *Newsome vs. The Garretson Firm Resolution Group and Messina Staffing/Management Systems* (2012) – See at http://www.slideshare.net/VogelDenise/043012-eeoc-ocrc-complaintcharge incorporated by reference as if set forth in full herein.

FACTS TO UNDERSTAND ABOUT THIS LAWSUIT:

- The Status of this matter is Complainant Newsome submittal of ***ADMINISTRATIVE PROCEDURE ACT REQUESTS: MANDATORY DEFERRAL TO THE OHIO CIVIL RIGHTS COMMISSION PURSUANT TO 29 CFR §1601.13/1604.8 AND OTHER GOVERNING STATUTES/LAWS, MANDATORY COMMISSIONER CHARGE TO ISSUE PURSUANT TO 29 CFR § 1601.6 AND OTHER GOVERNING STATUTES/LAWS, AND MANDATORY FINDINGS OF FACT CONCLUSIONOF LAW REQUESTED PURSUANT TO OHIO REVISED CODE § 2315.19/FEDERAL RULES OF CIVIL PROCEDURE RULE 52 AND OTHER GOVERNING STATUTES/LAWS – COURT'S LACK OF JURISDICTION FOR FAILURE TO DEFER; REITERATION OF OBJECTIONS AND REITERATION FOR REQUESTS TO BE ADVISED OF ALL "CONFLICT-OF-INTERESTS" SUBMITTED: JUNE 21, 2012*** See

http://www.slideshare.net/VogelDenise/062112-response-to-eeoc-061412-letter incorporated by reference as if set forth in full herein. To date (December 23, 2013), said submittal has gone UNCONTESTED!

M) **FAILURE-TO-PREVENT in the *Newsome vs. Page Kruger & Holland* (2012)** – See at http://www.slideshare.net/VogelDenise/051212-complaint-exhibits-pkh-final incorporated by reference as if set forth in full herein.

FACTS TO UNDERSTAND ABOUT THIS LAWSUIT:

In another case (*Lagies v. Copley*, 110 Cal App 3d 958, 16 Cal Rptr 368), the plaintiff, . . .alleged that officials and *managerial employees of his corporate employer* ***abused their positions*** *of authority over him by* ***conduct*** *including demotions,* ***discriminatory treatment****, denial of long-accepted avenues of advancement, and* ***defamation of his reputation*** *to his coworkers*, . . . *and* ***to the public generally***, apparently in retaliation for a story *which* ***offended*** *the* ***chairperson*** *of the board*. The complaint further charged that the ***individual*** *defendants* ***conspired*** *to* ***get plaintiff to quit, tarnish his reputation****, and* ***blackball*** *him* ***by preventing his being hired*** . . .; that ***they published*** his confidential sources *thus* ***destroying his credibility*** . . .; that they ***virtually isolated plaintiff in his place of***

employment *rendering him a de facto pariah, . . .*, assigning him to more and more degrading tasks . . .. ***Reversing*** *a dismissal of the complaint, the* ***court held*** *the plaintiff alleged facts and circumstances which reasonably could lead trier of fact to conclude* ***that defendants' conduct was extreme and outrageous***. The court noted that according to the pleadings, *defendants* ***intentionally humiliated*** *plaintiff, . . .* ***singled*** *him out for denial of merit raises, . . .,* ***blackballed him****, thus* ***precluding other employment***, . . . thus ***destroying his credibility*** . . ., *all* ***without just cause*** *or* ***provocation***. The court concluded that the pleadings charged more than insult and more than mere direction of job activities.

Hundley v. Louisville & N.R. Co., 48 S.W. 429 **(Ky.)** - A conspiracy between defendant railroad company and other . . .companies **to prevent discharged employees from obtaining employment,** if unlawful, does not give an employee who has been discharged by defendant a right of action, **unless the conspiracy has been carried out by the refusal to give him employment. . .**

. . .that while engaged in the discharge of his duties he **was wrongfully, unlawfully, and maliciously discharged** by it; that it **wrongfully, unlawfully, and maliciously blacklisted him;** that he was blacklisted wrongfully, unlawfully, maliciously, and falsely by its placing upon its records a pretended cause of discharge, to wit, neglect of duty, with a view of injuring and **preventing him from entering its employment** or that of other . . .companies; that it **had entered into a conspiracy and combination with other . . .companies** by which its employés discharged for cause will not be given employment by other. . . companies; that, on account of its false and malicious acts and its conspiracy with other . . .companies, he **has been deprived of the right to again engage in the employment** of the defendant or other . . . companies; that **the wrongful acts mentioned were committed for the purpose of making, and had made, it impossible for him to ever again get employment** from the defendant on any of its lines, or from other . . .companies in the United States; . . .

It is the part of every man's civil rights to enter into any lawful business, and to assume business relations with any person who is capable of making a contract. It is likewise a part of such rights to refuse to enter into business relations, whether such refusal be the result of reason, or of whim, caprice, prejudice, or malice. **If he is wrongfully deprived of these rights, he is entitled to redress.** Every person sui juris is **entitled to pursue any lawful trade, occupation, or calling**. It is part of his civil rights to do so. He is as much entitled to pursue his trade, occupation, or calling, **and be protected in it, as is the citizen in his life, liberty, and property**. **Whoever wrongfully prevents him from doing so inflicts an actionable injury. For every**

injury suffered by reason of a violent or malicious act done to a man's occupation, profession, or way of getting a livelihood, an action lies. Such an act is an invasion of legal rights. A man's trade, occupation, or profession may be injured to such an extent, by reason of a violent or malicious act, as would prevent him from making a livelihood. One who has followed a certain trade or calling for years may be almost unfitted for any other business. To deprive him of his trade or calling is to condemn, not only him, but perchance a wife and children, to penury and want. **Public interests, humanity, and individual rights, alike, demand the redress of a wrong which is followed by such lamentable consequences.** A . . company has the right to engage in its service whomsoever it pleases, and, as part of its right to conduct its business, is the right to discharge any one from its service, **unless to do so would be in violation of contractual relations with the employé. It** is the duty of a . . .company to keep in its service persons who are capable of discharging their important duties in a careful and skillful manner. **The public interest, as well as the vast property interests of the company, require that none other should be employed by it. Its duty in this regard and its right to discharge an employé does not imply the right to be guilty of a violent or malicious act, which results in the injury of the discharged employé's calling.** The company has the right to keep a record of the causes for which it discharges an employé, but in the exercise of this right **the duty is imposed to make a truthful statement of the cause of the discharge.** If, by an arrangement among the . . .companies of the country, a record is to be kept by them of the causes of the discharge of their employés, and when they are discharged for certain causes the others will not employ them, it becomes important that **the record kept should contain a true statement of the cause of an employé's discharge. A false entry on the record may utterly destroy and prevent him from making a livelihood at his chosen business. Such false entry must be regarded as intended to injure the discharged employé; therefore a malicious act. . . .**"A tort may be dependent upon, or independent of, contract. If a contract imposes a legal duty upon a person, the neglect of that duty is a tort founded on contract; so that an action ex contractu for the breach of contract, or **an action ex delicto for the breach of duty, may be brought, at the option of the plaintiff." It was one of the purposes of the common law to protect every person against the wrongful acts of every other person, and it did not matter whether they were committed by one person or by a combination of persons, and under it an action was maintainable for injuries done by disturbing a person in the enjoyment of any right or privilege which he had.** It is said in Cooley, Torts, 278: **"Thus, if one is prevented, by the wrongful act of a third party, *from securing some employment* he has sought, he suffers a legal wrong, provided he can show that the failure to employ him was the direct and natural consequences of the wrongful act."** It is said in 1 Add. Torts, 14: **"When a violent or malicious act is done to a man's**

occupation, profession, or way of getting a livelihood, there an action lies in all cases." The plaintiff does not seek to recover because he was discharged in violation of a contract which he had with the defendant. He does not allege that he had a contract with it to perform services for it for a given length of time. **He seeks to recover damages for its alleged wrongful act in making the false entry upon its record against him, to prevent him from pursuing his calling by rendering it impossible for him to get employment from other . . .companies. . .**

The liability is damages for doing, not for conspiracy. The charge of conspiracy does not change the nature of the act. **In an action for damages, there must be some overt act, consequent upon the agreement to do a wrong, to give the plaintiff a standing in a court of law.** Jag. Torts, 638; Cooley, Torts, 279

- There is record evidence to support that a reasonable mind may conclude with Complainant's SKILL Set and Accomplishments that she was WELL QUALIFIED for the job assignment at Respondent 1STHC and/or other assignments CLOSELY related to her Work History Experience in the Corporate/Office Environment. For instance, TempStaff Tests given to Newsome reflecting the following:

For Microsoft 2010:
MS Word 100%
MS Excel 97%
Basic Office Skills 81%
Typing Test 74 Words Per Minute
Data Entry Alpha Numeric 100% - 12209 KPH

See **EXHIBIT "2"** incorporated by reference as if set forth in full herein. Computer/Office Test Scores which are synonymous with that given by other Employment Agency(s):

STAFFMARK - Microsoft 2010
MS Word 93%
MS Excel 97%
Data Entry - 10 Key 100% (9440 Keystrokes Per Hour)
Data Entry - Alpha Numeric 100% (11,310 Keystrokes Per Hour)
Typing Test 62 Words Per Minute

EXPRESS Employment Professionals
Microsoft 2010
MS Word 97%
MS Excel 100%
Data Entry - Alpha Numeric 100% (12,423 Keystrokes Per Hour)
Computer Literacy 90%

Also at **EXHIBIT "3"** incorporated by reference as if set forth in full herein.

- A reasonable mind may conclude that with OVER 20 years of experience in the Corporate/Office environment, WHY was Adecco sending Newsome into the LABOR Areas when there are JOB VACANCIES in available in her field:

  i) Newsome holds a B.S. Degree (Business Management/Office Administration) from an Accredited University (Florida A&M University)

  ii) Newsome is a Mississippi State Champion in Track & Field.

  iii) Made Who's Who Among American High School Students.

  iv) Is an All-American in Track & Field.

  v) Ranked Amongst the United States Best in Track & Field.

  vi) Olympic Trial Qualifier and Participant.

  vii) Newsome has ***"Established Good Work Ethics"*** With Employer(s) – for instance the following commendations being provided:

> I have been very, very pleased with Vogel, not only in terms of her work product, but also in terms of her attitude and personality. I would rate her as one of the best legal secretaries with whom I have ever worked. I would highly recommend her to any one who is looking for a full-time legal secretary. - - RALPH B. GERMANY, JR. (**ATTORNEY**)

> This letter is to confirm and recommend Ms. Vogel Newsome to a position of Executive Assistant, Administrative Assistant or greater. While working with Lash Marine, she performed the duties of Executive Assistant with skill and energy. Her spirit and motivation acted as a beacon of light to others. Her leadership and training of others was a great service. Always willing to share; she possess a unique ability to teach complex skills to the beginner and bring them quickly up to speed. In addition, being a caring and concerned citizen she put aside her time to train and work with Training, Inc. employees to develop their office skills for a better future.
>
> She is an asset and will be sorely missed at Lash Marine. - - ROBERT K. LANSDEN (**VICE PRESIDENT**)

> I was first introduced to Ms. Newsome over

five (5) years ago. Since that time, she has been a Woman of integrity and intelligence. Ms. Newsome always has presented herself in a professional manner and has always addressed me and others with the uttermost of respect. Ms. Newsome outgoing personality and personal strengths would make her an excellent additional to anyone's staff. I have had the opportunity to work with Ms. Newsome and she has demonstrated flexibility in working outside of her field of endeavor and doing an excellent job is a strong indicator of how well she will do in her chosen field of endeavor. Ms. Newsome demonstrated a willingness to perform any task assigned to her promptly and correctly with little supervision. Ms. Newsome is a very pleasant person to associate with, works as a team player, and would truly be an ASSET to your organization because she is the best one for the job. - - LISA J. WASHINGTON (**COORDINATOR**)

Vogel, First and foremost, you are doing an **EXCELLENT** job. These are just a few things that I thought of that might save us both some time and help things flow smoother. - - Susan O. Carr (***Page Kruger & Holland*** 02/28/05)

Thomas Y. Page: You **looked very smart & professional** as you walked toward the building!

Vogel: Why thank you. I strive to dress and carry myself in the manner in which PKH requires. ☺

Thomas Y. Page: **You do it well.** - - (***Page Kruger & Holland*** 06/16/05)

See **EXHIBIT "4"** Letters of Reference/Email Exchanges incorporated by reference as if set forth in full herein.

- There is record evidence to support "CHAIN Conspiracies" leveled AGAINST Newsome and Page Kruger & Holland ("PKH") Defendants' and their CONSPIRATORS'/CO-CONSPIRATORS' roles in engaging in the

BLACKLISTING of Newsome – i.e. POSTING FALSE, MALICIOUS and MISLEADING information on the Internet and STALKING Newsome from job-to-job, employer-to-employer and state-to-state – to advise of her engagement in PROTECTED ACTIVITIES and for purposes of getting Newsome's employment TERMINATED. See **http://www.slideshare.net/VogelDenise/051212-complaint-exhibits-pkh-final** and Exhibit 61 incorporated by reference as if set forth in full herein.

> E-MAIL of 05/16/06 from Vogel Newsome to Louis J. Baine III (shareholder), Thomas Y. Page, Jr. (shareholder), Linda Thomas (Office Administrator) – providing the reasons given for my termination. Page Kruger & Holland's ***advising being contacted and having knowledge of lawsuit filed by me.***

Clearly supporting that PKH engaged in "CHAIN CONSPIRACIES" leveled against Newsome wherein it was contacted and notified of Newsome's engagement in PROTECTED activities.

- This a Lawsuit in which it appears Baker Donelson Bearman Caldwell & Berkowitz in efforts to **SHIELD/HIDE its ROLE** in the Lawsuit turned to its **"FRONTING" Law Firm Phelps Dunbar LLP ("Phelps Dunbar")** to make Phelps Dunbar seem as if it is representing the Defendants served in the Page Kruger & Holland matter. Upon doing RESEARCH Newsome was able to obtain information to support Baker Donelson's and Phelp Dunbar's **PARTNERING TOGETHER** in Lawsuits regarding their CLIENTS as well as **SHARING employees.**

District Of Columbia District Court, Case No. 1:06-cv-01484-TFH:

HOOD v. F. HOFFMAN-LAROCHE, LTD.

Judge Thomas F. Hogan, presiding

No tags have been applied so far. Sign in to add some.

JIM HOOD, Plaintiff

Brent Hazzard
Phone: +1 601 352 4299
E-Mail: brenthazzard@yahoo.com

V.

AVENTIS PHARMACEUTICALS INC., Defendant

Roy D. Campbell, III
Phone: +1 601 948 3000

Danielle Daigle Ireland
Bradley, Arant, Rose & White, LLP
Phone: +1 601 948 8000

BASF AKTIENGESELLSCHAFT, Defendant

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DAIICHI PHARMACEUTICALS CO., LTD., Defendant

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EISAI CO., LTD., Defendant

Paul B. Eason
McGlinchey Stafford, PLLC
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EISAI CORPORATION OF NORTH AMERICA, Defendant

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F. HOFFMAN-LAROCHE, LTD., Defendant

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SANOFI-AVENTIS SA, Defendant

Roy D. Campbell, III
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TAKEDA PHARMACEUTICAL CO. LTD., Defendant

John P. Sneed
Phelps Dunbar LLP
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Michael B. Wallace
Phelps Dunbar LLP
Phone: +1 601 352 2300

One **FATAL** **mistake** that Phelps Dunbar **did** **NOT** want to make (*as Butler Snow did in the Mitchell McNutt & Sams matter*) was **"FAILING"** to file the **MANDATORY** ***"Notice of Appearance."***

6	MEMORANDUM in Support re 5 MOTION to Dismiss filed by Louis G. Baine, III, Thomas Y. Page, Page Kruger & Holland, P.A., Linda Thomas (Attachments: # 1 unpublished court opinion: 2008 WL 4450295, # 2 unpublished court opinion: 310 FedAppx 623, # 3 unpublished court opinion: 2010 WL 3377626, # 4 unpublished court opinion: 2010 WL 3937942, # 5 unpublished court opinion: 1996 WL 33370660, # 6 unpublished court opinion: 2010 WL 1709980, # 7 unpublished court opinion: 2007 WL 2746786, # 8 unpublished court opinion: 116 FedAppx 19, # 9 unpublished court opinion: 150 FedAppx 286, # 10 unpublished court opinion: 2008 WL 5132047, # 11 unpublished court opinion: 2010 WL 4617147, # 12 unpublished court opinion: 2007 WL 295220, # 13 unpublished court opinion: 261 FedAppx 761)(Marsh, Jason) (Entered: 07/05/2012)
7	NOTICE of Appearance by Jason T. Marsh on behalf of Louis G. Baine, III, Thomas Y. Page, Page Kruger & Holland, P.A., Linda Thomas (Marsh, Jason) (Entered: 07/05/2012)
8	NOTICE of Appearance by William T. Siler, Jr on behalf of Louis G. Baine, III, Thomas Y. Page, Page Kruger & Holland, P.A., Linda Thomas (Siler, William) (Entered: 07/05/2012)
	DOCKET ANNOTATION as to #6: L.U.Civ.R. 7 requires that all supporting exhibits document be denominated by an exhibit letter or number and a meaningful description. Attorney is advised to follow this rule in future filings. (SEC) (Entered: 07/06/2012)

- Record evidence will support that Defendants **were** **UNABLE** **to REBUT** the facts, evidence and legal conclusions in the Complaint regarding the Page Kruger & Holland Lawsuit filed. Moreover, ***how TAINTED*** *and* ***CORRUPT*** ***Judge Tom S. Lee was assigned this Lawsuit.***

- The status of the Page Kruger & Holland Lawsuit is Newsome's June 10, 2013, pleading entitled, *RESPONSE TO SUPREME COURT OF THE UNITED STATES' RETURN OF PETITIONER'S APRIL 1, 2013 PLEADING(S) – REQUEST TO BE NOTIFIED OF ANY/ALL CONFLICTS OF INTEREST.* See **http://www.slideshare.net/VogelDenise/response-to-040913-us-supreme-court-letter-pkh-28097670** incorporated by reference as if set forth in full herein - which the Supreme Court of the United States **has** **NOT** responded to.

N) **FAILURE TO ACT on Newsome's October 9, 2010, Supreme Court of the United States pleading entitled,** ***"Emergency Motion to Stay; Emergency Motion For Enlargement of Time and Other Relief the United States Supreme Court Deems Appropriate To Correct the Legal Wrongs/Injustices Reported Herein:"***

IN THE
UNITED STATES SUPREME COURT

STOR-ALL ALFRED, LLC Plaintiff/Appellee	)	CASE NO. _____
vs.	)	
DENISE V. NEWSOME Defendant/APPELLANT	)	

EMERGENCY MOTION TO STAY;
EMERGENCY MOTION FOR ENLARGEMENT OF TIME and OTHER RELIEF THE UNITED STATES SUPREME COURT DEEMS APPROPRIATE TO CORRECT THE LEGAL WRONGS/ INJUSTICES REPORTED HEREIN

See **http://www.slideshare.net/VogelDenise/100910-emergency-motion** incorporated by reference as if set forth in full herein.

appears resulted in RETALIATION and the following KILLINGS/MURDERS – i.e. people being placed on United States of America President Barack Obama's **"KILL LIST."** See **http://www.slideshare.net/VogelDenise/obama-secret-kill-list-13166139** incorporated by reference as if set forth in full herein.

U.S. v. Jimenez Recio, 123 S.Ct. 819 (2003) - Essence of a conspiracy is an agreement to commit an unlawful act.

Agreement to commit an unlawful act, which constitutes the essence of a conspiracy, *is a* ***distinct evil*** that may exist and be punished whether or not the substantive crime ensues. *Id.*

Conspiracy ***poses a threat to the public*** over and above the threat of the commission of the relevant substantive crime, both because *the combination in crime* ***makes more likely*** *the commission* ***of other*** *crimes* and because it **decreases the probability** that *the individuals involved* ***will depart from their path of criminality***. *Id.*

W. Lee Rawls
Baker Donelson

W. Lee Rawls - *Chief of Staff and Senior Counsel* ***to FBI Director*** *Robert Mueller*. **Mueller was placed in Office as DIRECTOR on September 4, 2001** [**seven (7) days prior to the 9/11 Attacks**] – **MANAGING Partner in Baker Donelson** (the firm of former SENATE Majority Leader Howard H. Baker Jr. [DESCENDENT of Founding of Baker Donelson] - **DIED December 5, 2010.**

Richard Holbrooke – *SPECIAL Envoy **to PAKISTAN** and **AFGHANISTAN** . . . was in a meeting **WITH** Secretary of State Hillary Clinton* -**DIED December 13, 2010.**

Richard Holbrooke


John Wheeler II

John Wheeler II - U.S. MILITARY Expert who **served THREE Republic Presidents** was KILLED and **his body was FOUND at a Waste Landfill** - **December 31, 2010.**

Osama Bin Laden - United States ***has REFUSED*** to **show PROOF** that Bin Laden was killed as well as **show PHOTOS** or **LIVE footage of confrontation** - claimed by the United States to have been **KILLED/MURDERED** on or about **May 1, 2011.**

OSAMA BIN LADEN

Lawrence Sidney Eagleburger
Baker Donelson

Lawrence Eagleburger – SENIOR Foreign Policy Advisor with Baker Donelson Bearman Caldwell & Berkowitz - *Member of the* ***BOARD of DIRECTORS*** of the Halliburton Company [i.e. company in which former Vice President Dick Cheney was CHAIRMAN and CHIEF EXECUTIVE OFFICER from approximately 1995 - 2000] - **CLOSE friends** of the Clintons - **DIED June 4, 2011.**

Then **two (2) months later** [three (3) months **AFTER** *alleged killing of Osama Bina Laden*]

On or about August 6, 2011, Navy Seals of the Unit (Seal 6) that allegedly killed Osama Bin Laden on or about May 1, 2011 - *Appears to have been* ***MURDERED/KILL*** *to* ***keep them from talking and telling the TRUTH behind the LIES*** *told about the killing of Osama Bin Laden*. Then the United States claim ***to have KILLED the insurgents behind attacks approximately 4 days later when it TOOK almost a DECADE (10 years) to find Osama Bin Laden*** they **were SUPPOSEDLY able to track and kill these insurgents responsible in approximately 4 days** - *most likely* ***the INSURGENTS*** *were* ***PAID*** *by the United States* ***through TERRORIST monies*** *the United States has been* ***KNOWN to pay to kill/murder Navy Seals*** *and others* ***to KEEP them SILENT***.

> "President Obama offered his thoughts and prayers to those killed in the crash. 'Their deaths are a ***REMINDER*** *of the extraordinary* ***SACRIFICES*** made by the men and women of our military and their families, including all who have served in Afghanistan. . .'" *(ABC News – 30 Americans Killed Including 22 SEALs When Afghan Insurgents Shoot Down Helicopter - 08/06/11)*
>
> **Navy Seals' Helicopter Downed In Afghanistan:**
> **http://www.slideshare.net/VogelDenise/navy-sealhelicopter-down-080611**
> **http://www.slideshare.net/VogelDenise/navy-sealhelicopter-shot-down-080611**
>
> **TALIBAN Insurgents Alleged To Have Downed Helicopter Are Killed:**

http://www.slideshare.net/VogelDenise/talibaninsurgents-killednavy-seals-matter
http://www.slideshare.net/VogelDenise/talibaninsurgents-killed-navy-seal

MILITARY CASUALTY VICTIMS THAT MAY HAVE BEEN SILENCED BY THE OBAMA ADMINISTRATION *TO KEEP FROM TALKING*: Jonas B. Kelsall, Thomas A. Ratzlaff, Louis J. Langlais, Kraig M. Vickers, Brian R. Bill, John Faas, Kevin A. Houston, Matthew D. Mason, Stephen M. Mills, Nicholas H. Null, Robert J. Reeves, Heath M. Robinson, Darrik C. Benson, Christopher G. Campbell, Jared W. Day, John Douangdara, Michael J. Strange, Jon T. Tumilson, Aaron C. Vaughn, Jason R. Workman, Jesse D. Pittman, Nicholas P. Spehar, David R. Carter, Bryan J. Nichols,

Patrick D. Hamburger, Alexander J. Bennet, Spencer C. Duncan, John W. Brown, Andrew W. Harvell, and Daniel L. Zerbe.

The PUBLIC/WORLD needs to know why President Barack Obama was **so SMUG** and/or **CONCEITED** in providing his response regarding his ***"APPEASEMENT"*** of foreign policy when he answered, "*Ask Osama Bin Laden, ask the 22 out of 30 Al-Qaeda leaders **who've been taken off the field** whether I engage in appeasement, or **whoever is left out there. Ask them about that."***

http://www.slideshare.net/VogelDenise/obama-appeasment-issue-120811
http://www.slideshare.net/VogelDenise/president-barackobama-appeasement-speech

A reasonable mind may conclude that with EVIDENCE of the United States of America's Government **using TAXPAYERS' monies to pay for TERRORISTS attacks** that an investigation into this matter may yield President Obama's and the United States Legislature/Congress' ROLE in the MURDER/KILLING of innocent soldiers (i.e. Navy Seals and other Officials aboard the downed August 6, 2011 helicopter).

NAVY SEAL Victims that may have been KILLED/MURDERED to be kept SILENT:
http://www.slideshare.net/VogelDenise/navy-sealsvictims-in-080611-attack-possible-911-cover-up

AFGHANISTAN: United States of America's GOVERNMENT uses TAXPAYERS' Monies To Pay TERRORISTS:
http://www.slideshare.net/VogelDenise/taliban-uspaysterrorist2
http://www.slideshare.net/VogelDenise/taliban-paid-360-million-us-tax-dollars

O) **FAILURE-TO-PREVENT by United States of America Kentucky Senator Rand Paul to Newsome's January 30, 2011, entitled, *"INVESTIGATION of UNITED STATES PRESIDENT BARACK OBAMA - Senator Paul's URGENT Assistance Is Being Requested."*** Said email may state in part:

My name is Vogel Denise Newsome (Newsome) and I am a constituent of yours (i.e. Kentucky Registered Voter). Because Newsome does not want you to think that she is an Ohio resident (i.e. because of the cell phone number and mailing addressed used), she has attached a copy of my Driver's License. Newsome **is requesting an INVESTIGATION and if necessary the IMPEACHMENT and INDICTMENT of United States President Barack Obama, his Administration and others who are found to have engaged in the criminal/civil wrongs reported.** From News reports, Newsome believes that Representative Darrell Issa may be handling the initiation of INVESTIGATIONS against President Obama and his Administration. You may want to begin there to determine what the process is in getting my issues addressed in an ***EXPEDITED*** manner – i.e. considering that it appears President Obama's people are

looking to cause IMMEDIATE harm within this week or very shortly against Newsome.

President Obama's people came in and had Newsome unlawfully/illegally removed from her residence without legal authority – i.e. *although there was a **legally authorized INJUNCTION and RESTRAINING Order** in place and **over $16,000** in Escrow in that Newsome was ordered to place her rent in escrow, she was still thrown out on the streets*. However, President Obama's people (i.e. Baker Donelson Bearman Caldwell & Berkowitz P.C.) and those they conspired with have engaged in criminal acts which resulted in Newsome's filing of criminal complaint with the FBI. Now President Obama and his people are attempting to cover-up these crimes. Nevertheless, there is record evidence to support that official criminal actions have been filed. Senator Paul, will you check into this matter?

Newsome is also contacting you because Senator Mitch McConnell ***is one of Baker Donelson's Senator's and his wife Elaine Chao,*** *had a role **in the FALSE and MALICIOUS information that has been posted on the Internet** regarding Newsome*. Some of the criminal/civil wrongs leveled against Newsome happened under Chao's watch when she was **Secretary of Labor** and employment violations were reported directly to her. ***This information and the correspondence Newsome submitted is of PUBLIC RECORD!*** As you know, Mitch McConnell is part of the **"CAREER POLITICIANS"** that have been in the way, way too long and **has profited off of hiding the crimes of President Obama, Baker Donelson and others** – i.e. having knowledge of crimes; however, doing nothing to correct it.

In light of the recent attacks on Newsome's life and liberties by President Obama and his Administration **in RETALIATION for her bringing criminal/civil complaints against him,** his Administration and **BIG MONEY supporters,** Newsome has come under heavy attacks and has been REPEATEDLY subjected to criminal activities by President Obama, his Administration and BIG MONEY SUPPORTER. While this may sound crazy, it is true!

It has gone as far as engaging the **United States Government's role in BLACKLISTING Newsome and posting false and malicious information on the INTERNET regarding her for purposes of seeing that she does not ever work again and destroying her life.** Acts which clearly violate Newsome's rights under the 14th Amendment, Civil Rights Act and other laws of the United States. . . .

This information is pertinent and relevant in that President Obama, his Administration and BIG MONEY supporters are intending to subject Newsome to further CRIMINAL/CIVIL wrongs for speaking out about the CORRUPTION and CRIMINAL/CIVIL wrongs he and his Administration are engaged in. . . .

In a one-year period there have been criminal actions brought against Judges involved in matters in which Newsome is a litigant/party: **a) In Mississippi, Judge DeLaughter** has been INDICTED; **b) in Ohio, Judge West's Bailiff** *has been* ***found guilty*** of crimes – the complaint/petition to be filed in the Supreme Court of the United States **addresses Judge West's crimes**; and **c) in Louisiana, Judge G. Thomas Porteous** on or about December 8, 2010, **has been IMPEACHED** by the United States Senate and removed from office. All of this information is of PUBLIC RECORD. Also, it is of PUBLIC RECORD just how early Newsome reported the crimes of these Judges; however, because of President Barack Obama's legal counsel's (Baker Donelson Bearman Caldwell & Berkowitz P.C.) deep roots and ties to the White House and D.C., nothing is done. Baker Donelson also has **DEEP ROOTS** and **CONNECTIONS** in the United States Department of Justice and has used such relationships to IMPEDE and OBSTRUCT justice. Will you look into this for Newsome and advised the status of her FBI Criminal Complaints that have been filed? The FBI Criminal Complaints are addressed in the attached October 2010 document attached t this email.

Newsome **voted for you because she wanted to believe that there would be action to clean out the CORRUPTION, "Career Politicians," "taking back our government," etc.**

President Nixon **was IMPEACHED for his role in "Watergate."** Newsome's concern, **is why is President Obama and his Administration being allowed to remain in office although she has submitted NUMEROUS Complaints regarding his role in CORRUPTION, CRIMES and CIVIL wrongs not only leveled against her, but other citizens of the United States.**

Newsome **request that you place this matter regarding her as one of URGENCY to be dealt with.** . .

See at **http://www.slideshare.net/VogelDenise/013011-email-senator-randpaul** incorporated by reference as if set forth in full herein. **PLEASE NOTE: FAILURE-TO-PROSECUTE continues to FUEL** United States of America President Barack Obama's, his Legal Counsel Baker Donelson's and their Conspirators'/Co-Conspirators' engagement in the COMMISSION of MORE crimes:

U.S. v. Jimenez Recio, 123 S.Ct. 819 (2003) - Essence of a conspiracy is an agreement to commit an unlawful act.

Agreement to commit an unlawful act, which constitutes the essence of a conspiracy, *is a* ***distinct evil*** that may exist and be punished whether or not the substantive crime ensues. *Id.*

Conspiracy ***poses a threat to the public*** over and above the threat of the commission of the relevant substantive crime, both because *the combination in crime* ***makes more likely*** *the commission* ***of other*** *crimes* and because it **decreases the probability** that *the individuals involved* ***will depart from their path of criminality***. *Id.*

- Said FAILURE resulting in Newsome's submittal of the August 31, 2011 document entitled,

UNITED STATES KENTUCKY SENATOR RAND PAUL: Request Of Status Of INVESTIGATION(S) Request Regarding United States President Barack Obama and Government Agencies/Officials; Assistance In Getting Petition For Extraordinary Writ Filed; and Assistance In Receipt Of Relief ***PRESENTLY/IMMEDIATELY*** *Due Newsome* **WRITTEN RESPONSE REQUESTED BY MONDAY, SEPTEMBER 15, 2011**

See http://www.slideshare.net/VogelDenise/083111-ltr-senatorrandpaulcorrected-versionwithmailingreceipts incorporated by reference as if set forth in full herein. Said correspondence which may state in part:

From the Supreme Court of the United States' ("S.Ct.U.S.") August 1, 2011 correspondence, you will find the following statement:

"If you still intend to correct the petition as noted in my letter dated April 27, 2011, you must submit

a fresh check."

Rather than keep going back-and-forth and entertaining the S.Ct.U.S's/Ruth Jones' **FOOLISHNESS** and *continued* **OBSTRUCTION OF JUSTICE**, as a Kentucky Constituent, Newsome is submitting to your attention **for handling** and INSURING the filing of her ***Petition For Extraordinary Writ*** and *subsequent pleadings* and/or *pleadings submitted for filing* regarding the above referenced matter, the above referenced U.S. Postal Money Order for the required FILING FEE and ***is requesting that you take up this matter*** as her Kentucky Senator and ***get the FILING and DOCKETING of this matter resolved IMMEDIATELY!*** Newsome is confident that you have SUFFICIENT evidence in your records to support her good-faith efforts and the problems she has encountered in getting this matter **filed and docketed** *since approximately* ***October 2010*** – i.e. **approximately ten (10) months**/approaching **almost a YEAR now**.

Senator Rand Paul ("Sen. Paul") your records should contain the following:

1. **January 30, 2011 Email** entitled, ***"INVESTIGATION of UNITED STATES PRESIDENT BARACK OBAMA - Senator Paul's URGENT Assistance Is Being Requested"*** – a copy of email only (w/o attachments – i.e. attachments referenced may be retrieved from website) is attached hereto and incorporated by reference. A copy has also been placed on the Website: http://vogeldenisenewsome.com/1_12.html, entitled, "01/30/11 Email To Senator Rand Paul"

   PLEASE TAKE NOTICE: That Newsome is demanding a **"written"** STATUS update of this request **within 10 DAYS** and/or by **September 9, 2011**, and believes this deadline is SUFFICIENT given the facts, evidence and laws governing such matters. Moreover, Sen. Paul you *have had* ***approximately seven (7)*** *months to get an INVESTIGATION* ***started/underway*** *and have sufficient and/or adequate information and* ***VAST resources at your disposal to also get the proper INVESTIGATIONS underway based on the EVIDENCE and INFORMATION provided you***.

   While your Assistant Stacy (?sp), *in your Kentucky Office,* left a Voicemail message on or about April 22, 2011 (i.e. a copy of this Voicemail message may be retrieved from the following Website location:

   http://vogeldenisenewsome.com/1_12.html

   entitled, ***"04/22/11 Voicemail – Stacy – SenatorRandPaul."*** Sen. Paul, Newsome believes that you also have sufficient evidence supporting the DILIGENT efforts and projects taken by Newsome submitted to your attention following Stacy's Voicemail message which

Newsome believes *a reasonable mind may conclude is SELF-EXPLANATORY* and further lays out what assistance she is seeking from you as her Kentucky Senator in regards to the INVESTIGATION(S) requested and the CRIMINAL/CIVIL wrongs timely, properly and adequately brought to your attention. Furthermore, according to U.S. Postal Service records, on or about May 9, 2011, Sen. Paul your Administration received Newsome's **May 3, 2011** documents submitted to your attention entitled: ***"Response To Voicemail Message of April 22, 2011 From Stacy In Your Kentucky Office"*** (i.e. these documents may also be retrieved from Website at http://vogeldenisenewsome.com/1_12.html, entitled, ***"050311 Letter To Rand Paul"*** along with USPS PROOF-OF-MAILING Mailing Receipts).

Don't worry United States President Barack Obama will be okay. In his 2008 Campaign run for the White House he **REPEATEDLY** made mention that he ***wanted a TRANSPARENT Administration*** – i.e. **OPEN Government** – while he and Baker Donelson Bearman Caldwell & Berkowitz (Legal Counsel/Advisor) may be having SECOND thoughts now. But this Administration and Legal Counsel/Advisor wanted a **PUBLIC/WORLDWIDE CONFRONTATION *that would play out before the WORLD*** – i.e. which is why they have ***REPEATEDLY*** HIT THE INTERNET using **"YOU TUBE"** and many other ***MEDIA outlets***. Not only that, Baker Donelson and its Government Ties/Relationships have *POSTED information they KNOW to be FALSE, MISLEADING and MALICIOUS on the Internet regarding Newsome* – i.e. **PICKING/STARTING THE WARS** – *Discrimination/Racist/Terrorist Attacks on Newsome;* and the **VENUE** – *going PUBLIC through the Internet for purposes of DESTROYING Newsome's life*. **"We have only BEGUN to FIGHT!!"**

2. Sen. Paul, according to USPS PROOF-OF-MAILING Receipt, you were also (in the ***same*** May 3, 2011 envelope *with letter addressed to your attention*) provided with Newsome's **May 3, 2011 pleading** entitled, **"*Response To March 17, 2011 and April 27, 2011, Supreme Court Of The United States' Letters - Identifying Extraordinary Writ(s) To Be Filed and Writ(s) Under All Writs Act To Be Filed*"** – a copy of which can also be retrieved from Website at: http://vogeldenisenewsome.com/1_12.html,

entitled, ***"050311-ResponseTo031711&042711SCtLetters"*** - in response to the S.Ct.U.S.' April 27, 2011 letter advising:

> Your letter and attachments were received in this office on April 26, 2011, and are returned for the reason set forth in my letter dated March 17, 2011, a copy enclosed.
>
> *You have failed to* ***identify the type of extraordinary writ*** *you are seeking to file*.

Newsome believes a reasonable mind may conclude that there is SUFFICIENT evidence PROVIDED at Page 2 of the May 3, 2011 pleading ANSWERING the S.Ct.U.S.' April 27, 20011 requests and providing the following information in regards to ***the Extraordinary Writs Newsome seeks to be filed***:

1) *Original Writ*
2) *Writ of Conspiracy*
3) *Writ of Course*
4) *Writ of Detinue*
5) *Writ of Entry*
6) *Writ of Exigi Facias*
7) *Writ of Formedon*
8) *Writ of Injunction*
9) *Writ of Mandamus*
10 *Writ of Possession*
11 *Writ of Praecipe*
12 *Writ of Protection*
13 *Writ of Recaption*
14 *Writ of Prohibition*
15 *Writ of Review*
16 *Writ of Supersedeas*
17 *Writ of Supervisory Control*
18 *Writ of Securitate Pacis*
19 *Extraterritorial Writs*

Moreover, that the LAWS of the United States support that Newsome's Issues Raised in the ***"Petition For Extraordinary Writ"*** are COVERED under the ***"ALL WRITS ACT."*** Nevertheless, Sen. Paul the S.Ct.U.S. *is attempting to* ***DECEIVE*** Newsome and ***COERCE her into waiving her rights*** to bring the above referenced Extraordinary Writs in an **ORIGINAL** action under the ***"All Writs Act;"*** however, Newsome is NOT budging and therefore, Sen. Paul your assistance is needed in getting the Newsome's pleadings already submitted to the S.Ct.U.S attention filed ***most URGENTLY!*** Furthermore, that the S.Ct.U.S.' acts are ***an OBSTRUCTION OF JUSTICE*** and also appear to mirror similar CRIMINAL acts raised in Newsome's **December 28, 2009 FBI Complaint** *brought against Justices/Officials of the Ohio Supreme Court* and others for the following CRIMINAL ACTS:

a) Conspiracy (**18 USC§ 371**);

b) Conspiracy Against Rights (**18 USC§ 241**);

c) Conspiracy to Defraud (statutes provided)

d) Conspiracy to Interfere with Civil Rights (**42 USC§ 1985**);

e) Public Corruption (provided information taken from ***FBI's*** *website*);

f) Bribery (statutes cited);

g) Complicity (statutes cited);

h) Aiding and Abetting (statutes cited);

i) Coercion (statutes cited);

j) Deprivation of Rights Under **COLOR OF LAW** (**18 USC§ 242**);

k) Conspiracy to Commit Offense to Defraud United States (**18 USC§ 371**);

l) Conspiracy to Impede (**18 USC§ 372**);

m) Frauds and Swindles (**18 USC§ 1341** and **1346**);65

n) Obstruction of Court Orders (**18 USC§ 1509**);

o) Tampering with a Witness (**18 USC§ 1512**);

p) Retaliating Against A Witness (**18 USC§ 1513**);

q) Destruction, Alteration, or Falsification of Records (**18 USC§ 1519**);

r) Obstruction of Mail (**18 USC§ 1701**);

s) Obstruction of Correspondence (**18 USC§ 1702**);

t) Delay of Mail (**18 USC§ 1703**);

u) Theft or Receipt of Stolen Mail (**18 USC§ 1708**);

v) Avoidance of Postage by Using Lower Class (**18 USC§ 1723**);

w) Postage Collected Unlawfully (**18 USC§ 1726**);

x) Power/Failure to Prevent (**42 USC§ 1986**);

y) Obstruction of Justice

A copy of the December 28, 2009 FBI Complaint may be found at the Website: http://vogeldenisenewsome.com/2_6.html, entitled, **"12/28/09 - FBI Complaint (OH Supreme Court)."** From Newsome's Research, information retained support that Baker Donelson Bearman Caldwell & Berkowitz PC's ("Baker Donelson" – *a **large** U.S. law firm and **lobbying** group **with offices** in the Southeastern United States, **Washington, D.C.** and **OVERSEAS***) Client – i.e. such as **LIBERTY MUTUAL INSURANCE COMPANY** and/or its Attorneys/Lawyers/Legal Representative Firms – *appears to **OWN** and/or **CONTROL** the Supreme Court of Ohio as that of the S.Ct.U.S.*

IN FACT: It is Liberty Mutual, its insured(s) and attorneys that have REPEATEDLY subjected Newsome to CRIMINAL Stalking and other crimes and civil violations it appears because of its RELATIONSHIPS to Baker Donelson – i.e. due to Baker Donelson's TIES to TOP/KEY Corrupt Government/Judicial Officials and ABILITY to BRIBE/PURCHASE/COERCE/ BLACKMAIL/INFLUENCE, etc. the outcome of judicial/government agency decisions.

3. Sen. Paul, you will see that Newsome timely, properly and adequately requested that the S.Ct.U.S. advise her of any/all **"CONFLICT OF INTEREST;"** however, to date said Court has **NOT** done so. Furthermore, that the following facts are UNDISPUTABLE:

a. That CONFLICT OF INTERESTS **does** exist in the S.Ct.U.S. handling of Newsome's ***Petition For Extraordinary Writ***.

b. That the S.Ct.U.S. is engaging in CRIMINAL/CIVIL violations in its **OBSTRUCTION OF JUSTICE**, **CONSPIRACIES**, etc. as it works FRANTICALLY to try and keep United States President Barack Obama, his Administration, etc. in Office – i.e. ***subjecting Newsome to DILATORY practices in hopes of***

dragging this matter out beyond the 2012 Elections.

c. That the S.Ct.U.S. is **STACKED** and has been ***HEAVILY compromised*** which may not only WARRANT said "Court's SHUT DOWN" but a PURGING of the Supreme Court of the United States Justices and/or Court Officials/Employees. Therefore, in the meantime, WARRANTING the CREATION of Court (i.e. *which is **in the JURISDICTION** of Congress to do so*) to handle Newsome's legal matters as well as other citizens with matters presently pending before said Court. Newsome further believes that based upon the facts, evidence and case laws surrounding such matters, that this is one of **PUBLIC/WORLD Interest** to initiate DAMAGE CONTROL in that the ***INTEGRITY** of the S.Ct.U.S.* has been **BREACHED/COMPROMISED** as well as other lower courts ***will have to be PURGED*** because of the **TAINTED/STACKED/CORRUPTION**, etc. that exists due to Special Relationships/Ties to Baker Donelson and its LOBBYISTS/SPECIAL INTERESTS GROUPS, etc. ***that has played a ROLE in the selection of Justices to the Bench of not only the S.Ct.U.S. but that of other courts in the United States***.

PLEASE TAKE NOTICE: It appears from the record of the S.Ct.U.S. that in the case of ***Alan Keyes et al. vs. Debra Bowen, California Secretary of State, et al.***; Case No. 10-1351, this is a matter regarding ***"President Barack Obama's eligibility to be president."*** A case that has been "confirmed to Gary Kreep, of the United States Justice Foundation, that *Alan Keyes, et al. v.* ***Obama***, *Bowen*, ***Biden***, *Huguenin, et al.*, was placed on the

docket on **May 4, 2011"** (EMPHASIS ADDED as to date of ENTRY – i.e. see Newsome's April 22, 2011 pleading entitled, ***"Response To March 17, 2011 Supreme Court of the United States' Letter"*** and May 3, 2011 S.Ct.U.S. pleadings which address the FAKE/FORGED Certificate of Live Birth) at Website:

http://www.vogeldenisenewsome.com/newsome_v_goliath_4.html

It is of **PUBLIC/WORLD** interest that the reasons why President Barack Obama continues to come out before the PUBLIC/WORLD/MEDIA as a ***"GLOATING GOAT"*** is because he is under a HEAVY Delusion that his Empire is safe – i.e. when it ***is not*** and has refused to see (while his Democratic Party has) that his Empire is CRUMBLING down around him! You see Sen. Paul, President Obama and his Administration/Baker Donelson **DID NOT** realize that Newsome through the pursuit of the S.Ct.U.S. ***Petition for Extraordinary Writ*** action would:

i) Provide through this correspondence to Gary Kreep/United States Justice Foundation with additional PROOF to support legal action brought on behalf of Petitioners (Alan Keyes, et al.). Furthermore, from research it appears that there is a matter docketed in the S.Ct.U.S. regarding President Obama's "Certificate of Live Birth" issue:

http://usjf.net/2011/05/u-s-supreme-court-puts-obama-birth-case-on-docket/

ii) Through this correspondence NOTIFY Gary Kreep and others that the S.Ct.U.S. is **STACKED/TAINTED/CORRUPT** and said Court ***may NOT*** have notified Mr. Kreep/United States Justice Foundation of the potential **"CONFLICT OF INTERESTS"** that exist – i.e. due to Baker Donelson's TIES/RELATIONSHIPS and what appears to be its ROLE in the **reproduction of the FAKE/FALSE/FORGED** *Certificate of Live Birth* - - Baker Donelson (who appears to be the ***behind-the-scene*** counsel and advisor to President Obama) having **FREE-WILL** access to GOVERNMENT Agencies **records and RESOURCES** because of its having person(s) in ROLES as **Chief** Counsel, Acting **Director**, and Acting **Deputy** Director of United States ***Citizenship*** & Immigration Services within the ***United States Department of Homeland Security*** (see Website:

http://vogeldenisenewsome.com/newsome_v_goliath_4.html

- document entitled, ***"Baker Donelson Government Ties."*** President Obama's and Baker Donelson's MISTAKE was releasing the "fake/false/forged" Certificate of Live Birth on or about April 27, 2011, in that by doing so, they have opened up the FLOOD Gates to SUBPOENAS which they knew and/or should have

known as ATTORNEYS would follow.

d. That the S.Ct.U.S. had a DUTY to advise Newsome of any/all potential CONFLICT OF INTERESTS; however, has made a DELIBERATE, WILLFUL and MALICIOUS decision not to. Furthermore, that it appears that the S.Ct.U.S. has allowed one law firm, Baker Donelson, to take CONTROL of this Court through CORRUPT and CRIMINAL acts and through such unlawful/illegal practices have subjected Newsome REPEATEDLY to TAINTED decisions rendered by Justices/Officials of this Court having a PERSONAL/FINANCIAL INTERESTS in outcome of legal matters involving Newsome.

e. That the S.Ct.U.S./Government has in its employment a person by the name of **James C. Duff** - who was a former employee and/or still may ***be on the PAYROLL/TAKE*** of Baker Donelson. From Newsome's Research, Mr. **Duff** has been in the S.Ct.U.S. environment for quite some time (i.e. beginning about ***as early as 1996 as the Administrative Assistant to the Chief Justice***). It appears Duff has been placed in a PROMINENT/KEY position as ***"Director of the Administrative Office of the United States Courts"*** with the S.Ct.U.S. for purposes as the **"FOX Guarding the Hen House!"** Duff holding positions in the S.Ct.U.S. during periods in which Newsome has brought matters before said Court. It appears working **back-in-forth** between employment with the S.Ct.U.S. **and** Baker Donelson in time periods in which Newsome brought her Appeal in which CORRUPT/TAINTED/IMPEACHED Judge G. Thomas Porteous presided over

http://www.vogeldenisenewsome.com/newsome_v_goliath_4.html

see Page 2 of document at this Website entitled, ***"The ROAD That LED To United States DOWNFALL."***

f. There is SUFFICIENT evidence in Congressional/ Government records to further support that **Baker Donelson** *CONVENIENTLY places itself on* ***Judicial Nomination Committee Panels*** ***in charge of NOMINATING Judges/Justices*** *and then use other CRIMINAL means/practices to get them APPOINTED to the Bench to provide Baker Donelson and its clients with an UNDUE/ILLEGAL advantage when matters are brought before Judge/Justices to which Baker Donelson may have played a role in having assigned to the Bench and/or Judges'/Justices' knowledge of Baker Donelson's influence regarding such positions* – i.e. such as the Supreme Court of the United States and the **ROLE played** in getting **Chief *Justice John Roberts***, Justice **Sonia Sotomayer**, and Justice ***Elena Kagen*** appointed to the Bench as well as the **MAJORITY** and/or ALL Justices of said Court.

4. Sen. Paul while you may be a Freshman Senator, Newsome sees that you are also on the ***Committee on Homeland Security and Governmental Affairs***:

Ad Hoc Subcommittee on Contracting Oversight; and
Permanent Subcommittee on Investigations
http://en.wikipedia.org/wiki/Rand_Paul

Therefore, because this matter as well as the INVESTIGATION(s) Newsome is requesting is of PUBLIC/WORLD interest and NATIONAL/HOMELAND SECURITY for the following reasons (i.e. while not just limited to these):

a) The S.Ct.U.S./President Obama/Baker Donelson and/or their Conspirators/Co-Conspirators realizes that the **EXPOSURE** of the UNITED STATES Government's role on September 11, 2001, ***in the BOMBING of its own World Trade Centers and downing of planes is at stake*** **and is** ***trying to do everything possible to keep the PUBLIC/WORLD in the dark.*** **CRIMINAL acts which clearly will be EXPOSED through the ORIGINAL Lawsuit Newsome seeks through the** ***"Petition For Extraordinary Writ"*** **that has been submitted to the S.Ct.U.S. for filing.**

b) **MEANS/OPPORTUNITY/MOTIVES:** It appears that Baker Donelson and those with whom it CONSPIRED needed planes – i.e. ***planes used in 9/11 attacks being American Airlines and Continental Airlines***. This appears to be where Baker Donelson's TOP LOBBYIST (Linda ***Daschle) comes in and her position as:***

> ***Deputy Administrator*** *of the Federal Aviation Administration* - chief lobbyist for the Air Transport Association, the airline industry's main lobby; she then became the ***senior vice president*** *of the American Association of Airport Executives* - Linda Daschle was nominated FAA Deputy Administrator **by President Clinton,** and approved unanimously by the Senate, including her husband U.S. Senator Tom Daschle.

> Baker Donelson also later SCOOPING up and utilizing Read Van de Water who served as the "**Assistant Secretary for Aviation and International Affairs at the United States Department of Transportation** after being UNANIMOUSLY CONFIRMED by the United States Senate."

Appears to be how American/Continental Airlines Flight Plans/Schedules may have been obtained and the ROLE the Daschle's may have played in the PLANNING of 9/11. This matter will further be addressed through PowerPoint Presentation entitled, ***"07/23/11 – Request President Obama STEP DOWN"*** that is being DRAFTED at Website:

http://www.vogeldenisenewsome.com/newsome_v_goliath_4.html

However, Newsome releases/post a copy of the **"07/23/11 Email"** that has been released and will continue to be released to Foreign Nations/Leaders – i.e. thus perhaps explaining why Vice President Joseph Biden looked so STUPID and had to keep putting on FAKE smiles during his recent August 2011 visit to CHINA. Not knowing which Foreign Nations/Leaders are receiving documents to AVOID them being subjected to RETALIATION, Newsome has ***CONCEALED*** information of those Foreign Nations/Leaders that are getting ***INFORMATION and can see for THEMSELVES*** that President Obama, his Administration, Congress and the Media are aware of the problems. **Moreover, Foreign Nations/Leaders can allow their attorneys/lawyers to see and report the VALIDITY of Newsome's claims.**

It also appears Baker Donelson may have provided former President William (Bill) Clinton with an **APHRODISIAC (Monica Lewinsky)** to keep him occupied as it and other CONSPIRATORS/CO-CONSPIRATORS planned 9/11 attacks under his watch!

It appears the United States Government needing an EXCUSE to go into Foreign Countries/Nations and STEAL their resources (i.e. oil, coal, gold, monies, etc.); therefore, 9/11 was planned. *Laying the ground work to GENERATE "ANTI-MUSLIM/ISLAM" sentiments and to get not only American citizens but Foreign nations and their citizens on board to the "ANTI-MUSLIM/ISLAM" sentiments.* It appears that 9/11 was orchestrated by Baker Donelson/United States Government to instill FEAR and cause people to RESENT Muslims/Islam and to get people to believe these groups may have been behind 9/11 when

ACTUALLY it was the United States Government all along needing to INSTILL fear in the American people and to provide them with FALSE/MALICIOUS reasons to unlawfully/illegally invade foreign nations for purposes of gaining access to their RESOURCES (i.e. oil, coal, gold, monies, etc.).

http://trade.gov/iraq/iraq_doc_successbaker.asp

c) For those who may wonder *how the supposedly 9/11 Terrorist Hijackers may have been targeted and supposedly gained control of the airplanes used – again look at Baker Donelson* and/or CONSPIRATORS/CO-CONSPIRATORS TIES/RELATIONSHIPS to Government Agencies/Officials such as **Chief** Counsel, Acting **Director**, and Acting **Deputy** Director of United States ***Citizenship*** & Immigration Services within the ***United States Department of Homeland Security.***

As with everything else basically associated with 9/11 attacks, the **PUBLIC/WORLD** were shown photographs and names and most likely documents CREATED/GENERATED by the United States Government *who had a **PERSONAL/FINANCIAL interest** in the carrying out of 9/11*. Using the Citizenship & Immigration Services (i.e. providing it with means and ACCESS again) to obtain PERSONAL information on citizens and/or foreign citizens that may be in the United States. All Americans and/or the PUBLIC/WORLD heard in regards to 9/11 were the TAPE RECORDINGS created and/or generated by the United States Government and pictures of the alleged hijackers. The United States' 9/11 appears to have been carried out by the **United States Government** *looking for unlawful/illegal means of STEALING monies/resources from smaller Middle East Nations that it thought could be DEFEATED;* however, has proven to the CONTRARY because there were those who were NOT going to allow the United States to just come into their countries and take what it wanted without a fight.

d) For those who may be wondering how the United States Government's DEMOLITION of the World Trade Centers and downing of planes was carried out, **again look at the positions/ties** to Government Agencies/Officials - **Chief** Counsel, Acting **Director**, and Acting **Deputy** Director of United States ***Citizenship*** & Immigration Services within the ***United States Department of Homeland Security.*** As well as

positions Baker Donelson employees (i.e. such as **W. Lee Rawls - who worked on Capitol Hill for more than 30 years** as a government official, lobbyist, lawyer, chief of staff and senior counsel to **FBI** Director Robert Mueller - Mueller was put into office on September 4, 2001 (7 days **BEFORE** 9/11 it appears to assist with the 9/11 Conspiracy and has RECENTLY been given an extension of term for approximately another two (2) years).

Under the **CIA's (Central Intelligence Agency)** watch President Obama brought in *former President William (Bill) Clinton's* ***"Chief of Staff"*** – ***Leon Panetta*** – who *has recently* ***been PROMOTED*** to **United States Secretary of Defense.**

http://en.wikipedia.org/wiki/Leon_Panetta

So now you Leon Panetta as Secretary of Defense and Baker Donelson's former employee **Raymond (Ray) Edwin Mabus Jr.** as the United States ***Secretary of the Navy***. – under former President Bill Clinton's Administration. Mabus was *United States Ambassador to Saudi Arabia.*

http://en.wikipedia.org/wiki/Ray_Mabus

Individuals it appears having KNOWLEDGE and may have played a ROLE in the PLANNING of the 9/11 attacks. Furthermore, why they may have been placed in positions to aid and abet in the COVER-UP/CLEAN-UP of the 9/11 attacks:

http://articles.latimes.com/2011/aug/06/world/la-fg-afghanistan-chopper-20110807

President Obama/Baker Donelson/Penatta/Mabus **wasting NO time** (*Penatta taking his post as the Secretary of Defense on or about* ***July 1, 2011***) in trying to **"clean up loose"** ends in regards to the alleged May 1, 2011 ***"killing of Osama Bin Laden"*** – which ***was a LIE told*** to the PUBLIC/WORLD – i.e. most likely the United States having a ROLE in the recent DOWNING on or about **August 6, 2011** (approximately one month since Penatta took Office) of a helicopter that just ***COINCIDENTALLY shot down*** had members of the Navy Seals of the alleged "Seal Six Operation Team" that supposedly played a role in the killing of Osama Bin Laden.

http://articles.latimes.com/2011/aug/06/world/la-fg-afghanistan-chopper-20110807

Most likely the United States **PAID to the Taliban/a group to shoot down this helicopter:**

http://www.msnbc.msn.com/id/44171605/ns/politics/t/taliban-criminals-get-million-us-taxes/

http://www.veteransnewsnow.com/2011/08/17/taliban-criminals-get-360-million-from-us-taxes/

because it appears the United States Government KNEW that those on the helicopter killed had KNOWLEDGE of the truth behind the LIES told about the "killing of Osama Bin Laden" and wanted to make sure they REMAINED silent – i.e. did NOT talk! The United States seeing that they can NO LONGER pay for its ROLES in such CONSPIRACIES appear to move days later and allegedly killed the group that took down the helicopter.

http://articles.latimes.com/2011/aug/11/world/la-fg-afghan-helicopter-20110811

Like 9/11 those Navy Seal Soldiers lives meant NOTHING to the United States Government. They were merely a CASUALTY of CORRUPT practices the United States is trying to COVER-UP and keep from being EXPOSED!. . .

e) What the PUBLIC/WORLD may not know is that Baker Donelson and/or their CONSPIRATORS/CO-CONSPIRATORS relied upon RELATIONSHIPS/ TIES to Kentucky Senator Mitchell McConnell and his wife Elaine Chao (former Secretary of the Department of Labor) to use the INTERNET to post what the Department of Labor knew and/or should have known (***under Chao's watch***) was a FALSE report obtained through CRIMINAL practices – i.e. see

http://www.scribd.com/doc/1815544/Department-of-Labor-04-082

http://en.wikipedia.org/wiki/Elaine_Chao

document retrieved from the Internet as well as Chao's

Bio. This was in the matter of *Newsome vs. Mitchell, McNutt & Sams.* A matter in which ***INDICTED Judge Bobby DeLaughter resided over*** and Newsome sought the United States Department of Justice's INTERVENTION as early as September 2004 on. See Website - **CORRUPT JUDGES:** http://www.vogeldenisenewsome.com/4_8.html,

documents entitled, ***"DeLaughter INDICTMENT"*** and ***"092304-InterventionRequest(MMS)"*** also a letter supporting Judge Bobby DeLaughter's role in case entitled, ***"030905-LetterToBobbyDeLaughter(MMS)."*** Baker Donelson and/or its CLIENTS/EMPLOYEES are **BIG CAMPAIGN/LOBBYIST** of Kentucky Senator Mitchell McConnell.

f) What the PUBLIC/WORLD may not know is that Baker Donelson and/or their CONSPIRATORS/CO-CONSPIRATORS relied upon RELATIONSHIPS/ TIES to Justices/Court Officials/ Employees of the Supreme Court of the United States in its handling of lawsuits Newsome has brought before it in the past – i.e. such as *Newsome vs. Entergy* in which CORRUPT/TAINTED and **IMPEACHED** Judge G. Thomas Porteous presided. Newsome reported the CRIMINAL/CIVIL wrongs of Baker Donelson, Judge Porteous and others involved in their CONSPIRACIES and CRIMINAL acts, etc. **as early as September 2004** as well. See Website - **CORRUPT JUDGES:** http://www.vogeldenisenewsome.com/4_8.html, documents entitled, ***"IMPEACHMENT-PorteousArticle(1);" . . . "PorteousArticle(2);"*** and ***. . ."PorteousArticle(3)"***

> "two attorneys ***who once worked*** with Porteous had testified that they gave him thousands of dollars in cash, including about $2,000 stuffed in an envelope **in 1999**, just **before** Porteous ***decided a major civil case in*** *their* ***client's favor***.. . "

EMPHASIS ADDED: *Newsome v. Entergy* was filed on or about **November 3, 1999.**

In fact, Baker Donelson loves to rave on how its attorney(s) CLERK with judges such as Porteous prior to coming into its employment – i.e. *information PLASTERED on the Internet and on Baker Donelson's website for* ***SUBLIMINAL motives*** *to let*

Clients/Opposing parties, etc. ***know where there CLOUT and PULLS are***. For instance:

(i) **Clerkship with Judge G. Thomas Porteous** (Judge in the *Newsome v. Entergy* matter **who has since been IMPEACHED** - http://www.bakerdonelson.com/erin-pelleteri/) This article entitled, "Baker Donelson & Porteous" as well as additional IMPEACHMENT Articles may also be found in the **CORRUPT JUDGES** Section of Website.

(ii) **Clerkship with Judge Morey Sear** (Judge also in the *Newsome v. Entergy* matter who FAILED to advise Newsome of Conflict of Interest and ***"handed the baton off to Porteous;"*** however, name appears on Baker Donelson's **"Voluminous"** LIST OF JUDGES: http://www.bakerdonelson.com/appellate-practice-sub-practice-areas/) This article as well as additional IMPEACHMENT may also be found in the **CORRUPT JUDGES** Section of Website.

(iii) **Clerkship with Judge Tom S. Lee** (Judge in the *Newsome v. Spring Lake Apartments, et al.* matter who FAILED to advise Newsome of Conflict of Interest while doing so for other LAWSUITS with ties to Baker Donelson: http://www.bakerdonelson.com/appellate-practice-sub-practice-areas/; http://www.bakerdonelson.com/jon-stephen-kennedy/) (Spring Lake Apartments being an **INSURED** of Liberty Mutual Insurance Company – one Baker Donelson's **BIG/TOP** Client's)

g) **HOMELAND SECURITY:** Because while Baker Donelson and the United States Government *were* ***allowed*** *to engage in CORRUPTION and the COVER-UP of their Crimes, they* ***felt a LIBERTY to move forward*** *and* ***carry out the 9/11 attacks and downing of their OWN planes*** – i.e. NEWS FLASH - - *Similar* ***Crimes AGAINST Humanity*** and many other CRIMINAL violations that United States President Obama and his Administration are seeking/pursuing Libya's Leader Colonel Muammar Gaddafi for.

h) **HOMELAND SECURITY:** Because while *Newsome* ***timely, properly and adequately REPORTED*** *Criminal/Civil Wrongs of Baker Donelson, Corrupt*

Judges/Justices to the proper Government Agencies/Officials as early as ***September 2004,*** *NOTHING was done*; therefore, as a **direct and proximate result** of the United States Government's **FAILURE to act** and working with Baker Donelson ***to COVER-UP their crimes,*** CITIZENS lives were JEOPARDIZED through incidents such as:

(i) ***Carl Brandon who REPEATEDLY*** *complained of being wronged through the judicial process*; however, because of what appears to have been CORRUPTION and CRIMINAL acts at its best, Brandon gave in to such criminal pressures as the Government and those with whom it CONSPIRED with wanted him to do – **in March 2006** going on a shooting spree against those with whom he blamed.

See Website: http://www.vogeldenisenewsome.com/2_6.html, **FBI COMPLAINTS** Section – document entitled, ***"BRANDON-Carl Articles"***

(**EMPHASIS ADDED** – This shooting incident taking place in Port Gibson, Mississippi approximately **60 miles from Jackson, Mississippi** where on February 14, 2006, Newsome was the victim of a KIDNAPPING and the ***EGREGIOUS/ EXTREME*** *criminal acts of Government Officials and those with whom they CONSPIRED*! Newsome being subjected to Criminal Acts in which Football Great, Orenthal James Simpson ("O.J. Simpson" – **African American/Black Male**) was INDICTED on:

(1) Conspiracy to Commit a Crime

(2) Conspiracy to Commit Kidnapping

(3) Conspiracy to Commit Robbery

(4) First Degree Kidnapping With Use Of A Deadly Weapon

(5) Assault With a Deadly Weapon

(6) Coercion With Use Of A

See Website – **FBI COMPLAINTS** Section: http://www.vogeldenisenewsome.com/2_6.html, document entitled, ***"O.J. Simpson-CRIMINAL COMPLAINT"*** and ***"O.J. Simpson-BIO."***

http://www.thesmokinggun.com/file/oj-simpson-charged

http://en.wikipedia.org/wiki/O._J._Simpson

O.J. Simpson was given approximately a **total of 33 Years** for the crimes he was found GUILTY of. Therefore, *Newsome as well as the **PUBLIC-AT-LARGE** needs to know how those who are in **engaging in similar criminal acts that O.J. Simpson was accused of,** are still being allowed to remain in the Public-At-Large WITHOUT being prosecuted – i.e.* ***are the laws being DISCRIMINATORALLY applied because those (Baker Donelson, Liberty Mutual Insurance, Judges/Justices, etc.) involved are of a "WHITE" MAJORITY?***

NO Foreign Nations/Leaders have REASONS to DISTRUST the United States and to seek its REMOVAL from their Nations/Countries:

http://www.asharq-e.com/news.asp?section=3&id=16701

In a statement to Asharq Al-Awsat, Muhammad Habib, first deputy to the general guide of the Muslim Brotherhood, said: "*The US Administration employs all cards to serve its **own** interests*."

He said that the speech that Obama intends to deliver in Egypt is "**of no value**." He added: "*Statements and speeches **must** be associated with, or preceded by r**eal** change in policy on the ground, because policy is **judged** by deeds, **not words**."*

http://news.yahoo.com/s/mcclatchy/20090603/pl_mcclatchy/3245281

However, Gamal Eid , the head of the Arabic Network for Human Rights Information, said he planned to decline the invitation. The Israeli ambassador to Egypt also is invited, and Eid

said he didn't want to be in the same room as a representative of what he called a **"criminal"** government.

IMPORTANT TO NOTE: Many of the earlier settlers of the United States was that ***"CRIMINAL TRASH" discarded by Great Britain***. Now it appears that not only Newsome, but the PUBLIC-AT-LARGE may be VICTIMS of these "Criminal-Trash" ***descendants*** (Baker Donelson, Liberty Mutual Insurance, Judges/Justices, Senators/Representatives, etc.) discarded into society. *Descendants who have* ***arisen to heights*** *of* ***TERRORISTS/SUPREMACISTS/RACISTS****!* See Website – **CIVIL R** Section:

http://www.vogeldenisenewsome.com/2_11.html, entitled, ***"Criminals In Our Past"***

(ii) ***Omar Thornton who REPEATEDLY*** *complained of being subjected to DISCRIMINATION and RACIAL practices at his place of employment with Hartford Distributors*; however, because of what appears to have been CORRUPTION and CRIMINAL acts at best to COVER-UP such employment violations, Thornton too gave in to such criminal pressures as his employer (Hartford Distributors) and those with whom it CONSPIRED wanted him to do. In **August 2010,** Thornton taking the laws into his own hands went on a shooting spree into his place of employment where he killed numerous co-workers prior to turning the gun on himself and taking his life. Of course Hartford Distributors (**white employer**) DENIED Thornton's claim and denied having knowledge that Thornton felt that way. (**EMPHASIS ADDED** – for **OVER 20 years** Newsome have **REPEATEDLY** been **stalked** by the likes of Baker Donelson, its clients (i.e. Liberty Mutual, etc.) from ***job-to-job/employer-to-employer*** and ***state-to-state*** and REPEATEDLY subjected to RACIAL DISCRIMINATION, CRIMINAL STALKING, etc. Such criminal acts being carried out by white employers who employed Newsome;

however, *when Newsome filed Complaints of course her white employers (i.e. as with the Carl Brandon and Omar Thornton matters) DENIED her claims.* Had it not been for Newsome's recordkeeping she would not have any evidence to support her claims. ***Even with such EVIDENCE (i.e. which Newsome provided to Government Agencies/ Officials), Government Agencies/Officials CONSPIRED with white employers to COVER-UP the criminal/civil/employment violations of Newsome's white employers.*** For instance, in the *Newsome vs. Mitchell McNutt & Sams* ("MMS") matter, ***Newsome was able to get MMS' witness(es) to admit that she was not ONLY DISCRIMINATED against, but was SUBJECTED to a HOSTILE WORK ENVIRONMENT.*** See Website – **EMPLOYER COMPLAINTS: http://www.vogeldenisenewsome.com/test_5.html,** entitled, ***"MMS Transcript."***

However, upon an INVESTIGATION into the Department of Labor's handling of this matter, Newsome is CONFIDENT that the Government records will ***REVEAL TAMPERING and COMPROMISING of evidence*** – *this being the reason the Department of Labor has NOT released to Newsome the ENTIRE files for review*. Moreover, has *REPEATEDLY subjected Newsome to UNLAWFUL seizures and is* ***PRESENTLY*** *trying to obtain Newsome's property* ***through UNLAWFUL/ILLEGAL "Seizures"/"Liens"*** *for purposes of* ***DESTROYING evidence*** *it is FULLY aware of is* ***INCRIMINATING REVEALS*** *the United States Government's/Officials'/Employees' ROLE in CORRUPTION and COVER-UP of criminal/civil violations leveled against Newsome*.

For instance, in the ***Newsome vs. Wood & Lamping*** matter, this white employer also ***LIED and/or provided FALSE information during a "federal" investigation advising that Newsome had not informed Personnel/Human Resources Representative of need for medical leave and/or medical procedure when in fact, Newsome had and Newsome's supervisor and/or attorneys with whom she worked***

APPROVED her leave that had been scheduled to begin the process. Furthermore, Newsome retained email(s) surrounding her discussion with the Human Resources Representative (Andrea Griffin) to support Wood & Lamping's ("W&L") TIMELY Notification PRIOR to Newsome beginning to have matter attended to. See Website –**EMPLOYER COMPLAINTS: http://www.vogeldenisenewsome.com/test_5.html**, entitled, "***10/15/08-Email Documents To Andrea Griffith"*** Nevertheless, during the United States Department of Labor's (Wage & Hour) and (Equal Employment Opportunity Commission ["EEOC"]) handling of Newsome's Charges, Government Officials/Employees CONSPIRED with W&L to COVER-UP the white employer's CRIMES. Wood & Lamping advising Government Agency that Newsome had not requested leave although documentation was NOT ***only in the possession*** of W&L ***but that of the Wage & Hour Division/EEOC*** would PROVE to the CONTRARY. Not only that, Newsome ***retained a copy of the Voicemail Message*** left by Wood & Lamping's Paul Berninger **which clearly supports its KNOWLEDGE** (Andrea Griffin's KNOWLEDGE) ***that Newsome had timely, properly and adequately advised of medical issue and requested "Leave" to begin the process***. See copy of Voicemail Message at Website – **EMPLOYER COMPLAINTS: http://www.vogeldenisenewsome.com/test_5.html,** entitled, ***"02/01/09- Voicemail Message Transcribed"*** and ***"020101-Voicemail Recording"*** as well as the Department of Labor/Wage & Hour's documentation **SUPPORTING** and **COVERING-UP** Wood & Lamping's **LYING/FALSIFYING** ***information during a "federal investigation"*** entitled, **"WHD (FMLA InfoFor W&L)."**

(iii) ***Joseph Stack appears to have complained*** *of being subjected to UNLAWFUL/ILLEGAL practices by the Internal Revenue Service ("IRS");* however, because of what appears to have been CORRUPTION and CRIMINAL acts by the Government in its

HARASSMENT/THREATS/INTIMIDATION, etc. of citizens regarding taxes, Stack too gave in to such criminal pressures of the Government and those with whom it CONSPIRED to destroy his life. See Website – **FBI COMPLAINTS:** **http://www.vogeldenisenewsome.com/2_6.html**, document entitled, ***"Joseph Stack Articles."***

EMPHASIS ADDED: As early as **August 2009**, Newsome *NOTIFIED United States President Obama and United States Attorney General Eric Holder of the HARASSMENT and UNLAWFUL/ILLEGAL practices she was being subjected to regarding Tax issues and the Government's FAILURE to comply with the laws in getting the matters resolved*. INSTEAD, Newsome in **July 2010**, was subjected to **RETALIATION** and the UNLAWFUL/ILLEGAL ***seizure*** and ***EMBEZZLEMENT*** (i.e. *claiming monies were for CHILD SUPPORT with knowledge that Newsome does NOT have a child/children and neither has there been an Order issued by a court to such claims*) **of monies she entrusted to** J.P. Morgan Chase Bank as a DIRECT and PROXIMATE result of her **July 13, 2010** email entitled, ***"U.S. PRESIDENT BARACK OBAMA: THE DOWNFALL/DOOM OF THE OBAMA ADMINISTRATION - Corruption/Conspiracy/Cover-Up/Criminal Acts Made Public."*** See Website: http://www.vogeldenisenewsome.com/3_7.html. Approximately four **(4) days** later (in **RETALIATION**) on or about **July 17, 2010**, President Obama and his Administration **CONSPIRED** with the Commonwealth of Kentucky Department of Revenue and ISSUED a **FRAUDULENT** Lien/**SHAM LEGAL** Process against Newsome alleging **"CHILD SUPPORT" – wherein Newsome has no child(ren).** - See Website – CORRUPT Banks: http:// http://www.vogeldenisenewsome.com/3_7.html, entitled, ***"07/10/10-KYDOR(JPMorganChase)."*** Criminal acts **CLEARLY not ONLY** in violation of Kentucky laws but that of **FEDERAL** laws governing such matters.

It was a good thing Newsome ***MEMORIALIZED*** *this matter and retained records to* ***SUPPORT her good-faith efforts*** *to have it resolved*. Furthermore, will support that Newsome on or about **August 12, 2009,** timely, properly and adequately advised Commission Thomas B. Miller of the Kentucky Department of Revenue to:

> That the Commonwealth of Kentucky Department of Revenue **provide** its **response to** this instant **Complaint and Rebuttal** to August 1, 2009, FINAL NOTICE BEFORE SEIZURE - providing U.S. Attorney Eric Holder with a copy of said response as well.

Sen. Rand Paul therefore, your ASSISTANCE and INVESTIGATION into U.S. Bank's handling of this matter is greatly appreciated to determine whether Newsome has been subjected to CRIMINAL/CIVIL violations and is a VICTIM of Criminal Stalking and other CRIMES – i.e. clearly a PATTERN-OF-PRACTICE has been established!

Then AGAIN, as recent as **May 2011**, **AFTER** Newsome's May 3, 2011 pleading filed with the S.Ct.U.S., United States President Obama and his Administration **RETALIATED AGAIN,** and *subjected Newsome to ANOTHER UNLAWFUL/ILLEGAL seizure and EMBEZZLEMENT* (i.e. most likely claiming monies were for CHILD SUPPORT with knowledge that Newsome does **NOT** have a child/children and neither has there been an Order issued by a court to such claims) of monies entrusted to U.S. Bank.

> See Website: **http://www.vogeldenisenewsome.com/3_7.html,** documents under Section entitled, ***"U.S. Bank."***

The record EVIDENCE will support that while Newsome requested that U.S. Bank provide her

with documentation to support actions taken, **to DATE**, U.S. Bank **has FAILED** to comply with Newsome's demand and in fact when providing her with information did WILLFULLY, KNOWINGLY and MALICIOUSLY withhold documentation to which Newsome is entitled because it is a WILLING PARTICIPANT in the CONSPIRACIES and unlawful/illegal practices leveled against Newsome. Sen. Rand Paul therefore, your ASSISTANCE and INVESTIGATION into U.S. Bank's handling of this matter is greatly appreciated to determine whether Newsome has been subjected to CRIMINAL/CIVIL violations and is a VICTIM of Criminal Stalking and other CRIMES – i.e. clearly a PATTERN-OF-PRACTICE has been established!

Upon Newsome's **research**, she found out that Banks (**J.P. Morgan Chase, U.S. Bank and PNC**) that she has recently encountered problems with have **ALL** been ***RECIPIENTS of the BILLIONS*** *of Dollars* distributed in BAILOUTS. Why is this IMPORTANT? Because these Banks also appear to be CLIENTS of Baker Donelson and/or have Ties/Relationships to it. Therefore, a *reasonable mind may conclude* that as a FAVOR/DUTY/ OBLIGATION to Baker Donelson, these Banks have elected to engage in CRIMINAL/CIVIL wrongs for purposes of FINANCIALLY devastating and DESTROYING Newsome's life so that she CANNOT litigate lawsuit against United States President Barack Obama, Baker Donelson and their other CONSPIRATORS/CO-CONSPIRATORS.

BY THE WAY: People may want to know how Bernie **Madoff** *was able to* ***"MAKE OFF"*** *with so many investor's money* – well **J.P. Morgan Chase** appears to have been the BANK involved and its TIES/ RELATIONSHIPS to Baker Donelson who has INSIDE DEALS/ RELATIONSHIPS not only to WALL STREET, but GOVERNMENT AGENCIES/OFFICIALS! In fact, when there

were those who questioned Madoff's practices and reported concerns to the proper Government Agencies/Officials, these Agencies/Officials LOOKED the other WAY!

See Website **CORRUPT BANKS:**

http://www.vogeldenisenewsome.com/3_7.html, documents under Section entitled, ***"Bernie Madoff Article(s)". . .***

5. **HOMELAND SECURITY:** Because ***had Newsome not*** sent the **July 13, 2010** Email to United States President Barack Obama entitled, ***"U.S. PRESIDENT BARACK OBAMA: THE DOWNFALL/DOOM OF THE OBAMA ADMINISTRATION - Corruption/Conspiracy/Cover-Up/Criminal Acts Made Public,"*** the United States would have CONTINUED on its LIES regarding Osama Bin Laden. The July 13, 2010 Email ***set off a CHAIN-OF-EVENTS*** in regards to the United States Government MOVING QUICKLY to COVER-UP its CORRUPTION and 9/11 CONSPIRACIES:

(a) Only **AFTER** Newsome's July 13, 2010 Email did President Obama and his Administration ***engage in CONSPIRACIES and RETALIATED by seizing and EMBEZZLING monies of Newsome*** entrusted to J.P. Morgan Chase Bank for safekeeping to make available to her in accordance with laws. Instead, the Obama Administration, Kentucky Department of Revenue, J.P. Morgan Chase Bank (i.e. **BIG/TOP Client of Baker Donelson** and bank being a **RECIPIENT of MILLIONS of dollars in BAILOUT** monies)

(b) Only **AFTER** Newsome's July 13, 2010 Email do President Obama and his Administration ***claim to have located Osama Bin Laden*** in August 2010 living in Pakistan when the MAJORITY of News cover **prior** had Osama Bin Laden **HIDING OUT** in **MOUNTAINS** and **CAVES!** ☺

(c) Only **AFTER** Newsome's July 13, 2010 Email is ***were TUNNELS allegedly DUG into Afghanistan Prisons to help Prisoners escape.***

(d) Only **AFTER** Newsome's successful Campaign to Clean out Congress and seeing the POSITIVE results

of the November 2010 Elections that it appears President Obama and his Administration may ***have begun to PURGE those with CRITICAL/KNOWLEDGE and the TRUTH behind the 9/11 Attacks:***

(i) **W. Lee Rawls** - Chief of Staff and Senior Counsel to FBI Director Robert Mueller. . . ***Managing partner*** *in Baker Donelson* (the law firm that provides President Obama with Legal Advice/Counsel and the law firm of former Senator Majority Leader Howard H. Baker, Jr.) - Died 12/05/10.

(ii) Richard Holbrooke - Special Envoy to Pakistan and Afghanistan. . . ***was in a meeting with Secretary of State Hillary Clinton***. . . **DIED 12/13/10.**

(iii) **John Wheeler II** - A U.S. Miltary expert who served THREE Republican Presidents .. . Wheeler also had been scheduled to take an Amtrak train **from Washington** to Wilmington on December 28. . . **BODY FOUND DEAD about 12/31/10**

(iv) Lawrence Eagleburger - Senior **Foreign** Policy Advisor ***with Baker Donelson Bearman & Caldwell*** (i.e. law firm that provides President Obama with Lega Advice/Counsel). . . Member of the Board of Directors of the Halliburton Company. . . served as Chief of Staff to former President of the United States (friend of Bill & Hillary Clinton) - **DIED 06/04/11.**

(v) Then approximately TWO (2) months later on or about **August 6, 2011**, the ***DOWNING of Navy Seal helicopter*** carrying alleged members of the ***Unit associated*** with the May 1, 2011 ***"Killing of Osama Bin Laden."***

(e) Only **AFTER** Newsome's March 12, 2011 submittal of ***"Petition For Extraordinary Writ"*** received by the Supreme Court of the United States on or about **March 16, 2011,** did United States Secretary of State Hillary Clinton announce on **March 16, 2011,** that she

would not be running for President of the United States in 2012. It appears from information and research Hillary Clinton's "**HANDS** are FILLED/TAINTED WITH BLOOD!"

http://politicalticker.blogs.cnn.com/2011/03/16/clinton-running-for-president/

http://www.politico.com/news/stories/0311/51425.html

(f) Only **AFTER** Newsome's April 22, 2011 submittal of ***"Response To March 17, 2011 Supreme Court of the United States' Letter"*** which addresses and EXPOSES ***"Fake/False"*** *Certification of Live Birth* provided by United States President Barack Obama. Said pleading setting off the following in the United States Government efforts to COVER-UP its 9/11 Crimes – CRIMES AGAINST HUMANITY:

(i) On or about **April 25, 2011**, the Supreme Court of the United States receives Newsome's April 22, 2011 submittal.

See Website – **NEWSOME V. GOLIATH:**

http://www.vogeldenisenewsome.com/newsome_v_goliath_4.html, document entitled, ***"042211-SCt_Filing(StorAll)-Part1"*** and ***". . . Part2"***

(ii) On or about **April 25, 2011**, the United States Government appears to have taken over 450 prisoners (i.e. allegedly associated with TERRORIST) to their DEATHS ***claiming*** *and/or alleging they escaped through a TUNNEL that took approximately six (6) months to build*

http://articles.cnn.com/2011-04-25/world/afghanistan.prison.break_1_free-prisoners-escapees-kandahar?_s=PM:WORLD

http://www.guardian.co.uk/world/2011/apr/25/afghanistan-great-escape-taliban

– i.e. therefore, being about October/November (2 to 3 months from receipt of Newsome's July 13, 2010 Email). A PRISON ran by the United States NAVY (**Emphasis Added**). Branch of the United States military in which United States Secretary of Navy Raymond Edwin Mabus (**EMPLOYEE of Baker Donelson** – former Governor of Mississippi) ***COINCIDENTALLY*** is over. *Stay with Newsome here because it may help you understand the recent* ***DOWNING*** *of helicopter of Navy Seals on or about August 6, 2011 – i.e. which was part of the United States MASSIVE efforts to clean of its* ***9/11 LIES*** *and CRIMES AGAINST HUMANITY!*

http://articles.latimes.com/2011/aug/06/world/la-fg-afghanistan-chopper-20110807

(iii) On or about **April 25, 2011**, Mississippi Governor Haley Barbour – one of the TOP Contenders for the 2012 United States President run **ANNOUNCES** he will not be running. Claiming, ***"No FIRE in his BELLY!"***

http://www.rollcall.com/news/Haley-Barbour-Statement-Not-Running-205130-1.html

http://www.pbs.org/newshour/rundown/2011/04/haley-barbour-not-running-for-president.html

Newsome's February 14, 2006

KIDNAPPING occurring under the WATCHFUL eyes of Governor Haley Barbour – i.e. moreover, Governor Barbour **assigned** one of Newsome's Kidnappers **(Jon Lewis)** to a post in his Administration.

http://www.msboxing.org/About_Us_Contact_Us.html

See Website: www.vogeldenisenewsome.com, documents UNDER "HALEY BARBOUR" Section entitled:

06/26/06-FBI Complaint (Kidnapping)

CIVIL Complaint Against Lewis and Others

Jon Lewis-Crime 1

Jon Lewis-Crime 2

Jon Lewis-Crime 3

Clearly a reasonable mind can see that Jon Lewis is a ***"PROFESSIONAL" CAREER THUG/ CRIMINAL!*** A CRIMINAL/THUG that Governor Haley Barbour is CLOSELY associated with!

(iv) On or about **April 27, 2011**, United States President Barack Obama releases his FAKE/FALSE ***"Certificate of Live Birth."***

See Website: **www.vogeldenisenewsome.com,** document entitled, ***"04/27/11 COLB DISCREPANCIES"***

(v) On or about **May 1, 2011**, United States President Barack Obama comes out and

ANNOUNCES the ***"Killing of Osama Bin Laden"*** – i.e. a CHAIN of events that began the LIES and VERSION-OF-EVENT changing NUMEROUS times as President Obama attempted to claim "Lack of Intelligence" not complete when he and Members watched the alleged 40-MINUTE SHOOT OUT (which too was a LIE in the United States efforts to COVER-UP 9/11 Crimes/CRIMES AGAINST HUMANITY) . . .

Senator Rand Paul, Newsome prays that the above information and that contained in documents already submitted to your attention as well as the Court(s) and those in the records of Government Agencies (i.e. including the Executive Offices of United States President Barack Obama and Legislature/Congress, United States Department of Justice, United States Department of Labor, etc.) will provide you with the proper information to get INVESTIGATION(S) and IMPEACHMENT proceedings underway. At this time Newsome is requesting the following relief; however, relief is not to be limited to this list and is to be in accordance to any/all other relief applicable under the laws of the United States to CORRECT the INJUSTICES/CONSPIRACIES/CORRUPTION and COVER-UPS addressed herein as well as in the records of the Courts and Government Agencies:

1) Senator Rand Paul's assistance in submittal of **FILING FEE** to the Supreme Court of the United States – i.e. seeing that Newsome's ***Petition for Extraordinary Writ*** as well as other pleadings submitted to the attention of said Court are filed **IMMEDIATELY** and that Newsome receive "STAMPED" Filed Copies of pleadings in the matter ***"In Re Vogel Denise Newsome."*** A copy of the Supreme Court of the United States' August 1, 2011 letter is attached for your review.

