

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

████████████████████)	CASE NO. 6:18-CV-00245
Plaintiff)	
)	
v.)	JUDGE ROBERT R. SUMMERHAYS
)	
████████████████████ –POSTMASTER)	MAGISTRATE JUDGE WHITEHURST
Defendants)	
)	

**MOTION TO RECUSE OR ALTERNATELY DISQUALIFY UNITED STATES
ATTORNEY’S OFFICES FOR
WESTERN AND EASTERN DISTRICTS OF LOUISIANA**

Plaintiff, ██████████ in proper person, moves for the recusal or alternately, disqualification of the U.S. Attorney’s Offices for the Western and the Eastern Districts of Louisiana (also herein, "DOJ"). Plaintiff has learned that the DOJ is continuously involved in material events, of which it did not disclose, that pertain to this mixed motives Title VII discrimination case. Even prior to this Title VII case, the DOJ caused violation of Plaintiff’s civil and fair housing rights in connection with DOJ mortgage lending involvements. Since the DOJ has unfair advantages that impair administration of justice, and hamper fact-finding, recusal and disqualification are necessary. In support of this motion, Plaintiff submits the following:

BACKGROUND

- 1) On February 21, 2018, Plaintiff originally filed in the Western District court, her **mixed-motives Title VII discrimination** civil action against the Lafayette postal agency for discrimination, harassment, retaliatory hostile workplace environment; and for additional wrongs by the postal agency for which Plaintiff had not yet been able to detect. After Plaintiff was wrongfully fired, she acquired Lafayette postal agency Facebook postings that prove what the postal workplace was like. Plaintiff attached sample posting to her original action. In Plaintiff’s May 18, 2018 amended complaint, prior to effecting service of process, she restated and clarified her claims of discrimination, retaliation, and hostile workplace. Not until after Plaintiff was wrongfully fired did she receive outrageous postal agency Facebook postings such as those Plaintiff attached to her original action.

- 2) Also, Plaintiff’s amended complaint explained that from the time that she began raising EEO claims at the postal workplace, the postal agency neither informed her about nor provided her

with: 29 C.F.R. § 1614.105(b)(1) “pre-complaint counseling”; nor with “pre-complaint processing”; and that the agency fragmented four different occurrences of discrimination and retaliation claims that Plaintiff made. Additionally, Plaintiff’s Title VII discrimination suit includes detailed averments about unlawful and unfair EEO and EEOC administrative proceedings regarding her discrimination claims. Those unfair proceedings helped conceal unlawful employer activity and impeded fair Title VII remedies.

3) Out of desperation for a means to support herself, New Orleans exiled, Hurricane Katrina-displaced Plaintiff and her small business has lived and worked at multiple places. Plaintiff was hired as a 6-month Casual Postal Mail Handler employee. But, after she arrived, she was required to be an Automation Clerk. For four years, Plaintiff was repeatedly re-hired as a Casual, while repeatedly being told she would receive a permanent career position. Among the hostile and unfair treatment to which Plaintiff was subjected, is the fact that supervisor [REDACTED] often changed the work schedule after Plaintiff had viewed the schedule and left. Plaintiff’s travel to and from work was two hours. Egregiously [REDACTED] pretextly fired Plaintiff for attendance and reporting to work even though Plaintiff had no way of knowing her work assignment had changed. Significantly, a postal employee posted about unfair work schedule changes on Facebook. Also, although other employees were promoted, uncommonly Plaintiff was forced to work all those years as a temporary employee. Plaintiff would not have been repeatedly re-hired at 6-month intervals if she were as terrible an employee as she was characterized by the postal agency.

4) Plaintiff is like thousands of disaster-displaced survivors who were not informed about the various Robert T. Stafford Disaster recovery assistance that was available to her. And for at least a decade, Plaintiff was unaware that organizations, agencies, and entities were profiting from displaced disaster survivors. Among entities that directly and/or indirectly profited is the postal agency and various organizations it partnered with. Evidence demonstrates those facts attribute to the agency’s mixed-motives for workplace discrimination and hostility Plaintiff received. In fact, the Lafayette postal agency’s partnership with Louisiana United Way entities is immensely relevant to the Plaintiff. As stated in the 2013 fair housing act lawsuit, United Way gave \$60,000.00 to entities that obtained Hurricane Katrina disaster funds via fraud. Moreover, according to evidence, it appears that Hurricane Katrina funding is still being awarded to that same bogus non-profit in year 2020. Plaintiff and her mother were utilized unbeknownst to them for the defendants’ unlawful obtaining of funds from a Disaster Housing Assistance Program (DHAP).

