

APPEAL,JAS01,STAYED

**U.S. District Court
District of New Mexico – Version 6.2.2 (Albuquerque)
CIVIL DOCKET FOR CASE #: 1:14-cv-00636-KG-SCY
*Internal Use Only***

Auld v. Central New Mexico Community College et al
Assigned to: District Judge Kenneth J. Gonzales
Referred to: Magistrate Judge Steven C. Yarbrough
Case in other court: USCA, 19-02079

Second Judicial District Court,
CV-14-03536

Cause: 28:1441 Petition for Removal – Employment
Discrimination

Plaintiff

Riema Auld

represented by **Riema Auld**
6809 Toratolla Court North West
Albuquerque, NM 87121
505-710-9686
Email: pambioxxo@gmail.com
PRO SE

V.

Defendant

**Central New Mexico Community
College**

represented by **Kevin M. Brown**
Brown Law Firm
3777 The American Rd. NW
Suite 100
Albuquerque, NM 87114
505-292-9677
Fax: 505-292-9680
Email: kevin@brownlawnm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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333 Rio Rancho Blvd. NE
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Email: keya@brownlawnm.com
ATTORNEY TO BE NOTICED

Defendant

Pam Etre-Perez
TERMINATED: 05/29/2015

Defendant

Tom Pierce
TERMINATED: 05/29/2015

Defendant

William Heenan

represented by **Kevin M. Brown**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Daniel J Macke
(See above for address)
ATTORNEY TO BE NOTICED

Desiree D Gurule
(See above for address)
ATTORNEY TO BE NOTICED

Keya Koul
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Carol Adler
TERMINATED: 05/29/2015

Defendant

Tom Manning

represented by

Kevin M. Brown
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Daniel J Macke
(See above for address)
ATTORNEY TO BE NOTICED

Desiree D Gurule
(See above for address)
ATTORNEY TO BE NOTICED

Keya Koul
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Kathy Winograd

represented by **Kevin M. Brown**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Daniel J Macke
(See above for address)
ATTORNEY TO BE NOTICED

Desiree D Gurule
(See above for address)
ATTORNEY TO BE NOTICED

Keya Koul
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Michael Chiarelli
CEO, UNMH

Defendant

Dr. John Gray
Psychologist, UNMH

Defendant

Kate Becker
CEO, UNMH

Defendant

University of New Mexico Hospital
(UNMH)

Defendant

Dr. Jennifer Phillips
Chief of Staff, UNMH

Date Filed	#	Page	Docket Text
07/11/2014	<u>1</u>	10	NOTICE OF REMOVAL by Central New Mexico Community College, William Heenan, Tom Manning, Kathy Winograd from Second Judicial District Court, case number D-202-CV-2014-03536. (Filing Fee – Online Payment) (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B)(Gurule, Desiree) (Entered: 07/11/2014)
07/11/2014	<u>2</u>		CERTIFICATE OF SERVICE by Central New Mexico Community College, William Heenan, Tom Manning, Kathy Winograd of <i>Notice of filing of removal</i> (Gurule, Desiree) (Entered: 07/11/2014)
07/11/2014	<u>3</u>		NOTICE of Appearance by Kevin M. Brown on behalf of Central New Mexico Community College, William Heenan, Tom Manning, Kathy Winograd (Brown, Kevin) (Entered: 07/11/2014)
07/11/2014			Filing and Administrative Fees Received: \$ 400 receipt number 1084-3658900 re <u>1</u> Notice of Removal, filed by Central New Mexico Community College, Kathy Winograd, Tom Manning, William Heenan (Payment made via Pay.gov)(Gurule, Desiree) (Entered: 07/11/2014)
07/11/2014			U.S. Magistrate Judge Robert Hayes Scott and U.S. Magistrate Judge Steven C. Yarbrough assigned. (mr) (Entered: 07/11/2014)
07/11/2014	4		PLEASE TAKE NOTICE that this case has been randomly assigned to United States Magistrate Judge Robert Hayes Scott to conduct dispositive proceedings in this matter, including motions and trial. Appeal from a judgment entered by a Magistrate Judge will be to the United States Court of Appeals for the Tenth Circuit. It is the responsibility of the case filer to serve a copy of this Notice upon all parties with the summons and complaint. <i>Consent is strictly voluntary, and a party is free to withhold consent without adverse consequences. Should a party choose to consent, notice should be made no later than 21 days after entry of the Order setting the Rule 16 Initial Scheduling Conference.</i> For e-filers, visit our Web site at www.nmcourt.fed.us for more information and instructions. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (mr) (Entered: 07/11/2014)
07/14/2014	<u>5</u>		NOTICE by Central New Mexico Community College, William Heenan, Tom Manning, Kathy Winograd <i>Notice of Unavailability from 8/21/14 through 8/22/2014</i> (Brown, Kevin) Modified text on 7/15/2014 (bap). (Entered: 07/14/2014)
07/14/2014	<u>6</u>	57	ANSWER to Complaint (Notice of Removal) by Central New Mexico Community College, William Heenan, Tom Manning, Kathy Winograd. (Attachments: # <u>1</u> Exhibit A)(Koul, Keya) (Entered: 07/14/2014)
07/14/2014	<u>7</u>		DEMAND for Trial by Jury by Central New Mexico Community College, William Heenan, Tom Manning, Kathy Winograd (Koul, Keya) (Entered: 07/14/2014)