2) WRITTEN Status Report by **THURSDAY, September 15, 2011,** in regards to my request for Investigation(s) *as set out in my January 30, 2011 Email to Senator Rand Paul's attention*. As well as the initiation of the proper INVESTIGATION(s) to address the Crimes/Civil wrongs addressed herein as well as in reported in pleadings/records of the Courts/Government Agencies by Newsome. ***A copy of the January 30, 2011, Email (Only w/o attachments) submitted to your is attached for your review.***

3) Receipt of "PAST Due/Back" Employment WAGES in the amount of approximately **$558,336.13** by **Friday, September 30, 2011:**

Wood & Lamping = $134,076.93 (computation thru 09/2011 – then $1,882.85 bi-weekly and will be adjusted with the proper annual increase shortly)

Mitchell, McNutt & Sams = $218,474.06 (computation thru 09/2011 – then $1,515.53 bi-weekly and will be adjusted with the proper

annual increase shortly)

Page, Kruger & Holland = $205,785.14 (computation thru 09/2011 – then $1,560.99 bi-weekly and will be adjusted with the proper annual increase shortly)

While there are WAGES due from other employers, said wages will be determined at a later date and provided (if necessary). These are also monies that were due Newsome IMMEDIATELY along with the proper INJUNCTION – i.e. Orders – issued in accordance with the laws and may be collected now in the interest of justice and to mitigate/correct injustices sustained until all matters are resolved. While the United States Department of Labor had a DUTY and OBLIGATION to seek said relief on behalf of Newsome, it FAILED to do as a DIRECT and PROXIMATE result of the role played in CONSPIRACIES LEVELED AGAINST NEWSOME. Therefore, Senator Rand Paul, you (as Newsome's U.S. Senator) are being requested to seek said relief on Newsome's behalf due to the IRREPARABLE injury/harm and CONTINUED injury/harm she will sustain. The record evidence will support that Newsome has REPEATEDLY lost employment and it is UNLIKELY that she will be able to obtain gainful employment based on her employers' CRIMINAL/CIVIL violations leveled against her as well as the CONSPIRACIES they have entered into with the United States Department of Labor and other Government Agencies/Employees, CONSPIRATORS/CO-CONSPIRATORS.

> **Section 706(f)(2) of Title VII authorizes . . .to seek temporary injunctive relief before final disposition of a charge when a preliminary investigation indicates that prompt judicial action is necessary to carry out the purposes of Title VII. . . .However, the EEOC can seek such relief as part of a lawsuit for permanent relief, pursuant to Rule 65 of the Federal Rules of Civil Procedure. Temporary or preliminary relief allows a court to stop retaliation before it occurs or continues. Such relief is appropriate if there is a substantial likelihood *that the challenged action will be found to constitute unlawful retaliation,* and if the charging party . . . will likely *suffer irreparable harm because of the retaliation*. Although courts have ruled that financial hardships are not irreparable, other harms that accompany loss of a job may be irreparable. For example, in one case . . . showed irreparable harm and qualified for a preliminary injunction where they lost work and future prospects for work, consequently suffering emotional distress, depression, a contracted social life, and other related harms. 53 A temporary injunction also is appropriate if the respondent's retaliation will**

> **likely cause irreparable harm to the Commission's ability to investigate the charging party's original charge of discrimination. For example, the retaliation may discourage others from providing testimony or from filing additional charges based on the same or other alleged unlawful acts.**

Rather than play games and act ignorant to the laws Newsome believes, Senator Paul, that you have VAST resources as a United States Senator (i.e. Freshman or not) available to you TO MOVE/SHAKE MOUNTAINS and get such requests RESOLVED IMMEDIATELY!

Newsome further request the **IMMEDIATE** return to EMPLOYEE Benefits to which is legally and lawfully entitled that were unlawfully/illegally discontinued as a DIRECT and PROXIMATE result of CONSPIRACIES and Criminal/Civil wrongs leveled against her.

4) Newsome believes that there is SUFFICIENT EVIDENCE not ONLY in the records of the Courts but that of Government Agencies to support that she has suffered **IRREPARABLE** injury/harm in being unlawfully/illegally ***"Thrown Out On The Streets"*** and her property/residences UNLAWFULLY/ ILLEGALLY taken from her – i.e. resulting in Homelessness – ***WARRANTING Emergency/Injunctive Relief IMMEDIATELY*** in the amount of Approximately **$91,440.00** from the following:

   a) GMM Properties = $26,950.00 (then approximately $770 per month until matter is concluded)

   b) Spring Lake Apartments = $48,240.00 (then approximately $720 per month until matter is concluded)

   c) Escrow Account Monies EMBEZZLED (Kenton County/KY Court) = $16,250.00

To ***MITIGATE damages*** *and to provide Newsome with compensation for costs associated with having to find NEW residence/home until the conclusion of these matters*. The record EVIDENCE will support that the proper LEGAL actions have been initiated by Newsome; however, have become TAINTED by CORRUPT Judges/Justices – i.e. Government Officials.

5) That the proper IMPEACHMENT proceedings against United States President Barack Obama and his Administration be initiated **IMMEDIATEDLY** – i.e. **No LATER** than **Friday, September 30,**

2011.

6) That the proper CRIMINAL prosecution against United States President Barack Obama (i.e. to include legal representatives/attorneys/lobbyists who played role in crimes/civil wrongs complained of) be initiated.

7) That the proper **COURT(s) and/or TRIBUNAL(s)** be created **IMMEDIATELY** to handle matters addressed herein and/or Criminal/Civil Complaints initiated by Newsome that have been OBSTRUCTED due to TAINTED/CORRUPT Government Officials.

8) That the proper legal actions (i.e. IMPEACHMENT/REMOVAL from office, etc.) be brought against the following Congressional/Legislative Members:

a) U.S. Senator Patrick Leahy
b) U.S. Representative John Conyers
c) U.S. Senator John McCain
d) U.S. Representative Debbie Wasserman-Schultz
e) U.S. Senator Mitchell McConnell
f) U.S. Representative John Boehner

This list will be updated accordingly; however, Sen. Paul, if you need somewhere to start, let's begin here. Leahy, McCain, Conyers, Wasserman-Schultz ALL received a copy of the July 14, 2008 Complaint submitted to their attention. **In the September 15, 2011 STATUS Report, Newsome is requesting that you provide her with the STATUS and/or what happened to this Complaint**. Newsome believes that you will find that this request has been made in GOOD FAITH and that prior to her submitting this request to you, that in December 2008, she came to Washington, D.C. to determine the STATUS of said Complaint. *Newsome's visit was met with **RETALIATION** and the **LOSS of her EMPLOYMENT** as a DIRECT and PROXIMATE result of her seeking justice.*

Newsome believes that an investigation into this matter will also YIELD results as to what MAJOR roles Senator McConnell and his wife (Elaine Chao – U.S. former Secretary of the Department of Labor) have played in CONSPIRACIES and relationships to Baker Donelson. United States Senator John Boehner out of concerns that he may also be aware of the CORRUPTION and COVER-UP of 9/11 as many others that may come out during the INVESTIGATION(s).

9) That the proper INVESTIGATION(S)/LEGAL PROSECUTION - i.e. Impeachment/Removal, etc. - be brought (as applicable) against:

a) The State of Mississippi – i.e. Governor Haley Barbour/his Administration

b) The Commonwealth of Kentucky – i.e. Governor Steve Beshear/his Administration

c) Supreme Court of the United States – i.e. Justices/Staff/Clerk of Court/Employees (Purging of the Court)

d) Supreme Court of Ohio – i.e. Justices/Clerk of Court/Staff/Employees (Purging of the Court)

e) United States Fifth Circuit Court of Appeals – i.e. Justices/Clerk of Court/Staff/Employees (Purging of the Court)

f) United States District Court – Southern District (Jackson, Mississippi) – i.e. Judges/Clerk of Court/Staff/Employees (Purging of the Court)

g) United States District Court – Eastern District of Louisiana – i.e. Judges/Clerk of Court/Staff/Employees (Purging of the Court)

h) Kentucky: Kenton County Circuit Court/District Court – i.e. Judges/Clerk of Court/Staff/Employees (Purging of the Court)

i) Ohio: Hamilton County Court of Common Pleas/Hamilton County Municipal Court – i.e. Judges/Clerk of Court/Staff/Employees (Purging of the Court)

j) Others as the Investigation(s) may yield to CLEAN up such CORRUPTION and TAINTED Officials.

10) That the proper INVESTIGATION(S)/LEGAL PROSECUTION be initiated against:

a) J.P. Morgan Chase Bank – i.e. Its Shareholders, Officers, Executives, Counsel, Employees, etc.

b) U.S. Bank – i.e. Its Shareholders, Officers, Executives, Counsel, Employees, etc.

c) PNC Bank – i.e. Its Shareholders, Officers, Executives, Counsel, Employees, etc.

As to the Role(s) carried out in the CONSPIRACIES and/or Criminal/Civil wrongs leveled against Newsome.

11) That the proper INVESTIGATION(S)/LEGAL PROSECUTION be initiated against:

a) United States Department of Justice (i.e. the applicable Divisions/Government Officials/Employees);

b) United States Department of Labor (i.e. the applicable Divisions/Government Officials/Employees);

c) United States Department of Treasury (i.e. the applicable Divisions/Government Officials/Employees);

d) United States Department of Education (i.e. the applicable Divisions/Government Officials/Employees);

e) Commonwealth of Kentucky Department of Revenue (i.e. the applicable Divisions/Government Officials/Employees)

As to the Role(s) carried out in the CONSPIRACIES and/or Criminal/Civil wrongs leveled against Newsome.

12) That the proper Legal Action/PROSECUTION be initiated to RESTORE/RETURN the Government back to the United States Citizens in that it appears that it has been taken hostage by the likes of Baker Donelson Bearman Caldwell & Berkowitz PC.

INVESTIGATION(s) as to the Role Baker Donelson has played in the CONSPIRACIES leveled against Newsome. Clearly the record evidence will support that Baker Donelson has left a TRAIL of DEVASTATION/DESTRUCTION/RUIN in its wake and as a DIRECT and PROXIMATE RESULT has brought down a ONCE "Powerful" country like the United States through its FAILED POLICIES and PRACTICES. Moreover, whose Policies and Practices have brought down the ECONOMY across the GLOBE/WORLD! All will be coming out in the WASH!!

13) Any and all other relief Senator Paul known to you and/or your Staff to CORRECT the injustices complained of herein and/or in Government/Court records.

See **http://www.slideshare.net/VogelDenise/083111-ltr-senatorrandpaulcorrected-versionwithmailingreceipts** incorporated by reference as if set forth in full herein.

UNDERSTANDING HOW UNITED STATES OF AMERICA'S KENTUCKY SENATOR RAND PAUL and CONGRESSIONAL MEMBERS WERE ATTEMPTING TO CONDUCT INVESTIGATIONS and EXCLUDE THE FACTS THAT IT APPEARS THAT IT WAS AN AFRICAN-AMERICAN (Vogel Denise Newsome) BEHIND BRINGING THE EXPOSURE OF THE UNITED STATES OF AMERICA'S TERRORIST REGIME INTO THE "INTERNATIONAL" SPOTLIGHT WHICH NOW RAISING CREDIBILITY ISSUES:

- Said FAILURE resulted in Newsome having to serve EVICTION NOTIFICATION on United States of America President Barack Obama and CONGRESSIONAL Members:

VOGEL DENISE NEWSOME

Mailing Address: Post Office Box 14731
Cincinnati, Ohio 45250
(513) 680-2922 or (601) 885-9536

January 10, 2012

United States Office Of The President **(Via Email & US CERTIFIED MAIL: 70112000000101221679)**
ATTN: United States of America President **Barack Hussein Obama II** ("President Obama")
1600 Pennsylvania Ave NW
Washington, DC 20500

United States Senate **(Via Email & US MAIL PRIORITY: 03111660000045557718)**
ATTN: United States Kentucky **Senator Rand Paul** ("Senator Paul")
208 Russell Senate office Building
Washington, DC 20510

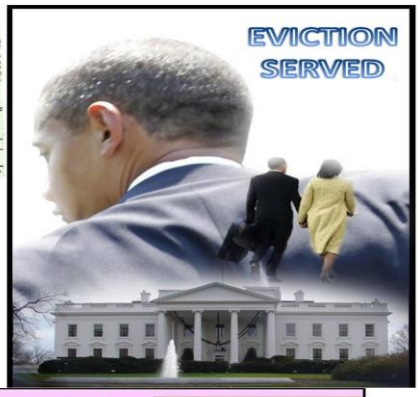
United States Department of Defense **(Via Email & US MAIL PRIORITY: 03111660000045557725)**
JOINT CHIEFS OF STAFF
ATTN: Admiral **Michael G. Mullen (Chairman)**
9999 Joint Chiefs Of Staff Pentagon
Washington, DC 20318

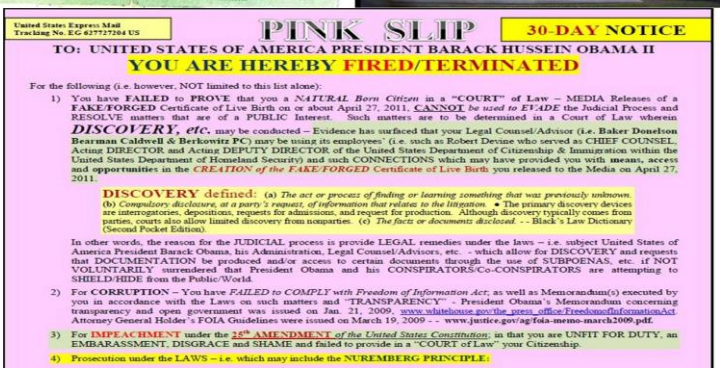
RE: NOTIFICATION FOR TERMINATION - REQUEST FOR IMPEACHMENT OF PRESIDENT BARACK HUSSEIN OBAMA II – RESPONSE TO THE ATTACKS ON FLORIDA A&M UNIVERSITY REGARDING ALLEGED HAZING INCIDENT – REQUEST FOR *INTERNATIONAL MILITARY INTERVENTION MAY BE NECESSARY*

See **http://www.slideshare.net/VogelDenise/022712-updated-links-for-obama-eviction-notice-011012final** incorporated by reference as if set forth in full herein.

Which was accompanied with the **"PINK SLIP"** setting forth **the GROUNDS for Newsome's REQUEST(S):**


SENDER: COMPLETE THIS SECTION
COMPLETE THIS SECTION ON DELIVERY
JAN 25 2012
President Barack Obama
U.S. Office of the President
1600 Pennsylvania Ave, NW
Washington, DC 20500
7011 2000 0001 0122 1679
PS Form 3811, February 20
UNITED STATES POSTAL SERVICE
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10
* Sender: Please print your name, address, and ZIP+4 in this box *
V. D. Newsome
P. O. Box 14731
Cincinnati, OH 45250




United States Express Mail
Tracking No. EG 627727204 US
PINK SLIP
30-DAY NOTICE
TO: UNITED STATES OF AMERICA PRESIDENT BARACK HUSSEIN OBAMA II
YOU ARE HEREBY FIRED/TERMINATED
For the following (i.e. however, NOT limited to this list alone):
1) You have FAILED to PROVE that you a *NATURAL Born Citizen* in a "COURT" of Law – MEDIA Releases of a FAKE/FORGED Certificate of Live Birth on or about April 27, 2011, CANNOT *be used to EVADE* the Judicial Process and RESOLVE matters that are of a PUBLIC Interest. Such matters are to be determined in a Court of Law wherein ***DISCOVERY, etc.*** may be conducted – Evidence has surfaced that your Legal Counsel/Advisor (i.e. Baker Donelson Bearman Caldwell & Berkowitz PC) may be using its employees' (i.e. such as Robert Devine who served as CHIEF COUNSEL, Acting DIRECTOR and Acting DEPUTY DIRECTOR of the United States Department of Citizenship & Immigration within the United States Department of Homeland Security) and such CONNECTIONS which may have provided you with means, access and opportunities in the *CREATION of the FAKE/FORGED* Certificate of Live Birth you released to the Media on April 27, 2011.
DISCOVERY defined: (a) *The act or process of finding or learning something that was previously unknown.* (b) *Compulsory disclosure, at a party's request, of information that relates to the litigation.* • The primary discovery devices are interrogatories, depositions, requests for admissions, and request for production. Although discovery typically comes from parties, courts also allow limited discovery from nonparties. (c) *The facts or documents disclosed.* - - Black's Law Dictionary (Second Pocket Edition).
In other words, the reason for the JUDICIAL process is provide LEGAL remedies under the laws – i.e. subject United States of America President Barack Obama, his Administration, Legal Counsel/Advisors, etc. - which allow for DISCOVERY and requests that DOCUMENTATION be produced and/or access to certain documents through the use of SUBPOENAS, etc. if NOT VOLUNTARILY surrendered that President Obama and his CONSPIRATORS/Co-CONSPIRATORS are attempting to SHIELD/HIDE from the Public/World.
2) For CORRUPTION – You have *FAILED to COMPLY with Freedom of Information Act*; as well as Memorandum(s) executed by you in accordance with the Laws on such matters and "TRANSPARENCY" - President Obama's Memorandum concerning transparency and open government was issued on Jan. 21, 2009, www.whitehouse.gov/the_press_office/FreedomofInformationAct. Attorney General Holder's FOIA Guidelines were issued on March 19, 2009 - - www.justice.gov/ag/foia-memo-march2009.pdf.
3) For IMPEACHMENT under the 25th AMENDMENT *of the United States Constitution*; in that you are UNFIT FOR DUTY, an EMBARASSMENT, DISGRACE and SHAME and failed to provide in a "COURT of Law" your Citizenship.
4) Prosecution under the LAWS – i.e. which may include the NUREMBERG PRINCIPLE;

See at

http://www.slideshare.net/VogelDenise/011012-usps-mailing-receipts-green-cardreturned

http://www.slideshare.net/VogelDenise/011012-pink-slip-president-barack-obamasigned

http://www.slideshare.net/VogelDenise/061012-obama-pink-slip-for-translation

incorporated by reference as if set forth in full herein. It is a CRIMINAL Offense to DESTROY/TAMPER with Mail. Nevertheless, look at how President Barack Obama, his Legal Counsel (Baker Donelson Bearman Caldwell & Berkowitz) and those with whom they Conspire attempted to DESTROY "Service of Process." The ONLY reason WHY it appears Newsome was able to get the "Green Card" back was BECAUSE she WENT PUBLIC on or about January 27, 2012, EXPOSING SUCH CRIMINAL BEHAVIOR: (http://www.slideshare.net/VogelDenise/english-012712-and-020112-11668793) which appears resulted in the TAPING the Certified Mail "GREEN CARD" and returning to her. See http://www.slideshare.net/VogelDenise/011012-usps-mailing-receipts-green-cardreturned and http://www.slideshare.net/VogelDenise/043012-usps-return-receipt-green-card-eeocgrgmessina incorporated by reference as if set forth in full herein.

NO, United States of America President Barack Obama CANNOT play the "RACE" Card in regards to this instant Complaint/Charge because Newsome is an AFRICAN-American Female and in 2008 VOTED for him – i.e. *although due to the FRAUDULENT practices in the United States of America's ELECTIONS the VOTES of Citizens DO NOT count!* It's a TERRORIST REGIME that appears CONTROLS the Electoral College process – i.e. which in itself is UNCONSTITUTIONAL and allows for the HIJACKING of Elections as by CORRUPT Government Officials and their Legal Counsel (Baker Donelson Bearman Caldwell & Berkowitz) and their CONSPIRATORS/CO-CONSPIRATORS!

NEXUS/RELATIONSHIP: In RETALIATION to Newsome's NOTIFYING the PUBLIC/INTERNATIONAL Communities of President Barack Obama's, the United States of America's Congress, Supreme Court of the United States and their Legal Counsel Baker Donelson Bearman Caldwell & Berkowitz as well as their Conspirators/Co-Conspirators CRIMINAL/CIVIL violations and TERRORISTS Acts, they attempted to use the alleged Florida A&M University (FAMU) "Hazing" incident to TAKE DOWN/DESTROY FAMU! Is there record evidence to support that President Barack Obama and his LYNCHING Team headed by WHITE SUPREMACIST Leader Baker Donelson KNEW that Newsome was an Alumnus of FAMU? YES! In fact, in a

CONGRATULATION Fax on or about November 12, 2008, entitled,

> **UPDATE AND URGENT REQUEST REGARDING:** *Emergency Complaint and Request for Legislature/Congress Intervention; Also Request for Investigations, Hearings and Finding*

Newsome **TIMELY, PROPERLY** and **ADEQUATELY NOTIFIED** President Barack Obama of ***"WHAT THE CONSEQUENCES WOULD BE" ("If you don't hear our RATTLE, then feel the BITE!!")*** should he elect to engage in such CONSPIRACIES leveled against her.

Said **November 12, 2008,** Fax which may have stated in part:

> **CONGRATULATIONS** on your November 4, 2008 **PRESIDENTIAL** Victory!!!! Truly history was made on this date and America spoke for CHANGE. Congratulations to you, Michelle, Joe Biden, Jill, your family, friends and the many supporters and citizens (as me) who voted for you and for CHANGE! I pray that you remain *HUMBLE* and seek God for direction in all that you do.
>
> I am going to be brief because those who know me know that I can be long winded. ☺
>
> On or about August 2, 2008, I submitted to your attention a copy of the Complaint I submitted for filing entitled, *Emergency Complaint and Request for Legislature/Congress Intervention; Also Request for Investigations, Hearings and Finding*. The original was mailed on or about July 13, 2008, and sent to the attention of Senator Patrick Leahy; while copies were later mailed to you and a few others in efforts to assure that the ball is not dropped on this Complaint. To date I have heard nothing.
>
> Now that you have been elected as our next President of the United States, I am hoping that, if you do not take this matter with you to the White House to monitor, that you brief your successor in the Senate as to what is taking place. I believe a **SPECIAL COMMITTEE** is going to be needed to handle this because of the magnitude of issues and evidence provided and to be obtained during an investigation of the claims/issues raised. Will you please check with your staff in regards to receipt of this Complaint if you are not familiar with it? Your attention to this matter is greatly appreciated.
>
> The **URGENCY** of this matter is also as a direct and proximate result of an **October 9, 2008**, attack on me which I believe **could have resulted in my death** (*by being shot and killed*) had I been at my residence. An official criminal complaint has been filed in regards to this incident with the FBI; however, still oversight will be needed by your Administration in that I have very strong feelings the FBI will not perform their duties without oversight from your Administration and the perpetrators of such criminal actions will not be punished for such legal wrongs if not watched. A copy of the FBI Complaint I filed in regards to this incident is attached for your review.

I believe you will find not only from my July 13, 2008 Complaint filed with the Legislature/Congress, but also with the FBI that I am definitely in the trenches fighting for the little people and have been doing so since leaving Florida A & M University ("FAMU"). However, due to the systematic prejudices and injustices which has plagued African-Americans and/or people of color – justice has been delayed; however, now with the new administration, not denied and believe the laws will be applied equally, just and fair.

I take the fight for Civil Rights and many other protected rights very seriously and believe you will find from the documentation provided you and/or sent you that this is true. Not only that that I was fighting for such causes during the times you were working in the communities – just in different states. I am still fighting and will continue to fight; however, like you advised you are going to need us working with you as President in our communities, ***I am going to need you working for me as well as those on whose behalf I am fighting for*** while you are our President and believe this can be done (**YES *WE* CAN**!!!!).

See **http://www.slideshare.net/VogelDenise/111208-fax-to-barack-obama** incorporated by reference as if set forth in full herein. Newsome then, approximately TWO (2) days later, on or about November 14, 2008, submitted ANOTHER Fax to then President-Elect/Senator Barack Obama entitled,

UPDATE AND URGENT REQUEST REGARDING: *Emergency Complaint and Request for Legislature/Congress Intervention; Also Request for Investigations, Hearings and Finding*

with the SAME warning of ***"WHAT THE CONSEQUENCES WOULD BE" ("If you don't hear our RATTLE, then feel the BITE!")*** should he elect to engage in such CONSPIRACIES leveled against her.


If you don't hear our RATTLE, then feel the BITE!!


Said **November 14, 2008,** Fax which may have stated in part:

I read on yesterday that you are resigning your seat in the Senate effective Sunday, November 16, 2008. You mentioned that you want the public to feel free to come to you, well here I am.

Therefore, please accept this as my **FINAL** request and plea to you in your remaining days as Senator and your remaining days as President-Elect to see that a ***Special* Committee** and/or the appropriate actions are taken to see that the July 2008 Complaint submitted to your attention and others is handled most urgently. I ask that you do not take on what I call the "Pilate" syndrome, wherein, in this story, this leader (Pilate) had the opportunity to do what was right by a just man; however, buckled under the pressure and I gathered having the need to be accepted and liked - simply put, "*While Pilate saw that he could not prevail nothing, but that rather a tumult was made, he took water, and washed his hands before the multitude, saying, I am innocent of the blood of this **just** person; see ye to it*"

(Matthew 27: 24) – allowed an innocent man to be killed. However, he was just as guilty as the rest because he had the opportunity, power and authority to stop the actions, but elected to allow the people to proceed and threw a just and innocent man to the wolves. Clearly actions repeatedly rendered today by those in authority. Rather than do what is right, they allow the just to suffer persecution needlessly while either looking the other way or laughing with those who commit such criminal acts. From this story, because of the coward acts of Pilate, a precious life was lost and/or destroyed because this leader gave into the pressure of those who sided with freeing a criminal. While I realize there was only one King Solomon who was known for his wisdom, I realize that such gifts as "wisdom," "courage," "strength," "integrity," etc. is also given freely to those who ask of it. There is no respect of person.

Although November 4, 2008 seemed so far away, to others, there are those that believed that upon your announcement of running for office, the milestone of your becoming the next President as well as the first African-American President of the United States was indeed possible. I just hope that you remain *humble* and continue to seek wisdom, guidance and other tools needed for your journey in this position.

Again, the **critical and/or urgency** for my request is because I have had to suffer and endure a great deal of injustices for approximately **20** years. Nevertheless, I patiently waited for the fulfillment of so many dreams and visions spoken and seen for the change that occurred on November 4, 2008. It is no secret to many that know me that I have repeatedly been victimized by our government and the judicial process; nevertheless, it did not stop me from continuing to believe that one day, rather than work against me, the judicial process and justice would work for me. With my July 2008 Complaint submitted to the United States Legislature/Congress I provided factual documentation and/or evidence which many knows is very hard/difficult to come by. Information to support the corrupt judicial process and systematic injustices in place to keep myself and people of color oppressed. With the July 2008 Complaint I provided information such as:

1. Evidence of the unlawful/illegal stalking of me from job-to-job – wherein there are certain persons stalking and tracking me down, finding out where I was working and contacting my employers to notify them of lawsuit(s) filed by me. The reasons' being was to get me terminated from my jobs. Such civil/criminal acts in which such persons were successful in accomplishing their goals. Each and every time I tried to move on, they just would not let go and followed me to the next job – even to the one I hold today. However, to their disappointment, the law firm at which I am presently employed in their employment policy prohibits discrimination against persons who have filed lawsuits. Even with such policy in place, it has not stopped those in pursuit of me from pressuring my employer to let me go and/or look for a Judas among them. What was I to do especially when the system is designed to break and destroy me? Many people sharing with me that with such repeated attacks as I have suffered and had to endure, they would have given up a long time ago. However, those who know me know I am not a quitter and believe in finishing the

race/course (being the former athlete I am) that has been set for me. I realize there is no way that some of the evidence I have been blessed to obtain such as:

(a) tape recording by co-worker advising me to go home and take a bath because my skin is the wrong color; (b) racial literature mocking mother with interracial children being distributed in workplace; (c) racial remarks being written in the newspaper and left in the break room for others to view, etc. (*documents memorialized in courts and agency records*).

is very difficult to obtain and to sustain the discriminatory environments in which I have worked. Nevertheless, employer(s) was allowed to continue practicing in such a manner without any intervention and/or regulation by the EEOC and/or the appropriate agencies that are supposedly designed to deter such practices. While I was required to look the other way and just to take it, this simply was something I could not do and simply behavior I could not condone and did not condone while it came with consequences and the government relying on their vast resources and ties to scandalize my name and reputation all because I decided to take them and others on. Did it cost me? Yes. The government has seen to it that my name is posted on the internet and through such efforts for exposing them to see that my life is destroyed. Their reason for doing so is to destroy my life, character and to make it difficult for me to get a job, etc. Nevertheless, it has not stopped me and I continue to fight. I have been very blessed to work with people who can vouch for my work ethics and character as shown in the attached references obtained. So while it is obvious I have been projected and/or the government has tried to paint me as a "mental" case for going after them and now are trying to shut the Courts down to me, I continue to fight for my rights secured to me under the Constitution, Civil Rights Act and other laws/statutes in place.

2. Evidence of employer's witnesses (under oath) **admitting** to discriminating against me and subjecting me to a ***hostile*** work environment and the government set by and allowed them to do this. How easy does one think it was to get persons on tape and ***under*** **oath** to admit to such civil wrongs? Nevertheless, I was blessed to get this and provided portions of the transcript in which such testimony was provided under cross-examination (by me) because they came in with well rehearsed testimony and had no clue that I was using this opportunity to obtain key testimony that will assist me in the future. *I provided portion of transcript verifying this in my July 2008 Complaint filed with the U.S.*

Legislature/Congress.

3. I have been laughed at and mocked by attorneys for stating my preservation of matters; however, as I share with others, I believed that November 4, 2008 was possible and I believed that a change would eventually come. So while they laughed and mocked me for preserving evidence and memorializing evidence, etc. for a later date and/or time, I just simply kept believing that the tide would eventually turn and that the CHANGE and pursuit for justice would eventually prevail. I believe that the November 4, 2008, election clearly supports that our nation is looking for CHANGE. No, prior to the November election, in July 2008, I moved to have cases transferred to the forum/jurisdiction of the United States Legislature/ Congress.

4. I have been falsely imprisoned – tape recording to the incident stolen off of my persons and officer destroyed this evidence. Clearly through all my situations when one would think I had the right to be hostile, angry, bitter, etc. I maintained my patience, temperance, etc. Always being subjected to situations where it was obvious that I was being provoked; however, would not allow them to take me there (or to bring the streets out one may say) and continued to look towards the future and that justice will prevail.

5. While the Court records in proceedings I am presently engaged in ***cannot*** *be certified* because the record has been **compromised**, **tampered** with and **documents submitted for filing *withheld* from the file**, etc. while they launched various attacks against me and in their efforts of shutting the courts' doors to me, it was a good thing I listened to an attorney I met at a conference in June 2008 and filed the July 2008 Complaint with the U.S. Legislature/Congress and requesting its intervention. Yes, it was clear that I was on my way to another railroading and/or lynching by the certain persons at the helm of the judicial process and consenting to such criminal acts; however, to their disappointment, they never knew I would file a Complaint with the U.S. Legislature/Congress exposing such criminal/civil wrongs as I did.

While I am presently employed with a law firm in Cincinnati (since 9/11/06 – contracted prior to accepting permanent job offer) my passion is fighting for the little people and working with getting our system cleaned up – whom better than a victim of the process. It is no secret that the system has been designed to destroy innocent lives such as Carl Brandon (an African-American guy stalked from job-to-job in Mississippi and repeatedly and in which there were certain persons who sought to see that his employer terminated him and were successful; however, this man could not take it and one day went on a shooting spree) – he is discussed in my July 2008 Complaint submitted to the U.S. Legislature/Congress. Look at what happened in the Jena 6 matter and so many others. ***Unlike so many, rather than take the road the system set up for me, I elected to use the judicial***

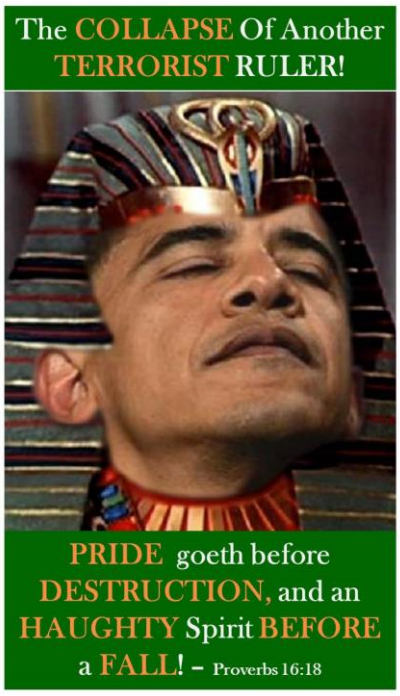
process regardless of how they would attempt to turn it and use it against me and/or now even try and deprive me access to keep me from bringing civil lawsuits they know are inevitable.

No it is obvious there are those (certain persons) using a systematic process to close the doors to protect their own and through a systematic process designed to destroy African-Americans and to incarcerate us. Then when you beat them at their own game (as I have done), they still try and steal the rug out from underneath you and close the Courts down on you. This is not right and it is definitely time for CHANGE!!!

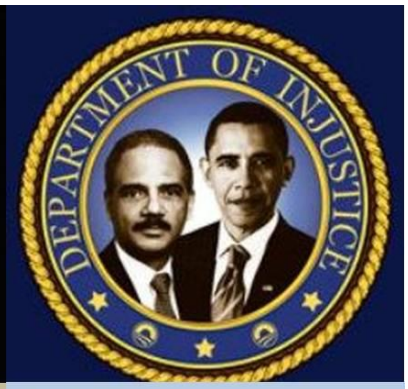
I close with a plea and request that you do as much as possible in the power you have been blessed to acquire to help in the fight and change you promised. Please do not allow your promise to become empty/hollow words.

See **http://www.slideshare.net/VogelDenise/111408-fax-to-obama-update-request-emergency-complaint** incorporated by reference as if set forth in full herein.

EVIDENCE to support President Barack Obama's and his LYNCHING/TERRORIST REGIME led by Baker Donelson Bearman Caldwell & Berkowitz' and their Conspirators'/Co-Conspirators' KNOWLEDGE that Newsome is an ALUMNUS of Florida A&M University. Therefore, a REASONABLE mind may conclude that when the alleged "Hazing Incident" regarding Robert Champion occurred, President Obama and his Baker Donelson LYNCHING/TERRORIST REGIME would attempt to use such tragedy to "TAKE DOWN" Florida A&M University!" In other words, United States of America's President Barack Obama, Baker Donelson Bearman Caldwell & Berkowitz and their Conspirators/Co-Conspirators **"Had the AUDACITY"** to come into the **"DEN OF THE RATTLERS"** with "FALSE" and "MISLEADING" information for purposes of "DECEIVING and MISLEADING" the Public/World **and "NOT be BITTEN"** – i.e. would get away with their CRIMINAL ACTS!



United States President Barack Obama

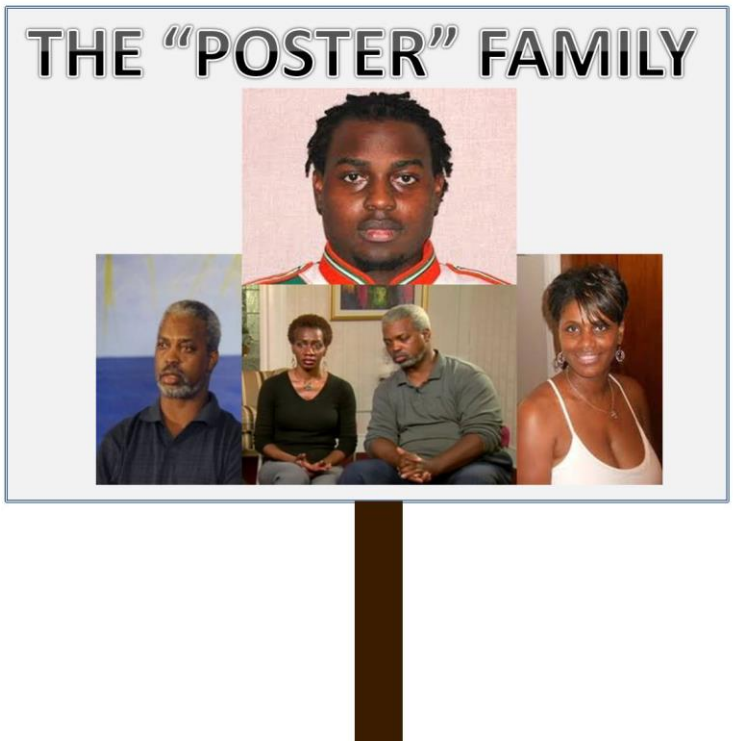


United States Attorney General Eric Holder

Barack Obama and FAMU President James Ammons

Having the AUDACITY to use ***the JEWS' CONTROL over the Media to provide OVERKILL Coverage on the alleged "Hazing Incident" at Florida A&M University.*** It appears **using the FACES** of one from their **JEWISH COMMUNITY Members (Brenda Joy Bernstein)** and **a BLACK-American Family (Robert Champion's Family) as the "POSTER-FAMILY" to TAKE DOWN Florida A&M University.** Flying the Champion Family ALL ACROSS the Country and giving them OVERKILL Media ACCESS on JEWISH RUN Television Stations! Nevertheless, just CONVENIENTLY, KNOWINGLY, DELIBERATELY and MALICIOUSLY FAILING to tell the PUBLIC/WORLD of President Barack Obama's, United States Attorney General Eric Holder's, Baker Donelson's and their Conspirators'/Co-Conspirators ROLES in the "CHAIN Conspiracies" that are LINKED to the ATTACKS on Newsome's LIFE and use of media connections for the purposes of destroying Florida A&M University.

Brenda Joy Bernstein



There is EVIDENCE that ***the ATTACKS on Florida A&M University*** *in regards to the alleged "Hazing Incident"* ***are RACIALLY motivated*** *and* ***in RETALIATION of*** *Complainant Newsome's EXPOSURE of the "CHAIN CONSPIRACIES" leveled AGAINST her*. Furthermore, that attacks AGAINST Newsome and Florida A&M University are being LED by WHITE SUPREMACISTS Law Firms as Baker Donelson Bearman Caldwell & Berkowitz and their JEWISH Counterparts. CAN Baker Donelson Bearman Caldwell & Berkowitz be PLACED in FLORIDA about the time of the alleged FAMU incident? YES! See **http://www.slideshare.net/VogelDenise/baker-donelson-expands-intoflorida, http://www.slideshare.net/VogelDenise/baker-donelson-expands-intoflorida2** and **http://www.slideshare.net/VogelDenise/baker-donelson-florida-governorsignslegislation** incorporated by reference as if set forth in full herein.

CAN Baker Donelson Bearman Caldwell & Berkowitz (as in the 2006 KIDNAPPING matter involving Newsome which INVOLVED Mississippi Governor Haley Barbour's ADMINISTRATION) be LINKED to the State of Florida Governor's Office and their CONTROL over Florida's Governor Richard Lynn "Rick" Scott and their attempts to use this Governor in the ATTACKS leveled AGAINST Florida A&M University? YES. See **http://www.slideshare.net/VogelDenise/baker-donelson-florida-governorship-history** incorporated by reference as if set forth in full herein.


MILLARD FILLMORE CALDWELL

Former Governor of Florida
United States Representative
Florida Supreme Court Justice
Baker Donelson Bearman Caldwell & Berkowitz Employee

Caldwell was appointed the administrator of the Federal Civil Defense Administration . . .**This appointment was opposed by the NAACP because of Caldwell's SEGREGATIONIST record.**

Caldwell's term is noted for his segregationist beliefs.

As of 04/13/13 – Information From:

http://en.wikipedia.org/wiki/Millard_F._Caldwell


RICHARD LYNN "RICK" SCOTT

Florida Governor

Legal Counsel: It appears Baker Donelson Bearman Caldwell & Berkowitz. ***Baker Donelson it appears used its position to MASTERMIND the ATTACKS on Florida A&M University in regards to the alleged Hazing incident (Robert Champion matter).*** It is a **GOOD THING** Vogel Denise Newsome informed the **PUBLIC/WORLD** of what appears to be **U.S. President Barack Obama's** and his Legal **Counsel's (Baker Donelson's) ROLE in the ATTACKS** on **Florida A&M University in RETALIATION** to Newsome's **EXPOSING this RACIST TERRORIST REGIME!**


FAMUNITED: President Barack Obama, You came after the **WRONG** University!


FAMU trustees snub Scott's recommendation; President James Ammons will stay on during hazing investigations

Scrapping the recommendation of **Gov. Rick Scott**, Florida A&M University trustees reaffirmed their decision to keep **President James Ammons** as head of the school during several investigations launched in the fallout of a student's hazing death.

In a 30-minute conference call that took up other issues, board chairman **Solomon Badger** said, "We will stand firm against outside influence regardless of how well intended."

"It is my recommendation that until a final report results from these investigations with official facts, the president's status remain the same," he said.

The board also announced it will convene weekly meetings for the next two months to stay apprised of developments in the homicide investigation of drum major **Robert Champion**, who collapsed after being beaten on a bus after a rivalry game one month ago today, as well as an FDLE investigation into the school's finances.

"For the sake of appearances, and to assure the public that these investigations are clearly independent, I believe it would have been in the best interest of Florida A&M University for President Ammons to step aside until all of these investigations are completed," Scott said in a statement. "However, we have a process in Florida for the administration of the State University System, and that process has been followed. Like all other Floridians, I will abide by the decision made by the Florida A&M University Board of Trustees."

CAN DISCRIMINATION and RETALIATION in the handling of the alleged Florida A&M University "Hazing Incident" COMPARED to alleged "Hazing Incidents at WHITE University's" be ESTABLISHED? YES! Just the FACTS:

- ✓ There was NO "OVERKILL" Media Coverage when alleged "Hazing Deaths" occurred at WHITE Universities! See for instance the Hazing Deaths at WHITE UNIVERSITIES before the alleged FAMU incident:

Cornell University
Radford University
Utah State
University of Delaware
University of Texas
University of California - Irvine
University of Oklahoma
Yale University
University of Maryland
University of Miami
Tennessee State University
Indiana University
University of Georgia
University of Mississippi
Louisiana State University

See http://www.slideshare.net/VogelDenise/hazing-deaths-hank-nuwer-chronology-report incorporated by reference as if set forth in full herein.

✓ **SINCE/AFTER** the alleged "Hazing Incident" regarding Robert Champion at Florida A&M University occurred, there are reports of approximately **SEVEN (7) alleged HAZING DEATHS!** With Seven ADDITIONAL Reports of alleged "Hazing Deaths" at:

University of Northern Colorado
Vincennes, Indiana
Madison, North Dakoa (High School)
Fresno State University
Lafayette College
Northern Illinois University
Chico State University

So ***WHY weren't these alleged victims' deaths given the OVERKILL Media Coverage as that given to Robert Champion?*** Were their lives not meaningful to advise the PUBLIC/WORLD of what happened to them? *See* http://www.hazingstudy.org/publications/hazing_in_view_web.pdf, (as of December 23, 2013) and http://www.hanknuwer.com/hazingdeaths.html, (as of December 23, 2013).

Further SUPPORTING **Baker Donelson Bearman Caldwell & Berkowitz' PRESENCE "IN FLORIDA"** during the Trayvon Martin and George Zimmerman matter. WHO does the PUBLIC/WORLD think "HELPED" and/or "HOW WAS" George Zimmerman able to UNLAWFULLY/ILLEGALLY get "TWO" Passports? EVIDENCE which CLEARLY establishes GUIILT! YES!

Not only that, there is RECORD EVIDENCE supporting that Baker Donelson is Legal Counsel to the Office of the GOVERNOR OF VIRGINIA and for the VIRGINIA Supreme Court WHERE George Zimmerman's father (**Robert Zimmerman - JEWISH**)

served as a Judge – i.e. at least hopefully providing additional information on how George Zimmerman has been allowed to remain a **"THREAT TO THE PUBLIC-AT-LARGE!"** It appears from said FAILURES to prosecute George Zimmerman for PREVIOUS Criminal activities and EXTENDING to him SPECIAL FAVORS, ULTIMATELY led to the FIRST-Degree Shooting of Trayvon Martin (African-America Male)! See Baker Donelson's VIRGINIA connections at **http://www.slideshare.net/VogelDenise/baker-donelson-ties-supremecourtofvirginia** and **http://www.slideshare.net/VogelDenise/baker-donelson-listing-of-judgesjustices** incorporated by reference as if set forth in full herein.

- Said FAILURES, it appears, has led to United States of America President Barack Obama and his TERRORIST Regime headed by Baker Donelson having The Garretson Firm Resolution Group bring a FRIVOLOUS Lawsuit AGAINST Newsome in attempts to have her turn over documents (as they did in the Debra Palfrey matter which is addressed in this instant Complain) and most likely then would have had Newsome KILLED/MURDERED had she NOT gone PUBLIC in the sharing of information.

  In fact, ONCE Newsome went PUBLIC and EXPOSED such CRIMINAL Acts, her Conspirators MOVED SWIFTLY to have the Court Record "SEALED!"

FROM: http://www.courtclerk.org/case_summary.asp?sec=history&casenumber=A1200831
In accordance with Federal Laws provided For Educational and Information Purposes – i.e. of PUBLIC Interest

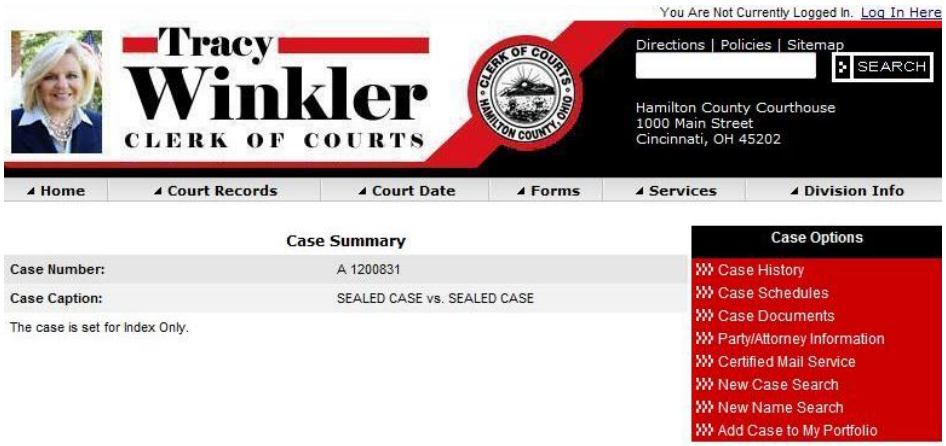
Case Summary

Case Number:	A 1200831
Case Caption:	THE GARRETSON FIRM RESOLUTION GROUP INC vs. VOGEL DENISE NEWSOM
Judge:	Unavailable
Filed Date:	2/3/2012
Case Type:	H920 - RESTRAINING ORDER- OC
Total Deposits:	$ 326.00 Credit
Total Costs:	$ 321.00

Case History

Non-Printer Friendly Version

Doc	Image#	Date	Description	Amount
		2/3/2012	BOND DEPOSIT BY KEATING MUETHING KLEKAMP	1.00-
		2/3/2012	MOTION FOR A TEMPORARY RESTRAINING ORDER AND APPLICATION FOR PRELIMINARY INJUNCTION ORDER	
		2/3/2012	INITIAL CASE DEPOSIT PAID BY JAMES R MATTHEWS	325.00-
		2/3/2012	CLASSIFICATION FORM FILED.	
		2/3/2012	COMPLAINT FILED	



IMPORTANT TO NOTE: This is WHY it is **IMPORTANT to RETRIEVE and RETAIN** evidence when one can against the likes of BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ, because absent Newsome's getting a copy of the "DOCKET" in The Garretson Firm Resolution matter, **would the PUBLIC know that from "Case Number: A1200831" and "Case Caption: SEALED CASE vs. SEALED CASE" that this was the Lawsuit brought AGAINST Newsome (Vogel Denise Newsome)? NO!** This is WHY Newsome went PUBLIC in sharing Court filings submitted on her behalf with the PUBLIC/WORLD. See **http://www.slideshare.net/VogelDenise/020912-notice-ofnonattendancehearinggarretsonstamped** and **http://www.slideshare.net/VogelDenise/020912-garretson-resolution-group-motion-to-vacate-stamped** incorporated by reference as if set forth in full herein.

- Said FAILURE resulted in Newsome's filing of the Equal Employment Opportunity Commission and Ohio Civil Rights Commission Complaints against The Garretson Firm Resolution Group. It appears that it was a GOOD THING Newsome submitted these filings on or about April 30, 2012, because it appears the United States of America's TERRORIST REGIME headed by Baker Donelson Bearman Caldwell & Berkowitz were in the PLANS of bringing down **ANOTHER** Airplane through a BOMBING Attack.

OFFICIAL COMPLAINT/CHARGE OF DISCRIMINATION FILED OF AND AGAINST THE GARRETSON FIRM RESOLUTION GROUP INC. AND/OR MESSINA STAFFING/MESSINA MANAGEMENT SYSTEMS WITH UNITED STATES DEPARTMENT OF LABOR - UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION – CINCINNATI AREA OFFICE and OHIO CIVIL RIGHTS COMMISSION – CENTRAL OFFICE; AND REQUEST FOR COMMISSIONER CHARGE TO BE ISSUED SUBMITTED FOR FILING ON APRIL 30, 2012[1]

Charge Filed With:	**VIA U.S. CERTIFIED MAIL** – RECEIPT NO. 7011 0470 0000 3849 4369 United States Department of Labor U.S. Equal Employment Opportunity Commission ("EEOC") Cincinnati Area Office **ATTN: U.S. Secretary of Labor – Hilda L. Solis** **c/o Attn: Wilma L. Javey (Director)** 550 Main Street, 10th Floor Cincinnati, Ohio 45202 **VIA U.S. CERTIFIED MAIL** – RECEIPT NO. 7011 0470 0000 3849 4321 Ohio Civil Rights Commission ("OCRC") Central Office **ATTN: G. Michael Payton, Esq.** 30 East Broad Street, 5th Floor Columbus, Ohio 43215
Complainant/Employee:	Vogel Denise Newsome ("Newsome") Post Office Box 14731 Cincinnati, Ohio 45250 Phone: (513) 680-2922
Respondent(s)/Employer(s):	The Garretson Firm Resolution Group, Inc. **Attn: Sandy Sullivan (Human Resources Representative)** **Attn: Matthew Garretson (Founder/Chief Executive Officer)** 7775 Cooper Road Phone: (513) 575-7167 or (513) 794-0400/(888) 556-7526 County: Hamilton County, Ohio **Ohio Office Having 50+ employees Messina Staffing/Messina Management Systems **Attn: Vince Messina (President)** 11811 Mason-Montgomery Road Cincinnati, Ohio 45249 (513) 774-9187

See **http://www.slideshare.net/VogelDenise/043012-eeoc-complaintexhibits-grgfinal-13054285** incorporated by reference as if set forth in full herein.

DAMAGE CONTROL TACTICS: It appears to keep the PUBLIC/WORLD from KNOWING it was an AFRICAN-American (Newsome) who may have been behind the United States of America's SCRAPPING of the May 2012, Airplane BOMBING, this was MASKED/SHIELDED and given the name of "Associated Press (AP) SCANDAL!"

- Said FAILURE in addressing the CRIMINAL CONSPIRACIES of the United States of America's TREASURY Department – Internal Revenue Service – with the Kentucky Department of Revenue, J.P. Morgan Chase Bank, U.S. Bank and other Conspirators/Co-Conspirators led to the EMBEZZLEMENT and THEFT of Newsome's monies from Bank Accounts – for CHILD SUPPORT and WITHOUT a Court Order (i.e. in that Newsome has NO Children) - with J.P. Morgan Chase Bank and U.S. Bank. YES, J.P. Morgan Chase Bank is President Barack Obama's BANKER and both banks (J.P. Morgan Chase and U.S. Bank) are Clients of Baker Donelson. Baker Donelson is Legal Counsel to Barack Obama.

  DAMAGE CONTROL TACTICS: It appears to keep the PUBLIC/WORLD from KNOWING it was an AFRICAN-American (Newsome) who may have been behind the United States of America's Internal Revenue Service ("IRS") Scandal, it appears Kentucky Senator Rand Paul and Congressional Members were going to SHIELD/MASK the Criminal activities of the Internal Revenue Service and the Kentucky Department of Revenue as an attack on the "TEA PARTY" – i.e. in efforts to LAUNCH Senator Rand Paul's RUN for the White House in 2016!

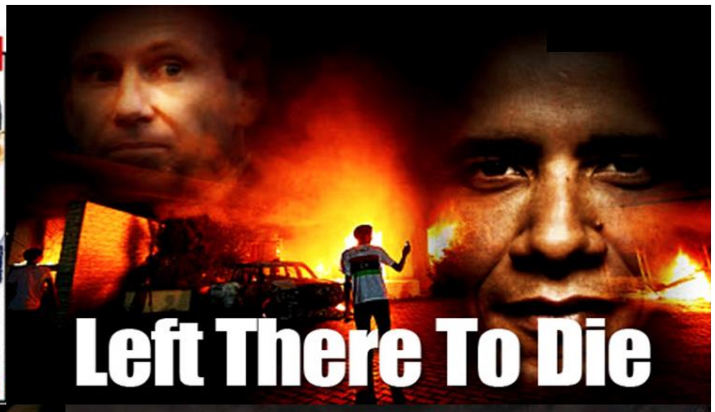
- Said FAILURE in addressing the CRIMINAL CONSPIRACIES and TERRORISTS acts of the United States of America's TERRORIST Regime led to what appears to be the SEPTEMBER 11, 2012, Benghazi Attacks. Which reports have it that this was a "BOTCHED KIDNAPPING PLAN" orchestrated by United States of America's President Barack Obama and Egypt's President

Mohammad Morsi to EXCHANGE United States' Ambassador Christopher Stephens for Egypt's *Blind Sheik (Omar-Abdel-Rahman).*

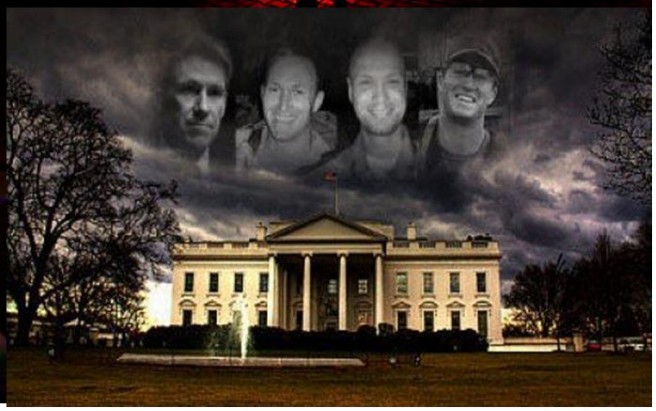
See **http://www.slideshare.net/VogelDenise/barack-obama-benghazi-coverup-presentation-to-western-center-news-coverage** incorporated by reference as if set forth in full herein.


AMB. CHRIS STEVENS
SEAN SMITH
GLEN DOHERTY
TYRONE WOODS


COVER OF THE NEW YORK POST
US drone witnessed attack on Benghazi
'THEY WATCHED THEM DIE'
Military slow to respond
PAGES 6-7


Left There To Die


Just A Bump In The Road



See **http://www.slideshare.net/VogelDenise/obamafraudgate-the-benghazi-coverup** incorporated by reference as if set forth in full herein.

DAMAGE CONTROL TACTICS: It appears to keep the PUBLIC/WORLD from KNOWING it was an AFRICAN-American (Newsome) who may have been behind EXPOSING the United States of America's ROLES in the "FUNDING" and/or "CARRYING OUT" of TERRORIST attacks AGAINST its OWN Embassies/Consulates, they attempted to SHIELD/MASK the Benghazi Attacks through LIES that it was BECAUSE of a YouTube Video – when it WAS NOT! In fact, from research it appears JEWS were BEHIND the publishing of the **"ANTI-Muslim"** video. See at **http://www.slideshare.net/VogelDenise/bacile-sam-movie-film-financed-by-jewish-donors** incorporated by reference as if set forth in full herein. It appears that United States of America President Barack Obama and his TERRORIST Regime led by Baker Donelson would have STUCK to the MEDIA Coverage of such LIES had Newsome DAYS BEFORE (on or about **August 22, 2012,** through www.slideshare.net/VogelDenise) the Benghazi Attack NOT released information regarding the United States of America's ROLES in Terrorist Acts in the Middle East based on information CONFIRMED by Hillary Clinton.

IT IS TIME TO DEAL WITH THE UNITED STATES OF AMERICA'S STINGERS LEFT AROUND THE WORLD!

See **http://www.slideshare.net/VogelDenise/082112-hillary-clinton-dealing-with-the-united-states-of-americas-stingers** incorporated by reference as if set forth in full herein.

- Said FAILURES led to what appears to be the United States of America's TERRORISTS Regime led by Baker Donelson Bearman Caldwell & Berkowitz' engagement and CARRYING OUT of what appears the DOMESTIC TERRORISTS ATTACKS at the April 15, 2013 BOSTON MARATHON BOMBINGS.

UNDERSTANDING WHAT APPEARS TO BE THE UNITED STATES OF AMERICA'S FRAMING OF DZHOKHAR and TAMERLAN TSARNAEV for BOSTON MARATHON BOMBING:

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1 U.S. Supreme Court Pleadings in Stor-All Page Kruger	2	3	4	5	6
7	8 HOLOCAUST Remembrance Day	9 US Supreme Court Receives Newsome's April 1, 2013 Pleadings	10	11	12	13
14 PUBLIC NOTICE BARACK OBAMA – Posting 01/11/13 Fax	15 BOSTON MARATHON Bombing	16 RICIN Plot	17	18	19 Boston BOMBERS Captured	20
21	22 CANADA Foiled TERRORIST Train Plot	23 HAGEL & NETANYAHU Meeting	24	25 HAGEL Alleges Sarin Gas Used by Syria	26 2nd HACKING of Newsome's ADECCO Account	27
28	29	30				

COMING SOON - - AMERICA'S WARS AGAINST ISLAM
INFORMATION YOU WILL NOT GET FROM THE
UNITED STATES OF AMERICA'S TAINTED JEWISH MEDIA COVERAGE

It appears the GOOD THING about the Boston Marathon Bombing is the USE of CAMERAS – i.e. from which from looking at the News Coverage and additional research REVEALS that the TWO Brothers (Dzhokhar and Tamerlan Tsarnaev) were FRAMED by United States of America's President Barack Obama and his TERRORIST Regime led by Baker Donelson Bearman Caldwell & Berkowitz. AGAIN, EMPHASIS added, ***it is a GOOD THING Cameras were in place which appears will PROVE and EXONERATE the Tsarnaev brothers.*** It further appears that the Tsarnaev brothers were TARGETED by President Barack Obama and his TERRORIST Regime led by Baker Donelson BECAUSE they are MUSLIMS!

Newsome's DUTY to INFORM the PUBLIC of such CRIMINAL CONSPIRACIES has been DULY noted in the May 1, 2013, fax to Tamerlan Tsarnaev's Attorney. See **http://www.slideshare.net/VogelDenise/050113-fax-to-judy-clarke-dzhokhar-tsarnaev-boston-marathon-bombings** incorporated by reference as if set forth in full herein.

FACSIMILE

TO: **JUDY CLARKE, Esq.**
(619) 243-7386

FROM: Vogel Denise Newsome

RE: Dzhokhar Tsarnaev – Boston Marathon Bombings Case

DATE: May 1, 2013

- Said FAILURE to act it appears has LED to the "OVERKILL" Media Coverage on ObamaCare (a/k/a ***Patient Protection and Affordable Care Act***). It appears, YES, this is LEGISLATION that was CREATED not by CONGRESSIONAL Members but NONE OTHER than Baker Donelson Bearman Caldwell & Berkowitz in efforts to SHIELD/MASK their GENOCIDE practices TARGETING African-Americans/Black-Americans and/or People-Of-Color. WHY THIS METHOD? Because it appears the LIKES of Baker Donelson was BEHIND the TUSKEGEE Tests in which the United States of America had African-Americans/Black-Americans INJECTED with **"SEXUALLY TRANSMITTED"** DISEASES as **SYPHILIS** and **GONORRHEA** - i.e. therefore a reasonable mind may conclude that AIDS being included.

  CAN THE "SMOKING GUN TRAIL" TO THE TUSKEGEE TESTS LEAD BACK TO BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ? It appears YES! HOW?

HEALTH CARE REFORM

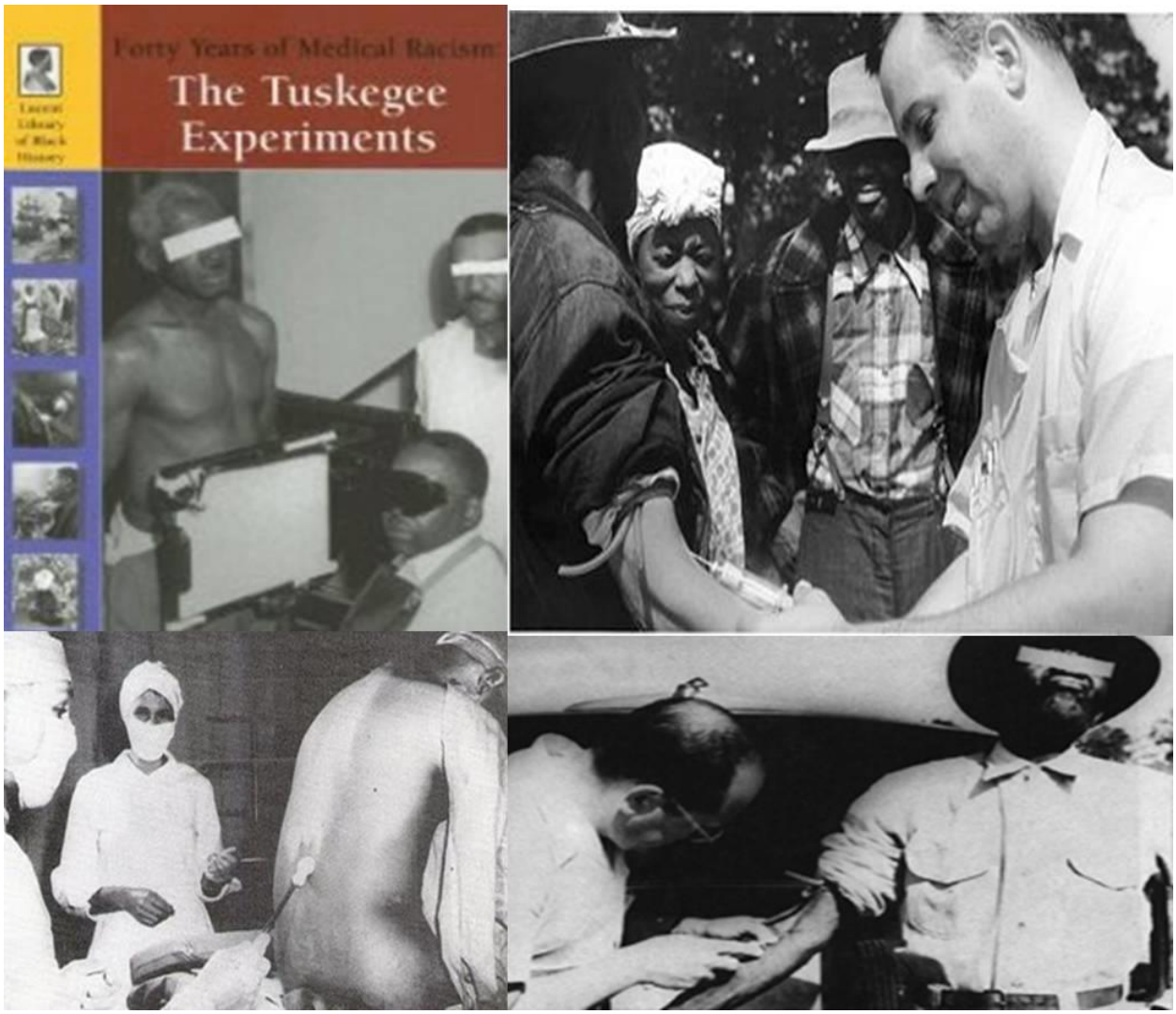
The JOKE/LAUGH may be on YOU!!
Obama is willing to GAMBLE with your life and sell out to the highest bidder for a few pieces of silver!

ASK YOURSELF: WHY THE RUSH/HURRY – WHAT IS OBAMA HIDING not SAYING!!

MATTHEW 24:24(b)

[24]For.. . **IF** *it were possible*, they *shall deceive the very elect.*

Is this the CHANGE Citizens voted for?



- The Company BEHIND such RACIST and GENOCIDE practices appears was NONE OTHER than Proctor & Gamble: See

Clarence Gamble Information:
http://www.slideshare.net/VogelDenise/gamble-clarence-proctor-gamble-sterilization-wiki-info
http://www.slideshare.net/VogelDenise/pathfinder-international-wiki-info

Tuskegee Tests:
http://www.slideshare.net/VogelDenise/tuskegee-tests

Barack Obama's and Baker Donelson's HEALTH CARE PLAN:
http://www.slideshare.net/VogelDenise/baker-donelson-health-care-plan-power-point

United States INHUMANE Guatemala EXPERIMENTS:
http://www.slideshare.net/VogelDenise/guatemala-experiments

INJECTING Citizens of Pakistan with a **FAKE VACCINE** – i.e. who know what **POISONS** were injected; however, the United States Central Intelligence ("CIA") was involved:
http://www.slideshare.net/VogelDenise/pakistan-us-inject-fake-vaccine2

http://www.slideshare.net/VogelDenise/pakistan-us-inject-fake-vaccine

GENOCIDE PRACTICES in the ***Sterilization/Gutting*** of People of Color:

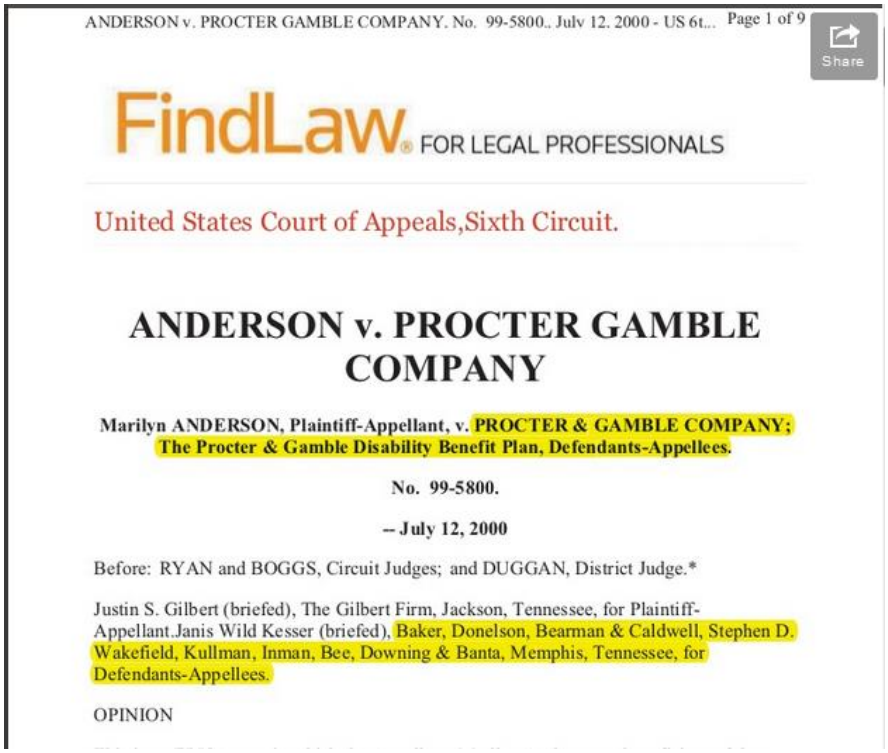
http://www.slideshare.net/VogelDenise/united-states-woman-speaks-out-about-being-sterilizedgutted-by-government

http://youtu.be/gDuGrN1pivE

http://youtu.be/8xkuDPD3A1Y

http://youtu.be/SI-68j-LLk4

incorporated by reference as if set forth in full herein.



ANDERSON v. PROCTER GAMBLE COMPANY. No. 99-5800.. July 12. 2000 - US 6t... Page 1 of 9

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FindLaw FOR LEGAL PROFESSIONALS

United States Court of Appeals,Sixth Circuit.

ANDERSON v. PROCTER GAMBLE COMPANY

Marilyn ANDERSON, Plaintiff-Appellant, v. PROCTER & GAMBLE COMPANY; The Procter & Gamble Disability Benefit Plan, Defendants-Appellees.

No. 99-5800.

-- July 12, 2000

Before: RYAN and BOGGS, Circuit Judges; and DUGGAN, District Judge.*

Justin S. Gilbert (briefed), The Gilbert Firm, Jackson, Tennessee, for Plaintiff-Appellant.Janis Wild Kesser (briefed), Baker, Donelson, Bearman & Caldwell, Stephen D. Wakefield, Kullman, Inman, Bee, Downing & Banta, Memphis, Tennessee, for Defendants-Appellees.

OPINION

- ONE GUESS WHO'S LEGAL COUNSEL FOR PROCTER & GAMBLE. Yes, Baker Donelson Bearman Caldwell & Berkowitz.
  See http://www.slideshare.net/VogelDenise/baker-donelson-anderson-vs-procter-gamble incorporated by reference as if set forth in full herein.

Baker Donelson's HEALTH LAW:
http://www.slideshare.net/VogelDenise/baker-donelson-health-law

http://www.slideshare.net/VogelDenise/baker-donelson-federal-health-policy-highlighted

- FAILURE-TO-PREVENT led to the CRIMINAL Acts of the Supreme Court of the United States, United States Congress and United States of America President Barack Obama's engagement in FURTHER FRAUDULENT and TERRORIST Acts in the signing/execution of ObamaCare (a/k/a ***Patient Protection and Affordable Care Act***)

Former Senator Thomas & Linda Daschle and U.S. President Barack Obama

BAKER DONELSON
BEARMAN, CALDWELL & BERKOWITZ, PC

- There are reports that United States of America's President Barack Obama and his Legal Counsel Baker Donelson were looking forward to placing **Thomas Daschle** in office as the ***Secretary of Health and Human Services Department;*** however, that was SCRAPPED once his TAX PROBLEMS were brought to the SPOTLIGHT!

P) **FAILURE-TO-PREVENT resulted in the United States of America's WHITE SUPREMACISTS and TERRORISTS REGIME led by Baker Donelson Bearman**

Caldwell & Berkowitz and its Conspirators/Co-Conspirators in furtherance of their discriminatory and racist practices to ABUSE the POWER of the United States of America's Military and use military combat to TRAIN members of their Terrorist Cells to engage in War Crimes, Crimes Against Peace, Crimes Against Humanity and other Terrorists Acts in the United States of America and Abroad:

UNITED STATES OF AMERICA WARS ARE USED TO TRAIN WHITE SUPREMACIST/RACIST ORGANIZATION MEMBERS

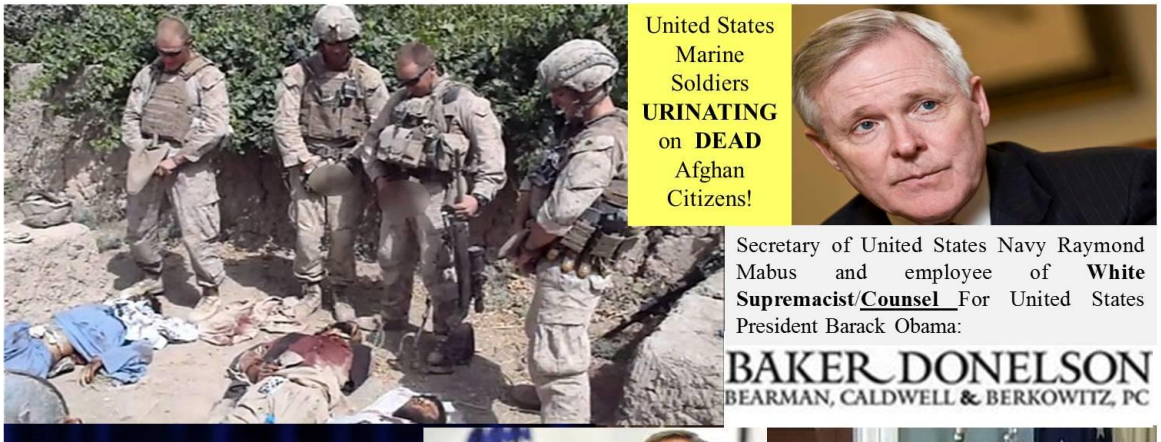
(i.e. As the Ku Klux Klan, Skinheads, etc.)

http://www.slideshare.net/VogelDenise/united-states-of-americas-ku-klux-klan-run-government

July 27, 2009 United States Department of Justice **PRESS RELEASE:** ***"Seven Charged With Terrorism Violations. . ."*** Seven individuals have been charged with **CONSPIRING** to provide ***MATERIAL SUPPORT*** to *TERRORISTS and CONSPIRING* **to murder, kidnap, maim** and ***injure persons abroad***. . . "

The indictment alleges that . . . ***a VETERAN of TERRORIST training*** camps **in PAKISTAN** and **AFGHANISTAN** who, over the past THREE years, ***has CONSPIRED*** *with others in THIS COUNTRY* ***to RECRUIT*** *and* ***help young men TRAVEL OVERSEAS in order to KILL***. . ."

http://www.slideshare.net/VogelDenise/072709-doj-seven-charged-with-terrorism-violations-11651101



See how the United States of America use ***WARS to TRAIN WHITE SUPREMACISTS:*** **http://www.slideshare.net/VogelDenise/obama-us-wars-used-to-train-white-supremacist-english**

and its ***KU KLUX KLAN run Government:*** **http://www.slideshare.net/VogelDenise/united-states-of-americas-ku-klux-klan-run-government** incorporated by reference as if set forth in full herein.

CAN Baker Donelson Bearman Caldwell & Berkowitz and its Conspirators/Co-Conspirators **be LINKED to planning, orchestrating and leading** the United States of America's military ***into Wars in the Middle East?*** **ONE GUESS WHO** appears to be **the CULPRIT behind** the **DRAFTING and CREATION of FALSE and MALICIOUS Reports** alleging ***"WEAPONS OF MASS DESTRUCTION!"*** **YES,** Baker Donelson Bearman Caldwell & Berkowitz played **VERY MAJOR ROLES!**

DAVID ADDINGTON

CHIEF OF STAFF *to Vice President of the United States (Richard "Dick" Cheney).* Addington was described by U.S. News & World Report ***as " the MOST Powerful man you've never heard of."*** Assistant General Counsel for Central Intelligence Agency (CIA). COUNSEL for the House Committees on Intelligence and Foreign Affairs. Special Assistant for Legislative Affairs to President Ronald Reagan. Deputy Assistant to Ronald Reagan. Special Assistant to United States Secretary of Defense (Dick Chaney). General COUNSEL for United States Department of Defense. Republican Staff Director of the Senate Intelligence Committee. Assistant to Dick Chaney when Chaney was Chief Executive Officer of Halliburton Corporation. ***In CHARGE of VETTING potential Presidential running mates*** *for Texas Governor George W. Bush.* COUNSEL Baker Donelson Bearman Caldwell & Berkowitz.

David S. Addington

Also see: http://www.slideshare.net/VogelDenise/baker-donelson-wikipedia-info and
http://www.slideshare.net/VogelDenise/david-addington-wikipedia-baker-donelson-weapon

Tony Blair and George Bush should face trial over Iraq war, says Desmond Tutu

https://www.slideshare.net/VogelDenise/tutu-desmond-tony-blair-george-bush-should-face-trial-for-iraq-war
http://www.slideshare.net/VogelDenise/tutu-desmond-blair-bush-should-face-trial-over-iraq
http://www.slideshare.net/VogelDenise/tutu-desmond-no-choice-but-to-spurn-blair

See **http://www.slideshare.net/VogelDenise/092812-david-addington-article-english** and **http://www.slideshare.net/VogelDenise/david-addington-wikipedia-baker-donelson-weapon** incorporated by reference as if set forth in full herein.

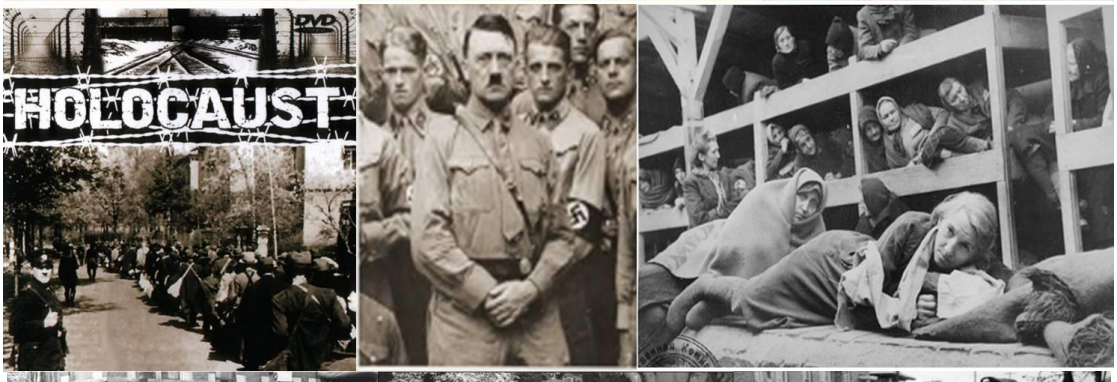
Q) **FAILURE-TO-PREVENT resulted in the United States of America's Terrorist Regime led by Baker Donelson Bearman Caldwell & Berkowitz to use the United States of America's WHITE HOUSE and CONGRESS to CONSPIRE with JEWISH Nation as Israel (as Benjamin Netanyahu) and other Conspirators/Co-Conspirators to use the United States of America's Military for purposes of WAGING Wars AGAINST Muslim Nations – i.e. acts which in itself is RACIST and MOTIVATED by DISCRIMINATION:**

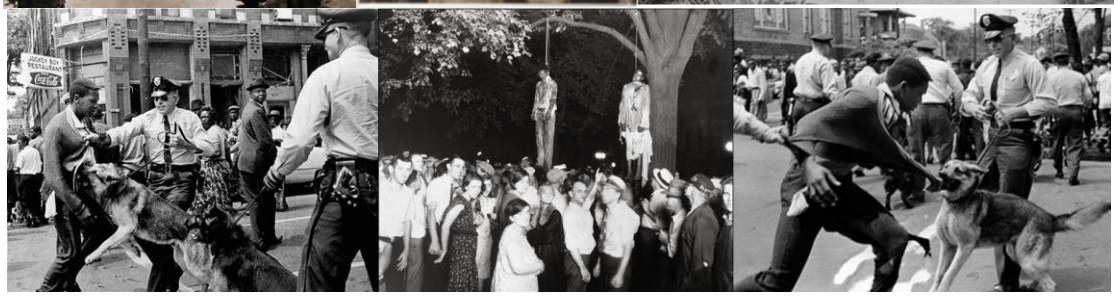
U.S. Senate **MAJORITY** Leader **Harry Reid** – **Israel Prime Minister Benjamin Netanyahu** – U.S. Senate **MINORITY** Leader Mitchell McConnell

U.S. Vice President **Joseph Biden** – **Israel Prime Minister Benjamin Netanyahu** – U.S. House **MAJORITY** Leader John Boehner

U.S. Vice President **Joseph Biden** – **Israel Prime Minister Benjamin Netanyahu** – U.S. House **MAJORITY** Leader John Boehner

Israel's Prime Minister **Benjamin Netanyahu** Using Influence to **INDUCE** United States Of America Leaders to Fight Israel's **RELIGIOUS** Wars **AGAINST** **Muslim** Nations!





Giving JEWS ACCESS

to AMERICANS' TAX DOLLARS
through EMBEZZLEMENT and THEFT of monies for purposes of PAYING for their TERRORIST ACTIVITIES:

See **http://www.slideshare.net/VogelDenise/taliban-paid-360-million-us-tax-dollars** incorporated by reference as if set forth in full herein.

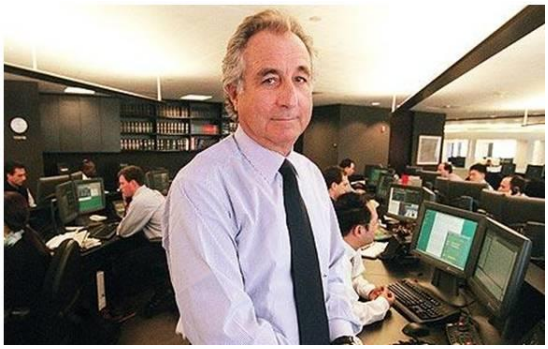
As CAREER Criminals are KNOWN to do ***in efforts of AVOIDING a PAPER TRAIL, "LEAVING BAGS-OF-CASH"*** is also a method that is being used. See **http://www.slideshare.net/VogelDenise/afghanistan-president-hamid-karzi-confirms-united-states-cia-provides-bagsofcash-monthly** incorporated by reference as if set forth in full herein.

and CREATING FALSE and MISLEADING Reports

through WALL STREET, FEDERAL RESERVE, the WHITE HOUSE and CONGRESS to FINANCE the JEWS Attacks On MUSLIM Nations:

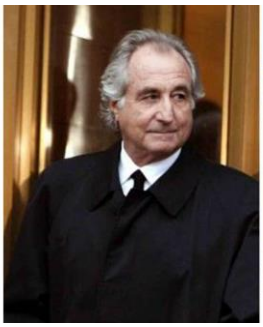
ONE GUESS on how Bernard "Bernie" Madoff (JEWISH) - CHAIRMAN of National Association of Securities Dealers Automated Quotations (NASDAQ) – was able to PULL off "PONZI Scams" OVER Several DECADES!

BERNARD "BERNIE" LAWRENCE MADOFF – Former **CHAIRMAN** of ***National Association of Securities Dealers Automated Quotations*/NASDAQ** who operated the PONZI SCHEME (i.e. the **LARGEST Financial Fraud** in United States History)

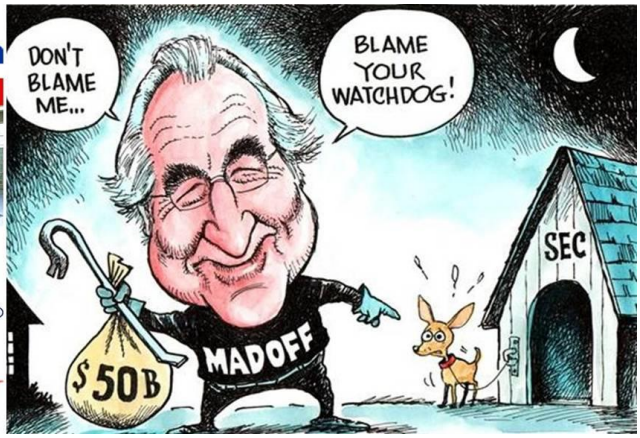


See **http://www.slideshare.net/VogelDenise/madoff-bernard-wiki-info** and **http://www.slideshare.net/VogelDenise/madoff-bernie-info** incorporated by reference as if set forth in full herein.

ONE GUESS on WHO Bernie Madoff's Banker IS! J.P. Morgan Chase Bank - which is HEADED by Jamie Dimon (his JEWISH Counterpart): See http://www.slideshare.net/VogelDenise/bernard-bernie-madoff-ties-relationship-to-jp-morgan-chase-bank-ponzi-scheme incorporated by reference as if set forth in full herein.




ONE GUESS on WHO Legal Counsel is! Baker Donelson Bearman Caldwell & Berkowitz!



ONE GUESS WHO appears was behind the DESTRUCTION of EVIDENCE in the Bernie Madoff matter! See **http://www.slideshare.net/VogelDenise/bernard-bernie-madoff-sec-admits-documents-from-preliminary-investigations-on-big-banks-bernie-madoff-likely-tossed** and **http://www.slideshare.net/VogelDenise/bd-secmadoff** incorporated by reference as if set forth in full herein.

R) **FAILURE-TO-PREVENT on WikiLeaks reporting on what appears to be the United States of America's War Crimes, Crimes Against Peace and Crimes Against Humanity and other criminal and discriminatory practices in the Wars it engages in, resulted in RETALIATION against WikiLeaks' Julian Assange and the THROWING of JUDICIAL proceedings against him by the United States of America's TERRORIST Regime led by Baker Donelson Bearman Caldwell & Berkowitz. YES, Baker Donelson's PRESENCE in London, England can be ESTABLISHED:** See **http://www.slideshare.net/VogelDenise/baker-donelson-london-office-13237660** incorporated by reference as if set forth in full herein.

After the decision: WikiLeaks' founder Julian Assange leaves the High Court in London.

Criminal and RETALIATORY practices of the United States of America which appears resulted ***in Julian Assange "OUT SMARTING" the Terrorists Regime of Baker Donelson and its Conspirators/Co-Conspirators*** and him having to seek Asylum with Ecuador for the PROTECTION of HIS LIFE!

See **http://www.slideshare.net/VogelDenise/092712-julian-assange-president-obamas-audacityenglish** incorporated by reference as if set forth in full herein.

Julian Assange
WikiLeaks Founder

Ricardo Patino
Ecuadorean Foreign Minister

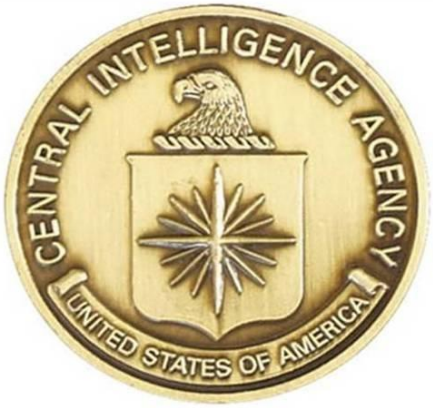
See **http://www.slideshare.net/VogelDenise/thank-you-to-the-government-of-the-republic-of-ecuador-for-asylum-of-julian-assange** incorporated by reference as if set forth in full herein.

Nevertheless, the United States of America wants the PUBLIC/WORLD to THINK and/or BELIEVE that Edward Joseph Snowden – known as the National Security Agency WHISTLEBLOWER - WILL BE SAFE in returning to the United States of America and TRUSTING its JUDICIAL PROCESS (when Snowden WILL NOT be SAFE and would STUPID to RETURN)! WHAT A JOKE!

EDWARD JOSEPH SNOWDEN – NSA/FBI Whistleblower

NATIONAL SECURITY AGENCY and
FEDERAL BUREAU OF INVESTIGATION SCANDAL

BAKER DONELSON
BEARMAN, CALDWELL & BERKOWITZ, PC



EDWARD SNOWDEN

WHISTLEBLOWER: Central Intelligence Agency/Federal Bureau Of Investigation

The United States of America and its JEWISH-RUN Media and those with whom they Conspire want the PUBLIC/WORLD to THINK that it is Edward Snowden BEHIND Foreign Nations' relationships SOURING with it as well as Foreign Nations QUESTIONING the United States of America's CREDIBILITY when Snowden is NOT!

> THINK ABOUT IT, HOW WAS WHAT Snowden did DIFFERENT from what WikiLeaks Julian Assange has been ATTACKED for? NO DIFFERENCE at all!

