

Appendix KK

Factual Background

A. Petitioner's Employment with Macy's Inc., formerly Federated Department Stores

As outlined in the matter of *Holmes vs USA et.al.*, 1:20-cv-00825, US District Court S.D. of Ohio, Plaintiff was employed by Macy's Inc., formerly Federated Department Stores, from February 21, 2006 – September 29, 2006. Defendants secret conspiratorial campaign of discrimination, retaliation, harassment and otherwise unlawful actions and activities against Rosalind Holmes, began on April 24, 2006. (*Holmes vs USA et.al.*, 1:20-cv-00825, US District Court S.D. of Ohio, Doc#109, Amended Complaint, paragraphs 95-130, Pg. 3371-3376)

On or around April 24, 2006, plaintiff reported Christine Koper, Accounting Manager at Macy's Inc., for verbal harassment and attempting to physically attack her while walking to her car located in the parking lot. The report was made to the City of Cincinnati Police Department. (Exhibit 48) Witnesses with first-hand knowledge of the altercation contacted the Cincinnati Police. After reporting Christine Koper to the Cincinnati Police; Brian Cox, Director of HR and Ernest Hayes, Macy's Human Resource Management, offered plaintiff money to settle and leave her employment several times, but plaintiff refused. (*Holmes vs USA et.al.*, 1:20-cv-00825, US District Court S.D. of Ohio, Doc#109, Amended Complaint, paragraphs 95-130, Pg. 3371-3376)

Consequently, throughout the police investigation misinformation and lies were repeatedly reported about this plaintiff. Specifically, information about plaintiff's mother's mental disease, and about her reports of the physical attack between Christine Koper and her being unfounded surfaced. Although, plaintiff had never disclosed that her mother suffered from a complicated mental disease to anyone at Macy's and witnesses came forward to the police to corroborate the altercation. (*Holmes vs USA et.al.*, 1:20-cv-00825, US District Court S.D. of Ohio, Doc#109, Amended Complaint, paragraphs 95-130, Pg. 3371-3376)

Additionally, plaintiff noticed strange activity occurring on her personal cell phone and yahoo email account. However, plaintiff is not an IT or computer expert, she just purchased a new cell phone believing it would resolve the issues.

During her employment at Macy's Inc., plaintiff was repeatedly subjected to a hostile work environment, and isolated from other co-workers, her work product was sabotaged, hacked, she was subjected to false accusations, undermined, and denigrated about her job performance. Due to this hostile work environment her entire life story was aired by co-workers and management who constantly scrutinized everything plaintiff did while employed by Macy's. (*Holmes vs USA et.al.*, 1:20-cv-00825, US District Court S.D. of Ohio, Doc#109, Amended Complaint, paragraphs 95-130, Pg. 3371-3376)

On or around, May 16, 2006, plaintiff discovered an offensive email laying on her desk. (Exhibit 49) The email consisted of management discussing her religion and having Brian Cox force plaintiff out of the company. Later, plaintiff was falsely accused of fabricating this email, which plaintiff never sent or received by several members of management including but not limited to David Clark, Senior Vice President of Human Resources, at Macy's Inc. On May 31, 2006, plaintiff contacted David Clark, Former Senior Vice President of Human Resources to access the in-house complaint procedure to schedule a meeting to discuss the offensive emails. At the time, Mr. Clark was unwilling to schedule a meeting and referred plaintiff back to Brian Cox and Ernest Hayes. (Exhibit 50)

On June 27, 2006, plaintiff filed a complaint of race and religion discrimination with the Ohio Civil Rights Commission ("OCRC") and the Equal Employment Opportunity Commission ("EEOC"). On September 8, 2006, plaintiff filed a charge of retaliation with the OCRC for being falsely accused and written up for making threats against Linda Sarno, Director of Accounting. (Exhibit 51-52)

On September 12-13, 2006, plaintiff contacted Thomas Cody, Vice Chair, among several other senior and executive members of Macy's top management to report her claims of retaliation and to request a resolution. At the time, Thomas Cody, was David Clark's manager and held responsibility for the entire human resources and legal areas

of Macy's Inc. (Exhibit 53) David Clark and Thomas Cody owed plaintiff a duty of candor when she reported what she reasonably believed to be discrimination, harassment, retaliation, conspiracy, etc.

On September 15, 2006, plaintiff agreed to mediate the charges against Christine Koper and she attended a mediation session held in the Hamilton County Municipal Court. (Exhibit 54) (*Holmes vs USA et.al.*, 1:20-cv-00825, US District Court S.D. of Ohio, Doc#109, Amended Complaint, paragraphs 95-130, Pg. 3371-3376)

On September 29, 2006, David Clark, Senior Vice President of Human Resources, while plaintiff's OCRC and EEOC complaint were under investigation, called plaintiff into a meeting. Mr. Clark informed plaintiff that she was required to meet with his hired outside attorney who worked for Dinsmore and Shohl LLP., to answer questions regarding her allegations of discrimination.

Immediately following the question-and-answer process, David Clark informed plaintiff that she was being terminated for "misrepresenting facts in the interview," with the attorney and that "everyone told a different story than plaintiff." At no point, did David Clark disclose his contact and communications with the FBI-Cincinnati Division to plaintiff. Plaintiff was completely unaware of the FBI-Cincy involvement in the investigation. In fact, plaintiff did not become aware of the FBI's involvement, until February 2024. (*Holmes vs USA et.al.*, 1:20-cv-00825, US District Court S.D. of Ohio, Doc#109, Amended Complaint, paragraphs 95-130, Pg. 3371-3376)

David Clark and his hired attorney conspired with FBI-Cincinnati, City of Cincinnati, the State of Ohio and many others. By falsely accusing plaintiff of fraud and discriminatorily terminating her employment. Defendants engaged in a secret conspiracy of retaliation against her, on account of her legitimate discrimination complaints. The false fraud accusation's purpose was to ruin plaintiff's reputation and negate the intent of U.S. Congress by conspiring with the FBI, City and State to continue their campaign of retaliation, to violate plaintiff's rights to due process and equal protection and falsely brand plaintiff as a criminal whose rights should be violated. Thereby, negating the intent of U.S. Congress in enacting Title VII to improve the economic and social conditions for minorities and women

by providing equality of opportunity in the workplace. (*Holmes vs USA et.al.*, 1:20-cv-00825, US District Court S.D. of Ohio, Doc#109, Amended Complaint, paragraphs 95-130, Pg. 3371-3376)

Before and after plaintiff left Macy's, she was repeatedly subjected to verbal harassment, and denigration, by Detective Robin Upchurch. In fact, Detective Robin Upchurch came to plaintiffs' physical address in the middle of the night knocking on her door and harassing her about reporting Christine Koper, Accounting Manager and about her lawsuit against Macy's.

The harassment by the Cincinnati Police force continued well beyond her leaving Macy's. The City of Cincinnati Police officers repeatedly stopped her, searched her vehicle, asked questions about if she took any street drugs, and towed her vehicle without probable cause. The harassment was so frequent and retaliatory that plaintiff eventually had to move out of the City of Cincinnati to West Chester Ohio.

On March 26, 2007, plaintiff filed a federal lawsuit against Macy's, formerly Federated Department Stores for retaliation. (Exhibit 56)

On February 12, 2008, plaintiff settled her lawsuit against Macy's. Plaintiff entered into a contract with Macy's Inc., when she agreed to settle her federal lawsuit in the matter of *Holmes v Federated Department Stores, Inc.* 1:07 CV 240, U.S. District Court for the S.D. of Ohio. (Exhibit 57) Macy's was obligated to engage in honest good faith negotiations and required to cease all discrimination and retaliation against plaintiff. Defendants, David Clark, Thomas Cody, and Macy's Inc. breached that contract by failing to disclose their communications, activities and unlawful conspiracy with their hired Dinsmore and Shohl attorneys, the FBI-Cincy, State of Ohio, and City of Cincinnati.

On March 9, 2008, plaintiff reported these incidents to Former Police Chief Thomas Streicher who didn't investigate her complaints, as required by federal law under the collaborative agreement. On March 27, 2008, Sergeant S. Huellemeier contacted plaintiff requesting additional information regarding her complaints. (Exhibit 58)

Plaintiff provided additional information as requested which included dates and times Robin Upchurch had harassed her at home, records from the Hamilton County Municipal Court and the impound lot where the Cincinnati Police had towed her car. As plaintiff recalls, Former Police Chief Thomas Streicher contacted her by email personally and claimed her allegations were unfounded against Detective Robin Upchurch and others.

As plaintiff recalls, she could not find a full-time permanent job for at least an entire year and half after leaving Macy's. Because the FBI-Cincy, State of Ohio, City of Cincinnati, David Clark, Thomas Cody and Does of Macy's Inc., Dinsmore & Shohl LLP. and others blacklisted her from bona fide employment opportunities in the accounting profession.

Defendants, David Clark, Thomas Cody, FBI-Cincinnati, City of Cincinnati, State of Ohio, Macy's and many others, conspiratorial actions, false allegations and cover-up is evidence that they deliberately, knowingly, intentionally and with reckless disregard, acquiesced, approved, authorized, ratified and were complicit to the ongoing constitutional violations and fraud against plaintiff.

As a result, of plaintiff's prior employment litigation, participation in a criminal investigation, mediation, and complaints against City police officers and detectives. The City of Cincinnati police force, City Solicitor's Office, Macy's Inc., David Clark and Thomas Cody, Macy's hired attorney's employed by Dinsmore and Shohl LLP., and many others held strong feelings of animosity, resentment, unlawfully and improperly shared the false fraud allegations about Rosalind Holmes, amongst many other attorneys, law enforcement, Macy's management, FBI-Cincy, State of Ohio and many other co-conspirators.