5) Unjustly, the fair housing case was dismissed when the Cook, Yancey Law Firm obtained a dismissal despite that there is no motion from Cook, Yancey to enroll as additional counsel signed by a judge. See: <http://lawgrace.org/wp-content/uploads/2016/08/Plaintiff-Jacksons-Rule-60-b3-MOTION-September-9-2014.pdf>

6) Further, from the very beginning when the DOJ entered this Title VII mixed motives case – unbeknownst to this Plaintiff – the DOJ has undisclosed unfair advantages that impair fact-finding process, harms administration of justice, and serves to continue depriving, crippling, and impeding this displaced Plaintiff of fair chances at economic opportunities. Significantly, prior to the filing of Plaintiff and her mother’s Shreveport fair housing act case that contained two

dozen averments about “DHAP” fraud, years earlier in Lafayette, DOJ Donald Washington was representing one of the Lafayette officials being investigated and charged with wrongs including bid-rigging in connection to DHAP funding.

7) In all likelihood, Plaintiff would have not encountered Lafayette at all. Plaintiff was a small business owner consumer, whose was harmed by the very types of mortgage lender abuses that the DOJ amassed billions of dollars in housing settlement agreements. But, rather than help consumers – as described in Congressman Ron Johnson’s report, the DOJ forced “banks to disburse funds to third-party groups chosen in secret by unelected and unaccountable officials.” See: **“The Justice Department’s Housing Settlements: Millions of Consumer Relief Funds Disbursed with No Guarantees of Helping Homeowners,”** Majority Staff Report on the Committee on Homeland Security and Governmental Affairs, S. Rep., 114th Cong., 2d sess. (Washington, DC, May 18, 2016): 27, <http://www.hsgac.senate.gov/download/thejustice-departments-housing-settlements-millions-of-consumer-relief-funds-disbursed-with-no-guarantees-of-helpinghomeowners>.

8) The DOJ’s failure to require accountability from third party recipients and sub-recipients of settlement disbursements is a crucial component to ordeals the Plaintiff endured from the postal agency and the postal agency’s partners / collaborators. With regard to mixed motives aspects of Plaintiff’s Title VII case, the DOJ mortgage settlement agreements disbursement “money train” was / is incentive for anyone / everyone to either establish or partner with organizations and businesses. Following Hurricanes Katrina and Rita, a displaced minority such as the Plaintiff (and her family) was among the minorities who were utilized by “partnering” entities as commodity for government funding and contracts. Substantiating this contention are people and organizations delineated below.

9) Plaintiff as well as her hurricane-displaced co-mortgage owner mother is among those harmed by mortgage lender abuses (that culminated in unlawful foreclosure of their pre-disaster residence). As harmed consumers, Plaintiff should have received benefit from GE Capital’s \$1.5 billion penalty. The DOJ press release dated April 12, 2019 references back as far as year 2004. The DOJ has collected billions and billions in mortgage settlement penalties –and evidence shows directly or indirectly certain Lafayette entities were given settlement funds. Furthermore, another revelation that enabled assessment of methods by which the DOJ is, and has been deliberately harming Plaintiff’s family –and abusing its legal authority to do so- occurred from reading the DOJ’s GE Capital settlements. In fact, repeated attempts by Plaintiff’s family to prove as well as prevent the fraudulent foreclosure of their post-hurricane residence was ultimately thwarted by the DOJ while the Plaintiff and her family were hurricane-exiled from New Orleans. Their final effort regarding the New Orleans residence was a year 2006 Conversion lawsuit that was filed in state court. The Plaintiff and parties that were served the Conversion lawsuit were all Louisiana residents.