Snowden's coming forward merely CONFIRMED what Complainant Newsome has been sharing in Social Forums regarding the United States of America's DISCRIMINATORY, RACIST and RETALIATORY practices led by its Terrorist Regime Baker Donelson Bearman Caldwell & Berkowitz and its Conspirators/Co-Conspirators. Such FALSE and DECEPTIVE Media Coverage and Reporting which has allowed Newsome to share with the PUBLIC/WORLD the TRUTH and Citizens TAKING ACTION and spreading the TRUTH through SOCIAL FORUMS as other Websites, Twitter, Emails, Facebook, etc.

DAMAGE CONTROL ATTEMPTS: The United States of America's CORRUPT Government and TERRORIST Regime are merely attempting to DECEIVE and/or MISLEAD the PUBLIC/WORLD to think that Snowden's WHISTLEBLOWING Acts are the reasons for Foreign Nations/Leaders/Citizens QUESTIONING the United States of America's CREDIBILITY, when they are NOT!

All Snowden's Whistleblowing Acts have done were to MERELY CONFIRM the "CHAIN Conspiracies" in this instant Complaint and information that Newsome had sent out via EMAIL to Foreign Nations/Leaders and/or POSTED in forums as www.vogeldenisenewsome.net and www.slideshare.net/VogelDenise WELL BEFORE JUNE, 2013). For instance, it helps to release information being PUBLISHED/POSTED in multiple languages to the PUBLIC/WORLD entitled,

> **DAMAGE CONTROL ATTEMPTS: THE UNITED STATES OF AMERICA HAS "NO" CREDIBILITY – A COUNTRY CONTROLLED BY TERRORISTS, CORRUPTION . . . CHALLENGING THE UNITED STATES OF AMERICA AND DEMANDING EVIDENCE TO SUPPORT THEIR CLAIMS . . .NOW THE GOVERNMENT SHUTDOWN - - - EDWARD SNOWDEN (NSA SCANDAL) - - LET'S MAKE SURE THAT HISTORICAL EVENTS ARE ACCURATE!**

DAMAGE CONTROL ATTEMPTS: THE UNITED STATES OF AMERICA HAS "NO" CREDIBILITY – A COUNTRY CONTROLLED BY TERRORISTS, CORRUPTION . . . CHALLENGING THE UNITED STATES OF AMERICA AND DEMANDING EVIDENCE TO SUPPORT THEIR CLAIMS . . .NOW THE GOVERNMENT SHUTDOWN - - - EDWARD SNOWDEN (NSA SCANDAL) - - LET'S MAKE SURE THAT HISTORICAL EVENTS ARE ACCURATE!

PLEASE NOTE: A **COPY** of this email is being sent under CONCEALMENT (**bcc**) to Foreign/International Communities – Leaders/News Sources, etc. - - This way **COUNTRIES OUTSIDE** the **United States of America's**and its **Allies ALLEGIANCE** may get a **BETTER IDEA** of the **CORRUPTION** and **CRIMINAL** practicesthat appear have **BROUGHT ABOUT** the **ECONOMIC COLLAPSE**. . .

UNITED STATES OF AMERICA'S GOVERNMENT SHUTDOWN: WHY? It appears the country is FINANCIALLY BROKE – So NOW Government Officials are STEALING the SALARY of Government Employees. Most likely this is WHAT happens when they useAMERICANTAXPAYERS DOLLARS to PAY Terrorist Groups (as the Taliban, Al Qaeda. . .) to CARRY OUT TERRORIST ATTACKS on BEHALF of the United States of America:

http://www.slideshare.net/VogelDenise/taliban-paid-360-million-us-tax-dollars

http://www.slideshare.net/VogelDenise/afghanistan-president-hamid-karzi-confirms-united-states-cia-provides-bagsofcash-monthly

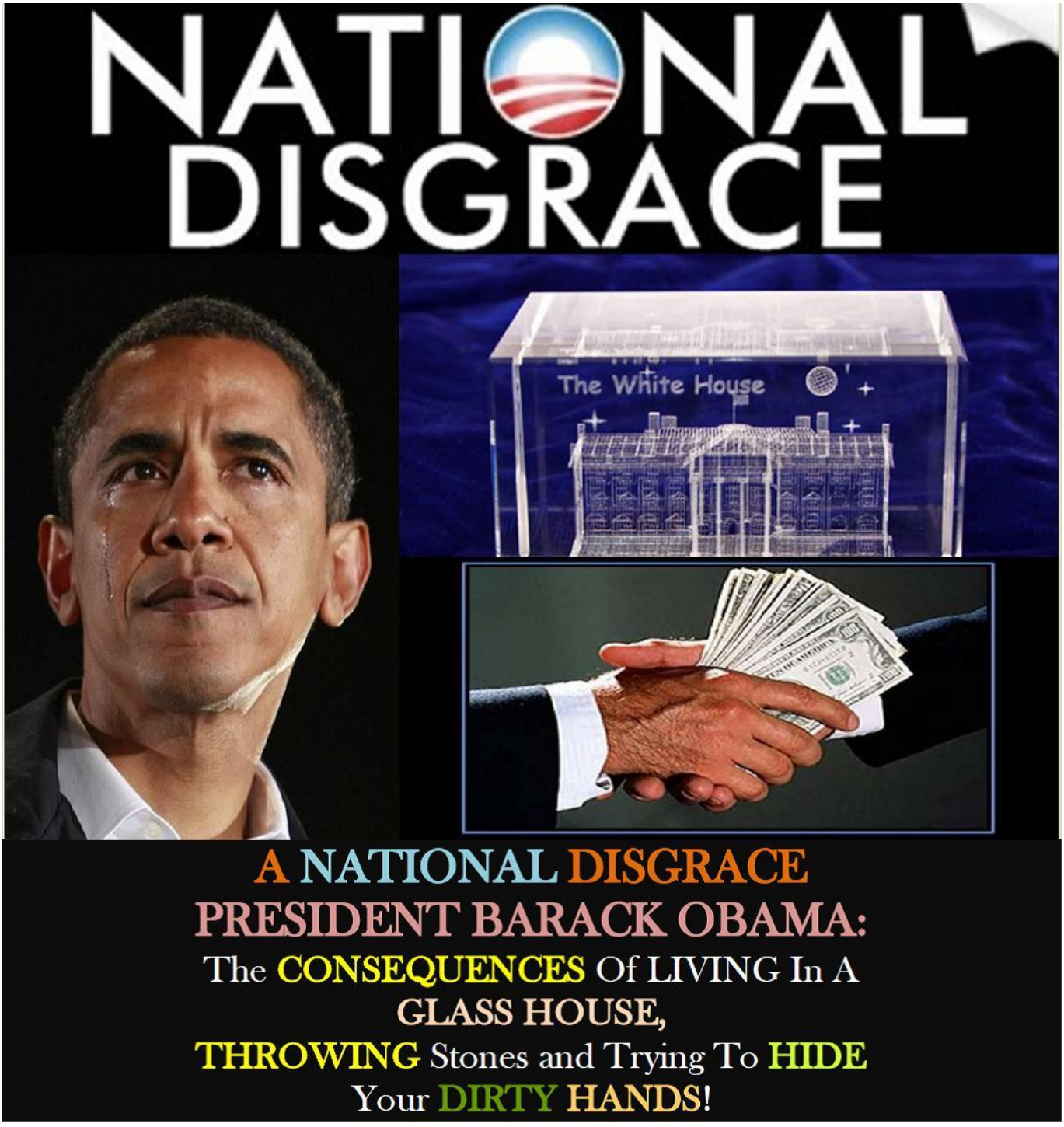
The United States of America has *"ROBBED Peter to PAY Paul"* and it appears NOW DOESN'T have the money and is LYING about the TRUE reasons for the SHUTDOWN! Do you really think that CONGRESS and PRESIDENT OBAMA would have come out and stated they are going to provide Government Employees FURLOUGHED with BACKPAY had their TRUE REASONS for the SHUTDOWN not been RELEASED to the PUBLIC/INTERNATIONAL COMMUNITIES?

The United States of America's "NATIONAL" DEBT is OVER $16 TRILLIONDOLLARS:

See **http://www.slideshare.net/VogelDenise/110113-united-states-of-americas-damage-control-tactics-credibility-issues-28013416** incorporated by reference as if set forth in full herein. A document which is being translated in multiple languages as well - i.e. for instance, also ***translated in NORWEGIAN so that Foreign Nations/Leaders/Citizens are KEPT AWARE of the TERRORIST ACTS of the United States of America's CORRUPT Government Officials and see WHERE they are HIDING!*** See **http://www.slideshare.net/VogelDenise/united-states-damage-control-credibility-issues-norwegian** incorporated by reference as if set forth in full herein.

So the record evidence clearly support that while the United States of America, its Terrorist Regime led by Baker Donelson Bearman Caldwell & Berkowitz and their

Conspirators/Co-Conspirators through the use of the JEWISH Run Media wants to keep information such as this out of the Mainstream Media, ***Newsome's SUCCESS has been through using other SOCIAL FORUMS in getting the TRUTH out and RELEASING of information to support the RACIST and DISCRIMINATORY practices that have been WELL-ESTABLISHED and WELL-ROOTED in the United States of America's GOVERNMENT AGENCIES!***

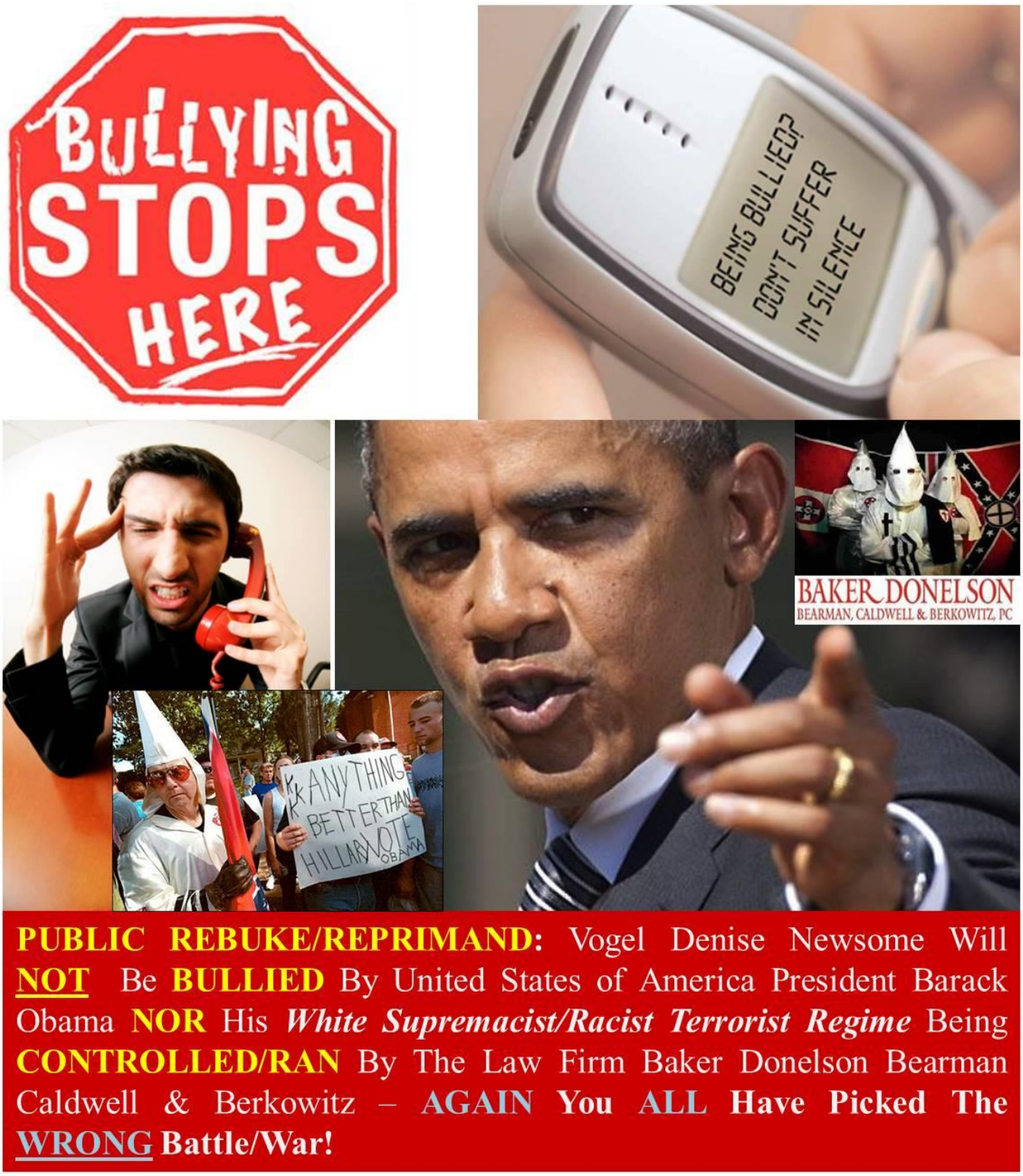


HOW STUPID does the United States of America and its Terrorists Regime think that Syria would be to give up its "Chemical Weapons" to a TERRORIST Nation as the United States – i.e. to ONLY have these weapons used AGAINST Syria by the United States of America's TERRORIST Regime led by Baker Donelson Bearman Caldwell &

Berkowitz and its allies? It is a good thing for Foreign Nations to ALWAYS have BACKUP PLANS when dealing with the United States of America and their Conspirators/Co-Conspirators.

In other words, DO NOT show their hands and/or SHARE their PLANS with the United States of America! Right now SYRIA and its ALLIES have the United States of America and its Conspirators/Co-Conspirators RIGHT WHERE THEY NEED THEM - - IN FEAR and LOOKING STUPID!

S) **FAILURE-TO-PREVENT appears to CONTINUE to subject Complainant Newsome to the DISCRIMINATORY, RETALIATORY and TERRORISTS Acts of United States of America President Barack Obama, Congressional Members, the Supreme Court of the United States, their TERRORIST REGIME led by their Lawyers Baker Donelson Bearman Caldwell & Berkowitz along with their Conspirators/Co-Conspirators.**



PUBLIC REBUKE/REPRIMAND: Vogel Denise Newsome Will **NOT** Be **BULLIED** By United States of America President Barack Obama **NOR** His ***White Supremacist/Racist Terrorist Regime*** Being **CONTROLLED/RAN** By The Law Firm Baker Donelson Bearman Caldwell & Berkowitz – **AGAIN You ALL Have Picked The WRONG Battle/War!**

II. DISCRIMINATION and RETALIATION COMPLAINT

UNDERSTANDING HOW WHITE EMPLOYERS IMPLEMENT
BLACK-AMERICAN ON **AFRICAN-AMERICAN** DISCRIMINATION
THE WILLIE LYNCH/HOUSE NEGRO SYNDROME

COMES NOW Complainant Vogel Denise Newsome ("Newsome") after providing the above "BACKGROUND HISTORY" in further support of this instant Equal Employment Opportunity Commission ("EEOC") Complaint with the Claims and Exhibits set forth herein, do hereby state:

http://www.fbi.gov/page2/march04/greylord031504.htm

CUT & PASTED 09/01/10 FROM:***INVESTIGATIONS OF PUBLIC CORRUPTION: Rooting Crookedness Out of Government***

That's really the whole point. *Abuse of the public trust* ***cannot*** *and* ***must not*** *be tolerated*. ***Corrupt practices in government strike at the heart of social order and justice***. And that's why the FBI has the ticket on investigations of **public corruption as a top priority. . . .**

What kind of crimes? Bribery, kickbacks, and fraud. Vote buying, voter intimidation, impersonation. Political coercion. Racketeering and obstruction of justice. Trafficking of illegal drugs.

How serious of a problem is it? Last year the FBI investigated 850 cases; brought in 655 indictments/informations; and got 525 who were either convicted or chose to plead.

Last words: Straight from Teddy Roosevelt: "***Unless a man is honest we have no right to keep him in public life, it matters not how brilliant his capacity***, it hardly matters how great his power of doing good service on certain lines may be... ***No man who is corrupt, no man who condones corruption in others, can possibly do his duty by the community.***"

Just in case there are those who are STUPID enough to think that their "VOTES" actually count – **NO!** (See ObamaFraudGate – Following The SMOKING GUN Trail at **http://www.slideshare.net/VogelDenise/president-barack-obama-obamafraudgate** **POSTED on or about October 29, 2012 [approximately ONE week prior to November 6, 2012 Elections]** – incorporated by reference as if set forth in full herein)

THEN the November 4, 2012 EMAIL POSTING entitled ObamaFraudGate **at** **http://www.slideshare.net/VogelDenise/110412-email-obamafraudgate-english** incorporated by reference as if set forth in full herein.

YES, the United States of America's Elections have been HIJACKED by WHITE SUPREMACIST/RACIST Regime and United States of America President Barack Obama is a WILLING and FAITHFUL PARTICIPANT:

See ***at OBAMA - United States Wars Used To Train White Supremacist (ENGLISH)*** at http://www.slideshare.net/VogelDenise/obama-us-wars-used-to-train-white-supremacist-english incorporated by reference as if set forth in full herein.

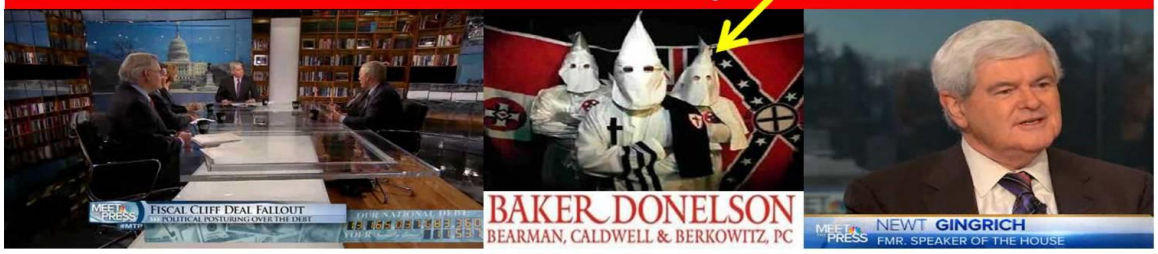
YES, the ***United States of America's Elections are FRAUDULENT*** and apparently **CONTROLLED** by **THREE** PEOPLE in a ROOM **that DECIDES** who gets into Office and who DON'T!
WHY do the PUBLIC/WORLD think that the United States of America RELIES on an UNCONSTITUTIONAL Method known as **"ELECTORAL COLLEGES"** to select its President – i.e. method used to MAKE SURE that "NO" African-American and/or People EVER get into the White House!
It appears President Barack Obama was placed in the White House with CRIMINAL and FRAUDULENT intent and because of
his INTERRACIAL background in hopes that WHITES who have issues with African-Americans and/or People-Of-Color
could EASILY ACCEPT one they considered **"HALF-White"**
See **http://www.slideshare.net/VogelDenise/president-barack-obama-family-roots-ties-to-george-w-bush-richard-dick-cheney** incorporated by reference as if set forth in full herein

Great Britain's QUEEN ELIZABETH II
(Elizabeth Alexandra Mary)

United States President Barack Obama's
Cousin TREE

and hopes that the
INTERNATIONAL/FOREIGN Nations/Leaders/Citizens would believe that the United States of America had CHANGED from its RACIST practices – **when it HAS NOT** – and is
TO DATE engaging in RACIST/DISCRIMINATORY PRACTICES against its Citizens as well as Nations/Citizens of Color ABROAD!

The United States of America's
HIJACKED GOVERNMENT By THREE PEOPLE



http://youtu.be/oxQ63rD7ir8 and/or https://www.filesanywhere.com/fs/v.aspx?v=8a726a8f59676db2a0a9

DAVID GREGORY: Fair enough. Speaker Gingrich, you thought this fiscal cliff deal was a disaster for the Republicans. I asked Leader McConnell about the division within the Republican party. How severe do you think that is and what's the impact of it?

NEWT GINGRICH: Yeah, I think there's a real internal argument underway and it's partially over the very nature, which we're setting up once again, of these kind of negotiations. We're now going to spend 60 days or 90 days totally **fixated in the media** on the next big crisis. And then the crisis will go down to the White House. And then ***there will be secret meetings.*** And then at **the last minute we'll once again produce** 2,400 pages **no one will have read.**

It is exactly the opposite of healthy self government. And I think that people are fed up. ***If you're a House member and you thought you've won an election and you came here to do something and you're told, "Actually, your job is to sit around for two or three weeks while all the real work is done by three people in some room you're not allowed in."*** You inherently build up the hostility. And I think that we're seeing the same dance start over again. I said **11 months ago** we will end up at the last minute doing **something in secret** which no one will have read, because you could just see the dance. - - ***January 6, 2013 Meet The Press Interview With Former Speaker of the House Newt Gingrich***

Hear it yourself from a Washington, D.C. **"INSIDER"** – Newt Gingrich (See at http://www.slideshare.net/VogelDenise/010613-meet-the-press-interview-with-newt-gingrich incorporated by reference as if set forth in full herein)

It appears that Barack Obama may have been ***told as EARLY as "MAY 2008" that he would be the person going into the White House!*** (See **http://www.slideshare.net/VogelDenise/chris-p-lu-wikipedia-info-president-barack-obama** - Incorporated by reference as of set forth in full herein.

CHRIS P. LU - In **May 2008**, Obama **asked** Lu ***to begin*** *planning for a possible presidential transition*. Obama **warned him** *to tell no one about the nascent operation*, **even his own wife**, *so Lu* ***quietly*** *rented a small office in D.C.* and **secretly met** ***with people*** *who had worked* ***on previous*** Democratic presidential transition efforts. The planning efforts produced policy options on a wide range of topics, compiled names of and began vetting potential political appointees for top jobs, arranged over 100 security clearances, and managed the logistics for expanding the operations after Election Day. *(Wikipedia)* [**EMPHASIS** Added]

> In **May 2008**, Obama **asked** Lu ***to begin*** *planning for a possible presidential transition.* Obama **warned him** *to* ***tell no one*** *about the nascent operation*, **even his own wife**, *so Lu* ***quietly*** *rented a small office in D.C.* and **secretly met** ***with people*** *who had worked* ***on previous*** Democratic presidential transition efforts. The planning efforts produced policy options on a wide range of topics, compiled names of and began vetting potential political appointees for top jobs, arranged over 100 security clearances, and managed the logistics for expanding the operations after Election Day.

– thus ESTABLISHING about **JUST how EARLY** Barack Obama **"WILLINGLY"** and **"KNOWINGLY" ENTERED** Conspiracies

In 2012, it appears that Mitt Romney was told he would be the person going into the White House! Perhaps ***being the reason why Romney did NOT have a "Concession Speech"*** prepared and his PRESIDENTIAL Website was PREMATURELY RELEASED! (See at **http://www.slideshare.net/VogelDenise/obamafraudgate-2012-presidential-election-scam** incorporated by reference as if set forth in full herein)

It appears that the ONLY Reason that Barack Obama was PLACED BACK in the White House may be because of the information mentioned above POSTED DAYS PRIOR to the November 5, 2012 Elections in Social Forums by Newsome, as well as the Newsome's pleading received by the Supreme Court of the United States **ONE day BEFORE** (November 5, 2012) the Elections (See at http://cdn.slidesharecdn.com/ss_thumbnails/103012-pfew-originaletalfinal-stamped-121110095014-phpapp01-thumbnail-2.jpg?cb=1352562787 incorporated by reference as if set forth in full herein)

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

VOGEL DENISE NEWSOME

PETITIONER

V.

STOR-ALL ALFRED, LLC;
JUDGE JOHN ANDREWS WEST/
HAMILTON COUNTY (OHIO) COURT OF COMMON PLEAS; AND
DOES 1 THROUGH 250

RESPONDENT(S)

IN RE VOGEL DENISE NEWSOME
ON PETITION FOR ORIGINAL WRIT, ET AL.
TO THE SUPREME COURT OF OHIO

PETITION(S) FOR: ORIGINAL WRIT – WRIT OF CONSPIRACY – WRIT OF COURSE – WRIT OF DETINUE – WRIT OF ENTRY - WRIT OF EXIGI FACIAS - WRIT OF FORMEDON - WRIT OF INJUNCTION - WRIT OF MANDAMUS - WRIT OF POSSESSION - WRIT OF PRAECIPE - WRIT OF PROTECTION - WRIT OF RECAPTION - WRIT OF PROHIBITION - WRIT OF REVIEW - WRIT OF SUPERSEDEAS - WRIT OF SUPERVISORY CONTROL - WRIT OF SECURITATE PACIS - EXTRATERRITORIAL WRITS

VOGEL DENISE NEWSOME
(a/k/a Denise V. Newsome)
Post Office Box 14731
Cincinnati, Ohio 45250
Phone: (513) 680-2922 or
(601) 885-9536

Petitioner

For those who may recall, this is about the **SAME time** as ***the GENERAL DAVID PETRAEUS SCANDAL*** was released it appears for **DISTRACTION/DAMAGE-CONTROL purposes** so the PUBLIC/LARGE **will NOT** see the ELECTION FRAUD shared in the ObamaFraudGate documents at www.slideshare.net/VogelDenise

42 USC § 1981: EQUAL RIGHTS UNDER THE LAW

42 USC § 1981: ***Equal Rights Under The Law*** **- (a) Statement of equal rights -** All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

(b) "Make and enforce contracts" defined - For purposes of this section, the term "make and enforce contracts" includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.

(c) Protection against impairment - The rights protected by this section are protected against impairment by nongovernmental discrimination and impairment under color of State law.

With the United States of America's using KEY/TOP BLACK-American Leaders (Benjamin Jealous – NAACP President, Barack Obama – PRESIDENT of the United States of America, and Eric Holder – UNITED STATES Attorney General, etc.) as a FRONT and DECEPTIVE PURPOSES to take PEOPLE-OF-COLOR BACK INTO SLAVERY:

Benjamin Jealous
NAACP President

Barack Obama
President Of The United States Of America

Eric Holder
United States Attorney General

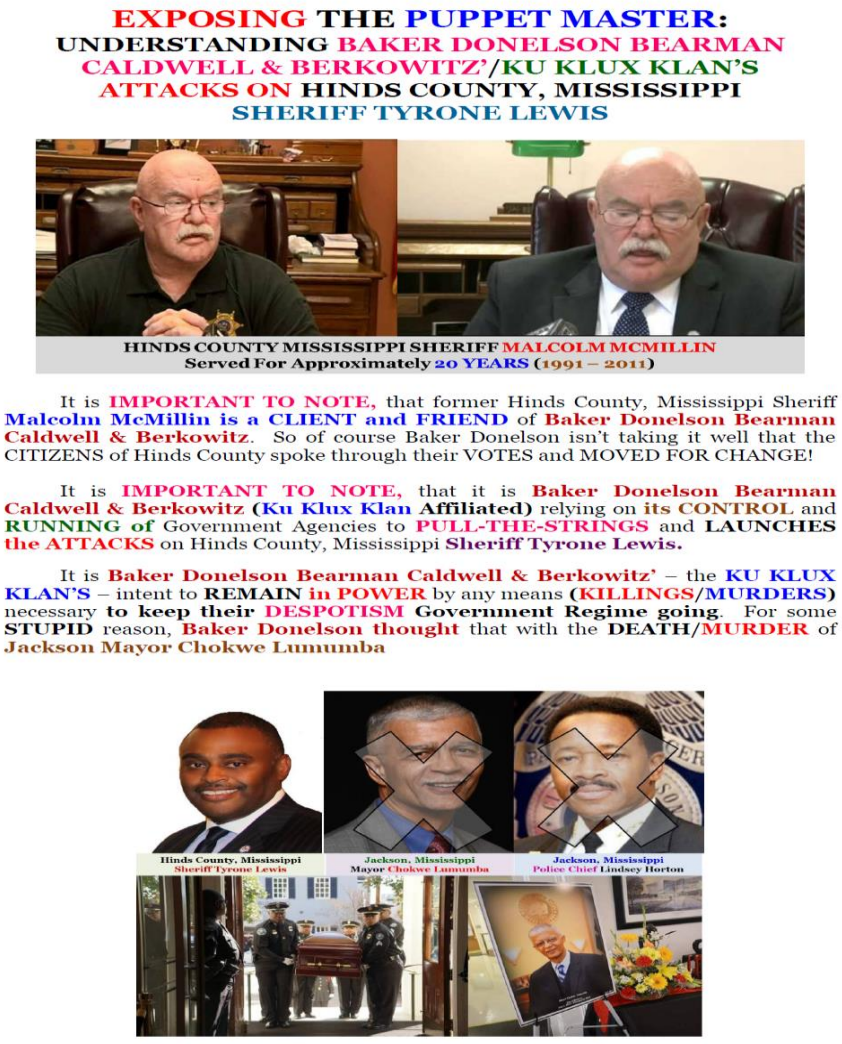
One who has ***NO*** *sense of his heritage and roots* and is **ASHAMED** to be associated with ***African*** Heritage or roots because of what has been depicted in the MEDIA teaching them to hate themselves (i.e. the color of their skin, hair, etc.) and to be ashamed of their looks**:** **http://youtu.be/YtOslGWp13A** *They are **HIGHLY** employed by the United States of America **Government** to serve as HOUSE Negroes/**GATEKEEPERS** and/or to meet **QUOTAS** for **DECEPTIVE** purposes* **- i.e. to DECEIVE and HIDE from the PUBLIC/WORLD the United States of America's WHITE Supremacist and RACIST Agenda.** ***HIGHLY*** *employed by Government Agencies to **COVER-UP** Discriminatory practices in the Government and **PRIVATE** Sector by WHITE Racist Employers/Supremacists***. They are also used to COVER-UP the Corruption and Criminal/Civil wrongs of ***SYSTEMATIC Discriminatory Practices*** leveled against AFRICAN-Americans and People of Color that are seen as a THREAT because they are EDUCATED and are STRONG Civil Rights Activists fighting for the cause of their people and EXPOSING the United States of America's CRIMINAL HERITAGE.** **http://www.slideshare.net/VogelDenise/criminals-in-our-past** **HOUSE Negroes/BLACK-Americans are usually individuals NOT qualified to perform jobs they are hired for and are merely put into their positions as "GATE KEEPERS" and a direct and proximate result of SPECIAL FAVORS - i.e. them having to COMPROMISE and DENY morals, values and beliefs.** ***One who will do EVERYTHING possible to FIT IN and be ACCEPTED by White Society. They live in FEAR and have become VERY DEPENDENT on a WHITE-RUN Government DETERMINED to erase and change their IDENTITY and LOOKS.*** **But NO matter how HARD he/she TRIES, they are STILL seen as "BLACK!"** It is BLACK-Americans that a White Reporter is **SCOFFING** at and ***PRAISING the TERRORISTS*** Acts (i.e. **RAPES, MURDERS, LYNCHING,** etc.) of his White Supremacist Counterparts in this interview with ***"Muslim Civil Rights Activist Malcolm X"*** and that Malcolm X prophesied whose **REIGN will come to an END!**

It appears the ACTIVE and ZEALOUS determination of Vogel Denise Newsome in EXPOSING the United States of America's RACIST PLOT ***(it appears FIRST mentioned by United States of America's President John F. Kennedy)*** to take a Nation BACK INTO SLAVERY

is allowing the PUBLIC/WORLD – INTERNATIONAL Communities – to see for themselves HOW the United States of America has gone about trying to IMPLEMENT such RACIST ATTACKS with the JEWS in CONTROL and HOUSE NEGROES as a FRONT:

This information is RELEVANT in that it goes to the VERY CORE of the ONGOING RACIST ATTACKS leveled AGAINST Vogel Denise Newsome (as well as NATIONS-OF-COLOR) by the United States of America's JEWISH-Controlled (EMPHSIS Added)

Government in their efforts to become the MOST SUPREME Race and RELIGION in the WORLD!



http://www.slideshare.net/VogelDenise/the-right-to-keep-and-bear-arms-living-in-a-police-state

FAILURE-TO-ACT appears cost Chokwe Lumumba his LIFE! One should learn that with a TERRORIST and RACIST Government Regime as the United States of America, you DON'T PLAY PATTY-CAKES. Now they are AFTER Sheriff Tyrone Lewis. This is WHY it is IMPORTANT to SPEAK OUT PUBLICLY. Tyrone Lewis as well as the Board Of Supervisors may have been CLUELESS as to who the PUPPETMASTERS (Baker Donelson) are that are out to DESTROY TYRONE LEWIS!

COMPLAINT/CHARGE OF DISCRIMINATION
FILED OF AND AGAINST FIRST HERITAGE CREDIT LLC

IMPORTANT TO NOTE: **REINSTATEMENT IS NOT AVAILABLE** – 1ST HERITAGE CREDIT'S OPERATIONS SENIOR VICE PRESIDENT (MELVIN STILLMEN) ON AUGUST 11, 2014, ADVISED COMPLAINANT VOGEL DENISE NEWSOME THAT SHE IS NOT WANTED AT 1ST HERITAGE CREDIT.

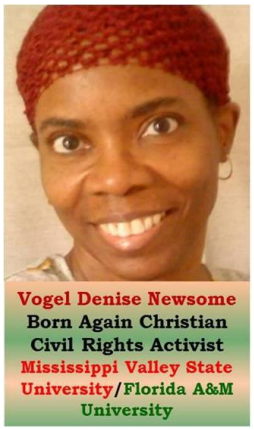
CLASS ACTION SOUGHT: Complainant seeks CLASS ACTION in this due to the Racial Discriminatory practices as well as the SYSTEMATIC Discriminatory/Retaliatory practices of 1st Heritage leveled against BLACK/AFRICAN-Americans.

COMES NOW, Complainant Vogel Denise Newsome, upon setting forth the above claims for purposes of understanding this instant Equal Employment Opportunity Commission Complaint and state the following in support thereof:

A. DISCRIMINATION BASED ON RACE: THE USE OF BLACK-AMERICAN ON AFRICAN-AMERICAN DISCRMINATION (AKA HOUSE NEGRO VS. FIELD NEGRO)

That "the process of documenting the case against a particular person whom the employer wants to terminate safely and legally can itself be a discriminatory term and condition of employment. In this case it had been found by the court that the employer documented 'scores of lateness and ***petty work-rule violations*** against plaintiff because of her filing of charge of discrimination.' The plaintiff in whom is black. The supervisor who had done the

> documenting also black. However, the company ***did not*** document against everyone similarly situated. The court found <u>the very process</u> of ***fault finding*** had been discriminatory . . . *Francis v. AT&T* – 4 FEP 777



In this instant EEOC Complaint, Complainant Vogel Denise Newsome shares HOW WHITE employers as 1st Heritage Credit (i.e. as AT&T – a CLIENT of Baker Donelson Bearman Caldwell & Berkowitz) use RACIST attacks and RELIGIOUS Wars for purposes of ENSLAVING NATIONS OF COLOR in their efforts of IMPLEMENTING a DESPOTISM Government Regime it appears that the PUBLIC/WORLD (with the KILLING/MURDER of former United States of America's President John F. Kennedy) was NEVER to KNOW about!

INFORMATION that was NEVER SUPPOSED to see the LIGHT and what MIDDLE EASTERN, ASIAN and AFRICAN NATIONS are FINALLY WAKING UP to as the United States of America's Government BEGANS to STRUGGLE with the EXPOSURE of its NOW TARNISHED Reputation – RACIST and RELIGIOUS AGENDA - and CREDIBIITY ISSUES around the WORLD!

Israel's JEWISH Leader Benjamin Netanyahu BEFORE the United States of America's CONGRESS – **The JEWS** use of **HOUSE NEGROES** (as United States of America's President Barack Obama) to **HIDE/SHIELD/MASK** their RACIST and RELIGIOUS Wars AGAINST People/Nations-Of-Color! **RELIGIOUS Wars LAUNCHED against CHRISTIANS and MUSLIMS!**

Rebecca FRANCIS, Plaintiff, v. AMERICAN TELEPHONE AND TELEGRAPH COMPANY, LONG LINES DEPARTMENT, Defendant

No. 2800-68

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

55 F.R.D. 202; 1972 U.S. Dist. LEXIS 13903; 4 Fair Empl. Prac. Cas. (BNA) 777; 4 Empl. Prac. Dec. (CCH) P7811

May 3, 1972

OVERVIEW: The former employee asserted that she was harassed and unduly reprimanded by her supervisors, was denied access to certain supervisory personnel, and was limited in her promotional opportunities because of her race in violation of 42 U.S.C.S. § 2000e-2, and that she was discriminated against, harassed and eventually fired in violation of 42 U.S.C.S. § 2000e-3 in retaliation for having filed a complaint with the Equal Employment Opportunity Commission (EEOC). **The court held that the course of conduct on the part of the former employer's supervisory personnel was in retaliation against the former employee for filing a complaint with EEOC and discriminated against her for making the complaint.** . . . The court ordered that the former employee be reinstated to the position she held at the time of her dismissal.. . .

This is an action brought pursuant to the provisions of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq. The complaint alleges that the defendant, American Telephone and Telegraph Company, Long Lines Department, engaged in unlawful

employment practices with respect to plaintiff, Rebecca Francis, a Negro former employee of the company.

The alleged unlawful employment practices complained of are **(a)** that plaintiff **was harassed** and **unduly reprimanded** by her supervisors, **was denied access to certain supervisory personnel**, . . . because of her race in violation of 42 U.S.C. § 2000e-2, and **(b)** plaintiff **was discriminated** against, **harassed** and **eventually fired** in violation of 42 U.S.C. § 2000e-3 **in retaliation for having filed a complaint** . . ..

When plaintiff began working in the billing group **she became friendly** with Linda Masters and **another white employee** and **they often spent their coffee breaks together**. Mrs. Margaret Clark, their immediate supervisor, a white woman, **instructed them that she wanted no more than two employees taking a break at one time**. Plaintiff alleges that **this order was given by the supervisor to prevent her from associating with white employees** inasmuch as the two white employees continued to take their breaks together and she was forced to take her breaks with an employee from another department. . . .

Plaintiff and **other employees** in her group **were not always punctual in arriving for work and returning from breaks.** In December [**5] of 1965 and in February of 1966 Mrs. Clark conferred with plaintiff about what Mrs. Clark **considered to be an excessive number of times plaintiff had been late reporting for work in the morning.** In May of 1966, approximately seven months after she was hired, plaintiff asked Mrs. Clark why she had not yet been promoted to a Title Grade 5. Mrs. Clark replied that plaintiff did not merit a promotion because her record indicated that she had been late reporting to work for one-third of the work days in February, for one-half of the work days in March and for two-thirds of the work days in May. The evidence shows, however, that during the subsequent month plaintiff became more punctual and on June 26, 1966 she was promoted to the position of Reports Clerk, Title Grade 5. . . .

Shortly after plaintiff **filed the complaint** with the EEOC **a meeting was scheduled** for **supervisory** personnel at the second level and above in the Washington [*205] office of AT&T at which the supervisors were informed that plaintiff had filed a complaint with EEOC. At the meeting Elaine Johnson and Gary Holcomb were told by Mr. Kaub, Division Accounting Manager, that **"they would have the responsibility of documenting this case as it progressed, working with the attorney to prepare the case, keeping their eyes and ears open and so forth."** The supervisors in general were told ***"to keep your eyes and ears open, if you saw anything that looked significant to write it down, and bring it to the attention of the proper persons."*** . . .

In further reaction to the filing of the complaint the following actions were taken: **(a)** Mr. Holcomb **was taken off his regular assignment** in "order to document this situation very carefully", **(b)** there were **a large number of meetings with attorneys and closed door sessions** attended by Miss Mott and Mr. Holcomb **in preparation for the eventuality of a hearing by the EEOC, (c)** plaintiff's coffee breaks **were [**8] timed and observations were made of who accompanied her on coffee breaks**. The company **feared that she was "teaming up"** with Sandy Parker, **another Negro employee**. . . .

After plaintiff filed her complaint she approached other employees in an attempt "to get us to stand together, to say what had happened to us, and under what circumstances." One such employee who was approached by plaintiff was Mrs. Evelyn Turner Sims, another Negro employee assigned to the P-1075 group. Subsequently Mrs. Sims was told by Mr. Holcomb **that anything plaintiff said to her about the company she was to bring to the attention of her supervisor and that Mrs. Sims was not to associate herself with what plaintiff was doing. . . .**

[**10] The evidence established further **that after** the plaintiff filed her complaint with EEOC she was reprimanded by the supervisor, Elaine Johnson, **for tardiness and excessive phone use with noticeably greater frequency than other employees who engaged in similar conduct.** Contrary to the general practice plaintiff's [*206] calls were monitored on an extension and a record kept of her personal calls. The plaintiff was frequently called away from her work to have meetings with Mrs. Johnson about alleged infractions. . . .

After plaintiff complained to EEOC, however, **the manner in which plaintiff was treated was changed and a procedure applicable [**15] only to her and directed solely to her** EEOC complaint was inaugurated. The supervisors were directed to keep "their eyes and ears open"; to write down and bring to the attention of the proper persons "anything that looked significant". Plaintiff **was to be constantly watched**. A running account of everything she did, where she went, and the persons with whom she associated was to be kept. It is significant that these instructions **did not relate to past conduct** of plaintiff **but were directed to** plaintiff's conduct occurring **subsequent to the filing** of the EEOC complaint. This fact and other evidence clearly demonstrate that after plaintiff complained to EEOC ***defendant set out to build and document a case against her for the sole use of defending against the EEOC complaint***. One supervisor was taken off his regular assignment in "order to document" the case very carefully. **Contemporaneously with those instructions the defendant began and applied to plaintiff a pattern of oppressive supervision,** constant surveillance and special conditions of employment that was not applied to other employees in the group who, except for the filing of the EEOC complaint, were similarly situated. As [**16] hereinabove found, "She was placed on every limitation that other girls had privileges on--all breaks, the telephone, xerox machine and so on." **There were increased reprimands and suspensions, and finally firing for conduct similar to that in which she and other members of the group had engaged in prior to the filing of the EEOC complaint. The Court finds and concludes that this course of conduct on the part of defendant's supervisory personnel was in retaliation against plaintiff for filing a complaint with EEOC and discriminated against her for making the complaint, and thus was in violation of** HN1 **Title VII of the Civil Rights Act of 1964,** 42 U.S.C. § 2000e-3, which provides that:

"**(a)** It shall be **an unlawful employment practice** for an employer to discriminate [*208] **against any** of his employees . . . **. because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subchapter.**"

The Court recognizes that in suits brought pursuant to Title VII of the Civil Rights Act of 1964 **there is a presumption in favor of certifying them as class actions as racial discrimination is by its very nature class discrimination**. Oatis v. Crown Zellerbach Corporation, 398 F.2d 496, 499 (5th Cir. 1966). . . . The plaintiff has also failed to show that **there are other employees who have been discriminated against by defendant after filing a complaint** . . .. Discrimination in retaliation for filing a complaint . . . unlike racial discrimination is not by its very nature class discrimination. Thus **in the absence of some showing that other employees have suffered similar discrimination or that it is a company-wide policy,** the Court cannot certify the suit as a class action on this basis either.

Having **found that the course of conduct** of the defendant's **supervisory personnel in reaction to plaintiff's complaint** violated 42 U.S.C. § 2000e-3(a) and recognizing that 42 U.S.C. § 2000e-5(g) **grants the Court plenary power** to fashion relief which will **terminate such discriminatory practices and make the victims of the**

discriminatory [19] practices whole**, Sprogis v. United Air Lines, Inc., 444 F.2d 1194, 1202 (7th Cir. 1971), cert. denied, 404 U.S. 991, 30 L. Ed. 2d 543, 92 S. Ct. 536 (1971), the Court will order that:

(a) plaintiff be reinstated in the position she held at the time of her dismissal;

(b) defendant be enjoined from subjecting plaintiff to any special regulations or conditions of employment or denying plaintiff equal employment opportunity in any manner subsequent to her reinstatement;

(c) plaintiff be awarded the compensation to which she would have been entitled if she had continued in defendant's employ from the date of her discharge to the date of this decision less any wages earned by plaintiff from other employment during this period;

(d) plaintiff be awarded reasonable attorney's fees and costs.

SEE **EXHIBIT "5"** *Francis vs AT&T* attached hereto and incorporated by reference as if set forth in full herein.

1. **PRIMA FACIE – RACE DISCRIMINATION:** (a) she is a member of a protected class; (b) she was qualified for his job; (c) she suffered an adverse employment action; and, (d) she was treated less favorably than employees outside the protected class.

Complainant Vogel Denise Newsome believes that an investigation as well as record evidence will support that: **(a)** she is an AFRICAN-American OVER the age of 50 and therefore a member of a PROTECTED class; **(b)** Newsome is qualified for the jobs she held as Assistant Bankruptcy Specialist and Account Manager with Respondent 1st Heritage Credit; **(c)** Newsome suffered an adverse employment action as a direct and proximate result of her filing a Complaint with Respondent 1st Heritage Credit as well as Respondent learning of her engagement in PROTECTED activities; and **(d)** Newsome was treated LESS FAVORABLY than white employees – i.e. employees outside the protected class.

2. Through Complainant Vogel Denise Newsome's August 12, 2014, Facsimile entitled, **"08/11/14 FIRST HERITAGE CREDIT LLC'S TERMINATION OF DENISE NEWSOME'S EMPLOYMENT"** she advised 1st Heritage Credit of the PROFFERED reasons provided her as grounds for her termination. SEE **EXHIBIT "16"** attached hereto and incorporated by reference as if set forth in full herein.

3. It appears that 1st Heritage Credit took plays right of the AT&T DISCRIMINATION Handbook when you look at *Francis vs. AT&T*. For instance, 1st Heritage Credit's Branch Manager Vicky Clanton clearly PROHIBITED the Account Managers from talking/communicating with each other while she (Clanton) took the LIBERTY to talk/communicate with Account Managers, CREATE a LOUD, HOSTILE and DISRUPTIVE work environment. When Complainant Newsome reported this PROHIBITED behavior in VIOLATION of 1st Heritage Credit's "WORK RULES FOR SAFETY AND PERSONAL CONDUCT" (See at Pgs 53-54 as of 07/02/14). Clanton's HOSTILE and UNBECOMING behavior only ESCALATED when complaints regarding her were brought to her attention.

(d) You may recall on last week that while I was talking with Shakenna, you ABRUPTLY interrupted our conversation stating that we are NOT to be communicating with each other DURING working hours and are to be FOCUSING on Collections during work hours! *While I did not take Melvin's email on last week to mean the Account Managers CANNOT talk with each other during working hours, this is HOW it appears you have handled the CHANGE in functions issued by Melvin.* Vicky making such an ABRUPT change with KNOWLEDGE that since the changes implemented by Melvin, the INCREASE in NEW Recoveries I am getting; however, I HAVE NOT been able to FOLLOW-UP with letters to the Customer(s) REQUESTING written correspondence because you have PROHIBITED the mailing of Collection/Settlement Letters due to "NO POSTAGE" as I am noting on the accounts and simply moving on.

MORALE ISSUE: FORBIDDING grown women (Account Managers) from talking and sharing, DURING work hours while you yourself have taken the *LIBERTY to give KUDOES/CONGRATULATIONS whenever you feel the need to do so* – ALL LOUD, etc. - while PROHIBITING the Account Managers from doing the same and talking with each other DURING WORKING HOURS!

As you know, I have already asked you whether there ARE EXCEPTIONS to such a request via EMAIL? Which was met with a simple, "THANKS!"

So Vicky, as the BRANCH MANAGER, HOW would you EXPLAIN:

(i) The LOW MORALE even AFTER ALL your RAH RAH RAH. . . speeches in the meetings you call? Then claiming you don't know what else to do!

(ii) **WHY** are the Recoveries **STAGNATED MONTHLY** averaging about ***$7,500 or BELOW*** and are **NOT INCREASING monthly** with NEW Accounts being added and/or if they are being worked? Shouldn't **NEW Recoveries (with payment arrangements)** as well as MONIES brought in by **AMC be INCREASING monthly when ADDED** to the *PREVIOUS months* **where there are EXISTING Recovery Accounts with payment arrangements already set up?**

As you know I have shared in the meeting(s) **WONDERING WHY *in a YEARS TIME*, the Account Management Center has NOT reached its $100,000 GOAL you have set.** *So I am hoping in sharing in this email which **simply REAFFIRMS** what I have shared in our meetings and putting it in writing, as to WHY it may be that FHC's AMC **is NOT INCREASING on a MONTHLY basis in RECOVERIES and NOT met the $100,000 MONTHLY Goal set!***

(iii) It appears that you, *Vicky, as the Branch Manager **are FORBIDDING** the Account Managers **from USING** and **IMPLEMENTING** Collection/Settlement processes that are working and/or may work for them*.

(iv) AFTER Melvin's 08/05/14 email regarding tracking and reports, " Account Managers are ***NOW** being **FORBIDDEN to COMMUNICATE** with each other **during** working hours* – i.e. ***while you (as the Branch Manager) take the LIBERTY to EXERCISE your voice and concerns with others and you do it with such LOUDNESS/YELLING and TOTAL DISREGARD to whether or not others and/or Account Managers are on the phone talking with Customers.***

NOTE: While it has been brought up in the meeting(s) HOW UNPROFESSIONAL and/or DISRUPTIVE such LOUD TALKING/YELLING ACROSS the Office is for one answering the phones (Receptionist) as well as the Account Managers, you CONTINUE to do it! It was shared that *the **USE of your LOUD TALKING** and **YELLING method** you have implemented also has resulted in **your DISCUSSING ANOTHER** Customer 's Account that may **be OVERHEARD by other Customers** to which Account Managers may be on the phone talking to*. Thus,

may be taken as NOT **respecting the PRIVACY of FHC's Customers'** Accounts and allowing Customers **TO OVERHEAR** information regarding another person's Account information with FHC – *i.e. for instance, I mentioned for example that* ***when speaking LOUDLY*** *about Pastor "So So's" account, you don't know whether or not the Customer another Account Manager has on the line knows "Pastor So So"* or how such information that is OVERHEARD by another Customer on the phone may be taken. Nevertheless, **you CONTINUE** *with the* ***LOUD TALKING/YELLING*** *method through AMC that you have implemented* although concerns of ***the compromise of Customer information being OVERHEARD*** by another FHC Customer that Account Managers may be on the phone with.

For instance, on Friday (08/08/14), **you CONSTANTLY kept YELLING down the hallway to me** and ***I was on the phone making a call to a Customer***. *Of course, I sent you an email in regards to this explaining WHY I could not answer you.* It is important to note that it has been **SUGGESTED that the phone (INTERCOM Feature) be used rather than the YELLING out of offices and down the hall**. To no avail, ***you simply continue the practices you have implemented regardless of HOW disruptive they may be and regardless of HOW such LOUDNESS/YELLING may be taken by FHC Customers on the phone!***

I sure hope there are **NO ADVERSE/RETALIATORY** reactions for my simply REITERATING WHAT HAS ALREADY BEEN SHARED IN THE MEETINGS BUT HAVE GONE IGNORED!

From meeting(s) I have been given the impression that when an Account Manager has shared concerns that ***they have resulted in ADVERSE/RETALIATORY actions for the sharing information.*** For instance, in one of our meetings it was made known because another Account Manager questioned computation of recoveries, the **INCENTIVE Bonus information changed** – i.e. for instance under the PRIOR Incentive information, Shakenna would have Bonused by now. ***NOW LOOK at how she is being handled!*** **Vicky having a way of wording in the meetings HOW raising concerns may have ADVERSE reactions!** ***All I know is that I shared VALID concerns in July 2014, which resulted in actions having to be taken and the NEXT thing you know, when I was TOLD by the Branch Manager (Vicky) that monies were RECOVERIES, Melvin advised me that it was his doing and how it was CHANGED/RESOLVED which resulted in my not getting the Bonus the Branch Manager (Vicky) mentioned I would get and I found that to be interesting considering my concerns RAISED earlier in July that were brought to his attention – i.e. which appears resulted in an ADVERSE action for reporting concerns through the FHC processes that led to the moving of an employee to another location. There are certain practices that are prohibited that the methods used are so subtle that an untrained eye would miss.***

4. 1st Heritage Credit's Branch Manager Vick Clanton who appeared to Complainant Newsome *to be PARANOID* and thinking that employees in the Account Management Center (AMC) were out to get her when clearly from the evidence it appears she was the one creating a very HOSTILE and HARASSING work environment with her EYES set on getting the Account Manager Shakenna Taylor out/terminated in RETALIATION of learning that Shakenna and Diane Snow's daughter were friends. Based upon such PARANOIA and JOB INSECURITY issues, Clanton RETALIATED and implemented "NO COMMUNICATION" directives, was monitoring/watching when BREAKS were taken, etc. while she herself proceeded to be very HOSTILE, DISRUPTIVE, DISRESPECTFUL, HARASSING, etc. towards the Account Managers she supervised.

ALWAYS CONGRATULATIONS - KEEP UP THE GOOD WORK!
Denise Newsome
Sent: Friday, August 08, 2014 3:35 PM
To: Shakenna Taylor

You know I'm always full of CONGRATULATIONS!

I would have come over, but on yesterday, was told we are not to communicate during working hours and are to focus on collections.

Denise Newsome
(601) 898-3559

5. 1st Heritage Credit's Branch Manager Vick Clanton FORBIDDING Account Managers from communicating when in the meeting(s) held have encouraged the sharing of information with each other that will IMPROVE collections. For instance, Clanton PRAISING the SUCCESS of the Pyramid method used by Newsome and then ABRUPTLY moving, it appears,

under the DIRECTION and LEADERSHIP of upper management (Melvin Stillman) to OBSTRUCT collections for purposes of keeping the Account Managers from receiving INCENTIVE BONUSES.

EXAMPLE 1: Vicky, you mentioned in the meeting about how I have created a process you call a **"PYRAMID"** for collections and wanted me to share this with the group. However, I knew that I had already shared this information with you as well as the other Account Managers (Barbara & Shekanna). Here are some pointers:

(a) You have shared **HOW EFFECTIVE** the process(es) I am using is. That LA Customers are RESPONDING to my letters and are **TAKING my letters** with them to the Branch(es) when making payments.

(b) You **have ACKNOWLEDGED** this method (**PYRAMID**) and letter usage is WORKING – i.e. **OPENING up NEW RECOVERIES** from Customers that ***have NOT paid in years!***

(c) It appears that **ONLY AFTER** you seeing the **SUCCESS** in the **"PYRAMID"** method along with the sending of the Collection/Settlement Letters, **you ABRUPTLY** sent out an email PROHIBITING any further mailings.

(d) You have also made known the reason for the Account Managers **NOT being able** to send Collection/Settlement Letters being **due to being LOW on postage** and/or **NO Postage!**

See **EXHIBIT "6"** – 08/11/14 email entitled, ***"LETTERS and RESPONSE TO 08/08/14 IMPROMPTU MEETING"*** attached hereto and incorporated by reference as if set forth in full herein.

6. 1st Heritage Credit AUTHORIZED, CONDONED and ISSUED SUBLIMINAL THREATS OF TERMINATION to Account Managers who QUESTIONED their employment practices and the COMPROMISING of accounts through SYSTEMATIC discriminatory/retaliatory practices IMPLEMENTED to keep Account Managers from receiving the INCENTIVE Bonus(es) PROMISED.

To keep Account Managers from questioning 1st Heritage Credit's discriminatory/retaliatory practices and those related to Account Managers receiving rightfully earned INCENTIVE BONUSES, Branch Manager Vicky Clanton during meetings made KNOWN that Account Managers that QUESTIONED computation of Incentive Bonus(es) and/or receipt thereof, etc., have SYSTEMATICALLY been subjected to TERMINATION in RETALIATION to voicing concerns of 1st Heritage Credit's FAILURE to pay and/or explain the WITHHOLDING of wages/earnings. This is what happened to Complainant Vogel Denise Newsome when she QUESTIONED NOT getting the INCENTIVE Bonus PROMISED by Clanton and then in RETALIATION to her submitting the 07/02/14 Complaint/Grievance email, Melvin Stillman made the DECISION that Newsome would NOT be receiving the PUBLICLY ANNOUNCED Incentive Bonus that Clanton shared with the entire office as well as with her husband that Newsome would be receiving. Moreover, Clanton shared that she had NEVER seen anything like the HUGE collection payment made on as well as the INCREAS

7. When 1st Heritage Credit's Branch Manager Vicky Clanton realized that Complainant Newsome observed her COMPROMISING of the Spreadsheets, she RETALIATED against Complainant Newsome and began SLAMMING her with emails for "CASE-BUILDING-PURPOSES" to have her terminated. Moreover, IMPLEMENTED directives to PROHIBIT and/or HINDER collections by Newsome seeing that she had come up with methods that would allow her to obtain INCENTIVE BONUS(es) monthly with the payment arrangements being met and then simply adding to them with New commitments. For instance, Clanton providing FRIVOLOUS demands for reports for purposes of OBSTRUCTING Newsome's work; wherein Clanton having the CAPABILITY to pull reports on the Accounts Newsome contacted and from the notes determine who were getting letters.

RE: Letters
Denise Newsome
Sent: Monday, August 04, 2014 2:43 PM
To: Vicky Clanton
Cc: Denise Newsome

Vicky:

I do not know how many people are responding to the letters that are being sent out, because ***as you know*** from **your** telling me, that some have simply went into the branch and taken the letter with them and made a payment.
All I know you have mentioned **how EFFECTIVE** it has been and customers responding. While NOT all may respond, there are those who have been.

In fact, today I received a call (although missed - Barbara answered) - per *69 - from Bridget Spain and I sent her a letter on or about 07/22/14.

I will simply note the accounts of inability to send letters due to "OUT OF POSTAGE" and keep moving.

Thanks,
Denise

From: Vicky Clanton
Sent: Monday, August 04, 2014 2:34 PM
To: Denise Newsome
Subject: Letters

Can you provide me a report on # of letters that you have sent out and how many response have you received.

I am trying to see how much I need to purchase?

Please advise.
Thanks
Vicky

First Heritage Credit
Account Management Center Manager
Vicky L. Clanton
Ph # 601 898 3898
Ph#888-661-0633
Fax # 888 824 6274

"Excellence Is Our Standard "

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Nevertheless, in RETALIATION to Clanton being caught COMPROMISING spreadsheets so that the Account Manager(s) does NOT obtain an INCENTIVE BONUS, her

CAMPAIGN to slam Newsome with emails and/or DISRUPT her work for purpose of ENGAGING Newsome in an ALTERCATION proved FRUITLESS.

B. PRIMA FACIE – AGE DISCRIMINATION: (1) she was discharged; **(2)** she was qualified for the position; **(3) s**he was within the protected class at the time of discharge; and **(4)** she was **either i)** replaced by someone outside the protected class, **ii) replaced by someone younger**, or **iii)** otherwise **discharged because of his age**.

Complainant Vogel Denise Newsome believes that an investigation as well as record evidence will support that: **(1)** Newsome was FIRED/DISCHARGE from employment with Respondent 1st Heritage Credit; **(2)** Newsome was qualified for the positions she held as Assistant Bankruptcy Specialist and Account Manager with Respondent 1st Heritage Credit. Newsome holds a B.S. Degree in Business Management/Office Administration from an ACCREDITED University [Florida A&M University] and WELL OVER 25 YEARS in an administrative capacity; (3) Newsome being within the PROTECTED class – AFRICAN-American OVER the AGE of 50; (4) Newsome was REPLACED by a MUCH younger person (Jessica - in her 20s with LESS experience than Newsome) and/or DISCHARGED because of her AGE (over 50) because Respondent 1st Heritage Credit preyed on BLACK-American employees UNLEARNED/UNEDUCATED in employment practices. In fact, Newsome may have been replaced by Jessica who was Part-Time and was the employee working with Shakenna Taylor on the Tennessee Accounts and was REPRIMANDED in meeting by 1st Heritage Credit's Branch Manager Vicky Clanton for UNDER-PAR performance!

EXAMPLE 2:

Vicky, **ACCORDING TO YOUR PUBLIC BROADCASTING ANNOUNCEMENT** System, last week –WEEK OF AUGUST 3, 2014 – you came out TALKING ALL LOUD about **HOW** Account Manager (Shakenna) brought in over $3,000 in RECOVERIES and congratulating her. As you know in the meeting(s) you have repeatedly CHASTISED the LOW recoveries for Tennessee (TN). Even going as far as to mention that with TWO FULL-TIME people working TN that approximately $300 in recoveries is not getting the job done – i.e. quoting you, **"That dog's NOT going to hunt!"** So NOW even with the OVER $3,000 you have mentioned TN has already brought in this EARLY in August, **HOW have you as the Branch Manager RESPONDED:**

1. Newsome believes the record evidence will support how 1st Heritage Credit Branch Manager wanted a younger and INEXPERIENCE employee for purposes of purposes of CONTROL. For instance, at the time of Newsome's termination, Jessica was having ATTENDANCE issues; moreover, according to Clanton DID NOT have Account Manager skills to deal with Customers and handle accounts. Nevertheless, when Clanton realized that Newsome was NOT going to LOOK-THE-OTHER-WAY regarding what she believed to be UNLAWFUL/ILLEGAL employment practices she looked to CLING to Jessica for purposes of BALANCING out support for her because Clanton thought that everybody was out to get her.

2. Newsome believes that an investigation and record evidence will support that Respondent 1st Heritage Credit (in its implementation of **THE WILLIE LYNCH/HOUSE NEGRO SYNDROME**) in efforts of SHIELDING/MASKING its RACIST and DISCRIMINATORY practices may have concluded by using BLACK-Americans/HOUSE Negroes (as SHIELDS/FRONTS) that it could AVOID Title VII Complaints and other claims as well as LIABLITY that may arise once its SYSTEMATIC RACIST/DISCRIMINATORY practices were brought to light.

3. It appears that just as TELECOMMUNICATION Giant AT&T thought that it had an ELABORATE plan to bring in a BLACK-American as a Supervisor to SPEARHEAD the STING OPERATION against an AFRICAN-American (Francis) that they wanted to FIRE/DISCHARGE because of Francis' EXPOSURE of DISCRIMINATORY practices; 1st Heritage Credit taking a PLAY out of the AT&T handbook ATTEMPTED to use such RACIST/DISCRIMINATORY tactics on Newsome.

4. Here we are approximately 42 YEARS later and AT&T's Legal Counsel is NOW Baker Donelson Bearman Caldwell & Berkowitz.

5. Baker Donelson FIRST making its APPEARANCE in the lawsuit *Newsome vs. Entergy*. A lawsuit in which Baker Donelson took a SHALLACKING and it appears engaged in CRIMINAL acts (i.e. BRIBES, BLACKMAIL, EXTORTION, COERCION etc.) for purposes of obtaining FAVORS from TRIBUNALS in favor of their CLIENTS! In the *Newsome vs Entergy* matter, Baker Donelon seeing to it that TAINTED Judges as Morey Sear and G. Thomas Porteous were assigned the lawsuit WITHOUT making KNOWN to Newsome the CONFLICT-OF-INTERESTS that existed with these Judges presiding over the case. Morey Sear, it appears, has since DIED! G. Thomas Porteous, it appears, has since been IMPEACHED for taking BRIBES, KICKBACKS, etc. to THROW LAWSUITS!

Judge G. Thomas Porteous

FROM: http://www.bakerdonelson.com/appellate-practice-sub-practice-areas/
In accordance with Federal Laws provided For Educational and Information Purposes – i.e. of PUBLIC Interest

Appellate Practice

Federal Court Clerks

U.S. Court of Appeals

- Gerardo R. Barrios, U.S. Ninth Circuit Court of Appeals, Honorable Robert R. Beezer
- Amy Champagne, U.S. Fifth Circuit Court of Appeals, Honorable W. Eugene Davis
- Bradley Clanton, U.S. Sixth Circuit Court of Appeals, Honorable David A. Nelson
- Angie Davis, U.S. First Circuit Court of Appeals, Houston, Texas, Honorable Sam Nuchia
- Nakimuli O. Davis, U.S. Fifth Circuit Court of Appeals, Honorable Leslie H. Southwick
- William Fones, U.S. Court of Appeals for Federal Circuit, Honorable Marion T. Bennett
- Jonathan Green, U.S. Court of Appeals for Eleventh Circuit
- W. Patton Hahn, U.S. Court of Federal Claims, Honorable Eric G. Bruggink
- Thomas Helton, U.S. Sixth Circuit Court of Appeals, Honorable Paul C. Wieck, Chief Judge
- Aubrey "Copper" Hirsch, U.S. District Court, Eastern District of Louisiana, Chief Judge Frederick Heebe
- Elizabeth B. Jones, U.S. Sixth Circuit Court of Appeals, Honorable Eugene Siler, Jr
- Lynn Landau, U.S. Eleventh Circuit Court of Appeals, Honorable James C. Hill
- Ronald Range, U.S. Fourth Circuit Court of Appeals, Honorable H. Emory Widener Jr.
- William Reed, U.S. Fifth Circuit Court of Appeals, Honorable Elbert P. Tuttle
- Wendy Thompson, U.S. Fifth Circuit Court of Appeals, Honorable Rhesa H. Barksdale
- Sandi S. Varnado, U.S. Fifth Circuit Court of Appeals, Honorable James L. Dennis

U.S. District Court Clerks

- Allisa J. Allison, U.S. District Court, Northern District of Mississippi, Judge L.T. Senter
- Brian M. Ballay, U.S. District Court, Eastern District of Louisiana, Judge Carl J. Barbier
- Kate Bogard, U.S. District Court, Western District of Tennessee, Honorable S. Thomas Anderson
- Joy Boyd, U.S. District Court, Middle District of Georgia, Honorable C. Ashley Royal and Honorable Duross Fitzpatrick
- Spencer Clift, U.S. Bankruptcy Court, Western District of Tennessee, Honorable David S. Kennedy
- Laurie Clark, U.S. District Court, Eastern District of Louisiana, Judge Morey L. Sear and U.S. District Court, Middle District of North Carolina, Judge P. Trevor Sharp
- Caldwell Collins, U.S. District Court, Eastern District of Missouri, Judge Audrey G. Fleissig
- Joann Coston-Holloway, U.S. District Court, Eastern District of Louisiana, Honorable Ivan L.R. Lemelle
- Jacob Dickerson, U.S. District Court, Western District of Tennessee, Honorable Jon P. McCalla
- Kevin Garrison, U.S. District Court, Middle District of Alabama, Honorable W. Keith Watkins
- Russell Gray, U.S. District Court, Eastern District of Tennessee, Honorable Allan Edgar
- Clay Gunn, U.S. District Court, Southern District of Mississippi, Honorable Daniel P. Jordan, III
- Whitney Harmon, U.S. District Court, Eastern District of Kentucky, Honorable Karl S. Forester
- Russell Headrick, U.S. District Court, Western District of Tennessee, Honorable Harry W. Wellford
- Cameron Hill, U.S. District Court, Eastern District of Tennessee, Honorable Curtis L. Collier
- J. Forrest Hinton, U.S. District Court, Southern District of Alabama, Honorable Virgil Pittman
- Frank James, U.S. District Court, Southern District of Alabama, Honorable Virgil Pittman
- Brandon Jolly, United States District Judge for the Southern District of Mississippi, Judge William H. Barbour Jr.
- Stephen Kennedy, U.S. District Court, Southern District of Mississippi, Honorable Tom S. Lee, Chief Judge
- Kenneth Klemm, U.S. District Court, Eastern District of Louisiana, Judge George Arceneaux Jr.
- William Lawrence, U.S. District Court, Northern District of Alabama, Honorable Robert B. Propst, (also sitting by designation on Eleventh Circuit)
- Erno D. Lindner, U.S. Bankruptcy Court, Western District of Tennessee, Honorable David S. Kennedy
- C. Lee Lott, U.S. District Court, Northern District of Mississippi, Honorable Glen H. Davison
- Gabriel P. McGaha, U.S. District Court, Western District of Tennessee, Honorable Jon P. McCalla
- Brad C. Moody, U.S. District Court, Southern District of Mississippi, Honorable David C. Bramlette
- Matt Mulqueen, U.S. District Court, Southern District of New York, Chief Judge Loretta A. Preska
- Kathlyn Perez, U.S. District Court, Eastern District of Louisiana, Honorable G. Thomas Porteous Jr.
- Paul Peyronnin, U.S. District Court, Eastern District of Louisiana, Honorable Henry A. Mentz Jr.
- Andrew Potts, U.S. Bankruptcy Court, Southern District of Alabama, Honorable Gordon B. Kahn, Chief Judge
- Anna Powers, U.S. District Court, Northern District of Mississippi, Chief Judge Michael P. Mills
- Damany Ransom, U.S. District Court, Eastern District of Louisiana, Honorable Karen Wells Roby
- Fredrick N. Salvo, III, U.S. District Court, Southern District of Mississippi, Honorable John M. Roper, Chief U.S. Magistrate
- Eric Thiessen, U.S. District Court, Western District of Virginia, Honorable Cynthia D. Kinser, Magistrate (currently Justice, Supreme Court of Virginia)
- Susan Wagner, U.S. District Court, Northern District of Alabama, Honorable Sam C. Pointer Jr.

6. Baker Donelson Bearman Caldwell & Berkowitz who is LEGAL COUNSEL for United States of America President Barack Obama (Executive Office), United States of America's Congress (Legislative Branch); Supreme Court of the United States (Judicial Branch) as well as MANY other GOVERNMENT Agencies as the UNITED STATES DEPARTMENT OF LABOR [Equal Employment Opportunity Commission, Wage & Hour Division. . .]

7. The ESTABLISHMENT of the Baker Donelson CONNECTION/NEXUS is RELEVANT in that it supports the ONGOING Conspiracies and RACIST/DISCRIMINATORY

attacks leveled against Respondent Vogel Denise Newsome as well as others – i.e. People-Of-Color and Nations-Of-Color.

8. There is record EVIDENCE that Baker Donelson for purposes of HIDING/SHIELDING its MAJOR/KEY roles in such RACIST/DISCRIMINATORY practices as those set forth in this instant EEOC Complaint RELY upon FRONTING Businesses/Law Firms to ACT ON THEIR behalf while they PULL THE STRINGS/CONTROL the actions BEHIND-THE-SCENE!

UNDERSTANDING HOW
BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ
GOES ABOUT REMAINING INVISIBLE
and use FRONTING LAW FIRMS
WHILE IT PULLS-THE-STRINGS
BEHIND-THE-SCENE

A Law Firm With
No INTEGRITY But Practices IMMORALITY:

¶1. Sam Seay and William Reed began a lifelong friendship at age eight. In January 2003, following termination from his employment with BancorpSouth, Sam alleges that Reed, an attorney and then-president and chief operating officer ("COO") of Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C. ("Baker Donelson"), undertook legal representation of Sam in the ensuing conflict. Reed acknowledges that Sam "asked me to look at some specific [legal] issues . . . ." In late October or early November 2003, Reed participated in an extramarital affair with Sam's then-wife, Rebecca Seay. In January 2004, Sam filed a complaint against BancorpSouth using other counsel. While Sam concedes that Reed was never counsel of record in the case, he maintains that Reed agreed to advise him "behind the scenes . . . ." According to Sam, Reed provided legal advice through October 26, 2004. Reed's affair with Rebecca ended between August and October 2004.

¶11. On January 12, 2004, Jones filed Seay's complaint against BancorpSouth. The complaint included counts of breach of contract; tortious or bad-faith breach of contract; wrongful discharge; termination in violation of public policy; misrepresentation and equitable estoppel; intentional infliction of emotional distress; and breach of fiduciary duties and a nonderivative shareholder's claim.[8] While Sam concedes that Reed was never counsel of record in the BancorpSouth case, he added that Reed had "said he could not keep a high profile in the case, but he could sit behind the scenes and advise us as part of the team."[9] In

that capacity, Sam stated that Reed had "reviewed the deposition schedule that we planned and totally changed it up[,]" insisting that "the lower officers ought to be questioned first. Mr. Jones had them scheduled to be questioned last."[10] In September or October 2004, Reed attended Sam's deposition. Sam maintained that Reed "was serving as my attorney[,]" and that during a break in the deposition, Reed "told me to keep my answers . . . briefer . . . ." According to Reed, however, he went to the deposition only "because [Sam] asked me to go as a friend and I sat there and did not participate." Reed maintained that he "did not speak and . . . did not enter an appearance."[11] According to Sam, Reed continued to provide him with legal advice until October 26, 2004.

http://www.slideshare.net/VogelDenise/baker-donelson-invisible-practices-pulling-the-strings-behindthescene-practices

It appears UNLAWFUL/ILLEGAL practices by Baker Donelson Bearman Caldwell & Berkowitz in efforts to keep it and its CLIENTS from ASORBING the LIABILITY that arises from such RACIST/DISCRIMINATORY employment practices as well as the TERRORIST acts they are NOT only launching against Respondent Vogel Denise Newsome, but those in the Middle East, Asia and Africa, etc.

9. In this instant EEOC Complaint, Respondent 1st Heritage Credit will NOT be able to PRODUCE factual evidence to rebut the claims in this Complaint. Respondent is LOOKING FORWARD to Baker Donelson "PULLING-THE-STRINGS" behind the scene and keeping 1ST Heritage Credit's RACIST/DISCRIMINATORY practices out of PUBLIC/WORLD view. Moreover working with the JEWS for the purposes of IMPLEMENTING a DESPOTISM Government Regime for the purposes of ENSLAVING AFRICAN-Americans as Newsome and Nations-Of-Color.

10. Complainant Vogel Denise Newsome as ESTABLISHED by FACTS and EVIDENCE that Respondent 1st Heritage Credit subjected her to UNDISPUTABLE Age Discrimination practices during her employment with it.

TERRY ANDERSON, Plaintiff-Appellant, v. TUPELO REGIONAL AIRPORT AUTHORITY, Defendant-Appellee.

No. 13-60666 Summary Calendar

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

568 Fed. Appx. 287; 2014 U.S. App. LEXIS 9068

May 15, 2014, Filed

It is clear that Anderson **sufficiently established a prima facie case of age discrimination**. He **was discharged from his position** as Executive Director of TRAA, he **was [**10] qualified to hold that position**, he was **within the protected class at the time he was terminated**, and he **was replaced by a younger person**. See Machinchick, 398 F.3d at 350. Therefore, our analysis focuses directly on **whether TRAA provided a legitimate nondiscriminatory reason** for Anderson's **termination** and, if so, whether Anderson demonstrated that TRAA's **reason was pretextual**. Accordingly, we begin our analysis by recounting the principal explanations TRAA provided for its decision to terminate Anderson. We then explore Anderson's proof that TRAA's explanations were pretextual. Finally, **we discuss whether any fact issues should be resolved by a jury, thereby making summary judgment inappropriate in this case**. . . .

HN8 If Anderson [**8] establishes a prima facie case of age discrimination, then TRAA must **"proffer a legitimate nondiscriminatory reason for its employment action."** Id. If TRAA provides a legitimate nondiscriminatory reason for its employment action, the presumption of discrimination established by Anderson's prima facie case disappears and Anderson must satisfy his ultimate burden of proving intentional discrimination. Id. (citation omitted). Anderson **can meet this burden by showing that the reasons provided . . . for his termination are a pretext for age discrimination**. See id. We have held that HN9 "a plaintiff advancing an ADEA claim using only circumstantial evidence **[must] prove that discriminatory animus was the determinative basis for his termination**." Id. at 310 (citations and internal quotation marks omitted). "As a practical matter, this requirement dictates that the plaintiff put forward evidence rebutting each one of a defendant's nondiscriminatory explanations for the employment decision at issue." Id. In other words, the plaintiff must provide evidence showing that each of the defendant's stated explanations for termination is pretextual.

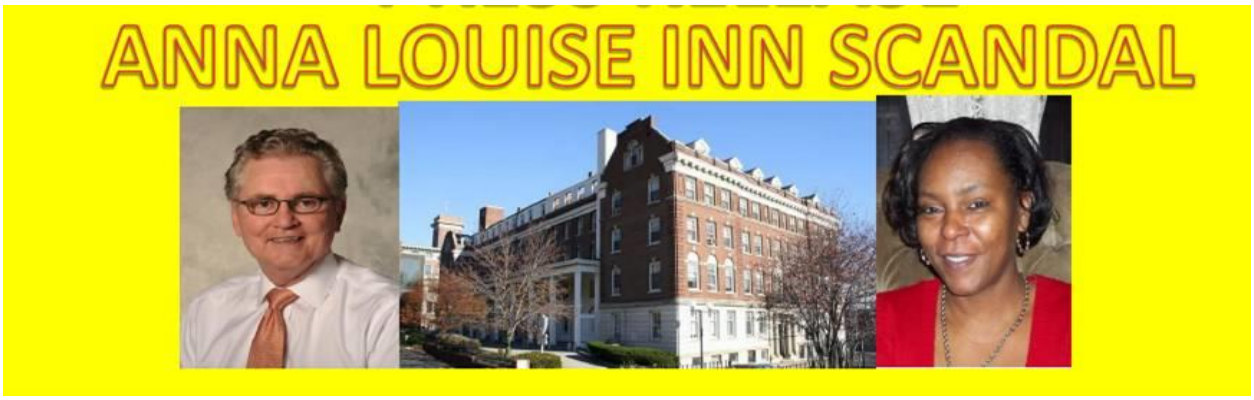
HN4 Under the **Age Discrimination in Employment Act** ("ADEA"), **it is unlawful for an employer to discharge an employee because [*290] of the employee's age**. See 29 U.S.C. § 623(a)(1). HN5 To establish a claim under the ADEA, an aggrieved employee **"must prove, by a preponderance of the evidence, that age was the 'but-for' cause of the challenged adverse employment action."** Moss v. BMC Software, Inc., 610 F.3d 917, 928 (5th Cir. 2010) [**7] (citation omitted). HN6 "In the absence of direct proof of discrimination, the plaintiff in an **age discrimination case must follow** the three-step burden-shifting framework laid out in McDonnell Douglas Corp. v. Green, 411 U.S. 792, 93 S. Ct. 1817, 36 L. Ed. 2d 668 (1973) . . . and Texas Dep't of Community Affairs v. Burdine, 450 U.S. 248, 101 S. Ct. 1089, 67 L. Ed. 2d 207 (1981) . . . ."[1] Wyvill v. United Companies Life Ins. Co., 212 F.3d 296, 301 (5th Cir. 2000). First, Anderson must establish a prima facie case of age discrimination by showing that **"(1) he was discharged; (2) he was qualified for the position; (3) he was within the protected class at the time of discharge;** and **(4) he was either i) replaced by someone outside the protected class, ii) replaced by someone younger**, or **iii) otherwise discharged because of his age."** Machinchick v. PB Power, Inc., 398 F.3d 345, 350 (5th Cir. 2005) (citations and internal quotation marks omitted).

SEE **EXHIBIT "7"** *Anderson vs. Tupelo Regional Airport Authority* attached hereto and incorporated by reference as if set forth in full herein.

11. ADDITIONAL information to support that Respondent 1st Heritage Credit's DISCHARGE supports AGE DISCRIMINATION as well as the CONSPIRACY and ONGOING attacks leveled AGAINST Vogel Denise Newsome by a JEWISH CONTROLLED Government System (Employment, Media, Financial Systems, etc.) for purposes of CONTROLLING People-Of-Color LIVELIHOOD, Newsome presents the following facts:

(a) **In June 2014,** United States of America President Barack Obama, his Legal Team of Baker Donelson Bearman Caldwell & Berkowitz and those with

whom they ENGAGE in the CONSPIRACIES launched AGAINST Vogel Denise Newsome, engaged in FURTHER CRIMINAL and CIVIL violations in the UNLAWFUL/ILLEGAL seizure of Newsome's Apartment in HOPES of getting their HANDS on INCRIMNATING evidence and DESTROYING said EVIDENCE that EXPOSES and REVEALS their CRIMINAL ACTIVITIES.



http://www.slideshare.net/VogelDenise/070714-obamafraudgate-connection-to-the-annalouiseinn-eviction-scandal-36698826

(b) **In July 2014**, the JEWISH CONTROLLED Television FOXSPORTS Network, it appears obtaining information from the June 2014

UNLAWFUL/ILLEGAL seizure of Newsome's apartment at the Anna Louise Inn, LAUNCHED an ALL-OUT-ATTACK one of FoxSports TOP/KEY Sportscaster (Pamela Oliver – AFRICAN-American) in RETALIATION to her RELATIONSHIP to Vogel Denise Newsome.

http://www.slideshare.net/VogelDenise/despotism-practices-in-the-united-states-of-america

It appears the JEWS/FOXSPORTS going AFTER Pamela Oliver's job and REPLACING her with a YOUNGER White Female (Erin Andrews). This is HOW the JEWS and their LEGAL COUNSEL Baker Donelson Bearman Caldwell & Berkowitz OPERATE. They DIG and SEARCH for information on their VICTIMS and when they can find NOTHING, they then TARGET FAMILY, FRIENDS, etc. of Vogel Denise Newsome. For some STUPID reason thinking that that will SILENCE Newsome when it ONLY FUELS Newsome's ENERGY and ZEAL bring and share this information with the PUBLIC/WORLD! Had Newsome been married and/or children, then they would have TARGETED her husband as well as her children FOR PURPOSES OF SILENCING Newsome. **Then most of Newsome's SIBLINGS are ALREADY employed by the GOVERNMENT and BRAINWASHED UNDER THE WILLE LYNCH PRACTICES! So Newsome's SIBLINGS have NOT been FRUITFUL in their attacks on BEHALF of their EMPLOYER (United States Government)!**

Newsome's WEBSITE and SOCIAL FORUMS continue to FLOURISH under such attacks!

AGE DISCRIMINATION UNDER A UNITED STATES OF AMERICA DESPOTISM GOVERNMENT REGIME!

http://www.slideshare.net/VogelDenise/despotism-usas-control-of-information

RACIST/DISCRIMINATORY PRACTICES carried out for the **PURPOSES OF HUMILIATING AFRICAN-Americans** and bringing them **UNDER THE CONTROL** of the JEWS and a DESPOTISM Government Regime.

(c) **August 2014,** here come the JEWS after Vogel Denise Newsome's job at 1st Heritage Credit and RELYING upon their TIES/CONNECTIONS to DeAnne Walberg. FIRING/DISCHARGING Newsome alleging "INSUBORDINATION" – a PRETEXT to shield/hide 1st Heritage Credit's ILLEGAL ANIMUS (Discriminatory practices: Race/Age/Religion/Retaliation, etc.)

PEGGY WOODHOUSE, Plaintiff-Appellee, versus MAGNOLIA HOSPITAL, Defendant-Appellant.

No. 95-60697

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

92 F.3d 248; 1996 U.S. App. LEXIS 19926; 71 Fair Empl. Prac. Cas. (BNA) 1804; 68 Empl. Prac. Dec. (CCH) P44,266

August 6, 1996, Decided

A district court is accorded considerable latitude in fashioning jury instructions, and will be reversed only when the charge, as a whole, leaves the reviewing court with substantial and ineradicable doubt whether the jury has been properly guided in its deliberations. Horton v. Buhrke, a Div. of Klein Tools, Inc., 926 F.2d 456, 460 (5th Cir. 1991). We have previously held that HN12 **in age discrimination cases,** "the court should instruct the jury to consider the ultimate question of whether defendant terminated plaintiff because of his age," and that it is improper to instruct the jury on the elements of the prima facie case. Walther v. Lone Star Gas Co., 952 F.2d 119, 127 (5th Cir. 1992). **The crucial issue in an ADEA case involves whether the employer used age as a determinative factor in making the employment decision.** Rhodes, 75 F.3d at 993-94. Because the district court instructed the jury that Magnolia could be held liable only if age was a determining factor in its termination decision, it correctly stated the law in this Circuit. We find no error in the district court's denial of Magnolia's proffered instruction.

[**5] Although Magnolia argues that Woodhouse failed to make out a prima facie case of age discrimination, this is not the correct focus of our review. When a case has been fully tried on the merits, the adequacy of the showing at any stage of the McDonnell Douglas framework is unimportant; rather, **the reviewing court must determine whether there was sufficient evidence from which a reasonable trier of fact could have concluded that age discrimination occurred**. [*253] Weaver v. Amoco Prod. Co., 66 F.3d 85, 87 (5th Cir. 1995); Armendariz v. Pinkerton Tobacco Co., 58 F.3d 144, 149 (5th Cir. 1995), cert. denied, U.S. , 116 S. Ct. 709, 133 L. Ed. 2d 664 (1996). To make this determination, we must examine the **sufficiency of both the direct and circumstantial evidence** to support the jury verdict **that the employer used age as a determinative factor in making the adverse employment decision**. See Rhodes, 75 F.3d at 993-94. Although age need not be the sole reason for the adverse employment decision, **it must actually play a role in the employer's decisionmaking process** and **have a determinative influence on the outcome**. Id. at 994 (citing Hazen Paper Co. v. Biggins, [**6] 507 U.S. 604, 610, 113 S. Ct. 1701, 1706, 123 L. Ed. 2d 338 (1993)).

3 Although McDonnell Douglas is a Title VII case, we have previously held that its framework is applicable to ADEA cases. See Bodenheimer v. PPG Indus., Inc., 5 F.3d 955, 957 n.4 (5th Cir. 1993). HN4 The framework involves a burden-shifting analysis: (1) the plaintiff must demonstrate a prima facie case of discrimination; (2) the burden of production shifts to the employer to establish a legitimate and nondiscriminatory basis for the adverse employment decision; and (3) the plaintiff must then prove by a preponderance of the evidence that the employer's proffered reason is pretext. McDonnell Douglas, 411 U.S. at 802-04, 93 S. Ct. at 1824-25; Portis, 34 F.3d at 328 n.7.

HN2 A plaintiff may use either direct or circumstantial evidence to prove intentional discrimination. See Portis v. First Nat'l Bank of New Albany, Miss., 34 F.3d 325, 328 (5th Cir. 1994). **Direct evidence is evidence that, if believed, proves the fact of intentional discrimination without inference or presumption**. Id. at 328-29. Absent direct [**4] evidence, a plaintiff may prove age discrimination under the framework articulated in McDonnell Douglas Corp. v. Green, 411 U.S. 792, 802-04, 93 S. Ct. 1817,

1824-25, 36 L. Ed. 2d 668 (1973). [3] HN3 In a RIF case, a prima facie case is established by evidence that (1) the plaintiff is within the protected age group under the ADEA; (2) he or she was adversely affected by the employer's decision; (3) he or she was qualified to assume another position at the time of the discharge or demotion; and (4) evidence, either circumstantial or direct, from which a factfinder might reasonably conclude that the employer intended to discriminate in reaching its decision. Nichols v. Loral Vought Sys. Corp., 81 F.3d 38, 41 (5th Cir. 1996); Molnar v. Ebasco Constructors, Inc., 986 F.2d 115, 118 (5th Cir. 1993); Thornbrough v. Columbus & Greenville R.R. Co., 760 F.2d 633, 642 (5th Cir. 1985).

SEE **EXHIBIT "8"** *Woodhouse vs. Magnolia Hospital* attached hereto and incorporated by reference as if set forth in full herein.

C. PRIMA FACIE - DISCRIMINATION BASED ON RELIGION: (1) that she was subjected to harassment based upon his race or religion; **(2)** that the harassment was sufficiently severe or pervasive to alter the conditions of (a reasonable person's) employment and create an abusive working environment; **(3)** that she subjectively perceived the harassment, and; **(4)** that the employer knew or should have known of the harassment.