The misinformation, and improper sharing of the false fraud allegations, anger, and resentment held by David Clark, SVP of HR, Thomas Cody, Former Vice Chair of Macy's Inc. and their hired counsel at Dinsmore & Shohl LLP., the City of Cincinnati Solicitors and law enforcement, the State of Ohio, the FBI-Cincy and many other co-conspirators significantly influenced the discriminatory treatment plaintiff was subjected to while employed by the City of Cincinnati. Thereby, continuing the conspiracy, bias, retaliation, abuse of power, resulting in the violation of plaintiff's

Constitutional rights. (*Holmes vs USA et.al.*, 1:20-cv-00825, US District Court S.D. of Ohio, Doc#109, Amended Complaint, paragraphs 95-130, Pg. 3371-3376)

It is important that the Court understands that the relentless campaign of conspiratorial discrimination, harassment, retaliation and other unlawful actions and activities resulted from plaintiff's April 24, 2006, criminal complaint filed against Christine Koper and the false fraud accusations by management and their hired attorneys at Macy's Inc. (Exhibits 48 & 49)

In November 2008, defendants steered plaintiff into becoming employed by the City of Cincinnati, after they blacklisted her from bona fide job opportunities in the accounting profession for at least two years. Since plaintiff was in desperate need of employment and had no other employment offers or options. Plaintiff began employment as an Accountant on or around November 18, 2008, with the City of Cincinnati.

B. Denial of a Transfer to Accounts and Audits

On December 10, 2009, petitioner received an approval from the Civil Service Commission to transfer to the Accounts and Audits department. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 8, PAGE ID 348) On January 15, 2010, petitioners' supervisor Ted Nussman, Tax Commissioner and Kathy Creigher, Former Finance Director, attempted to force petitioner to sign a letter rescinding her transfer to Account and Audits. Specifically, the prewritten letter addressed to the Cincinnati Civil Service Commission stated that petitioner was no longer interested in the transfer to Accounts and Audits. On January 15, 2010, petitioner refused to sign the letter rescinding the transfer. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1-3, Attachment 1, Exhibit 9, PAGE ID 350) Almost a year later petitioner discovered that Beverly Nussman, Ted Nussmans' wife had been granted petitioners' transfer position, in December 2009.

C. Unauthorized Disclosure of Medical Records

On or around April 2, 2010, petitioner reported the unauthorized disclosure of her personal medical records to Lisa Bering. Specifically, in April of 2010, someone at the City of Cincinnati forged petitioners' signature on a medical release and obtained her medical records, from her doctor's office. (*Holmes v. United States of America et al.*, No:

1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 10, PAGE ID 352-360) In this instance, the City of Cincinnati attorneys and officials, covered this incident up as well. Petitioner has never discovered the name(s) of the individuals who fraudulently obtained her medical records. Immediately after making the report of the unauthorized disclosure to Lisa Berning, HR Manager, petitioner was wrongfully and falsely accused of fabricating the medical disclosure evidence by Lisa Berning and City Officials. Attorney Robert Newman, petitioners' Attorney, contacted John Curp, Former City Solicitor and Nicole Sanders, Former Assistant City Solicitor. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 10, PAGE ID 352-360) The City of Cincinnati continued to cover-up this crime and to this day petitioner has not discovered who forged her name on the medical release. The City of Cincinnati covered up the forgery to obtain petitioners' medical records in the same manner that they covered up the violation of Ohio Ethics Law by Ted Nussman.

D. Violation of the Ohio Ethics Law, ORC 2921.42 Regarding Nepotism

On December 14, 2010, petitioner discovered that Ted Nussman's wife, Beverly Nusmann had been given her transfer position and reported discrimination to Lisa Berning, HR Manager. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit II, PAGE ID 362) Petitioner explained that the Cincinnati Civil Service Commission approved a transfer to the Accounts and Audits department, but she was not permitted to transfer. Petitioner explained, on January 15, 2010, her supervisor Ted Nussman, Tax Commissioner and Kathy Creigher, Former Finance Director, tried to force her to rescind the transfer by signing a prewritten letter stating that petitioner was no longer interested in the transfer to Accounts and Audits. Petitioner explained that she refused to sign the letter rescinding the transfer. Ms. Berning never disclosed to petitioner that her report of discrimination constituted a felony in violation of Ohio Revised Code 2921.42 nepotism. Immediately following petitioners' complaint of discrimination, Lisa Berning and Teresa Gilligan, Former Tax Commissioner, retaliated against petitioner.

E. Retaliation warrantless mandatory referral to the Public Employee Assistance Program

On December 14, 2010, petitioner was given a mandatory referral to the Public Employee Assistance Program based on false allegations. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 12, PAGE ID 364) At the time of the referral, Teresa Gilligan, Tax Commissioner, and Lisa Berning, Human Resource Manager, handed petitioner a blank document and verbally explained to petitioner that other unknown employees had made complaints against her. When petitioner asked for the names of the employees, who had made the complaint, Teresa Gilligan provided the names of Kristina Karr and Julie Back and stated that she could not discuss the details. Petitioner contacted Lisa Berning, Human Resource Manager, about the referral and she threatened to discipline petitioner if she did not attend the counseling sessions. Therefore, petitioner attended three counseling sessions with David Macovei, LPCC. Mr. Macovei, wrote a letter on January 10, 2011, in which he stated that "we have not uncovered any evidence to indicate Ms. Holmes warrants a Fitness for Duty evaluation." (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 13, PAGE ID 366) Therefore, the entire mandatory referral to the Public Employee Assistance program was based on conspiratorial, false allegations and information provided by City Officials. Lisa Berning never followed up with petitioner about her discrimination complaint and every time petitioner followed up with Ms. Berning, she was advised that her position had been rescinded. More importantly, Ms. Berning never disclosed to petitioner that her report of discrimination constituted a felony violation under Ohio Law. Specifically, petitioners' December 14, 2010, discrimination report fell under the prohibition against nepotism under Ohio Ethics Law, ORC 2921.42 "Having an unlawful interest in a public contract. "Petitioner was unaware that her initial report of discrimination constituted a felony under Ohio Law. Ms. Berning never investigated petitioners' complaint and she did not refer the complaint to the Ohio Ethics Commission, as required by policy and law.

F. Denial of a Promotion to Senior Accountant

In June 2011, petitioner applied for a Senior Accountant position in which one of the qualifications was to have three years of experience as, an Accountant with the City. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit C, PAGE ID 244) At the time, petitioner fell short of this requirement, by just

three months. On the other hand, petitioner noticed that two of her co-workers, Kristina Carr and Stephen Newman who were Caucasian and hired around the same time as petitioner were being permitted to take the Senior Accountant examination. Specifically, petitioner was hired on November 18, 2008, and her co-workers were hired, on September 21, 2008. Petitioner contacted Arnell Jackson, Secretary of the Civil Service Commission and requested permission to take the examination for Senior Accountant. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 14, PAGE ID 368) However, Arnell Jackson never responded and refused to return petitioners' calls and emails. Petitioner applied for the Senior Accountant position and never received any response from Human Resources regarding the position. According to Section 7, of the Civil Service Rules, the City was required to provide petitioner with a rejection letter. As petitioner never received a rejection letter or any notification whatsoever from the City, regarding being rejected from taking the Senior Accountant examination. This violates the Civil Service laws.

Discovery of Conspiratorial False Defamatory Allegations

In October 2012, petitioner discovered that Lisa Berning and Teresa Gilligan had padded her personnel file with false information. On October 1, 2012, petitioner discovered a letter with false information written to Jan O'Hair, Director of the Public Employee Assistance Program. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 15, PAGE ID 370-371) Petitioner was not aware of the letter written to Jan O'Hair and no one had discussed the information with petitioner, prior to placing it in her personnel records.

G. Complaints filed with the Equal Employment Opportunity Commission by Attorney Elizabeth Tuck

Based upon petitioners' discovery of the letter written to Jan O'Hair, petitioner hired Attorney Elizabeth Tuck, an associate of Freking, Myers, & Reul for representation before the Equal Employment Opportunity Commission. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 27, PAGE ID, 434-436) On November 19, 2012, under the advice of Elizabeth Loring, petitioner filed charge #473-2013-00187, with the U. S. Equal Employment Opportunity Commission. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 30, PAGE ID 444) Petitioner provided Attorney Elizabeth Tuck

with an explanation and several supporting documents to substantiate the EEOC charge. However, Attorney Elizabeth Tuck never provided any documentation to the EEOC in support of petitioners' complaint. On January 4, 2013, petitioner signed another attorney client agreement with Elizabeth Loring. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 28, PAGE ID 438-439) On February 14, 2013, under the advice of Elizabeth Loring, petitioner amended charge #473-2013-00187, to include additional retaliation and discrimination. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 30, PAGE ID 444)

H. EEOC Charge #473-2013-00187 Dismissed

On March 4, 2013, charge #473-2013-00187 was dismissed and Attorney Elizabeth Tuck requested the file from the EEOC. After Elizabeth Tuck, petitioners' attorney requested and received the EEOC file, petitioner discovered that City Officials had submitted a revised Senior Accountant job description to the EEOC. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 16, PAGE ID 373-375) This was another cover-up of discrimination by City Officials. Petitioner provided her former attorney, Elizabeth Tuck, with the original job description. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 17, PAGE ID 381-383) Petitioner explained to her attorney, Elizabeth Tuck, that City officials had provided a revised the job description to the EEOC which allowed additional time for her co-workers who were Caucasian to qualify to take the Senior Accountant Examination, but refused to allow petitioner additional time to qualify. In the City's position statement, the City claimed they had postponed the Senior Accountant examination to allow a few other individuals to qualify. However, there was no record of the postponement provided to the Cincinnati Civil Service Commission as required by law. According to Section 9, of the Civil Service Rules, "any examination may be postponed or cancelled at the discretion of the Commission and/or the Secretary...the applicants were to be notified of the postponement or cancellation and the action reported to the Civil Service Commission and an entry made in its minutes. The Cincinnati Civil Service Commission has no record of postponement in its minutes, therefore it never happened. The City lied to the EEOC in their position statement. As they never postponed the

Senior Accountant examination. Additionally, the City claimed that the promotional eligible list for the Senior Accountant had expired on October 13, 2013, because they obtained an extension. Again, there is no record of the extension of the Senior Accountant promotional eligible list provided to the Cincinnati Civil Service Commission as required by law. The City provided false information to the EEOC and violated Civil Service Law. More importantly, the City promoted Kristina Karr, my co-worker in January 2013, when the promotional eligible list was expired. This is a violation of the Civil Service Rules. Petitioner reported all of this information to Attorney Elizabeth Tuck. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 1, PAGE ID 302-308) Nevertheless, Attorney Elizabeth Tuck advised petitioner that City Officials revision of the job description was not discriminatory. After Elizabeth Loring reviewed the file, she requested a face-to-face litigation consultation, which occurred in April 2013. During the consultation, Elizabeth informed petitioner that she would not recommend filing a lawsuit because of the high likelihood petitioner would not be able to prove a monetary loss. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit H, PAGE ID 289) Petitioner was quite confused with her recommendation and requested an explanation. Elizabeth explained that since petitioner did not lose her job and was still employed, that there was no way to prove a monetary loss in court. Elizabeth explained that to prevail in court petitioner would need to show that the City of Cincinnati's adverse actions caused a financial loss. Elizabeth also informed petitioner that she would not lose her right to sue even if she did not file a lawsuit within 90 days. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 39, PAGE ID 476-477)

On April 19, 2013, Elizabeth Loring sent a letter advising petitioner not to litigate her claims because of the high likelihood that she would not be able to prove any financial loss to the Federal Courts. The April 19, 2013, letter also stated as we discussed, the case would be left open in the event that petitioner required advice going forward. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit H, PAGE ID 289). In response to Elizabeth's April 19, letter, on April 29, 2013, petitioner requested that Elizabeth confirm that she would not lose her right to sue over the discrimination and retaliation in her current EEOC complaint. Petitioner

stated that if she would lose her right to sue then she would like to file a lawsuit in court as soon as possible. Elizabeth confirmed that she would not lose her right to sue about any of the past discrimination even if she did not file a lawsuit this time and that petitioner could always bring up the past discrimination and retaliation on a new EEOC charge or lawsuit. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 39, PAGE ID 476-477) It is important to note that petitioner agreed to continue representation with Elizabeth Loring because she assured her that petitioner would not lose her right to sue and that she would be able to pursue all of her discrimination and retaliation claims at any time. This is the reason why the case was left open.

A. EEOC Charge #473 -2014-00198 Filed

On November 14, 2013, petitioner contacted Elizabeth for advice with an employment issue. Elizabeth responded on November 20, 2013, stating that there was \$700 left on petitioners' retainer and requested a meeting on Friday at 11:00 a. m. Then on November 20, 2013, petitioner filed EEOC charge #473 -2014-00198. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 31, PAGE ID 446) On November 22, 2022, petitioner went to Attorney Tucks' office at 11:00 a.m. to discuss the charge and she provided Attorney Tuck with a copy of EEOC charge# 473-2014-00198. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 359, PAGE ID 455-477)

In December 2013, Elizabeth Loring notified petitioner that she was leaving the Freking & Betz law firm in Cincinnati, Ohio to start her own independent private practice. She advised that petitioner had the option of continuing her representation or continuing representation at the Freking & Betz law firm. Petitioner choose to continue representation with Elizabeth Loring because she previously assured petitioner that she did not lose her right to sue and that she could pursue her prior claims of retaliation and discrimination at any time. Therefore, petitioner continued with Elizabeth Loring's representation and signed a new fee agreement on December 16, 2013. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 29, PAGE ID 441-442) In early April 2014, petitioner contacted Elizabeth Loring to see if she had contacted the EEOC to update them

on the additional retaliation that she was experiencing after filing the November 20, 2013, EEOC charge. Specifically, petitioner was concerned about the City of Cincinnati non-compliance with their agreed upon actions. Elizabeth advised that she had contacted the EEOC and they had not returned her calls.

B. Communication with U. S. Senator Sherrod Brown RE: EEOC Charge #473 -2014-00198

On May 12, 2014, petitioner contacted U. S. Senator Sherrod Brown, regarding her frustration with the EEOC process. Senator Sherrod Browns' office sent a letter to Mr. Todd Cox, Director, Office of Communications and Legislative Affairs in Washington, D.C. requesting review of petitioners EEOC complaint 473-2014-00198. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 32, PAGE ID 448) In a follow up letter, the EEOC Director, disclosed to petitioner that EEOC charge 473-2014-00198, raised the same issues as EEOC charge 473-2013-00187. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 33, PAGE ID 450) Due to the duplicate charges, the EEOC decided to close charge 473-2014-00198. In other words, petitioners' former attorney, Elizabeth Tuck filed the same EEOC charges twice. The first charge 473-2013-00187 was filed on February 13, 2013, and the second charge 473-2014-00198 was filed on November 20,2013. In addition. Attorney Elizabeth Tuck did not provide any documentary evidence to support the first and second EEOC charge.

C. Petitioner Terminates Representation with Attorney Elizabeth Tuck

As a result of this new information, petitioner terminated representation with Attorney Elizabeth Tuck, effective June 22, 2014. The two duplicate EEOC complaints were the basis of petitioners' complaint of attorney misconduct and motion for equitable tolling due to fraudulent concealment by Attorney Tuck. On January 5, 2014, Attorney Loring wrote a letter to the EEOC stating that Ms. Holmes promptly filed EEOC charge 473-2014-00198, without the benefit of legal review or input. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 34, PAGE ID 452) That information was untruthful, as petitioner personally met with Attorney Tuck and discussed the EEOC complaint, on November 22, 2013. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 35, PAGE ID 455) Attorney Elizabeth Tuck refused to admit that she

had filed the EEOC charge twice. Attorney Elizabeth Tuck worked at the discretion and under the direction of Randy Freking, Kelly Mulloy Myers and George Reul, Partners of Freking, Myers, & Reul, who were required to properly train, supervise and correct unlawful and negligent behavior of their associates. Throughout, Attorney's Elizabeth Tuck's representation, petitioner noticed suspicious activity with her cell phone. More importantly, petitioner discovered that voicemails related to job opportunities outside the City had been erased. Petitioner also noticed that the content of her internal email conversations with HR and others at the City of Cincinnati were modified.

On June 23, 2014, Petitioner received a termination letter from Attorney Loring. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 36, PAGE ID 457-458) Attorney Loring cited petitioners' submissions of information to elected officials without her knowledge, as her reasons for termination of her representation. This is also untruthful, petitioner clearly explained to Attorney Loring that she was in contact with Senator Sherrod Browns' office. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 37, PAGE ID 460-461) More importantly, Elizabeth Tuck never advised petitioner that she was still within the six-year time frame permitted to file a discrimination lawsuit under Ohio law.

L. Petitioners' Federal Lawsuit against the City of Cincinnati and Complaint of Attorney Misconduct with the Ohio Supreme Court

On July 14, 2014, petitioner, filed a legitimate federal discrimination lawsuit against the City of Cincinnati, in the United States District Court (*Holmes v. City of Cincinnati*, No. 1:14-CV-582, U.S. District Court S.D.) which included a motion for equitable tolling of the 90-day statute of limitations, because of Attorney Elizabeth Tuck misrepresentation, in filing the same EEOC charges twice. Subsequently, in July 2014, petitioner filed a complaint of attorney misconduct against her former attorney, Elizabeth Tuck (formerly Loring), with the Ohio Office of the Disciplinary Counsel. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 1, PAGE ID 195-308) If you review my complaint of attorney misconduct, I never mention the words conspiracy because honestly, I did know why Attorney Elizabeth Tuck provided poor advice, and misrepresented the merits of my EEOC claims. Additionally, I believed that my only cause of action was malpractice against Freking,

Myers, Reul. More importantly, the entire time that I spent working for the City of Cincinnati, I was harassed, humiliated, falsely accused and isolated from building relationships with co-workers within the Income Tax Department and other City Departments. Even when I resigned my position, the defendants continued their campaign of conspiratorial harassment and isolated me from society by having me terminated and blacklisted from every employment opportunity. As a result, I have been incapable of maintaining any meaningful relationships and treated with total disregard. The attorneys involved in the conspiracy took advantage of this and continued their conspiracy, consuming and destroying my character, opportunities, relationships with family and friends, marriage, career, and causing petitioner to be severely miserable, jobless, homeless, financial and emotional distress, destruction of her quality of life, etc.