RELEVANT DISCUSSION

10) Aside from sexual harassment and retaliation, Plaintiff did not have adequate information for identifying causes and motives for wrongs she suffered at the Lafayette postal workplace.

Evidence began surfacing after DOJ Assistant Attorney, [REDACTED] enrolled as counsel for the postal service agency. It was [REDACTED]'s bad faith conduct that led Plaintiff to attempt to find out whether [REDACTED] former law firm, [REDACTED] had any private interests in the postal case.

11) It came to light that the [REDACTED] firm provided legal services to the Lafayette Roman Catholic Diocese and multiple nonprofit businesses the diocese owns. It also came to light that collaborating with the Lafayette diocese –and for a number of years located at the Lafayette, Louisiana dioceses property on St. John Street, is a nonprofit organization called the Louisiana Services Network Data Consortium (“LSNDC”). At various times, this nonprofit alternates its location in Shreveport, Louisiana, and now purportedly it is located in Baton Rouge, Louisiana.

12) LSNDC is a predatory company that has played major roles in irreparably harming displaced disaster survivors and businesses such as Plaintiff’s and her family. Yet, for more than a decade, the Plaintiff (and her family) knew nothing about what, why, and who is LSNDC; and they were unaware how LSNDC was adversely impacting their lives, especially in a predatory manner. Dangerous organizations such as LSNDC and its concealed enterprises should have long ago been investigated and indicted by the lawmakers, including DOJ.

13) Additionally, LSNDC operants had roles in Plaintiff and her mother becoming steered to entities and organizations referred to in this <http://lawgrace.org/wp-content/uploads/2016/08/Plaintiff-Jacksons-Rule-60-b3-MOTION-September-9-2014.pdf> fair housing act case. It entails disaster funding frauds. One of the defendants in the Shreveport, Louisiana fair housing case is / was the Executive Director for a different Lafayette nonprofit, LAECHY, that is funded by the Lafayette diocese. Thus, DOJ Williams’ and her former law firm’s legal services to the Lafayette diocese encompasses LAECHY.

14) Further, that law firm, as well as LSNDC is among businesses that carry out New Orleans Federal Judge, [REDACTED] artifice known as “H.E.L.P.” Family experiences, as well as [REDACTED]’s 2005 and 2006 financial disclosures are among reasons why Plaintiff seriously doubts Mr. Zainey’s charitable operations. Also, [REDACTED] legislative requests for funding, as well as his admissions about participating in matters regarding catholic priest sex abuse settlements, emails, and the New Orleans Saints NFL team owner has relativity to the diocese in Lafayette. More explicit facts about LSNDC and ‘H.E.L.P.’ are beyond the scope of this discrimination case, but sample information and evidence continue to be posted on the Law & Grace website, belonging to Plaintiff’s mother, and of which Plaintiff assists.

15) Confusing and clandestine methods of operating at the Lafayette diocese is why it would have been premature and difficult to request DOJ recusal and disqualification.

16) Federal [REDACTED], a former board member of a diocese charity, also was named in that 2006 state court case, but being displaced six hours from New Orleans, rendered it difficult to accomplish service upon [REDACTED] (now deceased). Consequently, no federal question and no federal court jurisdiction existed for the Conversion suit since [REDACTED] had never been made a party. However, while they remained shut out of New Orleans and living in Shreveport, without any notice or warning –to the knowledge of Plaintiff’s family, the federal

court system supposedly had not yet commenced –open to the public operations- the DOJ wrongfully removed the conversion lawsuit to federal court. Being at such a far distance, and undergoing traumas of displacement from home (New Orleans), and not knowing where and what had become of her family members and acquaintances, along with a host of problems that proved too difficult to try getting the case remanded or even litigating from a distance, especially in light of having the understanding that federal court had not yet opened after Hurricane Katrina.

17) Particularly with regard to the fact that Plaintiff is among thousands of displaced, defrauded, Hurricane Katrina exiles who were deliberately prevented from returning to New Orleans; with regard to the fact that the DOJ unlawfully prevented the Conversion lawsuit; and with regard to the fact of unlawfully funneling of mortgage settlement money to third parties, the DOJ is a major factor in impoverishment, inequity, and disenfranchised certain classes of families, minorities, and small businesses.