Complainant Vogel Denise Newsome believes that an investigation as well as record evidence will support that: **(i)** Newsome was subjected to harassment based upon religion [Christian] and that said harassment was controlled by 1st Heritage Credit's Jewish affiliations/connections; **(ii)** The harassment leveled against Newsome was sufficiently sever or pervasive as to alter the conditions of (a reasonable person's) employment and created a very ABUSIVE and HOSTILE working environment towards her; **(iii)** That Newsome subjectively perceived the harassment; and **(iv)** that 1st Heritage Credit KNEW, CONDONED and AUTHORIZED the harassment under the direction and control of its Executives, Human Resources and Legal Counsel, etc.

12. An investigation and record evidence will support that Respondent 1st Heritage Credit having KNOWLEDGE of Newsome's engagement in PROTECTED activities and information posted in her SOCIAL FORUMS as that for instance at: (a) www.vogeldenisenewsome.net and (b) www.SlideShare.net/VogelDenise which Forums set forth the RELIGIOUS Wars the United States of America's Government Leaders (under the CONTROL of JEWS) are not only launching AGAINST Vogel Denise Newsome because she is CHRISTIAN (and the JEWS are ANTI-CHRIST and/or ANTI-CHRISTIAN) as well as against MUSLIM Nations/Faiths in the Middle East, Asia, Africa, etc.

> **DESPOTISM** is a ***form of government in which a single entity rules with absolute power***. That entity may be an individual, as in an **autocracy**,
>
> > An **autocracy** is a system of government ***in which a supreme power is concentrated in the hands of one person***, whose decisions are subject to neither external legal restraints nor regularized mechanisms of popular control. . . – Cut & Pasted as of 09/18/14 from:

or it may be a group, as in an oligarchy. . . .

Oligarchy . . . meaning "few". . . meaning **"to rule or to command"**) **is a form of power structure** *in which* ***power effectively rests with a small number of people*****. These people could be distinguished by royalty, wealth, family ties, education, corporate, religious** or **military control.**

13. Even if Respondent 1st Heritage Credit may attempt to assert that it has MANY Christians in its employment, at best would be to determine whether they PROFESSIONAL Christians (hypocritically playing the part) actually living the lives. For instance, if Newsome is not mistaken, 1st Heritage Credit's Account Management Center Branch Manager Vicky L. Clanton claimed to be a Christian; however, her ACTS clearly goes AGAINST the teachings in the Holy Bible, Clanton is HOSTILE and has a very FOUL and OBSCENE mouth – i.e. language Newsome witnessed towards her employment. Not only that, Newsome believes that an investigation will REVEAL the HYPOCRISY of Clanton and others that 1st Heritage Credit's JEW(S) relied upon to DISCRIMINATE against Newsome because she is a Christian and AFRICAN-American.

14. 1st Heritage Credit resorted to disciplining Complainant Vogel Denise Newsome MORE STRICTLY than claimed-to-be Christians as White employee Vicky Diane Snow ("Diane Snow"). Diane Snow and another White employee Breanne Montgomer did KNOWINGLY engage in INSUBORDINATE acts in BLATANTLY REFUSING to follow orders/directives of BLACK-American Branch Manager Vicky Clanton. Nevertheless, 1st Heritage Credit REWARDED such INSUBORDINATE acts of Diane Snow and Breanne Montgomery by simply MOVING them to the CORPORATE OFFICE! INSUBORDINATE acts of Diane Snow and Breanne Montgomery which were TIMELY, PROPERLY and ADEQUATELY reported both VERBALLY as well as in WRITING. SEE **EXHIBIT "9"** "07/02/14 Complaint/Grievance Form – VIOLATION OF FHC POLICIES & PROCEDURES: SAFETY, WORKPLACE VIOLENCE, HARASSMENT, etc. " attached hereto and incorporated by reference as if set forth in full herein.

While allegations of Complainant Vogel Denise Newsome's INSUBORDINATE act(s) was met with MORE SEVERE DISCIPLINARY ACTION – i.e. DISCHARGE/TERMINATION/FIRING!

LURENDA FEATHERSTONE, Plaintiff-Appellant, v. UNITED PARCEL SERVICES, INCORPORATED, Defendant-Appellee.

No. 94-2331

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

1995 U.S. App. LEXIS 12518

April 25, 1995, Submitted
May 23, 1995, Decided

In McDonnell Douglas Corp. v. Green, 411 U.S. 792, 800-04, 36 L. Ed. 2d 668, 93 S. Ct. 1817 (1973), the Supreme Court established the familiar "HN2 order and allocation of

proof" for Title VII cases **in which the plaintiff alleges disparate treatment**. First, the plaintiff must establish a prima facie case of discrimination. McDonnell Douglas, 411 U.S. at 802. Once a prima [*8] facie case is presented, the defendant must "articulate some legitimate nondiscriminatory reason for the" disparate treatment. Id. The articulated nondiscriminatory explanation is "presumptively valid," and the plaintiff must demonstrate that the explanation is pretextual and "meet the ultimate burden of proving intentional discrimination" by a preponderance of the evidence. Moore v. City of Charlotte, 754 F.2d 1100, 1106 (4th Cir.), cert. denied, 472 U.S. 1021 (1985). The burden of proof never shifts from the plaintiff in a Title VII case. St. Mary's Honor Ctr. v. Hicks, 125 L. Ed. 2d 407, 423, 113 S. Ct. 2742 (U.S. 1993).

Featherstone maintains that he has **established a prima facie case of discriminatory disciplinary action** by UPS. He asserts that he presented evidence sufficient to create a genuine issue as to **whether he was disciplined more strictly than similarly situated white and non-Jehovah's Witness UPS employees**. HN3 An employee can show unlawful discrimination under Title VII if he was disciplined more severely than another employee who had committed a similar infraction. McDonald v. Santa Fe Trail Transp. Co., 427 U.S. 273, 282, 49 L. Ed. 2d 493, 96 S. Ct. 2574 (1976). A plaintiff must [*9] show: (1) that he is within a protected class; (2) that he **"engaged in prohibited conduct similar to that of a person" outside of his protected class;** and (3) that he **received "more severe" discipline than was received by the other employee.** Moore, 754 F.2d at 1105-06.

UPS **freely admitted *that some drivers may violate the rule without discipline*,** "particularly if their supervisors are unaware of the violations," because the drivers "complete their routes in a timely fashion and avoid frequent close supervision." Defendant thus [*11] **impliedly admits that some drivers escape discipline for violating the . . . rule, even though their supervisors are aware of the violation.** Based upon Featherstone's sworn testimony identifying specific **white drivers who violated the . . . rule** and UPS's admission, **Featherstone successfully established a prima facie case of disparate treatment on this issue.**

We find that Featherstone established a **prima facie case of retaliation** by showing (1) that he engaged in protected activity; (2) that Defendant took adverse employment action against him; and (3) that a causal connection existed between the protected activity and the adverse action. Ross v. Communications Satellite Corp., 759 F.2d 355, 365 (4th Cir. 1985). He satisfied the third element of the prima facie case by showing that UPS acted with knowledge of his EEO filing. Williams, 871 F.2d at 457.

HN2

> The order and allocation of proof for Title VII cases in which plaintiff alleges disparate treatment is: (1) plaintiff must establish a prima facie case of discrimination; (2) once a prima facie case is presented, defendant must articulate some legitimate nondiscriminatory reason for the disparate treatment, and; (3) the articulated nondiscriminatory explanation is presumptively valid, and plaintiff must demonstrate that the explanation is pretextual and meet the ultimate burden of proving intentional discrimination by a preponderance of the evidence. The burden of proof never shifts from plaintiff in a Title VII case.

HN5

> To establish a hostile environment claim based upon race or religion discrimination, an employee must show: (1) that he was subjected to harassment based upon his race or religion; (2) that the harassment was sufficiently severe or pervasive to alter the conditions of (a reasonable person's) employment and create an abusive working environment; (3) that he subjectively perceived the harassment, and; (4) that the

employer knew or should have known of the harassment.

SEE **EXHIBIT "10"** *Featherstone vs. United Parcel Services* attached hereto and incorporated by reference as if set forth in full herein.

15. An investigation and the record evidence will sustain that 1st Heritage Credit had NO cause to take DISCIPINARY action against Complainant Vogel Denise Newsome and that its FALSE assertions of INSUBORDINATION for grounds to discharge Newsome is RETALIATORY and PRETEXT to shield/hide an illegal animus – i.e. KNOWLEDGE of Newsome's engagement in PROTECTED ACTIVITIES!

HN3

An employee can show **unlawful discrimination under Title VII** if he was ***disciplined more severely than another employee who had committed a similar infraction.*** To determine whether a comparison between employees is valid, a court examines whether defendant **had as much cause to discipline the non-minority employee as it had to discipline plaintiff.** Instead of insisting on identical infractions for purposes of comparison, the inquiry assesses the gravity of the offenses in order to find acts against the employer of comparable seriousness. Where the record discloses no sufficiently analogous offenders, no inference of discriminatory animus can be drawn from the "uniqueness" of a plaintiff's punishment. *Featherstone vs. United Parcel Services* at **EXHIBIT "10"** attached hereto and incorporated by reference as if set forth in full herein.

16.

17. s

D. PRIMA FACIE CASE – RETALIATION: (1) She participated in protected activity, (2) She suffered an adverse employment action, and (3) there was a causal connection between the protected activity and the adverse action.

Complainant Vogel Denise Newsome believes that an investigation as well as record evidence will support a prima facie case of RETALIATION that: (a) 1st Heritage Credit having KNOWLEDGE Newsome participated in protected activity(s) – i.e. timely, properly and adequately submitting a Race Discrimination Complaint to the attention of the Account Management Center's ("AMC") Branch Manager Vicky Clanton ; (b) Newsome timely, properly and adequately noted concerns of being RETALIATED against by ***Melvin Stillman and Chris Johns*** due to their CLOSE RELATIONSHIP with Bankruptcy Specialist Diane Snow and INABILITY to remain impartial in the handling of such Complaints which addressed RACIST practices at 1st Heritage Credit; (c) There was a causal connection between Newsome's engagement in PROTECTED ACTIVITY(S) and the ADVERSE ACTION (discharge/termination of employment) taken by 1st Heritage Credit against her. Moreover, as a DIRECT and PROXIMATE result of Newsome's Complaint addressing DISCRIMINATORY practices at Respondent 1st Heritage Credit, Respondent (it appears) LAUNCHED an ALL-OUT-ASSAULT on Newsome in efforts of keeping such SYSTEMATIC discriminatory practices out of PUBLIC/WORLD view!

An investigation into this instant EEOC Complaint and the record evidence will sustain that on or about 08/11/14, Complaint Vogel Denise Newsome submitted a written Complaint to 1st Heritage Credit entitled, ***"LETTERS and RESPONSE TO 08/08/14 IMPROMPTU MEETING."*** See at

EXHIBIT "7" attached hereto and incorporated by reference as if set forth in full herein. Said Complaint addressed concerns of RETALIATION; moreover, 1st Heritage Credit's Melvin Stillman's INABILITY to remain IMPARTIAL the handling of said matters. Furthermore, 1st Heritage Credit's REMAINING SILENT on the Discriminatory RACIST practices TIMELY, PROPERLY and ADEQUATELY raised in the Complaint addressing Newsome's concerns. Making KNOWN that it did NOT want to address said issues raised and that Diane Snow was being moved to another location.

1. FAILURE-TO-ADDRESS the DISCRIMINATORY and RETALIATORY practices addressed in the 07/02/14 Complaint RESULTED in CONTINUED in an ONGOING HOSTILE work environment and 1st Heritage Credit's IMPLEMENTATION of CRIMINAL and DISCRIMINATORY practices to WITHHOLD bonuses/wages from BLACK-American/AFRICAN-American employees. Then when Newsome through her 08/11/14 Email entitled, ***"LETTERS and RESPONSE TO 08/08/14 IMPROMPTU MEETING"*** continued to note said concerns, on 08/11/14 (the SAME DAY of the email), her employment with 1st Heritage Credit was TERMINATED.

MILO RICHARDSON, Plaintiff - Appellant v. PRAIRIE OPPORTUNITY, INCORPORATED; LAURA A. MARSHALL, Defendants - Appellees

No. 11-60343

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

470 Fed. Appx. 282; 2012 U.S. App. LEXIS 8376; 114 Fair Empl. Prac. Cas. (BNA) 1533

April 25, 2012, Filed

HN13 To present a prima facie case of retaliation, Richardson must show: **(1)** he **participated in protected activity; (2)** he **suffered an adverse employment action**; and, **(3) there was a causal connection between the protected activity and the adverse action.** E.g., Stewart v. Miss. Transp. Comm'n, 586 F.3d 321, 331 (5th Cir. 2009). It **is undisputed** that Richardson **participated in protected activity (21 January 2009 EEOC charge)** and **suffered an adverse employment action** (**16 March 2009 termination**). HN14 **"Close timing between an employee's protected activity** and an **adverse action against him** may provide the **'causal connection' required** to make out a prima facie case of retaliation." McCoy, 492 F.3d at 562 (internal quotation marks omitted). As the district court [*287] ruled, **this less than two-month span between the protected activity and the adverse action is sufficient "temporal proximity" for a prima facie showing of causation.** Opinion at 9; see also Evans v. City of Houston, 246 F.3d 344, 354 (5th Cir. 2001) ("[A] time lapse of up to four months has been found sufficient to satisfy the causal connection [**11] for summary judgment purposes". (internal quotation marks omitted)).

HN8 To establish a prima facie [**7] case of discrimination, Richardson must show: **(1)** he is a member of a protected class; **(2)** he was qualified for his job; **(3)** he suffered an adverse employment action; and, **(4)** he was treated less favorably than employees outside the protected class. E.g., Septimus v. Univ. of Houston, 399 F.3d 601, 609 (5th Cir. 2005). "The burden of establishing a prima facie case of disparate treatment is not onerous." Tex. Dep't of Cmty. Affairs v. Burdine, 450 U.S. 248, 253, 101 S. Ct. 1089, 67 L. Ed. 2d 207 (1981). As Richardson **is male, has a masters degree** in social work, **was terminated,** and **presented evidence that he was treated more harshly than the female employees in the central offic**e–e.g., was the only employee required to sign

upon receipt of memoranda, **was <u>singularly</u> undermined by Marshall in front of the staff, was "written up" for projects he had completed**–he established a prima facie case of discrimination.

HN6 **Title VII forbids an employer from discriminating against an employee** "because of such **individual's race,** color, **religion,** sex, or national origin". 42 U.S.C. § 2000e-2(a). HN7 In maintaining a Title VII discrimination claim based on circumstantial evidence, plaintiff "must carry the initial burden under the statute of establishing a prima facie case". McDonnell Douglas Corp. v. Green, 411 U.S. 792, 802, 93 S. Ct. 1817, 36 L. Ed. 2d 668 (1973). The burden then shifts to the employer "to articulate some legitimate, nondiscriminatory reason" for its action. Id. Finally, plaintiff must be afforded a fair opportunity to show: the employer's stated reason was pretext, id. at 804; or, an impermissible consideration was a "motivating factor", Desert Palace, Inc. v. Costa, 539 U.S. 90, 101-02, 123 S. Ct. 2148, 156 L. Ed. 2d 84 (2003). See also Smith v. Xerox Corp., 602 F.3d 320, 333 (5th Cir. 2010) (citing Price Waterhouse v. Hopkins, 490 U.S. 228, 109 S. Ct. 1775, 104 L. Ed. 2d 268 (1989)) (mixed-motive "defense" allows employer, once employee presents evidence that illegitimate consideration was a "motivating factor", to show it would have made same decision even without that consideration).

HN15 On an employee establishes a prima facie of retaliation under Title VII of the Civil Rights Act of 1964, 42 U.S.C.S. § 2000e et seq., the burden then shifts to the employer to articulate a legitimate, non-retaliatory reason its adverse action.

HN9 After a plaintiff establishes a prima facie case of discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C.S. § 2000e et seq., the burden shifts to the employer to articulate a legitimate, nondiscriminatory reason for its adverse employment action.

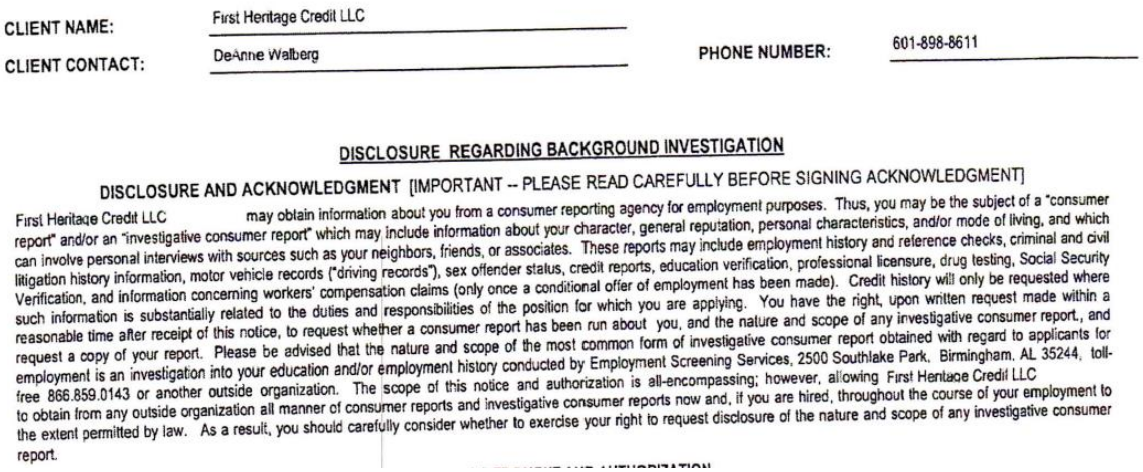
SEE **EXHIBIT "11"** *Richardson vs. Prairie Opportunity, Inc.* attached hereto and incorporated by reference as if set forth in full herein.

2. Complaint Vogel Denise Newsome has ESTABLISHED a prima facie case of DISCRIMINATION under Title VII: (a) Newsome is an AFRICAN-American (member of a PROTECTED Class); (b) Newsome was qualified for the positions she held as Assistant Bankruptcy Specialist and Account Manager at First Heritage Credit; (c) Newsome suffered an ADVERSE employment action as a direct and proximate result of submitting her 07/02/14 Complaint/Grievance Form – **VIOLATION OF FHC POLICIES & PROCEDURES: SAFETY, WORKPLACE VIOLENCE, HARASSMENT, etc. -** as well as her 08/11/14 Email entitled, "***"LETTERS and RESPONSE TO 08/08/14 IMPROMPTU MEETING"*** addressing concerns of employment violations at 1st Heritage Credit; and (d) Newsome was TREATED LESS favorably than WHITE employees.

HN8 To establish a prima facie case of discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C.S. § 2000e et seq., a plaintiff must show: (1) he is a member of a protected class, (2) he was qualified for his job, (3) he suffered an adverse employment

action, and (4) he was treated less favorably than employees outside the protected class. The burden of establishing a prima facie case of disparate treatment is not onerous.

3. Case laws OVERWHELMINGLY support that Newsome has NOT only established prima facie cases for discrimination under § 1981, but RETALIATION as well. Furthermore, UNLAWFUL/ILLEGAL practices taken by 1st Heritage Credit to place clauses in its "DISCLOSURE REGARDING BACKGROUND INVESTIGATION" which clearly states in part:



CLIENT NAME: First Heritage Credit LLC

CLIENT CONTACT: DeAnne Walberg PHONE NUMBER: 601-898-8611

DISCLOSURE REGARDING BACKGROUND INVESTIGATION

DISCLOSURE AND ACKNOWLEDGMENT [IMPORTANT -- PLEASE READ CAREFULLY BEFORE SIGNING ACKNOWLEDGMENT]

First Heritage Credit LLC may obtain information about you from a consumer reporting agency for employment purposes. Thus, you may be the subject of a "consumer report" and/or an "investigative consumer report" which may include information about your character, general reputation, personal characteristics, and/or mode of living, and which can involve personal interviews with sources such as your neighbors, friends, or associates. These reports may include employment history and reference checks, criminal and civil litigation history information, motor vehicle records ("driving records"), sex offender status, credit reports, education verification, professional licensure, drug testing, Social Security Verification, and information concerning workers' compensation claims (only once a conditional offer of employment has been made). Credit history will only be requested where such information is substantially related to the duties and responsibilities of the position for which you are applying. You have the right, upon written request made within a reasonable time after receipt of this notice, to request whether a consumer report has been run about you, and the nature and scope of any investigative consumer report., and request a copy of your report. Please be advised that the nature and scope of the most common form of investigative consumer report obtained with regard to applicants for employment is an investigation into your education and/or employment history conducted by Employment Screening Services, 2500 Southlake Park, Birmingham, AL 35244, toll-free 866.859.0143 or another outside organization. The scope of this notice and authorization is all-encompassing; however, allowing First Heritage Credit LLC to obtain from any outside organization all manner of consumer reports and investigative consumer reports now and, if you are hired, throughout the course of your employment to the extent permitted by law. As a result, you should carefully consider whether to exercise your right to request disclosure of the nature and scope of any investigative consumer report.

> First Heritage Credit, LLC may obtain information about you from a consumer reporting agency for employment purposes. Thus, you may be the subject of a "consumer report" and/or "investigative consumer report" **which may include information about your character, general reputation, personal characteristics, and/or mode of living, and which can involve personal interviews with sources such as your neighbors, friends or associates.** These reports may include **employment history and reference checks, criminal and civil litigation history information**, motor vehicle records ("driving records"), sex offender status, credit reports, education verification, professional licensure, drug testing, Social Security Verification, and information concerning worker's compensation claims (only once a conditional offer of employment has been made). Credit history will only be requested where such information is substantially related to the duties and responsibilities of the position for which you are applying. You have the right, upon written request made within a reasonable time after receipt of this notice, to request whether a consumer report has been run about you, and the nature and scope of any investigative consumer report, and request a copy of your report. **Please be advised that the nature and scope of the most common form of investigative consumer report obtained with regard to applicants for employment is an investigation into your education and/or employment history conducted by Employment Screening Service, 2500 Southlake Park, Birmingham, AL 35244, toll-free 866.859.0143 or another outside organization.** The scope of this notice and authorization is all-encompassing; however, allowing First Heritage Credit LLC to obtain from any outside organization all manner of consumer reports and Investigative consumer reports now and, if you are hired, throughout the course of your employment to the extent permitted by law. As a result, you should carefully consider whether to exercise your right to request disclosure of the nature and scope of any Investigative consumer report.

SEE **EXHIBIT "12"** attached hereto and incorporated by reference as if set forth in full herein.

FOR DECEPTIVE purposes to get employees to think they WAIVE PROTECTED RIGHTS when said Protected Rights CANNOT be WAIVED (EMPASHIS added). Furthermore, 1st Heritage Credit's Human Resources Director DeAnne Walberg as well as AMC Account Manager Vicky

Clanton were advised by Complainant Newsome that said ***"DISCLOSURE REGARDING BACKGROUND INVESTIGATION" i***s in violation of the statutes laws governing said matters and INFRINGES on the PROTECTED Rights of employees/applicants.

Furthermore, said UNLAWFUL/ILLEGAL Disclosure Clauses were most likely created by the likes of BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ and it JEWISH Counterparts to TARGET People-Of-Color since Title VII places them in the PROTECTED GROUP and they are most likely to bring MORE Discrimination claims than whites!

MATTER OF PUBLIC INTEREST: Such UNLAWFUL/ILLEGAL ***"DISCLOSURE REGARDING BACKGROUND INVESTIGATION"*** clauses are used by employers such as 1st Heritage Credit who with WILLFUL, MALICIOUS, DISCRIMINATORY and CRIMINAL intent WITHHOLD information from employees/applicants that the wording of said clause illegal/unlawful and CANNOT be enforced because it requires applicants/employees to WAIVE PROTECTED Rights which CANNOT be WAIVED!

EDDIE MCKINNEY, Plaintiff - Appellant v. BOLIVAR MEDICAL CENTER, Defendant - Appellee

No. 09-60103 Summary Calendar

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

341 Fed. Appx. 80; 2009 U.S. App. LEXIS 18122

August 13, 2009, Filed

HN4 To establish a prima facie case of discrimination under § 1981, a plaintiff must show: **(1)** membership in a protected class; **(2)** that he was qualified for the position; **(3)** that he suffered an adverse employment action; and **(4)** that he was replaced by a person outside his protected class. DeCorte v. Jordan, 497 F.3d 433, 437 (5th Cir. 2007). [**4] The burden then shifts to the employer to articulate "a legitimate, nondiscriminatory reason" for its employment action. Id. If the employer meets this burden, the plaintiff bears the final burden of proving that the employer's proffered reason is a pretext for discrimination--either through evidence of disparate treatment or by showing that the employer's explanation is false or unworthy of credence. Laxton v. Gap Inc., 333 F.3d 572, 578 (5th Cir. 2003).

Next, McKinney contends that the district court erred in dismissing his claim that he was terminated in retaliation for allegedly accusing his supervisors of racism. HN8 To establish a prima facie [**7] case of retaliation under § 1981, a plaintiff must show: **(1)** he participated in an activity protected by Title VII; **(2)** his employer subjected him to an adverse employment action; and **(3)** a causal connection exists between the protected activity and the adverse action. Davis v. Dallas Area Rapid Transit, 383 F.3d 309, 319 (5th Cir. 2004). HN9 "An employee has engaged in activity protected by Title VII if [he] has either **(1)** **'opposed any practice made an unlawful employment practice' by Title VII** or **(2)** 'made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing' under Title VII." Long v. Eastfield Coll., 88 F.3d 300, 304 (5th Cir. 1996) (quoting 42 U.S.C. § 2000e-3(a)). McKinney concedes that he did not engage in any protected activity.

SEE **EXHIBIT "13"***McKinney vs. Bolivar* Medical Center attached hereto and incorporated by reference as if set forth in full herein.

4. 1st Heritage Credit having KNOWLEDGE of Newsome's engagement in PROTECTED activities as well as KNOWLEDGE of Newsome's engagement in legal actions – i.e. filing EEOC Charges, Testifying, Assisting, or Participating in any manner in an INVESTIGATION, PROCEEDING, HEARING, etc.

In fact, Complainant Newsome making KNOWN to 1st Heritage Credit's Account Management Center's Branch Manager Vicky Clanton that she has to attend a Court matter in a legal matter in which Defendant has filed for BANKRUPTCY - i.e. SHOWING the document to Clanton – advising Clanton of former co-worker's BANKRUPTCY action filed in efforts of AVOIDING LIABILITY for DISCRIMINATORY practices she engaged in against Newsome. Moreover, Newsome sharing with Clanton the SYNOPSIS of said Bankruptcy Hearing and Defendant's Counsel wanting Newsome to feel sorry to his client. *Clanton expressing her DISMAY; however, appreciation that Newsome knows how to handle such matters.*

18. RETALIATION – FIRST AMENDMENT RIGHT: Complainant Vogel Denise Newsome believes that an Investigation and the record evidence will sustain that the PROFFERED reason provided by 1st Heritage Credit's Melvin Stillman advising Newsome that her TERMINATION is a DIRECT and PROXIMATE result of the 08/11/14 email entitled, ***"LETTERS and RESPONSE TO 08/08/14 IMPROMPTU MEETING"*** is a VIOLATION of Newsome's FIRST AMENDMENT Rights secured under the United States Constitution providing for FREEDOM OF SPEECH, moreover, INFRINGES upon Newsome's Civil Rights in that it is Newsome's DUTY/OBLIGATION to report unlawful/illegal employment practices. Moreover, that the Equal Employment Opportunity Commission PUBLICLY REPRIMAND 1st Heritage Credit's DISCRIMINATORY practices that are OUTLAWED!

SHELTON CHARLES, Plaintiff-Appellee v. GARY GRIEF, in his individual and official capacity, Defendant-Appellant

No. 07-50537 Summary Calendar

UNITED STATES COURT OF APPEALS FOR **THE FIFTH CIRCUIT**

522 F.3d 508; 2008 U.S. App. LEXIS 6275; 103 Fair Empl. Prac. Cas. (BNA) 276

March 26, 2008, Filed

OUTCOME: The court dismissed that part of the appeal relating to causation and affirmed the district court's denial of summary judgment. The court remanded the matter for the district court **to determine whether the employee's firing was motivated by his e-mails or insubordination,** which would dictate whether the employee was entitled to recover on his retaliation claim.

Charles is an **African-American** who, in October 2005, **sent an e-mail to high-ranking Commission officials,** including Grief, **raising concerns [**3] about racial discrimination and retaliation against him and other minority employees of the Commission**. In November 2005, **after failing to receive a response**, Charles **resent that e-mail,** this time **directing it to members of the Texas Legislature with oversight authority** over the Commission. Additionally, Charles **sent a new e-mail** to these same

members of the legislature alleging, inter alia, **violations of the Texas Open Records Act**, **misuse of state funds**, and **other misconduct by Commission management**. **Two days later, Grief directed Charles to meet with his immediate supervisor and a human resources manager to answer questions regarding the e-mails.** When those two began to question Charles about the e-mails, **he requested that the Commission's questions be put in writing so that he could respond in writing**. According to allegations by Charles, *one of the representatives of the Commission agreed to do so*; **but later that same day,** Grief appeared **unannounced** in Charles's office and **fired him on the spot**. Grief handed Charles **a written statement** to the effect that he **was being fired for insubordination**, specifically for his "***refusal to respond to the direct requests*** *from [his] immediate [**4] supervisor*."

After Charles sued Grief and the Commission ***for employment retaliation in violation of Charles's constitutional right of free speech***, Grief sought dismissal as a defendant on grounds of qualified immunity, **which the district court denied**, largely on the basis of a magistrate judge's report and recommendation. Like the magistrate judge, the district court concluded that Charles had introduced summary judgment evidence that, **when viewed in the light most favorable to him as the nonmovant, was sufficient to establish that (1) Charles's acts were protected by clearly established First Amendment law, [2] and (2) Grief's acts were objectively unreasonable.**

2 The district court concluded that Charles presented evidence sufficient to establish **all** HN1 **elements of a First Amendment retaliation claim**, viz., that: **(1) he suffered an adverse employment action; (2) his speech involved a matter of public concern; (3) his interest in speaking outweighs the employer's interest in promoting efficiency in the workplace; and (4) his speech motivated the employer's adverse employment action**. Modica v. Taylor, 465 F.3d 174, 179-80 (5th Cir. 2006); Kinney v. Weaver, 367 F.3d 337, 356 (5th Cir. 2004) [**5] (en banc).

[*511] Grief timely filed a notice of appeal, challenging the district court's order that denied him qualified immunity, specifically the court's conclusion that Charles had alleged a violation of a constitutional right. **In his appeal from the denial of qualified immunity, Grief insists that his firing of Charles was "objectively reasonable" because he was responding to reports of Charles's insubordination, not to his speech.** Alternatively, **Grief advances that Charles's speech is not protected because (1) his e-mails are too "vague, conclusory, and non-factual" to involve matters of public concern,** and **(2) his speech was made in the context of his employment as a Commission employee,** and therefore, pursuant to Garcetti v. Ceballos, is not protected. [3]

HN5 **Terminating an employee for engaging in protected speech,** of which Charles accuses Grief, **is an objectively unreasonable violation of such an employee's** First Amendment **rights.** Grief, **though, insists that (1) Charles did not engage in protected speech,** but **(2) even if he did, Grief's actions were "objectively reasonable" because he fired Charles, not for his speech,** [*512] **but for his "insubordination" when he refused to respond to the Commission's questions unless they were put in writing**.

With respect to Grief's contention that his actions in terminating Charles were objectively reasonable, **we dismiss for lack of jurisdiction:** Whether Grief's actions were reasonable turns on causation, **i.e., the real reason why Charles was fired--blowing the whistle or insubordination**--about which the district court concluded that there was a genuine issue of material fact. With respect to the district court's holding that Charles did allege an objectively unreasonable violation of his constitutional rights by Grief, we affirm. Because (1) Garcetti does not apply, **(2) Charles's speech involved matters of public concern,** and (3) on appeal Grief has waived or abandoned the issue of the Pickering balancing test, Charles's **speech is entitled to** First Amendment **protection if on remand** Grief **is found to have fired Charles for that speech, in whole or in part.**

In conclusion, we reiterate that we are without jurisdiction to review causation. On remand, though, **because we have concluded that Charles's speech was protected,** the trier [**22] of fact's determination **whether his firing was motivated by his e-mails** or **by his insubordination** will dictate whether he is entitled to recover on his **First Amendment retaliation claim**. [28]

28 In assessing causation on remand, the district court should remain mindful that HN15 **this court has made clear that "First Amendment retaliation claims are governed by the Mt. Healthy 'mixed-motives' framework, not by the** McDonnell Douglas pretext analysis." Gonzales v. Dallas County, 249 F.3d 406, 412 n.6 (5th Cir. 2001). In Mt. Healthy City School District Board of Education v. Doyle, 429 U.S. 274, 287, 97 S. Ct. 568, 50 L. Ed. 2d 471 (1977), the Supreme Court held that, **once an employee has met his burden of showing that his protected conduct was a "substantial factor" or "motivating factor" in the employer's adverse employment action,** . . .

We observe, though, that Grief makes no mention of the applicability of the Mt. Healthy defense, either in his appellate briefs or in his pleadings filed in the district court. Accordingly, we do not address this potential defense at this time. See Connelly, 484 F.3d at 346 n.1.

19. 08/11/14 email entitled, ***"LETTERS and RESPONSE TO 08/08/14 IMPROMPTU MEETING"*** clearly sets forth Newsome's concerns of being subjected to RETALIATORY practices and being subjected to an UNLAWFUL/ILLEGAL discharge as a direct and proximate result of exercising PROTECTED Rights.

E. PRIMA FACIE – PRETEXT: Complainant Vogel Denise Newsome believes that an Investigation into this instant EEOC Complaint as well as record evidence will support that the PROFFERED reason (INSUBORDINATION) provided by 1st Heritage Credit is PRETEXT to shield an illegal animus that the TRUE reasons for Newsome's termination being it obtaining KNOWLEDGE of her engagement in PROTECTED ACTIVITIES. Protected activities secured under Title VII and other applicable laws governing said matters.

URSULA STATEN, Plaintiff-Appellant v. NEW PALACE CASINO, LLC, Defendant-Appellee

NO. 05-60144

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

187 Fed. Appx. 350; 2006 U.S. App. LEXIS 15014; 98 Fair Empl. Prac. Cas. (BNA) 786

June 19, 2006, Filed

Given New Palace's **inconsistent explanations** for Staten's termination [**25] and the timing of its changing rationale, a factfinder could conclude that, in the words of the Supreme Court, New Palace's **"asserted justification is false"** or "**unworthy of credence."** 530 U.S. at 148, 147; see also Russell, 235 F.3d at 225 (reiterating that

HN8 it is the **province of the jury to choose among conflicting versions and make credibility determinations**). Contrary to the district court's determination, Staten was not required to produce additional independent evidence of discrimination or retaliation for New Palace's decision to terminate her. See Gee, 289 F.3d at 348 (stating that under Reeves "a plaintiff may withstand a motion for summary judgment without adducing additional, independent evidence" of discrimination or retaliation). Rather, as this court previously has explained, HN9 "**evidence of the prima facie case** plus **pretext** may, and **usually does, establish sufficient evidence for a jury to find discrimination**." Evans v. City of Bishop, 238 F.3d 586, 592 (5th Cir. 2000). [11] Accordingly, we reverse the district [*360] court's order granting summary judgment on the issues of race discrimination and retaliation for [**26] Staten's termination. Having reached this conclusion, we need not address Staten's alternative arguments under Rachid and the mixed-motive framework.

[**20] HN5 **A plaintiff may establish pretext** "by showing that **the employer's proffered explanation is false or 'unworthy of credence.'**" Id. (quoting Reeves v. Sanderson Plumbing Prods., Inc., 530 U.S. 133, 143, 120 S. Ct. 2097, 147 L. Ed. 2d 105 (2000)). **An explanation is false or unworthy of credence *if it is not the real reason for the employment action***. Id. "**Evidence demonstrating** that the employer's **explanation is false** or **unworthy of credence**, **taken together with the plaintiff's prima facie case**, **is likely to support an inference of discrimination [or retaliation]** even without further evidence of the defendant's true motive." Id. "**No further evidence of discriminatory animus is required because 'once the employer's justification has been eliminated, discrimination [or retaliation] may well be the most likely alternative explanation.'**" Id. (quoting Reeves, 530 U.S. at 147). HN6 As the Supreme Court explained in Reeves,

> the trier of fact can reasonably infer from the falsity of the explanation that the employer is dissembling to cover up a discriminatory purpose. Such an inference is consistent with the general principle of evidence law that [**21] the factfinder is entitled to consider a party's dishonesty about a material fact as affirmative evidence of guilt.

530 U.S. at 147 (internal quotation marks and citations omitted); see also Gee, 289 F.3d at 348 (applying Reeves to a Title VII retaliation claim and noting "that a factfinder may infer the ultimate fact of retaliation from the falsity of the explanation").

HN2 Under Title VII, a plaintiff can prove a claim of intentional discrimination or retaliation by either direct or circumstantial evidence. See Russell v. McKinney Hosp. Venture, 235 F.3d 219, 222 (5th Cir. 2000) (intentional discrimination); Septimus v. Univ. of Houston, 399 F.3d 601, 608 (5th Cir. 2005) (retaliation). Cases built upon the latter, like this one, are analyzed under the framework set forth in McDonnell Douglas Corp. v. Green, 411 U.S. 792, 802, 93 S. Ct. 1817, 36 L. Ed. 2d 668 (1973). [**18] See Russell, 235 F.3d at 222; Septimus, 399 F.3d at 608. Under the McDonnell Douglas framework, the plaintiff first must establish a prima facie case of discrimination or retaliation. See Russell, 235 F.3d at 222 (discrimination); [9] Gee v. Principi, 289 F.3d 342, 345 (5th Cir. 2002) (retaliation). [10] If the plaintiff makes a prima facie showing, the burden then shifts to the employer to articulate a legitimate, nondiscriminatory or nonretaliatory reason for its employment action. See Russell, 235 F.3d at 222; Gee, 289 F.3d at 345. The employer's burden is only one of production, not persuasion, and involves no credibility assessments. Russell, 235 F.3d at 222 (citing Tex. Dep't of Cmty. Affairs v. Burdine, 450 U.S. 248, 255-56, 101 S. Ct. 1089, 67 L. Ed. 2d 207 (1981)). If the employer meets its burden of production, the plaintiff then bears the ultimate burden of proving that the employer's proffered reason is not true but instead is a pretext for the real discriminatory or retaliatory purpose. See id. To carry this burden, the plaintiff must rebut each [**19] nondiscriminatory or nonretaliatory [*358] reason articulated by the employer. Laxton v. Gap Inc., 333 F.3d 572, 578 (5th Cir. 2003) (citing Wallace v. Methodist Hosp. Sys., 271 F.3d 212, 220 (5th Cir. 2001), cert. denied, 535 U.S. 1078, 122 S. Ct. 1961, 152 L. Ed. 2d 1022 (2002)).

1. On August 11, 2014, 1st Heritage Credit TERMINATED Complainant Newsome's employment alleging grounds for termination being INSUBORDINATION as a direct and proximate result of her August 11, 2014, email entitled, ***"LETTERS and RESPONSE TO 08/08/14 IMPROMPTU MEETING"*** – See **EXHIBIT "6"** attached hereto and incorporated by reference as if set forth in full herein.

2. **PRETEXT - INSUBORDINATION ALLEGATION: What is INSUBORDINATION?**

> a word that means to have **a lack of respect** or the **refusing to obey orders of a person in authority**. - - - http://thelawdictionary.org/insubordination/

3. Respondent 1st Heritage Credit allegations of Complainant Newsome August 11, 2014, email entitled, ***"LETTERS and RESPONSE TO 08/08/14 IMPROMPTU MEETING"*** being an insubordinate act (when it was not) CANNOT be supported by: (a) lack of respect by Newsome –Branch Manager Vicky Clanton requested that Account Managers RESPOND to her emails and/or provide feedback on meetings held. The August 11, 2014 email was RESPONSIVE to Clanton's impromptu meeting on August 8, 2014; wherein, Newsome did not respond to on said date because of having to leave early as explained in the August 11, 2014 email. (b) Newsome's REFUSAL to obey some order by her superior (Vicky Clanton) CANNOT be substantiated to justify the RETALIATORY acts of 1st Heritage Credit and the TERMINATION of her employment as a direct and proximate result of the August 11, 2014 email entitled ***"LETTERS and RESPONSE TO 08/08/14 IMPROMPTU MEETING."***

> State of being insubordinate; disobedience to constituted authority. Refusal to obey some order which a superior officer is entitled to give and have obeyed. Term imports a wilful or intentional disregard of the lawful and reasonable instructions of the employer. Porter v. Pepsi-Cola Bottling Co. of Columbia, 247 S.C. 370, 147 S.E.2d 620, 622."

4. **PRIMA FACIE – ELEMENTS CONSTITUTING INSUBORDINATION:** (a) The supervisor or employer gave a direct order to employee. (b) Employee understood the order. (c) Employee blatantly refused to follow the order whether through action, words or both. (d) Harassment or lack of respect toward supervisor.

Complainant Vogel Denise Newsome believes that an investigation as well as record evidence will support 1st Heritage Credit's PROFFERED claims of INSUBORDINATION against Newsome is a PRETEXT to shield/hide the TRUE reasons for Newsome's discharge/termination/firing being a direct and proximate result of RACE DISCRIMINATION, AGE DISCRIMINATION, RETALIATION for Newsome having submitted Complaints addressing its UNLAWFUL/ILLEGAL employment practices as well as RACIST DISCRIMINATORY practices leveled against her as well as other similarly situated employees.

Furthermore, that 1st Heritage Credit's claim of INSUBORDINATION as grounds for Complainant Newsome's termination CANNOT be sustained to show: (a) Vicky Clanton gave Newsome a direct order – i.e. in fact, Clanton required that Account Managers RESPOND to her emails and/or provide feedback on meetings she held to voice their concerns. Just as the 07/02/14 Complaint/Grievance From and emails in response to meetings held, the August 11, 2014 email was in COMPLIANCE with the order given by Clanton as well as the POLICIES &

PROCEDURES of 1st Heritage Credit. (b) Clanton gave an order which Newsome understood – i.e. in fact the 07/2/14 meeting regarding Clanton's Safety concerns and the 08/11/14 RESPONSIVE email will sustain that Newsome providing response(s) as required by Clanton. Thus, supporting Newsome COMPLIED with order. (c) That Newsome BLATANTLY refused to follow order(s) – through action, words or both - issued by Clanton. Record evidence sustain that Newsome by submitting her July 2, 2014, Complaint/emails did NOTHING different in the submittal of her August 11, 2014 email entitled, ***"LETTERS and RESPONSE TO 08/08/14 IMPROMPTU MEETING"*** and that said email is in COMPLIANCE with Clanton's order requiring that Account Managers respond.

> According to U.S. Legal Definitions online, three elements constitute insubordination. First, the supervisor or employer gave a direct order to the employee. Second, the employee understood the order. Third, the employee blatantly refused to follow the order whether through action, words or both. Harassment or lack of respect toward a supervisor can also be insubordination. - - - http://www.justanswer.com/employment-law/2zw0f-does-insubordination-mean-written.html

5. DISPARATE TREATMENT in 1st Heritage Credit's application of the INSUBORDINATION policy does NOT apply to WHITE employees. Complainant Newsome sets forth INSUBORDINATE actions by the Bankruptcy Specialist Diane Snow and her Assistant Breanne Montgomery. The following are UNDISPUTED FACTS:

(a) 1st Heritage Credit's Branch Manager on or about July 2, 2014 issued directives in an email entitled, "AMC Safety" instructing, *"It is the policy of First Heritage Credit to maintain safe and efficient working conditions for our employees, customers and vistors.*

Everyone please make sure you are entering and exiting ***the front*** *entrance of the building."*

Nevertheless, in TOTAL and RECKLESS DISREGARD for the SAFETY of FHC Employees and in DISRESPECT and INSUBORDINATION (as well as other reasons known to them) both Diane and Breanne (both WHITE) on the SAME evening of July 1, 2014, upon leaving (it appears) decided to go against the Policies and Procedures of FHC as it relates to Safety, Workplace Violence, Harassment and other related matters AGAINST the direction and leadership of the Branch Manager (Vicky Clanton). Diane Snow and Breanne Montgomery saying good-bye to each other with Breanne **leaving through the back door** of the office and Diane leaving through the front door of the office. Breanne leaving through the back door WITH Diane's APPROVAL and PERMISSION and WITH KNOWLEDGE she was DISOBEYING a DIRECT order issued by the Branch Manager (Vicky Clanton – BLACK) not to use the back door when entering and exiting the building due to AMC Safety.

On July 1, 2014, our Branch Manager (Vicky Clanton) sent out an email entitled, **"AMC Safety"** - a copy of this email is attached. This email states in part:

> Good afternoon Team,
>
> Occasionally our neighboring business have customers and the front parking lot have no vacancies .
>
> This prompts us to park on the side or in the back of the building.
>
> It is the policy of First Heritage Credit to maintain safe and efficient working conditions for our employees, customers, and visitors.
>
> Everyone please **make sure you are *entering and exiting* the front entrance of the building.**

Nevertheless, in TOTAL and RECKLESS DISREGARD for the SAFETY of FHC Employees and in DISRESPECT and INSUBORDINATION (as well as other reasons known to them) both Diane and Breanne on the SAME evening of July 1, 2014, upon leaving (it appears) decided to go against the Policies & Procedures of FHC as it relates to Safety, Workplace Violence, Harassment and other related matters AGAINST the direction and leadership of the Branch Manager (Vicky Clanton). Upon leaving for the day, from what I observed and heard, Diane and Breanne said good-bye to each other - with Breanne ***leaving through the Back Door*** of the Office and Diane leaving through the Front Door of the Office. Breanne *leaving through the Back Door* with Diane's **APPROVAL** and **PERMISSION** *with **KNOWLEDGE** that an AMC Safety email was sent out regarding Safety concerns and the procedures to be followed to AVOID potential liablities to FHC Employees*.

As Diane was leaving she said good-bye to those remaining at work; however, I noticed as she was leaving, she hesitated as she passed by my (Denise) area – at the Front Desk outside Vicky Clanton's Office – and then proceeded out of the door. I observed that she set in her car for several minutes. I gathered from this behavior, that Diane may have been sitting in her car awaiting from a REACTION and/or CONFRONTATION from the Branch Manager (Vicky Clanton).

(b) 1st Heritage Credit's Branch Manager Vicky Clanton came out of her office to do some work where the ABS System Computers, Printer, Fax and other systems were. Clanton noticed that the door leading into Diane and Breanne's office was WIDE open as well as the door leading to the storage area. She immediately called Account Manager Barbara Cooper and myself out to witness this and to go back with her to investigate the matter. The DOOR leading to the OUTSIDE was UNLOCKED!

The acts of Diane Snow and Breanne Montgomery CLEARLY violated 1st Heritage Credit's policies/procedures. Nevertheless, both Diane and Breanne were given SPECIAL ACCOMMODATIONS and simply moved to the CORPORATE office as a direct and proximate result of the July 2, 2014 Complaint/Grievance Form entitled, ***"VIOLATION OF FHC POLICIES & PROCEDURES: SAFETY, WORKPLACE VIOLENCE, HARASSMENT, etc."*** submitted by Complainant Vogel Denise Newsome.

Vicky Clanton came out of her office and went to do some work in the open area where the ABS System Computers (99, 402, 403, 404), Printer, Fax and other systems. It was while Vicky was in this area that she observed that the Back Door to the Storage Area was left WIDE OPEN. She immediately called Barbara Cooper and myself out to witness this and to go back with her to investigate the matter.

Upon joining Vicky and Barbara I went with them and this is what I observed:

(1) The **FIRST** Door leading into Diane's and Breanne's Office was WIDE open;

(2) The **SECOND** Door to the Storage Area was WIDE open with the light off; and

(3) The **THIRD** Door Leading to the Outside was left UNLOCKED.

I IMMEDIATELY wanted to locked the door because of the FLUTTERING that went through my stomach and the ANXIETY felt from this. As I proceeded to do this, Barbara STOPPED me and said *"Let me see the position of the Lock."* She too confirmed that the Back Door was left UNLOCKED. Barbara expressed her fears and concerns of the SAFETY RISKS and being UNEASY about this action – not only that wondering WHY would someone do that AFTER receiving the email earlier that day from Vicky. Not only that, Barbara mentioned, she read the AMC Safety email several times and I shared I did likewise.

I find that the July 1, 2014, acts of Diane and Breanne are, for instance, in VIOLATION of the following FHC Policies and Procedures:

WORK RULES FOR SAFETY AND PERSONAL CONDUCT
It is the policy of First Heritage Credit *to maintain safe and efficient working conditions for our employees*, customers, and visitors. **To help ensure** ***both safety*** **and** ***compliance*** **with policies and procedures,** . . . ***Common sense*** *should guide each of us* ***in how we act, perform*** *and* ***treat others while at work***. While not exclusive, there is some **misconduct we consider so egregious** *that it subjects the employee to immediate disciplinary action up to and including discharge*. Examples **of such egregious misconduct includes,** but is not limited to, the following: . . .

(b) **Disrespect for other employees.**
(c) **Insubordination –** ***refusal or failure to follow*** *workrelated instructions or* ***disrespect for supervision***. . . .

(f) ***Fighting*** *or* ***threats of violence*** *toward management, coemployees or customers*. . . .

(k) **Engaging in, requesting another to engage in or failing to report illegal conduct/activity at work. . .**

(m) **Violation of any of the Company's policies and/or procedures. . .**

(See at FHC Employee Handbook at Pgs. 53-54 as of 07/02/14)

SEE **EXHIBIT "6"*"VIOLATION OF FHC POLICIES & PROCEDURES: SAFETY, WORKPLACE VIOLENCE, HARASSMENT, etc."*** attached hereto and incorporated by reference as if set forth in full herein.

6. Complainant Newsome's August 11, 2014, email entitled, "LETTERS and RESPONSE TO 08/08/14 IMPROMPTU MEETING" was in compliance with reporting the concerns addressed therein under 1st Heritage Credit's "POLICY AGAINST WEAPONS AND WORKPLACE VIOLENCE, **REPORTING PROCEDURE**.

POLICY AGAINST WEAPONS AND WORKPLACE VIOLENCE; REPORTING PROCEDURE

It is one of First Heritage Credit's most important priorities to keep you, your colleagues, our customers, and our visitors safe. To achieve this goal, it is the Company's policy to provide a **workplace free from violence and/or violent acts**. . . .Further, **fighting**, . . .and/or other *conduct that may* ***harm, threaten, intimidate,*** *and/or* ***coerce*** *any employee*, customer, vendor, supplier, or member of the public **is strictly prohibited**. These **prohibitions** *apply to employee behavior* **on the Company's property**, while conducting the Company's business, and/or while representing the Company in any other manner. First Heritage Credit reserves the right to determine if particular actions are considered physical violence or threatening behavior, and all employees are expected to cooperate in any fact-finding process.

If you know of a potential violation of this policy, or if you feel some person or some thing is suspicious, please do not intercede or otherwise place yourself in danger. Immediately report any concerns you have . . . potential workplace violence or threatening behavior to the Branch Manager. If you cannot immediately reach this person, if danger is imminent, and/or if there is any other reason why contacting this person is inappropriate under the circumstances, please immediately contact the District Manager or Home Office. We will take appropriate action as dictated by the circumstances. Of course, should any threat or danger appear to be imminent, local law enforcement authorities should be contacted. **Employees violating or otherwise failing to comply** with this policy will *be subject to disciplinary action up to and including termination of their* employment. *(See at FHC Employee Handbook at Pgs. 53-54 as of 07/02/14)*

SEE 1ST Heritage Credit's Employee Handbook at Pgs 53-54 as of 07/02/14. Complaint further directs the Equal Employment Opportunity Commission to the July 2, 2014 Complaint/Grievance Form ***"VIOLATION OF FHC POLICIES & PROCEDURES: SAFETY, WORKPLACE VIOLENCE, HARASSMENT, etc."*** at **EXHIBIT "6"** attached hereto and incorporated by reference as if set forth in full herein.

7. 1st Heritage Credit's Bankruptcy Specialist advised Complainant Newsome of how UNSAFE it is to leave the back door open. Not only that, Snow advised Newsome of the FEAR she felt as well as the THREAT TO HER LIFE when she arrived at work one day (prior to Newsome's employment) and found the back door had not been locked. Nevertheless, in TOTAL DISREGARD of the SAFETY of their co-workers at the AMC (BLACK/AFRICAN-American), Diane and Breanne TOTALLY DISREGARDED the SAFETY of 1st Heritage Credit's employees in the AMC because of their RACE and in RETALIATION to the directives issued by Branch Manager Vicky Clanton.

8. On March 28, 2014, Complainant Vogel Denise Newsome was subjected to very HOSTILE and AGGRESSIVE treatment by Diane Snow. Snow took the liberty to close the door to the office she and Newsome shared for purposes of keeping Newsome FROM communicating with other co-workers. Diane Snow began YELLING at Complainant Newsome and telling her that the office they shared was hers alone. Newsome excused herself and reported this behavior to TempStaff. TempStaff advised Newsome to report the incident to the Branch Manager Vicky Clanton. Newsome reported the incident to Clanton. As a direct and proximate result of Newsome reporting Snow's conduct, she was advised by

Clanton that she will be moving to work in the Collections Department effective Monday (03/31/14).

9. While Diane Snow mentioned to Newsome that the work environment at the AMC was HOSTILE, the only HOSTILITY that Newsome witnessed was Snow's hostility/anger towards Branch Manager Vicky Clanton. Furthermore, Newsome addressed said concerns regarding Snow's hostile/aggressive behavior with her. To no avail. It was obvious to Newsome that there appeared to be a DEEP HATRED for Branch Manager Vicky Clanton by Snow. Diane Snow at times being so HOSTILE that the use of *obscenities became common!*

EVELYN FALKOWSKI, APPELLANT v. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, et al.

No. 82-1446

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

719 F.2d 470; 231 U.S. App. D.C. 226; 1983 U.S. App. LEXIS 16067; 38 Fair Empl. Prac. Cas. (BNA) 348; 32 Empl. Prac. Dec. (CCH) P33,858

December 13, 1982, Argued
October 14, 1983, Decided

Following Ms. Falkowski's arrival in the Birmingham office, **a series of disputes broke out between her and a number of her subordinates, but principally with the office's deputy director, Bertram Perry**. On his side, Mr. Perry alleged that the friction stemmed from his justified protests against mismanagement by Ms. Falkowski; in particular, **he pointed to a series of procedural irregularities purportedly reflecting overzealousness and bias on her part in favor of plaintiffs in certain Title VII actions**. See Perry v. Golub, 400 F. Supp. 409, 411-12 (N.D. Ala. 1975), vacated as moot, 594 F.2d 862 (5th Cir. 1979). On her side, Ms. Falkowski contended that the **conflict arose from her attempts to discipline rank insubordination** and **oppressive behavior against office personnel** by Mr. Perry. See Brief for Appellant at 8. [1]

During the pendency of the Perry v. Golub litigation, Ms. Falkowski and Mr. Perry remained together in the Birmingham office on terms that few would describe as cordial. **In an attempt to gather evidence corroborating her charges of continuing insubordination** by Mr. Perry, Ms. Falkowski *secretly recorded a confrontation with him that occurred in her office on July 18, 1977.* Besides insubordination, **the recording revealed a regrettable stream of obscenities and racial epithets** on Mr. Perry's part. . . .

On the basis of the tape-recording incident, the EEOC moved to terminate both Mr. Perry and Ms. Falkowski from its employ. The Commission justified its action in Mr. Perry's case **on the basis of the tape's content.** In Ms. Falkowski's case, the Commission **found that she had violated an internal agency [**12] order prohibiting nonconsensual recording of official conversations by agency personnel**. See Perry v. Golub, 464 F. Supp. at 1019 & n.2 (citing EEOC Order No. 165). [9]

Prior to the filing of Mr. Perry's complaint in Perry v. Golub in late August 1975, **Ms. Falkowski had already filed two charges of employment discrimination against**

> **EEOC and her immediate supervisors in Atlanta.** . . .These charges alleged that the agency and her superiors **were undermining her authority by granting preferential treatment to a black male subordinate** (presumably Mr. Perry) and *by failing to support her in efforts to control insubordination on his part.* The charges recited sex and race discrimination, [**15] as well as retaliation for her earlier 1973 suit, as the motives for the agency's conduct.
>
> On December 12, 1976, over eighteen months later, Ms. Falkowski filed an amendment to these earlier charges with the then acting chairwoman of EEOC, Ethel Walsh. . . .. Although **nowhere in her statement** did Ms. Falkowski **request representation or reimbursement from the agency, she did in somewhat oblique terms challenge the quality of her representation by EEOC attorneys** in the Perry v. Golub litigation. The amendment alleged, for example, **that she had been "prejudiced before a Federal District judge," apparently by agency counsel's failure to rebut unsubstantiated charges and perjured testimony introduced against her** (again, presumably by Mr. Perry) in the case. Id.

10. During the time that Complainant Newsome worked with Diane Snow as Assistant Bankruptcy Specialist, Snow repeatedly mentioned to that she was to TRAIN Newsome to do her job in that she was advised that once this is done of the opportunity to obtain a position as Branch Manager. However, this was not clear to Newsome because at AMC, the Branch Manager was Vicky Clanton.

11. The July 2, 2014 email in follow-up to a meeting held by Branch Manager Vicky Clanton further supports that Complainant Newsome respected her as Branch Manager and in NO way disrespected her. In fact, said email will support, that Newsome shared the DISREPECT and INSUBORDINATION of Diane Snow and Breanne Montgomery (WHITE employees) and cc'd Melvin Stillman and Chris John (WHITE males, Snow's superiors as well as [according to Snow] Snow's good friends) in the meeting held.

RE: AMC Safety
Denise Newsome
Sent: Wednesday, July 02, 2014 10:41 AM
To: Vicky Clanton; Barbara Cooper; Shakenna Taylor; Vickie Snow; Breanne Montgomery
Cc: Chris Johns; Melvin Stillman; Denise Newsome

Vicky:

Thank you.

As I shared in the meeting, I have concerns regarding the disrespect and insubordination which resulted AFTER your email on yesterday morning. Conduct which I find very UPSETTING and UNACCEPTABLE in that it placed the SAFETY of FHC employees at risk. Therefore, as shared, I will be following the proper procedures regarding incidence(s) reported through the processes FHC uses.

Should you have further questions or concerns, please do not hesitate to discuss with me.

Denise

12. 1st Heritage Credit then turned to its *Account Management Center Branch Manager's* ***BLACK****-American (Vicky Clanton)* to **IMPLEMENT its DISCRIMINATORY** and **RETALIATORY** practices against ***AFRICAN****-American* Account Manager (Denise Newsome) as a direct and proximate result of her expressing concerns regarding employment violations/practices at First Heritage Credit.

UNLIKE FHC's **BANKRUPTY SPECIALIST WHITE-American (Vicky Diane Snow)** and the Contract/Temporary employee which Snow supervises **WHITE-American (Breanne Montgomery)**, ***AFRICAN-American*** Account Manager (Denise Newsome) believes she followed the ORDERS issued by FHC's *Account Management Center Branch Manager's* ***BLACK-American (Vicky Clanton)***. In support thereof, the EVIDENCE reveals:

- Verbal and Written ORDER given by Clanton **NOT to mail** out Collection/Settlement Letters.

- Newsome's **RESPONDING to Order given** by Clanton *to provide CONFIRMATION of receipt of her email(s)*.

- Newsome **RESPONDING to Order given** by Clanton **to provide FEEDBACK on concerns** and/or come and talk to her directly regarding concerns.

In other words, FHC's ***AFRICAN-American*** Account Manager (Denise Newsome) merely relied on what is known as the **"OBEY NOW, GRIEVE LATER"** doctrine in the submittal of her August 11, 2014 email entitled, "***"LETTERS and RESPONSE TO 08/08/14 IMPROMPTU MEETING."*** Newsome's email being in response to BOTH the August 8, 2014 email from Clanton entitled "LETTERS" as well as the August 8, 2014, meeting she ABRUPTLY called prior to Newsome's departure on Friday, August 8, 2014.

DeAnne, to give you, as the Human Resources Director, the ***"BENEFIT-OF-DOUBT"*** as to whether or not you/FHC have KNOWLEDGE of the "**Obey Now, Grieve Later"** doctrine, it provides EMPLOYEES as well as EMPLOYERS with Legal Defenses when a termination results alleging "GROSS INSUBORDINATION!" The following document entitled, ***"Defending a Member Charged with Insubordination – The 'Obey Now, Grieve Later' Doctrine'"*** is attached; however, may also be found at: http://www.goiam.org/uploadedFiles/TCUnion/Reps_Corner/Defending.pdf

The TCU Rep's Checklist--

Defending a Member Charged with Insubordination

The 'Obey Now, Grieve Later' Doctrine

As a TCU representative, you stand a good chance of someday having to defend a TCU member against a charge of insubordination. This article is designed to help you better understand the concepts involved in such cases and how to prepare the best possible defense.

B*lack's Law Dictionary* defines insubordination as the "Refusal to obey some order which a superior officer is entitled to give and have obeyed. Term imports a willful or intentional disregard of the lawful and reasonable instructions of the employer."

When formulating disciplinary charges, employers sometimes prefer to use a more general term such as "failure (or refusal) to follow instructions." This is particularly so when the order or instruction is written rather than verbal.

Of course, FHC will have to PROVE **by evidence under the "GROSS INSUBORDINATION" allegation**:

(a) That FHC's ***AFRICAN****-American* Account Manager (Denise Newsome) **DISOBEYED Order(s) issued** by FHC's *Account Management Center Branch Manager's* ***BLACK****-American (Vicky Clanton)*; **which Newsome DID NOT!**

(b) That ***AFRICAN****-American* Account Manager (Denise Newsome) did not PRIOR to her WRONGFUL termination raise concerns of **SAFETY issues;** moreover, concerns regarding **DISRESPECTFUL** and **INSUBORDINATE actions** being carried out by FHC's **BANKRUPTY SPECIALIST WHITE-American (Vicky Diane Snow)** and the Contract/Temporary employee which Snow supervises **WHITE-American (Breanne Montgomery)** against FHC's *Account Management Center Branch Manager's* ***BLACK****-American (Vicky Clanton)*. The **LACK OF DEFENSE now even in regards to that for Clanton**, IS THAT **she CONDONED** the **"GROSS INSUBORDINATE"** acts of Snow and Montgomery and would **have CONTINUED to ALLOW herself to be subjected to such RACIST/DISCRIMINATORY/RETALIATORY practices** of Snow and Montgomery *had Newsome not submitted her July 2, 2014 COMPLAINT/GRIEVANCE*.

In other words, FHC's *Account Management Center Branch Manager's* ***BLACK****-American (Vicky Clanton)* may not have a legal defense because she was **TIMELY, PROPERLY** and

ADEQUATELY made aware VERBALLY and in WRITING of the unlawful employment actions of FHC's **BANKRUPTY SPECIALIST WHITE-American (Vicky Diane Snow)** and the Contract/Temporary employee which Snow supervises **WHITE-American (Breanne Montgomery);** however, **CONDONED such** practices *for purposes (it appears) of remaining FHC's **BLACK-**American Branch Manager at the Account Management Center* when it **IS** Clanton's **DUTY and OBLIGATION** to report the unlawful practices and to see that DISCIPLINARY action was to be taken to DETER and CEASE the employment violations reported. With that being said, **DISCIPLINARY action** was accorded **under the DIRECTION and LEADERSHIP of** FHC's *Account Management Center Branch Manager's **BLACK-**American (Vicky Clanton)* **WITH DISCRIMINATORY/ RETALIATORY intent against** FHC's ***AFRICAN-American*** Account Manager (Denise Newsome) employees at her Branch reporting of employment violations while she ALLOWED **WHITE-Americans *to VIOLATE the policies/procedures FHC alleged Newsome's TERMINATION was PREDICATED upon!***

Thus, FHC and its *Account Management Center Branch Manager **BLACK-**American (Vicky Clanton)* **FAILED to perform DUTIES/OBLIGATIONS** as the Branch Manager in the handling of Charge/Complaint/Grievances submitted by Newsome.

BRANCH MANAGER
RESPONSIBILITIES

- Produce quantity and quality of receivables within your branch to meet or exceed your branch's business plan and delinquency and loss ratio standards.
- Maintain compliance with all of the Company's policies, procedures, State and Federal laws, regulations, and licensing.
- Maintaining branch facilities to an acceptable standard and leases of facilities at budgeted levels.
- Recruiting, training, and maintaining branch personnel to adequately staff branch positions.
- Be insurable under the Company's existing insurance policies (as determined by the insurance carrier).
- Have a valid driver's license and be insurable to drive on the Company's behalf under the Company's existing insurance policies (as determined by the insurance carrier).

AUTHORITY

The authority to carry out this job are those authorities that are stated in First Heritage Credit's bylaws, policies and procedures, and handbook now and as same may be updated from time to time and any directive from your District Manager, any Operations Officer or the President of First Heritage Credit.

Furthermore, FHC's wrongful termination of employment of ***AFRICAN-American*** Account Manager (Denise Newsome) also supports a **PATTERN-OF-PRACTICE** used by FHC and that of FHC's *Account Management Center Branch Manager's **BLACK-**American (Vicky Clanton)* may have even knowingly **THRIVED on being seen as the HEAD BLACK-American in charge; therefore, CONDONED** and/or **WELCOMED** FHC's **DISCRIMINATORY**

practices, HOSTILE work environment, **HARASSMENT,** etc. that she allowed herself to participate and/or engage in and/or ***CARRY OUT personally AGAINST other employees that voiced concerns regarding her and/or FHC's employment violations.***

13. Complainant hereby INCORPORATES her September 1, 2014, Facsimile entitled, **"REQUEST FOR STATUS OF UNPAID WAGES/EARNINGS and SEPARATION PAPERS PROMISED BY FIRST HERITAGE CREDIT"** in further support of this instant EEOC Charge which is attached at **EXHIBIT "14"** and is hereby incorporated as if set forth in full herein.

14. PRETEXT – CLASS ACTION CLAIM: Complainant Vogel Denise Newsome believes that based upon establishing prima facie cases of discrimination and WELL-ESTABLISHED SYSTEMATIC discriminatory practices by 1st Heritage Credit which appeared TARGETED BLACK/AFRICAN-Americans, Newsome request that the EEOC Investigate the allegations of employment discrimination based on race, age, retaliation, protected activities, etc. that are PROHIBITED by Title VII of the Civil Rights Act of 1964, 42 U.S.C.S. § 2000e et seq, and of 42 U.S.C.S. § 1981 and other claims protected under the statutes/laws governing said matters.

Ora Dell REDDITT, individually, and on behalf of all other similarly situated, Plaintiff-Appellant, v. MISSISSIPPI EXTENDED CARE CENTERS, INC., Defendant-Appellee

No. 82-4377

UNITED STATES COURT OF APPEALS FOR THE **FIFTH CIRCUIT**

718 F.2d 1381; 1983 U.S. App. LEXIS 15363; 33 Fair Empl. Prac. Cas. (BNA) 286; 32 Empl. Prac. Dec. (CCH) P33,912; 37 Fed. R. Serv. 2d (Callaghan) 972

November 10, 1983

OVERVIEW: Defendant employer fired plaintiff former employee, a black nurse's aide, **after plaintiff was charged with striking a patient and insubordination.** Plaintiff filed suit against defendant alleging that she was discriminatorily discharged on the basis of her race in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C.S. § 2000e et seq, and of 42 U.S.C.S. § 1981. The district court dismissed plaintiff's individual claim and ***denied plaintiff's motion for class certification to represent all black employees allegedly discriminated against in hiring, discharging, promotions and of other conditions of employment***. The court vacated the judgment of the district court for failure to comply with Fed. R. Civ. P. 52(a) and Fed. R. Civ. P. 23(a) and remanded for further proceedings. The court held that they could not determine whether the district court's finding that plaintiff failed to demonstrate a pretext for discrimination was clearly erroneous when the district court's finding was not expressed with sufficient particularity. **The court held the district court did not apply rule 23 criteria to plaintiff's motion but instead looked solely to the merits of plaintiff's case.**

In that same month, August 1977, **plaintiff filed a charge of discrimination with the E.E.O.C. and received a right-to-sue letter in August 1979 and the E.E.O.C.'s determination of reasonable cause to believe plaintiff was discharged on the basis of her race in violation of section 704(a) of Title VII.** On November 5, 1979, plaintiff brought this suit as a class action, [**8] asking for declaratory relief, injunctive relief, reinstatement in full, damages, and costs. **Plaintiff's complaint alleged that defendant discharged plaintiff because she was black, under the pretext of physical abuse of a**

> **patient and insubordination. Her complaint also alleged that defendant maintained an on-going policy, pattern, and practice of discrimination against blacks in hiring, discharging, promoting and other employment practices**. Plaintiff sought to represent a class of blacks pursuant to Rule 23(b)(2) who were victims of the racial discrimination practiced by defendant.

20. Complainant Newsome believes that based upon the meetings held by 1st Heritage Credit's Branch Manager Vicky Clanton advising of TERMINATION of employment of those who oppose unlawful/illegal employment practices of 1st Heritage Credit, warrants the ISSUANCE of this Complaint to be CLASSIFIED as "CLASS ACTION" in that it appears that for purposes of INSTILLING FEAR as well in its BLACK/AFRICAN-American workers, 1st Heritage Credit engages in SYSTEMATIC DISCRIMINATORY practices which not only deprive its Account Managers of INCENTIVE BONUS(ES) but equal employment opportunities in RETALIATION of their OBJECTING TO unlawful/illegal employment practices.

WHEREFORE, PREMISES CONSIDERED, Complainant seeks the Equal Employment Opportunity Commission's jurisdiction in this instant Charge and that the proper Investigations and legal actions be brought on behalf of Complainant Vogel Denise Newsome as well as other employees INJURED/HARMED by Respondent 1st Heritage Credit's UNLAWFUL/ILLEGAL employment practices prohibited under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.§ 2000e-5(f)(1) and (3), 42 USC § 2000e(b), **42 U.S.C.A. § 1981,** and other statutes/laws governing said matters.

Complainant Vogel Denise Newsome seeks to bring a CLASS ACTION matter of and against 1st Heritage Credit (i.e. which includes its Executives, Management Leaders, Human Resources Representative, Legal Counsel) and applicable parties that are privy to the unlawful/illegal employment practices of 1st Heritage Credit LLC.

Respectfully submitted this **9th** day of **February 2015.**

_____

Vogel Denise Newsome – Complainant
Post Office Box 31265
Jackson, MS 39286
Phone: (601) 885-9536

patient and insubordination. Her complaint also alleged that defendant maintained an **on-going policy**, pattern, and practice of discrimination **against blacks** in hiring, discharging, promoting and other employment practices. Plaintiff sought to represent a class of blacks pursuant to Rule 23(b)(2) who were victims of the racial discrimination practiced by defendant.

20. Complainant Newsome believes that based upon the meetings held by 1st Heritage Credit's Branch Manager Vicky Clanton advising of TERMINATION of employment of those who oppose unlawful/illegal employment practices of 1st Heritage Credit, warrants the ISSUANCE of this Complaint to be CLASSIFIED as "CLASS ACTION" in that it appears that for purposes of INSTILLING FEAR as well in its BLACK/AFRICAN-American workers, 1st Heritage Credit engages in SYSTEMATIC DISCRIMINATORY practices which not only deprive its Account Managers of INCENTIVE BONUS(ES) but equal employment opportunities in RETALIATION of their OBJECTING TO unlawful/illegal employment practices.

WHEREFORE, PREMISES CONSIDERED, Complainant seeks the Equal Employment Opportunity Commission's jurisdiction in this instant Charge and that the proper Investigations and legal actions be brought on behalf of Complainant Vogel Denise Newsome as well as other employees INJURED/HARMED by Respondent 1st Heritage Credit's UNLAWFUL/ILLEGAL employment practices prohibited under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.§ 2000e-5(f)(1) and (3), 42 USC § 2000e(b), **42 U.S.C.A. § 1981,** and other statutes/laws governing said matters.

Complainant Vogel Denise Newsome seeks to bring a CLASS ACTION matter of and against 1st Heritage Credit (i.e. which includes its Executives, Management Leaders, Human Resources Representative, Legal Counsel) and applicable parties that are privy to the unlawful/illegal employment practices of 1st Heritage Credit LLC.

Respectfully submitted this **9th** day of **February 2015.**

Vogel Denise Newsome – Complainant
Post Office Box 31265
Jackson, MS 39286
Phone: (601) 885-9536

Laws, Regulations, Guidance & MOUs
Overview
Laws
Regulations
Guidance
Memoranda of Understanding
Discrimination by Type
Prohibited Practices

Home > Laws, Regulations & Guidance > Prohibited Practices

Prohibited Employment Policies/Practices

Under the laws enforced by EEOC, it is illegal to discriminate against someone (applicant or employee) because of that person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. It is also illegal to retaliate against a person because he or she complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

The law forbids discrimination in every aspect of employment.

The laws enforced by EEOC prohibit an employer or other covered entity from using neutral employment policies and practices that have a disproportionately negative effect on applicants or employees of a particular race, color, religion, sex (including pregnancy), or national origin, or on an individual with a disability or class of individuals with disabilities, if the polices or practices at issue are not job-related and necessary to the operation of the business. The laws enforced by EEOC also prohibit an employer from using neutral employment policies and practices that have a disproportionately negative impact on applicants or employees age 40 or older, if the policies or practices at issue are not based on a reasonable factor other than age.

Job Advertisements

It is illegal for an employer to publish a job advertisement that shows a preference for or discourages someone from applying for a job because of his or her race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.

For example, a help-wanted ad that seeks "females" or "recent college graduates" may discourage men and people over 40 from applying and may violate the law.

Recruitment

It is also illegal for an employer to recruit new employees in a way that discriminates against them because of their race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.

For example, an employer's reliance on word-of-mouth recruitment by its mostly Hispanic work force may violate the law if the result is that almost all new hires are Hispanic.

Application & Hiring

It is illegal for an employer to discriminate against a job applicant because of his or her ra color, religion, sex (including pregnancy), national origin, age (40 or older), disability or

EXHIBIT 1

genetic information. For example, an employer may not refuse to give employment applications to people of a certain race.

An employer may not base hiring decisions on stereotypes and assumptions about a person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.

If an employer requires job applicants to take a test, the test must be necessary and related to the job and the employer may not exclude people of a particular race, color, religion, sex (including pregnancy), national origin, or individuals with disabilities. In addition, the employer may not use a test that excludes applicants age 40 or older if the test is not based on a reasonable factor other than age.

If a job applicant with a disability needs an accommodation (such as a sign language interpreter) to apply for a job, the employer is required to provide the accommodation, so long as the accommodation does not cause the employer significant difficulty or expense.

Job Referrals

It is illegal for an employer, employment agency or union to take into account a person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information when making decisions about job referrals.

Job Assignments & Promotions

It is illegal for an employer to make decisions about job assignments and promotions based on an employee's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. For example, an employer may not give preference to employees of a certain race when making shift assignments and may not segregate employees of a particular national origin from other employees or from customers.

An employer may not base assignment and promotion decisions on stereotypes and assumptions about a person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.

If an employer requires employees to take a test before making decisions about assignments or promotions, the test may not exclude people of a particular race, color, religion, sex (including pregnancy), or national origin, or individuals with disabilities, unless the employer can show that the test is necessary and related to the job. In addition, the employer may not use a test that excludes employees age 40 or older if the test is not based on a reasonable factor other than age.

Pay And Benefits

It is illegal for an employer to discriminate against an employee in the payment of wages or employee benefits on the bases of race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. Employee benefits include sick and vacation leave, insurance, access to overtime as well as overtime pay, and retirement programs. For example, an employer many not pay Hispanic workers less than African-American workers because of their national origin, and men and women in the same workplace must be given equal pay for equal work.

In some situations, an employer may be allowed to reduce some employee benefits for older workers, but only if the cost of providing the reduced benefits is the same as the cost of providing benefits to younger workers.

Discipline & Discharge

An employer may not take into account a person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information when making decisions about discipline or discharge. For example, if two employees commit a similar offense, an employer many not discipline them differently because of their race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.

Employers also may not discriminate when deciding which workers to recall after a layoff.

Employment References

It is illegal for an employer to give a negative or false employment reference (or refuse to give a reference) because of a person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.

Reasonable Accommodation & Disability

The law requires that an employer provide reasonable accommodation to an employee or job applicant with a disability, unless doing so would cause significant difficulty or expense for the employer.

A reasonable accommodation is any change in the workplace (or in the ways things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment.

Reasonable accommodation might include, for example, providing a ramp for a wheelchair user or providing a reader or interpreter for a blind or deaf employee or applicant.

Reasonable Accommodation & Religion

The law requires an employer to reasonably accommodate an employee's religious beliefs or practices, unless doing so would cause difficulty or expense for the employer. This means an employer may have to make reasonable adjustments at work that will allow the employee to practice his or her religion, such as allowing an employee to voluntarily swap shifts with a co- worker so that he or she can attend religious services.

Training & Apprenticeship Programs

It is illegal for a training or apprenticeship program to discriminate on the bases of race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. For example, an employer may not deny training opportunities to African-American employees because of their race.

In some situations, an employer may be allowed to set age limits for participation in an apprenticeship program.

Harassment

It is illegal to harass an employee because of race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.

It is also illegal to harass someone because they have complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

Harassment can take the form of slurs, graffiti, offensive or derogatory comments, or other verbal or physical conduct. Sexual harassment (including unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature) is also unlawful. Although the law does not prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal if it is so frequent or severe that it creates a hostile or offensive work environment or if it results in an adverse employment decision (such as the victim being fired or demoted).

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Harassment outside of the workplace may also be illegal if there is a link with the workplace. For example, if a supervisor harasses an employee while driving the employee to a meeting.

Read more about harassment.

Terms & Conditions Of Employment

The law makes it illegal for an employer to make any employment decision because of a person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. That means an employer may not discriminate when it comes to such things as hiring, firing, promotions, and pay. It also means an employer may not discriminate, for example, when granting breaks, approving leave, assigning work stations, or setting any other term or condition of employment - however small.

Pre-Employment Inquiries (General)

As a general rule, the information obtained and requested through the pre-employment process should be limited to those essential for determining if a person is qualified for the job; whereas, information regarding race, sex, national origin, age, and religion are irrelevant in such determinations.

Employers are explicitly prohibited from making pre-employment inquiries about disability.

Although state and federal equal opportunity laws do not clearly forbid employers from making pre-employment inquiries that relate to, or disproportionately screen out members based on race, color, sex, national origin, religion, or age, such inquiries may be used as evidence of an employer's intent to discriminate unless the questions asked can be justified by some business purpose.

Therefore, inquiries about organizations, clubs, societies, and lodges of which an applicant may be a member or any other questions, which may indicate the applicant's race, sex, national origin, disability status, age, religion, color or ancestry if answered, should generally be avoided.

Similarly, employers should not ask for a photograph of an applicant. If needed for identification purposes, a photograph may be obtained after an offer of employment is made and accepted.

Pre-Employment Inquiries and:

- Race
- Height & Weight
- Credit Rating Or Economic Status
- Religious Affiliation Or Beliefs
- Citizenship
- Marital Status, Number Of Children
- Gender
- Arrest & Conviction
- Security/Background Checks For Certain Religious Or Ethnic Groups
- Disability
- Medical Questions & Examinations

Dress Code

In general, an employer may establish a dress code which applies to all employees or employees within certain job categories. However, there are a few possible exceptions.

While an employer may require all workers to follow a uniform dress code even if the dress code conflicts with some

workers' ethnic beliefs or practices, a dress code must not treat some employees less favorably because of their national origin. For example, a dress code that prohibits certain kinds of ethnic dress, such as traditional African or East Indian attire, but otherwise permits casual dress would treat some employees less favorably because of their national origin.

Moreover, if the dress code conflicts with an employee's religious practices and the employee requests an accommodation, the employer must modify the dress code or permit an exception to the dress code unless doing so would result in undue hardship.

Similarly, if an employee requests an accommodation to the dress code because of his disability, the employer must modify the dress code or permit an exception to the dress code, unless doing so would result in undue hardship.

Constructive Discharge/Forced To Resign

Discriminatory practices under the laws EEOC enforces also include constructive discharge or forcing an employee to resign by making the work environment so intolerable a reasonable person would not be able to stay.

Score Report

Thank you for taking this test.

For interpretation of your test score, please contact your Test Administrator.

Test Results for:	Denise Newsome
Personal ID Number:	
Company Name:	Tempstaff
Test Administrator/Recruiter's Email:	
Test Name:	Microsoft Word 2010 - Normal User
Test Date:	1/13/2014
Elapsed Time:	00:14:32
Questions Correct:	30 out of 30
Percent Correct:	100%
Percentile Ranking:	90
Global Average:	76%

Score Report

Thank you for taking this test.

For interpretation of your test score, please contact your Test Administrator.

Test Results for:	Denise Newsome
Personal ID Number:	
Company Name:	Tempstaff
Test Administrator/Recruiter's Email:	
Test Name:	Microsoft Excel 2010 - Normal User
Test Date:	1/13/2014
Elapsed Time:	00:13:33
Questions Correct:	29 out of 30
Percent Correct:	97%
Percentile Ranking:	80
Global Average:	76%

EXHIBIT 2

Score Report

Thank you for taking this test.

For interpretation of your test score, please contact your Test Administrator.

Test Results for:	Denise Newsome
Personal ID Number:	
Company Name:	Tempstaff
Test Administrator/Recruiter's Email:	
Test Name:	Typing - General [1 Minute Onscreen]
Test Date:	1/13/2014
Elapsed Time:	01:00 Minute Time Limit
Raw words per minute:	81
Average mistakes per minute:	7
Adjusted words per minute:	74

Score Report

Thank you for taking this test.

For interpretation of your test score, please contact your Test Administrator.

Test Results for:	Denise Newsome
Personal ID Number:	
Company Name:	Tempstaff
Test Administrator/Recruiter's Email:	
Test Name:	Data Entry Alpha Numeric [Onscreen]
Test Date:	1/13/2014
Elapsed Time:	00:02:25
Field Accuracy Percentage:	100% - 40 out of 40
Keystrokes per Hour:	12209
Keystrokes Accuracy Percentage:	100%
Adjusted Keystrokes per Hour:	12209

[redacted]

Score Report

Thank you for taking this test.

For interpretation of your test score, please contact your Test Administrator.

Test Results for:	Denise Newsome
Dept ID:	0103
Company Name:	Staffmark - 0103,0192
Test Administrator/Recruiter's Email:	
Test Name:	Typing - General [5 Minutes Onscreen]
Test Date:	8/8/2013
Elapsed Time:	05:00 Minute Time Limit
Raw words per minute:	62
Average mistakes per minute:	1
Adjusted words per minute:	61

Test Description

The Typing Speed test measures the speed and accuracy of a user's typing. The test presents the user with a passage which he/she must type as accurately and quickly as he/she can. This test should be given to anyone whose typing speed needs to be measured.

A score of 0 on the Raw Words per Minute, Mistakes, and Adjusted Words per Minute indicates that the test taker did not follow the passage closely enough for an accurate score to be determined.

- Test takers, please contact your test administrator or recruiter for scoring guidelines.
- Administrators, please refer to the Scoring Guidelines page within the Resources section of your Administration Center for scoring guidelines.

Please click here to close this window.

EXHIBIT 3

[redacted]

Score Report

Thank you for taking this test.

For interpretation of your test score, please contact your Test Administrator.

Test Results for:	Denise Newsome
Dept ID:	0103
Company Name:	Staffmark - 0103,0192
Test Administrator/Recruiter's Email:	
Test Name:	Microsoft Word 2010 - Normal User
Test Date:	8/8/2013
Elapsed Time:	00:23:24
Questions Correct:	28 out of 30
Percent Correct:	93%
Percentile Ranking:	80
Global Average:	77%

Test Description

Microsoft Word 2010 aims at evaluating the skill level of the test taker in navigating through Microsoft Word 2010 as well as their ability to complete several commonly used tasks. The Whole Test combines both the Normal and Power User tests.

Among the tasks included in the Microsoft Word 2010 - Normal User test are formatting a document, inserting pictures, creating tables, sorting data, and conducting mail merges.

This Microsoft Word 2010 - Power User test attempts to provide the basis for separating candidates who possess limited exposure to Microsoft Word 2010 with those who are conversant with the full functionality of the software. Advanced formatting, Charts, Themes, Styles and Table of Contents are among some of the topics addressed in this examination. This test is designed to assess candidates who will be required to use some of the more advanced features of the program on a daily basis.

Tests for Microsoft Excel and Microsoft PowerPoint are also available.

- Test takers, please contact your test administrator or recruiter for scoring guidelines.
- Administrators, please refer to the Scoring Guidelines page within the Resources section of your Administration Center for scoring guidelines.

Please click here to close this window.

[redacted]

Score Report

Thank you for taking this test.

For interpretation of your test score, please contact your Test Administrator.

Test Results for:	Denise Newsome
Dept ID:	0103
Company Name:	Staffmark - 0103,0192
Test Administrator/Recruiter's Email:	:
Test Name:	Microsoft Excel 2010 - Normal User
Test Date:	8/8/2013
Elapsed Time:	00:17:21
Questions Correct:	29 out of 30
Percent Correct:	97%
Percentile Ranking:	80
Global Average:	76%

Test Description

Microsoft Excel 2010 is a popular spreadsheet application. It is included in the Microsoft Office Package, which also includes Word and PowerPoint. The Microsoft Excel 2010 - Whole Test combines both the Normal and Power User Test.

The Microsoft Excel 2010 - Normal User test is designed to test clerical level users of Excel who are required to edit, develop, and create Excel Workbooks. This test assesses the user's ability to create and develop a basic Excel workbook, including the most commonly used commands for formatting cells, navigation through the application, using formulas, and changing the overall appearance of the spreadsheet.

The Microsoft Excel 2010 - Power User test attempts to provide the basis for separating candidates who possess limited exposure to Microsoft Excel 2010 from those who are conversant with the full functionality of the software. The primary topics include advanced formatting and formula writing. This test is designed to test candidates who will be required to use some of the more advanced features of the program on a regular basis.

Tests for Microsoft Word and Microsoft Outlook are also available.

- Test takers, please contact your test administrator or recruiter for scoring guidelines.
- Administrators, please refer to the Scoring Guidelines page within the Resources section of your Administration Center for scoring guidelines.

Please click here to close this window.

[redacted]

Score Report

Thank you for taking this test.

For interpretation of your test score, please contact your Test Administrator.

Test Results for:	Denise Newsome
Dept ID:	0103
Company Name:	Staffmark - 0103,0192
Test Administrator/Recruiter's Email:	
Test Name:	Data Entry Alpha Numeric [Onscreen]
Test Date:	8/8/2013
Elapsed Time:	00:02:37
Field Accuracy Percentage:	100% - 40 out of 40
Keystrokes per Hour:	11319
Keystrokes Accuracy Percentage:	100%
Adjusted Keystrokes per Hour:	11319

Test Description

The Data Entry Alpha Numeric test measures the speed and accuracy of the test taker in conducting data entry. The test requires the user to type information into a simulation of a database. The results report of this test indicates the speed in keystrokes per hour and accuracy of the data entry session. This test is appropriate to administer to those whose job description requires effective Data Entry skills.

Tests for Data Entry 10 Key and Typing are also available.

- Test takers, please contact your test administrator or recruiter for scoring guidelines.
- Administrators, please refer to the Scoring Guidelines page within the Resources section of your Administration Center for scoring guidelines.

Please click here to close this window.

[redacted]

Score Report

Thank you for taking this test.

For interpretation of your test score, please contact your Test Administrator.

Test Results for:	Denise Newsome
Dept ID:	0103
Company Name:	Staffmark - 0103,0192
Test Administrator/Recruiter's Email:	
Test Name:	Data Entry 10 Key [Onscreen]
Test Date:	8/8/2013
Elapsed Time:	00:01:19
Field Accuracy Percentage:	100% - 40 out of 40
Keystrokes per Hour:	9440
Keystrokes Accuracy Percentage:	100%
Adjusted Keystrokes per Hour:	9440

Test Description

This Data Entry test requires the test taker to type information into a simulation of a spreadsheet. The session consists of entering a series of numbers. The results report of this test indicates the speed, in keystrokes per hour, and accuracy of the data entry session. This test is appropriate to administer to those whose Data Entry 10 Key speed is an important facet of their position.

Tests for Data Entry Alpha Numeric and Numeric Proofreading are also available.

- Test takers, please contact your test administrator or recruiter for scoring guidelines.
- Administrators, please refer to the Scoring Guidelines page within the Resources section of your Administration Center for scoring guidelines.

Please click here to close this window.

[redacted]

Score Report

Thank you for taking this test.

For interpretation of your test score, please contact your Test Administrator.

Test Results for:	Denise Newsome
Company Name:	Express Employment Professionals - Cincinnati OH
Test Administrator/Recruiter's Email:	[redacted]
Test Name:	Microsoft Word 2010 - Normal User
Test Date:	2/25/2013
Elapsed Time:	00:11:03
Questions Correct:	29 out of 30
Percent Correct:	97%
Percentile Ranking:	90
Global Average:	76%

Test Description

Microsoft Word 2010 aims at evaluating the skill level of the test taker in navigating through Microsoft Word 2010 as well as their ability to complete several commonly used tasks. The Whole Test combines both the Normal and Power User tests.

Among the tasks included in the Microsoft Word 2010 - Normal User test are formatting a document, inserting pictures, creating tables, sorting data, and conducting mail merges.

This Microsoft Word 2010 - Power User test attempts to provide the basis for separating candidates who possess limited exposure to Microsoft Word 2010 with those who are conversant with the full functionality of the software. Advanced formatting, Charts, Themes, Styles and Table of Contents are among some of the topics addressed in this examination. This test is designed to assess candidates who will be required to use some of the more advanced features of the program on a daily basis.

Tests for Microsoft Excel and Microsoft PowerPoint are also available.

- Test takers, please contact your test administrator or recruiter for scoring guidelines.
- Administrators, please refer to the Scoring Guidelines page within the Resources section of your Administration Center for scoring guidelines.

Please click here to close this window.

[redacted]

Score Report

Thank you for taking this test.

For interpretation of your test score, please contact your Test Administrator.

Test Results for:	Denise Newsome
Company Name:	Express Employment Professionals - Cincinnati OH
Test Administrator/Recruiter's Email:	
Test Name:	Computer Literacy - Basic
Test Date:	2/25/2013
Elapsed Time:	00:13:09
Questions Correct:	36 out of 40
Percent Correct:	90%
Percentile Ranking:	70
Global Average:	80%

Test Description

This Computer Literacy - Basic assessment is designed to measure the skills of a person familiar with some of the technical aspects of computer knowledge as well as knowledge generally known by users that covers terminology and practices associated with basic computer use. This test is ideal for the user with some understanding of how to keep a computer running at its optimal performance level, as well as fix basic computer problems. The test addresses simple computer troubleshooting and maintenance as well as the basics of navigating through Windows (2000, XP, and 7). Topics covered by this test include hardware, software, safety, the Internet, and Windows.

Tests for Internet Research Skills, Internet Basics, and Macintosh Basics are also available.

- Test takers, please contact your test administrator or recruiter for scoring guidelines.
- Administrators, please refer to the Scoring Guidelines page within the Resources section of your Administration Center for scoring guidelines.

Please click here to close this window.

Score Report

Thank you for taking this test.

For interpretation of your test score, please contact your Test Administrator.

Test Results for:	Denise Newsome
Company Name:	Express Employment Professionals - Cincinnati OH
Test Administrator/Recruiter's Email:	
Test Name:	Data Entry Alpha Numeric [Onscreen]
Test Date:	2/25/2013
Elapsed Time:	00:02:23
Field Accuracy Percentage:	100% - 40 out of 40
Keystrokes per Hour:	12423
Keystrokes Accuracy Percentage:	100%
Adjusted Keystrokes per Hour:	12423

Test Description

The Data Entry Alpha Numeric test measures the speed and accuracy of the test taker in conducting data entry. The test requires the user to type information into a simulation of a database. The results report of this test indicates the speed in keystrokes per hour and accuracy of the data entry session. This test is appropriate to administer to those whose job description requires effective Data Entry skills.

Tests for Data Entry 10 Key and Typing are also available.

- Test takers, please contact your test administrator or recruiter for scoring guidelines.
- Administrators, please refer to the Scoring Guidelines page within the Resources section of your Administration Center for scoring guidelines.

Please click here to close this window.

[redacted]

Score Report

Thank you for taking this test.

For interpretation of your test score, please contact your Test Administrator.

Test Results for:	Denise Newsome
Company Name:	Express Employment Professionals - Cincinnati OH
Test Administrator/Recruiter's Email	
Test Name:	Microsoft Excel 2010 - Normal User
Test Date:	2/25/2013
Elapsed Time:	00:07:48
Questions Correct:	30 out of 30
Percent Correct:	100%
Percentile Ranking:	90
Global Average:	75%

Test Description

Microsoft Excel 2010 is a popular spreadsheet application. It is included in the Microsoft Office Package, which also includes Word and PowerPoint. The Microsoft Excel 2010 - Whole Test combines both the Normal and Power User Test.

The Microsoft Excel 2010 - Normal User test is designed to test clerical level users of Excel who are required to edit, develop, and create Excel Workbooks. This test assesses the user's ability to create and develop a basic Excel workbook, including the most commonly used commands for formatting cells, navigation through the application, using formulas, and changing the overall appearance of the spreadsheet.

The Microsoft Excel 2010 - Power User test attempts to provide the basis for separating candidates who possess limited exposure to Microsoft Excel 2010 from those who are conversant with the full functionality of the software. The primary topics include advanced formatting and formula writing. This test is designed to test candidates who will be required to use some of the more advanced features of the program on a regular basis.

Tests for Microsoft Word and Microsoft Outlook are also available.

- Test takers, please contact your test administrator or recruiter for scoring guidelines.
- Administrators, please refer to the Scoring Guidelines page within the Resources section of your Administration Center for scoring guidelines.

Please click here to close this window.

LASH MARINE SERVICES, INC.

MEMORANDUM

TO: WHOM IT MAY CONCERN

FROM: Robert K. Lansden
Vice President

DATE: July 11, 1996

RE: ***VOGEL D. NEWSOME***

This letter is to confirm and recommend Ms. Vogel Newsome to a position of Executive Assistant, Administrative or greater. While working with Lash Marine, she performed the duties of Executive Assistant with skill and energy. Her spirit and motivation acted as a beacon of light to others. Her leadership and training of others was a great service. Always willing to share; she possess a unique ability to teach complex skills to the beginner and bring them quickly up to speed. In addition, being a caring and concerned citizen she put aside her time to train and work with Training, Inc. employees to develop their office skills for a better future.

She is an asset and will be sorely missed at Lash Marine.

1700 POYDRAS CENTER - 650 POYDRAS ST. - P.O. BOX 58409 - NEW ORLEANS, LA 70153-8409
MARINE PERSONNEL - TEL: (504) 529-5461 - FAX: (504) 593-6941 DIR FAX: (504) 593-6941 TLX: 587435 (CGULFNO)

EXHIBIT 4

PURDY & GERMANY, PLLC
ATTORNEYS AT LAW
587 HIGHLAND COLONY PARKWAY
RIDGELAND, MISSISSIPPI 39157

TELEPHONE (601) 969-4140
TELECOPIER (601) 960-4203

MAILING ADDRESS:
P.O. DRAWER 1079
JACKSON, MS 39215-1079

RALPH B. GERMANY, JR.
Direct Dial: (601) 914-1735
rgermany@purdygermany.com

August 18, 2003

Ms. Jane Sanders
Legal Resources, Inc.
1675 Lakeland Drive, Suite 306
Jackson, Mississippi 39216

RE: *Vogel Newsome*

Dear Ms. Sanders:

This letter follows-up my telephone conversation with your office on August 15, 2003. As you know, Bill Purdy and I just recently formed this firm. I left another firm to start this one. After leaving my previous firm, I needed a temporary secretary. For the last several weeks your office provided us with Ms. Vogel Newsome.

I have been very, very pleased with Vogel, not only in terms of her work product, but also in terms of her attitude and personality. I would rate her as one of the best legal secretaries with whom I have ever worked. I would highly recommend her to any one who is looking for a full-time legal secretary. If my previous secretary were not rejoining me, I would want Vogel to be my new permanent secretary.

If any one would care to discuss Vogel with me, please do not hesitate to give them my name and number. I will be more than happy to talk with them.

I am not certain of the exact day when my previous secretary will rejoin me. It could be immediately, or, it could be a couple of weeks. In light of that, we would like to request that we be allowed to continue to work with Vogel until further notice. However, the last thing I want to do is have Vogel miss another good opportunity that might lead to permanent employment. Therefore, if she must be reassigned, I will understand, but grudgingly so.

If you have any questions, please do not hesitate to give me a call.

Sincerely yours,

PURDY & GERMANY, PLLC

Ralph B. Germany

Ralph B. Germany, Jr.

RBGjr/vdn

FOURTH CIRCUIT DRUG COURT PROGRAM
STATE OF MISSISSIPPI

BETTY W. SANDERS
CIRCUIT JUDGE
LEFLORE COUNTY

MARGARET CAREY-MCCRAY
CIRCUIT JUDGE
WASHINGTON COUNTY

ASHLEY HINES
CIRCUIT JUDGE
SUNFLOWER COUNTY

LISA J. WASHINGTON
COORDINATOR

MARY ANN JONES
ADMINISTRATIVE ASSISTANT

July 7, 2006

Ms. Denise Newsome
Post Office Box 31265
Jackson, MS 39286

RE: Denise Newsome Letter of Recommendation

TO WHOM IT MAY CONCERN:

I was first introduced to Ms. Newsome over five (5) years ago. Since that time, she has been a Woman of integrity and intelligence. Ms. Newsome always has presented herself in a professional manner and has always addressed me and others with the uttermost of respect. Ms. Newsome outgoing personality and personal strengths would make her an excellent additional to anyone's staff. I have had the opportunity to work with Ms. Newsome and she has demonstrated flexibility in working outside of her field of endeavor and doing an excellent job is a strong indicator of how well she will do in her chosen field of endeavor. Ms. Newsome demonstrated a willingness to perform any task assigned to her promptly and correctly with little supervision. Ms. Newsome is a very pleasant person to associate with, works as a team player, and would truly be an ASSET to your organization because she is the best one for the job.

Thank you,

Lisa J. Washington

Lisa J. Washington, MS, LMFT
Coordinator

900 WASHINGTON AVENUE - P.O. BOX 1775 - GREENVILLE, MISSISSIPPI 38702-1775
PHONE: (662) 332-7793
FACSIMILE: (662) 332-7301

Vogel Newsome

From: Tommy Page
Sent: Thursday, June 16, 2005 9:16 AM
To: Vogel Newsome
Subject: RE: This morning

You do it well.

Thomas Y. Page, Esq.
PAGE, KRUGER & HOLLAND, P.A.
10 Canebrake Blvd., Suite 200 [39232-2215]
Post Office Box 1163
Jackson, MS 39215-1163
☎ **Telephone:** 601-420-0333
☎ **Facsimile:** 601-420-0033
✉ **Email:** tpage@pkh.net

From: Vogel Newsome
Sent: Thursday, June 16, 2005 8:54 AM
To: Tommy Page
Subject: RE: This morning

Why thank you. I strive to dress and carry myself in the manner in which PKH requires. ☺

From: Tommy Page
Sent: Thursday, June 16, 2005 8:19 AM
To: Vogel Newsome
Subject: This morning

You looked very smart & professional as you walked toward the building!

Thomas Y. Page, Esq.
PAGE, KRUGER & HOLLAND, P.A.
10 Canebrake Blvd., Suite 200 [39232-2215]
Post Office Box 1163
Jackson, MS 39215-1163
☎ **Telephone:** 601-420-0333
☎ **Facsimile:** 601-420-0033
✉ **Email:** tpage@pkh.net

Vogel Newsome

From: Susan O. Carr

Sent: Monday, February 28, 2005 5:22 PM

To: Vogel Newsome

Vogel, First and foremost, you are doing an excellent job. These are just a few things that I thought of that might save us both some time and help things flow smoother.

1. Pleadings. All pleadings shall be double-spaced unless I say otherwise.

2. Discovery. When filing interrogatories, requests for production of documents and requests for admissions, we retain the originals and the copies go to the attorneys. The Notice of Service only is filed with the Court, not the actual pleadings.

3. When I say prepare discovery for filing, that means to include the Notice of Service as well as the letter to the clerk.

4. Spell check. Please run spell check on all drafts. Also, please proof all drafts of dictation before you bring to me. This is the VERY important. I understand that I produce a lot of work and you also work with another associate but, I always prefer quality to quantity. My work product reflects directly on me and PKH so it must be done correctly.

5. JDH. Please copy JDH on all correspondence in his cases.
TYP. Do not copy or blind copy him on anything unless I specifically ask you to.

6. Caselist. Please keep my caselist updated and complete. Remember to remove any case that we settle or close.

7. Page numbers should not go on the first page of pleadings. Remember to suppress the page number on the first page.

8. Filing. Filing should be done for me on a weekly basis. It is harder to catch up once the stack piles up. If you will put the file cart in my office I will be happy to place the filing as it comes in, in the appropriate folder.

9. Timesheets. It is imperative that time is entered timely as to alleviate any fines. You are doing a wonderful job at this.

11. Dictation. If you get behind on dictation, please let me know. I don't or won't know unless you tell me.

12. Phone Calls. On most occasions, phone calls from adjuster, other attorneys, etc. go to my voice mail, but if they go to you it is very important to get complete info. If it is an adjuster, make every attempt to get what they need. Also, do not put an adjuster on hold. Adjusters are how we get cases, we must keep them happy.

Please let me know if you have questions or the work gets overwhelming. If so, we can work together to prioritize and make your life easier. Thanks again for all your hard work. SOC

[SENIORITY EXERCISED]

11. Plaintiff then exercised his seniority to fill a non-blankable hostling job held by G. A. Parton, a non-protected fireman, in the Manchester Zone.

12. Defendant Seaboard Coast Line Railroad Company proved that its refusals to allow plaintiff to displace firemen Daughtridge and Anderson were consistent with refusals to allow white firemen similarly situated to displace junior firemen.

13. Plaintiff filed claims for back pay and lost time predicated upon these facts, which claims are now pending.

14. Defendant United Transportation Union proved that its handling of these claims has been consistent with its handling of claims of white firemen similarly situated.

Conclusions of Law

1. Plaintiff has proved no facts which indicate a racially discriminatory pattern, practice, or motive on the part of either of the defendants herein, or which tend to show that plaintiff was denied rights which would have been accorded to a white fireman similarly situated.

2. Absent such proof, although there appears to be a legitimate dispute over the meaning of the word "vacancy" as it is used in the various agreements and interpretations introduced into evidence, it appears to the Court that this dispute is properly within the purview of the administration grievance procedures of the Railway Labor Act.

3. As previously determined, this case is not a class action.

4. As there has been no showing of racial discrimination, this Court has no jurisdiction to interpret the substantive provisions of a collective bargaining agreement. 42 U.S.C. § 1981; 42 U.S.C. § 2000e-3.

5. The Court finds for both defendants, thereby leaving plaintiff to such remedies as may be conferred by the National Railway Labor Act without any intention to prejudice plaintiff in the pursuit of these remedies.

SO ORDERED.

FRANCIS v. AMERICAN TEL. & TEL. CO.

U.S. District Court, District of Columbia

FRANCIS v. AMERICAN TELEPHONE AND TELEGRAPH COMPANY, LONG LINES DEPARTMENT, No. 2800-68, May 3, 1972

CIVIL RIGHTS ACT OF 1964

—Racial discrimination ▶ 108.33

Employer did not violate Title VII of Civil Rights Act of 1964 despite allegation that it discriminated against Negro employee because of her race. (1) Although white employee was promoted to certain grade level before Negro employee, Negro employee at all times during this period received compensation at higher grade-level rate, and shortly after promotion of white employee, Negro employee also was promoted to same grade level; (2) Negro employee frequently violated rules relating to her employment, and there was no substantial difference between manner in which employee was disciplined by employer and manner in which other employees who violated rules were disciplined.

—Retaliation for filing charge with EEOC ▶ 108.45

Employer violated Section 704(a) of Civil Rights Act of 1964 when, after employee filed charge with EEOC alleging that employer was discriminating against her, employer (1) directed its supervisors to observe employee's conduct closely for purpose of building a case against her, (2) applied to employee pattern of oppressive supervision, constant surveillance, and special conditions of employment that were not applied to other employees who, except for filing of charge with EEOC, were similarly situated, and (3) reprimanded, suspended, and finally discharged employee for conduct similar to that in which she and similarly situated employees had engaged prior to filing of charge.

—Class action — Retaliation for filing charge with EEOC ▶ 108.45 ▶ 108.751

Discharged Negro employee against whom employer unlawfully retaliated for filing charge with EEOC is not entitled to certification of her action against employer as class action, since (1) former employee was not discriminated against on basis of her race, and there is no evidence of existence of other members of class or of

5

company-wide policy of racial discrimination, and (2) former employee also failed to show that there are other employees who have been discriminated against by employer after filing charge with EEOC, and discrimination in retaliation, unlike racial discrimination, is not by its very nature class discrimination.

—Retaliation for filing charge with EEOC — Remedy ▶ 108.45 ▶ 108.91

Employee against whom employer retaliated after she filed charge with EEOC is entitled to reinstatement, injunction forbidding employer to subject her to any special regulations or conditions of employment subsequent to her reinstatement, compensation to which she would have been entitled if she had not been discharged less any wages earned by her following her discharge, and reasonable attorneys' fees and costs.

Action under Title VII of Civil Rights Act of 1964 by discharged employee against employer. Judgment for discharged employee.

James O. Porter, Washington, D.C., for plaintiff.

Milton C. Denbo, Washington, D.C., and Robert W. Jeffrey, Washington, D.C., for defendant.

Full Text of Opinion

WADDY, District Judge: — This is an action brought pursuant to the provisions of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et. seq. The complaint alleges that the defendant, American Telephone and Telegraph Company, Long Lines Department, engaged in unlawful employment practices with respect to plaintiff, Rebecca Francis, a Negro former employee of the company.

The alleged unlawful employment practices complained of are (a) that plaintiff was harassed and unduly reprimanded by her supervisors, was denied access to certain supervisory personnel, and was limited in her promotional opportunities because of her race in violation of 42 U.S.C. 2002e-2, and (b) plaintiff was discriminated against, harassed and eventually fired in violation of 42 U.S.C. 2002e-3 in retaliation for having filed a complaint with the Equal Employment Opportunity Commission.

[CHARGE FILED]

Prior to filing suit plaintiff submitted her complaint to the Equal Employment Opportunity Commission (hereinafter EEOC). On October 9, 1968, plaintiff was notified by EEOC that the Commission's conciliatory efforts had failed to achieve voluntary compliance with Title VII of the Civil Rights Act of 1964 and that within thirty days of the receipt of the notification plaintiff could institute a civil action in the appropriate Federal District Court. This action was filed November 8, 1968.

The plaintiff seeks injunctive relief, reinstatement, back-pay, costs and attorney's fees. The plaintiff also seeks to have this action certified as a class action and claims to be a proper representative of a class consisting of all Negro employees of the Long Lines Department of American Telephone and Telegraph Company and all Negro applicants for employment at said department who have been subjected to similar unlawful employment practices.

The case came on for trial before the Court without a jury. The evidence adduced at the trial established the following facts and forms the basis for the conclusions hereinafter stated:

The plaintiff, Rebecca Francis, a Negro, is a resident of the District of Columbia and is a former employee of American Telephone and Telegraph Company, Long Lines Department (hereinafter AT&T). She was hired on October 19, 1965, and worked in the District of Columbia office of the company until she was dismissed on May 22, 1967.

The defendant, AT&T, is a corporation doing business and maintaining an office in the District of Columbia.

On October 19, 1965 plaintiff was hired by the defendant as a Records Clerk, Title Grade 4, and was assigned to a billing group within the Accounting Department of AT&T. The plaintiff was initially assigned to work that would crdinarily be performed by a Title Grade 3 employee pending an opening at a Title Grade 4 level. When an opening did occur, Linda Masters, a white employee, at a Grade 3 level was promoted to the Grade 4 level and given the position. The reason given by the company for promoting Linda Masters into the position rather than offering it to the plaintiff was that Linda Masters had been employed by AT&T longer than plaintiff. The plaintiff alleges that the assignment of the white employee to the Title Grade 4 work ahead of her was due to racial discrimination. However, the plaintiff, even though assigned to work that would ordinarily be performed by a

Title Grade 3 employee, at all times during this period received compensation at the Grade 4 rate. Within a short period of time after Linda Masters' promotion plaintiff was also assigned to Grade 4 work in the billing group. The Court finds that the promotion of Linda Masters to the Title Grade 4 job before plaintiff was assigned to work in that grade was not based on race.

[COFFEE BREAKS]

When plaintiff began working in the billing group she became friendly with Linda Masters and another white employee and they often spent their coffee breaks together. Mrs. Margaret Clark, their immediate supervisor, a white woman, instructed them that she wanted no more than two employees taking a break at one time. Plaintiff alleges that this order was given by the supervisor to prevent her from associating with white employees inasmuch as the two white employees continued to take their breaks together and she was forced to take her breaks with an employee from another department. However, plaintiff in her testimony stated that Mrs. Clark never specified with whom plaintiff was to take her breaks as long as only two employees were away from their desks at once. The instruction did not limit plaintiff's association with any other employee but was applicable to all employees in the group.

Plaintiff and other employees in her group were not always punctual in arriving for work and returning from breaks. In December of 1965 and in February of 1966 Mrs. Clark conferred with plaintiff about what Mrs. Clark considered to be an excessive number of times plaintiff had been late reporting for work in the morning. In May of 1966, approximately seven months after she was hired, plaintiff asked Mrs. Clark why she had not yet been promoted to a Title Grade 5. Mrs. Clark replied that plaintiff did not merit a promotion because her record indicated that she had been late reporting to work for one-third of the work days in February, for one-half of the work days in March and for two-thirds of the work days in May. The evidence shows, however, that during the subsequent month plaintiff became more punctual and on June 26, 1966 she was promoted to the position of Reports Clerk, Title Grade 5.

After her promotion to the Grade 5 level, she was assigned to the P-1075 Group of the Accounting Department. The function of this group was to process forms (P-1075 forms) on which credit allowances were made to AT&T's private line service customers for periods of time when such services had been interrupted. The plaintiff became one of several employees who processed these forms.

[MEETING CALLED]

On September 9, 1966 plaintiff was called into a meeting with her new supervisor, Mrs. Marilyn Fitzgerald, a white woman, and Miss Marie Mott, a white woman, the Accounting Department Manager. The meeting was called because the plaintiff had been tardy three days out of four that week and Miss Mott had received complaints about plaintiff's loud personal telephone conversations disturbing other employees. Miss Mott warned plaintiff that if she did not become more punctual and curtail her use of the telephone she would be fired. The plaintiff was again reprimanded for excessive tardiness and phone use in November of 1966 by Mr. Gary Holcomb, a white man, who was the second level supervisor to whom Mrs. Fitzgerald reported.

On February 1, 1967 Mrs. Elaine Johnson, a Negro, replaced Mrs. Fitzgerald as plaintiff's immediate supervisor. The pattern of employee tardiness, including that of plaintiff, persisted under Mrs. Johnson. Mrs. Johnson counseled with plaintiff concerning her conduct and, on February 15, 1967, reprimanded her for absenteeism, tardiness and excessive phone use.

On February 16, 1967, plaintiff filed a complaint with the Equal Employment Opportunity Commission alleging that she was being denied employment opportunities by her employer, AT&T, because of her race.

Shortly after plaintiff filed the complaint with the EEOC a meeting was scheduled for supervisory personnel at the second level and above in the Washington office of AT&T at which the supervisors were informed that plaintiff had filed a complaint with EEOC. At the meeting Elaine Johnson and Gary Holcomb were told by Mr. Kaub, Division Accounting Manager, that "they would have the responsibility of documenting this case as it progressed, working with the attorney to prepare the case, keeping their eyes and ears open and so forth." The supervisors in general were told "to keep your eyes and ears

open, if you saw anything that looked significant to write it down, and bring it to the attention of the proper persons."

[EMPLOYER'S REACTIONS]

In further reaction to the filing of the complaint the following actions were taken: (a) Mr. Holcomb was taken off his regular assignment in "order to document this situation very carefully", (b) there were a large number of meetings with attorneys and closed door sessions attended by Miss Mott and Mr. Holcomb in preparation for the eventuality of a hearing by the EEOC, (c) plaintiff's coffee breaks were timed and observations were made of who accompanied her on coffee breaks. The company feared that she was "teaming up" with Sandy Parker, another Negro employee.

Shortly after the plaintiff had filed her complaint with EEOC she approached Mr. Baggett, a white former Data Systems Supervisor of AT&T, and asked if she could discuss with him some of the problems she was experiencing with the company. He stated that he would meet with her if she obtained her supervisor's permission. Mrs. Elaine Johnson and Mr. Gary Holcomb both gave plaintiff permission for the meeting but, after plaintiff had been conversing with Mr. Baggett for about 45 minutes Mr. Holcomb entered the room and stated that the conversation could continue only if he were in the room. Not wishing to continue the conversation under that condition, the plaintiff left the room. Mr. Baggett stated that Mr. Kaub and Miss Mott were irritated that he consented to meet with the plaintiff.

Mr. Baggett was subsequently instructed by Mr. Kaub to document his entire conversation with plaintiff. Mr. Baggett had on previous occasions held meetings with employees who were not under his supervision at their request but this was the first time that he was required to submit a written report of the conversation to his superiors.

After plaintiff filed her complaint she approached other employees in an attempt "to get us to stand together, to say what had happened to us, and under what circumstances." One such employee who was approached by plaintiff was Mrs. Evelyn Turner Sims, another Negro employee assigned to the P1075 group. Subsequently Mrs. Sims was told by Mr. Holcomb that anything plaintiff said to her about the company she was to bring to the attention of her supervisor and that Mrs. Sims was not to associate herself with what plaintiff was doing.

[CONVERSATION OVERHEAD]

Miss Victoria Ernestine Silver, a Negro employee at AT&T assigned to the Telpak group overheard a conversation between Mr. Holcomb and Miss Johnson, the substance of which she described as follows:

"The contents of the conversation was to keep a running account of everything that Miss Francis did as in relationship to the time she came in and when she left to go on a break, what time she returned, the time she left for lunch, who she associated with—practically everything that she did and every place that she went. She was to be constantly watched."

The evidence established further that after the plaintiff filed her complaint with EEOC she was reprimanded by the supervisor, Elaine Johnson, for tardiness and excessive phone use with noticeably greater frequency than other employees who engaged in similar conduct. Contrary to the general practice plaintiff's calls were monitored on an extension and a record kept of her personal calls. The plaintiff was frequently called away from her work to have meetings with Mrs. Johnson about alleged infractions.

Victoria Silver testified that after plaintiff filed her complaint she was the only employee in the group that was constantly reprimanded for being late and that Sandy Parker on several occasions arrived after the plaintiff and was not reprimanded. Miss Silver also testified that Mrs. Johnson recorded the number of personal calls engaged in by the plaintiff. She determined whether or not the calls were personal by listening on an extension. Miss Johnson did not record the number of personal calls engaged in by other employees.

One employee testified that after plaintiff filed her complaint:

"Well I noticed several people and in particular myself—I wasn't too punctual—and other employees were not reprimanded as much or more—I know I should have been reprimanded more."

Another employee testified that after the plaintiff filed her complaint "She was placed on every limitation that other girls had privileges on — all breaks, the telephone, xerox machine and so on."

Prior to the filing of her complaint with EEOC plaintiff had never been suspended from her employment. However, between the date she filed her complaint with the EEOC and the date of her dismissal she was placed on disciplinary suspension on three occasions. The first suspension occurred when plaintiff became upset at work and left the office at about 2:05 p.m. without her supervisor's permission. She was suspended for the next working day without pay.

[SECOND SUSPENSION]

The second suspension occurred when plaintiff was late reporting for work on April 11, 1967, after she had been reprimanded on the prior day for tardiness. She was suspended on this occasion for the next two working days without pay. As a result of the second suspension, plaintiff filed a grievance with her Union, the Communications Workers of America. The Company and Union representatives met on three occasions. Pursuant to a request for data to support the disciplinary action taken, Company representatives presented the Union representative with a list of eighty-one occasions when plaintiff had been late for work in the morning, late coming back from lunch or late in returning from break periods. The Union representative took the grievance no further than those meetings.

One of the Union representatives, Mrs. Raydonia Reed, a Negro, stated that the Union did not have access to the personnel records of other employees so that it could not compare plaintiff's tardiness record with that of other employees. Accordingly the Union could go no further with the grievance since it did not have sufficient information to rebut the information complied by the company. The evidence at the trial of this case establishes that plaintiff was the first employee in the P1075 group to be suspended for tardiness.

Plaintiff's third disciplinary suspension occurred on May 17, 1971. On May 15, 1971, plaintiff was advised by Mrs. Johnson that until further notice she would not be permitted to use the official telephone for personal transactions without the permission of her supervisor. Plaintiff was instructed not to place any personal calls without permission and in the event she received a personal call that was not due to an emergency, she was to advise the calling party that she would have to call back later. Mrs. Johnson stated that these instructions were directed exclusively to plaintiff because she was the only employee who had abused her telephone privileges to the extent that such disciplinary measures became necessary. On May 17, 1967, plaintiff was observed by Mrs. Johnson to be using the telephone for a personal conversation and was suspended without pay for two days.

[DISCHARGE]

On May 22, 1967, the first working day following the two day suspension imposed on May 17, 1967, plaintiff was again observed by Mrs. Johnson to be using the telephone for a personal call without permission. Mrs. Johnson called Miss Mott, the Accounting Department Manager, and requested permission to dismiss the plaintiff. Miss Mott and Mrs. Johnson met with the plaintiff and dismissed her. The basis for her dismissal according to Mrs. Johnson was that she "did not comply with the rules and guidelines that were set forth for all employees. That would have included reporting to work on time. She was continuously late in the morning and returning from lunch. She took excessive break periods. She was often away from her desk. She was most often on the telephone. She had temper outbursts. All of these. She refused to follow guidelines and I couldn't help her."

This Court has considered the separate incidents of alleged racial discrimination and all of the evidence as a whole and has concluded therefrom that plaintiff has not established that she was denied equal employment opportunities by the defendant because of her race in violation of 42 U.S.C. 2000e-2. It is clear from the evidence that plaintiff was never an exemplary employee during her tenure at AT&T and that she frequently violated the rules relating to her employment. It is equally clear that other employees, both white and Negro, were equally guilty of similar violations and derelictions of duty and that, prior to the time plaintiff complained to EEOC, there was no substantial difference in the manner the defendant treated those who were guilty of such violations and derelictions of duty.

After plaintiff complained to EEOC, however, the manner in which plaintiff was treated was changed and a procedure applicable only to her and directed solely to her EEOC complaint was inaugurated. The supervisors were directed to keep "their eyes and ears open"; to write down

and bring to the attention of the proper persons "anything that looked significant". Plaintiff was to be constantly watched. A running account of everything she did, where she went, and the persons with whom she associated was to be kept. It is significant that these instructions did not relate to past conduct of plaintiff but were directed to plaintiff's conduct occurring subsequent to the filing of the EEOC complaint. This fact and other evidence clearly demonstrate that after plaintiff complained to EEOC defendant set out to build and document a case against her for the sole use of defending against the EEOC complaint. One supervisor was taken off his regular assignment in "order to document" the case very carefully. Contemporaneously with those instructions the defendant began and applied to plaintiff a pattern of oppressive supervision, constant surveillance and special conditions of employment that was not applied to other employees in the group who, except for the filing of the EEOC complaint, were similarly situated. As hereinabove found, "She was placed on every limitation that other girls had privileges on — all breaks, the telephone, xerox machine and so on." There were increased reprimands and suspensions, and finally firing for conduct similar to that in which she and other members of the group had engaged in prior to the filing of the EEOC complaint. The Court finds and concludes that this course of conduct on the part of defendant's supervisory personnel was in retaliation against plaintiff for filing a complaint with EEOC and discriminated against her for making the complaint, and thus was in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-3, which provides that:

"(a) It shall be an unlawful employment practice for an employer to discriminate against any of his employees . . . because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subchapter."

[MONETARY DAMAGES]

During the trial of this action the plaintiff failed to present any evidence as to the monetary damages she suffered as a result of the alleged discriminatory practices. The plaintiff offered no evidence of her rate of compensation during her period of employment with AT&T nor did she offer any evidence of wages earned at subsequent employment which the Court must take into consideration in arriving at an allowance for back pay should it find that the plaintiff is entitled to such an allowance.

The only evidence even proferred by plaintiff relating to grounds for an award of monetary damages due to injuries suffered as a result of unlawful employment practices was the allegation that plaintiff developed mucous colitis, neuro-dermatitis and internal hemorrhoids in April of 1968 due to the defendant's harassment of her. Dr. Edward C. Mazique, the plaintiff's doctor and the only expert witness to testify on the subject, stated unqualifiedly that he could not pinpoint the cause of these ailments. The plaintiff failed to establish any nexus whatsoever between her illnesses and her employment.

The Court recognizes that in suits brought pursuant to Title VII of the Civil Rights Act of 1964 there is a presumption in favor of certifying them as class actions as racial discrimination is by its very nature class discrimination. Oatis v. Crown Zellerbach Corporation, 398 F.2d 496, 499, 1 FEP Cases 328, 68 LRRM 2782 (5th Cir. 1968). However, in view of the Court's finding that the plaintiff was not discriminated against on the basis of her race and in the absence of any evidence of the existence of other members of the class or of a company-wide policy of racial discrimination the Court does not feel that certification of this case as a class action as requested in the pleadings is appropriate. The plaintiff has also failed to show that there are other employees who have been discriminated against by defendant after filing a complaint with the EEOC. Discrimination in retaliation for filing a complaint with the EEOC unlike racial discrimination is not by its very nature class discrimination. Thus in the absence of some showing that other employees have suffered similar discrimination or that it is a company-wide policy, the Court cannot certify the suit as a class action on this basis either.

[RELIEF ORDERED]

Having found that the course of conduct of the defendant's supervisory personnel in reaction to plaintiff's complaint violated 42 U.S.C. 2000e-3(a) and recognizing that 42 U.S.C. 2000e-5(g) grants the Court plenary power to fashion relief which will terminate such discriminatory practices and make the victims of the

discriminatory practices whole, Sprogis v. United Air Lines Inc., 444 F.2d 1194, 1202, 3 FEP Cases 621 (7th Cir. 1971), cert. denied, 404 U.S. 991, 4 FEP Cases 37 (Dec. 14, 1971), the Court will order that:

(a) plaintiff be reinstated in the position she held at the time of her dismissal;

(b) defendant be enjoined from subjecting plaintiff to any special regulations or conditions of employment or denying plaintiff equal employment opportunity in any manner subsequent to her reinstatement;

(c) plaintiff be awarded the compensation to which she would have been entitled if she had continued in defendant's employ from the date of her discharge to the date of this decision less any wages earned by plaintiff from other employment during this period;

(d) plaintiff be awarded reasonable attorney's fees and costs.

The Court will retain jurisdiction of the case so that plaintiff may submit, within ten days from this decision, financial data to the Court from which the specific amount of back pay differential to be awarded may be determined. The plaintiff's attorney will also submit within ten days a statement of services from which the Court may determine reasonable attorney's fees and costs. A copy of all financial data provided to the Court is to be served upon the defendant and it will be allowed ten days from the date of service to submit responsive papers.[1]

This action having come on for trial without a jury and the Court having considered the pleadings, the evidence adduced at trial and the arguments of counsel, and having filed its Findings of Fact and Conclusions of Law, it is by the Court this 3rd day of May, 1972,

ORDERED that:

(a) the plaintiff be reinstated in the position she held at the time of her dismissal;

(b) the defendant is enjoined from subjecting plaintiff to any special regulations or conditions of employment or denying plaintiff equal employment opportunity in any manner subsequent to her reinstatement;

(c) the plaintiff is entitled to the compensation to which she would have been entitled if she had continued in defendant's employ from the date of her discharge to the date of this order less any wages earned by plaintiff from other employment during this period;

(d) the plaintiff is entitled to reasonable attorney's fees and costs;

(e) the plaintiff submit, within ten days from the date of this order, a financial statement from which the Court may determine the specific amount of back pay differential to be awarded;

(f) the plaintiff's attorney submit, within ten days from the date of this order, a statement of services from which the Court may determine reasonable attorney's fees and costs;

(g) the defendant is to be served with a copy of the financial statement submitted by the plaintiff and is allowed ten days to respond thereto.

(h) The Court retains jurisdiction of this case in order to effectuate the provisions of paragraphs (c) through (g) above.

[1] The Court may retain jurisdiction of the case after trial in order to allow supplemental information to be filed when keeping the record open will assist the Court in devising a remedy which will effectuate the policies of Title VII of the Civil Rights Act of 1964. Cf. Sprogis v. United Air Lines, Inc., 444 F.2d 1194, 1201-1202, 3 FEP Cases 621 (7th Cir. 1971), cert. denied, 404 U.S. 991, 4 FEP Cases 37 (Dec. 14, 1971); Bowe v. Colgate-Palmolive Company, 272 F.Supp. 332, 368-371, 1 FEP Cases 201, 65 LRRM 2714 (S.D. Inc. 1967).

VEEDER-ROOT CO.
v. COMMISSION

Connecticut Superior Court, Hartford County

VEEDER-ROOT COMPANY v. COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES, No. 171022, April 17, 1972

STATE FEP ACTS

—Constitutionality — Connecticut Act ▶ 106.235 ▶ 106.04

Connecticut Fair Employment Practice Act (FEP 451:201) does not violate either Fourteenth Amendment to U.S. Constitution or State Constitution, since requirements of due process are fully met.

—Sex discrimination — Supplemental pay—Retroactivity ▶ 107.207

Connecticut Commission on Human Rights and Opportunities erred in issuing order requiring employer that it found to have discriminated against female employee to pay her supplemental pay from effective date of State Fair Employment Practice Act (FEP 451:201), instead of from day

LETTERS and RESPONSE TO 08/08/14 IMPROMPTU MEETING

Denise Newsome
Sent: Monday, August 11, 2014 11:34 AM
To: Vicky Clanton; Barbara Cooper; Shakenna Taylor
Cc: Denise Newsome; Melvin Stillman

Vicky:

As you know, I left early on Friday (08/08/14). However, prior to my leaving you called an **IMPROMPTU** meeting to discuss the "MAILING OF LETTERS" and advised that we are NOT to send out letters WITHOUT your approval.

On August 5, 2014, during my conversation with Melvin, I mentioned how in our meeting you try and get us pumped up and excited about collections/recoveries and then the OBSTACLES placed in the Account Managers' way to PREVENT/OBSTRUCT the recovery/collection efforts – i.e. PREVENT/OBSTRUCT the Account Manager's ability to be SUCCESSFUL in recoveries/collection as well as BONUSING! To further explain this, here are a few examples:

EXAMPLE 1:

Vicky, you mentioned in the meeting about how I have created a process you call a **"PYRAMID"** for collections and wanted me to share this with the group. However, I knew that I had already shared this information with you as well as the other Account Managers (Barbara & Shekanna). Here are some pointers:

(a) You have shared **HOW EFFECTIVE** the process(es) I am using is. That LA Customers are RESPONDING to my letters and are **TAKING my letters** with them to the Branch(es) when making payments.

(b) You **have ACKNOWLEDGED** this method (**PYRAMID**) and letter usage is WORKING – i.e. **OPENING up NEW RECOVERIES** from Customers that ***have NOT paid in years!***

(c) It appears that **ONLY AFTER** you seeing the **SUCCESS** in the **"PYRAMID"** method along with the sending of the Collection/Settlement Letters, **you ABRUPTLY** sent out an email PROHIBITING any further mailings.

(d) You have also made known the reason for the Account Managers **NOT being able** to send Collection/Settlement Letters being **due to being LOW on postage** and/or **NO Postage!**

EXAMPLE 2:

Vicky, **ACCORDING TO YOUR PUBLIC BROADCASTING ANNOUNCEMENT** System, last week –WEEK OF AUGUST 3, 2014 – you came out TALKING ALL LOUD about **HOW** Account Manager (Shakenna) brought in over $3,000 in RECOVERIES and congratulating her. As you know in the meeting(s) you have repeatedly CHASTISED the LOW recoveries for Tennessee (TN). Even going as far as to mention that with TWO FULL-TIME people

EXHIBIT 6

working TN that approximately $300 in recoveries is not getting the job done – i.e. quoting you, **"That dog's NOT going to hunt!"** So NOW even with the OVER $3,000 you have mentioned TN has already brought in this EARLY in August, **HOW have you as the Branch Manager RESPONDED:**

(a) When Account Manager (Shakenna) simply wanted to mail out a few letters – what approximately 10 to 15 on Friday, 08/08/14?

(i) You **VERY AGGRESSIVELY/HOSTILELY** called an **IMPROMPTU** meeting only a FEW MINUTES prior to my APPROVED early leave regarding you not feeling the need to have to send an email regarding the mailing of Collection/Settlement letters and that you were going to do another email in regards to this.

(ii) It is **important to NOTE** that Shakenna was wanting to send out what – **about 10 to 15 letters = costing approximately $7.20** at the most for a State (TN) that you mentioned in the meetings have been UNDER PERFORMING in Collections/Settlements. **Approximately $7.20 for a State (TN), who according to you, that have ALREADY (for August 2014) brought in OVER $3,000 in RECOVERIES!** An Account Manager who in the meetings where you have made known the **MORALE is LOW!**

(b) VERY AGGRESSIVELY did you meet Shakenna's attempt to mail out Collection/Settlement Letters and you mentioning sending us an email. An which it appears **PROHIBITS the Account Managers FROM Collecting and USING PROCESSES they believe to be EFFECTIVE in meeting not ONY their GOALS but that of FHC!**

(c) As you know, I have shared in our meetings ***CONCERNS of HOW you give these HIGH ENERGY PEP TALKS in SOUND and APPEARANCE ONLY*** *of how happy you are with the monies coming in*. Then **as SOON as there is a GOOD RECOVERY and/or RECOVERIES how I have observed you in action seeking WAYS to "YANK THE RUG FROM UNDERNEATH"** the Account Managers – i.e. calling you the **TAKE-AWAY QUEEN** – *to keep them from reaching their goals and/or getting the **INCENTIVE** bonus(es).*

NOTE: I also mentioned such concerns in my conversation with Melvin on last week.

Such concerns as it may contribute to the LOW MORALE at FHC's AMC! The BUILD-UP just to TAKE AWAY! Although

in a recent situation ***with me***, MELVIN advised it was ***his call*** which gave me **further INSIGHT** from such *confirmation* as to what took place and *perhaps the reasons for the call* in the *handling of recoveries* for the State of Louisiana last month.

(d) You may recall on last week that while I was talking with Shakenna, you **ABRUPTLY interrupted our conversation** stating that we **are NOT to be communicating with each other DURING working hours and are to be FOCUSING on Collections during work hours!** ***While I did not take Melvin's email on last week to mean the Account Managers CANNOT talk with each other during working hours, this is HOW it appears you have handled the CHANGE in functions issued by Melvin.*** **Vicky making such an ABRUPT change with KNOWLEDGE that since the changes implemented by Melvin, the INCREASE in NEW Recoveries I am getting; however, I HAVE NOT been able to FOLLOW-UP with letters to the Customer(s) REQUESTING written correspondence because you have PROHIBITED the mailing of Collection/Settlement Letters due to "NO POSTAGE" as I am noting on the accounts and simply moving on.**

MORALE ISSUE: FORBIDDING grown women (Account Managers) from talking and sharing, DURING work hours while you yourself have taken the *LIBERTY to give KUDOES/CONGRATULATIONS whenever you feel the need to do so* – ALL LOUD, etc. - while PROHIBITING the Account Managers from doing the same and talking with each other DURING WORKING HOURS!

As you know, I have already asked you whether there **ARE EXCEPTIONS** to such a request via EMAIL? Which was met with a simple, **"THANKS!"**

So Vicky, as the BRANCH MANAGER, I'm trying to understand HOW does explain EXPLAIN:

(i) The LOW MORALE even AFTER ALL your RAH RAH RAH. . . speeches in the meetings you call? Then claiming you don't know what else to do!

(ii) WHY are the Recoveries **STAGNATED MONTHLY** averaging about ***$7,500 or BELOW*** and **are NOT INCREASING monthly** with NEW Accounts being added and/or if they are being worked? Shouldn't **NEW Recoveries (with payment arrangements)** as well as MONIES brought in by **AMC be INCREASING monthly when ADDED** to the *PREVIOUS months* **where there are EXISTING Recovery Accounts with payment arrangements already set up?**

As you know I have shared in the meeting(s) **WONDERING WHY *in a YEARS TIME*, the Account Management Center**

has NOT reached its $100,000 GOAL you have set. *So I am hoping in sharing in this email which* ***simply REAFFIRMS*** *what I have shared in our meetings and putting it in writing, as to WHY it may be that FHC's AMC* ***is NOT INCREASING on a MONTHLY basis in RECOVERIES and NOT met the $100,000 MONTHLY Goal set!***

(iii) It appears that you, *Vicky, as the Branch Manager* ***are FORBIDDING*** *the Account Managers* ***from USING*** *and* ***IMPLEMENTING*** *Collection/Settlement processes that are working and/or may work for them.*

(iv) AFTER Melvin's 08/05/14 email regarding tracking and reports, " Account Managers are ***NOW*** *being* ***FORBIDDEN*** ***to COMMUNICATE*** *with each other* ***during*** *working hours* – i.e. ***while you (as the Branch Manager) take the LIBERTY to EXERCISE your voice and concerns with others and you do it with such LOUDNESS/YELLING and TOTAL DISREGARD to whether or not others and/or Account Managers are on the phone talking with Customers.***

NOTE: While it has been brought up in the meeting (s) HOW UNPROFESSIONAL and/or DISRUPTIVE such LOUD TALKING/YELLING ACROSS the Office is for one answering the phones (Receptionist) as well as the Account Managers, you CONTINUE to do it! It was shared that *the* ***USE of your LOUD TALKING*** *and* ***YELLING method*** *you have implemented also has resulted in* ***your DISCUSSING ANOTHER*** *Customer 's Account that may* ***be OVERHEARD by other Customers*** *to which Account Managers may be on the phone talking to.* Thus, may be taken as **NOT respecting the PRIVACY of FHC's Customers'** Accounts and allowing Customers **TO OVERHEAR** information regarding another person's Account information with FHC – *i.e. for instance, I mentioned for example that* ***when speaking LOUDLY*** *about Pastor "So So's" account, you don't know whether or not the Customer another Account Manager has on the line knows "Pastor So So"* or how such information that is OVERHEARD by another Customer on the phone may be taken. Nevertheless, **you CONTINUE** *with the* ***LOUD TALKING/YELLING*** *method through AMC that you have implemented* although concerns of ***the compromise of Customer information*** **being OVERHEARD** by another FHC Customer that Account Managers may be on the phone with.

For instance, on Friday (08/08/14), **you CONSTANTLY kept YELLING down the hallway to me** and ***I was on the phone making a call to a Customer.*** *Of course, I sent you an email in regards to this explaining WHY I could not answer you.* It is important to note that it has been

SUGGESTED that the phone (INTERCOM Feature) be used rather than the YELLING out of offices and down the hall. To no avail, ***you simply continue the practices you have implemented regardless of HOW disruptive they may be and regardless of HOW such LOUDNESS/YELLING may be taken by FHC Customers on the phone!***

I sure hope there are **NO ADVERSE/RETALIATORY** reactions for my simply REITERATING WHAT HAS ALREADY BEEN SHARED IN THE MEETINGS BUT HAVE GONE IGNORED!

From meeting(s) I have been given the impression that when an Account Manager has shared concerns that ***they have resulted in ADVERSE/RETALIATORY actions for the sharing information.*** For instance, in one of our meetings it was made known because another Account Manager questioned computation of recoveries, the **INCENTIVE Bonus information changed** – i.e. for instance under the PRIOR Incentive information, Shakenna would have Bonused by now. ***NOW LOOK at how she is being handled!*** **Vicky having a way of wording in the meetings HOW raising concerns may have ADVERSE reactions!** ***All I know is that I shared VALID concerns in July 2014, which resulted in actions having to be taken and the NEXT thing you know, when I was TOLD by the Branch Manager (Vicky) that monies were RECOVERIES, Melvin advised me that it was his doing and how it was CHANGED/RESOLVED which resulted in my not getting the Bonus the Branch Manager (Vicky) mentioned I would get and I found that to be interesting considering my concerns RAISED earlier in July that were brought to his attention – i.e. which appears resulted in an ADVERSE action for reporting concerns through the FHC processes that led to the moving of an employee to another location. There are certain practices that are prohibited that the methods used are so subtle that an untrained eye would miss.***

EXAMPLE 3: FACTS ABOUT THE POSTAGE:

(a) *I shared in my conversation with Melvin on last week (08/05/14) that we have* ***"NO POSTAGE"*** *according to you. While you mentioned that you were going to inquire about getting the amount of monies for postage INCREASED for AMC,* ***the Account Managers have NOT been updated on this.*** *Here* ***we are going into about the SECOND week – i.e. HALF-THE-MONTH of August is just about gone and you (but NOT the Account Managers) have used FHC postage and mailed correspondence to help you complete the functions of your job.***

(b) You mentioned that NOT enough monies have been BUDGETED for FHC's Account Management Center for the amount of Collection/Settlement Letters being sent out.

NOTE: While the AMC **is the "COLLECTION" Center for FHC,** you have made it appear that there **are NO monies** and/or enough monies ***are NOT*** *being allocated to accommodate the AMC* ***COLLECTION*** *processes*. Vicky, you mentioned about checking on getting the amount ALLOCATED for Postage INCREASED; however, ***here the AMC is NOW at the 11th DAY of the month and the Account Managers have NOT been able to send out Collection/Settlement Letters due to "NO POSTAGE" and/or "LOW POSTAGE" that cannot accommodate the demands of the Account Managers while it is ABLE to accommodate the Branch Manager's demands.***

(c) METERED MAIL: Metered mail cost approximately 48¢. So even if the Account Managers sent out 1,000 letters in August 2014, that is approximately $480 in POSTAGE!

NOTE: July 2014 RECOVERIES for LOUISIANA, MISSISSIPPI, TENNESSEE (Legal, Garnishments, Bankruptcies, Recoveries, etc.) totaled approximately, $69,465.45

In RECOVERIES alone approximately: $29,323.31

Yet, if the AMC had about 1,000 Collection/Settlement Letters to send out, ***it couldn't*** *handle $480 worth in mailings?* In Account Manager's (Shakenna) situation on Friday, August 8, 2014, the AMC **did NOT** have approximately **$7.20** to handle her mailing request and, according to the Branch Manager (Vicky Clanton), Shakenna **has ALREADY brought in OVER $3,000 in RECOVERIES in August alone;** however, FHC's AMC **did NOT** have **$7.20** in postage to handle this Account Manager's request and to aid her **EFFECTIVELY** in the Collection Processes she was using.

(d) So one may wonder for instance, **WHAT and/or HOW MUCH does FHC's AMC spend on a MONTHLY basis on its COLLECTION TELEPHONE CALLS? Is it LESS than 48¢ a CALL?**

Perhaps AMC has a PACKAGE Telephone plan, I don't know.

What **is KNOWN** is **that MANY** of the Customers contacted have gotten their **PHONE SERVICES** (Home and Cell) **DISCONNECTED** so it doesn't take one to figure out that ***disconnection may be due to NON-PAYMENT, EXCESSIVE LONG DISTANCE phone calls, etc***. Therefore, the use of sending a **48¢ Collection/Settlement Letter** may provide for **DIRECT contact** with the Customer.

(e) So **HOW does one go about COMMUNICATING** with the Customer **who has REQUESTED** that **they be sent WRITTEN CORRESPONDENCE** so they can have it for their records - the SETTLEMENT Offer extended - when the Branch Manager **has FORBIDDEN** the sending of Collection/Settlement Letters and then **the POSTAGE** on the mailing machine **is ALWAYS** LOW and/or **OUT-OF-POSTAGE**?

HOW is the AMC going to go about handling REQUEST(S) from Customers wanting RECEIPTS for their payments submitted via MAIL? Some of my Customers are saying that if they mail their payment, they want a RECEIPT mailed back to them.

(f) As you know *Vicky, **you are** mailing correspondence and **using** POSTAGE to SETUP **your processes** to make **performing your job functions** much easier and simpler **while you have FORBIDDEN** the Account Managers from doing the same in SETTING UP processes that work for them and may IMPROVE the RECOVERIES process*.

(g) As you know, you have **REPEATEDLY** asked during the meeting(s) *what I am doing to be SUCCESSFUL in bringing in NEW RECOVERIES* and I have shared information *which led to **the BACKLASH** of **your FORBIDDING** the use of the mailing process to RECOVER monies* – i.e. the reason you have given "LOW POSTAGE" and/or "NO POSTAGE!"

NOW you are inquiring (*EVEN with **such ADVERSE actions** taken **on your part to OBSTRUCT/HINDER my processes** through the PYRAMID process*) what ELSE I am doing to be SUCCESSFUL. Now *what person in their RIGHT MIND, seeing the **ADVERSE/RETALIATORY action** you have taken **to PROHIBIT** Collection/Settlement Recoveries will CONTINUE to share such information*? That would be something like DELILAH asking SAMSON where his STRENGTH came from and upon finding out, used the information to give to the adversary for purposes of DESTRUCTION! When one is BLESSED, let's just leave it at that!

Here we are at the **11th of August, and FORBIDDEN** to send out Collection/Settlement Letters and yet the monies are still coming in – i.e. although Recoveries COULD be BETTER **if not**

OBSTRUCTED/HINDERED!

(h) Again, REITERATING **the ADVERSE** Feedback Vicky as the Branch Manager has given to Tennessee because it has been DOWN in Recoveries. Then when TN BEGINS-TO-SHINE as it is doing NOW, LOOK at what you have done and LOOK at HOW you have gone about to BRING DOWN the MORALE while fronting "RAH RAH RAH. . .!" Saying, **"I told you TENNESSEE has money!"**

The Account Managers are wanting to use the VERY PROCESSES (Mailing & Postage) you are using to help you in the performance of your job duties/functions; however, are being FORBIDDEN and told there is "NO POSTAGE" and/or "LOW POSTAGE!"

(i) So HOW does one EXPLAIN the FALL in RECOVERIES in the SECOND week of August and the Account Managers' INABILITY to IMPLEMENT Collection/Settlement processes to bring in RECOVERIES?

(j) HOW does one EXPLAIN (for instance) in:

(i) May 2014, the AMC bringing in about $60,361.59 (for LA, MS, TN)

(ii) June 2014, the AMC bringing in about $58,465.46 (for LA, MS, TN) and

(iii) July 2014, the AMC bringing in about $69,465.45 (for LA, MS, TN)

and here we are about August 11, 2014 (approximately TWO WEEKS IN), and **the Account Managers CANNOT perform ALL of the FUNCTIONS to help them with doing their job** – i.e. sending of Collection/Settlement Letters - because here is **"NO POSTAGE"** and/or **"LOW POSTAGE"** while you have FREE REIGN in using the "mailing of your letters and postage usage" to get your job functions done?

(k) As I shared with you Vicky, as for myself, if I am ASKED WHY Recoveries are DOWN for Louisiana, I am going to make it KNOWN the **INABILITY** to work the Accounts **INDEPENDENTLY** (without outside interference and OBSTRUCTION) and the **INABILITY to USE PROCESSES** (mailing of Collection/Settlement) *that you have **PUBLICLY** made known to be EFFECTIVE!*

Not only that **being INSTRUCTED** by the Branch Manager (Vicky Clanton) **NOT to send** Collection/Settlement Letters due to

the fact that there is **"NO Postage"** and/or "LOW Postage" and **must NOT** forget your mentioning, PRIOR to my coming onboard, *that NOBODY sent out the NUMBER of Collection/Settlement Letters I have been sending out using the MAIL-MERGE process* – **i.e. a process in which you requested that I email you information regarding the EFFECTIVENESS of using mail merge and NOW, it appears, you want to YANK-THE-PLUG on the use of this process and/or NOT see that the APPLICABLE postage is added to accommodate the Account Managers which use the Mail Merge process.**

Again, I am **NOTING my accounts** to REFLECT my PROCESSES and **INSTRUCTIONS from the Branch Manager (VC) not to send letter(s) and WHY!** ***You shared on Friday (08/08/14); you have noticed I am NOTING my accounts. Such a response which may be taken as your EYEING and CHECKING accounts to see WHAT COMMITMENTS are being made and the WITHHOLDING of POSTAGE to PROHIBIT/OBSTRUCT the Collection/Settlement processes – i.e. RECOVERIES and INCENTIVE BONUS.***

Vicky, you advised that **you would like for payment arrangements to be set up on the 5th and 15th of the month; however, here it is the 11th of August and the Account Managers have NOT been allowed to send out Collection/Settlement Letters for almost TWO WEEKS now!**

HOW does one EXPLAIN the ADVERSE CONTROL Tactics being used to PROHIBIT Collections/Recoveries is beyond me. Processes which the BRANCH MANAGER (Vicky Clanton) has REPEATEDY announced in meetings are working.

METHODS (as the Pyramid) in Collections/Settlements being used that the BRANCH MANAGER (Vicky Clanton) has NOT IMPLEMENTED *in OVER a year and advised she has "NEVER SEEN ANYTHING LIKE IT!"*

Nevertheless, with Collection/Settlement processes that are working, it appears to **you (Vicky) have IMPLEMENTED** through your INSTRUCTION (S)/DIRECTION(S) **methods that PROHIBIT/OBSTRUCT** the Account Manager(s) from performing their JOB DUTIES/FUNCTIONS because they

are using methods and bringing in monies that you have NOT been able to do.

I'll close with one of the Branch Manager's (Vicky Clanton) sayings, ***"GIRL HAVE YOU SEEN ANYTHING LIKE IT?"***

There is DEFINITELY a **"FLY IN THE MILK"** and/or the **"SWAMP ISN'T SMELLING TOO GOOD RIGHT NOW!"**

Vicky, while you WELCOME Feedback and from my conversation with Melvin on last week, I sure hope that *this response doesn't bring FURTHER ADVERSE ACTIONS/BACKLASH because I am simply complying with FHC policies and procedures in addressing concerns!* You advised in our meetings, you WELCOME FEEDBACK and to TALK TO YOU, so here it is!

Denise Newsome
(601) 898-3559

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From: Vicky Clanton
Sent: Friday, August 08, 2014 5:19 PM
To: Barbara Cooper; Denise Newsome
Subject: Letters

Just a followup after a brief meeting and as many conversation already I have said- PLEASE DO NOT SEND LETTERS OUT PAST THE THRESHOLD with out notifying me.

Thanks
Vicky

First Heritage Credit
Account Management Center Manager
Vicky L. Clanton
Ph # 601 898 3898
Ph#888-661-0633
Fax # 888 824 6274

"Excellence Is Our Standard "

COMPROMISED SPREADSHEETS ISSUE and RESOLUTION TO PROBLEM

Sent: Tuesday, June 03, 2014 2:34 PM
To: Vicky Clanton
Cc: Denise Newsome
Attachments: 402 MISSISSIPPI - Collecti~1.ods (71 KB) ; 403 LOUISIANA - Collection~1.ods (36 KB) ; 404 TENNESSEE - Collection~1.ods (29 KB)

Vicky:

Attached are the MAY 2014 Spreadsheets for LA/403, MS/402, and TN/404.

As mentioned on 05/30/14 the LA and TN Spreadsheets had been compromised since the 05/29/14 entries; therefore, causing a balancing issue and delay. This required my having to DELETE daily entries until the day-end balance matched what was in my hard-copy-stored files. This method was used ***to keep from*** having to check **each-and-every** entry for the ENTIRE month. I then went back in and RE-ENTERED information.

Although our process in BALANCING the spreadsheets ***on a DAILY*** *basis is working*, the compromising of these sheets did cause delay as well as serious concerns. Therefore, in in effort to ELIMINATE such problems in the future, I will try and email copies of the Spreadsheets on a DAILY basis to myself (*filing in an EMAIL Folder that has been set up*) as well as to you for VERIFICATION purposes. I am also placing a BACKUP of the electronic file in another location on the compluter as well as implementing ADDTIONAL features for SAFEKEEPING!

Hopefully, with these changes in place, our work will be protected on a DAILY basis and it will save a great deal of time if the Spreadsheets are compromised in the future.

The **GOOD NEWS:** All Spreadsheets for MAY 2014 have balanced and have been closed and stored. All Spreadsheets for JUNE (As of 06/02/14) also balanced and have been stored.

Should you have any questions, please let me know.

Thanks,

Denise

WELCOME

Welcome to First Heritage Credit, LLC ("First Heritage Credit" or the "Company" or "we"). Thank you for choosing First Heritage Credit as the place you want to work. Your job is important to our continued progress and security. We are all working towards the common goal of building a strong and profitable organization in order to provide quality and efficient lending services. Our future job security requires we all work together to attain this goal.

We are happy to present you with a copy of the current "Employee Handbook" ("Handbook"), which is applicable to all First Heritage Credit employees. The purpose of the Handbook is to help you become a productive part of the Company. It is a book of facts about our personnel policies, work procedures and employee benefits that affect you, your family, and your job.

We believe our rules and policies are reasonable and have set them forth in the Handbook simply to let you know what you can generally expect from us as your employer, and what we expect from you as our employee. These policies are not unchangeable and are not to be considered a contract. Due to changing federal and state oversight, increased regulations, and various economic factors, First Heritage Credit's policies and rules are subject to change without prior notice. As such, you should periodically review the Handbook and other Company postings online (i.e., on FirstNet and/or other system) to ensure you stay up-to-date on the Company's policies and procedures.

EMPLOYMENT

HIRING PRACTICES

In all instances we will attempt to hire the person most qualified for the position that we have available. It is First Heritage Credit's policy to comply with all federal, state, and local laws. In no instance will we discriminate on the basis of race, age, religion, sex, disability, marital status, genetic information, or other protected class under applicable law.

HIRING

For all clerical and staff positions, Branch Managers will make hiring recommendations to the District Manager for final approval. The Operations Vice President will hire Branch Managers with the concurrence of the President.

EQUAL EMPLOYMENT OPPORTUNITY

First Heritage Credit is an Equal Employment Opportunity employer and complies with all federal and state laws and regulations prohibiting discrimination based on race, color, religion, sex, national origin, age, veteran, disability or handicap status, genetic information or other protected class under applicable law. Whenever the masculine gender is used in this handbook, it shall also be deemed to include the feminine gender.

HARASSMENT IS PROHIBITED

We prohibit harassment of one employee by another employee or manager for any reason including, but not limited to: race, color, religion, national origin, physical or mental disability, sex, genetic information or any other basis protected by federal, state or local law. The purpose of this policy is not to regulate the personal morality of employees. It is to assure that all employees are permitted to work in an environment free of harassment or other objectionable conduct prohibited by law.

HARASSMENT POLICY

First Heritage Credit is committed to providing a working environment that supports the dignity and self-esteem of its employees and is free of any form of harassment.

Harassment consists of unwelcome conduct, whether verbal, physical or visual that is based on a person's protected status, such as sex, color, race, ancestry, religion, age, national origin, veteran status, disability, handicap, medical condition, martial status, genetic information or citizenship status, and interferes unreasonably with another's work performance or creates an intimidating, offensive or hostile environment.

The federal Equal Employment Opportunity Commission defines sexual harassment as: any unwelcome sexual advance, request for sexual favor or other verbal, visual or physical conduct of a sexual or sex-based nature where (1) submission to such conduct is made either explicitly or implicitly a term of condition of an individual's employment, (2) an employment decision is based on an individual's acceptance or rejection of such conduct, or (3) such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

It is First Heritage Credit's policy that all employees have a right to work in an environment free of discrimination, which encompasses freedom from harassment in any form.

HARASSMENT POLICY/RESPONSIBILITY

EMPLOYEES

It is the manager's responsibility to help assure that harassment is prevented. An employee who believes he/she has witnessed harassment and/or is being harassed must *immediately* notify his/her manager, the next higher-level-up manager, the Human Resources Director, or the President of the Company.

MANAGERS

Managers are responsible for ensuring that the spirit of the policy is respected. Managers who become aware of incidents of possible harassment must promptly investigate and make certain that the facts are brought immediately to the attention of higher management and the President of the Company.

HARASSMENT POLICY/PROCEDURE

First Heritage Credit will not tolerate harassment of its employees by anyone, including any manager, co-worker, vendor, consultant and/or customer. An employee who believes a harassment situation has occurred should bring the issue immediately to the attention of the appropriate management representative, the Human Resources Director, or the President of the Company. Alternatively, the employee may utilize the complaint procedure provided by the Handbook.

First Heritage Credit's policy prohibits retaliation against any employee for either filing a complaint of harassment or for providing information in connection with an investigation of alleged conduct.

All complaints of harassment will be investigated thoroughly, promptly, and in an impartial manner. To the extent possible without jeopardizing a complete investigation and remedial measures, First Heritage Credit will keep complaints and any resolution terms confidential. The complaining employee will be advised of findings, and management will

OFFICIAL COMMUNICATIONS

Email and electronically posted memos are used to convey official announcements and/or information from the Company. Notices of policy changes, procedural changes, and/or memos, which may affect employees and/or the Company, will be distributed within the branch to each employee by the Branch Manager. It is the Branch Manager's responsibility to insure that each official communication or memo is distributed accordingly and that each employee has prompt notice of the same.

COMPLAINT PROCEDURE

First Heritage Credit firmly believes that the best employees are happy employees. Toward this effort, employees are to bring to management's attention any matter, dispute or controversy arising from their employment relationship, working conditions or decisions affecting same with First Heritage Credit. For this purpose, a complaint or grievance procedure is provided as follows:

STEP I In the event of a complaint, the aggrieved employee shall present a written notification to his/her Branch Manager within five (5) days of the facts or events giving rise to the complaint. The Branch Manager shall give an answer in writing to the employee within five (5) days of receipt of the written complaint from the employee. In the event that the aggrieved employee is a Branch Manager the complaint process will begin with the District Manager.

STEP II If the complaint is not settled or otherwise resolved in the preceding step, the employee shall present the written complaint and a copy of the Branch Manager's response to the District Manager within seven (7)

calendar days following receipt of the Branch Manager's answer. The District Manager shall give an answer in writing to the employee within seven (7) calendar days following receipt of written complaint.

STEP III If the complaint is not settled or otherwise resolved in the preceding step, the written complaint together with a copy of the Branch Manager's and District Manager's responses shall be presented to the President or the Human Resources Director of First Heritage Credit within ten (10) calendar days following his or her receipt of the answer of the District Manager. The written complaint shall be deemed presented to the President or Human Resources Director upon mailing by the employee to the home office. The President or Human Resources Director shall respond to the written complaint within fifteen (15) calendar days of receipt. The decision of the President or Human Resources Director shall be deemed final.

If the employee's complaint is not first taken up or carried forward to the next step by the employee within the time limits specified in the preceding paragraphs, the complaint or grievance shall be considered waived, settled, or otherwise resolved.

If management fails to answer a complaint within the established time limit or before the expiration of an extension thereof, the complaint shall advance to the next higher step of resolution.

A complaint form is provided in the Appendix of the Handbook.

MEMO TO EMAIL: 08/05/14 TELEPHONE CONFERENCE – Melvin Stillman

Denise Newsome
Sent: Tuesday, August 05, 2014 3:37 PM
To: Denise Newsome

MEMO TO EMAIL: 08/05/14 TELEPHONE CONFERENCE – Melvin Stillman

RE: Concerns

A. Fontenot Matter:

1. Stated is was Legal and his call on how it was handled.
2. Acct NOT Bankruptcy and was DISCHARGED. Mentioned Firm handling (Rogers & Hear___) - NON-Bankruptcy RECOVERY (1st Mortgage).
3. Wanted to make it appear that there were issues with my addressing concerns – CONFLICT with BM (Vicky Clanton) – i.e. that it causes TENSION and DISTRUST. Advised did not feel that way. Had concerns and wanted clarification.
   (i) VC made it clear upon receipt of News that $10,000 Pmt was RECOVERY money.
   (ii) ANNOUNCED to the other Account Mgrs. (Barbara & Shakenna) that money was RECOVERY.
   (iii) Even on the evening of July 31, 2014, VC told her husband that $10,000 was RECOVERY.

SHARED: Concerns of the MANIPULATION of Spreadsheet by BM (VC) messing with RECOVERY monies for Louisiana taking it down to approximately $10,000 and then when she I came into her office, she appeared NERVOUS

Then the VERY NEXT DAY, BM (VC) attempted to make it seem that I have so much work to do and the handling of the Spreadsheet was too much that she wanted to give this task to her daughter (Jana) to handle; however, OVP (Melvin) said no. It is INTERESTING only AFTER BM (VC) noting that I saw her changing information in the Spreadsheet that she made such a request for HER DAUGHTER to handle.

Asked BM (VC) who checks her work.

While Melvin mentioned that he is going to have Chris and __ another person come and check things out – we'll just have to see.

There appears to be issues with how monies are being POSTED and the ONLY person handling POSTING is BM (VC) whose work is NOT checked by anyone else.

4. Shared how BM (VC) slammed me with Emails regarding Mailing of Collection/Letters – i.e. all of this ONLY AFTER my raising concerns regarding her ALTERCATION of Data in the Spreadsheets being provided and my wanting to speak to OVP (Melvin). Serious Concerns.

5. Noted BM (VC) observation of the process I am using in Collections (Pyramid) and how Customers are responding. Nevertheless, have been BANNED from sending letters because she is NOT putting POSTAGE in the machine – i.e. which can be TAKEN as efforts to prevent collections and bonuses AFTER seeing the ALTERCATION of the RECOVERIES in the Louisiana Spreadsheet.

Melvin I gathered wanted to make is appear that there were issues/altercations and MISTRUST between Vicky and I (Denise); however, I advised him, I did not see that and I was simply addressing my concerns. Such a statement by Melvin may be perceived as a THREAT or RETALIATION for ones reporting concerns.

From BM (VC) nobody at First Heritage CHECKS her work and because I (Denise) QUESTIONED what I saw, it appears to be the BACKLASH received.

Melvin advised that he will be speaking with Vicky later.

Melvin stated he had to go because JIM was standing in his door. I gathered from this statement, BM (VC) and Melvin may be trying to make a MOUNTAIN out of a MOLE HILL in RETALIATION perhaps to the COMPLAINT/GRIEVANCE filed against Vickie Diane Snow.

Just checked Email, saw one from Melvin Stillman entitled, "tracking and reports" where he advises meeting with other management and that the handling of the Spreadsheets will be handled by a PART-TIME person. For me this is okay. However, I will NOT be CLEANING up any ISSUES/ERRORS they may encounter with the Spreadsheets and will allow them to resolve the issues/problems they create on their own.

RE: Denise Newsome

Denise Newsome
Sent: Thursday, July 31, 2014 11:51 AM
To: Melvin Stillman
Cc: Vicky Clanton

Will do.

From: Melvin Stillman
Sent: Thursday, July 31, 2014 11:51 AM
To: Denise Newsome
Cc: Vicky Clanton
Subject: RE: Denise Newsome

Great. If you don't have this packet by 8-15, let me know.

Melvin Stillman
First Heritage Credit
Operations Senior Vice President

"Excellence is our Standard"

From: Denise Newsome
Sent: Thursday, July 31, 2014 11:48 AM
To: Melvin Stillman
Cc: Vicky Clanton
Subject: RE: Denise Newsome

Melvin:

Thanks for the call on this issue.

I just left Vicky's office a little while ago after talking with you in follow up to all of this to let her know that I have spoken with you.

As you know, from our discussion, it is a HR issue and I will give it until mid August.

Thanks so much for sharing additional information on how other concerns are to be handled, which I am aware of.
Sorry about the confusion.

Thanks again,
Denise

From: Melvin Stillman
Sent: Thursday, July 31, 2014 11:20 AM
To: Vicky Clanton; Denise Newsome
Subject: RE: Denise Newsome

If this is a HR issue then we need to get it answered now, If just a question I will get on it tomorrow.

Melvin Stillman
First Heritage Credit
Operations Senior Vice President

"Excellence is our Standard"

From: Vicky Clanton
Sent: Thursday, July 31, 2014 11:09 AM
To: Denise Newsome
Cc: Melvin Stillman
Subject: RE: Denise Newsome

No Problem thank you.

First Heritage Credit
Account Management Center Manager
Vicky L. Clanton
Ph # 601 898 3898
Ph#888-661-0633
Fax # 888 824 6274

"Excellence Is Our Standard "

From: Denise Newsome
Sent: Thursday, July 31, 2014 11:08 AM
To: Vicky Clanton
Cc: Melvin Stillman; Denise Newsome
Subject: RE: Denise Newsome

Thanks Vicky.

From the correspondence I received from DeAnne Walberg, I thought it provided me with instructions on what to do if there are questions - i.e. contact information.

I'm not trying to go around you, but was just thinking that some things may be confidential and sometimes an employee may want to hear one-on-one with Human Resources or another. Melvin and DeAnne also mentioned to me (in one of our initial conversatins) that if there were things that I wanted to discuss outside your presence, that I could contact them.

I understand the Chain-of-Command as it relates to certain matters. But understand, that there are times that an

employee may feel the need to talk to another regarding concerns that will still fall within the Chain-Of-Command you mentioned.

Again THANKS!

From: Vicky Clanton
Sent: Thursday, July 31, 2014 10:58 AM
To: Denise Newsome
Cc: Melvin Stillman
Subject: Denise Newsome

Denise I have informed Mr. Stillman that you alerted me that you have some concerns and he did inform me that whatever concerns you have you need to address them with me and I will alert him and he will get back with you as soon as possible.

Thanks
Vicky

First Heritage Credit
Account Management Center Manager
Vicky L. Clanton
Ph # 601 898 3898
Ph#888-661-0633
Fax # 888 824 6274

"Excellence Is Our Standard "

LETTERS and RESPONSE TO 08/08/14 IMPROMPTU MEETING

Denise Newsome
Sent: Monday, August 11, 2014 11:34 AM
To: Vicky Clanton; Barbara Cooper; Shakenna Taylor
Cc: Denise Newsome; Melvin Stillman

Vicky:

As you know, I left early on Friday (08/08/14). However, prior to my leaving you called an **IMPROMPTU** meeting to discuss the "MAILING OF LETTERS" and advised that we are NOT to send out letters WITHOUT your approval.

On August 5, 2014, during my conversation with Melvin, I mentioned how in our meeting you try and get us pumped up and excited about collections/recoveries and then the OBSTACLES placed in the Account Managers' way to PREVENT/OBSTRUCT the recovery/collection efforts – i.e. PREVENT/OBSTRUCT the Account Manager's ability to be SUCCESSFUL in recoveries/collection as well as BONUSING! To further explain this, here are a few examples:

EXAMPLE 1:

Vicky, you mentioned in the meeting about how I have created a process you call a **"PYRAMID"** for collections and wanted me to share this with the group. However, I knew that I had already shared this information with you as well as the other Account Managers (Barbara & Shekanna). Here are some pointers:

(a) You have shared **HOW EFFECTIVE** the process(es) I am using is. That LA Customers are RESPONDING to my letters and are **TAKING my letters** with them to the Branch(es) when making payments.

(b) You **have ACKNOWLEDGED** this method (**PYRAMID**) and letter usage is WORKING – i.e. **OPENING up NEW RECOVERIES** from Customers that ***have NOT paid in years!***

(c) It appears that **ONLY AFTER** you seeing the **SUCCESS** in the **"PYRAMID"** method along with the sending of the Collection/Settlement Letters, **you ABRUPTLY** sent out an email PROHIBITING any further mailings.

(d) You have also made known the reason for the Account Managers **NOT being able** to send Collection/Settlement Letters being **due to being LOW on postage** and/or **NO Postage!**

EXAMPLE 2:

Vicky, **ACCORDING TO YOUR PUBLIC BROADCASTING ANNOUNCEMENT** System, last week –WEEK OF AUGUST 3, 2014 – you came out TALKING ALL LOUD about **HOW** Account Manager (Shakenna) brought in over $3,000 in RECOVERIES and congratulating her. As you know in the meeting(s) you have repeatedly CHASTISED the LOW recoveries for Tennessee (TN). Even going as far as to mention that with TWO FULL-TIME people

EXHIBIT 6

working TN that approximately $300 in recoveries is not getting the job done – i.e. quoting you, **"That dog's NOT going to hunt!"** So NOW even with the OVER $3,000 you have mentioned TN has already brought in this EARLY in August, **HOW have you as the Branch Manager RESPONDED:**

(a) When Account Manager (Shakenna) simply wanted to mail out a few letters – what approximately 10 to 15 on Friday, 08/08/14?

(i) You **VERY AGGRESSIVELY/HOSTILELY** called an **IMPROMPTU** meeting only a FEW MINUTES prior to my APPROVED early leave regarding you not feeling the need to have to send an email regarding the mailing of Collection/Settlement letters and that you were going to do another email in regards to this.

(ii) It is **important to NOTE** that Shakenna was wanting to send out what – **about 10 to 15 letters = costing approximately $7.20** at the most for a State (TN) that you mentioned in the meetings have been UNDER PERFORMING in Collections/Settlements. **Approximately $7.20 for a State (TN), who according to you, that have ALREADY (for August 2014) brought in OVER $3,000 in RECOVERIES!** An Account Manager who in the meetings where you have made known the **MORALE is LOW!**

(b) VERY AGGRESSIVELY did you meet Shakenna's attempt to mail out Collection/Settlement Letters and you mentioning sending us an email. An which it appears **PROHIBITS the Account Managers FROM Collecting and USING PROCESSES they believe to be EFFECTIVE in meeting not ONY their GOALS but that of FHC!**

(c) As you know, I have shared in our meetings ***CONCERNS of HOW you give these HIGH ENERGY PEP TALKS in SOUND and APPEARANCE ONLY*** *of how happy you are with the monies coming in*. Then **as SOON as there is a GOOD RECOVERY and/or RECOVERIES how I have observed you in action seeking WAYS to "YANK THE RUG FROM UNDERNEATH"** the Account Managers – i.e. calling you the **TAKE-AWAY QUEEN** – *to keep them from reaching their goals and/or getting the **INCENTIVE** bonus(es).*

NOTE: I also mentioned such concerns in my conversation with Melvin on last week.

Such concerns as it may contribute to the LOW MORALE at FHC's AMC! The BUILD-UP just to TAKE AWAY! Although

in a recent situation ***with me***, MELVIN advised it was ***his call*** which gave me **further INSIGHT** from such *confirmation* as to what took place and *perhaps the reasons for the call* in the *handling of recoveries* for the State of Louisiana last month.

(d) You may recall on last week that while I was talking with Shakenna, you **ABRUPTLY interrupted our conversation** stating that we **are NOT to be communicating with each other DURING working hours and are to be FOCUSING on Collections during work hours!** ***While I did not take Melvin's email on last week to mean the Account Managers CANNOT talk with each other during working hours, this is HOW it appears you have handled the CHANGE in functions issued by Melvin.*** **Vicky making such an ABRUPT change with KNOWLEDGE that since the changes implemented by Melvin, the INCREASE in NEW Recoveries I am getting; however, I HAVE NOT been able to FOLLOW-UP with letters to the Customer(s) REQUESTING written correspondence because you have PROHIBITED the mailing of Collection/Settlement Letters due to "NO POSTAGE" as I am noting on the accounts and simply moving on.**

MORALE ISSUE: FORBIDDING grown women (Account Managers) from talking and sharing, DURING work hours while you yourself have taken the *LIBERTY to give KUDOES/CONGRATULATIONS whenever you feel the need to do so* – ALL LOUD, etc. - while PROHIBITING the Account Managers from doing the same and talking with each other DURING WORKING HOURS!

As you know, I have already asked you whether there **ARE EXCEPTIONS** to such a request via EMAIL? Which was met with a simple, **"THANKS!"**

So Vicky, as the BRANCH MANAGER, I'm trying to understand HOW does explain EXPLAIN:

(i) The LOW MORALE even AFTER ALL your RAH RAH RAH. . . speeches in the meetings you call? Then claiming you don't know what else to do!

(ii) WHY are the Recoveries **STAGNATED MONTHLY** averaging about ***$7,500 or BELOW*** and **are NOT INCREASING monthly** with NEW Accounts being added and/or if they are being worked? Shouldn't **NEW Recoveries (with payment arrangements)** as well as MONIES brought in by **AMC be INCREASING monthly when ADDED** to the *PREVIOUS months* **where there are EXISTING Recovery Accounts with payment arrangements already set up?**

As you know I have shared in the meeting(s) **WONDERING WHY *in a YEARS TIME*, the Account Management Center**

has NOT reached its $100,000 GOAL you have set. *So I am hoping in sharing in this email which* ***simply REAFFIRMS*** *what I have shared in our meetings and putting it in writing, as to WHY it may be that FHC's AMC* ***is NOT INCREASING on a MONTHLY basis in RECOVERIES and NOT met the $100,000 MONTHLY Goal set!***

(iii) It appears that you, *Vicky, as the Branch Manager* ***are FORBIDDING*** *the Account Managers* ***from USING*** *and* ***IMPLEMENTING*** *Collection/Settlement processes that are working and/or may work for them.*

(iv) AFTER Melvin's 08/05/14 email regarding tracking and reports, " Account Managers are ***NOW*** *being* ***FORBIDDEN*** ***to COMMUNICATE*** *with each other* ***during*** *working hours* – i.e. ***while you (as the Branch Manager) take the LIBERTY to EXERCISE your voice and concerns with others and you do it with such LOUDNESS/YELLING and TOTAL DISREGARD to whether or not others and/or Account Managers are on the phone talking with Customers.***

NOTE: While it has been brought up in the meeting (s) HOW UNPROFESSIONAL and/or DISRUPTIVE such LOUD TALKING/YELLING ACROSS the Office is for one answering the phones (Receptionist) as well as the Account Managers, you CONTINUE to do it! It was shared that *the* ***USE of your LOUD TALKING*** *and* ***YELLING method*** *you have implemented also has resulted in* ***your DISCUSSING ANOTHER*** *Customer 's Account that may* ***be OVERHEARD by other Customers*** *to which Account Managers may be on the phone talking to.* Thus, may be taken as **NOT respecting the PRIVACY of FHC's Customers'** Accounts and allowing Customers **TO OVERHEAR** information regarding another person's Account information with FHC – *i.e. for instance, I mentioned for example that* ***when speaking LOUDLY*** *about Pastor "So So's" account, you don't know whether or not the Customer another Account Manager has on the line knows "Pastor So So"* or how such information that is OVERHEARD by another Customer on the phone may be taken. Nevertheless, **you CONTINUE** *with the* ***LOUD TALKING/YELLING*** *method through AMC that you have implemented* although concerns of ***the compromise of Customer information*** **being OVERHEARD** by another FHC Customer that Account Managers may be on the phone with.

For instance, on Friday (08/08/14), **you CONSTANTLY kept YELLING down the hallway to me** and ***I was on the phone making a call to a Customer.*** *Of course, I sent you an email in regards to this explaining WHY I could not answer you.* It is important to note that it has been

SUGGESTED that the phone (INTERCOM Feature) be used rather than the YELLING out of offices and down the hall. To no avail, ***you simply continue the practices you have implemented regardless of HOW disruptive they may be and regardless of HOW such LOUDNESS/YELLING may be taken by FHC Customers on the phone!***

I sure hope there are **NO ADVERSE/RETALIATORY** reactions for my simply REITERATING WHAT HAS ALREADY BEEN SHARED IN THE MEETINGS BUT HAVE GONE IGNORED!

From meeting(s) I have been given the impression that when an Account Manager has shared concerns that ***they have resulted in ADVERSE/RETALIATORY actions for the sharing information.*** For instance, in one of our meetings it was made known because another Account Manager questioned computation of recoveries, the **INCENTIVE Bonus information changed** – i.e. for instance under the PRIOR Incentive information, Shakenna would have Bonused by now. ***NOW LOOK at how she is being handled!*** **Vicky having a way of wording in the meetings HOW raising concerns may have ADVERSE reactions!** ***All I know is that I shared VALID concerns in July 2014, which resulted in actions having to be taken and the NEXT thing you know, when I was TOLD by the Branch Manager (Vicky) that monies were RECOVERIES, Melvin advised me that it was his doing and how it was CHANGED/RESOLVED which resulted in my not getting the Bonus the Branch Manager (Vicky) mentioned I would get and I found that to be interesting considering my concerns RAISED earlier in July that were brought to his attention – i.e. which appears resulted in an ADVERSE action for reporting concerns through the FHC processes that led to the moving of an employee to another location. There are certain practices that are prohibited that the methods used are so subtle that an untrained eye would miss.***

EXAMPLE 3: FACTS ABOUT THE POSTAGE:

(a) *I shared in my conversation with Melvin on last week (08/05/14) that we have* ***"NO POSTAGE"*** *according to you. While you mentioned that you were going to inquire about getting the amount of monies for postage INCREASED for AMC,* ***the Account Managers have NOT been updated on this.*** *Here* ***we are going into about the SECOND week – i.e. HALF-THE-MONTH of August is just about gone and you (but NOT the Account Managers) have used FHC postage and mailed correspondence to help you complete the functions of your job.***

(b) You mentioned that NOT enough monies have been BUDGETED for FHC's Account Management Center for the amount of Collection/Settlement Letters being sent out.

NOTE: While the AMC **is the "COLLECTION" Center for FHC,** you have made it appear that there **are NO monies** and/or enough monies ***are NOT*** *being allocated to accommodate the AMC* ***COLLECTION*** *processes*. Vicky, you mentioned about checking on getting the amount ALLOCATED for Postage INCREASED; however, ***here the AMC is NOW at the 11th DAY of the month and the Account Managers have NOT been able to send out Collection/Settlement Letters due to "NO POSTAGE" and/or "LOW POSTAGE" that cannot accommodate the demands of the Account Managers while it is ABLE to accommodate the Branch Manager's demands.***

(c) METERED MAIL: Metered mail cost approximately 48¢. So even if the Account Managers sent out 1,000 letters in August 2014, that is approximately $480 in POSTAGE!

NOTE: July 2014 RECOVERIES for LOUISIANA, MISSISSIPPI, TENNESSEE (Legal, Garnishments, Bankruptcies, Recoveries, etc.) totaled approximately, $69,465.45

In RECOVERIES alone approximately: $29,323.31

Yet, if the AMC had about 1,000 Collection/Settlement Letters to send out, ***it couldn't*** *handle $480 worth in mailings?* In Account Manager's (Shakenna) situation on Friday, August 8, 2014, the AMC **did NOT** have approximately **$7.20** to handle her mailing request and, according to the Branch Manager (Vicky Clanton), Shakenna **has ALREADY brought in OVER $3,000 in RECOVERIES in August alone;** however, FHC's AMC **did NOT** have **$7.20** in postage to handle this Account Manager's request and to aid her **EFFECTIVELY** in the Collection Processes she was using.

(d) So one may wonder for instance, **WHAT and/or HOW MUCH does FHC's AMC spend on a MONTHLY basis on its COLLECTION TELEPHONE CALLS? Is it LESS than 48¢ a CALL?**

Perhaps AMC has a PACKAGE Telephone plan, I don't know.

What **is KNOWN** is **that MANY** of the Customers contacted have gotten their **PHONE SERVICES** (Home and Cell) **DISCONNECTED** so it doesn't take one to figure out that ***disconnection may be due to NON-PAYMENT, EXCESSIVE LONG DISTANCE phone calls, etc***. Therefore, the use of sending a **48¢ Collection/Settlement Letter** may provide for **DIRECT contact** with the Customer.

(e) So **HOW does one go about COMMUNICATING** with the Customer **who has REQUESTED** that **they be sent WRITTEN CORRESPONDENCE** so they can have it for their records - the SETTLEMENT Offer extended - when the Branch Manager **has FORBIDDEN** the sending of Collection/Settlement Letters and then **the POSTAGE** on the mailing machine **is ALWAYS** LOW and/or **OUT-OF-POSTAGE**?

HOW is the AMC going to go about handling REQUEST(S) from Customers wanting RECEIPTS for their payments submitted via MAIL? Some of my Customers are saying that if they mail their payment, they want a RECEIPT mailed back to them.

(f) As you know *Vicky, **you are** mailing correspondence and **using** POSTAGE to SETUP **your processes** to make **performing your job functions** much easier and simpler **while you have FORBIDDEN** the Account Managers from doing the same in SETTING UP processes that work for them and may IMPROVE the RECOVERIES process*.

(g) As you know, you have **REPEATEDLY** asked during the meeting(s) *what I am doing to be SUCCESSFUL in bringing in NEW RECOVERIES* and I have shared information *which led to **the BACKLASH** of **your FORBIDDING** the use of the mailing process to RECOVER monies* – i.e. the reason you have given "LOW POSTAGE" and/or "NO POSTAGE!"

NOW you are inquiring (*EVEN with **such ADVERSE actions** taken **on your part to OBSTRUCT/HINDER my processes** through the PYRAMID process*) what ELSE I am doing to be SUCCESSFUL. Now *what person in their RIGHT MIND, seeing the **ADVERSE/RETALIATORY action** you have taken **to PROHIBIT** Collection/Settlement Recoveries will CONTINUE to share such information*? That would be something like DELILAH asking SAMSON where his STRENGTH came from and upon finding out, used the information to give to the adversary for purposes of DESTRUCTION! When one is BLESSED, let's just leave it at that!

Here we are at the **11th of August, and FORBIDDEN** to send out Collection/Settlement Letters and yet the monies are still coming in – i.e. although Recoveries COULD be BETTER **if not**

OBSTRUCTED/HINDERED!

(h) Again, REITERATING **the ADVERSE** Feedback Vicky as the Branch Manager has given to Tennessee because it has been DOWN in Recoveries. Then when TN BEGINS-TO-SHINE as it is doing NOW, LOOK at what you have done and LOOK at HOW you have gone about to BRING DOWN the MORALE while fronting "RAH RAH RAH. . .!" Saying, **"I told you TENNESSEE has money!"**

The Account Managers are wanting to use the VERY PROCESSES (Mailing & Postage) you are using to help you in the performance of your job duties/functions; however, are being FORBIDDEN and told there is "NO POSTAGE" and/or "LOW POSTAGE!"

(i) So HOW does one EXPLAIN the FALL in RECOVERIES in the SECOND week of August and the Account Managers' INABILITY to IMPLEMENT Collection/Settlement processes to bring in RECOVERIES?

(j) HOW does one EXPLAIN (for instance) in:

(i) May 2014, the AMC bringing in about $60,361.59 (for LA, MS, TN)

(ii) June 2014, the AMC bringing in about $58,465.46 (for LA, MS, TN) and

(iii) July 2014, the AMC bringing in about $69,465.45 (for LA, MS, TN)

and here we are about August 11, 2014 (approximately TWO WEEKS IN), and **the Account Managers CANNOT perform ALL of the FUNCTIONS to help them with doing their job** – i.e. sending of Collection/Settlement Letters - because here is **"NO POSTAGE"** and/or **"LOW POSTAGE"** while you have FREE REIGN in using the "mailing of your letters and postage usage" to get your job functions done?

(k) As I shared with you Vicky, as for myself, if I am ASKED WHY Recoveries are DOWN for Louisiana, I am going to make it KNOWN the **INABILITY** to work the Accounts **INDEPENDENTLY** (without outside interference and OBSTRUCTION) and the **INABILITY to USE PROCESSES** (mailing of Collection/Settlement) *that you have **PUBLICLY** made known to be EFFECTIVE!*

Not only that **being INSTRUCTED** by the Branch Manager (Vicky Clanton) **NOT to send** Collection/Settlement Letters due to

the fact that there is **"NO Postage"** and/or "LOW Postage" and **must NOT** forget your mentioning, PRIOR to my coming onboard, *that NOBODY sent out the NUMBER of Collection/Settlement Letters I have been sending out using the MAIL-MERGE process* – **i.e. a process in which you requested that I email you information regarding the EFFECTIVENESS of using mail merge and NOW, it appears, you want to YANK-THE-PLUG on the use of this process and/or NOT see that the APPLICABLE postage is added to accommodate the Account Managers which use the Mail Merge process.**

Again, I am **NOTING my accounts** to REFLECT my PROCESSES and **INSTRUCTIONS from the Branch Manager (VC) not to send letter(s) and WHY!** ***You shared on Friday (08/08/14); you have noticed I am NOTING my accounts. Such a response which may be taken as your EYEING and CHECKING accounts to see WHAT COMMITMENTS are being made and the WITHHOLDING of POSTAGE to PROHIBIT/OBSTRUCT the Collection/Settlement processes – i.e. RECOVERIES and INCENTIVE BONUS.***

Vicky, you advised that **you would like for payment arrangements to be set up on the 5th and 15th of the month; however, here it is the 11th of August and the Account Managers have NOT been allowed to send out Collection/Settlement Letters for almost TWO WEEKS now!**

HOW does one EXPLAIN the ADVERSE CONTROL Tactics being used to PROHIBIT Collections/Recoveries is beyond me. Processes which the BRANCH MANAGER (Vicky Clanton) has REPEATEDY announced in meetings are working.

METHODS (as the Pyramid) in Collections/Settlements being used that the BRANCH MANAGER (Vicky Clanton) has NOT IMPLEMENTED *in OVER a year and advised she has "NEVER SEEN ANYTHING LIKE IT!"*

Nevertheless, with Collection/Settlement processes that are working, it appears to **you (Vicky) have IMPLEMENTED** through your INSTRUCTION (S)/DIRECTION(S) **methods that PROHIBIT/OBSTRUCT** the Account Manager(s) from performing their JOB DUTIES/FUNCTIONS because they

are using methods and bringing in monies that you have NOT been able to do.

I'll close with one of the Branch Manager's (Vicky Clanton) sayings, ***"GIRL HAVE YOU SEEN ANYTHING LIKE IT?"***

There is DEFINITELY a **"FLY IN THE MILK"** and/or the **"SWAMP ISN'T SMELLING TOO GOOD RIGHT NOW!"**

Vicky, while you WELCOME Feedback and from my conversation with Melvin on last week, I sure hope that *this response doesn't bring FURTHER ADVERSE ACTIONS/BACKLASH because I am simply complying with FHC policies and procedures in addressing concerns!* You advised in our meetings, you WELCOME FEEDBACK and to TALK TO YOU, so here it is!

Denise Newsome
(601) 898-3559

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From: Vicky Clanton
Sent: Friday, August 08, 2014 5:19 PM
To: Barbara Cooper; Denise Newsome
Subject: Letters

Just a followup after a brief meeting and as many conversation already I have said- PLEASE DO NOT SEND LETTERS OUT PAST THE THRESHOLD with out notifying me.

Thanks
Vicky

First Heritage Credit
Account Management Center Manager
Vicky L. Clanton
Ph # 601 898 3898
Ph#888-661-0633
Fax # 888 824 6274

"Excellence Is Our Standard "

COMPROMISED SPREADSHEETS ISSUE and RESOLUTION TO PROBLEM

Sent: Tuesday, June 03, 2014 2:34 PM
To: Vicky Clanton
Cc: Denise Newsome
Attachments: 402 MISSISSIPPI - Collecti~1.ods (71 KB) ; 403 LOUISIANA - Collection~1.ods (36 KB) ; 404 TENNESSEE - Collection~1.ods (29 KB)

Vicky:

Attached are the MAY 2014 Spreadsheets for LA/403, MS/402, and TN/404.

As mentioned on 05/30/14 the LA and TN Spreadsheets had been compromised since the 05/29/14 entries; therefore, causing a balancing issue and delay. This required my having to DELETE daily entries until the day-end balance matched what was in my hard-copy-stored files. This method was used ***to keep from*** having to check **each-and-every** entry for the ENTIRE month. I then went back in and RE-ENTERED information.

Although our process in BALANCING the spreadsheets ***on a DAILY*** *basis is working*, the compromising of these sheets did cause delay as well as serious concerns. Therefore, in in effort to ELIMINATE such problems in the future, I will try and email copies of the Spreadsheets on a DAILY basis to myself (*filing in an EMAIL Folder that has been set up*) as well as to you for VERIFICATION purposes. I am also placing a BACKUP of the electronic file in another location on the compluter as well as implementing ADDTIONAL features for SAFEKEEPING!

Hopefully, with these changes in place, our work will be protected on a DAILY basis and it will save a great deal of time if the Spreadsheets are compromised in the future.

The **GOOD NEWS:** All Spreadsheets for MAY 2014 have balanced and have been closed and stored. All Spreadsheets for JUNE (As of 06/02/14) also balanced and have been stored.

Should you have any questions, please let me know.

Thanks,

Denise

WELCOME

Welcome to First Heritage Credit, LLC ("First Heritage Credit" or the "Company" or "we"). Thank you for choosing First Heritage Credit as the place you want to work. Your job is important to our continued progress and security. We are all working towards the common goal of building a strong and profitable organization in order to provide quality and efficient lending services. Our future job security requires we all work together to attain this goal.

We are happy to present you with a copy of the current "Employee Handbook" ("Handbook"), which is applicable to all First Heritage Credit employees. The purpose of the Handbook is to help you become a productive part of the Company. It is a book of facts about our personnel policies, work procedures and employee benefits that affect you, your family, and your job.

We believe our rules and policies are reasonable and have set them forth in the Handbook simply to let you know what you can generally expect from us as your employer, and what we expect from you as our employee. These policies are not unchangeable and are not to be considered a contract. Due to changing federal and state oversight, increased regulations, and various economic factors, First Heritage Credit's policies and rules are subject to change without prior notice. As such, you should periodically review the Handbook and other Company postings online (i.e., on FirstNet and/or other system) to ensure you stay up-to-date on the Company's policies and procedures.

EMPLOYMENT

HIRING PRACTICES

In all instances we will attempt to hire the person most qualified for the position that we have available. It is First Heritage Credit's policy to comply with all federal, state, and local laws. In no instance will we discriminate on the basis of race, age, religion, sex, disability, marital status, genetic information, or other protected class under applicable law.

HIRING

For all clerical and staff positions, Branch Managers will make hiring recommendations to the District Manager for final approval. The Operations Vice President will hire Branch Managers with the concurrence of the President.

EQUAL EMPLOYMENT OPPORTUNITY

First Heritage Credit is an Equal Employment Opportunity employer and complies with all federal and state laws and regulations prohibiting discrimination based on race, color, religion, sex, national origin, age, veteran, disability or handicap status, genetic information or other protected class under applicable law. Whenever the masculine gender is used in this handbook, it shall also be deemed to include the feminine gender.

HARASSMENT IS PROHIBITED

We prohibit harassment of one employee by another employee or manager for any reason including, but not limited to: race, color, religion, national origin, physical or mental disability, sex, genetic information or any other basis protected by federal, state or local law. The purpose of this policy is not to regulate the personal morality of employees. It is to assure that all employees are permitted to work in an environment free of harassment or other objectionable conduct prohibited by law.

HARASSMENT POLICY

First Heritage Credit is committed to providing a working environment that supports the dignity and self-esteem of its employees and is free of any form of harassment.

Harassment consists of unwelcome conduct, whether verbal, physical or visual that is based on a person's protected status, such as sex, color, race, ancestry, religion, age, national origin, veteran status, disability, handicap, medical condition, martial status, genetic information or citizenship status, and interferes unreasonably with another's work performance or creates an intimidating, offensive or hostile environment.

The federal Equal Employment Opportunity Commission defines sexual harassment as: any unwelcome sexual advance, request for sexual favor or other verbal, visual or physical conduct of a sexual or sex-based nature where (1) submission to such conduct is made either explicitly or implicitly a term of condition of an individual's employment, (2) an employment decision is based on an individual's acceptance or rejection of such conduct, or (3) such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

It is First Heritage Credit's policy that all employees have a right to work in an environment free of discrimination, which encompasses freedom from harassment in any form.

HARASSMENT POLICY/RESPONSIBILITY

EMPLOYEES

It is the manager's responsibility to help assure that harassment is prevented. An employee who believes he/she has witnessed harassment and/or is being harassed must *immediately* notify his/her manager, the next higher-level-up manager, the Human Resources Director, or the President of the Company.

MANAGERS

Managers are responsible for ensuring that the spirit of the policy is respected. Managers who become aware of incidents of possible harassment must promptly investigate and make certain that the facts are brought immediately to the attention of higher management and the President of the Company.

HARASSMENT POLICY/PROCEDURE

First Heritage Credit will not tolerate harassment of its employees by anyone, including any manager, co-worker, vendor, consultant and/or customer. An employee who believes a harassment situation has occurred should bring the issue immediately to the attention of the appropriate management representative, the Human Resources Director, or the President of the Company. Alternatively, the employee may utilize the complaint procedure provided by the Handbook.

First Heritage Credit's policy prohibits retaliation against any employee for either filing a complaint of harassment or for providing information in connection with an investigation of alleged conduct.

All complaints of harassment will be investigated thoroughly, promptly, and in an impartial manner. To the extent possible without jeopardizing a complete investigation and remedial measures, First Heritage Credit will keep complaints and any resolution terms confidential. The complaining employee will be advised of findings, and management will

OFFICIAL COMMUNICATIONS

Email and electronically posted memos are used to convey official announcements and/or information from the Company. Notices of policy changes, procedural changes, and/or memos, which may affect employees and/or the Company, will be distributed within the branch to each employee by the Branch Manager. It is the Branch Manager's responsibility to insure that each official communication or memo is distributed accordingly and that each employee has prompt notice of the same.

COMPLAINT PROCEDURE

First Heritage Credit firmly believes that the best employees are happy employees. Toward this effort, employees are to bring to management's attention any matter, dispute or controversy arising from their employment relationship, working conditions or decisions affecting same with First Heritage Credit. For this purpose, a complaint or grievance procedure is provided as follows:

STEP I In the event of a complaint, the aggrieved employee shall present a written notification to his/her Branch Manager within five (5) days of the facts or events giving rise to the complaint. The Branch Manager shall give an answer in writing to the employee within five (5) days of receipt of the written complaint from the employee. In the event that the aggrieved employee is a Branch Manager the complaint process will begin with the District Manager.

STEP II If the complaint is not settled or otherwise resolved in the preceding step, the employee shall present the written complaint and a copy of the Branch Manager's response to the District Manager within seven (7)

calendar days following receipt of the Branch Manager's answer. The District Manager shall give an answer in writing to the employee within seven (7) calendar days following receipt of written complaint.

STEP III If the complaint is not settled or otherwise resolved in the preceding step, the written complaint together with a copy of the Branch Manager's and District Manager's responses shall be presented to the President or the Human Resources Director of First Heritage Credit within ten (10) calendar days following his or her receipt of the answer of the District Manager. The written complaint shall be deemed presented to the President or Human Resources Director upon mailing by the employee to the home office. The President or Human Resources Director shall respond to the written complaint within fifteen (15) calendar days of receipt. The decision of the President or Human Resources Director shall be deemed final.

If the employee's complaint is not first taken up or carried forward to the next step by the employee within the time limits specified in the preceding paragraphs, the complaint or grievance shall be considered waived, settled, or otherwise resolved.

If management fails to answer a complaint within the established time limit or before the expiration of an extension thereof, the complaint shall advance to the next higher step of resolution.

A complaint form is provided in the Appendix of the Handbook.

MEMO TO EMAIL: 08/05/14 TELEPHONE CONFERENCE – Melvin Stillman

Denise Newsome
Sent: Tuesday, August 05, 2014 3:37 PM
To: Denise Newsome

MEMO TO EMAIL: 08/05/14 TELEPHONE CONFERENCE – Melvin Stillman

RE: Concerns

A. Fontenot Matter:

1. Stated is was Legal and his call on how it was handled.
2. Acct NOT Bankruptcy and was DISCHARGED. Mentioned Firm handling (Rogers & Hear___) - NON-Bankruptcy RECOVERY (1st Mortgage).
3. Wanted to make it appear that there were issues with my addressing concerns – CONFLICT with BM (Vicky Clanton) – i.e. that it causes TENSION and DISTRUST. Advised did not feel that way. Had concerns and wanted clarification.
   (i) VC made it clear upon receipt of News that $10,000 Pmt was RECOVERY money.
   (ii) ANNOUNCED to the other Account Mgrs. (Barbara & Shakenna) that money was RECOVERY.
   (iii) Even on the evening of July 31, 2014, VC told her husband that $10,000 was RECOVERY.

SHARED: Concerns of the MANIPULATION of Spreadsheet by BM (VC) messing with RECOVERY monies for Louisiana taking it down to approximately $10,000 and then when she I came into her office, she appeared NERVOUS

Then the VERY NEXT DAY, BM (VC) attempted to make it seem that I have so much work to do and the handling of the Spreadsheet was too much that she wanted to give this task to her daughter (Jana) to handle; however, OVP (Melvin) said no. It is INTERESTING only AFTER BM (VC) noting that I saw her changing information in the Spreadsheet that she made such a request for HER DAUGHTER to handle.

Asked BM (VC) who checks her work.

While Melvin mentioned that he is going to have Chris and __ another person come and check things out – we'll just have to see.

There appears to be issues with how monies are being POSTED and the ONLY person handling POSTING is BM (VC) whose work is NOT checked by anyone else.

4. Shared how BM (VC) slammed me with Emails regarding Mailing of Collection/Letters – i.e. all of this ONLY AFTER my raising concerns regarding her ALTERCATION of Data in the Spreadsheets being provided and my wanting to speak to OVP (Melvin). Serious Concerns.

5. Noted BM (VC) observation of the process I am using in Collections (Pyramid) and how Customers are responding. Nevertheless, have been BANNED from sending letters because she is NOT putting POSTAGE in the machine – i.e. which can be TAKEN as efforts to prevent collections and bonuses AFTER seeing the ALTERCATION of the RECOVERIES in the Louisiana Spreadsheet.

Melvin I gathered wanted to make is appear that there were issues/altercations and MISTRUST between Vicky and I (Denise); however, I advised him, I did not see that and I was simply addressing my concerns. Such a statement by Melvin may be perceived as a THREAT or RETALIATION for ones reporting concerns.

From BM (VC) nobody at First Heritage CHECKS her work and because I (Denise) QUESTIONED what I saw, it appears to be the BACKLASH received.

Melvin advised that he will be speaking with Vicky later.

Melvin stated he had to go because JIM was standing in his door. I gathered from this statement, BM (VC) and Melvin may be trying to make a MOUNTAIN out of a MOLE HILL in RETALIATION perhaps to the COMPLAINT/GRIEVANCE filed against Vickie Diane Snow.

Just checked Email, saw one from Melvin Stillman entitled, "tracking and reports" where he advises meeting with other management and that the handling of the Spreadsheets will be handled by a PART-TIME person. For me this is okay. However, I will NOT be CLEANING up any ISSUES/ERRORS they may encounter with the Spreadsheets and will allow them to resolve the issues/problems they create on their own.

RE: Denise Newsome

Denise Newsome
Sent: Thursday, July 31, 2014 11:51 AM
To: Melvin Stillman
Cc: Vicky Clanton

Will do.

From: Melvin Stillman
Sent: Thursday, July 31, 2014 11:51 AM
To: Denise Newsome
Cc: Vicky Clanton
Subject: RE: Denise Newsome

Great. If you don't have this packet by 8-15, let me know.

Melvin Stillman
First Heritage Credit
Operations Senior Vice President

"Excellence is our Standard"

From: Denise Newsome
Sent: Thursday, July 31, 2014 11:48 AM
To: Melvin Stillman
Cc: Vicky Clanton
Subject: RE: Denise Newsome

Melvin:

Thanks for the call on this issue.

I just left Vicky's office a little while ago after talking with you in follow up to all of this to let her know that I have spoken with you.

As you know, from our discussion, it is a HR issue and I will give it until mid August.

Thanks so much for sharing additional information on how other concerns are to be handled, which I am aware of.
Sorry about the confusion.

Thanks again,
Denise

From: Melvin Stillman
Sent: Thursday, July 31, 2014 11:20 AM
To: Vicky Clanton; Denise Newsome
Subject: RE: Denise Newsome

If this is a HR issue then we need to get it answered now, If just a question I will get on it tomorrow.

Melvin Stillman
First Heritage Credit
Operations Senior Vice President

"Excellence is our Standard"

From: Vicky Clanton
Sent: Thursday, July 31, 2014 11:09 AM
To: Denise Newsome
Cc: Melvin Stillman
Subject: RE: Denise Newsome

No Problem thank you.

First Heritage Credit
Account Management Center Manager
Vicky L. Clanton
Ph # 601 898 3898
Ph#888-661-0633
Fax # 888 824 6274

"Excellence Is Our Standard "

From: Denise Newsome
Sent: Thursday, July 31, 2014 11:08 AM
To: Vicky Clanton
Cc: Melvin Stillman; Denise Newsome
Subject: RE: Denise Newsome

Thanks Vicky.

From the correspondence I received from DeAnne Walberg, I thought it provided me with instructions on what to do if there are questions - i.e. contact information.

I'm not trying to go around you, but was just thinking that some things may be confidential and sometimes an employee may want to hear one-on-one with Human Resources or another. Melvin and DeAnne also mentioned to me (in one of our initial conversatins) that if there were things that I wanted to discuss outside your presence, that I could contact them.

I understand the Chain-of-Command as it relates to certain matters. But understand, that there are times that an

employee may feel the need to talk to another regarding concerns that will still fall within the Chain-Of-Command you mentioned.

Again THANKS!

From: Vicky Clanton
Sent: Thursday, July 31, 2014 10:58 AM
To: Denise Newsome
Cc: Melvin Stillman
Subject: Denise Newsome

Denise I have informed Mr. Stillman that you alerted me that you have some concerns and he did inform me that whatever concerns you have you need to address them with me and I will alert him and he will get back with you as soon as possible.

Thanks
Vicky

First Heritage Credit
Account Management Center Manager
Vicky L. Clanton
Ph # 601 898 3898
Ph#888-661-0633
Fax # 888 824 6274

"Excellence Is Our Standard "

FOCUS - 2 of 16 DOCUMENTS

TERRY ANDERSON, Plaintiff-Appellant, v. TUPELO REGIONAL AIRPORT AUTHORITY, Defendant-Appellee.

No. 13-60666 Summary Calendar

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

568 Fed. Appx. 287; 2014 U.S. App. LEXIS 9068

May 15, 2014, Filed

NOTICE: PLEASE REFER TO FEDERAL RULES OF APPELLATE PROCEDURE RULE 32.1 GOVERNING THE CITATION TO UNPUBLISHED OPINIONS.

PRIOR HISTORY: [1]**
Appeal from the United States District Court for the Northern District of **Mississippi.** USDC. No. 3:11-CV-131.
Anderson v. Tupelo Reg'l Airport Auth., 967 F. Supp. 2d 1127, 2013 U.S. Dist. LEXIS 128806 (N.D. Miss., 2013)

CASE SUMMARY:

OVERVIEW: ISSUE: Whether a former employer was properly granted summary judgment as to a terminated employee's age discrimination claim under the Age Discrimination in Employment Act. HOLDINGS: [1]-The employer provided a legitimate nondiscriminatory reason for the employee's termination because the employer's stated reason for terminating him was his dishonesty that resulted in a loss of confidence; [2]-The employee failed to show pretext because a board member's affidavit stating that the employee was highly competent and trustworthy was conclusory and stated an opinion, the employer's belief that he was dishonest about his knowledge of the airport's telephone service providers, whether he provided information to a journalist, and whether he was represented by counsel was not unreasonable, and stray remarks did not demonstrate age discrimination.

OUTCOME: Summary judgment affirmed.

CORE TERMS: termination, airport's, genuine, summary judgment, age discrimination, stated reason, issue of material fact, terminating, journalist, quotation marks omitted, nondiscriminatory reason, confidence, terminated, pretextual, dishonest, runway, prima facie case, telephone service, citation omitted, discharged, dishonesty--, emails, matter of law, age discrimination claim, protected class, provide evidence, discriminatory, conclusory, replaced, pretext

LexisNexis(R) Headnotes

Civil Procedure > Summary Judgment > Appellate Review > Standards of Review
[HN1] An appellate court reviews a district court's grant of summary judgment de novo, applying the same standard as the district court.

Civil Procedure > Summary Judgment > Burdens of Production & Proof > Nonmovants
Civil Procedure > Summary Judgment > Standards > Appropriateness
[HN2] Summary judgment is appropriate if the movant shows that 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). Although the court considers the evidence and all reasonable inferences to be drawn therefrom in the light most favorable to the nonmovant, the nonmoving party may not rest on the mere allegations or denials of its pleadings, but must respond by setting forth specific facts indicating a genuine issue for trial.

EXHIBIT 7

Civil Procedure > Summary Judgment > Burdens of Production & Proof > Nonmovants
Civil Procedure > Summary Judgment > Opposition > General Overview
[HN3] Conclusory statements, speculation, and unsubstantiated assertions cannot defeat a motion for summary judgment.

Labor & Employment Law > Discrimination > Age Discrimination > Coverage & Definitions > General Overview
Labor & Employment Law > Discrimination > Age Discrimination > Employment Practices > Discharges & Failures to Hire
[HN4] Under the **Age Discrimination** in Employment Act, it is unlawful for an employer to discharge an employee because of the employee's age. 29 U.S.C.S. § 623(a)(1).

Labor & Employment Law > Discrimination > Age Discrimination > Proof > Burdens of Proof
[HN5] To establish a claim under the **Age Discrimination** in Employment Act, an aggrieved employee must prove, by a preponderance of the evidence, that age was the "but-for" cause of the challenged adverse employment action.

Labor & Employment Law > Discrimination > Age Discrimination > Proof > Burdens of Proof
Labor & Employment Law > Discrimination > Age Discrimination > Proof > Circumstantial Evidence
[HN6] In the absence of direct proof of discrimination, the plaintiff in an **age discrimination** case must follow the three-step burden-shifting framework laid out in McDonnell Douglas and Burdine. First, the plaintiff must establish a **prima facie** case of **age discrimination** by showing that (1) he was discharged; (2) he was qualified for the position; (3) he was within the protected class at the time of discharge; and (4) he was either (i) replaced by someone outside the protected class, (ii) replaced by someone younger, or (iii) otherwise discharged because of his age.

Labor & Employment Law > Discrimination > Age Discrimination > Proof > Direct Evidence
[HN7] Direct evidence is evidence that, if believed, proves the fact of discriminatory animus without inference or presumption.

Labor & Employment Law > Discrimination > Age Discrimination > Employment Practices > Discharges & Failures to Hire
Labor & Employment Law > Discrimination > Age Discrimination > Proof > Burdens of Proof
[HN8] If a plaintiff establishes a **prima facie** case of **age discrimination,** then the defendant must proffer a legitimate nondiscriminatory reason for its employment action. If the defendant provides a legitimate nondiscriminatory reason for its employment action, the presumption of discrimination established by the plaintiff's **prima facie** case disappears and the plaintiff must satisfy his ultimate burden of proving intentional discrimination. The plaintiff can meet this burden by showing that the reasons provided by the defendant for his termination are a pretext for **age discrimination.**

Labor & Employment Law > Discrimination > Age Discrimination > Employment Practices > Discharges & Failures to Hire
Labor & Employment Law > Discrimination > Age Discrimination > Proof > Burdens of Proof
Labor & Employment Law > Discrimination > Age Discrimination > Proof > Circumstantial Evidence
[HN9] A plaintiff advancing an **Age Discrimination** in Employment Act claim using only circumstantial evidence must prove that discriminatory animus was the determinative basis for his termination. As a practical matter, this requirement dictates that the plaintiff put forward evidence rebutting each one of a defendant's nondiscriminatory explanations for the employment decision at issue. In other words, the plaintiff must provide evidence showing that each of the defendant's stated explanations for termination is pretextual.

Civil Procedure > Summary Judgment > Burdens of Production & Proof > Scintilla Rule
Labor & Employment Law > Discrimination > Age Discrimination > Proof > Burdens of Proof
[HN10] A mere scintilla of evidence of pretext does not create a genuine issue of material fact. A plaintiff must present enough evidence to prove that the employer's asserted justification is false. For instance, an employer would be entitled to judgment as a matter of law if the record conclusively revealed some other, nondiscriminatory reason for the employer's decision, or if the plaintiff created only a weak issue of fact as to whether the employer's reason was untrue and there was abundant and uncontroverted independent evidence that no discrimination had occurred.

Civil Procedure > Summary Judgment > Standards > Appropriateness
Labor & Employment Law > Discrimination > Age Discrimination > Proof > General Overview
[HN11] In the **age discrimination** context, whether summary judgment is ultimately appropriate depends on a number of factors which include the strength of the plaintiff's **prima facie** case, the probative value of the proof that the employer's explanation is false, and any other evidence that supports the employer's case and that properly may be considered on a motion for judgment as a matter of law.

Civil Procedure > Summary Judgment > Burdens of Production & Proof > Nonmovants
Civil Procedure > Summary Judgment > Opposition > Supporting Materials
[HN12] The nonmoving party on a motion for summary judgment must provide specific facts showing that there is a genuine issue for trial. Affidavits that supply ultimate or conclusory facts and conclusions of law are insufficient to create a genuine issue of material fact.

Labor & Employment Law > Discrimination > Age Discrimination > Proof > General Overview
[HN13] Stray remarks do not demonstrate **age discrimination.** In order for an age-based comment to be probative of an employer's discriminatory intent, it must be direct and unambiguous, allowing a reasonable jury to conclude without any inferences or presumptions that age was an impermissible factor in the decision to terminate the employee.

COUNSEL: For Terry Anderson, Plaintiff - Appellant: Jim D. Waide III, Waide & Associates, P.A., Tupelo, MS; Richard Shane McLaughlin, McLaughlin Law Firm, Incorporated, Tupelo, MS.

For Tupelo Regional Airport Authority, Defendant - Appellee: Timothy Michael Peeples, Daniel, Coker, Horton & Bell, P.A., Oxford, MS; John Samuel Hill, Mitchell McNutt & Sams, Tupelo, MS; Silas Wood McCharen, Daniel, Coker, Horton & Bell, P.A., Jackson, MS.

JUDGES: Before STEWART, Chief Judge, and SMITH and DENNIS, Circuit Judges.

OPINION

[*288] PER CURIAM:*

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Plaintiff-Appellant Terry Anderson ("Anderson") appeals the district court's summary judgment in favor of Tupelo Regional Airport Authority ("TRAA") on his **age discrimination** claim. We affirm.

I. FACTUAL AND PROCEDURE BACKGROUND

TRAA hired Anderson in 2000 to serve as its Executive Director. As Executive Director, Anderson was responsible for the operations and maintenance of the Tupelo Regional **[**2]** Airport and he answered directly to TRAA's Board of Directors ("the Board"). During Anderson's tenure as Executive Director, the airport explored the possibility of extending its runway. In 2009, Anderson and some Board members believed the runway extension was a positive step for TRAA while others thought more research needed to be performed prior to moving forward with the project. Several Board members and various members of the community were opposed to the runway extension project, as it stood, because it required relocating an important thoroughfare in Tupelo called West Jackson Street Extended.

Public opposition and other logistical concerns caused the Board to place the runway extension project on hold in November 2009. After the Board took official action to halt the project, Anderson sent two emails to the Northeast **Mississippi** Daily Journal ("Daily Journal") in which he expressed disagreement with the Board's decision. In response to Anderson's emails, a journalist from the Daily Journal submitted several questions to Anderson about the runway extension project's future. Anderson's answers to the questions made clear that he disagreed with the Board's decision to halt the **[**3]** project.

Shortly thereafter, the Daily Journal published an article citing the opinions Anderson conveyed in his emails to the journalist. Subsequent to the article's publication, Board members questioned Anderson about whether he provided in-

formation to the Daily Journal that was published in the article. Anderson denied providing the information. A Board member approached the journalist who wrote the article and inquired as to his source for certain information contained therein. The journalist confirmed that Anderson was the source and provided the Board member with copies of Anderson's emails.

Around the same time, Board members asked Anderson additional questions that they believe he answered untruthfully. For example, Anderson was asked who provided telephone service to the Tupelo Airport and he stated that he did not know. Also, when asked whether he was represented by counsel, Anderson said that he was not. Board members believed that Anderson's claimed lack of knowledge of who provided the airport with telephone service was either dishonest or indicative of a lack of competence. Board members **[*289]** also believed that Anderson's claim that he was not represented by counsel was dishonest **[**4]** because the Board's attorney previously received a letter from an attorney who referred to Anderson as his client. The culmination of these incidents resulted in the Board's terminating Anderson due to a "loss of confidence." In addition to the aforementioned incidents, other Board members claimed, *inter alia*, that Anderson failed to meet their expectations with respect to keeping them abreast of certain financial obligations.

The Board's dissatisfaction with Anderson's performance was not, however, unanimous. Two Board members provided affidavits stating that during their time on the Board, Anderson was "highly competent and trustworthy" and that they had no complaints about Anderson's work performance. Nevertheless, a majority vote resulted in Anderson's termination on December 8, 2009. Anderson was 64 years old at the time of his termination.

After Anderson was discharged, TRAA initiated a nationwide search for his replacement. Initially, TRAA offered the Executive Director position to a candidate who was 46 years old, but he declined the offer for personal reasons. Next, TRAA offered the position to a 33-year-old candidate and he accepted TRAA's offer. After learning that TRAA hired **[**5]** a 33-year-old as his replacement, Anderson filed a federal civil suit alleging that he was unlawfully terminated because of his age and in violation of his First Amendment right to free speech.

TRAA moved for summary judgment on both claims. With respect to the **age discrimination** claim, TRAA argued that Anderson was terminated not because of his age, but rather because of the Board's "loss of confidence" in his ability to adequately manage Tupelo Regional Airport. TRAA also argued that it committed no First Amendment violation by terminating Anderson because the speech at issue was made pursuant to his official duties and not protected under the First Amendment. The district court granted TRAA's motion for summary judgment as to both claims. Anderson appeals the district court's judgment on his **age discrimination** claim. He has not appealed the district court's judgment with respect to his First Amendment claim. For the reasons explained herein, we affirm.

II. DISCUSSION

A. Standard of Review

[HN1] "We review the district court's grant of summary judgment . . . de novo, applying the same standard" as the district court. *Terrebonne Parish Sch. Bd. v. Mobil Oil Corp.*, 310 F.3d 870, 877 (5th Cir. 2002) **[**6]** (citation omitted). [HN2] Summary judgment is appropriate "if the movant shows that 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). "Although we consider the evidence and all reasonable inferences to be drawn therefrom in the light most favorable to the nonmovant, the nonmoving party may not rest on the mere allegations or denials of its pleadings, but must respond by setting forth specific facts indicating a genuine issue for trial." *Goodson v. City of Corpus Christi*, 202 F.3d 730, 735 (5th Cir. 2000) (citation and internal quotation marks omitted). [HN3] "[C]onclusory statements, speculation, and unsubstantiated assertions cannot defeat a motion for summary judgment." *RSR Corp. v. Int'l Ins. Co.*, 612 F.3d 851, 857 (5th Cir. 2010).

B. Applicable Law

[HN4] Under the **Age Discrimination** in Employment Act ("ADEA"), it is unlawful for an employer to discharge an employee because **[*290]** of the employee's age. *See* 29 U.S.C. § 623(a)(1). [HN5] To establish a claim under the ADEA, an aggrieved employee "must prove, by a preponderance of the evidence, that age was the 'but-for' cause of the challenged adverse employment action." *Moss v. BMC Software, Inc.*, 610 F.3d 917, 928 (5th Cir. 2010) **[**7]** (citation omitted). [HN6] "In the absence of direct proof of discrimination, the plaintiff in an **age discrimination** case must follow the three-step burden-shifting framework laid out in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 93 S. Ct. 1817, 36 L. Ed. 2d 668 (1973) . . . and *Texas Dep't of Community Affairs v. Burdine*, 450 U.S. 248, 101 S. Ct. 1089, 67

L. Ed. 2d 207 (1981) . . . ."[1] *Wyvill v. United Companies Life Ins. Co.*, 212 F.3d 296, 301 (5th Cir. 2000). First, Anderson must establish a **prima facie** case of **age discrimination** by showing that "(1) he was discharged; (2) he was qualified for the position; (3) he was within the protected class at the time of discharge; and (4) he was either i) replaced by someone outside the protected class, ii) replaced by someone younger, or iii) otherwise discharged because of his age." *Machinchick v. PB Power, Inc.*, 398 F.3d 345, 350 (5th Cir. 2005) (citations and internal quotation marks omitted).

1 We perceive no direct evidence of **age discrimination** in this case. [HN7] "Direct evidence is evidence that, if believed, proves the fact of discriminatory animus without inference or presumption." *Rachid v. Jack In The Box, Inc.*, 376 F.3d 305, 310 n.6 (5th Cir. 2004) (citation and internal quotation marks omitted).

[HN8] If Anderson **[**8]** establishes a **prima facie** case of **age discrimination**, then TRAA must "proffer a legitimate nondiscriminatory reason for its employment action." *Id.* If TRAA provides a legitimate nondiscriminatory reason for its employment action, the presumption of discrimination established by Anderson's **prima facie** case disappears and Anderson must satisfy his ultimate burden of proving intentional discrimination. *Id.* (citation omitted). Anderson can meet this burden by showing that the reasons provided by TRAA for his termination are a pretext for **age discrimination**. *See id.* We have held that [HN9] "a plaintiff advancing an ADEA claim using only circumstantial evidence [must] prove that discriminatory animus was the determinative basis for his termination." *Id.* at 310 (citations and internal quotation marks omitted). "As a practical matter, this requirement dictates that the plaintiff put forward evidence rebutting each one of a defendant's nondiscriminatory explanations for the employment decision at issue." *Id.* In other words, the plaintiff must provide evidence showing that each of the defendant's stated explanations for termination is pretextual.

However, [HN10] a mere scintilla of evidence of pretext does **[**9]** not create a genuine issue of material fact. *Wyvill*, 212 F.3d at 301. A plaintiff must present enough evidence to prove that "the employer's asserted justification is false." *See Reeves v. Sanderson Plumbing Prods., Inc.*, 530 U.S. 133, 148, 120 S. Ct. 2097, 147 L. Ed. 2d 105 (2000).

For instance, an employer would be entitled to judgment as a matter of law if the record conclusively revealed some other, nondiscriminatory reason for the employer's decision, or if the plaintiff created only a weak issue of fact as to whether the employer's reason was untrue and there was abundant and uncontroverted independent evidence that no discrimination had occurred.

Id. (citations omitted). [HN11] Whether summary judgment is ultimately appropriate depends on a number of factors which "include the strength of the plaintiff's **prima facie** case, the probative value of the proof that the employer's explanation is false, **[*291]** and any other evidence that supports the employer's case and that properly may be considered on a motion for judgment as a matter of law." *Id.* at 148-49.

B. Analysis

It is clear that Anderson sufficiently established a **prima facie** case of **age discrimination**. He was discharged from his position as Executive Director of TRAA, he was **[**10]** qualified to hold that position, he was within the protected class at the time he was terminated, and he was replaced by a younger person. *See Machinchick*, 398 F.3d at 350. Therefore, our analysis focuses directly on whether TRAA provided a legitimate nondiscriminatory reason for Anderson's termination and, if so, whether Anderson demonstrated that TRAA's reason was pretextual. Accordingly, we begin our analysis by recounting the principal explanations TRAA provided for its decision to terminate Anderson. We then explore Anderson's proof that TRAA's explanations were pretextual. Finally, we discuss whether any fact issues should be resolved by a jury, thereby making summary judgment inappropriate in this case.

1. TRAA's Stated Reasons for Terminating Anderson

According to the testimony of several members of the Board, TRAA terminated Anderson because he provided false information regarding (1) whether he knew who provided telephone service to the airport; (2) whether he made statements about the runway extension project to a journalist from the Daily Journal; and (3) whether he was represented by counsel. Anderson's alleged dishonesty resulted in a "loss of confidence"--by a majority **[**11]** of the Board--in Anderson's ability to execute his duties as Executive Director. In addition to the aforementioned reasons for Anderson's termination, the record indicates that several Board members had additional concerns about Anderson's ability to competently manage the airport. For example, a Board member explained that during Anderson's leadership, there were lower boardings at the airport, undesirable flight schedules, and Anderson had difficulty working with a Federal Avia-

tion Administration official. Furthermore, a Board member testified that there were concerns about Anderson's management style and complained about an instance where Anderson failed to provide the Board with necessary financial information. Nevertheless, the predominant reason for Anderson's termination was his perceived dishonesty with the Board. One Board member testified as to why honest communication between the Executive Director and the Board is imperative:

> If [the Executive Director] makes an untruthful statement to a lay board, volunteers who are totally dependent, and not experts, upon his word, then he can't remain in that position. And so, [Anderson] was terminated for loss of confidence.

The record **[**12]** makes clear that the Board's stated reason for terminating Anderson was his dishonesty that resulted in a loss of confidence. We conclude that the Board's explanation, if true, constitutes a legitimate nondiscriminatory reason for Anderson's termination.

2. Anderson's Proof That TRAA's Reasons Are Pretextual

Anderson posits that there is a genuine issue of material fact with respect to whether the Board's stated reason for his termination is a pretext for **age discrimination**. To support this assertion, Anderson argues that: (1) a Board member testified that Anderson's performance as Executive Director was excellent and did not warrant **[*292]** termination; (2) the Board's allegation that he provided false information is untrue; and (3) the Board's chairman referred to Anderson as "too regimented" and "set in his ways," evincing his ageism.

Anderson offered as evidence the affidavit of a former Board member, Carlyle Harris ("Harris"), which stated that Anderson was "highly competent and trust worthy." According to Harris, the Board's stated reasons for terminating Anderson were "trumped up" and there was no legitimate explanation for the termination. Harris's affidavit, which is conclusory and states **[**13]** an opinion, does not suffice to create a genuine issue of material fact. As the Supreme Court explained in *Celotex Corp. v. Catrett*, [HN12] the nonmoving party on a motion for summary judgment must provide "specific facts showing that there is a genuine issue for trial." 477 U.S. 317, 324, 106 S. Ct. 2548, 91 L. Ed. 2d 265 (1986); *see also First United Fin Corp. v. U.S. Fid. & Guar. Co.*, 96 F.3d 135, 139 (5th Cir. 1996) (Garza, J., concurring) (per curiam). Affidavits that supply "ultimate or conclusory facts and conclusions of law are insufficient" to create a genuine issue of material fact. *See Galindo v. Precision Am. Corp.*, 754 F.2d 1212, 1216 (5th Cir. 1985) (citation and internal quotation marks omitted). Therefore, we conclude that Harris's affidavit does not create a genuine issue of material fact.

Anderson also argues that he provided truthful answers to the Board's questions and--therefore--the Board's reasons for terminating him are pretextual. We disagree. Anderson's argument is misguided for several reasons. We note that Anderson's argument is largely based upon his assertion that all of his statements to the Board were in fact true. The more appropriate question, regardless of whether Anderson's statements were **[**14]** actually true, is whether the Board had reason to believe his statements were false or misleading. *See Nasti v. CIBA Specialty Chems. Corp.*, 492 F.3d 589, 595 (5th Cir. 2007) (holding that no genuine issue of material fact existed where an employer's stated reason for termination was its reasonable belief that the aggrieved employee submitted a false report to the employer).

The record demonstrates that members of the Board reasonably believed that Anderson was less than forthcoming when he stated that he did not know who provided telephone service to the airport. The Board expected that the airport's Executive Director would be able to provide this information if he was competently attentive to the airport's operations. Moreover, a Board member testified that he had previous conversations with Anderson where Anderson demonstrated his knowledge of the airport's telephone service providers. Anderson has not provided sufficient evidence to demonstrate that the Board's belief that he was dishonest about his knowledge of the airport's telephone service providers was unreasonable.

Furthermore, the record demonstrates that Board members disbelieved Anderson when he claimed he had not provided **[**15]** information that was included in a Daily Journal article. A Board member testified that he questioned the journalist who wrote the article and the journalist verified that Anderson was the source for certain information published therein. Again, Anderson has failed to provide evidence demonstrating that the Board's belief that he was dishonest about this fact was unreasonable.

Finally, the record demonstrates that Board members believed that Anderson was dishonest when he claimed that he was not represented by counsel. Prior to questioning Anderson about whether he was represented by counsel, the Board's attorney received a letter from an attorney **[*293]** who referred to Anderson as his client. At the time Ander-

son denied being represented by counsel, he may have truly believed that he was being honest with the board. We need not decide whether Anderson believed he answered the Board's questions honestly. As stated previously, the important question is whether members of the Board reasonably believed Anderson was dishonest when he stated that he was not represented by counsel. Anderson has provided no information--besides his own testimony regarding his subjective belief--that suggests that the **[**16]** Board's belief was unreasonable.

In summary, whether Anderson truly believed he was being honest with the Board in answering their questions is not the proper inquiry. Our inquiry focuses on whether TRAA's stated reasons for terminating Anderson were not true. The record makes clear that Board members had reason to believe that Anderson provided false or misleading responses to its questions. Anderson has failed to provide evidence that the Board's beliefs were unwarranted, unfounded, or contrived. Accordingly, Anderson's alleged dishonesty--which resulted in the Board's loss of confidence in his ability to do his job--constitutes a legitimate nondiscriminatory reason for his termination which he has failed to rebut.[2]

2 Anderson also argues that a Board member's remarks about his being "too regimented" and "set in his ways" demonstrates that the stated reasons for his termination are pretextual. We disagree. We have "repeatedly held that [HN13] stray remarks do not demonstrate age discrimination." *See EEOC v. Tex. Instruments Inc.*, 100 F.3d 1173, 1181 (5th Cir. 1996) (citations and internal quotation marks omitted). "In order for an age-based comment to be probative of an employer's discriminatory **[**17]** intent, it must be direct and unambiguous, allowing a reasonable jury to conclude without any inferences or presumptions that age was an impermissible factor in the decision to terminate the employee." *Id.* Anderson has made no such showing. Therefore, his argument on this point is without merit.

Viewing the facts in the light most favorable to Anderson, we conclude that there is no genuine issue of material fact with respect to whether TRAA terminated Anderson because of his age.

III. CONCLUSION

For the foregoing reasons, we conclude that the district court did not err in its summary judgment for TRAA. Accordingly, we affirm.

FOCUS - 8 of 16 DOCUMENTS

PEGGY WOODHOUSE, Plaintiff-Appellee, versus MAGNOLIA HOSPITAL, Defendant-Appellant.

No. 95-60697

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

92 F.3d 248; 1996 U.S. App. LEXIS 19926; 71 Fair Empl. Prac. Cas. (BNA) 1804; 68 Empl. Prac. Dec. (CCH) P44,266

August 6, 1996, Decided

PRIOR HISTORY: [1]** Appeal from the United States District Court for the Northern District of **Mississippi.**

DISPOSITION: Affirmed

CASE SUMMARY:

PROCEDURAL POSTURE: Appellant employer sought review of a decision of the United States District Court for the Northern District of **Mississippi,** which granted a judgment in favor of appellee employee in an action under the Age Discrimination in Employment Act, 29 U.S.C.S. §§ 621-634.

OVERVIEW: Appellant employee a 53-year old registered nurse who had been employed by appellee employer for 23 years was terminated because of an alleged reduction in the work force. Appellant served as appellee's director of admissions for 14 years preceding her termination. Because of an alleged loss in operating revenue, the board of trustees decided to eliminate 61 full-time positions based on the recommendation of appellee's administrative staff. Appellant was terminated. Appellant applied for a clinical nursing position with appellee. She was not rehired because she had not been involved in clinical nursing services for 14 years. Appellant brought an action against appellee in which she alleged that she had been discharged and denied a clinical nursing position because of her age. The jury awarded her back pay and liquidated damages and the district court ordered that she be reinstated. On appeal, the court affirmed. The court held that a statement by appellee's chairman of the board of trustees that they were going to lay off the older employees was sufficient evidence to raise a jury issue on age discrimination. The court held that appellee acted willfully in terminating appellant.

OUTCOME: The court affirmed the decision which granted a judgment in favor of appellee employee in an action of age discrimination because a statement by a chairman of the board of trustees that the board was going to lay off the older employees was sufficient evidence to raise a jury issue on age discrimination.

CORE TERMS: nurse, clinical, nursing, reinstatement, eliminated, liquidated damages, elimination, discharged, staff, administrator, age discrimination, termination, older, age discrimination, refresher, department heads, prima facie case, employment decision, matter of law, presented evidence, rehire, willful, front, consulted, jury instructions, proffered reason, conflicting evidence, new trial, good faith, circumstantial

LexisNexis(R) Headnotes

Civil Procedure > Trials > Judgment as Matter of Law > General Overview

EXHIBIT 8

[HN1] A motion for judgment as a matter of law should be granted only if the facts and inferences point so strongly and overwhelmingly in favor of one party that the district court believes that reasonable men could not arrive at a contrary verdict. A conflict in substantial evidence must exist to give rise to a jury question.

Evidence > Procedural Considerations > Circumstantial & Direct Evidence
Labor & Employment Law > Discrimination > Age Discrimination > Proof > Burdens of Proof
Labor & Employment Law > Discrimination > Age Discrimination > Proof > Direct Evidence
[HN2] A plaintiff may use either direct or circumstantial evidence to prove intentional discrimination. Direct evidence is evidence that, if believed, proves the fact of intentional discrimination without inference or presumption.

Labor & Employment Law > Discrimination > Age Discrimination > Employment Practices > Reductions in Force
[HN3] In a reduction in force case, a **prima facie** case is established by evidence that (1) the plaintiff is within the protected age group under the **Age Discrimination** in Employment Act, 29 U.S.C.S. §§ 621-634; (2) he or she was adversely affected by the employer's decision; (3) he or she was qualified to assume another position at the time of the discharge or demotion; and (4) evidence, either circumstantial or direct, from which a factfinder might reasonably conclude that the employer intended to discriminate in reaching its decision.

Evidence > Procedural Considerations > Burdens of Production
Labor & Employment Law > Discrimination > Age Discrimination > Employment Practices > General Overview
Labor & Employment Law > Discrimination > Age Discrimination > Proof > Burdens of Proof
[HN4] The framework under which to prove **age discrimination** involves a burden-shifting analysis: (1) the plaintiff must demonstrate a **prima facie** case of discrimination; (2) the burden of production shifts to the employer to establish a legitimate and nondiscriminatory basis for the adverse employment decision; and (3) the plaintiff must then prove by a preponderance of the evidence that the employer's proffered reason is pretext.

Civil Procedure > Eminent Domain Proceedings > Jury Trials
Labor & Employment Law > Discrimination > Age Discrimination > Employment Practices > Reductions in Force
[HN5] The **Age Discrimination** in Employment Act, 29 U.S.C.S. §§ 621-634, does not require that an employer prove that it is in fact losing money before it can take a nondiscriminatory and legitimate course of action to make more.

Civil Procedure > Trials > Jury Trials > Province of Court & Jury
[HN6] It is the function of the jury as the traditional finder of the facts, and not the court, to weigh conflicting evidence and inferences, and determine the credibility of the witnesses.

Labor & Employment Law > Discrimination > Age Discrimination > Employment Practices > General Overview
Labor & Employment Law > Discrimination > Age Discrimination > Remedies > Liquidated Damages
[HN7] The **Age Discrimination** in Employment Act (ADEA), 29 U.S.C.S. §§ 621-634, permits the award of liquidated damages only in cases where a willful violation has occurred. 29 U.S.C.S § 626(b). A violation is willful if the employer either knew or showed reckless disregard for the matter of whether its conduct was prohibited by the ADEA.

Labor & Employment Law > Discrimination > Age Discrimination > Employment Practices > General Overview
[HN8] A violation is willful if the employer either knew or showed reckless disregard for the matter of whether its conduct was prohibited by the **Age Discrimination** in Employment Act 29 U.S.C.S. §§ 621-634.

Labor & Employment Law > Discrimination > Age Discrimination > Defenses & Exceptions > Bona Fide Occupational Qualifications
Labor & Employment Law > Discrimination > Age Discrimination > Employment Practices > General Overview
Labor & Employment Law > Discrimination > Age Discrimination > Remedies > Liquidated Damages
[HN9] If an employer incorrectly but in good faith and nonrecklessly believes that the **Age Discrimination** in Employment Act, 29 U.S.C.S. 621-634, permits a particular age-based decision, then liquidated damages should not be imposed.

Labor & Employment Law > Discrimination > Age Discrimination > Employment Practices > General Overview
Labor & Employment Law > Discrimination > Age Discrimination > Remedies > Liquidated Damages

[HN10] Liquidated damages are not recoverable only if there is evidence that the intentional violation of the **Age Discrimination** in Employment Act, 29 U.S.C.S. §§ 621-634, was based on the employer's good-faith, albeit mistaken, belief that the statute allowed an age-based decision.

Civil Procedure > Trials > Jury Trials > Jury Deliberations
Civil Procedure > Trials > Jury Trials > Jury Instructions > General Overview
[HN11] A district court is accorded considerable latitude in fashioning jury instructions, and will be reversed only when the charge, as a whole, leaves the reviewing court with substantial and ineradicable doubt whether the jury has been properly guided in its deliberations.

Civil Procedure > Trials > Jury Trials > Jury Instructions > General Overview
[HN12] In **age discrimination** cases the court should instruct the jury to consider the ultimate question of whether defendant terminated plaintiff because of his age, and that it is improper to instruct the jury on the elements of the **prima facie** case.

COUNSEL: For PEGGY WOODHOUSE, Plaintiff - Appellee: Jim D Waide, III, Tupelo, MS.

For MAGNOLIA HOSPITAL, Defendant - Appellant: James E Price, Jr, Price, Krohn & McLemore, Corinth, MS.

JUDGES: Before BENAVIDES, STEWART, and DENNIS, Circuit Judges.

OPINION BY: BENAVIDES

OPINION

[*251] BENAVIDES, Circuit Judge:

Magnolia Hospital ("Magnolia") appeals from a judgment awarding Peggy Woodhouse ("Woodhouse") damages and reinstatement on her claim of **age discrimination** arising from a reduction in force ("RIF"). Magnolia raises issues concerning the sufficiency of the evidence, the award of liquidated damages, the jury instructions, and the district court's order of reinstatement. We affirm.

BACKGROUND

Woodhouse, who was fifty-three years old at the time of her discharge, had been employed by Magnolia for two separate periods totalling twenty-three years. Woodhouse, a registered nurse, served as Magnolia's Director of Admissions for fourteen years preceding her termination.

During 1993, Magnolia alleged that it lost approximately $ 1.2 million in operating revenue, and the Board of Trustees decided to eliminate sixty-one full-time positions based on the recommendation of Magnolia's administrative **[*252]** staff. [1] The administrative staff selected the positions to be eliminated, and the head of each **[**2]** department inserted the names of the employees who held that position. Woodhouse's position as Director of Admissions within the business office was chosen for elimination. Because she was the only employee occupying that position, Woodhouse was discharged on January 24, 1994. [2] In November 1994, Woodhouse applied for a clinical nursing position at Magnolia. Magnolia did not rehire Woodhouse, ostensibly because she had not been involved in clinical nursing services for fourteen years.

1 Magnolia's administrator, Gary Blan, and its four vice-presidents comprised the administrative staff.

2 There is no dispute that Woodhouse's position has never been reactivated, and that her duties have been divided among other employees since the RIF.

Woodhouse subsequently sued Magnolia under the ADEA, 29 U.S.C. §§ 621-634, alleging that Magnolia discharged her and denied her a clinical nursing position because of her age. The jury awarded Woodhouse $ 50,700 in back pay and $ 50,700 in liquidated damages. The district **[**3]** court further ordered that Woodhouse be reinstated to Magnolia's staff. Magnolia timely appealed.

DISCUSSION

I. Sufficiency of the Evidence

Magnolia initially asserts that the district court erred in denying its motion for judgment as a matter of law. Jury verdicts are tested for sufficiency under the standard articulated in Boeing Co. v. Shipman, 411 F.2d 365, 374-75 (5th Cir. 1969). See Rhodes v. Guiberson Oil Tools, 75 F.3d 989, 993 (5th Cir. 1996) (en banc). [HN1] A motion for judgment as a matter of law should be granted only "if the facts and inferences point so strongly and overwhelmingly in favor of one party that the Court believes that reasonable men could not arrive at a contrary verdict." Boeing, 411 F.2d at 374. A conflict in substantial evidence must exist to give rise to a jury question. 411 F.2d at 374-75.

[HN2] A plaintiff may use either direct or circumstantial evidence to prove intentional discrimination. See Portis v. First Nat'l Bank of New Albany, Miss., 34 F.3d 325, 328 (5th Cir. 1994). Direct evidence is evidence that, if believed, proves the fact of intentional discrimination without inference or presumption. Id. at 328-29. Absent direct **[**4]** evidence, a plaintiff may prove **age discrimination** under the framework articulated in McDonnell Douglas Corp. v. Green, 411 U.S. 792, 802-04, 93 S. Ct. 1817, 1824-25, 36 L. Ed. 2d 668 (1973). [3] [HN3] In a RIF case, a ***prima facie*** case is established by evidence that (1) the plaintiff is within the protected age group under the ADEA; (2) he or she was adversely affected by the employer's decision; (3) he or she was qualified to assume another position at the time of the discharge or demotion; and (4) evidence, either circumstantial or direct, from which a factfinder might reasonably conclude that the employer intended to discriminate in reaching its decision. Nichols v. Loral Vought Sys. Corp., 81 F.3d 38, 41 (5th Cir. 1996); Molnar v. Ebasco Constructors, Inc., 986 F.2d 115, 118 (5th Cir. 1993); Thornbrough v. Columbus & Greenville R.R. Co., 760 F.2d 633, 642 (5th Cir. 1985).

3 Although McDonnell Douglas is a Title VII case, we have previously held that its framework is applicable to ADEA cases. See Bodenheimer v. PPG Indus., Inc., 5 F.3d 955, 957 n.4 (5th Cir. 1993). [HN4] The framework involves a burden-shifting analysis: (1) the plaintiff must demonstrate a ***prima facie*** case of discrimination; (2) the burden of production shifts to the employer to establish a legitimate and nondiscriminatory basis for the adverse employment decision; and (3) the plaintiff must then prove by a preponderance of the evidence that the employer's proffered reason is pretext. McDonnell Douglas, 411 U.S. at 802-04, 93 S. Ct. at 1824-25; Portis, 34 F.3d at 328 n.7.

[5]** Although Magnolia argues that Woodhouse failed to make out a ***prima facie*** case of **age discrimination**, this is not the correct focus of our review. When a case has been fully tried on the merits, the adequacy of the showing at any stage of the McDonnell Douglas framework is unimportant; rather, the reviewing court must determine whether there was sufficient evidence from which a reasonable trier of fact could have concluded that **age discrimination** occurred. **[*253]** Weaver v. Amoco Prod. Co., 66 F.3d 85, 87 (5th Cir. 1995); Armendariz v. Pinkerton Tobacco Co., 58 F.3d 144, 149 (5th Cir. 1995), cert. denied, U.S. , 116 S. Ct. 709, 133 L. Ed. 2d 664 (1996). To make this determination, we must examine the sufficiency of both the direct and circumstantial evidence to support the jury verdict that the employer used age as a determinative factor in making the adverse employment decision. See Rhodes, 75 F.3d at 993-94. Although age need not be the sole reason for the adverse employment decision, it must actually play a role in the employer's decisionmaking process and have a determinative influence on the outcome. Id. at 994 (citing Hazen Paper Co. v. Biggins, **[**6]** 507 U.S. 604, 610, 113 S. Ct. 1701, 1706, 123 L. Ed. 2d 338 (1993)).

There is no dispute that Woodhouse was discharged as a result of a RIF. The parties, however, disagree about the necessity of the RIF and the motive for Woodhouse's discharge. Although several witnesses testified that the $ 1.2 million loss was a significant financial setback for the hospital, a former assistant administrator called by Woodhouse, Robert Barrett, testified that revenue was higher in 1993 than in 1992. Barrett admitted, however, that the $ 1.2 million loss was quite substantial. Furthermore, Woodhouse also presented evidence that the hospital subsequently rehired more employees than it had laid off: at the time of the RIF, Magnolia had approximately 705 employees, while at the time of trial, the hospital employed 741 individuals. Two witnesses, who had also been discharged, testified that Magnolia called them back to work within two days of the RIF.

Although a reasonable jury could conclude that the RIF was a ruse to terminate old or unwanted employees, it was not essential that the jury make such a determination in order for it to conclude that Magnolia discriminated against Woodhouse on the basis **[**7]** of her age. " [HN5] The ADEA does not require that an employer prove that it is in fact losing money before it can take a nondiscriminatory and legitimate course of action to make more." Armendariz, 58 F.3d at 152. And it is clear that the employer's adverse financial condition will render the discharge not inherently suspect. Thornbrough, 760 F.2d at 642.

> Instead, what is suspicious in reduction-in-force cases is that the employer fired a qualified, older employee but retained younger ones. If we focus not on why employees, in general, were discharged . . . but instead on why the plaintiff rather than another employee was discharged, the discharge of an older employee rather than a younger one is initially unexplained. Under these circumstances, requiring the employer to articulate reasons for his decision to fire the plaintiff is appropriate.

Id. Thus, the crucial inquiry involves Magnolia's proffered reasons why Woodhouse was chosen for termination and why it refused to rehire her as a clinical nurse.

In the instant cause, Woodhouse presented evidence that Dr. Tommy Alexander, Chairman of Magnolia's Board of Trustees and a practicing gynecologist, and Vicky **[**8]** Franks, an employee in the business office who was also terminated, discussed the impending terminations two weeks before the RIF. According to Franks, Alexander advised her that Magnolia was planning to lay off the "older employees." Eight months later, Franks called Alexander and surreptitiously taped a subsequent conversation. The tape contained the following admission:

> FRANKS: You know back in January when I came in for my pap smear . . . . And I told you I thought I was having stress headaches from being worried about being laid off, and you said, don't worry about being laid off, you're not gonna get laid off. They're gonna lay off those old people and the people that needed done been --
>
> ALEXANDER: That's what they told me.

At trial, Alexander testified that he did not remember making the statement and that no one ever told him Magnolia was planning to discharge older employees.

Despite Alexander's contention that he did not remember making the statement, the jury was entitled to believe that Alexander told Franks that the hospital intended to discharge older employees through the RIF. **[*254]** See Ray v. Iuka Special Mun. Separate Sch. Dist., 51 F.3d 1246, 1251 **[**9]** (5th Cir. 1995) (noting that assessment of the credibility of witnesses is a jury function); Boeing, 411 F.3d at 375 [HN6] ("It is the function of the jury as the traditional finder of the facts, and not the Court, to weigh conflicting evidence and inferences, and determine the credibility of the witnesses.").

Magnolia asserts that Alexander's statement is insufficient to raise a jury issue on **age discrimination** because it was merely a stray remark. See Armendariz, 58 F.3d at 153 (concluding that remarks that are vague or remote in time will not support an **age discrimination** claim). In contrast to the various cases cited by Magnolia, Alexander's statement was neither remote in time nor vague. He admitted on tape that he told Franks in January that "they're gonna lay off those old people." The RIF occurred on January 24, 1994. The remark was more direct than any of the comments in the cases Magnolia cites [4] -- it specifically indicated that Magnolia intended to use age as a factor in its decision of which positions to eliminate. We refuse to hold that this statement is insufficient to raise a jury issue on **age discrimination**.

> 4 See Waggoner v. City of Garland, Tex., 987 F.2d 1160, 1166 (5th Cir. 1993) (statement that a younger person could do faster work and reference to plaintiff as an "old fart" insufficient to establish **age discrimination**); Turner v. North Am. Rubber, Inc., 979 F.2d 55, 59 (5th Cir. 1992) (comment that plaintiff was being sent "three young tigers" to assist with operations was insufficient to show discrimination because the comments were vague and too remote in time); Guthrie v. Tifco Indus., 941 F.2d 374, 378-79 (5th Cir. 1991), cert. denied, 503 U.S. 908, 112 S. Ct. 1267, 117 L. Ed. 2d 495 (1992) (outgoing president's comment that the new president "needed to surround himself with people his age" insufficient to establish **age discrimination**); Elliott v. Group Medical & Surgical Serv., 714 F.2d 556, 565 (5th Cir. 1983), cert. denied, 467 U.S. 1215, 104 S. Ct. 2658, 81 L. Ed. 2d 364 (1984) (employer's statement that he wanted "new blood" and a "lean and mean team" did not show **age discrimination**).

[10]** Magnolia argues that Alexander was not involved in the decision concerning which positions would be eliminated because the Board had delegated that responsibility to the administrative staff. See Nichols, 81 F.3d at 40-41 (concluding that allegedly discriminatory remarks are not probative unless they are made by the relevant decisionmaker). Although Magnolia asserts that Alexander had no role in the decision, the evidence indicates that the Board developed the parameters of the RIF, and the administrative staff then made the final policy concerning which positions would be eliminated. Prior to implementing the RIF, a final report was made to the Board which outlined the positions to be eliminated and the employees to be discharged. Thus, Alexander was involved in the RIF decision, even though he was not involved in the specific determination of who would be discharged.

Magnolia further points to the fact that the "they" alluded to in Alexander's statement, "that's what they told me," were never identified. The inability to identify these individuals does not compel the conclusion that the jury could assign no probative weight to the statement. See Ray, 51 F.3d at 1250 & **[**11]** n.1 (witness testified that an unidentified

school board member made the comment that the board would not rehire the plaintiff because he had filed an EEOC claim against the district). The jury could reasonably infer that "they" referred to the administrative staff, which was accountable to the Board and to whom the Board had delegated the responsibility for determining the positions to be eliminated, given that all evidence indicated that they were the persons directly involved in the elimination decision. See Boeing, 411 F.2d at 374 (court should consider the evidence and all reasonable inferences that may be drawn from it).

Magnolia does not argue that Alexander's statement was inadmissible; rather, it merely asserts various reasons why the statement should be discounted or discredited. These arguments are more suitably made to the jury because it is charged with weighing the evidence. Id. at 375. The jury was presented conflicting evidence on this issue; the jury apparently chose to believe that Alexander made the statement and that Magnolia intended to use age as one criteria in its discharge decision. We conclude that the jury could properly consider the statement as **[**12]** evidence **[*255]** that Magnolia intentionally discriminated against Woodhouse because of her age.

Evidence was also presented that Magnolia developed a new policy for the RIF, rather than rely on the policy outlined in its employee handbook. Benny Brewster, one of the administrators involved in the elimination decision, conceded that the list of job titles could be manipulated to allow Magnolia to discharge any employee simply by eliminating his or her position; he denied, however, that the administrative staff engaged in such manipulation in order to terminate old or unwanted employees. Despite Magnolia's assertion that the evidence established that the new policy envisioned that the elimination decision would be made solely by the administrators without consulting the department heads, Brewster testified by deposition that the administrators reviewed the elimination decision with each department head to "insure that what we were presenting to them was, I guess, the best way to do it, or these particular jobs going to be eliminated. If they agreed to it, they assigned the people to that position." [5] He also admitted that the department heads would be more aware than the administrators of **[**13]** whether a position was necessary to the hospital.

5 At trial, Brewster testified that the administrators decided what positions would be eliminated and that he had been mistaken in stating during the deposition that the department heads were consulted. The jury, of course, was not required to believe that Brewster was mistaken when he testified that the policy envisioned that the department heads would be consulted before the final termination decisions were made.

Contrary to Brewster's deposition testimony, Jerry Knighton, Woodhouse's department head, testified that he was never consulted about the decision to eliminate her position as Director of Nursing. Knighton stated that Woodhouse's position was necessary, and that if he had been consulted he would have advised the administrators not to eliminate her position. Interestingly, Magnolia was unable to clearly identify either the person who made the decision to eliminate Woodhouse's position or the process by which Woodhouse's position was chosen for elimination.

[14]** Woodhouse also points to evidence that she was not rehired as a clinical nurse after her termination even though Magnolia had hired seventy-six nurses by the time of the trial. Magnolia presented evidence at trial that it refused to employ Woodhouse because she had not been a clinical nurse for fourteen years and had taken no refresher courses in the interim. No one at Magnolia ever informed Woodhouse that she needed to take a refresher course if she wanted employment as a clinical nurse. According to Magnolia's witness, Linda Whitenton, the Director of Nursing Services, Woodhouse was not qualified to serve as a clinical nurse because she lacked recent experience. Whitenton testified that the **Mississippi** Board of Nursing required that Woodhouse take a refresher course in clinical nursing. When asked where this requirement was found in the state statutes, Whitenton stated that it was found in a nursing newsletter.

In rebuttal, Woodhouse testified that the refresher course requirement only pertained to nurses who did not have a current license. At the time Woodhouse applied for a nursing position, she had a valid license. A recent graduate of a nursing school testified that she had **[**15]** never heard of the refresher requirement and had been taught that a nurse would be able to practice "as long as you kept up your license and had hours in either supervisory positions or position as a floor nurse." Alexander, Brewster, and at least one nurse also testified that they knew of no reason why Woodhouse could not be hired as a clinical nurse. See Thornbrough, 760 F.2d at 642 (plaintiff can show discrimination in a RIF case by establishing, *inter alia*, that she was qualified to assume another position at the time of discharge). Woodhouse also presented evidence that none of the nurses hired were her age or older. Thus, conflicting evidence was introduced on the issue of whether the refusal to rehire Woodhouse was based on her qualifications. The jury was thus entitled to find that the refresher requirement was a pretext for discrimination. See Rhodes, 75 F.3d at 994 (noting that "in tandem with a **prima facie** case, the evidence allowing rejection of the employer's proffered reasons will often, perhaps usually, permit a **[*256]** finding of discrimination without additional evidence").

The evidence was hotly disputed in this case. Woodhouse presented much more than a scintilla **[**16]** of evidence to support her **age discrimination** claim. In this instance, the case was properly submitted to the jury, which weighed the evidence and found against Magnolia. After reviewing the evidence under the standard articulated in Boeing, 411 F.2d at 374-75, we conclude that the district court properly denied Magnolia's motion for judgment as a matter of law. [6]

> 6 Magnolia argues that even if the motion for judgment as a matter of law was properly denied, the verdict is so against the great weight of the evidence that a new trial must be granted. See Shows v. Jamison Bedding, Inc., 671 F.2d 927, 930-31 (5th Cir. 1982). A district court's denial of a motion for new trial is reviewed only for an abuse of discretion. Id. at 930. Examining the propriety of the denial under the three factors outlined in Shows, it is clear that the district court did not abuse its discretion. The issues here were relatively simple, the evidence was disputed, and there were no pernicious or undesirable occurrences at trial. See id. at 930-31. We conclude that the district court correctly denied the motion for new trial.

[17]** ***II. Liquidated Damages***

Magnolia contends that the evidence was insufficient to support the jury's determination that Magnolia willfully violated the ADEA. [HN7] The ADEA permits the award of liquidated damages only in cases where a willful violation has occurred. See 29 U.S.C. § 626(b). [HN8] A violation is willful if "the employer either knew or showed reckless disregard for the matter of whether its conduct was prohibited by the ADEA." Trans World Airlines, Inc. v. Thurston, 469 U.S. 111, 128, 105 S. Ct. 613, 625, 83 L. Ed. 2d 523 (1985); see Powell v. Rockwell Int'l Corp., 788 F.2d 279, 285 (5th Cir. 1986). Recognizing that because "employers are required to post ADEA notices, it would be virtually impossible for an employer to show that he was unaware of the Act and its potential applicability," the Supreme Court rejected the contention that mere awareness of the ADEA made a violation willful. Trans World, 469 U.S. at 128, 105 S. Ct. at 625.

The Supreme Court has recently clarified when liquidated damages are not recoverable:

> It is not true that an employer who knowingly relies on age in reaching its decision invariably commits a knowing or reckless **[**18]** violation of the ADEA. The ADEA is not an unqualified prohibition on the use of age in employment decisions, but affords the employer a "bona fide occupational qualification" defense . . . and exempts certain subject matters and persons . . . . [HN9] If an employer incorrectly but in good faith and nonrecklessly believes that the statute permits a particular age-based decision, then liquidated damages should not be imposed.

Hazen Paper Co. v. Biggins, 507 U.S. 604, 616, 113 S. Ct. 1701, 1709, 123 L. Ed. 2d 338 (1993). Contrary to Magnolia's contention that aggravating factors are necessary to recover liquidated damages, the Supreme Court apparently does not require the presence of such factors. Rather, [HN10] liquidated damages are not recoverable only if there is evidence that the intentional violation of the ADEA was based on the employer's good-faith, albeit mistaken, belief that the statute allowed an age-based decision. See Trans World, 469 U.S. at 129-30, 105 S. Ct. at 625-26 (holding employer not liable for liquidated damages because it reasonably and in good faith attempted to determine whether its policy would violate the ADEA).

In the instant cause, Alexander admitted **[**19]** that he had been informed that age would be used as one factor in determining which positions would be eliminated. Alexander's admission is some evidence that Magnolia acted in willful violation of the ADEA. See Weaver, 66 F.3d at 88 (taped conversation wherein supervisor agreed with plaintiff's comment that "a guy who is my age doesn't have much future left" sufficient to support the jury's determination that the employer willfully violated the ADEA). Woodhouse also introduced evidence concerning how Magnolia's RIF policy could be manipulated so that positions held by older employees could be selected for elimination. Finally, the jury had evidence before it that the procedure to be used in the RIF was not followed in the decision to discharge Woodhouse.

[*257] Based on the forgoing evidence, a jury could conclude that Magnolia acted willfully in terminating Woodhouse. Magnolia offered no evidence that it reasonably believed in good faith that the ADEA permitted an age-based decision on the selection of positions for elimination. Hazen, 507 U.S. at 616, 113 S. Ct. at 1709; Trans World, 469 U.S. at 129, 105 S. Ct. at 625. The district court did not err in awarding Woodhouse **[**20]** liquidated damages.

III. Jury Instruction

Magnolia asserts that the district court erroneously refused its requested instruction on the issue of the burden Woodhouse must satisfy to prevail on her discrimination claim. Magnolia's proffered instruction informed the jury that Woodhouse had to prove three elements in order to succeed on her claim of **age discrimination**. [7] The district court

denied the instruction, and presented the issue to the jury as: "Do you find that plaintiff has proven by a preponderance of the evidence that age was a determining factor in the decision of defendant to terminate her?"

7 The instruction stated that Woodhouse must prove by a preponderance of the evidence that (1) the reason given for her discharge -- *i.e.*, the elimination of her job as part of a substantial reduction in force because of financial problems -- was false; (2) Woodhouse's age was the real reason for her discharge; and (3) her job in its various parts continued in existence after her termination.

[21]** [HN11]

A district court is accorded considerable latitude in fashioning jury instructions, and will be reversed only when the charge, as a whole, leaves the reviewing court with substantial and ineradicable doubt whether the jury has been properly guided in its deliberations. Horton v. Buhrke, a Div. of Klein Tools, Inc., 926 F.2d 456, 460 (5th Cir. 1991). We have previously held that [HN12] in **age discrimination** cases, "the court should instruct the jury to consider the ultimate question of whether defendant terminated plaintiff because of his age," and that it is improper to instruct the jury on the elements of the ***prima facie*** case. Walther v. Lone Star Gas Co., 952 F.2d 119, 127 (5th Cir. 1992). The crucial issue in an ADEA case involves whether the employer used age as a determinative factor in making the employment decision. Rhodes, 75 F.3d at 993-94. Because the district court instructed the jury that Magnolia could be held liable only if age was a determining factor in its termination decision, it correctly stated the law in this Circuit. We find no error in the district court's denial of Magnolia's proffered instruction.

IV. Reinstatement

Magnolia contends **[**22]** that the court erred in ordering Woodhouse's reinstatement because her position as Director of Admissions has been permanently eliminated and she is not qualified to serve as a clinical nurse. A district court's decision whether to reinstate or award front pay is reviewed only for an abuse of discretion. Weaver, 66 F.3d at 88. Although reinstatement is the preferred remedy for a discriminatory discharge, front pay may be awarded if reinstatement is not feasible. Deloach v. Delchamps, Inc., 897 F.2d 815, 822 (5th Cir. 1990).

Magnolia correctly asserts that Woodhouse cannot be reinstated to her former position because it no longer exists. See Ray, 51 F.3d at 1255 (concluding that front pay was appropriate where plaintiff's former position no longer existed). Although Magnolia contends that Woodhouse is unqualified to fill an available clinical nursing position, the district court found against Magnolia on this point:

Although, the plaintiff's previous position has technically been eliminated, the evidence at trial clearly indicated that she was qualified to maintain a variety of jobs with the defendant, *most notable as a registered nurse*.

Order at 2 **[**23]** (emphasis added). Magnolia has presented no other evidence that rehiring Woodhouse as a clinical nurse would be infeasible. See Deloach, 897 F.2d at 822 (determining that reinstatement was not feasible where it would cause morale problems and disrupt other individuals' employment); Cassino v. Reichhold Chems., Inc., 817 F.2d 1338, 1346 (9th Cir. 1987), cert. denied, 484 U.S. 1047, 108 S. Ct. 785, 98 L. Ed. 2d 870 **[*258]** (1988) (noting that reinstatement is not feasible where a hostile relationship exists or where there is no position available).

Woodhouse specifically requested that she be reinstated to a clinical nursing position. At the time of trial, Magnolia had eleven such positions vacant. Moreover, the district court indicated that the parties were not precluded from negotiating an award of front pay instead of reinstatement. Given this Court's recognition of reinstatement as the preferred remedy, we conclude that the district court did not abuse its discretion in ordering Woodhouse's reinstatement.

CONCLUSION

Based on the foregoing, we affirm the judgment of the district court.

FIRST HERITAGE CREDIT, LLC
COMPLAINT/GRIEVANCE FORM

Employee Name: **Denise Newsome**

Branch Office: **Account Management Center (AMC)**

Branch Manager: **Vicky Clanton**

Complaint/Grievance: (Describe in detail, including dates)

VIOLATION OF FHC POLICIES & PROCEDURES:
SAFETY, WORKPLACE VIOLENCE, HARASSMENT, etc.

I Denise Newsome am submitting this Complaint/Grievance of and against Vicky Diane Snow ("Diane") (FHC Employee) and Breanne Montgomery (Breanne) (TempStaff Employee) for what I believe to be Violations of FHC's Safety, Workplace Violence and Harassment Policies and Procedures and others that may become known during the handling of this Complaint/Grievance.

On July 1, 2014, our Branch Manager (Vicky Clanton) sent out an email entitled, **"AMC Safety"** - a copy of this email is attached. This email states in part:

> Good afternoon Team,
>
> Occasionally our neighboring business have customers and the front parking lot have no vacancies .
>
> This prompts us to park on the side or in the back of the building.
>
> It is the policy of First Heritage Credit to maintain safe and efficient working conditions for our employees, customers, and visitors.
>
> Everyone please **make sure you are *entering and exiting* <u>the front</u> entrance of the building.**

Nevertheless, in TOTAL and RECKLESS DISREGARD for the SAFETY of FHC Employees and in DISRESPECT and INSUBORDINATION (as well as other reasons known to them) both Diane and Breanne on the SAME evening of July 1, 2014, upon leaving (it appears) decided to go against the Policies & Procedures of FHC as it relates to Safety, Workplace Violence, Harassment and other related matters AGAINST the direction and leadership of the Branch Manager (Vicky Clanton). Upon leaving for the day, from what I observed and heard, Diane and Breanne said good-bye to each other - with Breanne ***<u>leaving through the Back Door</u>*** of the Office and Diane leaving through the Front Door of the Office. Breanne *leaving through the Back Door* <u>with Diane's **APPROVAL** and **PERMISSION** *with **KNOWLEDGE** that an AMC Safety email was sent out regarding Safety concerns and the procedures to be followed to AVOID potential liablities to FHC Employees</u>*.

As Diane was leaving she said good-bye to those remaining at work; however, I noticed as she was leaving, she hesitated as she passed by my (Denise) area – at the Front Desk outside Vicky Clanton's Office – and then proceeded out of the door. I observed that she set in her car for several minutes. I gathered from this behavior, that Diane may have been sitting in her car awaiting from a REACTION and/or CONFRONTATION from the Branch Manager (Vicky Clanton).

EXHIBIT 9

Vicky Clanton came out of her office and went to do some work in the open area where the ABS System Computers (99, 402, 403, 404), Printer, Fax and other systems. It was while Vicky was in this area that she observed that the Back Door to the Storage Area was left WIDE OPEN. She immediately called Barbara Cooper and myself out to witness this and to go back with her to investigate the matter.

Upon joining Vicky and Barbara I went with them and this is what I observed:

(1) The **FIRST** Door leading into Diane's and Breanne's Office was WIDE open;

(2) The **SECOND** Door to the Storage Area was WIDE open with the light off; and

(3) The **THIRD** Door Leading to the Outside was left UNLOCKED.

I IMMEDIATELY wanted to locked the door because of the FLUTTERING that went through my stomach and the ANXIETY felt from this. As I proceeded to do this, Barbara STOPPED me and said *"Let me see the position of the Lock."* She too confirmed that the Back Door was left UNLOCKED. Barbara expressed her fears and concerns of the SAFETY RISKS and being UNEASY about this action – not only that wondering WHY would someone do that AFTER receiving the email earlier that day from Vicky. Not only that, Barbara mentioned, she read the AMC Safety email several times and I shared I did likewise.

I find that the July 1, 2014, acts of Diane and Breanne are, for instance, in VIOLATION of the following FHC Policies and Procedures:

> **WORK RULES FOR SAFETY AND PERSONAL CONDUCT**
> It is the policy of First Heritage Credit *to maintain safe and efficient working conditions for our employees*, customers, and visitors. **To help ensure *both safety* and *compliance* with policies and procedures,** . . . ***Common sense** should guide each of us in how we act, perform and treat others while at work*. While not exclusive, there is some **misconduct we consider so egregious** *that it subjects the employee to immediate disciplinary action up to and including discharge*. Examples of **such egregious misconduct includes,** but is not limited to, the following: . . .
>
> (b) **Disrespect for other employees.**
> (c) **Insubordination** – *refusal or failure to follow workrelated instructions or disrespect for supervision*. . . .
>
> (f) ***Fighting** or **threats of violence** toward management, coemployees or customers*. . . .
>
> (k) **Engaging in, requesting another to engage in or failing to report illegal conduct/activity at work. . .**
>
> (m) **Violation of any of the Company's policies and/or procedures. . .**
>
> *(See at FHC Employee Handbook at Pgs. 53-54 as of 07/02/14)*

Not only that, is NOT conducive to a healthy and safe workplace environment which lends to a HOSTILE and AGRESSIVE workplace which may lead to Workplace Violence if NOT addressed and stopped. Also, in which, is a VIOLATION of FHC Policies and Procedures:

POLICY AGAINST WEAPONS AND WORKPLACE VIOLENCE; REPORTING PROCEDURE

It is one of First Heritage Credit's most important priorities to keep you, your colleagues, our customers, and our visitors safe. To achieve this goal, it is the Company's policy to provide a **workplace free from violence and/or violent acts.** . . .Further, **fighting,** . . .and/or other *conduct that may* ***harm, threaten, intimidate,*** *and/or* ***coerce*** *any employee*, customer, vendor, supplier, or member of the public **is strictly prohibited.** These **prohibitions** *apply to employee behavior* **on the Company's property,** while conducting the Company's business, and/or while representing the Company in any other manner. First Heritage Credit reserves the right to determine if particular actions are considered physical violence or threatening behavior, and all employees are expected to cooperate in any fact-finding process.