			07/14/2014)
09/05/2014	<u>8</u>		NOTICE of Change of Address by Kevin M. Brown (Brown, Kevin) (Entered: 09/05/2014)
10/03/2014	9		NOTICE OF CONSENT SUBMISSION DEADLINE: Pursuant to Fed. R. Civ. P. 73(b)(2), the parties are reminded that a magistrate judge was assigned as the trial judge in this matter under 28 U.S.C. 636(c). The parties are advised that the Clerk will reassign this matter to a district judge as the trial judge no later than 5 days from the entry of this notice unless consents from all parties have been filed. The parties are free to withhold consent. <i>If you have already entered your consent, you need not resubmit.</i> (cl) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 10/03/2014)
10/09/2014	11		PLEASE TAKE NOTICE that this case has been reassigned to District Judge Kenneth J. Gonzales as the trial judge. Under D.N.M.LR-Civ. 10.1, the first page of each document must have the case file number and initials of the assigned judges. <i>Accordingly, further documents filed in this matter must bear the case number and the judges' initials shown in the case caption and the NEF for this document.</i> Kindly reflect this change in your filings. Magistrate Judge Robert Hayes Scott no longer assigned to this case. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (ln) (Entered: 10/09/2014)
10/11/2014	12		NOTICE REGARDING DOCUMENT ENTRIES: Because this case has been reassigned to a district judge, please be advised that any documents filed by the parties under Rule 73(b) have been permanently removed from the docket. Document(s) removed: No. 10. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (dc) (Entered: 10/11/2014)
11/13/2014	<u>13</u>		NOTICE by Central New Mexico Community College, William Heenan, Tom Manning, Kathy Winograd <i>Notice of Unavailability</i> (Gurule, Desiree) (Entered: 11/13/2014)
11/14/2014	<u>14</u>		INITIAL SCHEDULING ORDER: by Magistrate Judge Steven C. Yarbrough Rule 16(c) Hearing set for 1/5/2015 at 11:30 AM in Albuquerque – Telephonic Hearing/Conference before Magistrate Judge Steven C. Yarbrough. Joint Status Report due by 12/22/2014. (acj) (Entered: 11/14/2014)
12/22/2014	<u>15</u>		Joint Status Report <i>and Provisional Discovery Plan</i> by Central New Mexico Community College, William Heenan, Tom Manning, Kathy Winograd (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Koul, Keya) (Entered: 12/22/2014)
12/22/2014	<u>16</u>	87	MOTION to Dismiss <i>for Failure to Prosecute</i> by Central New Mexico Community College, William Heenan, Tom Manning, Kathy Winograd. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Koul, Keya) (Entered: 12/22/2014)