18) Further, willfully or not, the DOJ has aided and abetted some charity frauds. And the DOJ's practice of funneling money to third parties, willfully or not, causes unfair and unlawful competition, as well as contributes to lost jobs and small businesses –such as both companies the Plaintiff and her mother had prior to the hurricane disaster.

19) An additional demonstration of DOJ's funneling money to favored entities is the matter of [REDACTED]. Unlike people such as the Plaintiff who were without employment – while [REDACTED] was employed with the New Orleans Archdiocese –according to [REDACTED] New Orleans DOJ Jim Letten (who resigned) provided [REDACTED] with funding and resources so that she was able to create her personal nonprofit with a lucrative salary. [REDACTED] was also provided office space at 701 Loyola for operating her brand new business. It does not at all appear that [REDACTED] suffered any harm from mortgage lender wrongs.

20) By contrast, Plaintiff's mother's nonprofit was created in 1997, and never received nor was ever offered public funding. Not only did the DOJ repeatedly not bestow any of mortgage settlement funds upon the Plaintiff's family – who received actual harm from mortgage lender abuses, that same New Orleans DOJ department wrongfully removed from state court the Plaintiff's lawsuit for conversion while they were hurricane-displaced, and achieved dismissal of the conversion case in federal court, despite lack of federal jurisdiction. Further, evidence consistently shows that inequitably funding start-up businesses like [REDACTED]'s unfairly competes and sometimes extinguishes smaller businesses. Although this Plaintiff did not have a nonprofit, prior to Katrina Plaintiff did in fact have her own small business. And in order to resume operating in Shreveport, she was not given a grant like so many non-disaster recipients. But business went downhill, and Plaintiff kept searching for a job, of which she landed at the Lafayette postal house of horrors. Furthermore, despite there is no evidence of this displaced Plaintiff's ability to repay a Small Business FEMA loan, -and despite inconsistent FEMA standards, Plaintiff was told as a disaster victim, she had to take out a loan.

21) Similar to an unfairly incarcerated person, the Plaintiff (and others) are unrelenting about finding lawful means to be extricated from hurricane-enforced poverty, exploitation, and exile

from the home city they have known all their lives. The DOJ could have and should have aided mortgage consumers like Plaintiff and her family.

22) Lastly, as it pertains to Judge [REDACTED] and displaced hurricane survivors such as Plaintiff's family, facilitators for [REDACTED] so-called H.E.L.P. device directed disaster victims such as the Plaintiff's family to predator LSND. At that time, since they were disaster-displaced, they were of the belief that what LSND was or did, it was a Shreveport company, as they would have been suspicious of a Lafayette address. Although more details are beyond the scope of this discrimination case, facts such as these explain mix-motives surrounding discriminations to which Plaintiff was subjected at the Lafayette postal agency. And such facts show why the DOJ should be immediately recused and disqualified from this case.

CONCLUSION

WHEREFORE, for the above stated reasons, Plaintiff respectfully requests that the court enter an order recusing, or alternately disqualifying the U.S. Attorney's Offices for the Western District of Louisiana from this case; and disqualify the U.S. Attorney's Offices for the Eastern District of Louisiana from being substituted in its stead.

Dated: **June 26, 2020**

[REDACTED] Plaintiff

[REDACTED]
[REDACTED]

VERIFICATION

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury, under the laws of the State of Louisiana that:

I have reviewed the foregoing motion for recusal and disqualifications.

I have personal knowledge of what I have stated, and believe it to be true.

Regarding averments of which I do not have personal knowledge, I believe them to be true based on specific information, documents, and official records.

[REDACTED]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on **June 26, 2020** Plaintiff delivered Motion to Recuse or Alternatively Disqualify United States Attorney's Offices for Western and Eastern Districts of Louisiana to:

U.S. District Court Western District of LA
800 Lafayette Street, Suite 2100
Lafayette, LA 70501

and sent via U. S. First-Class Certified Mail, Return Receipt to:

Katherine W. Vincent
Assistant United States Attorney
Western District of Louisiana
800 Lafayette Street, Suite 2200
Lafayette, Louisiana 70501

Date: June 26, 2020

Respectfully Submitted,

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