If you know of a potential violation of this policy, or if you feel some person or some thing is suspicious, please do not intercede or otherwise place yourself in danger. Immediately report any concerns you have . . . potential workplace violence or threatening behavior to the Branch Manager. If you cannot immediately reach this person, if danger is imminent, and/or if there is any other reason why contacting this person is inappropriate under the circumstances, please immediately contact the District Manager or Home Office. We will take appropriate action as dictated by the circumstances. Of course, should any threat or danger appear to be imminent, local law enforcement authorities should be contacted. **Employees violating or otherwise failing to comply** with this policy will *be subject to disciplinary action up to and including termination of their* employment. *(See at FHC Employee Handbook at Pgs. 53-54 as of 07/02/14)*

Prior to the July 1, 2014, **"AMC Safety"** email from the Branch Manager (Vicky), I reported SAFETY concerns via email to Vicky on or about June 20, 2014, entitled, ***"BACK DOOR LEADING TO THE OUTSIDE IN STORAGE AREA IS WIDE OPEN."*** A copy of this email is attached. An email which states in part:

> I wanted to bring to your attention that just a little while ago, I went to the back Storage Area to see if there was a throw-out box that I could use. When I went back there, the Back Door to the Storage Area was wide open. It may have been open for ventilation purposes because the door leading to the Storage Room through Diane's Office as also wide open. However, for security reasons, I thought I would bring this to your attention.

At the time of the June 20, 2014, incident, Vicky was on VACATION and out of the Office. However, I did advise Vicky of my concerns when I observed that Breanne arrived yesterday (July 1, 2014) but did NOT come through the Front Door; however, used the Back Door to enter.

I believe my addressing my concerns with the Branch Manager (Vicky Clanton) regarding the July 1, 2014 incident, IMMEDIATELY prompted the "AMC Safety" email sent out (attached).

Let me say that I find such UNSAFE practices by Diane and Breanne disturbing, because, as you know, when I began working at First Heritage Credit, I did so by coming through TempStaff and **NEVER** *did and NOR did Diane* ***AUTHORIZE*** *my use of the Back Door to go to lunch* ***NOR*** *leave at the end of the day through the Back Door!* **In FACT:** Diane advised me of a time when she came in to work prior to my coming onboard that she found the Back Door had not been locked and **the FEAR she felt** and **the THREAT to her life;** nevertheless, Diane and Breanne have KNOWINGLY elected to violate FHC Policies and Procedures it appears for purposes of HARASSMENT,

RETALIATION, DISRESPECT, INSUBORDINATION, etc. towards the Branch Manager (Vicky Clanton) for purposes of subjecting her to an ALTERCATION and/or CONFRONTATION with the Bankrupty Specialist (Vicky Diane Snow).

As shared, when I first came to First Heritage Credit, it was through TempStaff. I was assigned to work with Diane Snow as her Assistant. It was during my time with Diane, that I repeatedly observed for myself and heard for myself the HOSTILITY and RESENTMENT she holds towards the Branch Manager (Vicky Clanton) as she ENGAGED with others. I expressed my concerns to Diane as well as advised her that such behavior is NOT conducive to the practices of TempStaff and, from the FHC Employee Handbook that I was required to read on my First Day of work, not to First Heritage. I expressed concerns because at times, it seemed as though Diane Snow **was HYPERVENTILATING** (*almost short of breath and about to pass out) from RAGE and ANGER towards the Branch Manager (Vicky Clanton) – commenting, why does Vicky have to be so LOUD coming in saying "GOOD MORNING" to everyone as well as ANGER when Vicky would close her Office Door.* I asked Diane Snow whether or not she had enough to keep her busy over there because it seemed as though she was ALWAYS aggitated at Vicky and wanted me to develop the same dislike it appeared she held. However, I could not and advised Diane Snow that during my time here at First Heritage, all I could see from the Branch Manager (Vicky Clanton) is her being CORDIAL and PROFESSIONAL towards all.

Diane Snow advised me during my time working with her that she felt that Vicky did not like her because she is WHITE. However, I could not see that. From my observation, it appears that if there were any racial issues, it may be on the part of Diane Snow – i.e. having an African-American Branch Manager and the thought of having to have Vicky as her Supervisor/Manager. In fact, during my time working here, it was my understanding that there was a CHANGE in organization and Diane Snow was being placed under the Branch Manager (Vicky Clanton); however, this re-organization did NOT last long. I gathered that Diane Snow COMPLAINED and changes were made to REMOVE her from under the Supervision of the Branch Manager (Vicky Clanton).

> **HARASSMENT IS PROHIBITED**
> We prohibit harassment of one employee by another employee or manager for any reason including, but not limited to: race, color, religion, national origin, physical or mental disability, sex, genetic information or any other basis protected by federal, state or local law. The purpose of this policy is not to regulate the personal morality of employees. It is to assure that all employees are permitted to work in an environment free of harassment or other objectionable conduct prohibited by law. *(See at FHC Employee Handbook at Pg. 9 as of 07/02/14)*

During my time working with Diane Snow, she also advised me that she was told to train me so that she can be given a BRANCH MANAGER position. Of course, when told this, I was trying to figure out what Branch Manager Position was open and WHERE would she be going. Just from continuing to do my work and observation, it became clear to me that it appeared that Diane Snow may have been EYEING the Front Office Branch Manager Position that Vicky Clanton was in. Not only that, as I watched, observed and heard Diane Snow engage with other employees (Barbara Cooper and Katrina) it became obvious to me that they were ENGAGING in conduct in violation of FHC Policies and Procedures. I advised them to CEASE from such behavior and should they have any issues with the Branch Manager (Vicky Clanton) they should go in and discuss concerns they have with her. ALL seemed NOT to want to go and talk with Vicky Clanton. This seemed strange to me because, as shared, from what I saw and observed, the Branch Manager (Vicky Clanton) was always cordial and professional to all. I observed and watched as new employees would come to the Account Management Center (AMC) how it appears they were IMMEDIATELY approached and provided with false and misleading information regarding the Branch Manager (Vicky Clanton) – at the HELM of the Ship/Diane Snow.

During my working with Diane Snow, she REPEATEDLY made clear to me HOW TIGHT her relationship with Melvin Stillman and Chris Johns was – that they all began at First Heritage around about the same time. Such information was REPEATED enough times that it left me feeling that if there were any issues (Complaints, etc.) regarding her behavior that Melvin and Chris would take her side.

On or about March 28, 2014, I was subjected to very HOSTILE and AGRESSIVE Treatment by Diane Snow where she took the liberty to CLOSE the door to the back office to keep me from interacting with employees in the Collection Center. It was during this time, that Diane Snow became VERY HOSTILE and AGRESSIVE and began yelling at me and telling me that, that was her Office. I shared with Diane Snow, that I thought she mentioned when I first started that it was both of our office. She REITERATED to me in a HARSH TONE, *"This is **MY** Office!"* I politely excused myself and went into the Back Storage Area and reported the incident to Diane at TempStaff. Diane at TempStaff advised me to report this to Vicky. When I returned, I shared with Diane Snow that I have reported the incident to TempStaff and they said to speak to Vicky. Diane Snow mentioned that TempStaff meant her (although she goes by Diane). Therefore, I proceeded to bring the matter to the Branch Manager's (Vicky Clanton) attention. Later that day, the Branch Manager (Vicky) had a meeting with Diane Snow and then requested to have a meeting with me. Vicky advised me that effective about Monday, March 31, 2014, I will be moving up front to Collections and working with her in her Department. Vicky advised that this has been made known to Diane Snow.

Let me say that during my working with Diane Snow, the HOSTILITY, ANGER, PREJUDICES, etc. towards the Branch Manager (Vicky Clanton) was made obvious to me. While I in good faith tried to resolve the matters, they only continued to escalate which led me to report the incident(s) to TempStaff's Diane (my contact). Such behavior which I have concerns about because Breanne Montgomery is a TempStaff employee and I can only imagine what she has been told. Moreover, from Breanne's CONDUCT, DISRESPECT and INSUBORDINATION, etc. that, rather than do what is right, she has elected to ENGAGE Diane Snow in attacks leveled against the Branch Manager (Vicky Clanton).

As I shared with Diane Snow when I was working with her and when she advised me that prior to my coming onboard that the work environment was VERY HOSTILE, I shared with Diane Snow that from my observation and experience, it was clear that the problem(s) in this office appears was due to her conduct and behavior; moreover, what appears to be her HOSTILITY towards the Branch Manager (Vicky). I have observed concerns regarding what one may consider HARASSMENT, RETALIATION, HOSTILITY, DISREPECT and INSUBORDINATION, etc. towards the Branch Manager (Vicky Clanton) by Diane Snow and other employees in which she ENGAGED:

> **WORK RULES FOR SAFETY AND PERSONAL CONDUCT**
> It is the policy of First Heritage Credit *to maintain safe and efficient working conditions for our employees*, customers, and visitors. **To help ensure *both safety* and *compliance* with policies and procedures,** . . . ***Common sense** should guide each of us **in how we act, perform** and **treat others while at work**.* While not exclusive, there is some **misconduct we consider so egregious** *that it subjects the employee to immediate disciplinary action up to and including discharge.* Examples of **such egregious misconduct includes,** but is not limited to, the following: . . .
>
> (b) **Disrespect for other employees.**
> (c) **Insubordination** – ***refusal or failure to follow** workrelated instructions or **disrespect for** supervision*. . . .
>
> (f) ***Fighting** or **threats of violence** toward management, coemployees or customers*. . . .

From such HOSTILE and AGRESSIVE behavior exhibited by Diane Snow, it appeared to me that efforts were being taken to draw the Branch Manager (Vicky Clanton) into a PHYSICAL ALTERCATION. CONFRONTATION and/or FIGHT with Diane Snow.

CONFLICT OF INTEREST: This Complaint/Grievance is being submitted; however, I would like to share my concerns that a Conflict of Interest that may exist in Melvin Stillman's and Chris Johns handling of this Complaint/Grievance due to the FRIENDSHIP/RELATIONSHIP with Diane Snow.

For the above reasons and those which may become available during an investigation (if any) I submit this Complaint/Grievance against Vicky Diane Snow and Brenne Montgomery. My concern also leaves me wondering **WHAT SECURITY** (Friendship with Melvin Stillman and Chris Johns) and/or **ASSURANCES** (if any) that Vicky Diane Snow has that would cause one to be so BLATANT in their INSUBORDINATION and *have a **RECKLESS** disregard for a Safety and Healthy workplace environment for FHC employees*! Because it is hard for me to phanthom not only the acts of yesterday (July 1, 2014) but those in the past that appears have been reported.

I also attach to this Complaint/Grievance the 07/02/14 Email(s) regarding "AMC Safety" where during the July 2, 2014 meeting, I advised that I will be submitting my concerns through the proper FHC process(es).

I reserve the right to amend this Complaint/Grievance as well as provide additional information regarding my work expericence with the Bankruptcy Specialist (Diane Snow) and/or that at FHC.

Date Presented:	July 2, 2014	Employee Signature: Denise Dennison
Date Received:	_____	Branch Manager: _____
	Resolved ( ) _____	Proceed to Next Step ( ) _____
Date Received:	_____	District Manager: _____
	Resolved ( ) _____	Proceed to Next Step ( ) _____
Date Received:	_____	District Manager: _____
	Resolved ( ) _____	Proceed to Next Step ( ) _____

ALL DECISIONS AND/OR RESPONSES, INCLUDING THE COMPANY PRESIDENT'S FINAL DECISION, ARE TO BE ATTACHED TO THE FORM AT TIME OF FORWARDING IT TO THE EMPLOYEE. THE EMPLOYEE MUST CHECK AND INITIAL "RESOLVED" IF SATISFIED WITH ACTION TAKEN BY BRANCH MANAGER OR DISTRICT MANAGER OR CHECK AND INITIAL "PROCEED TO NEXT STEP" IF NOT SATISFIED.

AMC Safety

Vicky Clanton

Sent: Tuesday, July 01, 2014 1:23 PM
To: Barbara Cooper; Shakenna Taylor; Denise Newsome; Vickie Snow; Breanne Montgomery

Good afternoon Team,

Occasionally our neighboring business have customers and the front parking lot have no vacancies .

This prompts us to park on the side or in the back of the building.

It is the policy of First Heritage Credit to maintain safe and efficient working conditions for our employees, customers, and visitors.

Everyone please make sure you are entering and exiting the front entrance of the building.

Thanks
Vicky

First Heritage Credit
Account Management Center Manager
Vicky L. Clanton
Ph # 601 898 3898
Ph#888-661-0633
Fax # 888 824 6274

"Excellence Is Our Standard "

FW: BACK DOOR LEADING TO THE OUTSIDE IN STORAGE AREA IS WIDE OPEN

Denise Newsome
Sent: Friday, June 20, 2014 10:19 AM
To: Denise Newsome

From: Denise Newsome
Sent: Friday, June 20, 2014 9:31 AM
To: Vicky Clanton
Subject: BACK DOOR LEADING TO THE OUTSIDE IN STORAGE AREA IS WIDE OPEN

Vicky:

I wanted to bring to your attention that just a little while ago, I went to the back Storage Area to see if there was a throw-out box that I could use. When I went back there, the Back Door to the Storage Area was wide open. It may have been open for ventilation purposes because the door leading to the Storage Room through Diane's Office as also wide open. However, for security reasons, I thought I would bring this to your attention.

Thanks,

Denise

RE: AMC Safety

Denise Newsome

Sent: Wednesday, July 02, 2014 10:41 AM
To: Vicky Clanton; Barbara Cooper; Shakenna Taylor; Vickie Snow; Breanne Montgomery
Cc: Chris Johns; Melvin Stillman; Denise Newsome

Vicky:

Thank you.

As I shared in the meeting, I have concerns regarding the disrespect and insubordination which resulted AFTER your email on yesterday morning. Conduct which I find very UPSETTING and UNACCEPTABLE in that it placed the SAFETY of FHC employees at risk. Therefore, as shared, I will be following the proper procedures regarding incidence(s) reported through the processes FHC uses.

Should you have further questions or concerns, please do not hesitate to discuss with me.

Denise

From: Vicky Clanton
Sent: Wednesday, July 02, 2014 10:36 AM
To: Barbara Cooper; Shakenna Taylor; Denise Newsome; Vickie Snow; Breanne Montgomery
Cc: Chris Johns; Melvin Stillman
Subject: AMC Safety

Just a follow-up on our meeting this morning regarding Safety and Security at AMC.

I emphasized on how important it is to make sure we keep the back door locked for the safety of all employees.

Thanks
Vicky

First Heritage Credit
Account Management Center Manager
Vicky L. Clanton
Ph # 601 898 3898
Ph#888-661-0633
Fax # 888 824 6274

"Excellence Is Our Standard "

RE: AMC Safety

Denise Newsome

Sent: Wednesday, July 02, 2014 11:07 AM
To: Melvin Stillman; Vicky Clanton; Barbara Cooper; Shakenna Taylor; Vickie Snow; Breanne Montgomery
Cc: Chris Johns; Denise Newsome; Melvin Stillman

Chris:

Thanks.
My concerns being (and I reiterate) is the safety issue. From your email - a LIABILITY issue for the company. From my observation and experience, this is NOT the first time, NOT the second time and appears to be an ONGOING matter that has NOT been resolved. Yesterday, merely is the *"straw that broke the camel's back"* because it placed the SAFETY of FHC employees at risk/danger. Not only that, because such disrepect and insuborination occurred AFTER the email from the Branch Manager (Vicky).

Again thanks; however, as shared, I intend to follow the FHC procedures in place to address such issue(s).

Denise

From: Melvin Stillman
Sent: Wednesday, July 02, 2014 11:01 AM
To: Vicky Clanton; Barbara Cooper; Shakenna Taylor; Denise Newsome; Vickie Snow; Breanne Montgomery
Cc: Chris Johns
Subject: RE: AMC Safety

Very good. This has been an issue in some branches. Another reason for this is our insurance company requires back door be locked at all times unless entering or exiting. I suggest everyone parks in front since we have no customers and always inter through the front. Thanks

Melvin Stillman
First Heritage Credit
Operations Senior Vice President

"Excellence is our Standard"

From: Vicky Clanton
Sent: Wednesday, July 02, 2014 10:36 AM
To: Barbara Cooper; Shakenna Taylor; Denise Newsome; Vickie Snow; Breanne Montgomery
Cc: Chris Johns; Melvin Stillman
Subject: AMC Safety

Just a follow-up on our meeting this morning regarding Safety and Security at AMC.

I emphasized on how important it is to make sure we keep the back door locked for the safety of all employees.

Thanks
Vicky

First Heritage Credit
Account Management Center Manager
Vicky L. Clanton
Ph # 601 898 3898
Ph#888-661-0633
Fax # 888 824 6274

"Excellence Is Our Standard "

1 of 1 DOCUMENT

LURENDA FEATHERSTONE, Plaintiff-Appellant, v. UNITED PARCEL SERVICES, INCORPORATED, Defendant-Appellee.

No. 94-2331

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

1995 U.S. App. LEXIS 12518

April 25, 1995, Submitted
May 23, 1995, Decided

NOTICE: [*1] RULES OF THE FOURTH CIRCUIT COURT OF APPEALS MAY LIMIT CITATION TO UNPUBLISHED OPINIONS. PLEASE REFER TO THE RULES OF THE UNITED STATES COURT OF APPEALS FOR THIS CIRCUIT.

SUBSEQUENT HISTORY: Reported in Table Case Format at: 56 F.3d 61, 1995 U.S. App. LEXIS 19093.

PRIOR HISTORY: Appeal from the United States District Court for the District of Maryland, at Baltimore. John R. Hargrove, Senior District Judge. (CA-93-513-HAR).

DISPOSITION: AFFIRMED

CASE SUMMARY:

PROCEDURAL POSTURE: Plaintiff employee appealed a judgment from the United States District Court for the District of Maryland, at Baltimore, that granted defendant employer summary judgment in the employee's Title VII action, which alleged racial and religious discrimination and retaliation in violation of 42 U.S.C.S. §§ 2000e-2(a), 2000e-3(a), and 2000e-5.

OVERVIEW: The employee, an African-American Jehovah's Witness, claimed that the employer subjected him to stringent supervision and discriminated against him on the basis of his religion and race and retaliated against him for filing union-based grievances against the employer. The employer maintained that disciplinary action taken against the employee was due to the employee's inefficiency and continued failure to abide by company procedures. In the employee's Title VII action, the district court granted the employer summary judgment. On appeal, the court ruled that the employer established that the employee received numerous written warnings regarding, among other things, his failure to deliver and pickup all packages on his route, to fill out time cards and delivery logs, his involvement in traffic accidents. The employer also undertook to "retrain" the employee. The court ruled that the employer established non-discriminatory reasons for the disciplinary action taken against the employee and, although he made prima facie showings of discrimination and retaliation, he failed to raise a genuine issue of fact that the asserted reasons were merely a pretext for unlawful discrimination.

OUTCOME: The court affirmed the judgment.

CORE TERMS: driver, supervisor, route, harassment, package, discipline, suspension, summary judgment, disparate treatment, prima facie case, retaliation, genuine, credibility, infraction, sworn, lunch, ride, disciplinary actions, issue of fact, discriminatory, religion, customer, warning, supervision, grievance, missed, pick, nondiscriminatory reason, articulated, nonmovant

EXHIBIT 10

LexisNexis(R) Headnotes

Civil Procedure > Summary Judgment > Appellate Review > Standards of Review
Civil Procedure > Summary Judgment > Evidence
Civil Procedure > Summary Judgment > Standards > General Overview
[HN1] An appellate court reviews de novo a district court's grant of summary judgment and affirms only if the record reveals no genuine issue of material fact. A genuine issue of material fact exists when, viewed in the light most favorable to the nonmovant, the evidence presents a sufficient disagreement to require submission to a jury. At summary judgment, all issues of credibility are resolved in the nonmovant's favor. A party moving for summary judgment must show the lack of evidence to support his opponent's case. However, the nonmovant then bears the burden of demonstrating the presence of a contested issue of fact. The nonmovant must point to specific evidence establishing a triable dispute, and cannot rely upon bare allegations.

Civil Rights Law > General Overview
Evidence > Procedural Considerations > Burdens of Proof > Ultimate Burden of Persuasion
Labor & Employment Law > Discrimination > Disparate Treatment > Proof > Burden Shifting
[HN2] The order and allocation of proof for Title VII cases in which plaintiff alleges disparate treatment is: (1) plaintiff must establish a prima facie case of discrimination; (2) once a prima facie case is presented, defendant must articulate some legitimate nondiscriminatory reason for the disparate treatment, and; (3) the articulated nondiscriminatory explanation is presumptively valid, and plaintiff must demonstrate that the explanation is pretextual and meet the ultimate burden of proving intentional discrimination by a preponderance of the evidence. The burden of proof never shifts from plaintiff in a Title VII case.

Civil Rights Law > General Overview
Labor & Employment Law > Discrimination > Disparate Treatment > General Overview
[HN3] An employee can show unlawful discrimination under Title VII if he was disciplined more severely than another employee who had committed a similar infraction.To determine whether a comparison between employees is valid, a court examines whether defendant had as much cause to discipline the non-minority employee as it had to discipline plaintiff. Instead of insisting on identical infractions for purposes of comparison, the inquiry assesses the gravity of the offenses in order to find acts against the employer of comparable seriousness. Where the record discloses no sufficiently analogous offenders, no inference of discriminatory animus can be drawn from the "uniqueness" of a plaintiff's punishment.

Civil Rights Law > General Overview
Labor & Employment Law > Discrimination > Disparate Treatment > General Overview
[HN4] Seniority systems are afforded special treatment under Title VII.

Labor & Employment Law > Affirmative Action > General Overview
Labor & Employment Law > Discrimination > Harassment > Racial Harassment > Hostile Work Environment
Labor & Employment Law > Discrimination > Harassment > Religious Harassment
[HN5] To establish a hostile environment claim based upon race or religion discrimination, an employee must show: (1) that he was subjected to harassment based upon his race or religion; (2) that the harassment was sufficiently severe or pervasive to alter the conditions of (a reasonable person's) employment and create an abusive working environment; (3) that he subjectively perceived the harassment, and; (4) that the employer knew or should have known of the harassment.

Civil Procedure > Summary Judgment > Burdens of Production & Proof > General Overview
Labor & Employment Law > Collective Bargaining & Labor Relations > Unfair Labor Practices > Interference With Protected Activities
Labor & Employment Law > Discrimination > Retaliation > General Overview
[HN6] In a suit for retaliation under Title VII, unsupported allegations as to motive do not confer talismanic immunity from summary judgment. Moreover, an employer's mere knowledge that an employee has filed a discrimination charge is insufficient to counter substantial evidence of legitimate reasons for the action.

COUNSEL: Charlene Adelle Wilson, Baltimore, Maryland, for Appellant.

Peter Francis Healey, Jr., FULBRIGHT & JAWORSKI, L.L.P., Washington, D.C., for Appellee.

JUDGES: Before ERVIN, Chief Judge, and LUTTIG and MICHAEL, Circuit Judges.

OPINION

OPINION

PER CURIAM:

Lurenda Featherstone, an African-American Jehovah's Witness, appeals the district court's order granting summary judgment to his employer, United Parcel Service, Inc. ("UPS"), in his Title VII action alleging racial and religious discrimination, and retaliation. 42 U.S.C.A. §§ 2000e-2(a), 2000e-3(a), 2000e-5 (West 1994). We previously granted the parties' motion to submit this appeal on the briefs, and we now affirm.

Featherstone began working for UPS in 1978 as a part-time package handler and obtained his present job as a full-time package car driver in 1987. Featherstone's complaint centers **[*2]** around a series of disciplinary actions taken against him by his supervisors from 1990 to 1993 in response to his inefficiency and repeated violations of company procedures. Featherstone asserted that he was singled out for harassment by management because of his race and religion, that his work was scrutinized to an unbearable degree, and that company policies were applied and enforced more stringently against him than against his co-workers. Moreover, Featherstone alleged that UPS management intensified their discriminatory practices after he filed grievances pursuant to a collective bargaining agreement.

UPS denied discriminating against Featherstone and outlined instances of Featherstone's inefficiency and failure to follow company policies which led to the disciplinary actions. Prior to suspending and discharging Featherstone, UPS issued numerous warnings to him for failing to follow supervisory instructions. These letters reported that Featherstone repeatedly:

(1) failed to deliver and pickup all packages on his route;

(2) failed to report missed pickups and deliveries;

(3) failed to follow UPS's procedures for COD transactions;

(4) **[*3]** failed to call his dispatcher to notify UPS that he would be returning late to the center;

(5) failed to fill out his time card, misload card, delivery sheets, and control logs properly;

(6) was involved in avoidable traffic accidents;

(7) performed inefficiently when left unsupervised; and

(8) reacted negatively to supervision.

In addition to written warnings, UPS management conducted numerous on job supervision ("OJS") rides in order to "retrain" Featherstone. On the OJS rides, a supervisor would accompany Featherstone on his route, observe his performance, and prepare a written report listing his improper or inefficient procedures. Featherstone was expected to make the necessary corrections to his work and was held thereafter to a level of efficiency equal to his most efficient performance during any supervised ride. After the OJS rides, UPS conducted written interviews with Featherstone to reinforce the need to continue using standard procedure. Despite these retraining efforts, Featherstone failed to maintain acceptable job efficiency and continued to disobey his supervisor's instructions regarding standard procedures. A **[*4]** series of suspensions and terminations ensued.

UPS suspended Featherstone for one day for disobeying his supervisor's instructions and for allegedly telling his supervisor, "I don't care," when confronted about it. Featherstone maintained that his words were taken out of context and that his supervisor made false accusations in order to harass him. Featherstone appealed through a grievance, and a panel of UPS and union representatives upheld the suspension.

UPS suspended Featherstone for three days without pay for failing to follow his supervisor's instructions. Featherstone again acknowledged that he violated certain instructions but maintained that they were petty infractions and that management was scrutinizing his conduct to the point of harassment in order to find violations. In response to his suspension, Featherstone sent a letter to his union, asserting that his supervisor was biased against African-Americans and Jehovah's Witnesses. Featherstone also circulated a petition to his customers, asking them to sign it if they believed that he was a good worker.

Featherstone received his next suspension after two warning notices and an interview for failure to follow instructions, **[*5]** failure to deliver and pick up packages, failure to report his service failure to management, and failure to fill out his time card properly. A three-day suspension was imposed after Featherstone again missed a pickup, failed to report it to his supervisor, and incorrectly filled out his time card.

UPS terminated Featherstone's employment due to a customer complaint that Featherstone failed to pick up a parcel. Featherstone admitted that the missed pickup was his fault. However, he alleged that a white driver who had made the same mistake on the same day was called by a supervisor while he was still out on his route so he could pick up the missed package and avoid punishment.

After the intervention of Featherstone's union, his discharge was reduced to a thirteen-day suspension without pay. Featherstone's reinstatement was shortlived, however, and he was again discharged for failure to follow proper COD procedures, defacing UPS property, and for leaving a note to a customer on a UPS delivery notice which read, "you should learn to be nice then somebody would take your package."

Featherstone challenged the second discharge by filing a grievance. The union conceded that Featherstone **[*6]** had "made some poor decisions" and "honest mistakes." The grievance committee reduced the discharge to a forty-one-day suspension without pay.

Featherstone was again discharged after warnings for failure to follow supervisory instructions and making derogatory remarks to customers about UPS. Featherstone grieved his discharge through his union. In its brief filed on behalf of Featherstone, the union argued on his behalf that UPS had originally promoted Featherstone to full-time driver without regard to his qualifications and then punished him for being unqualified. The grievance committee reduced Featherstone's termination to a forty-nine day suspension without pay.

Featherstone originally filed an administrative charge of discrimination with the Equal Employment Opportunity Commission ("EEOC"). He then filed his retaliation claim with the EEOC. The EEOC issued Featherstone a right to sue letter and this lawsuit ensued.

[HN1] This Court reviews de novo a district court's grant of summary judgment and affirms only if the record reveals no genuine issue of material fact. *Shaw v. Stroud*, 13 F.3d 791, 798 (4th Cir.), *cert. denied*, 130 L. Ed. 2d 24, 115 S. Ct. 67 (U.S. 1994). A genuine issue of material **[*7]** fact exists when, viewed in the light most favorable to the nonmovant, the evidence presents a sufficient disagreement to require submission to a jury. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247-49, 91 L. Ed. 2d 202, 106 S. Ct. 2505 (1986). At summary judgment, all issues of credibility are resolved in the nonmovant's favor. *Miller v. Leathers*, 913 F.2d 1085, 1087 (4th Cir. 1990), *cert. denied*, 498 U.S. 1109 (1991). A party moving for summary judgment must show the lack of evidence to support his opponent's case. *Celotex Corp. v. Catrett*, 477 U.S. 317, 325, 91 L. Ed. 2d 265, 106 S. Ct. 2548 (1986). However, the nonmovant then bears the burden of demonstrating the presence of a contested issue of fact. The nonmovant must point to specific evidence establishing a triable dispute, and cannot rely upon bare allegations. *Anderson*, 477 U.S. at 248; Fed. R. Civ. P. 56.

I. Discrimination

In *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 800-04, 36 L. Ed. 2d 668, 93 S. Ct. 1817 (1973), the Supreme Court established the familiar " [HN2] order and allocation of proof" for Title VII cases in which the plaintiff alleges disparate treatment. First, the plaintiff must establish a prima facie case of discrimination. *McDonnell Douglas*, 411 U.S. at 802. Once a prima **[*8]** facie case is presented, the defendant must "articulate some legitimate nondiscriminatory reason for the" disparate treatment. *Id.* The articulated nondiscriminatory explanation is "presumptively valid," and the plaintiff must demonstrate that the explanation is pretextual and "meet the ultimate burden of proving intentional discrimination" by a preponderance of the evidence. *Moore v. City of Charlotte*, 754 F.2d 1100, 1106 (4th Cir.), *cert. denied*, 472 U.S. 1021 (1985). The burden of proof never shifts from the plaintiff in a Title VII case. *St. Mary's Honor Ctr. v. Hicks*, 125 L. Ed. 2d 407, 423, 113 S. Ct. 2742 (U.S. 1993).

A. Discipline

Featherstone maintains that he has established a prima facie case of discriminatory disciplinary action by UPS. He asserts that he presented evidence sufficient to create a genuine issue as to whether he was disciplined more strictly than similarly situated white and non-Jehovah's Witness UPS employees. [HN3] An employee can show unlawful discrimination under Title VII if he was disciplined more severely than another employee who had committed a similar infraction. *McDonald v. Santa Fe Trail Transp. Co.*, 427 U.S. 273, 282, 49 L. Ed. 2d 493, 96 S. Ct. 2574 (1976). A plaintiff must **[*9]** show: (1) that he is within a protected class; (2) that he "engaged in prohibited conduct similar to that of a person" outside of his protected class; and (3) that he received "more severe" discipline than was received by the other employee. *Moore*, 754 F.2d at 1105-06.

To determine whether a comparison between employees is valid, we examine whether the defendant had as much cause to discipline the non-minority employee as it had to discipline the plaintiff. *Moore*, 754 F.2d at 1107. Instead of insisting on identical infractions for purposes of comparison, the inquiry assesses the gravity of the offenses in order to find acts against the employer of comparable seriousness. *Id.* Where the record discloses no sufficiently analogous offenders, no inference of discriminatory animus can be drawn from the "uniqueness" of a plaintiff's punishment. *Id.* at 1109-10.

Featherstone identifies three examples of disparate treatment by Defendant in disciplining its drivers. First, he cites the warnings he received for two avoidable traffic accidents, alleging that a white employee received the same disciplinary action for his involvement in a more serious accident. Taking Featherstone's **[*10]** allegation as true, it does not demonstrate disparate treatment. Both drivers received a written warning, even though Featherstone was involved in two accidents. There is no evidence that UPS ever adjusted the type of discipline it imposed according to the severity of the avoidable accident in which a driver was involved.

Second, Featherstone alleges that he was singled out for punishment for not taking his lunch between the fourth and sixth hours of his work day, as required by UPS regulation. He identified several white drivers who were not punished despite continuously eating lunch late in the day. UPS presented sworn statements explaining that it applies its lunch rule to all drivers. According to UPS, this rule is enforced on all OJS rides. In addition, supervisors will verbally warn a driver about the policy if they learn that the driver is disregarding the rule, and will then expect compliance during future OJS rides.

UPS freely admitted that some drivers may violate the rule without discipline, "particularly if their supervisors are unaware of the violations," because the drivers "complete their routes in a timely fashion and avoid frequent close supervision." Defendant thus **[*11]** impliedly admits that some drivers escape discipline for violating the lunch hour rule, even though their supervisors are aware of the violation. Based upon Featherstone's sworn testimony identifying specific white drivers who violated the lunch rule and UPS's admission, Featherstone successfully established a prima facie case of disparate treatment on this issue.

We find, however, Featherstone failed to establish that Defendant's articulated reason for the disparate treatment was a pretext for unlawful discrimination. Featherstone did not allege or demonstrate that any of the white drivers failed to complete their routes on time or were otherwise found inefficient such that rigorous enforcement of the lunch hour rule would be necessary. By contrast, Featherstone's admitted numerous infractions made close supervision necessary. Moreover, Featherstone did not cite one instance in which a white or non-Jehovah's Witness driver violated the rule during an OJS ride and avoided reprimand. Finally, Featherstone neither alleged nor proved that UPS exempted white or non-Jehovah's Witness employees from the lunch hour rule entirely.

In his third allegation of disparate disciplinary treatment, **[*12]** Featherstone identified a white driver who forgot to pick up a package on the same day that Featherstone forgot a package. According to Featherstone, the white driver was notified of the package while still on his route and was therefore able to pick up the package and avoid punishment. By contrast, Featherstone was notified of his error only after he returned to UPS center at the end of his day. He was discharged because of this incident.

UPS did not deny Featherstone's sworn statement but responded that Featherstone did not establish whether the prior disciplinary record of the other driver was in any way comparable to his own. UPS noted that Featherstone had a number of infractions in his record. Defendant's argument does not invalidate Featherstone's prima facie case of disparate treatment but instead provides an explanation for that disparate treatment. [1] Therefore, Featherstone established a prima facie case of discrimination on this issue. *See Moore*, 754 F.2d at 1105-06.

1 Arguably, UPS is attempting to show that, in light of Featherstone's prior misconduct, the two infractions were not similar and that UPS did not have as much cause to discipline the white driver as it had to discipline Featherstone. *Moore*, 754 F.2d at 1107. However, a proper reading of *Moore* and *McDonald* focuses the prima facie case inquiry on the specific offense at issue.

[*13] We find, however, that UPS's explanation constituted a legitimate nondiscriminatory reason for the disparate treatment, which Featherstone failed to discredit. Featherstone's suspension for the missed package was the culmination of his well-documented history of infractions which led to a gradual increase in the sternness of the disciplinary responses by UPS. Even if the white driver's mistake were identical to Featherstone's, there is no evidence that he had previously committed a single violation of UPS policy. Moreover, there is no evidence that Featherstone was reprimanded in any way for his first such mistake. Because he failed to place in context his comparator's isolated violation, Featherstone did not create a genuine issue as to whether UPS's rationale for failing to punish the white driver was pretextual.

As additional evidence of pretext, Featherstone avers that statistical evidence demonstrates that UPS disciplines its African-American drivers more often than its white drivers. However, his assertion is conclusory and therefore inadequate to survive summary judgment. *Williams v. Cerberonics, Inc.*, 871 F.2d 452, 456 (4th Cir. 1989). Plaintiff's counsel simply submitted **[*14]** the personnel files of thirty-two drivers and UPS's Weekly Operations Reports to the district court, without preparing any sort of statistical analysis on the raw data contained therein. This proffer is inadequate.

B. Terms and Conditions of Employment

Featherstone also claims that he and other African-American drivers are assigned longer routes with more pick-ups and deliveries than are white drivers. However, Defendant established through sworn affidavits and documented UPS procedures that routes are given to drivers according to a bid system based upon seniority. [HN4] Seniority systems are afforded special treatment under Title VII. *Lorance v. AT&T Technologies, Inc.*, 490 U.S. 900, 904, 104 L. Ed. 2d 961, 109 S. Ct. 2261 (1989); 42 U.S.C. § 2000e-2(h) (1988). Because Featherstone offers no evidence suggesting that the UPS seniority system is not bona fide, his claim on this issue lacks merit, even assuming the bid system has an adverse impact on African-American employees. *Lorance*, 490 U.S. at 905.

C. Harassment

Featherstone asserts on appeal that he has established a triable claim of discriminatory harassment or hostile work environment, alleging that he was subjected to verbal epithets and derogatory **[*15]** references to his religion and discrimination in work assignments and management. [HN5] To establish a hostile environment claim, Featherstone must show:

(1) that he was subjected to harassment based upon his race and/or religion;

(2) that the harassment was "sufficiently severe or pervasive to alter the conditions of [a reasonable person's] employment and create an abusive working environment";

(3) that he subjectively perceived the harassment; and

(4) that UPS knew or should have known of the harassment.

White v. Federal Express Corp., 939 F.2d 157, 160 (4th Cir. 1991).

Featherstone's chief evidence that he was harassed based upon his race or religion is his supervisor's statement that "it's not right for Jehovah's Witnesses to be knocking on peoples doorsic." Featherstone also points to notes taken by UPS Employee Relations Manager Charles Maker, which document severe unrest among the drivers attributable to demeaning treatment they received from management. However, this evidence demonstrates that harassment by management was provided without regard to race or religion. [2] Although Featherstone and a white driver were identified **[*16]** by other drivers as particularly subject to mistreatment, eighteen drivers signed a petition to Maker expressing their displeasure with the treatment they received. Featherstone may have established that UPS supervisors were mean-spirited and treated their drivers poorly, but not that they were discriminatory in doing so. *See Goldberg v. B. Green & Co.*, 836 F.2d 845, 849 (4th Cir. 1988). We find that Featherstone failed to establish discriminatory harassment or a hostile work environment. To the extent that Featherstone was singled out by management, it was because of his unacceptable job performance.

2 Maker's notes from a meeting with one group of drivers read as follows: "This was a dominant minority group this morning that stated they didn't think it was a racial issue, but was more favoritism toward certain drivers as well as an outright desire to humiliate others." Maker stated in a sworn affidavit that he found no evidence suggesting that Featherstone was discriminated against because of his race.

[*17] D. Other Assignments of Error

Featherstone charges that the district court improperly required him to produce direct evidence of discrimination and awarded summary judgment based upon his failure to do so. His assertion is unsupported by the court's opinion. The district court found that Featherstone failed to "articulate specific evidence to support his allegations" and instead relied upon "his own assertions" and "conclusory allegations" which were inadequate to create a genuine issue of fact. We agree.

Featherstone also faults the district court for making credibility determinations against him. He contends that absent these inappropriate credibility determinations, there would exist genuine issues of material fact for trial. Featherstone avers that the district court found incredible statements of his co-workers that charged management with unfair harassment of Featherstone. In fact, the district court made proper evidentiary rulings, not improper determinations of credibility. The statements at issue were inadmissible, unsworn hearsay. Fed. R. Evid. 802; Fed. R. Civ. P. 56. Moreover, to the extent that these statements purport to assign legal conclusions to factual occurrences, **[*18]** they represent the conclusory opinions of Featherstone's co-workers. Credibility aside, a lay witness's legal opinions are simply irrelevant. Finally, other evidence disclosed that the minority drivers interviewed believed that management's conduct was not driven by racial animus.

Featherstone also complains that the district court discounted his sworn testimony in favor of the testimony of UPS witnesses. Specifically, Featherstone notes that he denied (1) disobeying instructions and violating company procedures; (2) telling his supervisor "I don't care," in response to a question; (3) defacing company property; (4) being "rude" to a customer; and (5) making derogatory remarks about UPS to his customers. He asserts that he created a genuine issue of fact as to the validity of UPS's stated reasons for its disciplinary actions.

Again, Featherstone misapprehends the nature of credibility, insisting that his disagreement with Defendant's choice of words creates an issue of fact which should survive summary judgment. In his sworn statements, Featherstone admits the behavior described by UPS. While Featherstone may take issue with such adjectives as "rude" and "derogatory" used by Defendant, **[*19]** such disagreement does not create an issue of fact as to whether UPS disciplined Featherstone because of his behavior. Because Featherstone confesses to the conduct charged, the district judge's findings did not depend upon a credibility determination.

II. Retaliation

Featherstone maintains that he established a genuine issue as to whether UPS retaliated against him for filing an EEOC complaint on December 26, 1991. For each claim based upon incidents occurring after December 26, 1991, Featherstone alleges that if UPS did not discriminate against him because of his race or religion, it took the challenged actions in retaliation for his EEOC complaints in violation of 42 U.S.C. § 2000e-3(a) (1988).

Featherstone also presented one additional claim under the rubric of retaliation. He contended that after filing his complaint with the EEOC, Defendant assigned him to the Murphy Homes route, a known high crime area. UPS denied that its decision was retaliatory. Undisputed evidence established that the Murphy Homes route was assigned to many drivers as an "add-on route" to fill out a projected 8.5 hour work day. The route was also on Featherstone's way back to the UPS Center. In addition, **[*20]** when Featherstone returned from a suspension, he successfully bid on a new route and has not been reassigned to Murphy Homes since that time.

We find that Featherstone established a prima facie case of retaliation by showing (1) that he engaged in protected activity; (2) that Defendant took adverse employment action against him; and (3) that a causal connection existed between the protected activity and the adverse action. *Ross v. Communications Satellite Corp.*, 759 F.2d 355, 365 (4th Cir. 1985). He satisfied the third element of the prima facie case by showing that UPS acted with knowledge of his EEO filing. *Williams*, 871 F.2d at 457.

However, once Defendant articulated a legitimate nondiscriminatory reason for its actions, Featherstone had to offer evidence showing that "the adverse action would not have occurred'but for' the protected conduct." *Ross*, 759 F.2d at

366. This Court has "rejected the view that Title VII has been violated if retaliation for protected activity was merely 'in part' a reason for the adverse action." *Id.* " [HN6] Unsupported allegations as to motive do not confer talismanic immunity from [summary judgment]." *Id.*; *Williams*, 871 F.2d at **[*21]** 459. Moreover, an employer's mere knowledge that an employee has filed a discrimination charge is insufficient to counter substantial evidence of legitimate reasons for the action. *Williams*, 871 F.2d at 457.

Featherstone has offered no evidence to contradict Burke's explanation of the Murphy Homes assignment. As for his other claims of retaliation, Featherstone asserts that the same evidence he presented to demonstrate a genuine issue of fact regarding his discrimination complaint establishes that the reasons articulated by UPS for their conduct are pretextual. As in the context of his discrimination claims, Featherstone has offered no evidence rebutting Defendant's nondiscriminatory reasons for its disciplinary actions and supervision. Therefore, we find that his claim of retaliation lacks merit.

We affirm the district court's award of summary judgment to Defendant. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the Court and argument would not aid the decisional process.

AFFIRMED

FOCUS - 2 of 3 DOCUMENTS

MILO RICHARDSON, Plaintiff - Appellant v. PRAIRIE OPPORTUNITY, INCORPORATED; LAURA A. MARSHALL, Defendants - Appellees

No. 11-60343

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

470 Fed. Appx. 282; 2012 U.S. App. LEXIS 8376; 114 Fair Empl. Prac. Cas. (BNA) 1533

April 25, 2012, Filed

NOTICE: PLEASE REFER TO FEDERAL RULES OF APPELLATE PROCEDURE RULE 32.1 GOVERNING THE CITATION TO UNPUBLISHED OPINIONS.

PRIOR HISTORY: [1]**
Appeal from the United States District Court for the Northern District of **Mississippi.** USDC No. 1:10-CV-2.
Richardson v. Prairie Opportunity, Inc., 2011 U.S. Dist. LEXIS 49604 (N.D. Miss., May 9, 2011)

CASE SUMMARY:

PROCEDURAL POSTURE: Appellant former employee sought judicial review of the United States District Court for the Northern District of **Mississippi's** entry of summary judgment in favor of appellee former employer in regards to his gender-discrimination and retaliation claims under Title VII of the Civil Rights Act of 1964, 42 U.S.C.S. § 2000e et seq.

OVERVIEW: The employee had established his **prima facie** case of discrimination. He conceded that his employer met its burden of production to articulate a legitimate, nondiscriminatory reason for terminating him by presenting evidence that he was terminated because of his alleged misconduct toward his supervisor. The evidence he presented in rebuttal was sufficient to create a genuine dispute on the truth of his employer's proffered explanation. It, along with the evidence he presented in making his **prima facie** case, would permit a trier of fact to infer intentional discrimination. Summary judgment on the discrimination claim was improper. The summary judgment against his retaliation claim was based on the board's, rather than his supervisor's, terminating him. That basis was improper. The proffered reason for the termination was the employee's alleged misconduct. Since he presented evidence creating a genuine dispute on the truth of that explanation, summary judgment against his retaliation claim was also improper.

OUTCOME: The judgment of the district court was vacated, and the case was remanded for further proceedings consistent with the appellate court's opinion.

CORE TERMS: summary judgment, retaliation, termination, prima facie case, genuine, proffered reasons, motivating, protected activity, terminating, terminated, misconduct, discrimination claim, adverse action, causal connection, intentional discrimination, trier of fact, articulate, terminate, gender, animus, infer, gender-discrimination, recommendation, Rights Act, central office, presented evidence, internal quotation marks omitted, circumstantial evidence, protected class, presenting evidence

LexisNexis(R) Headnotes

Civil Procedure > Summary Judgment > Appellate Review > Standards of Review
Civil Procedure > Appeals > Standards of Review > De Novo Review
[HN1] A summary judgment is reviewed de novo.

EXHIBIT 11

Civil Procedure > Summary Judgment > Standards > Appropriateness
Civil Procedure > Summary Judgment > Standards > Genuine Disputes
Civil Procedure > Summary Judgment > Standards > Legal Entitlement
Civil Procedure > Summary Judgment > Standards > Materiality
[HN2] Summary judgment is proper if 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 dispute is genuine if the evidence is such that a reasonable juror could find for the non-moving party.

Civil Procedure > Summary Judgment > Evidence
Civil Procedure > Summary Judgment > Standards > Appropriateness
[HN3] In deciding a motion for summary judgment all evidence is viewed in the light most favorable to the non-moving party.

Business & Corporate Law > Agency Relationships > Duties & Liabilities > Unlawful Acts of Agents > General Overview
Labor & Employment Law > Discrimination > Actionable Discrimination
Labor & Employment Law > Discrimination > Gender & Sex Discrimination > Employment Practices > General Overview
Labor & Employment Law > Discrimination > Retaliation > Elements > Adverse Employment Actions
Labor & Employment Law > Discrimination > Retaliation > Statutory Application > Title VII of the Civil Rights Act of 1964 > General Overview
[HN4] Employers are liable under Title VII of the Civil Rights Act of 1964, 42 U.S.C.S. § 2000e et seq., in accordance with common law agency principles, for the acts of employees committed in the furtherance of the employer's business. In determining whether an adverse employment action was taken as a result of **retaliation or discrimination,** a court's focus is on the final decisionmaker.

Labor & Employment Law > Discrimination > Actionable Discrimination
[HN5] An employer is liable under a cat's paw theory when an employee, motivated by unlawful animus, intends to cause an adverse employment action and proximately causes that action.

Labor & Employment Law > Discrimination > Actionable Discrimination
Labor & Employment Law > Discrimination > Gender & Sex Discrimination > Coverage & Definitions > General Overview
Labor & Employment Law > Discrimination > National Origin Discrimination > Coverage & Definitions
Labor & Employment Law > Discrimination > Racial Discrimination > Coverage & Definitions
Labor & Employment Law > Discrimination > Religious Discrimination > Coverage & Definitions > General Overview
[HN6] Title VII of the Civil Rights Act of 1964, 42 U.S.C.S. § 2000e et seq., forbids an employer from discriminating against an employee because of such individual's race, color, religion, sex, or national origin. 42 U.S.C.S. § 2000e-2(a).

Labor & Employment Law > Discrimination > Disparate Treatment > Proof > Burden Shifting
Labor & Employment Law > Discrimination > Disparate Treatment > Proof > Burdens of Proof
Labor & Employment Law > Discrimination > Disparate Treatment > Proof > Circumstantial & Direct Evidence
Labor & Employment Law > Discrimination > Disparate Treatment > Proof > Mixed Motive
[HN7] In maintaining a discrimination claim based on circumstantial evidence under Title VII of the Civil Rights Act of 1964, 42 U.S.C.S. § 2000e et seq., a plaintiff must carry the initial burden under the statute of establishing a **prima facie** case. the burden then shifts to the employer to articulate some legitimate, nondiscriminatory reason for its action. Finally, a plaintiff must be afforded a fair opportunity to show: the employer's stated reason was pretext or an impermissible consideration was a motivating factor. A mixed-motive defense allows an employer, once an employee presents evidence that illegitimate consideration was a motivating factor, to show it would have made same decision even without that consideration.

Evidence > Procedural Considerations > Burdens of Proof > Allocation
Labor & Employment Law > Discrimination > Disparate Treatment > Proof > Burdens of Proof

[HN8] To establish a **prima facie** case of discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C.S. § 2000e et seq., a plaintiff must show: (1) he is a member of a protected class, (2) he was qualified for his job, (3) he suffered an adverse employment action, and (4) he was treated less favorably than employees outside the protected class. The burden of establishing a **prima facie** case of disparate treatment is not onerous.

Evidence > Procedural Considerations > Burdens of Proof > Burden Shifting
Labor & Employment Law > Discrimination > Disparate Treatment > Proof > Burdens of Proof
[HN9] After a plaintiff establishes a **prima facie** case of discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C.S. § 2000e et seq., the burden shifts to the employer to articulate a legitimate, nondiscriminatory reason for its adverse employment action.

Civil Procedure > Summary Judgment > Burdens of Production & Proof > Nonmovants
Civil Procedure > Summary Judgment > Standards > Genuine Disputes
Evidence > Procedural Considerations > Burdens of Proof > Allocation
Labor & Employment Law > Discrimination > Disparate Treatment > Proof > Burdens of Proof
[HN10] In a discrimination case under Title VII of the Civil Rights Act of 1964, 42 U.S.C.S. § 2000e et seq., a plaintiff retains the ultimate burden of persuading the court that he has been the victim of intentional discrimination. A plaintiff may succeed either directly by persuading the court that a discriminatory reason more likely motivated the employer or indirectly by showing that the employer's proffered explanation is unworthy of credence. That is to say, a plaintiff may avoid summary judgment if he creates a genuine dispute on the truth of the employer's proffered reasons for termination. That is because rejection of the defendant's proffered reasons will permit the trier of fact to infer the ultimate fact of intentional discrimination.

Civil Procedure > Summary Judgment > Appellate Review > General Overview
Civil Procedure > Appeals > General Overview
[HN11] A summary judgment may be affirmed on any ground supported by the record and presented to the district court.

Evidence > Procedural Considerations > Burdens of Proof > Burden Shifting
Labor & Employment Law > Discrimination > Disparate Treatment > Proof > Burden Shifting
Labor & Employment Law > Discrimination > Retaliation > Burdens of Proof
Labor & Employment Law > Discrimination > Retaliation > Statutory Application > Title VII of the Civil Rights Act of 1964 > General Overview
[HN12] Title VII of the Civil Rights Act of 1964 (Title VII), 42 U.S.C.S. § 2000e et seq., forbids retaliating against an employee because that individual made a charge under Title VII. 42 U.S.C.S. § 2000e-3(a). As with a discrimination claim, a retaliation claim based on circumstantial evidence proceeds via the McDonnell Douglas burden-shifting framework.

Labor & Employment Law > Discrimination > Retaliation > Burdens of Proof
Labor & Employment Law > Discrimination > Retaliation > Elements > Adverse Employment Actions
Labor & Employment Law > Discrimination > Retaliation > Elements > Causal Link
Labor & Employment Law > Discrimination > Retaliation > Elements > Protected Activities
Labor & Employment Law > Discrimination > Retaliation > Statutory Application > Title VII of the Civil Rights Act of 1964 > General Overview
[HN13] To present a **prima facie** case of retaliation under Title VII of the Civil Rights Act of 1964, 42 U.S.C.S. § 2000e et seq., an employee must show: (1) he participated in protected activity, (2) he suffered an adverse employment action, and (3) there was a causal connection between the protected activity and the adverse action.

Labor & Employment Law > Discrimination > Retaliation > Elements > Causal Link
Labor & Employment Law > Discrimination > Retaliation > Statutory Application > Title VII of the Civil Rights Act of 1964 > General Overview
[HN14] Close timing between an employee's protected activity and an adverse action against him may provide the causal connection required to make out a **prima facie** case of retaliation under Title VII of the Civil Rights Act of 1964, 42 U.S.C.S. § 2000e et seq.

Evidence > Procedural Considerations > Burdens of Proof > Burden Shifting
Labor & Employment Law > Discrimination > Disparate Treatment > Proof > Burden Shifting
Labor & Employment Law > Discrimination > Retaliation > Burdens of Proof
Labor & Employment Law > Discrimination > Retaliation > Statutory Application > Title VII of the Civil Rights Act of 1964 > General Overview
[HN15] On an employee establishes a **prima facie** of retaliation under Title VII of the Civil Rights Act of 1964, 42 U.S.C.S. § 2000e et seq., the burden then shifts to the employer to articulate a legitimate, non-retaliatory reason its adverse action.

Civil Procedure > Summary Judgment > Burdens of Production & Proof > Nonmovants
Civil Procedure > Summary Judgment > Standards > Genuine Disputes
Labor & Employment Law > Discrimination > Disparate Treatment > Proof > Burden Shifting
Labor & Employment Law > Discrimination > Retaliation > Burdens of Proof
Labor & Employment Law > Discrimination > Retaliation > Statutory Application > Title VII of the Civil Rights Act of 1964 > General Overview
[HN16] Once an employer in a case under Title VII of the Civil Rights Act of 1964, 42 U.S.C.S. § 2000e et seq., articulates a legitimate, non-retaliatory reason its adverse action, the burden returns to the employee to show that the employer's proffered reason was pretext or retaliation was a motivating factor in the adverse employment action. An employee may survive summary judgment by creating a genuine dispute on the truth of the employer's proffered reason, thereby permitting a trier of fact to infer retaliation.

COUNSEL: For MILO RICHARDSON, Plaintiff - Appellant: Jim D. Waide, III, Esq., Ronnie Lee Woodruff, Esq., Waide & Associates, P.A., Tupelo, MS.

For PRAIRIE OPPORTUNITY, INCORPORATED, LAURA A. MARSHALL, Defendants - Appellees: Monique Brooks Montgomery, Esq., Attorney, Montgomery Law Firm, L.L.C., Columbus, MS; Brian A. Hinton, Attorney, Anderson, Crawley & Burke, P.L.L.C., Ridgeland, MS.

JUDGES: Before JOLLY, DAVIS, and BARKSDALE, Circuit Judges.

OPINION

[*283] PER CURIAM:*

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Milo Richardson contests the summary judgment against his gender-discrimination and retaliation claims. VACATED and REMANDED.

I.

In 2003, Richardson was hired as a program administrator by Prairie Opportunity, Inc. (Prairie), a non-profit corporation that provides financial assistance to the poor. On 21 January 2009, Richardson filed an Equal Employment Opportunity Commission (EEOC) charge of discrimination, stating he believed: he had been treated less favorably **[**2]** because of his gender; and, his gender was a motivating factor in his not receiving a raise he was due in 2008. At that time, Richardson was the only male among eight employees at Prairie's central office.

On 10 March 2009, executive director Laura Marshall, Richardson's supervisor, presented Richardson a document to sign, but he refused to do so until he had read it. An argument ensued between them, **[*284]** which resulted in Marshall's filing an internal employee-disciplinary report, alleging Richardson had "pointed his finger at [me] and stated what he was not going to do", and suspending him for five days without pay. On 16 March, the board of directors, on Marshall's recommendation, terminated Richardson's employment. He subsequently amended his EEOC charge to add he believed his initial EEOC charge was a motivating factor in his termination.

After receiving a right-to-sue letter from the EEOC, Richardson filed this action against Prairie and Marshall, claiming, *inter alia:* gender discrimination, under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.;* retaliation, under Title VII; and a state-law malicious-interference-with-employment claim against Marshall. Defendants **[**3]** were awarded summary judgment on the two Title VII claims, but Marshall was denied summary judgment on the tortious-interference claim. *Richardson v. Prairie Opportunity, Inc.,* No. 1:10-CV-2-MPM, 2011 U.S. Dist. LEXIS 49604, 2011 WL 1769104 (N.D. Miss. 9 May 2011) (Opinion). Subsequently, Richardson dismissed Marshall voluntarily (tort claim against her pending in state court).

II.

[HN1] A summary judgment is reviewed *de novo. E.g., Davis-Lynch, Inc. v. Moreno,* 667 F.3d 539, 549 (5th Cir. 2012). [HN2] Such a judgment is proper if "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 dispute is genuine if the evidence is such that a reasonable juror could find for the non-moving party. *E.g., Davis-Lynch,* 667 F.3d at 549. [HN3] All evidence is viewed in the light most favorable to the non-moving party. *Id.* at 549-50.

A.

Before reaching the substance of the two claims, the role of Prairie's board in Richardson's termination must be addressed. The district court awarded Prairie summary judgment on the retaliation claim on the ground that "Richardson has not offered a scintilla of proof to suggest that Prairie's board considered his previously filed EEOC **[**4]** complaint in reaching its decision [to terminate him]". Opinion at 10. Because his termination is the adverse employment action on which both claims rest, that reasoning (board not involved in alleged improper conduct) could apply equally to Richardson's gender-discrimination claim.

[HN4] "Employers are liable under Title VII, in accordance with common law agency principles, for the acts of employees committed in the furtherance of the employer's business." *Long v. Eastfield Coll.,* 88 F.3d 300, 306 (5th Cir. 1996). But, as noted by the district court, Marshall did not terminate Richardson; the board did. And, "in determining whether an adverse employment action was taken as a result of retaliation [or discrimination], our focus is on the final decisionmaker". *Gee v. Principi,* 289 F.3d 342, 346 (5th Cir. 2002).

The question thus becomes whether the board's decision to terminate Richardson was tainted by Marshall's alleged animus-*i.e.,* whether the board acted as her "cat's paw". *Long,* 88 F.3d at 307 (citing *Shager v. Upjohn Co.,* 913 F.2d 398, 405 (7th Cir. 1990)). If not, the causal link between Marshall's alleged animus and Richardson's termination is broken, and Richardson cannot recover against **[**5]** Prairie. *E.g., Staub v. Proctor Hosp.,* 131 S. Ct. 1186, 1191, 1194, 179 L. Ed. 2d 144 (2011) (holding [HN5] employer is liable under "very similar" Uniformed Services Employment and Reemployment Rights Act when employee, motivated by **[*285]** unlawful animus, intends to cause adverse employment action and proximately causes that action).

Given Marshall's position as Prairie's executive director, her testimony and that of a board member that Marshall had final authority over personnel decisions, minutes showing that Marshall's recommendation and its being adopted by the board occurred at the same 16 March 2009 board meeting, and the absence of evidence of independent fact-finding by the board, there was a genuine dispute on whether Marshall caused Richardson's termination. The district court said as much, and more, in ruling on Richardson's tortious-interference claim against Marshall: "It is undisputed that Marshall's evaluations and recommendation to Prairie's board are what led to Richardson's loss of employment." Opinion at 12. Thus, on this record, that the board, rather than Marshall, made the ultimate termination decision does not permit summary judgment on that basis against either Title VII claim.

B.

Accordingly **[**6]** the two claims are addressed. That for gender-discrimination is considered first.

1.

[HN6] Title VII forbids an employer from discriminating against an employee "because of such individual's race, color, religion, sex, or national origin". 42 U.S.C. § 2000e-2(a). [HN7] In maintaining a Title VII discrimination claim based on circumstantial evidence, plaintiff "must carry the initial burden under the statute of establishing a **prima facie** case". *McDonnell Douglas Corp. v. Green,* 411 U.S. 792, 802, 93 S. Ct. 1817, 36 L. Ed. 2d 668 (1973). The burden then shifts to the employer "to articulate some legitimate, nondiscriminatory reason" for its action. *Id.* Finally, plaintiff must

be afforded a fair opportunity to show: the employer's stated reason was pretext, *id.* at 804; or, an impermissible consideration was a "motivating factor", *Desert Palace, Inc. v. Costa,* 539 U.S. 90, 101-02, 123 S. Ct. 2148, 156 L. Ed. 2d 84 (2003). *See also Smith v. Xerox Corp.,* 602 F.3d 320, 333 (5th Cir. 2010) (citing *Price Waterhouse v. Hopkins,* 490 U.S. 228, 109 S. Ct. 1775, 104 L. Ed. 2d 268 (1989)) (mixed-motive "defense" allows employer, once employee presents evidence that illegitimate consideration was a "motivating factor", to show it would have made same decision even without that consideration).

[HN8] To establish a ***prima facie*** **[**7]** case of discrimination, Richardson must show: (1) he is a member of a protected class; (2) he was qualified for his job; (3) he suffered an adverse employment action; and, (4) he was treated less favorably than employees outside the protected class. *E.g., Septimus v. Univ. of Houston,* 399 F.3d 601, 609 (5th Cir. 2005). "The burden of establishing a **prima facie** case of disparate treatment is not onerous." *Tex. Dep't of Cmty. Affairs v. Burdine,* 450 U.S. 248, 253, 101 S. Ct. 1089, 67 L. Ed. 2d 207 (1981). As Richardson is male, has a masters degree in social work, was terminated, and presented evidence that he was treated more harshly than the female employees in the central office-*e.g.,* was the only employee required to sign upon receipt of memoranda, was singularly undermined by Marshall in front of the staff, was "written up" for projects he had completed-he established a ***prima facie*** case of discrimination.

[HN9] The burden then shifts to Prairie to articulate a legitimate, nondiscriminatory reason for terminating Richardson. *Id.* at 254-56; *McDonnell Douglas,* 411 U.S. at 802. Richardson **[*286]** concedes that Prairie met its burden of production by presenting evidence that he was terminated because of his alleged 10 March 2009 misconduct **[**8]** toward Marshall.

[HN10] Plaintiff retains "the ultimate burden of persuading the court that [he] has been the victim of intentional discrimination". *Burdine,* 450 U.S. at 256. Plaintiff may succeed "either directly by persuading the court that a discriminatory reason more likely motivated the employer or indirectly by showing that the employer's proffered explanation is unworthy of credence". *Id.* That is to say, plaintiff may avoid summary judgment if he creates a genuine dispute on the truth of the employer's proffered reasons for termination. *E.g., Septimus,* 399 F.3d at 609. That is because "rejection of the defendant's proffered reasons will *permit* the trier of fact to infer the ultimate fact of intentional discrimination". *Reeves v. Sanderson Plumbing Prods., Inc.,* 530 U.S. 133, 147, 120 S. Ct. 2097, 147 L. Ed. 2d 105 (2000) (emphasis in original) (quoting *St. Mary's Honor Ctr. v. Hicks,* 509 U.S. 502, 511, 113 S. Ct. 2742, 125 L. Ed. 2d 407 (1993)).

Richardson presented his and a co-worker's deposition and the co-worker's administrative-hearing testimony that Richardson's words and gestures toward Marshall during their 10 March argument were non-threatening, as well as an administrative law judge's (ALJ) finding (in an unemployment-benefits proceeding) that **[**9]** Richardson was not guilty of misconduct and that Marshall had acted "unreasonably". (Prairie has not objected to consideration of the ALJ's decision.) That evidence was sufficient to create a genuine dispute on the truth of Prairie's proffered explanation. It, along with the evidence Richardson presented in making his ***prima facie*** case, would permit a trier of fact to infer intentional discrimination. *Reeves,* 530 U.S. at 147. Therefore, summary judgment against Richardson's discrimination claim was improper.

2.

As noted, the summary judgment against Richardson's retaliation claim was based on the board's, rather than Marshall's, terminating him; as also noted, that basis was improper. [HN11] A summary judgment may be affirmed on any ground supported by the record and presented to the district court. *E.g., Cuadra v. Houston Indep. Sch. Dist.,* 626 F.3d 808, 812 (5th Cir. 2010). Whether summary judgment was proper on the substance of the claim is addressed below.

[HN12] Title VII forbids retaliating against an employee because that individual "made a charge" under Title VII. 42 U.S.C. § 2000e-3(a). As with a discrimination claim, a retaliation claim based on circumstantial evidence proceeds via the *McDonnell* **[**10]** *Douglas* burden-shifting framework. *E.g., McCoy v. City of Shreveport,* 492 F.3d 551, 556-57 (5th Cir. 2007).

[HN13] To present a ***prima facie*** case of retaliation, Richardson must show: (1) he participated in protected activity; (2) he suffered an adverse employment action; and, (3) there was a causal connection between the protected activity and the adverse action. *E.g., Stewart v. Miss. Transp. Comm'n,* 586 F.3d 321, 331 (5th Cir. 2009). It is undisputed that Richardson participated in protected activity (21 January 2009 EEOC charge) and suffered an adverse employment action (16 March 2009 termination). [HN14] "Close timing between an employee's protected activity and an adverse action against him may provide the 'causal connection' required to make out a ***prima facie*** case of retaliation." *McCoy,* 492 F.3d at 562 (internal quotation marks omitted). As the district court **[*287]** ruled, this less than two-month span

between the protected activity and the adverse action is sufficient "temporal proximity" for a ***prima facie*** showing of causation. Opinion at 9; *see also Evans v. City of Houston,* 246 F.3d 344, 354 (5th Cir. 2001) ("[A] time lapse of up to four months has been found sufficient to satisfy the causal connection **[**11]** for summary judgment purposes". (internal quotation marks omitted)).

[HN15] The burden then shifts to Prairie to articulate a legitimate, non-retaliatory reason for terminating Richardson. *E.g., McCoy,* 492 F.3d at 557. Again, it did so by presenting evidence that Richardson was terminated because of his alleged 10 March 2009 misconduct toward Marshall.

Finally, [HN16] the burden returns to Richardson to show: Prairie's proffered reason was pretext, *e.g., id.;* or, retaliation was a "motivating factor" in his termination, *Xerox Corp.,* 602 F.3d at 328-30. Richardson may survive summary judgment by creating a genuine dispute on the truth of Prairie's proffered reason, *e.g., Septimus,* 399 F.3d at 609, thereby permitting a trier of fact to infer retaliation, *e.g., Reeves,* 530 U.S. at 147.

Prairie's proffered reason for terminating Richardson was his alleged 10 March 2009 misconduct. As detailed above, Richardson presented evidence creating a genuine dispute on the truth of that explanation. Therefore, the summary judgment against Richardson's retaliation claim was also improper.

III.

For the foregoing reasons, the judgment is VACATED and this matter is REMANDED for further proceedings consistent with this **[**12]** opinion.

CLIENT NAME: First Heritage Credit LLC

CLIENT CONTACT: DeAnne Walberg PHONE NUMBER: 601-898-8611

DISCLOSURE REGARDING BACKGROUND INVESTIGATION

DISCLOSURE AND ACKNOWLEDGMENT [IMPORTANT -- PLEASE READ CAREFULLY BEFORE SIGNING ACKNOWLEDGMENT]

First Heritage Credit LLC may obtain information about you from a consumer reporting agency for employment purposes. Thus, you may be the subject of a "consumer report" and/or an "investigative consumer report" which may include information about your character, general reputation, personal characteristics, and/or mode of living, and which can involve personal interviews with sources such as your neighbors, friends, or associates. These reports may include employment history and reference checks, criminal and civil litigation history information, motor vehicle records ("driving records"), sex offender status, credit reports, education verification, professional licensure, drug testing, Social Security Verification, and information concerning workers' compensation claims (only once a conditional offer of employment has been made). Credit history will only be requested where such information is substantially related to the duties and responsibilities of the position for which you are applying. You have the right, upon written request made within a reasonable time after receipt of this notice, to request whether a consumer report has been run about you, and the nature and scope of any investigative consumer report., and request a copy of your report. Please be advised that the nature and scope of the most common form of investigative consumer report obtained with regard to applicants for employment is an investigation into your education and/or employment history conducted by Employment Screening Services, 2500 Southlake Park, Birmingham, AL 35244, toll-free 866.859.0143 or another outside organization. The scope of this notice and authorization is all-encompassing; however, allowing First Heritage Credit LLC to obtain from any outside organization all manner of consumer reports and investigative consumer reports now and, if you are hired, throughout the course of your employment to the extent permitted by law. As a result, you should carefully consider whether to exercise your right to request disclosure of the nature and scope of any investigative consumer report.

ACKNOWLEDGMENT AND AUTHORIZATION

I acknowledge receipt of the NOTICE REGARDING BACKGROUND INVESTIGATION and A SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT and certify that I have read and understand both of those documents. I hereby authorize the obtaining of "consumer reports" and/or "investigative consumer reports" at any time after receipt of this authorization and, if I am hired, throughout my employment. To this end, I hereby authorize, without reservation, any law enforcement agency, administrator, state or federal agency, institution, school or university (public or private), information service bureau, employer, or insurance company to furnish any and all background information requested by ESS, another outside organization acting on behalf of First Heritage Credit LLC I agree that a facsimile ("fax"), electronic or photographic copy of this Authorization shall be as valid as the original.

California applicants or employees only: By signing below, you also acknowledge receipt of the DISCLOSURE REGARDING BACKGROUND INVESTIGATION PURSUANT TO CALIFORNIA LAW. Please check this box if you would like to receive a copy of an investigative consumer report or consumer credit report if one is obtained by the Company at no charge whenever you have a right to receive such a copy under California law.

Minnesota and Oklahoma applicants or employees only: Check this box if you would like to receive a free copy of a consumer report if one is obtained by the Company. ☐

New York and Maine applicants or employees only: You have the right to inspect and receive a copy of any investigative consumer report requested by the Company by contacting the consumer reporting agency identified above directly. You may also contact the Company to request the name, address and telephone number of the nearest unit of the consumer reporting agency designated to handle inquiries, which the Company shall provide within 5 days. By signing below, you also acknowledge receipt of Article 23-A of the New York Correction Law.

Washington State applicants or employees only: You also have the right to request from the consumer reporting agency a written summary of your rights and remedies under the Washington Fair Credit Reporting Act.

Signature of Employee or Prospective Employee

Date

APPLICANT INFORMATION: TO BE COMPLETED BY APPLICANT: PLEASE USE BLACK INK

The following is for identification purposes only to perform the background check and will not be used for any other purpose.

Print: Last Name		First Name	Middle Initial	Social Security Number	
Date of Birth	Drivers License Number	State	Professional License Number	State	Type
Current Address:		City	State	Zip Code	
Previous Address (Past 7 Years):		City	State	Zip Code	
Alias Names (Other names I have been known by):					
Degree Obtained	Year Graduated	Name of School		City and State of School	

01/11

Open to discuss.

FOCUS - 8 of 44 DOCUMENTS

EDDIE MCKINNEY, Plaintiff - Appellant v. BOLIVAR MEDICAL CENTER, Defendant - Appellee

No. 09-60103 Summary Calendar

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

341 Fed. Appx. 80; 2009 U.S. App. LEXIS 18122

August 13, 2009, Filed

NOTICE: PLEASE REFER TO FEDERAL RULES OF APPELLATE PROCEDURE RULE 32.1 GOVERNING THE CITATION TO UNPUBLISHED OPINIONS.

PRIOR HISTORY: [1]**
Appeal from the United States District Court for the Northern District of **Mississippi.** USDC No. 3:07-CV-209.
McKinney v. Bolivar Med. Ctr., 2009 U.S. Dist. LEXIS 2948 (N.D. Miss., Jan. 15, 2009)

CASE SUMMARY:

PROCEDURAL POSTURE: Plaintiff, an African-American employee, sued defendant, his former employer, alleging various state and federal claims, including race discrimination and retaliation under 42 U.S.C.S. § 1981. The U.S. District Court for the Northern District of **Mississippi** granted summary judgment in favor of the employer on all of the employee's claims. The employee appealed, challenging the dismissal of his § 1981 race discrimination and retaliation claims.

OVERVIEW: The employer claimed that the employee was terminated due to his poor work performance and his unjustified accusations of racism against his supervisors. The employee offered no evidence demonstrating that the performance-based justification for terminating him was pretextual. And, although he denied making the alleged accusations of racism, he offered no evidence that the employer did not believe in good faith that the accusations were made and that it terminated the employee based on that good-faith belief. Thus, summary judgment on the race discrimination claim was proper. There was no error in the dismissal of the employee's claim that he was terminated in retaliation for allegedly accusing his supervisors of racism, as the employee conceded that he did not engage in any protected activity. Also, nothing in the record suggested that the employer believed the employee had engaged in protected activity or that it terminated him for that reason. Rather, the evidence supported employer's assertion that the employee was terminated due to his poor work performance and his unfounded accusations of racism. Thus, summary judgment on the employee's retaliation claim was proper.

OUTCOME: The judgment of the district court was affirmed.

CORE TERMS: retaliation, supervisor, summary judgment, accusations, racism, protected activity, terminated, race discrimination, discrimination claims, nondiscriminatory reason, discriminatory, terminating, animus, prima facie case, protected class, work performance, good faith, discriminatory intent, participated, pretextual, quotation, pretext, imputed, cat's, paw, documentation, unjustified, therapist, patients

LexisNexis(R) Headnotes

Civil Procedure > Summary Judgment > Appellate Review > Standards of Review
Civil Procedure > Summary Judgment > Standards > General Overview

EXHIBIT 13

[HN1] A court of appeals reviews a district court's grant of summary judgment de novo, applying the same legal standards as the district court.

Civil Procedure > Summary Judgment > Appellate Review > Standards of Review
Civil Procedure > Summary Judgment > Evidence
Civil Procedure > Summary Judgment > Standards > Appropriateness
[HN2] On review of a grant of summary judgment, the evidence and inferences from the summary judgment record are viewed in the light most favorable to the nonmovant.

Civil Procedure > Summary Judgment > Standards > General Overview
Civil Procedure > Summary Judgment > Standards > Appropriateness
Civil Procedure > Summary Judgment > Standards > Genuine Disputes
Civil Procedure > Summary Judgment > Standards > Legal Entitlement
Civil Procedure > Summary Judgment > Standards > Materiality
[HN3] Summary judgment is proper when the pleadings, the discovery and disclosure materials on file, and any affidavits show that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law.

Labor & Employment Law > Discrimination > Racial Discrimination > Proof > Burdens of Proof > Burden Shifting
Labor & Employment Law > Discrimination > Racial Discrimination > Proof > Burdens of Proof > Employee Burdens
Labor & Employment Law > Discrimination > Reconstruction Statutes (secs. 1981, 1983 & 1985)
[HN4] To establish a **prima facie** case of discrimination under 42 U.S.C.S. § 1981, a plaintiff must show: (1) membership in a protected class; (2) that he was qualified for the position; (3) that he suffered an adverse employment action; and (4) that he was replaced by a person outside his protected class. The burden then shifts to the employer to articulate a legitimate, nondiscriminatory reason" for its employment action. If the employer meets this burden, the plaintiff bears the final burden of proving that the employer's proffered reason is a pretext for discrimination--either through evidence of disparate treatment or by showing that the employer's explanation is false or unworthy of credence.

Evidence > Procedural Considerations > Burdens of Proof > General Overview
Labor & Employment Law > Discrimination > Actionable Discrimination
[HN5] A plaintiff is required to rebut each nondiscriminatory reason articulated by his employer to carry his burden of demonstrating pretext.

Evidence > Procedural Considerations > Burdens of Proof > General Overview
Labor & Employment Law > Discrimination > Actionable Discrimination
[HN6] A plaintiff has not demonstrated that the employer's reason for terminating him was pretextual if the employer reasonably believed a complaint of sexual harassment lodged against the plaintiff and acted on it in good faith.

Labor & Employment Law > Discrimination > Actionable Discrimination
[HN7] An employer may be held liable if it acted as a rubber stamp, or the "cat's paw" for a supervisor's prejudice, even if the employer lacked discriminatory intent. However, in order to use the "cat's paw" analysis, a plaintiff must show that the supervisor who influenced the adverse employment action exhibited discriminatory animus towards him.

Labor & Employment Law > Discrimination > Retaliation > Burdens of Proof
Labor & Employment Law > Discrimination > Retaliation > Elements > General Overview
Labor & Employment Law > Discrimination > Retaliation > Statutory Application > Reconstruction Statutes (secs. 1981, 1983 & 1985)
[HN8] To establish a **prima facie** case of retaliation under 42 U.S.C.S. § 1981, a plaintiff must show: (1) he participated in an activity protected by Title VII of the Civil Rights Act of 1964; (2) his employer subjected him to an adverse employment action; and (3) a causal connection exists between the protected activity and the adverse action.

Labor & Employment Law > Discrimination > Retaliation > Elements > Protected Activities

[HN9] An employee has engaged in activity protected by Title VII of the Civil Rights Act of 1964 if he has either (1) opposed any practice made an unlawful employment practice by Title VII; or (2) made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under Title VII.

COUNSEL: For EDDIE MCKINNEY, Plaintiff - Appellant: Robert Nicholas Norris, Louis Hanner Watson, Jr., Law Offices of Louis H. Watson, Jr., Jackson, MS.

For BOLIVAR MEDICAL CENTER, Defendant - Appellee: Mark Warfield Peters, Michael J. Rusie, Waller Lansden Dortch & Davis, Nashville, TN.

JUDGES: Before WIENER, STEWART, and CLEMENT, Circuit Judges.

OPINION

[*81] PER CURIAM: *

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Plaintiff-Appellant Eddie McKinney ("McKinney") appeals the district court's grant of summary judgment on his retaliation and discrimination claims against his former employer, Defendant-Appellee Bolivar Medical Center ("Bolivar"). For the following reasons, we affirm.

FACTS AND PROCEEDINGS

McKinney, who is black, began working as a speech therapist for Bolivar in 1998. In 2005, McKinney's employment status changed from full time to "as needed" because, according to Bolivar, the services provided by its other speech therapist, Stephanie Hutchinson ("Hutchinson"), **[**2]** were in greater demand with patients and her performance was superior to McKinney's. McKinney also took issue with his reassignment to a smaller office and the new billing and documentation policies imposed on the staff. In September 2006, McKinney was terminated for failing to comply with these policies and making unjustified accusations of racism against his supervisors.

In October 2006, McKinney filed a charge of discrimination with the EEOC under the Equal Pay Act, arguing that Hutchinson received a higher pay based on her sex. He later amended his charge with a claim that the wage disparity was due to his race. After obtaining his right to sue notice from the EEOC, McKinney filed this lawsuit in October 2007. His state and federal claims against Bolivar include **race discrimination** and retaliation under 42 U.S.C. § 1981, thus circumventing Title VII's requirement that discrimination and retaliation claims be first raised before the EEOC. The district court granted Bolivar's motion for summary judgment on all of McKinney's claims. On appeal, McKinney only challenges the dismissal of his § 1981 claims of **race discrimination** and retaliation.

STANDARD OF REVIEW

[HN1] "This court reviews a district **[**3]** court's grant of summary judgment de novo, applying the same legal standards as the district court." *Condrey v. SunTrust Bank of Ga.,* 429 F.3d 556, 562 (5th Cir. **[*82]** 2005). [HN2] On review of a grant of summary judgment, "[t]he evidence and inferences from the summary judgment record are viewed in the light most favorable to the nonmovant." *Minter v. Great Am. Ins. Co. of N.Y.,* 423 F.3d 460, 465 (5th Cir. 2005). Typically, [HN3] "[s]ummary judgment is proper when the pleadings, the discovery and disclosure materials on file, and any affidavits show that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law." *Kane v. Nat'l Union Fire Ins. Co.,* 535 F.3d 380, 384 (5th Cir. 2008) (internal quotations omitted); *see also* FED. R. CIV. P. 56(c).

DISCUSSION

First, McKinney argues that the district court improperly dismissed his claim of **race discrimination**. [HN4] To establish a ***prima facie*** case of discrimination under § 1981, a plaintiff must show: (1) membership in a protected class; (2) that he was qualified for the position; (3) that he suffered an adverse employment action; and (4) that he was replaced

by a person outside his protected class. *DeCorte v. Jordan,* 497 F.3d 433, 437 (5th Cir. 2007). **[**4]** The burden then shifts to the employer to articulate "a legitimate, nondiscriminatory reason" for its employment action. *Id.* If the employer meets this burden, the plaintiff bears the final burden of proving that the employer's proffered reason is a pretext for discrimination--either through evidence of disparate treatment or by showing that the employer's explanation is false or unworthy of credence. *Laxton v. Gap Inc.,* 333 F.3d 572, 578 (5th Cir. 2003).

We will assume, as the district court did, that McKinney made a proper ***prima facie*** showing of **race discrimination**. We agree with the district court that Bolivar met its burden by offering two nondiscriminatory reasons for terminating McKinney. Bolivar has presented ample evidence of McKinney's poor work performance, including his over-billing of patients on several occasions and his failure to comply with Bolivar's documentation policies, and further alleges that McKinney made unjustified accusations of racism against his supervisors. McKinney has not shown that the performance based justification for terminating him was pretextual; in fact, he does not even appear to challenge Bolivar's allegations regarding his performance. This **[**5]** alone would be reason enough to dismiss the discrimination claim because [HN5] a plaintiff is required to rebut each nondiscriminatory reason articulated by his employer to carry his burden of demonstrating pretext. *See id.*

With respect to Bolivar's claim that he improperly accused his superiors of racism, McKinney denies ever making such statements. However, regardless of whether McKinney made the alleged accusations, the relevant issue is whether Bolivar believed in good faith that such accusations were made and whether McKinney was truly terminated based on that good faith belief. *See Waggoner v. City of Garland,* 987 F.2d 1160, 1165-66 (5th Cir. 1993) (holding that [HN6] a plaintiff has not demonstrated that the employer's reason for terminating him was pretextual if the employer reasonably believed the complaint of sexual harassment lodged against the plaintiff and acted on it in good faith). Even assuming that McKinney's supervisors falsely reported the accusations of racism, McKinney has offered no evidence that Bolivar knew or had reason to believe that these accusations were fabricated.

McKinney claims that, even if Bolivar itself was innocent of any discriminatory intent, his supervisors' **[**6]** discriminatory attitudes should be imputed to Bolivar. Indeed, [HN7] an employer may be held liable if it "acted as a rubber stamp, or the 'cat's **[*83]** paw' for [a supervisor's] prejudice, even if the [employer] lacked discriminatory intent." *Russell v. McKinney Hosp. Venture,* 235 F.3d 219, 227 (5th Cir. 2000) (quotation omitted). However, in order to use the "cat's paw" analysis, a plaintiff must show that the supervisor who influenced the adverse employment action exhibited "discriminatory animus" towards him. *Id.* McKinney has provided no evidence that his supervisors acted with race-based animus in complaining that McKinney had called them racists. In fact, McKinney testified that he never heard racial comments or witnessed his white co-workers being treated differently while employed at Bolivar. There is therefore no "discriminatory animus" on the part of Bolivar employees that could be imputed to Bolivar. Accordingly, McKinney's discrimination claim fails and was properly dismissed by the district court.

Next, McKinney contends that the district court erred in dismissing his claim that he was terminated in retaliation for allegedly accusing his supervisors of racism. [HN8] To establish a ***prima facie*** **[**7]** case of retaliation under § 1981, a plaintiff must show: (1) he participated in an activity protected by Title VII; (2) his employer subjected him to an adverse employment action; and (3) a causal connection exists between the protected activity and the adverse action. *Davis v. Dallas Area Rapid Transit,* 383 F.3d 309, 319 (5th Cir. 2004). [HN9] "An employee has engaged in activity protected by Title VII if [he] has either (1) 'opposed any practice made an unlawful employment practice' by Title VII or (2) 'made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing' under Title VII." *Long v. Eastfield Coll.,* 88 F.3d 300, 304 (5th Cir. 1996) (quoting 42 U.S.C. § 2000e-3(a)). McKinney concedes that he did not engage in any protected activity.

Nevertheless, he alleges that Bolivar retaliated against him because it *believed* that he was engaging in protected activity and that such a misperception suffices for a retaliation claim. *See Fogleman v. Mercy Hosp., Inc.,* 283 F.3d 561, 571-72 (3d Cir. 2002) (holding that a plaintiff's retaliation claim is cognizable even in the absence of protected activity, as long as his employer perceived him to be engaged **[**8]** in such activity). As noted by the district court, the Fifth Circuit has not adopted this perception theory of retaliation. Furthermore, nothing in the record suggests that Bolivar believed McKinney to be engaged in protected activity or that it terminated him for that reason. On the contrary, the evidence supports Bolivar's assertion that McKinney was terminated due to his poor work performance and his unfounded accusations of racism. Accordingly, summary judgment on McKinney's retaliation claim was proper.

CONCLUSION

For the foregoing reasons, the judgment of the district court is AFFIRMED.

FACSIMILE

TO: **De Anne Walberg (Human Resources Director) – 601.898.9696**

FROM: **Denise Newsome**

DATE: **September 1, 2014**

RE: **REQUEST FOR STATUS OF UNPAID WAGES/EARNINGS and SEPARATION PAPERS PROMISED BY FIRST HERITAGE CREDIT**[1]

DeAnne:

I am contacting you (as the Human Resources Director for First Heritage Credit) to determine **WHEN** (if at all) I will be paid the ***July 2014 Recoveries "INCENTIVE BONUS" of $250.00 PROMISED*** by First Heritage Credit **("FHC")?** As the Human Resources Director, **you should know** (if you don't) that under the ***WAGE and HOURS LAWS*** the PAYMENT of this **"INCENTIVE BONUS" was to have been paid in my AUGUST 15, 2014 paycheck; however, was NOT! I want to REITERATE ALSO CONCERNS that FHC may STILL be engaging in DISCRIMINATORY/RETALIATORY practices against me although it has TERMINATED my employment. With that being said, this instant Facsimile/Email will provide additional information for my concerns.**

[1] Boldface, Italics, underline, CAPS, Small Caps, Color, etc. ADDED FOR EMPHASIS.

EXHIBIT 14

PLEASE TAKE NOTICE: That as of to date **(SEPTEMBER 1, 2014),** I **have NOT** received the **$250.00 "INCENTIVE BONUS" PROMISED** by First Heritage Credit for my ***July 2014 Recoveries*** at the Account Management Center. I am giving FHC the benefit of the doubt that **FAILURE-TO-PAY** the **PROMISED "INCENTIVE BONUS"** may be due to an oversight and **is NOT *in FURTHERANCE of RETALIATION practices against* me** as a direct and proximate result of my August 12, 2014 FAX/Email entitled, **"08/11/14 FIRST HERITAGE CREDIT LLC'S TERMINATION OF DENISE NEWSOME'S EMPLOYMENT"** as well as my **July 2, 2014** email entitled, **"RE: AMC Safety"** which states in part:

> . . .As I shared in the meeting, I have concerns regarding the **DISRESPECT and INSUBORDINATION** which resulted **AFTER** your email on yesterday. Conduct which if find very ***UPSETTING and UNACCEPTABLE*** in that it placed the **SAFETY of FHC employees at risk.** Therefore, as shared, I ***WILL be following*** *the* ***PROPER PROCEDURES*** *regarding incidence(s) reported through the PROCESSES FHC uses*. . .

RE: AMC Safety
Denise Newsome
Sent: Wednesday, July 02, 2014 10:41 AM
To: Vicky Clanton; Barbara Cooper; Shakenna Taylor; Vickie Snow; Breanne Montgomery
Cc: Chris Johns; Melvin Stillman; Denise Newsome

Vicky:

Thank you.

As I shared in the meeting, I have concerns regarding the disrespect and insubordination which resulted AFTER your email on yesterday morning. Conduct which I find very UPSETTING and UNACCEPTABLE in that it placed the SAFETY of FHC employees at risk. Therefore, as shared, I will be following the proper procedures regarding incidence(s) reported through the processes FHC uses.

Should you have further questions or concerns, please do not hesitate to discuss with me.

Denise

that **WAS followed up with my COMPLAINT/GRIEVANCE** entitled, ***"VIOLATION OF FHC POLICIES & PROCEDURES: SAFETY, WORKPLACE VIOLENCE, HARASSMENT, etc."*** against **VICKY DIANE SNOW (White)** and **BREANNE MONTGOMERY (White).**

DeAnne, through this FAX/Email, ***I want it also documented that I am REQUESTING to know WHO (if anyone) has decided to RESCIND (if this is what happened) the PROMISED $250.00 "INCENTIVE BONUS" for July 2014 Recoveries.*** Again, giving FHC the benefit of the doubt, perhaps FAILURE-TO-PAY to date is merely an OVERSIGHT and **is NOT** motivated by ILL-WILL and/or RETALIATORY practices!

DeAnne, as you know, my concerns of FHC's engagement in such unlawful/illegal practices were **TIMELY, PROPERLY** and **ADEQUATELY** brought to FHC's attention through its processes implemented. Therefore, from *my* ***EDUCATIONAL*** *(please excuse me from being*

*educated at one of the TOP **AFRICAN**-American Universities in the Country – **Florida A&M University**), **PERSONAL** and **EMPLOYMENT** **experiences*** let me share some additional concerns in regards to FHC's WRONGFUL termination of my employment:

1) FHC may want to visit/review the legal case of ***FRANCIS vs. AT&T,*** FEP 777, in that it appears *that FHC may have taken discriminatory/retaliatory practices right out of the **AT&T Playbook**.* For instance, did you that *Francis vs. AT&T* was a matter where the employer (AT&T) engaged in:

> "the process of ***documenting the case against a particular person whom the employer wants to terminate safely and legally can itself be a discriminatory term and condition of employment.*** In this case it had been found by the court that the employer documented 'scores of lateness and ***petty work-rule violations*** **against plaintiff because of her filing of charge of discrimination.'** The **plaintiff** **in whom is black.** The **supervisor who had done the documenting** **also black.** . . .

An unlawful/illegal employment practice in which a WHITE Employer may attempt to use what is **"KNOWN" as "BLACKS-AGAINST-BLACKS"** ***thinking it will*** *shield/hide their **DISCRIMINATORY/RETALIATORY** practices **against an employee** **ENGAGING in PROTECTED ACTIVITIES*** – i.e. filing of Charge of Discrimination, etc. – *should legal actions be brought against the Employer*.

2) If I may, using the ***Francis vs. AT&T*** matter, IN THE EYES OF FHC let's lay it out like this in hopes of getting a BETTER UNDERSTANDING:

(a) FHC has an *Account Management Center Branch Manager – **BLACK**-American (Vicky Clanton)* who THRIVES on making it KNOWN of being FHC'S **BLACK** – ONLY BLACK promoted in its ONLINE VIDEO - - - (As of 09/01/14: http://www.jobs.net/jobs/first-heritage-credit-corp/en-us/)

(b) Then FHC had an *Account Manager – **AFRICAN**-American (Denise Newsome)* – i.e. **there is a DIFFERENCE between BLACK-**American and ***AFRICAN**-American* – at its Account Management Center that it appears used similar discriminatory practices used by AT&T against Francis.

(c) FHC's has an *Account Management Center Branch Manager – **BLACK**-American (Vicky Clanton) **who THRIVES on making it KNOWN of her SOLID/ANCHORED employment with FHC and that she "IS NOT GOING ANYWHERE" and the "SUCCESS" she has had in getting people who express concerns regarding her and/or FHC polices/practices TERMINATED!"*** Interesting, because it may be a matter of getting a better **UNDERSTANDING of WHAT *EMPLOYMENT-SECURITY* ASSURANCES** (if any) that FHC's **BLACK-**American Vicky Clanton **has been given IN EXCHANGE (if any) by FHC for the roles she plays in its UNLAWFUL/ILLEGAL employment practices**.

(d) FHC's has an *Account Management Center Branch Manager – **BLACK**-American (Vicky Clanton) **who THRIVES on making it KNOWN of HOW GOOD FHC is and has been to her and how she is looking to retire with FHC*** – i.e. in other words, under the ***termed MASTER and SERVANT*** Contract/Laws governing employment matters – ***HOW GOOD the MASTER has been to its SERVANT!*** FHC being sure she makes such GOOD TREATMENT of its Servants known in their ONLINE VIDEO: (See/Listen for yourself: http://www.jobs.net/jobs/first-heritage-credit-corp/en-us/)

(e) FHC's has an *Account Management Center Branch Manager* – ***BLACK-****American (Vicky Clanton)* who makes it KNOWN that she knows ***"HOW TO GET"*** *what she wants from CORPORATE* – i.e. Clanton **bragging about** her knowing ***"HOW TO TALK TO HER BOSSES TO GET WHAT SHE WANTS!"*** My being a VICTIM of FHC's unlawful/illegal employment practices as well as my ability to put such conversations in the right perspective and to observe Vicky Clanton's processes appears to have been very fruitful in understanding what roles it appears FHC have given her to perform and *Clanton's* ***VOLUNTARY*** *and* ***WILLINGNESS to PLEASE her BOSSES under the laws governing Master and Servant Contract(s)!*** Such statement(s) from Vicky Clanton may be taken that she implied that the Account Managers **did NOT** know how to speak/talk for themselves regarding employment matters as well as bringing concerns regarding complaints/grievances, and, therefore, Vicky Clanton REPEATEDLY INJECTED herself in matters **on behalf of FHC** for purposes of keeping DISCRIMINATORY/RETALIATORY and UNLWAFUL/ILLEGAL employment practices HIDDEN!

One may also gather from Vicky Clanton's statements, that she knows ***"HOW TO TALK TO HER BOSSES TO GET WHAT SHE WANTS!"*** as one who KNOWS HOW to **"CHARM and MANIPULATE"** information termed, **"BUTTER THE BALL"** ***to get the outcome*** *she and FHC wants to DECEIVE themselves into believing are SAFE and LEGAL methods for TERMINATING employees reporting employment violations!*

It was made KNOWN to FHC's **BLACK-**American Branch Manager (Vicky Clanton) that the Account Managers NEVER hear her conversations regarding their *consolidated concerns* and that the Account Managers *are supposed to* ***SOLELY rely*** *on Clanton's sharing their*

consolidated concerns with UPPER MANAGEMENT – i.e. from my observations and the August 11, 2014, handling of my email entitled, ***"LETTERS and RESPONSE TO 08/08/14 IMPROMPTU MEETING"*** supports ***HOW it appears Clanton "FILTERS" information and resort to her CRAFTY and DECEPTIVE means in "BUTTERING THE BALL" for Upper Management to ACHIEVE her and FHC's goals to HIDE/SHIELD Title VII violations and/or employment violations! And we mustn't forget HOW Clanton enjoys GLOATING when she believes she has come out "UNSCATHED" and "SMELLING LIKE A ROSE!"*** I was able to observe Clanton MANY TIMES as well as during the UNLAWFUL/ILLEGAL termination of my employment at FHC on August 11, 2014.

With that being said, let's see **"HOW THE SKUNK COMES OUT SMELLING"** when the employment policies **are placed in the "PROPER LIGHTING!"** DeAnne, you see FHC's ***BLACK-****American Account Management Center's Branch Manager* ***(Vicky Clanton – who makes it known she is the wife of a Minister/Preacher)*** enjoyed QUOTING SCRIPTURES from the Bible, so let's use this one from 1Timothy 1:8-10:

> [8] But we know that the law is good, if a man use it lawfully; . . .
>
> [9] Knowing this, that the law **is not made for a righteous man,** *but for the lawless and disobedient, for the ungodly and for sinners, for unholy and profane*, . . .
>
> [10] . . . **for liars, for perjured persons,** and if there be any other thing that is contrary to sound doctrine.. .

because you ***do get those PROFESSIONAL/RELIGIOUS Church Goers that are in Church just about every time the doors are open; however, their LIVES ARE RAGGEDY and for some odd reason, they PLACE themselves ABOVE THE LAWS thinking they are INVINCIBLE*** – i.e. making it KNOWN how they are going NOWHERE and will be RETIRING with FHC! Leaving one **wondering just HOW FAR** FHC's **BLACK-**Americans (as Vicky Clanton) will go to COVER-UP CRIMINAL/CIVIL wrongs she and/or FHC have been engaging in!

SO WHERE does it appear that FHC went WRONG in the use of similar practices in the ***Francis vs. AT&T*** matter:

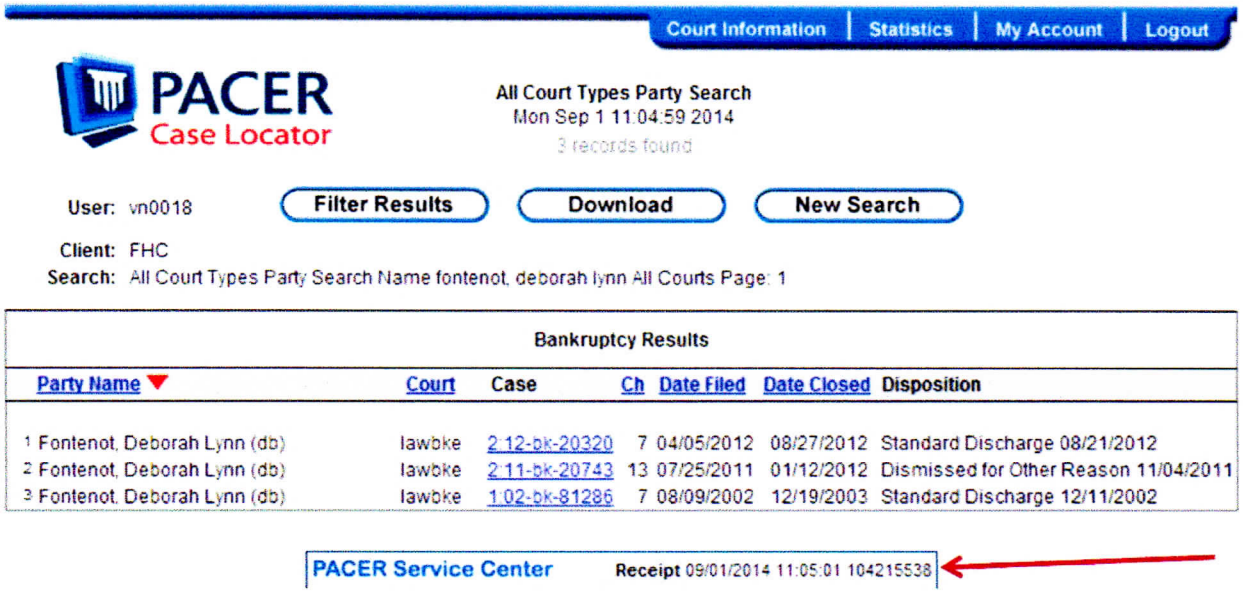
3) FHC PITTED their ***BLACK-American*** Account Management Center's Branch Manager (Vicky Clanton) against an ***AFRICAN-****American* Account Manager (Denise Newsome) that it appears it wanted other employees to WITNESS and **for purposes of "PLACING FEAR"** in other employees and sending a **"SUBLIMINAL MESSAGE"** to BLACK-American employees of what their FATE (i.e. Termination, etc.) will be should they decide to also come forward and share concerns of FHC employment violations – i.e. the ***"USE OF processes (i.e. SLAMMING OF EMAILS, WRITE UPS, MANIPULATING OF WORK PROCESSES, etc."*** against persons/employees who have VOICED and/or made KNOWN their concerns regarding FHC'S ***BLACK-****American Branch Manager (Vicky Clanton)*) that FHC may and/or has used in efforts to build what it wants to appear as SAFE and LEGAL grounds for termination; however, are ACTUALLY

DISCRIMINATORY and RETALIATORY practices against those opposing the unlawful/illegal employment practices being carried out by FHC's ***BLACK-****American Account Management Center's Branch Manager* (Vicky Clanton) on behalf of FHC.

4) FHC **ALLOWED** their ***BLACK-****American Account Management Center's Branch Manager* (Vicky Clanton) ***to come AFTER*** an ***AFRICAN-****American* Account Manager (Denise Newsome) with her ***"BULLDOG-STYLED TACTICS"*** in RETALIATION to Newsome's July 2, 2014 Email and Complaint/Grievance as well as Newsome's OBSERVING what appeared to be Vicky Clanton's ***ENGAGEMENT in EMPLOYMENT violations*** *on or about JULY 31, 2014, in the* ***MANIPULATION of data*** *and* ***ALTERING of work processes*** *which* ***would PREVENT*** *Newsome from receiving an* ***"INCENTIVE BONUS"*** *for July 2014 recoveries that was* ***PUBLICLY ANNOUNCED*** *by Vicky Clanton would be given to the* ***ENTIRE OFFICE!***

IMPORTANT TO NOTE: FHC's ***BLACK-****American Account Management Center's Branch Manager* (Vicky Clanton) **REPEATEDLY making KNOWN having 20 YEARS of background/employment experience which QUALIFIES her to hold the position (BRANCH Manager) she is currently in as well as about 6 (SIX) YEARS with FHC. Information which is RELEVANT to understanding that Clanton KNEW the July 2014 Recoveries for the State of Louisiana being OVER approximately $16,000.00 was ACCURATE!** However, **APPEARS was ALLOWED to be CHANGED/MANIPULATED per FHC'S WHITE-American Senior Vice President of Branch Operations (Melvin Stillman) whose GOOD FRIEND just happens to be FHC's Bankruptcy Specialist (Vicky Diane Snow-WHITE-American) in which a July 2, 2014 Complaint/Grievance has been submitted against.**

The ESCALATION of FHC and its ***BLACK-****American Account Management Center's Branch Manager* (Vicky Clanton) **DISCRIMINATORY and RETALIATORY attacks coming AGGRESSIVELY AFTER** ***AFRICAN-****American* Account Manager (Denise Newsome) **witnessed Clanton's engagement** in **the MANIPULATION** of Newsome's work product (spreadsheet) to REDUCE the Recoveries of over $16,000 down to $6,000 to keep Newsome from receiving an "**INCENTIVE BONUS!"**



Court Information | Statistics | My Account | Logout

PACER Case Locator

All Court Types Party Search
Mon Sep 1 11:04:59 2014
3 records found

User: vn0018 Filter Results Download New Search

Client: FHC
Search: All Court Types Party Search Name fontenot, deborah lynn All Courts Page: 1

Bankruptcy Results

	Party Name	Court	Case	Ch	Date Filed	Date Closed	Disposition
1	Fontenot, Deborah Lynn (db)	lawbke	2:12-bk-20320	7	04/05/2012	08/27/2012	Standard Discharge 08/21/2012
2	Fontenot, Deborah Lynn (db)	lawbke	2:11-bk-20743	13	07/25/2011	01/12/2012	Dismissed for Other Reason 11/04/2011
3	Fontenot, Deborah Lynn (db)	lawbke	1:02-bk-81286	7	08/09/2002	12/19/2003	Standard Discharge 12/11/2002

PACER Service Center Receipt 09/01/2014 11:05:01 104215538

PLEASE NOTE: The above PACER information was RETRIEVED on **09/01/14** through Newsome's Account with PACER *because Newsome wouldn't want FHC and it* ***BLACK****-American Branch Manager* (Vicky Clanton) to **FALSELY accuse her of using FHC's account**. Newsome advised Clanton that she is aware of PACER and has a PERSONAL Account. The following FACTS are relevant:

- Standard **DISCHARGE 12/11/2002**
- **DISMISSED** for Other Reason **11/04/2011**
- Standard **DISCHARGE 08/21/2012**

Clanton advising Newsome that a **THIRD-Party made the $10,000 payment.** Payment which from conversation(s) with Clanton *which can be* ***made OUTSIDE*** *the Bankruptcy* action/plan if the customer decides to do so – i.e. which appears to be what happened in this instance. A **VOLUNTARY payment** to settle the Customer's debt from a **THIRD-Party (NOT the DEBTOR)** according to Clanton and Melvin Stillman.

5) On July 31, 2014, prior to leaving FHC's Account Management Center, ***AFRICAN****-American* Account Manager (Denise Newsome) observed for herself FHC's *Account Management Center Branch Manager* ***BLACK****-American (Vicky Clanton)* **MANIPULATING the data in the Spreadsheet** *for purposes of seeing to it that it would appear that Newsome had* ***NOT "BONUSED!"*** Clanton engaging in what appeared to be Criminal/Civil wrongs ***AFTER a FEW*** *minutes of engaging in a CELL PHONE conversation with her husband* ***ADVISING of the OVER $16,000 in July 2014 Recoveries*** *Newsome brought in for the State of Louisiana!*

Given the **above FACTS** (i.e. submittal of the July 2, 2014 Complaint/Grievance and August 11, 2014 Email expressing concerns regarding employment violations) as well as the information to follow, as well as the ***Francis v. AT&T***

matter, **it appears that FHC turned to its** *Account Management Center Branch Manager* ***BLACK****-American (Vicky Clanton)* **to IMPLEMENT DISCRIMINATORY and RETALIATORY practices** leveled against ***AFRICAN****-American* Account Manager (Denise Newsome) in attempts to provide them with **DECEPTIVE** and **UNLAWFUL/ILLEGAL** reasons to TERMINATE Newsome's employment **DUE TO THEIR KNOWLEDGE** of Newsome's **ENGAGEMENT in PROTECTED ACTIVITIES** – i.e. **YES, Clanton was MADE AWARE of this VERBALLY** as well as FHC through the WRITTEN documentation submitted. Nevertheless, it appears that ***Clanton being AWARE and HAVING said KNOWLEDGE elected to use such information to "BUTTER THE BALL" in her FAVOR and ORCHESTRATED the TERMINATION of Newsome's employment thinking that with Newsome NOW gone, her and FHC's CRIMINAL/CIVIL acts are NOW SAFE from PUBLIC EXPOSURE and/or OUTSIDE INVESTIGATIONS view/knowledge.***

PLEASE NOTE: The issue(s) with FHC's *Account Management Center Branch Manager* ***BLACK****-American (Vicky Clanton)* ***is that for some odd reason, she believes she is in the DRIVER'S seat and will use the INFORMATION FHC may have obtained to her ADVANTAGE to "BUTTER THE BALL;"*** however, the **RIGHT to report employment violations** and/or *be a witness in the investigations of such legal wrongs* ***are PROTECTED activities*** *and the laws* ***PROHIBIT discriminatory/retaliatory*** *practices against an employee that has* ***FILED a CHARGE/COMPLAINT/GRIEVANCE!***

So it seems as though FHC and its *Account Management Center Branch Manager* ***BLACK****-American (Vicky Clanton)* may **think that the USE of the "BLACK-AGAINST-BLACK" would shield/hide discriminatory/retaliatory practices;** however, it appears when FHC used their *Account Management Center Branch Manager* ***BLACK****-American (Vicky Clanton)* to come out against ***AFRICAN****-American* Account Manager (Denise Newsome) **that was a very STUPID call made IMMEDIATELY AFTER Newsome's WITNESSING what appeared to be unlawful/illegal employment practices by Clanton.** As Clanton would say, **"THAT DOG WON'T HUNT"** given what she and FHC know as well as what Newsome knows!

FIRST HERITAGE CREDIT'S DISCRIMINATORY/RETALIATORY PRACTICES (*SUBTLE APPROACH FOR THE UNTRAINED/UNEDUCATED EYES*):

DeAnne, as you know that FHC's **SENIOR VICE PRESIDENT** OF BRANCH OPERATIONS (Melvin Stillman – **WHITE MALE**) advised FHC's ***AFRICAN****-American* Account Manager (Denise Newsome) **that the reason for her TERMINATION of EMPLOYMENT** with FHC **is for "GROSS INSUBORDINATION!"** With that being noted, *let's DEFINE "INSUBORDINATION:"*

What is INSUBORDINATION?
a word that means to have a **lack of** respect or the **refusing** to obey **orders** of a person in authority. - - - (as of 09/01/14 http://thelawdictionary.org/insubordination/)

State of being insubordinate; **disobedience to** constituted authority. **Refusal to obey some order which a superior officer is entitled to give** and have obeyed. Term imports a **willful or intentional disregard of the lawful and reasonable instructions** of the employer. *Porter v. Pepsi-Cola Bottling Co. of Columbia,* 247 S.C. 370, 147 S.E.2d 620, 622." . . .

According to U.S. Legal Definitions online, **three elements constitute insubordination**. **FIRST,** the supervisor or employer **gave a direct order** to the employee. **SECOND,** the employee **understood the order**. **THIRD,** the employee **blatantly refused to follow the order** whether through action, words or both. **Harassment or lack of respect toward a supervisor can also be insubordination. - - -** (as of 09/01/14 http://www.justanswer.com/employment-law/2zw0f-does-insubordination-mean-written.html)

Let's NOW NOTE **DISCRIMINATORY/RETALIATORY** practices of FHC as it RELATES to ***WHITE-Americans vs. AFRICAN-Americans*** in FHC IMPLEMENTING disciplinary actions:

6) From FHC's *Account Management Center Branch Manager's* ***BLACK-****American (Vicky Clanton)* July 1, 2014 email entitled, **"AMC SAFETY,"** Clanton issues a **DIRECT** order that, ***"EVERYONE please make sure you ARE ENTERING and EXITING the front entrance of the building."***

Going as far as to provide the reasons for this DIRECT ORDER as being, ***"It is the POLICY of First Heritage Credit to MAINTAIN SAFE and efficient WORKING CONDITIONS for our employees, customers and visitors."***

Vicky Clanton
Sent: Tuesday, July 01, 2014 1:23 PM
To: Barbara Cooper; Shakenna Taylor; Denise Newsome; Vickie Snow; Breanne Montgomery

Good afternoon Team,

Occasionally our neighboring business have customers and the front parking lot have no vacancies .

This prompts us to park on the side or in the back of the building.

It is the policy of First Heritage Credit to maintain safe and efficient working conditions for our employees, customers, and visitors.

Everyone please make sure you are entering and exiting the front entrance of the building.

Then the **VERY** same day **(July 1, 2014),** you have FHC's **BANKRUPTY SPECIALIST WHITE-American (Vicky Diane Snow)** and the

Contract/Temporary employee which Snow supervises **WHITE-American (Breanne Montgomery) DISOBEY a DIRECT ORDER** issued by FHC's *Account Management Center Branch Manager's* ***BLACK****-American (Vicky Clanton)* in regards to the **SAFETY** of the Account Management Center's employees. On this occasion (in that there are MANY), **even AFTER receipt of** the July 1, 2014, **DIRECT ORDER issued** *regarding the SAFETY at the Account Management Center*, **WHITE-American (Vicky Diane Snow) exited the building at the end of the day through the FRONT DOOR** – i.e. remaining in her car for a few minutes it appeared in hopes of getting a reaction out of FHC's *Account Management Center's Branch Manager* ***BLACK****-American (Vicky Clanton)* – **while Snow AUTHORIZED WHITE-American (Breanne Montgomery) to exit the building for the day through the BACK DOOR!**

EMPHASIS ADDED: Vicky Diane Snow and Breanne Montgomery were the **ONLY White employees** with an office at the Account Management Center. Therefore, it was apparent to me that they had **NO RESPECT NOR REGARDS** for the **DIRECT ORDER(S)** issued by FHC's *Account Management Center Branch Manager's* ***BLACK****-American (Vicky Clanton).* Oh, Newsome is CONFIDENT that there is EVIDENCE that:

- **FIRST,** FHC's *Account Management Center Branch Manager's* ***BLACK****-American (Vicky Clanton)* **gave a direct order** to the **employees.**

- **SECOND,** that FHC's **BANKRUPTY SPECIALIST WHITE-American (Vicky Diane Snow)** and the Contract/Temporary employee which Snow supervises **WHITE-American (Breanne Montgomery) understood the order**.

- **THIRD,** that FHC's **BANKRUPTY SPECIALIST WHITE-American (Vicky Diane Snow)** and the Contract/Temporary employee which Snow supervises **WHITE-American (Breanne Montgomery) blatantly refused to follow the order** whether through action, words or both. Furthermore, ***Snow's and Montgomery's actions*** exhibited the **CONTINUED harassment or lack of respect towards Vicky Clanton which, from Newsome's observation was CLEARLY INSUBORDINATE acts as MEMORIALIZED in Newsome's July 2, 2014 email response.** If ***AFRICAN****-American* Account Manager (Denise Newsome) can use FHC's Senior Vice President of Branch Operations' TERM **"GROSS INSUBORDINATION:"**

RE: AMC Safety

Denise Newsome

Sent: Wednesday, July 02, 2014 10:41 AM
To: Vicky Clanton; Barbara Cooper; Shakenna Taylor; Vickie Snow; Breanne Montgomery
Cc: Chris Johns; Melvin Stillman; Denise Newsome

Vicky:

Thank you.

As I shared in the meeting, I have concerns regarding the disrespect and insubordination which resulted AFTER your email on yesterday morning. Conduct which I find very UPSETTING and UNACCEPTABLE in that it placed the SAFETY of FHC employees at risk. Therefore, as shared, I will be following the proper procedures regarding incidence(s) reported through the processes FHC uses.

Should you have further questions or concerns, please do not hesitate to discuss with me.

Denise

7) NOW look **at the EVIDENCE** of HOW FHC's **Senior Vice President of Branch Operations WHITE-American** Melvin Stillman **INJECTS** himself in the matter. A matter that **INVOLVES his FRIEND WHITE-American** Vicky Diane Snow. **CLEARLY** Stillman's email response confirms the **CONCERNS of SAFETY issues** as well as **the INSURANCE and/or LIABILITY issue(s)** involved with such ***DISRESPECT*** *and* ***INSUBORDINATE*** *acts carried out by Snow and her Assistant* ***WHITE-American*** *Breanne Montgomery*. NEVERTHELESS, FHC, Stillman and Clanton **CONDONED** such **"GROSS INSUBORDINATION"** from these **WHITE-American** employees **BECAUSE of their RACE!**

From: Melvin Stillman
Sent: Wednesday, July 02, 2014 11:01 AM
To: Vicky Clanton; Barbara Cooper; Shakenna Taylor; Denise Newsome; Vickie Snow; Breanne Montgomery
Cc: Chris Johns
Subject: RE: AMC Safety

Very good. This has been an issue in some branches. Another reason for this is our insurance company requires back door be locked at all times unless entering or exiting. I suggest everyone parks in front since we have no customers and always inter through the front. Thanks

8) FHC's **REWARD** to its **BANKRUPTY SPECIALIST WHITE-American (Vicky Diane Snow)** and the Contract/Temporary employee which Snow supervises **WHITE-American (Breanne Montgomery)** was to move them the **CORPORATE OFFICE** – i.e. **BIG HOUSE** and ***out of the FIELD Office***/Account Management Center. **Such a REWARD** for Snow and Montgomery by FHC **with KNOWLEDGE** that their **GROSS INSUBORDINATE** acts ***"PLACED THE LIVES of BLACK-Americans and AFRICAN-American in DANGER!"***

9) FHC then turned to its *Account Management Center Branch Manager's* ***BLACK-****American (Vicky Clanton)* to **IMPLEMENT its DISCRIMINATORY** and **RETALIATORY** practices against ***AFRICAN-****American* Account Manager (Denise Newsome) as a direct and proximate result of her expressing concerns regarding employment violations/practices at First Heritage Credit.

UNLIKE FHC's **BANKRUPTY SPECIALIST WHITE-American (Vicky Diane Snow)** and the Contract/Temporary employee which Snow supervises **WHITE-American (Breanne Montgomery)**, ***AFRICAN-****American* Account Manager (Denise Newsome) believes she followed the ORDERS issued by FHC's *Account Management Center Branch Manager's* ***BLACK-****American (Vicky Clanton)*. In support thereof, the EVIDENCE reveals:

- Verbal and Written ORDER given by Clanton **NOT to mail** out Collection/Settlement Letters.

- Newsome's **RESPONDING to Order given** by Clanton *to provide CONFIRMATION of receipt of her email(s)*.

- Newsome **RESPONDING to Order given** by Clanton **to provide FEEDBACK on concerns** and/or come and talk to her directly regarding concerns.

In other words, FHC's ***AFRICAN-****American* Account Manager (Denise Newsome) merely relied on what is known as the **"OBEY NOW, GRIEVE LATER"** doctrine in the submittal of her August 11, 2014 email entitled, ***"LETTERS and RESPONSE TO 08/08/14 IMPROMPTU MEETING."*** Newsome's email being in response to BOTH the August 8, 2014 email from Clanton entitled "LETTERS" as well as the August 8, 2014, meeting she ABRUPTLY called prior to Newsome's departure on Friday, August 8, 2014.

DeAnne, to give you, as the Human Resources Director, the ***"BENEFIT-OF-DOUBT"*** as to whether or not you/FHC have KNOWLEDGE of the "**Obey Now, Grieve Later"** doctrine, it provides EMPLOYEES as well as EMPLOYERS with Legal Defenses when a termination results alleging "GROSS INSUBORDINATION!" The following document entitled, ***"Defending a Member Charged with Insubordination – The 'Obey Now, Grieve Later' Doctrine'"*** is attached; however, may also be found at: http://www.goiam.org/uploadedFiles/TCUnion/Reps_Corner/Defending.pdf

The TCU Rep's Checklist--

Defending a Member Charged with Insubordination

The 'Obey Now, Grieve Later' Doctrine

As a TCU representative, you stand a good chance of someday having to defend a TCU member against a charge of insubordination. This article is designed to help you better understand the concepts involved in such cases and how to prepare the best possible defense.

Black's Law Dictionary defines insubordination as the "Refusal to obey some order which a superior officer is entitled to give and have obeyed. Term imports a willful or intentional disregard of the lawful and reasonable instructions of the employer."

When formulating disciplinary charges, employers sometimes prefer to use a more general term such as "failure (or refusal) to follow instructions." This is particularly so when the order or instruction is written rather than verbal.

Of course, FHC will have to PROVE **by evidence under the "GROSS INSUBORDINATION" allegation**:

(a) That FHC's ***AFRICAN****-American* Account Manager (Denise Newsome) **DISOBEYED Order(s) issued** by FHC's *Account Management Center Branch Manager's* ***BLACK****-American (Vicky Clanton)*; **which Newsome DID NOT!**

(b) That ***AFRICAN****-American* Account Manager (Denise Newsome) did not PRIOR to her WRONGFUL termination raise concerns of **SAFETY issues;** moreover, concerns regarding **DISRESPECTFUL** and **INSUBORDINATE actions** being carried out by FHC's **BANKRUPTY SPECIALIST WHITE-American (Vicky Diane Snow)** and the Contract/Temporary employee which Snow supervises **WHITE-American (Breanne Montgomery)** against FHC's *Account Management Center Branch Manager's* ***BLACK****-American (Vicky Clanton)*. The **LACK OF DEFENSE now even in regards to that for Clanton**, IS THAT **she CONDONED** the **"GROSS INSUBORDINATE"** acts of Snow and Montgomery and would **have CONTINUED to ALLOW herself to be subjected to such RACIST/DISCRIMINATORY/RETALIATORY practices** of Snow and Montgomery *had Newsome not submitted her July 2, 2014 COMPLAINT/GRIEVANCE*.

In other words, FHC's *Account Management Center Branch Manager's* ***BLACK-****American (Vicky Clanton)* may not have a legal defense because she was **TIMELY, PROPERLY** and **ADEQUATELY** made aware VERBALLY and in WRITING of the unlawful employment actions of FHC's **BANKRUPTY SPECIALIST WHITE-American (Vicky Diane Snow)** and the Contract/Temporary employee which Snow supervises **WHITE-American (Breanne Montgomery);** however, **CONDONED such** practices *for purposes (it appears) of remaining FHC's* ***BLACK-****American Branch Manager at the Account Management Center* when it **IS** Clanton's **DUTY and OBLIGATION** to report the unlawful practices and to see that DISCIPLINARY action was to be taken to DETER and CEASE the employment violations reported. With that being said, **DISCIPLINARY action** was accorded **under the DIRECTION and LEADERSHIP of** FHC's *Account Management Center Branch Manager's* ***BLACK-****American (Vicky Clanton)* **WITH DISCRIMINATORY/ RETALIATORY intent against** FHC's ***AFRICAN-****American* Account Manager (Denise Newsome) employees at her Branch reporting of employment violations while she ALLOWED **WHITE-Americans** ***to VIOLATE the policies/procedures FHC alleged Newsome's TERMINATION was PREDICATED upon!*** Thus, FHC and its *Account Management Center Branch Manager* ***BLACK-****American (Vicky Clanton)* **FAILED to perform DUTIES/OBLIGATIONS** as the Branch Manager in the handling of Charge/Complaint/Grievances submitted by Newsome.

BRANCH MANAGER
RESPONSIBILITIES

- Produce quantity and quality of receivables within your branch to meet or exceed your branch's business plan and delinquency and loss ratio standards.
- Maintain compliance with all of the Company's policies, procedures, State and Federal laws, regulations, and licensing.
- Maintaining branch facilities to an acceptable standard and leases of facilities at budgeted levels.
- Recruiting, training, and maintaining branch personnel to adequately staff branch positions.
- Be insurable under the Company's existing insurance policies (as determined by the insurance carrier).
- Have a valid driver's license and be insurable to drive on the Company's behalf under the Company's existing insurance policies (as determined by the insurance carrier).

AUTHORITY

The authority to carry out this job are those authorities that are stated in First Heritage Credit's bylaws, policies and procedures, and handbook now and as same may be updated from time to time and any directive from your District Manager, any Operations Officer or the President of First Heritage Credit.

Furthermore, FHC's wrongful termination of employment of *AFRICAN-American* Account Manager (Denise Newsome) also supports a **PATTERN-OF-PRACTICE** used by FHC and that of FHC's *Account Management Center Branch Manager's* ***BLACK-American (Vicky Clanton)*** may have even knowingly **THRIVED on being seen as the HEAD BLACK-American in charge; therefore, CONDONED** and/or **WELCOMED** FHC's **DISCRIMINATORY practices, HOSTILE work** environment, **HARASSMENT,** etc. that she allowed herself to participate and/or engage in and/or ***CARRY OUT personally AGAINST other employees that voiced concerns regarding her and/or FHC's employment violations.***

So here we are about **Monday, September 1, 2014,** and I (Denise Newsome) **have NOT** received **the PROMISED** wages/earnings **("INCENTIVE BONUS") of $250.00** for the July 2014 Recoveries that First Heritage Credit advised I will be receiving. REITERATING, under the *Wage and Hours Laws*, this **"INCENTIVE BONUS"** should have been included in the Friday, August 15, 2014 Paycheck; however, **was NOT! (See REDACTED Paycheck information attached).**

DeAnne, I am only left wondering whether or not my concerns shared with FHC's *Account Management Center Branch Manager's* ***BLACK-American (Vicky Clanton)*** in regards to coming **AFTER my job, monies,** etc. *are* ***FURTHER RETALIATORY*** *actions also being taken by First Heritage Credit for purposes of seeing that I am* ***financially devastated*** *should I want to seek additional legal action.* I gather this can be better answered in determining whether or not Clanton submitted the **PROPER paperwork** to see that I receive the July 2014 **"INCENTIVE BONUS" PROMISED!** One may only imagine ***HOW CRAFTY*** *and* ***MANIPULATIVE*** *(if at all) Clanton has been with* ***"BUTTERING THE BALL"*** *as it relates to the* ***WITHHOLDING*** *of the* ***PROMISED "INCENTIVE BONUS"*** *for the July 2014 Recoveries since she* ***was SEEN***

MANIPULATING/COMPROMISING *the July 2014 Louisiana Spreadsheet in a way to* ***PRECLUDE/PREVENT*** *me from receiving the bonus*. Nevertheless, I was REPEATEDLY advised by FHC's *Account Management Center Branch Manager's* ***BLACK****-American (Vicky Clanton)* as well as FHC's **SENIOR VICE PRESIDENT OF BRANCH OPERATIONS (Melvin Stillman)** that I will be receiving an **"INCENTIVE BONUS"** for the July 2014 Recoveries. *If the paperwork to see that I am given the* ***PROMISED "INCENTIVE BONUS"*** *for July 2014 has not been received, then please provide me the reasons* ***for WHY*** *the wages/earnings* ***are NOW being WITHHELD***!

So here we are about **Monday, September 1, 2014,** and I (Denise Newsome) **have NOT** received **the SEPARATION papers** from First Heritage Credit that its Senior Vice President of Operations (Melvin Stillman) advised that I will be receiving VIA MAIL! Moreover, Human Resources will be providing me with this information. I gather DeAnne that with you as the Human Resources Director, the **SEPARATION papers** will be coming from your Department.

DeAnne, now with all the above being said I need to know information regarding:

(i) **WHEN** will I First Heritage Credit be providing me with the **$250.00 "INCENTIVE BONUS" PROMISED** for the July 2014 Recoveries?

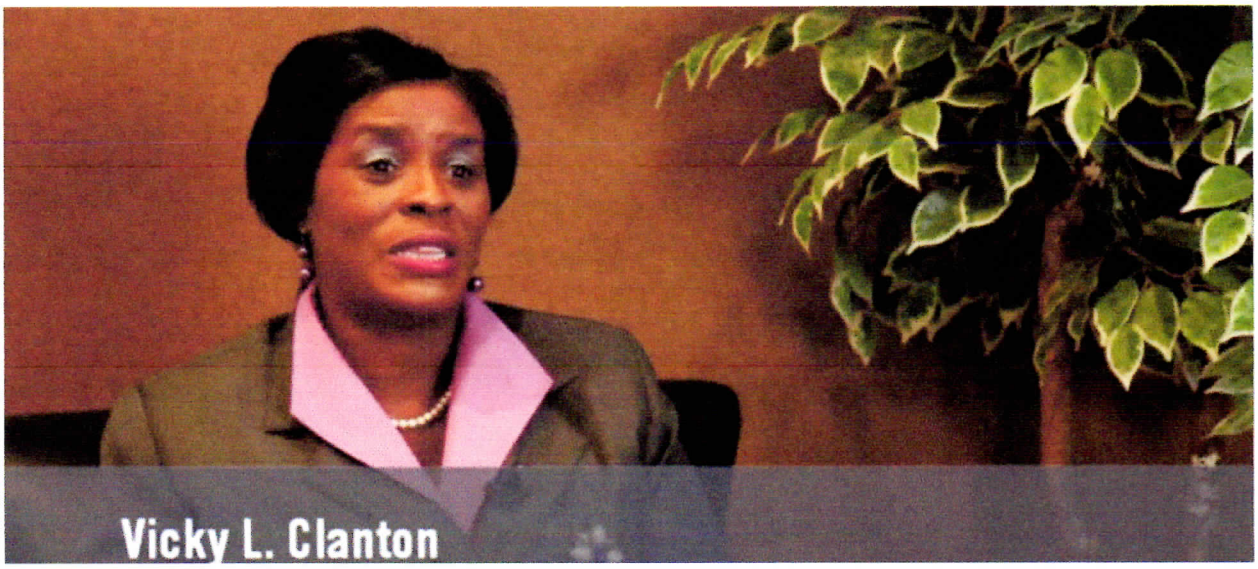
(ii) **WHEN** will I be getting **the SEPARATION papers PROMISED** and/or I was advised *will be sent to me by First Heritage Credit's SENIOR VICE PRESIDENT OF OPERATIONS (Melvin Stillman)?*

(iii) **WHEN** will my Insurance Coverage **BE CANCELLED** (if not already) – i.e. considering from the fact First Heritage Credit ***having KNOWLEDGE*** *that I was awaiting my INSURANCE CARD (which has been received) for purposes of taking advantage of the insurance benefits*?

I gathered from my conversation(s) with FHC's *Account Management Center Branch Manager's* ***BLACK****-American (Vicky Clanton)* of **her KNOWLEDGE** regarding the **STATUTE-OF-LIMITATIONS** for bringing the applicable actions, so that is WHY I have concerns in regards to the **WITHHOLDING of the "INCENTIVE BONUS"** as well as **the "SEPARATION PAPERS."**

So excuse me if I shake my head at such STUPIDITY by FHC's SENIOR VICE PRESIDENT OF OPERATIONS (Melvin Stillman) and the ACCOUNT MANAGEMENT CENTER'S BRANCH MANAGER (Vicky Clanton), because from the August 11, 2014 TERMINATION Meeting, they made it appear they were **BOTH acting on behalf of** FIRST HERITAGE CREDIT as well as **UPPER MANAGEMENT** and First Heritage Credit's **LEGAL TEAM/ATTORNEYS!**

Yes, I gather from my conversation(s) with FHC's FHC's *Account Management Center Branch Manager's* ***BLACK****-American (Vicky Clanton)* **is VERY KNOWLEDGABLE as she is VERY GOOD at ACTING IGNORANT (i.e. putting on an act pretending she is CLUELESS as to what is going on around her; however, while she is VERY INFORMATIVE but KNOWS how to "BUTTER THE BALL") for DECEPTIVE PURPOSES to come out as one may put it "STANDING ON HER FEET" when the "STORM PASSES OVER!"** Clanton was **DEFINITELY a "SMOOTH OPERATOR"** – ***SKINNING and GRINNING*** in Newsome's face; however, as you can see, Newsome **was NOT IGNORANT** of Vicky Clanton's ***EVIL and WICKED DEVICES*** and **NEITHER** was Newsome ***WILLING to "LOOK THE OTHER WAY" when she observed the ILL TREATMENT OF OTHERS by Clanton!***



As First Heritage Credit knows that *AFRICAN-American* Denise Newsome **did NOT** come from the SAME MOLD as **BLACK-**American Vicky Clanton to which they had become accustomed and liked. Moreover, it appears FHC's SENIOR VICE PRESIDENT OF BRANCH OPERATIONS (Melvin Stillman) and ACCOUNT MANAGEMENT CENTER BRANCH

MANAGER (Vicky Clanton) **PREYED on employees who are UNEDUCATED and/or UNLEARNED in employment issues and MERELY EMPHASIZED for keeping employees in FEAR OF LOSING their jobs aware of the "AT-WILL-EMPLOYMENT" doctrine;** however, **NOT making KNOWN the EXCEPTIONS and/or EXCLUSIONS when TITLE VII and/or EMPLOYMENT VIOLATIONS occur that are PROTECTED against the "At-Will" usage!**

So then comes ***AFRICAN****-American* Denise Newsome one who is:

- EDUCATED – With a B.S. Degree in Management/Office Administration from one of the TOP ***AFRICAN****-American* Universities **(FLORIDA A&M University).**

- OVER 25 YEARS of work experience in the CORPORATE environment (i.e. which includes LEGAL/Employment Law) as well.

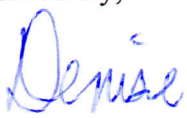
So when **"GROSS INSUBORDINATION"** is **FALSELY and MALICIOUSLY** alleged against ***AFRICAN****-American* Denise Newsome when the EVIDENCE supports that she **TIMELY, PROPERLY** and **ADEQUATELY** provided DOCUMENTATION to support **"GROSS INSUBORDINATION"** as well as other TITLE VII and employment violations on July 2, 2014, by FHC's **BANKRUPTY SPECIALIST WHITE-American (Vicky Diane Snow)** and the Contract/Temporary employee which Snow supervises **WHITE-American (Breanne Montgomery)**, then a reasonable person may conclude that **FALSE ALLEGATIONS** of **"GROSS INSUBORDINATION"** is **MERELY a PRETEXT/COVER-UP** of **DISCRIMINATORY/RETALIATORY** employment practices that First Heritage Credit will try to keep from becoming **PUBLIC INFORMATION** – i.e. in that it has to be REPORTED as a matter of LAW!

DeAnne, one may conclude that First Heritage Credit's SWIFT and MALICIOUS acts in the termination of my (Denise Newsome's) employment **WITHOUT an INVESTIGATION** may have also been as a ***DIRECT and PROXIMATE result*** of her (Newsome's) engagement in **PROTECTED activities** – i.e. **filing of CHARGE/COMPLAINT/GRIEVANCE** – moreover, FHC's *Account Management Center Branch Manager's* ***BLACK****-American (Vicky Clanton)* KNOWLEDGE of such information and using such information **for DAMAGE CONTROL** (shielding/hiding CRIMINAL/CIVIL WRONGS) *purposes in hopes that it* ***would SOLIDIFY*** *her* ***WELL VERBALIZED DEVOTION*** *to First Heritage Credit and being in its employment until she retires while she* ***"BUTTERED THE BALL"*** *and* ***MANIPULATED*** *and/or* ***COMPROMISED*** *information in the handling of my (Denise Newsome's) termination so that it appears she comes out* ***"SMELLING LIKE A ROSE!"***

Yes, FHC's Account Management Center's Branch Manager (Vicky Clanton) would **REPEATEDLY** advise in the meetings she believes ***"GOD SENT ME (Denise Newsome)!"*** So one can only imagine what she is saying about Newsome now. It appears that Clanton **PLAYED First Heritage Credit "LIKE A FIDDLE" – FOOL** and now that her ***BACK IS UP AGAINST THE WALL,*** she **is NERVOUS** because **she has NOW proven herself to be a LIABILITY rather than an ASSET to FHC!** Yes, Clanton BRAGGED about **NOBODY** being able to **"FILL HER SHOES"** at the Account Management Center; however, First Heritage Credit I'm sure have other Branch Managers **that are QUALIFIED** and from what I

have seen in working with Vicky Clanton, it is **NOT** **DIFFICULT** *for one to LEARN her* ***JOB DUTIES*** *and* ***FUNCTIONS*****!** In fact, while she SMILED, it was obvious that Clanton had concerns because I (Denise Newsome) am EDUCATED as well as COMPUTER LITERATE and PICKED UP/LEARNED QUICKLY! Not only that, there are other people (from my experience in working in other Corporate environments that can come in and do a BETTER and WELL ORGANIZED job than Clanton; however, for some ODD reason, she just thought she was the **"CAT'S MEOW"** and FHC fell for it, **HOOK, LINE** and **SINKER.** Perhaps Clanton and FHC thought that with the COLOR of her SKIN and that of Newsome's SKIN, it would SHIELD FHC from LIABILITY! Hopefully, the ***FRANCIS vs. AT&T*** matter will provide them with an EYE OPENER! May Vicky Clanton **"TAKE DOWN THE SHIP WITH A THUMP!"** Vicky Clanton **THRIVES** of being the **CENTER OF ATTENTION,** so please give her, her STAGE and **"WATCH AND SEE HER DANCE HER WAY OUT OF THIS!"** Clanton mentioned she had ***NEVER SEEN ANYTHING LIKE*** THE July 2, 2014, Complaint. Just THINK, the July 2, 2014, Complaint/Grievance is MILD compared to what a FORMAL Complaint will look like!

Sincerely,



Denise Newsome
P.O. Box 31265
Jackson, MS 39286
(601) 885-9536

Attachments: Defending a Member Charged with Insubordination – The 'Obey Now, Grieve Later Doctrine
08/15/14 FHC Paycheck Information for Denise Newsome

The TCU Rep's Checklist--

Defending a Member Charged with Insubordination

The 'Obey Now, Grieve Later' Doctrine

As a TCU representative, you stand a good chance of someday having to defend a TCU member against a charge of insubordination. This article is designed to help you better understand the concepts involved in such cases and how to prepare the best possible defense.

B*lack's Law Dictionary* defines insubordination as the "Refusal to obey some order which a superior officer is entitled to give and have obeyed. Term imports a willful or intentional disregard of the lawful and reasonable instructions of the employer."

When formulating disciplinary charges, employers sometimes prefer to use a more general term such as "failure (or refusal) to follow instructions." This is particularly so when the order or instruction is written rather than verbal.

Regardless of the term used, this disciplinary issue is one of the most serious you will encounter as a TCU representative because a finding of guilt may result in dismissal of the employe. To make matters more difficult, a special rule applies in insubordination cases. That rule is the doctrine of "obey now, grieve later."

Arbitrators generally endorse the proposition that an employer has the right to make reasonable rules which are related to the operation of its business, as well as the right of an employer's supervisors or officers to give both written and verbal instructions and to have those orders carried out promptly and completely.

But what if the employe believes he or she has a good reason for *not* doing as management says? The short answer is that there is only *one* universally accepted reason for not following the orders or instructions of management: the order requires unsafe actions which would be dangerous to the employe, the public or coworkers. (A rare additional reason would be that the disputed order is against the law.) But proving that condition may be more difficult than it seems.

What if the order is a clear violation of the Agreement, such as an employe being told to work an entire shift without a meal period? What if an employe is told to perform work which is clearly outside of the craft? What if the order is just plain stupid? In those instances, arbitrators have consistently held that the employe must follow the instructions as given and then protest through the proper grievance channels. That is known as the "obey now, grieve later" doctrine, and it is applied as a threshold issue in almost all insubordination cases. In fact, the major obstacle in defending a TCU member charged with insubordination is proving that the "obey now, grieve later" rule should *not* apply.

Consider the following case decided by Third Division Award No. 29078, in which the Board made clear the importance and effect of the "obey now, grieve later" doctrine. In denying the employe's claim for reinstatement, the Board held:

> "The Organization, in its brief, suggests that Claimant had 'good reason' for not appearing at work on the days in question; to wit, he felt the work being assigned him was outside of his craft. The rare exception to the 'Obey now, grieve later' maxim in insubordination cases, such as genuine health or safety concerns, is well recognized by this Board. Third Division Awards 21538 and 27290. However, an employe attempting to invoke such exceptions bears a heavy evidentiary burden of proving that the circumstances warranted such concerns. In the instant case, it is well established on the record that Claimant unilaterally determined he would withhold himself from service until he was satisfied that he would do track work and not repair work. In short, the Claimant resorted to self-help to enforce his interpretation of the Agreement between the parties.
>
> "Under the circumstances, the dismissal should be upheld... There is no basis on this record for making an exception to the 'Obey now, grieve later' maxim."

Nor is simply raising safety as a defense always enough to convince an arbitrator that an exception to the "obey now, grieve later" maxim is warranted. In Award No. 92 of Public Law Board No. 1952, another case involving a refusal to perform certain work functions, the Claimant was dismissed for refusing to unload a boxcar load of axles because he believed it was not his job and it was unsafe. He was warned by the supervisor that his refusal would lead to discipline and then was given a few minutes to reconsider his decision, following which he again refused. He was removed from service on the spot and ultimately dismissed. The boxcar was subsequently unloaded without incident by his fellow employes, although an after-the-fact inspection by a member of the safety

committee found conditions unsafe. The Board upheld this Claimant's dismissal by saying:

> "The Carrier has established by substantial credible evidence in the record that Claimant repeatedly refused orders to unload the axles from the boxcar. This action constitutes a clear violation of the cited provisions of Rule 801. Moreover, there is adequate evidence in the record to support the Carrier's conclusion that the inspection by McKenzie and Harris and the actual safe unloading by the other clerks provide the basis for the Carrier to conclude that the orders by McKenzie and Harris did not place Claimant at risk. The insubordination and the lack of an adequate defense to refusal seal the case against Claimant. The discipline of dismissal is severe, but in light of the incident and Claimant's record, it is neither arbitrary, capricious nor discriminatory."

This case shows just how difficult it can be to prove safety as grounds for refusal to follow an order. Here is another example.

In Case No. 64 of Special Board of Adjustment No. 973, the Claimant had been ordered to report for an assignment as a Block Operator. However, he stated that his assigned work area was unsafe because of the existence of asbestos and on this basis he refused to comply with the Carrier's orders. The Claimant was then assessed a ten-day suspension. The Board upheld the discipline:

> "The Board is not unmindful of the Claimant's concern for his health and safety. However, given the Carrier's uncontroverted findings with respect to asbestos levels at his work site, his concerns were not reasonably based.
>
> "In view of the foregoing, the Claimant erred when refusing to perform service. The Claimant is a long-time employe with a good work record. Nonetheless, proven insubordination is a serious offense which may ultimately lead to serious consequences, including dismissal. Accordingly, given the evidence before us, there is no proper basis to overrule the Carrier's determination to assess a 10 day suspension for the proven charge."

In another case decided by Third Division Award No. 20772, the Claimant refused to perform certain climbing work on a bridge, citing a fear of heights. Ultimately, he was dismissed. The Board held that:

> "Concerning the merits, we note that on a number of consecutive work days, Claimant refused to perform certain climbing on a bridge--which was necessary in order to perform his work. Although the record contains suggestions that Claimant's refusal dealt with matters of safety, we are

compelled to hold that the prime cause for Claimant's refusal dealt with a fear of working in the open at significant heights. The initial refusals to work resulted in varying degrees of suspension and the final refusal resulted in the termination now before us. The record indicates that there had been refusals previous to the consecutive work days material to this dispute, and that Carrier has suggested to Claimant that he be concerned with his inability to climb.

"It is, indeed, unfortunate that an individual may develop an acrophobia which interferes with his ability to perform his services. However, it appears that Claimant's duties required periodic climbing, and he was aware of that fact when he assumed employment. Under the circumstances, we have no alternative but to deny the claim."

In Third Division Award No. 17045, another claim involving acrophobia, the Claimant was suspended for 30 days when he refused to work at a height of some 30 feet on a bridge. But in this case, the Board reversed the discipline. Note that the circumstances in this case gave the Board more "room to maneuver" than in the previous case, which no doubt resulted in the following sustaining Award:

"In this case, there is no showing that Claimant ever performed work at such height prior to the date involved herein; no showing that the work Claimant was instructed to do was inherent in his position; and no showing that Claimant acted with indifference to authority or displayed a rebellious attitude.

"To the contrary, the record shows that there was other work Claimant could have been doing, such as clean-up work, or painting the top of the bridge. The fact that this employe was allowed to return to the same position at the termination of his suspension, after learning of his acrophobia, is persuasive to the finding that he (Claimant) could handle the normal duties of the position.

"Absent evidence to the contrary, this Board finds that Claimant was and is a victim of acrophobia; that an attempt of Claimant to perform the painting from a substantial height would have subjected himself and his fellow employes to danger and unwarranted personal injury, and that Claimant's refusal in this case was, therefore, justified. See First Division Awards 13118, 14266, 15532, 17398; Second Division Award 2540; and Third Division Award 14067."

Another issue which frequently results in the charge of insubordination is the refusal to work overtime. Once again, the "obey now, grieve later" doctrine applies. A surprising but classic example of the harsh consequences of refusing to work overtime is found in Third Division Award No. 27290 which upheld the Claimant's dismissal, even in the presence of substantial mitigating circumstances. The Board held as follows:

"On January 20, 1985, Claimant was called off the Extra Board to work as a Janitor at Gary, Indiana. Upon reporting to work, Claimant was asked and agreed to rearrange to work outside on the Yard I Tower job, to cover a vacancy. It is significant that a record cold temperature of -27° F, with wind chill factors of -60° to -70°, were recorded at Gary that day.

"When Claimant reported to the Yard I Tower he learned that the heating system was not capable of keeping internal temperatures above the freezing mark. Not only was there no heat in the Tower, but also the water and toilet facilities were not operating because of frozen pipes. Claimant and other employes at that location did work eight (8) hour tours of duty at the Yard I Tower, notwithstanding these conditions.

* * *

"About 2:30 p.m., the Supervisor telephoned Claimant at the Yard I Tower and ordered him to double onto the 4:00 p.m. tin-mill job. Claimant protested that he was not the youngest Clerk. The supervisor informed Claimant that the most junior Clerk's father had died and again ordered him to work the 4:00 p.m. job. Claimant protested that he was cold and his feet hurt. The supervisor again ordered Claimant to work the job and Claimant responded in words or substance: 'No, I am going home.' The supervisor told Claimant that he would have to write this incident up to which Claimant responded 'Fine' and hung up the telephone.

* * *

"The safety and health exception to the "Obey now, grieve later" maxim in insubordination cases is well recognized by this Board. Third Division Awards 14067 and 21538 among many others. However, the employe who invokes this exception bears the evidentiary burden of proving by persuasive evidence that s/he had a reasonable well-founded fear of immediate danger. Moreover, we find it critical that the safety reasons for refusing a direct order be explained or at least communicated to the

supervisor. Requiring proof on this latter point serves a two-fold purpose: 1) It provides in a subsequent review of the situation objective evidence that safety fears were motivating the employee to refuse the order at the time, rather than a belated after-the-fact defense to an insubordination charge; and 2) It allows an informed judgment whether the supervisor was aware of the safety conditions and acted reasonably in insisting nonetheless upon compliance with the order.

"In this particular case Claimant initially resisted the supervisor's order on grounds that he was not the youngest Clerk. When the objection was explained away he merely said he was cold and his feet hurt. The record does not show whether the supervisor was aware that Claimant had been working without heat or bathroom facilities, although he was aware that the outside temperature was extremely cold. We do note, however, that the job Claimant was ordered to work on hold-over was not at Yard I Tower, but at the tin-mill where heat and water facilities were available.

"From the available evidence, neither the supervisor nor this Board could make an informed judgment whether Claimant actually had a legitimate and reasonable concern for his health and safety at the time he refused the direct order. There was no objective indication of this at the time he refused the order and we cannot engage in after-the-fact speculation of this critical evidentiary point. We conclude that Claimant has not presented sufficient proof of his motivation at the time of refusing a direct order to warrant application of the health and safety exception or justification for what otherwise appears to be an act of insubordination."

If we learn nothing else from these awards, we should conclude that it is very difficult to overcome the "obey now, grieve later" theory.

Difficult, perhaps, but not impossible.

For example, in Third Division Award No. 22556, the Claimant was dismissed because he refused to operate an unsafe automobile. However, in that case the Claimant was able to introduce sufficient evidence and testimony to prove that an exception to the "obey now, grieve later" theory was warranted. In restoring this Claimant to service with full back pay, the Board held:

"The Board has carefully reviewed the lengthy transcript of the investigation, as well as the submission of the parties. The Claimant contended throughout that the car involved...was not safe to drive and that he had notified

his supervisors to that effect. The transcript also contains substantial evidence that other clerks, who had driven the car involved, considered it unsafe and had so reported to their supervisors, including the Trainmaster who removed Claimant from the service. One clerk testified that he had driven the car...and when he had to apply pressure to the brake 'the front brake grabbed,' causing the car to swerve into oncoming traffic and an accident was barely averted.

****

"The Board does not condone insubordination on the part of any employe. Neither will it support a Carrier requiring an employe to perform a service when a real safety hazard may be involved. It is our considered opinion that, with the complaints that had been received as to the car being unsafe, the Carrier would at least have had it checked by an expert mechanic before insisting upon the Claimant driving it, especially when the record shows that Claimant could have been assigned another vehicle to drive."

In essence, all of the awards cited merely show *what* must be established in order to successfully defend against the charge of insubordination: a safety or health hazard. Conspicuously absent, however, is any guidance as to *how* to accomplish that task.

So the next matter to consider is what standards arbitrators use when determining whether an exception to the "obey now, grieve later" doctrine is warranted. Here are some phrases used by arbitrators in various arbitration cases which set out what the Claimant needed to prove or did prove:

- "a sincere and genuine fear"
- "a hazard was demonstrated to exist"
- "a real and imminent danger to life and limb"
- "valid and reasonable grounds for refusing..."
- "the work constituted an abnormal hazard"
- "the work was clearly and evidently unsafe"
- "*prima facie* evidence must be shown"
- "evidence must be more than a mere presumption"

As you can see, the standards used by arbitrators range from purely subjective considerations of the Claimant's own honesty ("sincere and genuine fear") to the cold and hard reasoning of "more than a mere presumption" and "*prima facie* evidence." In short, these examples are all over the map and are of little help in making our determination.

Fortunately, the greatest number of arbitrators appear to take some form of the "reasonable man" approach. This means simply that the facts and circumstances known to the employe at the time of the order would also have caused a "reasonable" person to fear for his or her safety or health. (See Elkouri & Elkouri, *How Arbitration Works*, Third Edition, Washington, D.C., 1981.)

One arbitrator expressed this "reasonable man" doctrine this way:

> "The principle...is that an employe may refuse to carry out a particular work assignment if, at the time he is given the work assignment, he reasonably believes that by carrying out such work assignment he will endanger his safety or health. In such an instance the employe has the duty, not only of stating that he believes there is a risk to his safety or health, and the reason for believing so, but he also has the burden, if called upon, of showing by appropriate evidence that he had a reasonable basis for his belief. In the case of dispute, as is the case here, the question to be decided is not whether he actually would have suffered injury but whether he had a reasonable basis for believing so." (Laclede Gas Co., 39 LA 833, 839 [1962])

An additional source of defense strategies you might want to turn to is the article entitled "The Seven Tests of Just Cause" featured in the Spring '95 issue of *The Winning Edge*.

This award gives a general idea of what must be presented in order to establish an exception to the "obey now, grieve later" doctrine. While developing your strategy, keep in mind that an arbitrator will distinguish between mere discomfort or displeasure and a situation in which a real threat to employe safety or health is present.

The "reasonable man" doctrine gives us one more related strategy: some arbitrators have held that once the employe expresses a reasonable belief--which can be shown by appropriate evidence--that he or she would be injured while performing the disputed order, the burden then shifts to the employer. Thus, in such cases we can strongly assert at the hearing that the employer must provide conclusive proof that the employe's fears were unfounded.

In many instances, however, safety or health considerations are not applicable. In such cases, we fall back to the definition of insubordination, which stipulates that the order must be *reasonable and related to the employer's business.*

An example of an unreasonable order might be the case of a manager ordering an employe to wash a company vehicle during a snowstorm. Another example might be management's order that an employe must mow the lawn at the superintendent's home.

The "unreasonable order" defense carries far less weight than a defense based on safety or health concerns and should be a subordinate or secondary defense in cases where safety issues are present. Moreover, in terms of the "obey now, grieve later" doctrine, most arbitrators hold that the employe *must comply with the order*, however wrongheaded, and protest the issue through the grievance process.

To recap, here is a checklist of what you will want to consider as you prepare to defend a member against an insubordination charge:

✓ Was the order clearly given and understood?

✓ Was the order reasonable?

✓ Was the order related to the employer's business?

✓ Was the employe given a reasonable opportunity to comply with the order?

✓ Was the employe warned that failure to follow the order would result in disciplinary action?

✓ Did the employe have a legitimate fear for his health or safety under the "reasonable man" doctrine?

✓ If safety or health is a consideration, have other employes complained about the same issue?

✓ Was the employe provoked into being insubordinate by the actions of management?

As with any discipline case, you should be meticulous when gathering the facts; the insubordination hearing is not the place to be surprised by the testimony of your member or a witness for the defense, let alone the case presented by the employer. You will be able to prepare the member to present the best defense by knowing and employing the principles applied by arbitrators in insubordination cases, as explained in this article.

In sum, get all the facts, develop a defense theory, and prepare, prepare, prepare. If you can accomplish all that, your member couldn't have better representation if he were represented by Perry Mason *and* Matlock. And once again you will have done your job well as a TCU rep.

■ ■ ■

There is also *a separate and distinct issue which frequently results in the charge of insubordination and that is an employe's refusal to submit to a drug or alcohol test.* From a technical standpoint, suffice it to say that drug or alcohol testing is either mandated by Department of Transportation regulations or by individual employer testing policies which may vary from employer to employer. The issues are of sufficient complexity to warrant a separate article limited to this subject alone, and will be fully covered in a future issue of *Winning Edge*.

If you are called on to represent a TCU member who has been charged with insubordination or failure to follow instructions as a result of the refusal to take a drug or alcohol test, you should contact your General Chairman for assistance. **You must never advise a member to refuse to take a drug or alcohol test**, because in most cases a refused test can be treated the same as a positive test.

DENISE NEWSOME

(782) FIRST HERITAGE CREDIT LLC
SSN:

Pay Period: 08/01/2014 to 08/15/2014
Department: 000 / 000 / 401 - Account Management Center
Paycheck Date: 08/15/2014
Paycheck Number: 0000062259

Earnings Statement

Federal: S / 2 / $0.00
State: S / 6000 / 0 / $0.00

Earnings	Pay Rate	Hours (Units)	Curr	YTD Amount
Holiday				
Miscellaneous				
Overtime				
Overtime Earnings				
Regular				
Vacation				
Gross Earnings				
Taxes				
Federal Tax				
Medicare				
MS State				
Social Security				
Net Earnings				

Direct Deposit Distribution

0000062259

Date: 08/15/2014

FIRST HERITAGE CREDIT LLC

605 CRESCENT BLVD STE 101
RIDGELAND, MS 39157

85-27
653

TRUSTMARK NATIONAL BANK

Department: 000 / 000 / 401

NON NEGOTIABLE

PAY

To the order of:

DENISE NEWSOME

Not a Check

Direct Deposit Advice

****** NON - NEGOTIABLE ******

Last Transmission

PAGE. 1/ 1

Sep.02.2014 12:03 AM

Name :

Tel :

Date	Time	Type	ID	Duration	Pages	Result
Sep.01	11:46PM	Send	16018989696	13:58	30	OK

Communication Log

PAGE. 1/ 1

Aug.12.2014 02:43 AM

Name :

Tel :

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Aug.12	02:25AM	Send	16018989696	07:12	17	OK
Aug.12	02:35AM	Send	16018989696	02:51	6	OK

EXHIBIT 16

FACSIMILE

TO: **De Anne Walberg (Human Resources Director)**

FROM: **Denise Newsome**

DATE: **August 12, 2014**

RE: **08/11/14 FIRST HERITAGE CREDIT LLC'S TERMINATION OF DENISE NEWSOME'S EMPLOYMENT**

This will confirm on yesterday (August 11, 2014) that Denise Newsome's employment with First Heritage Credit, LLC ("FHC") was TERMINATED. The Termination Meeting was held in the Account Management Center's Branch Manager's Office between Senior Vice President Of Branch Operations (Melvin Stillman), Account Management Center Branch Manager (Vicky Clanton) and Account Manager (Denise Newsome).

AUGUST 11, 2014, TERMINATION OF DENISE NEWSOME'S EMPLOYMENT:

The REASON GIVEN: GROSS INSUBORDINATION per Melvin Stillman. NOTING:

(1) The termination is a result of Denise Newsome's sending her 08/11/14 Email entitled, ***"LETTERS and RESPONSE TO 08/08/14 IMPROMPTU MEETING"*** to the entire Office.

NEWSOME'S RESPONSE:

(a) Is that she **DID NOT** send the email to the entire office. It was addressed to Vicky Clanton, Barbara Cooper and Shakenna because they are Account Managers and were at the August 8, 2014 meeting, to which Newsome's email addressed. **NOTE:** ***A copy of the 08/11/14 Email from Newsome RESPONDING to Vicky Clanton's email is attached*** (i.e. incorporated by reference as if set forth in full herein). The 08/11/14 email is connected/linked to the 08/08/14 email of Vicky Clanton.

(b) Melvin Stillman advised that he received a copy of the email **and HE WAS THE ONE to send it to OTHERS (i.e. such as President CEO, Legal Counsel, Human Resources, etc.)** - - Stillman's actions which **CLEARLY VIOLATED** FHC's Policies and Procedures addressed in its Employee Handbook.

IMPORTANT TO NOTE: Stillman wanted to make it appear that he **was NOT** supposed to obtain a copy of the email; however, *Newsome included him since he **has INJECTED** himself **in PRIOR** emails addressing meetings held by Vicky Clanton.* **FOR INSTANCE:** The **July 2, 2014,** email regarding AMC's Vicky Clanton's meeting

addressing ***"AMC SAFETY."*** In response to Clanton's Email, Newsome simply FOLLOWED FHC Policies and Procedures and expressed her CONCERNS.

ONLY AFTER it appeared that the Branch Manager (Vicky Clanton) and Senior Vice President of Operations (Melvin Stillman) **were NOT** going to act on her concerns did Newsome proceed to file her **WRITTEN COMPLAINT/GRIEVANCE – A copy of the 07/02/14 FHC Complaint is attached and is incorporated by reference as if set forth in full herein.**

In the 07/02/14 Complaint Newsome also shared **concerns of Title VII violations** as well as CONCERNS regarding **CONFLICT-OF-INTEREST in Melvin Stillman's** handling of the matter because of his **CLOSE FRIENDSHIP with Vicky Diane Snow** (one of the people the Complaint/Grievance is filed against) – See at Page 6.

A copy of Melvin Stillman's email regarding the 07/02/14 AMC Safety Meeting IS ALSO ATTACHED and **is RELEVANT** in that he wanted to make it seem at Newsome's TERMINATION Meeting *that he **was NOT** to be included in receipt of the email when **his actions in RE-ASSIGNMENT** of job functions are addressed in the 08/11/14 email as well as concerns Newsome had in regards **to ADVERSE** actions* **– i.e. as RETALIATION being taken AGAINST her as a direct and proximate result of the Complaint/Grievance filed AGAINST Melvin Stillman's FRIEND (Vicky Diane Snow). See 08/11/14 Email at EXAMPLE 2 (iv)** [which is at Page 4 of 11] as well as the CLOSING Paragraph of the email which is at Page 10 of 11).

(c) It is FHC AMC's Branch Manager's (Vicky Clanton) request that Account Managers RESPOND to her emails. Clanton's 08/08/14 Email states in part:

> ***"Just a followup after a brief meeting and as many conversation already I have said – PLEASE DO NOT SEND LETTERS OUT PAST THE THRESHOLD with out notifying me."*** - - See at Page 10 of 11 of Newsome's 08/11/14 Email.

IN KEEPING with the AMC Branch Manager's REQUEST to respond, Newsome BECAUSE SHE LEFT EARLY on 08/08/14, when Clanton's email was sent RESPONDED on 08/11/14 as required – i.e. **as she did AFTER the July 2, 2014, AFC Safety Meeting in which Melvin Stillman INJECTED himself into.**

Newsome is CONFIDENT that upon REVIEW of the 08/11/14 Email Response, that there is **NO EVIDENCE of INSUBORDINATION;** however, there is **CLEARLY EVIDENCE of RETALIATION** and the allegations of "Gross Insubordination" is merely a PRETEXT to COVER-UP/SHIELD the Title VII violations other Employment violations WITNESSED and reported by Newsome recently upon OBSERVING the AMC's Branch Manager (Vicky Clanton) ***MANIPULATING/COMPROMISING the July 2014 Spreadsheets forwarded to her ON JULY 31, 2014 (END OF MONTH/CLOSING),*** as well as the Employment violations reported in Newsome's July 2, 2014 Email and Complaint/Grievance submitted.

IMPORTANT TO NOTE: Newsome **is NOT** the only employee **to have experienced** Vicky Clanton's **MANIPULATION/COMPROMISING of Spreadsheets** and then attempting to FRAME others for her actions. ***A previous employee by the name of Katrina (Contract/Temp Employee through TempStaff) made it known how Clanton would go in and compromise her work product when she left the office and the next morning when she came in, the BALANCED Spreadsheet left the night before by her would be MESSED UP the next morning when she came in.*** **Newsome made these CONCERNS KNOWN to the Account Manager Center's Branch Manager Vicky Clanton.** Newsome also began making observations based on the concerns shared by Katrina. **SURE ENOUGH, the May 29, 2014 Spreadsheets (*EMPHASIS ON THE DATE*/CLOSE OF THE MONTH NEARING) that BALANCED when Newsome left the Office had been COMPROMISED in between the time she left on May 29, 2014 and returned the next morning (May 30, 2014);** leaving Newsome to have to SPEND A GREAT DEAL OF TIME CORRECTING the Spreadsheets. YES, due to CONCERNS shared by Katrina, Newsome MEMORIALIZED this incident in an EMAIL dated June 3, 2014, entitled, ***"COMPROMISED SPREADSHEETS ISSUE and RESOLUTION TO PROBLEM!"*** - **See a copy of this email attached hereto and incorporated by reference as if set forth in full herein.** **IN FACT:** ***Vicky Clanton attempted to try and get Newsome to think that someone else in the office may have***

done it in efforts of sabotaging her work. However, Newsome advised her that ONLY TWO People (Clanton and Newsome) were the ones to know where the Spreadsheets were being saved.

FIRST HERITAGE CREDIT LLC'S RETALIATION AGAINST DENISE NEWSOME *AS A DIRECT and PROXIMATE RESULT OF* FILING JULY 2, 2014 COMPLAINT/GRIEVANCE:

Denise Newsome through this instant email also wants to MEMORALIZE FACTS/EVIDENCE she believes supports that her August 11, 2014 TERMINATION OF EMPLOYMENT with First Heritage Credit LLC is a DIRECT and PROXIMATE result of her ENGAGEMENT IN PROTECTED ACTIVITIES:

> **HARASSMENT POLICY** (*See at Page 10 of FHC Employment Handbook*)**:**
> First Heritage Credit is committed to providing a working environment that **supports the DIGNITY** and **SELF-ESTEEM** of its employees and is **FREE of ANY FORM of HARASSMENT.**

Denise Newsome's August 11, 2014 Email entitled, ***"LETTERS and RESPONSE TO 08/08/14 IMPROMPTU MEETING"*** will support the ATTACKS of FHC's Account Management Center Branch Manager's (Vicky Clanton) **AGGRESSIVE** and **HOSTILE attacks on the DIGNITY and SELF-ESTEEM of FHC's Account Manager(s)** at the Account Management Center that **has REPEATEDLY BROUGHT DOWN the MORALE of FHC's Account Managers she manages.**

> **HARASSMENT consist of UNWELCOMED conduct,** whether ***VERBAL, PHYSICAL*** *or* ***VISUAL*** that is based on a person's PROTECTED status. . . and ***INTERFERES UNREASONABLY*** *with* ***ANOTHER'S WORK PERFORMANCE*** or **CREATES an INTIMIDATING, OFFENSIVE** or **HOSTILE ENVIRONMENT. . .**
>
> It is First Heritage Credit's **POLICY that ALL employees** have a *RIGHT TO WORK* in an environment FREE OF DISCRIMINATION, which **ENCOMPASSES FREEDOM FROM HARASSMENT in any FORM.**
> *(See at Page 10 of the FHC Employee Handbook)*

Denise Newsome **is CONFIDENT** that the August 11, 2014 email entitled, ***"LETTERS and RESPONSE TO 08/08/14 IMPROMPTU MEETING"*** will SUPPORT VALID concerns regarding the reporting of FHC's Account Management Center Branch Manager's (Vicky Clanton) ACTS and PRACTICES ***"INTERFERES***

UNREASONABLY with ANOTHER'S WORK PERFORMANCE" - - Not only that, Denise Newsome believes that both the AMC Branch Manager Vicky Clinton and Senior Vice President Of Branch Operations Melvin Stillman **did KNOWINGLY allow the CREATION and SUBJECTION** of FHC Account Managers to **an INTIMIDATING, OFFENSIVE** or **HOSTILE Environment** *and have gone to GREAT MEASURES to keep such Employment Violations hidden* – i.e. by ***TERMINATING the employment of Account Managers that REPORT these UNLAWFUL Employment Violations.***

> **HARASSMENT POLICY/RESPONSIBILITY:**
> **EMPLOYEES:**
> It is the **manager's RESPONSIBILITY** to **HELP ASSURE** that **HARASSMENT is PREVENTED.** An employee who believes he/she **has WITNESSED HARASSMENT** and/or is being HARASSED **MUST IMMEDIATELY** notify his/her manager, the next higher-level-up manager, **the HUMAN RESOURCES DIRECTOR,** or the President of the Company. *(See Page 11 of the FHC Employee Handbook)*

Denise Newsome believes that it is a GOOD THING that FHC has an Employee Handbook, because it DEFINITELY sets out the GUIDELINES and PROCEDURES to follow in REPORTING Employment VIOLATIONS!

In fact, PRIOR to leaving the Account Management Center on yesterday (August 11, 2014), upon being TERMINATED, Denise Newsome **REPEATEDLY REQUESTED** to speak to **THE HUMAN RESOURCES DIRECTOR (De Anne Walberg)** *but was **DENIED this RIGHT** recognized by FIRST HERITAGE CREDIT LLC* by Senior Vice President Of Branch Operations Melvin Stillman and Account Management Center Branch Manager Vick Clanton.

While Denise Newsome TIMELY and PROMPTLY requested to be provided WRITTEN DOCUMENTATION (i.e. as PINK SLIP) providing GROUNDS FOR TERMINATION in that Melvin Stillman KNEW as well as Vicky Clanton KNEW that Newsome's employment was being TERMINATED PRIOR to Stillman's ARRIVAL at the Account Management Center, she was also DENIED this information.

> **HARASSMENT POLICY/PROCEDURE**
> First Heritage Credit **WILL NOT** tolerate harassment of its employees by ANYONE, including any MANAGER, co-worker, vendor, consultant and/or customer. **An employee WHO BELIEVES a HARASSMENT situation has occurred should bring the issue IMMEDIATELY to the attention of** the appropriate Management Representative, **the HUMAN RESOURCES DIRECTOR,** or the President of the

> Company. Alternatively, the employee **may utilize** the complaint procedure provided by the Handbook.
>
> First Heritage Credit's policy **PROHIBITS RETALIATION AGAINST any employee for EITHER FILING a Complaint of HARASSMENT or for PROVIDING INFORMATION in connection with an INVESTIGATION of alleged conduct. . . .**
>
> If an employee **IS NOT** satisfied with the handling of a Complaint by the Branch Manager or the District Manager he/she may appeal it to the President of First Heritage Credit.

Denise Newsome believes it is **a GOOD THING** that FHC has the PROCEDURES in place for employees to bring Complaints/Grievances. Not only that, that it is **DOCUMENTED in FHC's records** *the CONCERNS that Newsome provided to SUPPORT that while she COMPLIED with the Policies and Procedures in place to PROTECT HER RIGHTS*, First Heritage Credit LLC **ALLOWED its MANAGERS** (Melvin Stillman and Vicky Clanton) **to RETALIATE AGAINST** Newsome and **VIOLATE PROTECTED RIGHTS** secured under the Policies & Procedures of FHC as well as the Statutes/Laws governing such matters.

HOW EARLY WERE TITLE VII Violations as well as other **EMPLOYMENT VIOLATIONS** at FHC's Account Management Center **Reported by Denise Newsome,** as **EARLY as about JUNE 2014,** with Denise Newsome **filing her FIRST COMPLAINT/GRIEVANCE on or about JULY 2, 2014!** - - *See the July 2, 2014 Complaint/Grievance attached with SUPPORTING documents.* **IN FACT: FHC's Senior Vice President Of Branch Operations (Melvin Stillman) AKNOWLEDGED on July 2, 2014, Newsome's ADDRESSING several FHC Policies & Procedures Violations in her Complaint/Grievance.**

IMPORTANT TO NOTE – On Page 6 of the July 2, 2014 Complaint/Grievance, Newsome states in part:

CONFLICT OF INTEREST: *This Complaint/Grievance is being submitted; however, I would like to share my concerns that a Conflict of Interest that may exist in* ***Melvin Stillman's*** *and Chris Johns handling of this Complaint/Grievance due to the* ***FRIENDSHIP/RELATIONSHIP with Diane Snow.***

It is a GOOD THING Denise Newsome included that, because she didn't want is said she didn't make such CONCERNS known. Concerns which SUPPORTS BIAS and PREJUDICE in the handling of matter – i.e. **SIMPLY MOVING** Diane Snow **to another location and ALLOWING her to REMAIN EMPLOYED**! Diane Snow who is WHITE and FRIENDS with Melvin Stillman and Chris Johns who are ALSO WHITE! Yes, Title VII Violations and other employment violations are PROPERLY noted and IDENTIFIED in the July 2, 2014 Complaint/Grievance!

RETALIATION:

On July 31, 2014, AFTER submitting the July Spreadsheets for Louisiana, Tennessee and Mississippi to FHC's Account Management Center's Branch Manager Vicky Clanton, prior to leaving, Denise Newsome stopped by Clanton's Office where she OBSERVED *that Clanton had MANIPULATED the data for the RECOVERIES for Louisiana*. For instance, when the Spreadsheet was submitted to Clanton Louisiana Recoveries were OVER $16,000; however, upon Newsome's leaving Clanton had ALREADY cut OUT over $6,000. Newsome VERBALLY *made her CONCERNS known to Clanton who to her became VERY NERVOUS it appeared at being CAUGHT COMPROMISING the data*. Clanton realizing Newsome saw what she was doing said *she was going to only send the UPPER PART of the Spreadsheet to Upper Management* – i.e. becoming SO NERVOUS Clanton FORGOT *the Cut & Paste Process* Newsome had shown her that she needed to be shown how to HIGHLIGHT SECTION of the Spreadsheet she wanted and how to COPY & PASTE information an in email.

The **NEXT DAY,** Vicky Clanton **IMMEDIATELY began** ***what is KNOWN as DAMAGE CONTROL*** and brought in the Senior Vice President Of Branch Operations Melvin Stillman **to AID and ABET** *her in whatever she was* ***COVERING UP*** *and* ***MANIPULATING to COMPROMISE the RECOVERIES*** provided in the Spreadsheets.

Denise Newsome believes that AMC's Branch Manager having KNOWLEDGE of the July 2, 2014 Complaint/Grievance **brought AGAINST Melvin Stillman's FRIEND (Diane Snow) that she would use such information to *"BUTTER THE BALL"* and to have this JOB TASK taken FROM Newsome and given to her DAUGHTER JANA (Part-Time Employee).** While Newsome was advised that Melvin Stillman INITIALLY told Clanton "NO" and to allow Newsome to continue doing the Spreadsheet, it appears UPON HATCHING a Plan, Stillman LATER AGREED and had this JOB TASK TAKEN from Newsome.

YES, Denise Newsome took the *TIME to MEMORIALIZE the TELEPHONE CONFERENCE* she had with Senior Vice President Of Branch Operations Melvin Stillman in an email dated August 5, 2014, entitled, *"MEMO TO EMAIL: 08/05/14 TELEPHONE CONFERENCE – Melvin Stillman"* - - See copy attached and incorporated herein by reference. The RETALIATION was SO BLATANT that one trained and educated in Employment Management/Laws could see it. Of course there are those who may want you to think it wasn't there; however, the August 5, 2014, Memo sets forth JUST HOW BLATANT Stillman's and Clanton's RETALITORY practices were and DENISE NEWSOME being the TARGET with what appears may be FHC'S EXECUTIVES APPROVAL!

Denise Newsome **was also HARASSED for any SIMPLE request from FHC's Account Management Center's Branch Manager Vicky Clanton.** For instance, when Newsome wanted to obtain **some Human Resources Information,** Vicky Clanton was **ADAMENT about trying to FIND OUT what Newsome wanted to discuss with Human Resources when it was NONE OF HER BUSINESS. Nevertheless, she TOOK IT UPON HERSELF to bring the Senior Vice President of Branch Operations (Melvin Stillman) in on this when Newsome DID NOT request her to do SO!** - - See how MELVIN STILLMAN INTERJECTED HIMSELF on this issue via the July 31, 2014 email entitled, ***"RE: Denise Newsome"*** – attached hereto and incorporated by reference.

Such **HARASSMENT only CONTINUED to ESCALATE** and **SPILLED OVER INTO the ENTIRE Office** *which resulted in the August 11, 2014 email.* The **HARASSMENT** by Vicky Clanton

began to ESCALATE with her SLAMMING Denise Newsome with NUMEROUS Emails and **CONSTANT INTERFERRENCE** with Denise Newsome's work *as it appears* ***she SOUGHT*** *and* ***ALTERCATION*** *with her*.

WHEN ALL FAILED, BOTH FHC's Senior Vice President Of Branch Operations Melvin Stillman and the Account Management Center's Branch Manager Vicky Clanton ***SIMPLY created FALSE and MALICIOUS claims of "GROSS INSUBORDINATION"*** for **PURPOSES of COVERING UP** the Employment VIOLATIONS **witnessed by** ***Newsome and other Account Managers!*** Apparently both Melvin Stillman and Vicky Clanton ***have been at this for QUITE SOME TIME and have been VERY SUCCESSFUL AGAINST FHC Account Managers IGNORANT of what their RIGHTS are.***

No TELLING **"HOW BRUTAL" and "HOSTILE"** Vicky Clanton *became with the REMAINING Account Managers* (Barbara Cooper and Shakenna Taylor) **AFTER** Newsome **left on Friday, August 8, 2014,** but what is CLEAR, Denise Newsome **TIMELY, PROPERLY** and **ADEQUATELY** *submitted a LAWFUL and LEGAL email IN COMPLIANCE with First Heritage Credit LLC's Policies and Procedures for REPORTING Concerns and as a DIRECT and PROXIMATE result of the CONCERNS – EMAIL COMPLAINT* – Denise Newsome's employment with FHC was TERMINATED the SAME DAY her Concerns/Email Complaint was submitted.

WHAT IS CLEAR, FHC FAILED to INVESTIGATE the Concerns that Denise Newsome raised in her August 11, 2014 Email Concerns/Complaint entitled, ***"LETTERS and RESPONSE TO 08/08/14 IMPROMPTU MEETING!"***

FHC'S DENIAL OF REQUEST FOR PINK SLIP/DOCUMENTS PROVIDING REASONS FOR DENISE NEWSOME'S TERMINATION OF EMPLOYMENT and FAILURE TO INVESTIGATE CONCERNS:

De Anne Walberg, as you may KNOW, **I requested PRIOR to leaving to speak to you to give FHC the BENEFIT-OF-THE-DOUBT that its Human Resources Director WAS NOT aware of what was**

actually going on at the Account Management Center under Branch Manager Vicky Clanton's WATCH! However, by NOW you may or may NOT know that Senior Vice President Of Branch Operations Melvin Stillman and Branch Manager went through GREAT LENGTHS to see that I did NOT VERIFY their actions with you or with FHC'S LEGAL COUNSEL/ATTORNEYS.

Don't' worry, I advised BOTH Melvin Stillman and Vicky Clanton, **that I have the documents I need to SUPPORT my concerns. You see it appeared to me, they were HANGING AROUND my Office with perhaps the INTENT to DESTROY EVIDENCE – i.e. which is a CRIMINAL OFFENSE!**

Under the Statutes/Laws governing said matters it is the DUTY and OBLIGATION of employees to PRESERVE EVIDENCE to support CRIMINAL/CIVIL wrongs reported.

De Anne, please also provide me **with DOCUMENTATION** as to WHY there was **NO INVESTIGATION** into the August 11, 2014 Email Concerns submitted!

Since **I was DENIED the PINK SLIP** explaining First Heritage Credit LLC's TERMINATION Action AGAINST me and Senior Vice President Of Branch Operations Melvin Stillman **MADE IT CLEAR that I AM NOT WELCOMED nor WANTED as an EMPLOYEE of FHC,** please be sure that in the SEPERATION PAPERS that Stillman advised will be sent out, that you provide documentation noting "TRUE REASONS" (i.e. NOT PRETEXT) for my termination of employment.

Regards,

Denise Newsome
P.O. Box 31265
Jackson, Mississippi 39286
(601) 885-9536