M. Fraudulent Concealment by the City of Cincinnati

On or around July 25, 2014, Tanya Jackson, petitioners' co-worker informed her that Ted Nusmann and the Director and other employees of the City of Cincinnati's Regional Computer Center (RCC), were monitoring petitioners' personal cell phones and other devices. On July 25, 2014, petitioner contacted Mayor John Cranley and requested an investigation into the unauthorized surveillance taking place on her devices. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 2) Petitioner attached documentation directly from her federal discrimination lawsuit describing prior incidents of discrimination, fraud, and constitutional violations against petitioner. Specifically, petitioner requested Mayor Cranley's review of this information and an opportunity to discuss her complaints in detail. After not receiving a response to her email, petitioner sent another email, on October 20, 2014. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 3) The email was sent to Mayor John Cranley, Harry Black, former City Manager, Jeffrey Blackwell, former police chief, Councilman Scott Stiles, Councilwoman Yvette Simpson, Councilman Kevin Flynn, Councilwoman Amy Murray, Councilman Chris Seelbach, Councilman P.G. Sittenfeld, Councilman Christopher Smitherman, Councilman Charlie Windburn, and Councilman Wendell Young, with her federal discrimination and pre-Disciplinary documentation attached. Specifically, petitioner stated, "I have contacted the City Manager several times and

unfortunately he has not responded I have a Federal Lawsuit filed against the City of Cincinnati. . . I would like to set up a time to talk with you about my complaints in detail. I also wanted to request that you investigate the Income Tax Department and the Police Department because I suspect that they are monitoring my personal phone calls and I am requesting that your office look into this situation. Once again, I would sincerely appreciate it if you would investigate my concerns and contact me to schedule a meeting I would like this intrusion to cease.... I have gone through the proper procedures of reporting my complaints as required by policy. The HR, Income Tax Department, and Law Department have continued with their retaliation, harassment and conspiracy...I am requesting that the highest level of government stop this continued retaliation." Unfortunately, no investigation into petitioners' unauthorized surveillance and conspiracy complaints were ever conducted, by City officials.

On October 17, 2014, petitioner was wrongfully accused of workplace violence, by the City of Cincinnati's Human Resource Department. Specifically, Thomas Steward, HR Analyst, conducted an alleged investigation and arrived at the bias and discriminatory conclusion that petitioner should be disciplined for unproven workplace violence accusations. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 4) It is important to note, that on November 13, 2013, petitioner filed a complaint of workplace violence against her accuser, Bonita Allen, long before she ever filed a complaint against petitioner and the City's Human Resource Department never investigated her complaint of workplace violence. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 5) On October 20, 2014, petitioner sent a letter to City Officials including the City Manager in which she attached the pre-Disciplinary documents and requested that they stop the continued retaliation.

On or around, October 20, 2014, the City Manager, appointed Mr. Whitaker who conducted a "sham" hearing. Petitioner requested to have her lawyer attend the hearing, but Mr. Whitaker refused. Mr. Whitaker refused to take petitioners' prior workplace violence complaint against her accuser into consideration. On October 29, 2014, a hearing was held and Bonita Allen, petitioners' accuser, nor any witnesses appeared, there were no written signed affidavits, or other evidence to prove the accusations. The only thing presented during the hearing was a report

written by Thomas Steward, HR Analyst. Mr. Whitaker arrived at the retaliatory conclusion that petitioner should be written up and disciplined for false accusations and her rights to due process were violated. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 6) The outcome of the hearing was predetermined, and petitioner did not have an opportunity to succeed at the hearing. On December 30, 2014, petitioner, through her union, appealed the disciplinary action to Karen Alder, Former Finance Director, who upheld Mr. Whitaker's determination. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 7) Prior to this incident, no disciplinary actions were ever taken against petitioner, and she had been employed by the City of Cincinnati, since November 16, 2008. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Motion for Equitable Tolling due to Defendants Fraudulent Concealment, RE 6, PAGEID #: 1126-1128)

The Sixth Circuit has held that "fraudulent concealment. . . may be established through the acts of co-conspirators." *Carrier Corp. v. Outokumpu Oyj*, 673 F.3d 430, 448 n.8 (6th Cir. 2012) (citing *In re Scrap Metal Antitrust Litig.*, 527 F.3d 517, 538 (6th Cir.2008), cert. denied, 556 U.S. 1152 (2009)). Finally, courts should be reluctant to dismiss fraudulent concealment allegations at an early point in the litigation. *Id.*

Petitioners' allegations provide specific details, as it specifies the time, place, and content of the alleged" fraudulent acts. Specifically, petitioner explained that she contacted City Officials including the City Manager, Mayor and City Council on or around July 25, 2014, and October 20, 2014, by email and requested an investigation into the unlawful surveillance, discrimination, retaliation and conspiracy by the HR, Law, Police, and Income Tax Departments. Petitioner provided documentation from her federal discrimination lawsuit and alleged workplace violence complaint filed against her in the emails. On August 14, 2014, after requesting an investigation into the conspiracy, unlawful surveillance, discrimination and retaliation by the HR, Law, Police, and Income Tax Departments. Petitioner was wrongfully accused of workplace violence, by the City of Cincinnati's Human Resource Department. On or around September 18, 2014, Thomas Steward, HR Analyst, conducted an alleged investigation and arrived at the bias and discriminatory conclusion that petitioner should be disciplined for unproven workplace violence accusations.

(*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 4) It is important to note, that on November 19, 2013, petitioner filed a complaint of workplace violence against her accuser, Bonita Allen, long before she ever filed a complaint against petitioner and the City's Human Resource Department never investigated her complaint of workplace violence. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Exhibit 5) On October 20, 2014, petitioner sent a letter to City Officials including the City Manager in which she attached the pre-Disciplinary documents and requested that they stop the continued retaliation.

City Officials had a duty to investigate and a written policy requiring an investigation into petitioner complaints of discrimination, retaliation, conspiracy by the HR, Law, Police, and Income Tax Departments. Instead, they contrived and planned a conspiratorial discriminatory and retaliatory campaign of false allegations, wrongful disciplinary actions, and hostility against petitioner. Their affirmative actions of conspiracy, discrimination, retaliation, hostility, and failing to conduct an adequate investigation resulted in the wrongful concealment of evidence thereby, preventing petitioner from discovering her claims. The actions described above prove fraud, conspiracy and a failure to adequately train, correct/discipline and supervise employees, on the part of City officials. Thereby, preventing, escaping, and hindering further inquiry into their conspiracy. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Motion for Equitable Tolling due to Defendants Fraudulent Concealment, RE 6, PAGEID #: 1128)

N. Fraudulent Concealment by the State of Ohio Disciplinary Counsel

However, City official's discriminatory and conspiratorial campaign planned and contrived to prevent petitioner from discovering her claims continued to attract many additional co-conspirators including but not limited to officials of the Ohio Disciplinary Counsel and the Cincinnati, Ohio Division of the F.B.I ("F.B.I."). On September 24, 2014, petitioner received a letter from Catherine Russo, Assistant Disciplinary Counsel, with the Ohio Office of the Disciplinary Counsel. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 38) Catherine Russo, Assistant Disciplinary Counsel wrongfully accused petitioner of fraudulent emails. Specifically, Catherine Russo stated the following: "Attorney Elizabeth Sarah Loring maintains that the emails you attached to your grievance are fraudulent, and she has provided us with the authentic emails that were sent to you.

These are attached for your review. Please explain why you have attached forged emails as a basis of your grievance with this office. More importantly, please explain why you have incorporated the context of fraudulent emails into a filing in federal court as a basis to open a delayed appeal on the federal EEOC charge that was dismissed." In addition, Catherine Russo revealed that she was assuming that Elizabeth Tucks' emails were authentic because she confirmed that they came from the firm's computers.

Rosalind Holmes did not provide any fraudulent emails to the Ohio Disciplinary Counsel. Upon receiving the September 24, 2014, letter, petitioner contacted Binary Intelligence in Franklin, Ohio. Binary Intelligence is a professional digital investigation agency that provides expert services in the area of mobile devices, computer forensic, etc. Petitioner provided the letter and documents to a Forensic Expert who advised that the Ohio Disciplinary Counsel could not prove email fraud against petitioner based upon the letter received. The Forensic Expert stated that forensic evidence would have to be introduced to prove email fraud. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Motion for Equitable Tolling due to Defendants Fraudulent Concealment, RE 6, PAGEID #: 1140-1142)

The Office of the Ohio Disciplinary Counsel is a component of the Ohio Supreme Court. Specifically, the Ohio Disciplinary Counsel investigates allegations of misconduct by judicial officers or attorneys and allegations of mental illness, alcohol and other drug abuse, or disorder affecting judicial officers or attorneys. In addition, the Ohio Disciplinary Counsel initiates and prosecutes complaints as a result of investigations. More importantly, Catherine Russo's job was to investigate, and correct/discipline attorney misconduct and without oversight of the F.B.I. she cannot investigate alleged cybercrimes of fraudulent email evidence submitted to the United States District Court (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Motion for Equitable Tolling due to Defendants Fraudulent Concealment, RE 6, PAGEID #: 1144)

It is a fact that Ms. Catherine Russo's, actions of wrongfully accusing petitioner of email fraud were far outside the scope of her job duties and the Ohio Disciplinary Counsel's jurisdiction. It is a fact, that email fraud requires forensic evidence to prove against petitioner.

The Cincinnati Division of the Federal Bureau of Investigation main office location is in Blue Ash, Ohio. However, they have five satellite offices, known as resident agencies. One of its' resident agencies is located in the area of Columbus, Ohio. According to the F.B.I.'s cybercrime policies, "the FBI is the leading agency to investigate cybercrimes and they work with the alleged victims and government agencies when performing an investigation." It is a fact that the Ohio Office of the Disciplinary Counsel is located in Columbus, Ohio which is the jurisdiction of the Cincinnati Ohio Division of the F.B.I. It is a fact, that the Ohio Disciplinary Counsel, Elizabeth Tuck and Freking, Myers, Reul were required to contact the Cincinnati Division of the F.B.I regarding the allegations of email and mail fraud against petitioner. It is a fact, that the only way that the Ohio Disciplinary Counsel could investigate and conclude that petitioner committed the cybercrime of email and mail fraud is with the oversight of the Cincinnati Division of the Federal Bureau of Investigation. A reasonable person can conclude that Ms. Catherine Russo was acting at the discretion and under the direction of the Cincinnati Division of the F.B.I. when she requested that petitioner, "Please explain why you have incorporated the context of fraudulent emails into a filing in federal court as a basis to open a delayed appeal on the federal EEOC charge that was dismissed." The Ohio Disciplinary Counsel does not have jurisdiction to question and investigate petitioner for an alleged email and mail fraud committed on the U.S. District Court, without the F.B.I.'s authority.

In addition, as of September 24, 2014, the City of Cincinnati, had not filed a motion to dismiss petitioners' federal lawsuit. Simultaneously, as described above, City Officials were actively engaging in fraud, conspiracy and retaliation against petitioner. It is a fact that City Officials, Ohio Disciplinary Counsel, Freking, Myers, Reul and Elizabeth Tuck had a reason and motive to conspire to falsely accuse petitioner of fraud because they wanted to have the complaint of attorney misconduct and the federal discrimination lawsuit dismissed. On information and belief, the F.B.I., City Officials, Freking, Myers, Reul, Elizabeth Tuck and Ohio Disciplinary Counsel officials knew that the investigation into petitioners' complaint of attorney misconduct would reveal their conspiracy against petitioner. The hearing to decide on equitable tolling would have subjected Elizabeth Tuck, the Partners of Freking, Myers, & Reul and City officials to reputational harm, embarrassment, and culpability. However, the Partners of

Freking, Myers, & Reul, Elizabeth Tuck, FBI, Ohio Disciplinary Counsel and City officials could have dismissed petitioners' federal lawsuit and spoil petitioners' complaint of attorney misconduct, on the basis of fraudulent email evidence submitted to the U.S. District Court and the Ohio Disciplinary Counsel. Thereby escaping the Ohio Disciplinary Counsel's investigation and the hearing on equitable tolling in federal court to avoid legal liability and prevent petitioner from discovering her claims.

On November 1, 2014, the basis of the fraud allegations were proven to be false and collapsed by their own wrongful weight, when Rosalind Holmes provided the Disciplinary Counsel with the authentic email, she received from Elizabeth Tuck. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 39)

It is a fact that Freking, Myers, & Reul never billed petitioner for the email that Ms. Catherine Russo and Elizabeth Tuck claims is authentic. However, Freking, Myers, & Reul billed for the email that Elizabeth Tuck and Ms. Catherine Russo states is fraudulent. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 40) More importantly, Ms. Catherine Russo stated that the alleged fraudulent email was the basis of petitioners' grievance. Ms. Catherine Russo is incorrect, the basis of petitioners' grievance was the two EEOC charges and the EEOC's determination that the charge was filed twice under the representation of Attorney Elizabeth Tuck. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibits 30, 31 & 33)

On information and belief, one can reasonably infer that petitioner was the primary target of an FBI cybercrime investigation. The F.B.I., Ohio Disciplinary Counsel, Elizabeth Tuck, Freking, Myers, Reul and City of Cincinnati official's conspired and contrived this plan to secretly working together and falsely accuse petitioner. Thereby, preventing and escaping further investigation, an inquiry into petitioners' claims of attorney misconduct and conspiracy. It is a fact that Ms. Catherine Russo failed to disclose to petitioner she was working with the F.B.I. Attorney Elizabeth Tuck, Freking, Myers, Reul, and City official's in wrongfully and fraudulently accusing petitioner

of email fraud and targeting petitioner for an alleged cybercrime. Thereby preventing petitioner from discovering her claims and filing suit within the limitations period.

O. Fraudulent Concealment by the Cincinnati Division of the Federal Bureau of Investigation

On August 15, 2014, petitioner wrote a letter to former Congressman John Boehner and explained the unauthorized surveillance taking place on her personal devices and asked for an investigation, by the FBI and the U.S. Department of Justice. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 19, PAGE ID 387-388) On December 29, 2014, petitioner reported the unauthorized surveillance to the Fairfield, Ohio police who investigated and referred her to Kevin Cornelius, Special Agent with the Cincinnati Division of the FBI. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 18, PAGE ID 385) The Fairfield, Ohio police department performed an investigation and advised petitioner to file a report with Kevin Cornelius, Special Agent of the Cincinnati Division of the FBI. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Motion for Equitable Tolling due to Defendants Fraudulent Concealment, RE 6, PAGEID #: 1133)

In February 2015, after being incapable of making a report online with the FBI, petitioner went to the Federal Bureau of Investigation, in Cincinnati, Ohio. Before petitioner could explain her reasons for visiting the FBI, a guard, who provided the name James, told petitioner that Mr. Kevin Cornelius declined to make a report. Mr. Kevin Cornelius advised petitioner to contact her cellphone provider. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Motion for Equitable Tolling due to Defendants Fraudulent Concealment, RE 6, PAGEID #: 1133)

It is important to note that, Mr. Kevin Cornelius' advice to petitioner and the FBI guards' actions towards petitioner are inconsistent with the FBI's reporting policies and procedures.

Specifically, the FBI website states the following:

The FBI is the lead federal agency for investigating cyber-attacks and intrusions. We collect and share intelligence and engage with victims while working to unmask those committing malicious cyber activities, wherever they are If you are the victim of online or internet-enabled crime, file a report with the Internet Crime Complaint Center

(IC3) as soon as possible. Crime reports are used for investigative and intelligence purposes. Rapid reporting can also help support the recovery of lost funds. Visit ic3.gov for more information, including tips and information about current crime trends. If you or your organization is the victim of a network intrusion, data breach, or ransomware attack, contact your nearest FBI field office or report it at tips.fbi.gov.

How We Work

Whether through developing innovative investigative techniques, using cutting-edge analytic tools, or forging new partnerships in our communities, the FBI continues to adapt to meet the challenges posed by the evolving cyber threat.

- The FBI has specially trained cyber squads in each of our 56 field offices, working hand-in-hand with interagency task force partners.
- The rapid-response Cyber Action Team can deploy across the country within hours to respond to major incidents.
- With cyber assistant legal attaches in embassies across the globe, the FBI works closely with our international counterparts to seek Justice for victims of malicious cyber activity. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Motion for Equitable Tolling due to Defendants Fraudulent Concealment, RE 6, PAGEID #: 1133-1134)

Petitioner explained to the FBI guard, that she had contacted her cellphone provider, Congressman John Boehner's office, and the Fairfield, Ohio police, who referred her to the FBI. The FBI guard finally contacted an investigator who permitted petitioner to enter the FBI building. Petitioner made a report with the FBI investigator and provided him with the documentation from her federal discrimination complaint and complaint of attorney misconduct. The FBI investigator who would not provide his name, made a report and assured petitioner that he would investigate. In February 2015, petitioner wrote another letter to Congressman John Boehner explaining her interaction with the Cincinnati Division of the FBI. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 20, PAGE ID 390-92) In addition, petitioner provided Congressman John Boehner's office with documentation of her federal discrimination lawsuit a full copy of the complaint filed and responses from the

Ohio Disciplinary Counsel, Gmail Security records to support allegations of hacking, as well as additional documentation. On March 4, 2015, petitioner received a follow up letter from Congressman John Boehner's office, advising that he had forwarded petitioners' letter and documentation to the appropriate agency, the Federal Bureau of Investigation. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 21, PAGE ID 390-92)

After not hearing from the FBI investigator, petitioner went back to the FBI-Cincinnati, Ohio, in April 2015. Petitioner spoke with another investigator who failed to provide his name. Petitioner provided the FBI investigator with a copy of the letter written by Congressman John Boehner, including the documentation of her federal discrimination lawsuit and complaint with the Ohio Disciplinary Counsel. The FBI investigator informed petitioner that this was a fraud investigation and that it was normal not to receive communications or notifications from the FBI, for exceptionally long periods of time. Petitioner asked the FBI investigator to provide the time frame, in which to complete the investigation. The FBI investigator advised petitioner that fraud investigations do not have a specific time frame and that petitioner would be contacted once the investigation was over, or if the FBI required further information. However, the FBI investigator never disclosed that petitioner was the main target of the investigation, with the Disciplinary Counsel, City of Cincinnati, Elizabeth Tuck and Freking, Myers & Reul.

On January 18, 2017, petitioner sent a follow up letter to the Department of Justice in Washington, D.C. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 22, PAGE ID 397-398) Petitioner followed up with Congressman John Boehner's office and they advised that they could not provide a specific time frame and could not compel the FBI, to conclude their investigation and provide their findings.

From February 2015 to December 2019, petitioner continued to provide the Department of Justice, Office of the Inspector General for the DOJ, and elected officials such as President Obama, and Senator Sherrod Brown with documentation and information describing the ongoing harassment, discrimination, conspiracy and constitutional violations. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 23, PAGE ID 402-412) In April 2020, petitioner made a request to the Federal Bureau of Investigation and U.S.

Office of Inspector General for the Department of Justice, pursuant to the Freedom of Information Act. In her Freedom of Information Act request, petitioner requested among others "any and everything pertaining to her." (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 24, PAGE ID 414-417) On April 23, 2020, and May 15, 2020, petitioner received a response from the FBI and the OIG, which stated that they were unable to identify records responsive to her request. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 25, PAGE ID 425-430)

The FBI's response is untruthful because petitioner went to the Cincinnati Division of the FBI and made a report and provided supporting documentation to an unknown investigator. In addition, Congressman Boehner's office sent documentation on this petitioner's behalf to the FBI for investigation. Likewise, petitioner sent two letters to the U.S. Office of Inspector General for the Department of Justice and erroneously to the U.S. Office of Inspector General for the Department of Commerce. The Inspector General for the Department of Commerce ("DOC") acknowledged receiving petitioners' letter, but it is unclear exactly what the DOC did with petitioners' letter. Based on the FBI's, OIG's and DOC's response, no investigation into petitioners' complaints were ever conducted. The FBI owed petitioner a duty of care to perform an investigation into the warrantless surveillance and accusations of wire fraud. The allegations of fraudulent emails (cybercrime) were related to documentary evidence submitted by petitioner with her federal discrimination lawsuit, filed against the City. This was within the investigative jurisdiction of the Cincinnati Division of the FBI. In addition, the F.B.I. has derailed every attempt that I have taken to seek legal recourse and obtain an attorney to represent me in Court. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Motion for Equitable Tolling due to Defendants Fraudulent Concealment, RE 6, PAGEID #: 1135-1136)

The actions described above and ongoing proves that the Cincinnati Division of the FBI, City of Cincinnati, State of Ohio Office of the Disciplinary Counsel, Elizabeth Tuck, and Freking, Reul and Myers engaged in a conspiracy and cover-up designed to prevent petitioner from discovering her legal claims and filing suit within the limitations period. The FBI failed to adequately train and supervise FBI investigators and personnel and is inconsistent with their policies and procedures. Specifically, the FBI has a reporting process to report cybercrimes. Kevin Cornelius and

"Does" of the FBI, failed to apply its reporting process to petitioners' cybercrime reports, failed to investigate, and lied to petitioner about its alleged fraud investigation.

Like the City of Cincinnati, and the Ohio Disciplinary Counsel, Kevin Cornelius, former Special Agent in Charge of the Cincinnati Division and FBI Does, repeatedly failed to investigate petitioners' complaint of an unauthorized surveillance, fraud, conspiracy, conspiratorial false allegations, discrimination, retaliation and harassment against petitioner. In addition, Kevin

Cornelius, former Special Agent in Charge of the Cincinnati Division, failed to take corrective actions in connection with petitioners' complaints of constitutional violations; and engaged in a conspiracy and cover-up, designed to deprive petitioner of her constitutional rights, and to prevent her from discovering her claims. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Motion for Equitable Tolling due to Defendants Fraudulent Concealment, RE 6, PAGEID #: 1137)

Petitioners Federal Civil Rights Lawsuit Pursuant to Bivens

On October 20, 2020, petitioner filed a federal lawsuit pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), and *Davis vs Passman*, against the FBI, City of Cincinnati, State of Ohio, Lakefront at West Chester, LLC., Landings at Beckett Ridge, and many others. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, filed 10/20/2020, amended 11/12/2020) Simultaneously, petitioner filed several motions along with her federal complaint which includes the following: Motion for Equitable Tolling due to defendants, FBI, City of Cincinnati, State of Ohio fraudulent concealment. Motion for Equitable Estoppel as a Defense to the Mootness Doctrine, Motion to Substitute Successors and/or Include as Defendants, Motion to Decide if the State of Ohio can be Treated as a Person, Motion for Breach of Contract, Motion for Injunctive & Declaratory Relief. As the above motions were filed as an 82-page document. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Motion for Relief, RE #6) On November 12, 2020, petitioner amended her federal lawsuit to include additional defendants and causes of action. A list of the twenty-four causes of actions are as follows:

<u>Count</u>	<u>Claims</u>
I	<u>Federal Constitutional Claim – Equal Protection and Due Process-Abuse of Power</u>
II	<u>Federal Constitutional Claim – Equal Protection and Due Process-Gross Negligence</u>
III	<u>Federal Constitutional Claim – Equal Protection and Due Process-Discrimination</u>
IV	<u>Federal Constitutional Claim – Unlawful Search and Seizure</u>
V	<u>Federal Constitutional Claim – Equal Protection and Due Process- Civil Conspiracy</u>
VI	<u>Federal Tort Claims Act – Invasion of Privacy – Intrusion upon Seclusion</u>
VII	<u>Federal Tort Claims Act – Invasion of Privacy – False Light</u>
VIII	<u>Federal Tort Claims Act- Tortious Interference</u>
IX	<u>Federal Tort Claims Act – Intentional Infliction of Emotional Distress</u>
X	<u>Federal Tort Claims Act – Gross Negligence</u>
XI	<u>Federal Constitutional Claim – Return and Expungement of Information unlawfully Searched and Seized</u>
XII	<u>Discrimination: 42 USC §1981 - Discrimination</u>
XIII	<u>Discrimination: 42 USC §1983 Deprivation of Rights</u>
XIV	<u>Discrimination: 42 USC §1985 Conspiracy To Interfere With Civil Rights</u>
XV	<u>Conspiracy: 42 USC §1986 Action for neglect to prevent</u>
XVI	<u>Retaliation: ORC 4112, Title VII & VIII 42 USC §2000e–3(a) & 42 USC §2000–3</u>
XVII	<u>Intentional Infliction of Emotional Distress</u>
XVIII	<u>Defamation, Libel, Slander</u>
XIX	<u>Invasion of Privacy-Intrusion upon Seclusion</u>
XX	<u>Invasion of Privacy – False Light</u>
XXI	<u>Civil Conspiracy</u>
XXII	<u>Tortious Interference</u>
XXIII	<u>Breach of Contract Implied Duty of Good Faith, Fraud & Retaliation</u>
XXIV	<u>Race Discrimination (Disparate Treatment/Harassment) 42 USC § 2000e-2(a)(1), Title VII and ORC 4112</u>

The Continual Conspiratorial Retaliation, Harassment and Destruction of Petitioners’ Life and Career

In August 2014, petitioner graduated from the University of Cincinnati, Carl Linder College of Business with a Master of Science in Business Administration (MSBA), with high honors. Petitioner was right on track to obtain her Certified Public Accounting license. However, due to the ongoing harassment it has been very difficult for petitioner to take the C.P.A. exam and obtain her license. Instead of applying her education obtained in the professional field of Accounting, petitioner has spent countless hours documenting, investigating and acting as her own attorney.

Petitioner Resigns from the City of Cincinnati

The City of Cincinnati's Law, and Human Resource Department created a discriminatory harassing and very hostile work environment for petitioner. The Law Department, HR, Mayor and City Council discovered information about petitioners' mother suffering from sexual abuse as a child resulting in a severe disability and they circulated this information throughout the entire work environment. They circulated all of petitioners' medical history, finances, relationships, personal affairs, etc. throughout the entire work environment. Petitioner was subjected to unwanted

discriminatory and harassing attacks, isolation from other employees, comments, gossip about her finances, medical history, relationships, mother suffering from sexual abuse and disability and her personal affairs by her co-workers and many other employees of the City of Cincinnati. Petitioner worked in complete isolation and was prevented from keeping or building relationships with other employees. Additionally, petitioner was denied a merit increase in her pay, she experienced repeated false accusations about committing cybercrimes, stealing tax records, etc. and employees repeatedly sabotaged petitioners' work product. Petitioners' work environment became very hostile and uncomfortable as a result she resigned her position of eight years with the City of Cincinnati on December 16, 2016. Petitioner took a Senior Accountant position with Dover Corporation, on December 19, 2016.

The F.B.I., City of Cincinnati, State of Ohio Office of the Disciplinary Counsel's Destruction of Petitioners Career

In March 2017, petitioner agreed to settle her case against the City of Cincinnati, and right after she was fired from her Senior Accountant position with Dover Corporation, without reason. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 42) In July 2017, petitioner moved to Radcliff, Ky, which is just ten miles from Elizabethtown, Ky, the hometown of Paula Boggs-Muething, who at the time was the current City Solicitor. In Louisville, Radcliff and Elizabethtown, Ky, petitioner was consistently denied employment for an entire year. In March 2018, petitioner secured a job working as a cashier at Walmart which was the only job offer, she had received for an entire year, and was fired in June 2018, without reason. In July 2018, petitioner moved to Nashville, TN, where she secured a job working as the Lead Accountant, for Staffmark and simultaneously as a live-in Domestic Violence Advocate for Bridges Domestic Violence Center. Staffmark, placed petitioner with Deloitte L.P. as a Lead Accountant in Hermitage, TN. Bridges Domestic Violence Center provided petitioner with an apartment and hourly pay at a rate of \$10.00/hour. Petitioner would work during the day at Deloitte in the Lead Accountant position and in the evenings, she worked as a Domestic Violence Advocate at Bridges Domestic Violence Center in Franklin, TN. In October 2018, petitioner was terminated from Staffmark without reason and after she acquired food poisoning from the unsafe food handling by employees at Bridges Domestic Violence Center

she was terminated, without reason in October 2018. In October 2018, Bridges Domestic Violence Center wrongfully forced petitioner out of the apartment, without a court order. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 43) While employed at Bridges Domestic Violence Center petitioner discovered that a spy camera had been planted in her apartment. Petitioner contacted a local criminal attorney in Ohio who explained that she would need to hire a professional to perform a forensic analysis to determine the location of the camera footage. Petitioner, gave the spy camera to a former employee of the NSA who provided the name of James Ward, who eventually disappeared. Petitioner remained unemployed from October 2018 until March 2019, when petitioner took a temporary job as an Accountant at Robert Half and was again terminated on June 5, 2019. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 44) The long periods of unemployment forced petitioner to cash out her City pension to obtain funds to survive. On October 23, 2019, petitioner obtained employment as a plant accountant, at Georgia Pacific in Lebanon, Ohio and was fired on November 15, 2019. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit 45)

In November 2019, petitioner was fired from Georgia Pacific after just three weeks of working. The reason provided for her termination was that she just did not fit with the culture. Petitioner filed a complaint with the Ohio Civil Rights Commission which is ran by the State of Ohio and she was harassed by the management. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Amended Complaint, RE 9-1, Exhibit J) The Ohio Civil Rights Commission management did everything necessary to delay the determination on petitioners' complaint and every time she called, they were rude. Petitioner reported that Ms. Deborah Heater, Regional Director of the Dayton OCRC, was discriminatorily bias and requested that she be removed from the investigation. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Amended Complaint, RE 85, Exhibit 46) Specifically, Ms. Deborah Heater, is a former City of Cincinnati employee and she should have never been permitted to investigate petitioners' complaint due to her conflict of interest. In addition, Ms. Deborah Heater and Ms. Johncie Kanney falsely accused petitioner of telephone harassment in their internal email communications which have been placed in the investigative file, at the

Ohio Civil Rights Commission. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 85, Exhibit 47) Petitioner informed the executive staff members of the Ohio Civil Rights Commission that the internal email communications between Ms. Deborah Heater and Ms. Johncie Kanney were false. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Amended Complaint, RE 85, Exhibit 48) Petitioner also provided the OCRC with a copy of a letter written to her by State of Ohio Senator Bill Coley which proves the accusations are false. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Amended Complaint, RE 85, Exhibit 49) The OCRC cannot provide any evidence of this harassment because phone calls into a State Office are recorded, and petitioner offered to provide copies of her telephone records as evidence of her innocence. In addition, petitioner has been denied employment since November 2019 and remains unemployed presently.

At the direction of Ms. Heater, Georgia Pacific was given almost three months to provide its position statement to the OCRC. Ohio Administrative Code 4112-3-06 provides twenty-eight days from the date of service of the complaint and allows for extensions of time for good cause shown. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Amended Complaint, RE 85, Exhibit 50) To petitioner's knowledge and based upon the information included in the final OCRC file, Georgia Pacific did not provide any reason for its' delay in submitting the position statement. When petitioner questioned Ms. Heater about the extensions granted Ms. Heater stated that it was not unreasonable to provide Georgia Pacific with an extension of time to file its' position statement. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Amended Complaint, RE 85, Exhibit 50) However, the OCRC would not provide an extension of time for petitioner to request an appearance before the Commission for reconsideration. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Amended Complaint, RE 85, Exhibit 51) The OCRC withheld information from petitioner and violated her procedural due process rights under the Fourteenth Amendment by failing to provide her with copies of the affidavits/declarations, and comparative information so that petitioner could prepare an adequate response or rebuttal. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Amended Complaint, RE 85, Exhibit 52)

On January 3, 2022, petitioner obtained a Fund Accounting position with BC Forward and she was terminated on June 20, 2022, without reason. This is a miserable life for anyone to live where they have to continuously work temporary jobs, cannot obtain a permanent full-time position to earn a living and always being terminated from employment at the direction and discretion of the F.B.I., City of Cincinnati, Ohio Office of the Disciplinary Counsel. It's torture!

Conspiracy Involving the University of Cincinnati Medical Center

In June 2019, defendants conspired with the University of Cincinnati Medical Center to have petitioner dismissed from its low-cost Dental Center in the middle of having a dental implant developed for her front tooth. Since June 17, 2019, petitioner has been incapable of obtaining the dental implant and still has her front tooth missing presently. (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit B, PAGEID #: 121) This is the only low-cost Dental Center in the Cincinnati area that provides low costs dental services to individuals who have Medicaid. Therefore, petitioner has been forced to travel to Columbus Ohio to obtain dental services. Most recently, petitioner traveled to the Ohio State University Dental Clinic for dental treatment because it was difficult to find a Dentist in the Cincinnati, Ohio area who accepts Medicaid.

Conspiracy with Enterprise Rent-A-Car Resulted in Petitioner being wrongfully Placed on the 'Do not Rent List'

In March 2020, petitioner contacted the National Action Network and the Kramer Law Clinic in Cleveland, Ohio, to request legal assistance with the ongoing conspiratorial campaign of unlawful actions taken against petitioner by the FBI and others. The government immediately conspired with Enterprise Rent a Car and retaliated against petitioner for attempting to obtain legal assistance from the organizations. Defendants conspired with Enterprise Rent A Car and had petitioner placed on the "Do Not Rent List," (*Holmes v. United States of America et al.*, No: 1:20-cv-00825, Complaint, RE 1, Attachment 3, Exhibit C) To date, Enterprise Rent A Car has failed to provide an accurate explanation as to the reasons petitioner has been placed on the "Do Not Rent List."

**Conspiracy involving [REDACTED] Atrium Medical Center, Dr. Lazzaro,
WCPD, Carissa Piper**

On November 13, 2020, defendants including Lakefront, conspired with the West Chester Ohio Police Department ("WCPD"), [REDACTED] an agency licensed by the Ohio Department [REDACTED] and [REDACTED] and [REDACTED] to have [REDACTED] [REDACTED] based upon false accusations and a false diagnosis of a [REDACTED]. Specifically, petitioner called the WCPD to report a theft that occurred at her home on November 13, 2020. The WCPD arrived at petitioners' home with [REDACTED]. The West Chester Police began to ask petitioner questions about her report as if he was in disbelief before taking petitioners' report. Petitioner reported that someone unlawfully entered her home and stole her legal pad, food from her refrigerator, freezer, and cabinets while she was sleeping. Petitioner also reported that the individual was unlawfully entering her home and going into her purse while petitioner was taking a shower.

The WCPD asked petitioner if she knew the name of this individual and petitioner responded no, but PLK and Lakefront, the Property Management knew the name(s) of the individuals who were entering petitioners' apartment. Petitioner explained to the police that PLK and Lakefront had changed petitioners' lock on her apartment door and mailbox without any prior notification or explanation and that PLK-Lakefront had provided unlawful access to petitioners' apartment. Before petitioner could finish her explanation Ms. Piper, [REDACTED] stated to petitioner that she did not believe her story. Petitioner tried to complete her explanation, but Ms. Piper continued to refute petitioners' story without providing any evidence to disprove petitioners' story.

Petitioner ostensibly challenged Ms. Piper's disbelief by producing court documentation of her lawsuit filed against PLK-Lakefront in the Area III Court, case no. CVF 2001041. Ms. Piper would not listen and refused to read the documentation. Petitioner explained to the WCPD that she felt that they were not investigating her complaints and that the failure to investigate and stop the unlawful entry into her apartment would lead to someone getting hurt. The WCPD asked petitioner where her gun was located, and petitioner stated that the gun was in her vehicle. The

WCPD asked petitioner if she was thinking about using her gun and petitioner responded that if she wakes up in the middle of the night to an individual trying to harm her, she will use her gun to defend herself. Specifically, petitioner stated, "If I wake up in the middle of the night and the unknown individual attempts to harm me with physical force, I will shoot. It's me or them."

Based upon this conversation, Ms. Piper, told petitioner that she was going to contact her doctor's office and she walked outside the door. When Ms. Piper returned, she told petitioner that based upon her conversation with [REDACTED]

[REDACTED]

Petitioner questioned Ms. Piper [REDACTED] she had just seen [REDACTED]. Petitioner tried to explain to [REDACTED]

[REDACTED]

[REDACTED]. Petitioner [REDACTED]

[REDACTED]

[REDACTED] because the [REDACTED]. Petitioner was

[REDACTED].

[REDACTED]

[REDACTED].

Petitioner requested to drive herself to the [REDACTED]. Therefore, petitioner was transported [REDACTED].

Upon petitioners' arrival at [REDACTED], she immediately requested the assistance of [REDACTED]

[REDACTED]. Petitioner repeatedly

advised the [REDACTED]

[REDACTED]. Petitioner explained [REDACTED]

[REDACTED]. Petitioner [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner also advised that she was [REDACTED]

[REDACTED]. Based

upon petitioners' consent to obtain her [REDACTED].

Although, petitioner had fully disclosed [REDACTED]

[REDACTED]

[REDACTED]

Petitioner was wrongfully [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] behavior is highly unusual given

that it was verified that [REDACTED]

[REDACTED] cannot provide the clinical evidence [REDACTED]

[REDACTED]

Petitioner [REDACTED]

[REDACTED]. However, there are known cases [REDACTED]. Petitioner was released from [REDACTED] on

November 17, 2020, and she made a request [REDACTED]

[REDACTED] Petitioner also obtained her

[REDACTED]

[REDACTED] (Exhibit A, Attached) For example [REDACTED]

[REDACTED] Petitioner never made these statements. This is just one of the many fraudulent and deceitful statements that are [REDACTED]. Also, the medical records include reference to petitioners' race and portray petitioner in a false light. More importantly, [REDACTED], provided a [REDACTED]

[REDACTED] in part, stated the following: (Exhibit B, Attached)

Client is a [REDACTED]

Ms. [REDACTED]. Petitioner had seen [REDACTED]. Therefore, there was no way that [REDACTED]. Since [REDACTED] had only seen petitioner [REDACTED], he did not have [REDACTED]. (Exhibit C, Attached)

Furthermore, petitioner contacted [REDACTED] on December 14, 2020, by telephone and he stated that he did not provide Ms. Piper [REDACTED]. (Exhibit D) Petitioner [REDACTED] requested to review petitioners' complaint filed in District Court to gain a better understanding of the case she had filed. Petitioner provided [REDACTED] with the records by email, on December 14, 2020. (Exhibit E) Therefore, [REDACTED]

[REDACTED]. Petitioners' constitutional rights were violated when [REDACTED].

The entire incident appears to be preplanned because [REDACTED]
[REDACTED]
[REDACTED]

In addition, [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] Nevertheless, being [REDACTED]
[REDACTED]
[REDACTED].

Petitioner had never received social security benefits and is not in the process of receiving social security benefits. [REDACTED] fraudulent and preplanned. Defendants engaged in a conspiracy to violate petitioner rights by [REDACTED]

[REDACTED]
[REDACTED]. Thereby, violating petitioners' First, Fourth, and Fourteenth amendment rights under the constitution of the United States of America.

Conspiracy Involving [REDACTED]

From September 25, 2019, thru December 4, 2020, petitioner follow-up visits with [REDACTED]
[REDACTED]
[REDACTED]. Furthermore, [REDACTED]

[REDACTED]
[REDACTED], and asked him to write a letter explaining that petitioner had been [REDACTED] as a

[REDACTED] initially agreed to write the letter for petitioner and as petitioner left the office, [REDACTED]
[REDACTED] (Exhibit G, Attached) Despite the fact, that petitioners'

[REDACTED] Petitioner asked the staff member why she had selected

[REDACTED]
Petitioner responded that she did not have [REDACTED]. The staff member [REDACTED]

[REDACTED]
On May 14, 2021, petitioner contacted [REDACTED] to follow up on the letter he agreed to write and the update in her treatment plan. On May 19, 2021, petitioner received a telephone call from [REDACTED]

[REDACTED] (Exhibit H, Attached)
Petitioner explained that [REDACTED]
[REDACTED]. Petitioner explained that she [REDACTED]

[REDACTED]. On May 23, 2021, petitioner requested and received copies of [REDACTED]
[REDACTED]. (Exhibit I, Attached)

Petitioner was outraged that her medical records had been falsified. Specifically, [REDACTED]
[REDACTED]. Petitioner's medical records have been falsified because [REDACTED]

[REDACTED]
[REDACTED] Based on this information, [REDACTED]
[REDACTED] on or after May 11, 2021. Petitioner contacted [REDACTED]

staff and advised that the medical records had been falsified and she requested corrections. On May 21, 2021, [REDACTED]

[REDACTED] (Exhibit J, Attached) On May 24, 2021,

[REDACTED]. (Exhibit K,

Attached) In addition, [REDACTED]
 [REDACTED]. Defendants engaged in a conspiracy resulting in the spoilage of petitioners' medical record evidence to disrupt and sow deception regarding petitioners' injuries and competency. Thereby violating petitioners Fifth and Fourteenth rights under the U.S. Constitution and Ohio Law. There is also the question of who is Carissa Piper and whether or not she is related to Judge Robin Piper?

Petitioner is no longer interested [REDACTED]
 [REDACTED]. To date, Molina Healthcare has located [REDACTED] who are booked up until the end of the year of 2021. Because petitioner was not living in Ohio at the end of the year of 2021, she could [REDACTED]
 [REDACTED]

The Fifth and Fourteenth Amendment's Due Process Clause protects individuals against the disclosure of personal matters, and "clearly encompasses medical information and its confidentiality." *Whalen v. Roe*, 429 U.S. 589, 598-99, 604 n.32 (1977) Individuals have an interest in avoiding disclosure of personal matters including information about one's body. As a result, the government cannot arbitrarily intrude into someone's medical records. In addition, medical records are protected under the Computer Fraud and Abuse Act ("CFAA"). This is a federal law geared generally toward "hacking" and other unauthorized access and modification of computer data. Violative conduct includes intentionally accessing a protected computer without authorization in a manner which results in damage. The CFAA provides for criminal prosecution as well as a private right of action whereby a private individual can sue the party for accessing their information without authority.

As a general rule, an individual's medical records are confidential. *Hageman v. Southwest General Health Center*, 893 N.E.2d 153, 155 (Ohio 2008). Under the Health Information Portability and Accountability Act of 1996 ("HIPPA"), a hospital's release of medical records to law enforcement is permitted under certain circumstances. Indeed, HIPPA specifically authorizes a hospital to release a patient's medical records in response to a grand jury subpoena. 45 C.F.R. § 164.512(f)(1)(ii)(B). Ohio's physician-patient privilege, however, codified in O.R.C. § 2317.02(B)(1),

provides that a physician shall not testify as to "a communication made to the physician . . . by a patient in that relation or the physician's . . . advice to a patient." The term "communication," as used in § 2317.02(B), includes hospital records "and is sufficiently broad to cover any confidential information gathered or recorded within them during the treatment of a patient at the hospital." *State v. Russ*, No. CA99-07-074, 2000 Ohio App. LEXIS 2759, *14 (Ohio Ct. App. June 26, 2000). *Progressive Preferred Ins. Co. v. Certain Underwriters at Llyod's London*, No. 2006-L-242, 2008-Ohio-2508, 2008 Ohio App. LEXIS 2114, ¶ 14 (Ohio Ct. App. May 23, 2008) (finding that "since the privacy requirements of R.C. 2317.02(B)(1) are more extensive than those mandated by HIPPA, it is not preempted by the federal enactment"); *State v. Flanigan*, No. 21460, 2007-Ohio-3158, 2007 Ohio App. LEXIS 2909, ¶¶ 76-77 (Ohio Ct. App. June 22, 2007) (finding that HIPPA does not preempt R.C. § 2317.02(B) because the records sought were "clearly protected individualized identifiable health information" O.R.C. § 2317.02(B) also permits disclosure in the following civil actions: (1) where the patient or guardian gives consent; (2) if a medical claim is filed by the patient; (3) where the action concerns court-ordered treatment or services; and (4) will contests.

Conspiracy Involving Additional [REDACTED]

On May 25, 2021, petitioner went to [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. Before [REDACTED]

[REDACTED]. As petitioner was

genuinely concerned that her medical records would be revised or tampered with once she left the hospital.

Therefore, [REDACTED], provided [REDACTED]

(Exhibit L, Attached) [REDACTED] in relevant part stated:

[REDACTED]

[REDACTED]
[REDACTED] (Exhibit L, Attached)

However, the medical records that were provided by UC Health Medical Records Department on June 7, 2021, have been drastically changed. On page 7 the notes provided under the title Patient History state the following:

[REDACTED]
[REDACTED] (Exhibit N, Attached)

It is important to note that petitioner never provided [REDACTED] with any records or paperwork from the CIA or any orders from the U.S. District Court with reference to the City of Cincinnati.

On June 8, 2021, Petitioner reported the falsification of her medical records to Janie Myatt, Director of Patient Relations. (Exhibit M, Attached) Janie Myatt advised that she had requested assistance from UC Health's Information Technology Department to find out how the change in the medical records happened. Jane Myatt advised that the Information Technology Department could not locate the records provided by petitioner in their system. In addition, Jane Myatt advised that [REDACTED] sent her an email denying providing petitioner with the notes. However, [REDACTED] wrote on the back of the notes from petitioner's medical records in her own handwriting. Petitioner has provided an accurate copy of the medical records that [REDACTED] provided to her at the hospital. (Exhibit L, Attached) Janie Myatt, refused to provide petitioner with a copy of the email because she would have to obtain [REDACTED] authorization. According to Janie Myatt, UC Health has refused to change the medical records and Janie Myatt advised petitioner that she would have to sue the hospital.

Most of the notes documented to petitioners' medical record have been falsified and are unreliable. (Exhibit N, Attached) It is obvious that Janie Mynatt, [REDACTED] and [REDACTED] were aware that petitioner named UC Dental as a defendant in the matter of *Holmes v USA et al.*, No 1:20-cv-00825, and they are retaliating against her

by falsifying her medical records. Clearly, defendants and [REDACTED] are engaged in a conspiracy with defendants to spoil petitioners' medical record evidence, disrupt and sow deception regarding petitioner injuries and competency, and ultimately rule this petitioner incredible and incompetent. Thereby violating petitioners' Fifth and Fourteenth rights under the U.S. Constitution and Ohio Law. Defendants have ruined thirteen years of petitioners' life and career by blacklisting her from bona fide employment, preventing her from gaining permanent employment with benefits such as paid time off, medical, dental, life insurance etc., having her fired off several jobs, spreading false fraud accusations, rumors, thereby isolating petitioner from meaningful relationships with others and ruining every relationship in her life including her marriage and divorce. Petitioner has already suffered from the irreparable harm to her financial stability, and good reputation as a result of defendant's conspiratorial false fraud accusations, wrongful evictions, continual discrimination, retaliation, and warrantless surveillance, etc. In addition, defendants have planted cameras and other devices in petitioners' home and or place of dwelling to continuously, monitor, harass, manage, conspire, dictate and control petitioners' entire life. More importantly, the defendants have been entering petitioners' place of dwelling, stealing and sabotaging her personal belongings and altering court records, etc. The only way to prevent further damage to petitioner is to grant immediate injunctive and declaratory relief.

For clarification, this is not an all-inclusive description of defendant's conspiratorial actions. However, it is just a summary of defendants, unlawful behavior taken against petitioner. In this 13-year period, the FBI has continued to monitor and harass petitioner by influencing others to join them. It does not really matter where petitioner goes or what she does they will just continue to harass her and cause further destruction to her life and career. Petitioner has depleted her life savings due to prolonged periods of unemployment. Petitioner had to apply for health insurance through the Medicaid Program in Ohio and she has been placed on Medicaid for health and dental insurance.

In *Adickes v. S.H. Kress and Co.*, 398 U.S. 144, 90 S.Ct. 1598, 26 L.Ed.2d 142 (1970), the Supreme Court held that, even though the petitioner had no knowledge of an agreement between the alleged conspirators, "the

sequence of events" alleged were sufficient to allow a jury to "infer from the circumstances that the [conspirators] had a "meeting of the minds." *Id.* at 157, 158, 90 S.Ct. at 1608, 1609.