12/29/2014	<u>17</u>	CERTIFICATE OF SERVICE by Central New Mexico Community College, William Heenan, Tom Manning, Kathy Winograd <i>Defendants' Initial Disclosures</i> (Koul, Keya) (Entered: 12/29/2014)
01/05/2015	<u>18</u>	Clerk's Minutes for proceedings held before Magistrate Judge Steven C. Yarbrough: Scheduling Conference held on 1/5/2015. (acj) (Entered: 01/05/2015)
01/05/2015	<u>19</u>	ORDER TO SHOW CAUSE by Magistrate Judge Steven C. Yarbrough Show Cause Response due by 1/15/2015. (acj) (Entered: 01/05/2015)
01/12/2015	<u>20</u>	NOTICE of Briefing Complete by Central New Mexico Community College, William Heenan, Tom Manning, Kathy Winograd re <u>16</u> MOTION to Dismiss <i>for Failure to Prosecute</i> filed by Central New Mexico Community College, Kathy Winograd, Tom Manning, William Heenan (Koul, Keya) (Entered: 01/12/2015)
01/14/2015	<u>21</u>	MOTION to Compel <i>Initial Disclosures</i> by Central New Mexico Community College, William Heenan, Tom Manning, Kathy Winograd. (Koul, Keya) (Entered: 01/14/2015)
01/20/2015	<u>22</u>	ORDER TO SHOW CAUSE by Magistrate Judge Steven C. Yarbrough Show Cause Response due by 1/30/2015. (acj) (Entered: 01/20/2015)
01/30/2015	<u>23</u>	RESPONSE re <u>22</u> Order to Show Cause filed by Riema Auld. (yc) (Entered: 01/30/2015)
02/02/2015	<u>24</u>	ORDER QUASHING <u>22</u> Order to Show Cause AND <u>19</u> Order to Show Cause by Magistrate Judge Steven C. Yarbrough. (acj) (Entered: 02/02/2015)
02/05/2015	<u>25</u>	NOTICE of Briefing Complete by Central New Mexico Community College, William Heenan, Tom Manning, Kathy Winograd re <u>21</u> MOTION to Compel <i>Initial Disclosures</i> filed by Central New Mexico Community College, Kathy Winograd, Tom Manning, William Heenan (Koul, Keya) (Entered: 02/05/2015)
02/05/2015	<u>26</u>	RESPONSE re <u>23</u> Response, <u>24</u> Order filed by Central New Mexico Community College, William Heenan, Tom Manning, Kathy Winograd. (Koul, Keya) (Entered: 02/05/2015)
02/06/2015	<u>27</u>	ORDER STAYING CASE by Magistrate Judge Steven C. Yarbrough. Case stayed until 4/3/2015. Status Conference set for 5/6/2015 at 02:00 PM in Albuquerque – Telephonic Hearing/Conference before Magistrate Judge Steven C. Yarbrough. (acj) (Entered: 02/06/2015)
04/03/2015	<u>28</u>	PLAINTIT'S RESPONSE filed by Riema Auld re <u>27</u> Order Staying Case (jn) (Entered: 04/06/2015)
04/13/2015	<u>29</u>	RESPONSE <i>in Opposition to Plaintiff's Motion for Extension of the Stay</i> re <u>28</u> Response filed by Central New Mexico Community College, William Heenan, Tom Manning, Kathy Winograd. (Koul, Keya) (Entered: 04/13/2015)
04/15/2015	<u>30</u>	ORDER by Magistrate Judge Steven C. Yarbrough Setting Status Conference for 4/28/2015 at 03:30 PM in Albuquerque – Telephonic Hearing/Conference before Magistrate Judge Steven C. Yarbrough. The parties shall call Judge Yarbrough's "Meet Me" conference line at 505-348-2277 to connect to the proceedings.(acj) (Entered: 04/15/2015)

04/28/2015	<u>31</u>		Clerk's Minutes for proceedings held before Magistrate Judge Steven C. Yarbrough: Status Conference held on 4/28/2015. (acj) (Entered: 04/30/2015)
05/05/2015	<u>32</u>		NOTICE of Change of Address by Riema Auld (jn) (Entered: 05/06/2015)
05/05/2015	<u>33</u>		PLAINTIFF'S INITIAL DISCLOSURES (Notice) by Riema Auld (jn) (Entered: 05/06/2015)
05/06/2015	<u>34</u>		Clerk's Minutes for proceedings held before Magistrate Judge Steven C. Yarbrough: Status Conference held on 5/6/2015. (acj) (Entered: 05/06/2015)
05/07/2015	<u>35</u>		ORDER TO SHOW CAUSE by Magistrate Judge Steven C. Yarbrough. Show Cause Response due by 5/21/2015. (acj) (Entered: 05/07/2015)
05/07/2015	<u>36</u>	107	REPORT AND RECOMMENDATIONS by Magistrate Judge Steven C. Yarbrough: Objections to R&R due by 5/26/2015 (acj) (Entered: 05/07/2015)
05/21/2015	<u>37</u>		MOTION to excuse May 5, 2015 absence, motion to allow electronic filing and motion requesting the court to consider the intentional malicious and nefarious activities of defendants by Riema Auld. (yc) (Entered: 05/21/2015)
05/28/2015	<u>38</u>		ORDER by Magistrate Judge Steven C. Yarbrough Quashing Order to Show Cause and Setting Status Conference for 6/8/2015 at 02:30 PM in Albuquerque – Telephonic Hearing/Conference before Magistrate Judge Steven C. Yarbrough. Plaintiff's MOTION for Order is terminated. (acj) (Entered: 05/28/2015)
05/29/2015	<u>39</u>	109	ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND RECOMMENDED DISPOSITION <u>36</u> by District Judge Kenneth J. Gonzales. (tah) (Entered: 05/29/2015)
05/29/2015	<u>40</u>	110	ORDER DISMISSING PLAINTIFF'S CLAIMS AGAINST DEFENDANTS PAM ETRE-PEREZ, TOME PIERCE, AND CAROL ADLER by District Judge Kenneth J. Gonzales (tah) (Entered: 05/29/2015)
06/08/2015	<u>41</u>		Clerk's Minutes for proceedings held before Magistrate Judge Steven C. Yarbrough: Status Conference held on 6/8/2015. (acj) (Entered: 06/09/2015)
06/09/2015	<u>42</u>	111	REPORT AND RECOMMENDATIONS by Magistrate Judge Steven C. Yarbrough Objections to R&R due by 6/26/2015 (acj) (Entered: 06/09/2015)
06/30/2015	<u>43</u>	114	ORDER ADOPTING <u>42</u> MAGISTRATE JUDGE'S PROPOSED FINDINGS AND RECOMMENDED DISPOSITION by District Judge Kenneth J. Gonzales. (tah) (Entered: 07/01/2015)
06/30/2015	<u>44</u>	115	ORDER DISMISSING PLAINTIFF'S CLAIMS AGAINST DEFENDANTS by District Judge Kenneth J. Gonzales. (tah) (Entered: 07/01/2015)
11/01/2018	<u>45</u>	116	MOTION to Reopen Case by Riema Auld. (yc) (Entered: 11/01/2018)
11/14/2018	<u>46</u>	153	RESPONSE to Motion re <u>45</u> MOTION to Reopen Case filed by Central New Mexico Community College, William Heenan, Tom Manning, Kathy Winograd. (Gurule, Desiree) (Entered: 11/14/2018)
11/16/2018	<u>47</u>	156	MOTION to Appoint Counsel by Riema Auld. (jjs) (Entered: 11/16/2018)
11/26/2018	<u>48</u>	162	NOTICE of Exhibit by Riema Auld (yc) (Entered: 11/27/2018)

11/27/2018	<u>49</u>		NOTICE by Central New Mexico Community College <i>Notice of Non-Availability</i> (Gurule, Desiree) (Entered: 11/27/2018)
11/30/2018	<u>50</u>		RESPONSE to Motion re <u>47</u> MOTION to Appoint Counsel filed by Central New Mexico Community College, William Heenan, Tom Manning, Kathy Winograd. (Gurule, Desiree) (Entered: 11/30/2018)
11/30/2018	<u>51</u>		(INCOMPLETE) MOTION to be entered in the Federal Witness Protection Program and removed from New Mexico, Motion for Emergency Attorney Representation, Motion for Assistance in the Pro Se Disability Program to Receive Assistance with Learning the online system for Court; and Notification of Evidence and, Exhibits by Riema Auld. (yc) Modified on 12/3/2018 to term motion and add incomplete (yc). (Entered: 11/30/2018)
11/30/2018	<u>52</u>	171	MOTION (COMPLETE) to be entered in the Federal Witness Protection Program and removed from New Mexico, Motion for Emergency Attorney Representation, Motion for Assistance in the Pro Se Disability Program to Receive Assistance with Learning the online system for Court; and Notification of Evidence and, Exhibits by Riema Auld (This motion is the same as document <u>51</u> which was filed on 11/30/2018; however, document <u>51</u> was incomplete) (yc) (Entered: 12/03/2018)
12/17/2018	<u>53</u>		NOTICE of Briefing Complete by All Defendants re <u>45</u> MOTION to Reopen Case filed by Riema Auld (Gurule, Desiree) (Entered: 12/17/2018)
12/20/2018	<u>54</u>	209	AMENDED COMPLAINT against Central New Mexico Community College, Kathy Winograd, Michael Chiarelli, Dr. John Gray, Kate Becker, University of New Mexico Hospital (UNMH), Dr. Jennifer Phillips. adding University of New Mexico Hospital (UNMH), Dr. John Gray, Dr. Jennifer Phillips, Kate Becker and Michael Chiarelli, Michael Chiarelli, Dr. John Gray, Kate Becker, University of New Mexico Hospital (UNMH) and Dr. Jennifer Phillips., filed by Riema Auld. (jjs) (Entered: 12/21/2018)
01/22/2019	<u>55</u>	230	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , MOTION to Dismiss for Lack of Jurisdiction by Central New Mexico Community College, William Heenan, Tom Manning, Kathy Winograd. (Gurule, Desiree) (Entered: 01/22/2019)
01/22/2019	<u>56</u>	233	MOTION for Protection by Riema Auld. (jn) (Entered: 01/24/2019)
01/24/2019	<u>57</u>		[CASE PARTICIPANTS] APPENDIX/SUPPLEMENT re <u>56</u> MOTION for Order by Riema Auld (jn) (Entered: 01/24/2019)
01/28/2019	<u>58</u>		[CASE PARTICIPANTS] NOTIFICATION OF EVIDENCE by Riema Auld (jn) (Entered: 01/28/2019)
01/30/2019	<u>59</u>		NOTICE of Lodging by Riema Auld (jg) (Entered: 01/31/2019)
02/04/2019	<u>60</u>	237	ORDER STAYING CASE by District Judge Kenneth J. Gonzales. (tah) (Entered: 02/04/2019)
04/22/2019	<u>61</u>	239	MEMORANDUM OPINION AND ORDER by District Judge Kenneth J. Gonzales denying <u>45</u> Plaintiff's Motion for Injunction; denying as moot Plaintiff's remaining filings (<u>47</u> Motion to Appoint Counsel, <u>48</u> Notice of Exhibit, <u>52</u> Motion for Order, <u>54</u> Amended Complaint, <u>56</u> Motion for Order, <u>57</u> Appendix/Supplement, <u>58</u> Notification of Evidence); and denying <u>55</u>

			Defendant's Motion to Dismiss for Failure to State a Claim and Lack of Jurisdiction. This case remains closed as of June 30, 2015. (tah) (Entered: 04/22/2019)
05/07/2019	<u>62</u>	244	NOTICE OF APPEAL as to <u>61</u> Memorandum Opinion and Order,, by Riema Auld. (Appeal Fee Not Paid.) (jn) (Entered: 05/08/2019)
05/07/2019	<u>63</u>		MOTION for Leave to Appeal in forma pauperis by Riema Auld. (jn) (Entered: 05/08/2019)
05/08/2019	<u>64</u>		Transmission of Preliminary Record to US Court of Appeals re <u>62</u> Notice of Appeal (jjs) (Entered: 05/08/2019)
05/09/2019	<u>65</u>		USCA Information Letter with Case Number 19-2079 for <u>62</u> Notice of Appeal filed by Riema Auld. (jjs) (Entered: 05/09/2019)
05/23/2019	<u>66</u>	250	ORDER by District Judge Kenneth J. Gonzales denying <u>63</u> Plaintiff's Motion to Proceed on Appeal in forma pauperis. (tah) (Entered: 05/23/2019)
05/28/2019	<u>67</u>		RESPONSE re <u>66</u> Order on Motion for Leave to Appeal in forma pauperis filed by Riema Auld. (jn) (Entered: 05/28/2019)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RIEMA AULD,

Plaintiff,

v.

Case No. 1:14-cv-636

CENTRAL NEW MEXICO COMMUNITY COLLEGE,
PAM ETRE-PEREZ, TOM PIERCE,
WILLIAM HEENAN, CAROL ADLER,
TOM MANNING, AND KATHY WINOGRAD

Defendants.

NOTICE OF REMOVAL

To: The Honorable Judges of the United States District Court for the District of
New Mexico

Defendants, by and through counsel of record, Brown Law Firm, by Kevin M.
Brown, Desiree D. Gurule, Daniel J. Macke and Keya Koul, and hereby state as follows:

1. On or about May 27, 2014, the above-entitled action was commenced against
Central New Mexico Community College, Pam Etre-Perez, Tom pierce, William Heenan,
Carol Adler, Tom Manning, and Kathy Winograd, No. D-202-CV-2014-03536.

2. The Plaintiff is alleged to be an individual residing in Bernalillo County, New
Mexico, and the Defendants are alleged to be a legal entity and individuals based in or
residing in Bernalillo County, State of New Mexico.

3. Federal question jurisdiction exists in this matter because Plaintiff asserts
claims under Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. § 2000e et seq.

4. Since Plaintiff's claims are supported or defeated by construction of federal
law, this Court has federal question jurisdiction under 28 U.S.C. § 1331.

5. Correspondingly, this action may be removed to this Court pursuant to 28
U.S.C. § 1441 and 28 U.S.C. § 1446(b).

6. This Court has supplemental jurisdiction over any and all state law claims under 28 U.S.C. § 1367 (1990).

7. A copy of the pleading served on Defendants, in this action, from which it is first ascertainable that this action is removable, is attached as Exhibit A (Amended Complaint) to this Notice. The pleading was served on June 12, 2014. All other State Court documents are attached hereto as Exhibit B.

8. This Notice of Removal is filed within 30 days after service on Defendants.

9. All Defendants who have been served consent to this removal.

10. Notice of this filing, along with a copy hereof, has been made to the Second Judicial District Court for the County of Bernalillo, State of New Mexico, by filing the Notice and a copy hereof with the Clerk of that Court.

WHEREFORE, Defendants respectfully request that the above-entitled action be removed from the Second Judicial District Court for the County of Bernalillo, State of New Mexico, to the United States District Court for the District of New Mexico.

Respectfully submitted,

*BROWN LAW FIRM
BROWN & GURULE*

/s/ Desiree D. Gurule 07/11/14
DESIREE D. GURULE
Attorney for Defendants
CNM, Heenan, Manning and
Winograd
2901 Juan Tabo NE, Suite 208
Albuquerque, New Mexico 87112
(505) 292-9677
desiree@brownlawnm.com

I HEREBY CERTIFY that on this 11th day of July, 2014, I filed the foregoing electronically through the CM/ECF system, and mailed the foregoing to Plaintiff *pro se* via USPS at the following address:

Riema Auld
6809 Toratolla Court
Albuquerque, NM 87120
(505)373-9210
butterflypurdie@gmail.com

/s/ Desiree D. Gurule
Desiree D. Gurule

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<p>I. (a) PLAINTIFFS Riema Auld</p> <p>(b) County of Residence of First Listed Plaintiff <u>Bernalillo County</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number) Plaintiff Pro Se, Riema Auld 6809 Toratolla Court Albuquerque, NM 87120, (505) 373-9210</p>	<p>DEFENDANTS New Mexico Aging and Long Term Services Department, and New Mexico Human Services Department</p> <p>County of Residence of First Listed Defendant <u>Bernalillo County</u> (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p>Attorneys (If Known) Brown Law Firm Desiree D. Gurule, Daniel J. Macke 2901 Juan Tabo NE Keya Koul Albuquerque, NM 87112 Phone: (505) 292-9677</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <p>(For Diversity Cases Only)</p> <table style="width:100%;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%;"><input type="checkbox"/> 1</td> <td style="width:10%;"><input type="checkbox"/> 1</td> <td style="width:33%;">Incorporated or Principal Place of Business In This State</td> <td style="width:10%;"><input type="checkbox"/> 4</td> <td style="width:10%;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4														
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6														

IV. NATURE OF SUIT (Place an "X" in One Box Only)				
<p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p>	<p>TORTS</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 362 Personal Injury - Med. Malpractice</p> <p><input type="checkbox"/> 365 Personal Injury - Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p>FORFEITURE/PENALTY</p> <p><input type="checkbox"/> 610 Agriculture</p> <p><input type="checkbox"/> 620 Other Food & Drug</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 630 Liquor Laws</p> <p><input type="checkbox"/> 640 R.R. & Truck</p> <p><input type="checkbox"/> 650 Airline Regs.</p> <p><input type="checkbox"/> 660 Occupational Safety/Health</p> <p><input type="checkbox"/> 690 Other</p> <p>LABOR</p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Mgmt. Relations</p> <p><input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act</p> <p>IMMIGRATION</p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 463 Habeas Corpus - Alien Detainee</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p>	<p>BANKRUPTCY</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p> <p>SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p>FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</p>	<p>OTHER STATUTES</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 810 Selective Service</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 875 Customer Challenge 12 USC 3410</p> <p><input type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 892 Economic Stabilization Act</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 894 Energy Allocation Act</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>
<p>REAL PROPERTY</p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p>	<p>CIVIL RIGHTS</p> <p><input type="checkbox"/> 441 Voting</p> <p><input type="checkbox"/> 442 Employment</p> <p><input type="checkbox"/> 443 Housing/Accommodations</p> <p><input type="checkbox"/> 444 Welfare</p> <p><input type="checkbox"/> 445 Amer. w/Disabilities - Employment</p> <p><input type="checkbox"/> 446 Amer. w/Disabilities - Other</p> <p><input checked="" type="checkbox"/> 440 Other Civil Rights</p>	<p>PRISONER PETITIONS</p> <p><input type="checkbox"/> 510 Motions to Vacate Sentence</p> <p>Habeas Corpus:</p> <p><input type="checkbox"/> 530 General</p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p>		

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

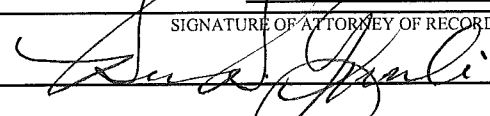
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. 2000

Brief description of cause:
Alleged violation of Civil Rights Act of 1964

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** _____

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE 7/10/2014 SIGNATURE OF ATTORNEY OF RECORD 

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

Second Judicial District Court
County of Bernalillo
State of New Mexico

CASE No. CV201403536

RIEMA AULD

Pro se

vs

CENTRAL NEW MEXICO COMMUNITY COLLEGE

Pam Etre-Perez

Tom Pierce

William Heenan

Carol Adler

Tom Manning

Kathy Winograd

Defendants

AMENDMENT: COMPLAINT FOR DECLARATORY AD INJUNCTIVE
RELIEF AND DAMAGES FOR BREACH OF CONTRACT, WHISTLE
BLOWER VIOLATIONS AND VIOLATIONS OF ANTI-DISCRIMINATION
PROTECTIONS IN THE WORKPLACE NOT LIMITED TO VIOLATIONS OF
TITLE 7

I had a right to be treated as an average person, a typical employee without
different treatment due to my racial appearance, the personal beliefs of my national
origin and managements personal beliefs about my race. I had a right to enjoy the

EXHIBIT

A

ALEXANDER GALINDO

DNM 14

policies and procedures of CNM contracted to be used to manage all employees regardless of my appearance racial and cultural beliefs of management.

Undisputed admissions of fact provided by CNM's own written and recorded statements prove that CNM used my culture, national origin, race and applied extraordinary policies and procedures of treatment and evaluation of me because I am a woman, African American, and an African American Woman

CNM via their statements submitted to the EEOC, have explained that management used non work related racial elements of my person to treat me differently than other employees. From the first week of work I was questioned about my racial background specifically because/CNM my supervisor William Heenan did not consider my name to represent American nationality. CNM report presents the issue of national origin specifically posing national origin as the reason I was questioned about my name and also the reason why I was described as intentionally referring to my brother by his birth name in the presence of my supervisor. CNM treated me negatively differently due to their personal belief about my and my families representation of national origin. CNM also states incorrectly that my name is Arabic. CNM also characterizes my brothers name as being Arabic. The act of identifying the racial derivative of my name and my

brothers name had no pertinence of my ability to work. Yet, it was and remains an explanation for the decisions and activities of management. CNM condones using racial/national origin questioning as an element of building "rapport". Therefore, the effort of identifying the ethnicity/race/national origin of me as a new employee beginning during the first week of employment via repeated questioning evidences the importance of race and national origin as pertinent aspects of my being successful in the workplace. The questioning stopped only when I divulged that I am African American. Previous questioning by supervisor Heenan was met with geographic responses as I thought that learning my racial history was not appropriate or pertinent and therefore not the bases for his inquiries. At that time, I did not know that the reasoning was because my name was not considered to represent American Nationality. CNM has provided this explanation. Supervisor Heenan, per the investigation report fro Dean Perez, preferred to work with Arabic (Yemen) women. This supports CNM's explanation to the EEOC that race is an appropriate means from which to build rapport among staff and their subordinates. Herein is the core of the problem. Per CNM, "blacks" constitute only 2.3% of CNM's workforce. I believe this to be inclusive other races in addition to African Americans. It is unfair for "Blacks" to be required to build rapport and avoid conflict racially when "Blacks" at such a reduced quantity will have a extremely reduced opportunity to bond/ build rapport and will therefore be more open to not

having rapport that could manifest into personality conflicts, exclusionary practices, economic disenfranchisement and termination. Further, this policy is exclusionary and problematic when race is not a means for building rapport. the history of the United States ie the regulations presented by EEO policies explain the reason why focusing on and specifically using race and national origin in the workplace to build rapport is illegal and can easily become exclusionary and hostile as I experienced. As an African American woman, I was at a disadvantage having a supervisor who preferred to work with persons of a different race and culture than African American. Repeated questioning for the specific purpose to determine race and national origin based on managements determination of what does/does not represent accurately what that institution/Supervisor qualifies as representing American Nationality qualifies as different consideration leading to different treatment resulting in unfair unequal treatment, via surveillance and harassing questioning followed by an even more hostile work environment when rapport cannot be established via race and national origin. Supervisor Heenan had worked with a Hispanic woman previously in my position without problems. Different treatment due to the efforts to establish rapport is discrimination and different treatment in violation of EEO Title 7 regulations.

Once Supervisor Heenan learned my race was African American, the harassment continued in other behaviors. I was assaulted. I reported the assault. Human

resources refused to accept the report and misinformed me about filing a workers compensation claim explaining that only physical injury not emotional injury could be reported. I returned and submitted my report. Human resources/Tom Manning refusing to accept my written complaint is one example of being retaliated against for reporting my supervisor. Human Resources refusing to accept my written complaint serves as an example that CNM was biased against me at the onset for reporting. Being mis informed about the workers compensation process is another example of retaliation.

CNM had a regular pattern of different and discriminatory treatment due to race. A Caucasian woman-employee reported sexual harassment perpetrated by an AfricanAmerican man employee. The man was immediately moved to form sitting and working near the Caucasian woman. The woman was counseled and encouraged to report any future problems. In comparison, me, and African American woman reporting a caucasian man was addressed totally differently. In email, I was prohibited from reporting personnel issues when I sought help from Human Resources and management. I asked to be moved to a different position but was refused due to CNM's evaluation of my physical body. Because I am African American, I was treated and evaluated differently. Per CNM's statement to the EEOC, "estimates" and "imagination" about my physical body, including,

my strength level were employed as a basis to determine that I was not experiencing fear of my supervisor. From these "estimates" and "imagination"s by Human Resources, I was determined to be as strong as a man, my male caucasian supervisor. The Caucasian woman's reports were addressed with concern, protection and encouragement to report in order to maintain a non harassing safe work environment. I was treated as though a work environment grounded in the knowledge of equal strength capability in case of physical combat would be a norm and appropriate for me as though I function in the realm of animalistic hierarchy establishment through strength and fighting. My multiple reports of being fearful of my supervisor were ignored for this reason. I was considered like an animal evaluated for physicality for work or a dog relegated to dog fighting. I am referred to as "sturdy", "fit" and described as being minimally as strong as my supervisor. The Caucasian woman employee explained to me that her name and her body, neither, were evaluated when her complaint was duly processed to protect her from the behaviors of the African American man. I was not treated as an average person/employee like the Caucasian woman employee because I am an African American reporting and experiencing assault, mistreatment and discrimination perpetuated by a Caucasian man. CNM was aware that the reasons for the mistreatment were due to race national origin and gender. In fact, CNM explained these reasons to me. Per my reiteration of the

report of discrimination via email, the Dean explains the discrimination had already "been thoroughly discussed". In breach of the CNM EEO policy, a EEO investigation was not initiated and the problem was addressed per CNM as a "personality conflict". CNM acknowledges that discrimination was taking place per their statements to the EEOC explaining that racial/national origin culture was a problematic issue that was addressed by the Dean initiating the issue of racial culture and then explaining how she, Dean Perez, thought it should be addressed: not following EEO policies/procedures but by being aware and accepting. Per Dean Perez's email, the issue of Supervisor Heenan's racial and cultural preference had been "thoroughly discussed" and addressed as a result following the investigation of the assault. CNM's own statements to the EEOC and their emails explain that discrimination in violation of title 7 took place and that CNM's actions were in breach of title 7 and CNM's own policies and procedures including workplace protections explained in the constitution and the state of New Mexico.

My claim of retaliation or reporting mistreatment and abuse in violation of Title 7 is established not only by a timeline of events. It is extreme and obvious.

Retaliation

1. Per CNM's statements to the EEOC: following my report/complaint about being assaulted and abusive behavior, CM instituted a procedure of increased

surveillance involving 3 levels of management Dean Perez, Director Pierce and supervisor Keenan. My work assignments were listed in an email, sent to all parties. In addition, a meeting was scheduled at the beginning of the week. At the weeks end, another meeting was scheduled to review and discuss my work by management. This was retaliation for reporting my supervisor. The increased surveillance created a hostile work environment. The Caucasian woman did not receive any increased surveillance following her report regarding harassment by the African American man. Included in this December complaint is my first written notification that I was fearful of Supervisor Heenan and could not sleep due to his assault on my person.

2. