

21-5222

No. _____

ORIGINAL

WRITS OF CERTIORARI

IN THE

SUPREME COURT OF THE UNITED STATES

FOR THE SIXTH CIRCUIT

Supreme Court, U.S.
FILED
JUN 11 2021
OFFICE OF THE CLERK

ADRIENNE BUSH — PETITIONER

(Your Name)

vs.

KENNETH NATHAN TRUSTEE — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ADRIENNE BUSH

(Your Name)

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(Address)

FARMINGTON, MI 48336

(City, State, Zip Code)

(248) 996-2319

(Phone Number)

RECEIVED
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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

Section 522 of the Bankruptcy Code allows debtor exempt certain property. In the Eastern District of Michigan Bankruptcy Court, this debtor was denied the right to convert from a Chapter 7 to a Chapter 13 in order to complete an employment discrimination and wrongful termination lawsuit file in federal court. This debtor case was dismissed and denied the use of 11 USC 522(d)(11)(E) as an exemption.

The trustee filed a motion to compromise and a late objection to this debtors amended schedules.

The question(s) presented is, does the bankruptcy code 11 USC 522(d)(11)(E) exempt Employment discrimination lawsuits? The employment discrimination and wrongful termination lawsuit began in May 2016, future earnings begin the moment the employment was terminated, does 11 USC 522(d)(11)(E) consider these funds as retroactive and exempt?

Understanding the bankruptcy Court has "the right to take any action" necessary or appropriate to carry out the provisions" of the Code. Does that grant the trustee or the bankruptcy court the ability to speculate an outcome of discrimination case without reviewing the case in its entirety in order to obtain a quick settlement? Does this violate the debtor's rights covered by federal and state law employment laws to include 1983 claims and the Elliott Larsen Act to a fair and reasonable settlement or change to be heard by a jury?

LIST OF PARTIES

X All parties appear in the caption of the case on the cover page.

[] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN
CASE NO. 19-11425

UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF MICHIGAN
CASE NO. 18-51055

UNITED STATE BANKRUPTCY COURT EASTERN DISTRICT OF MICHIGAN
ADVERSARY CASE NO. 18-4529

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APPENDIX D	UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF MICHIGAN ORDER GRANTING TRUSTEE MOTION FOR ORDER APPROVING COMPROMISE OF CLAIM
APPENDIX E	ORDER GRANTING CHAPTER 7 TRUSTEE'S OBJECTION TO DEBTOR'S AMENDED CLAIMS OF EXEMPTIONS
APPENDIX F	UNITED STATES BANKRUPTCY COURT FOR EASTERN DISTRICT OF MICHIGAN ORDER DENYING DISCHARGE OF DEBTOR UNDER 11 USC 727

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Sanchez (Bankr., WD Mich. Case No. 05- 20517, 2007)
Lebourdais (Bankr., ED Mich. Case No. 13-50222)
Jackson, 394 B.R. 8 (D. Conn 2008)
Carson, 82 B.R. at 856
Lewis, 406 B.R. 518, 521 (E.D. Mich 2009)
David, No. 04-166, 2004 Bankr. Lexis 2245, at *16 (Bankr. D.D.C Sept 8, 2004)
Taylor v. Freeland & Kronz (91-571), 503 U.S. 638 (1992)
Jackson, 376 B.R. at 79
Hurst, 239 B.R. 89, 92 (Bankr. D. Md. 1999)
Magnus, 84 B.R. 976, 979 (Bankr. E.D. Pa. 1988);
Patterson, 128 B.R. 737, 741 (Bankr. W.D. Tex. 1991)

STATUTES AND RULES

28 U.S.C § 1291
The Judiciary Act of 1789
U.S. Bankruptcy Code 11 U.S.C § 522 (d)(11)(E)
The Plain Writing Act of 2010
Title VII and Elliott Larsen Civil Rights Act
Bankruptcy Rule 4003, Fed. R.B.P. 4003

OTHER

Fordham Law Review, Volume 78 Issue 3 Article 15
Toward Effective Implementation of 11 USC 522 (d)(11)(E)

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

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was January 12, 2021.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATURORY PROVISIONS INVOLVED

The primary constitutional and statutory provisions involved in this case is Bankruptcy code 522(d)(11)(E) and federal and state laws covering racial and employment discrimination under act's 1983 and Elliot Larsen Act.

STATEMENT OF THE CASE

Section 522 of the Bankruptcy code authorizes a debtor to exempt certain property from the bankruptcy estate "under...State or local law," so the debtor is entitled to retain the property even if creditors remain unsatisfied and the estate is not to enrich the trustee's pockets.

Discrimination employment cases should and have been handled differently in various courts. This case was an intentional act of discrimination and the trustee should not have the right to settle the case as a "quid pro quo" for a case that was ongoing.

USC 522(d)(11)(E) protects these monies the same as other similar cases of injury.

Initially filing a Chapter 7 and later motioning the Court to covert to a Chapter 13 in order to continue on with the discrimination case without denying the creditors, the Court denied the conversion and allowed the trustee to settle \$20,000.00 with the trustee retaining half. The creditors would be denied and the trustee would be enriched.

REASONS FOR GRANTING THE PETITION

The US Bankruptcy code 11 USC 522(d)(11)(E), exempts injury cases which also includes wrongful termination and discrimination cases. The debtor was denied the right to covert in order to move forward with the case, however, the Trustee and Court decided it was in the best interest to settle the case for pennies.

The trustee abused his authority and also wants to enriched his bank account at the expense of the estate. The US Trustee for Eastern District of Michigan did not deny the debtor having the ability to discharge under a Chapter 13, however, this trustee felt a need for a "quid pro quo" and settle this case by ignoring the statues. Furthermore, the Trustee filed his objection to the debtor's schedule 3 days past its due date.

Furthermore, the trustee ignored the statue in its entirety.

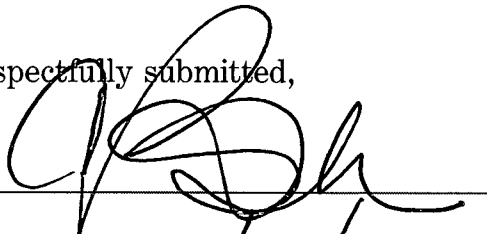
It was written,

This opinion implies that compensation for loss of future earnings on the basis of grounds other than bodily injury would fully qualify for this exemption. This ruling was further affirmed by an additional court that maintained that "Section 522(d)(11)(E) is clear, concise, and stands alone. It does not require bodily injury as a prerequisite for exemption. *In re Lewis*, 406 B.R. 518, 521 (E.D. Mich 2009) Indeed, courts have chosen this interpretation, allowing the application of the § 522(d)(11)(E) exemption to payments received by the debtor for wrongful termination § 1983 claims, *In re David*, No. 04-166, 2004 Bankr. Lexis 2245, at *16 (Bankr. D.D.C Sept 8, 2004) (allowing the § 522(d)(11)(E) exemption on part of damages to be paid out from a § 1983 lawsuit) disability payments, buyouts and sexual harassment claims.

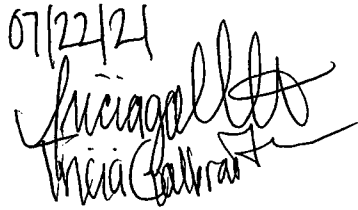
CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,


Date: 7/22/2021

TRICIA GALBRAITH
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Dec 15, 2024
ACTING IN COUNTY OF Oakland

07/22/21

Tricia Galbraith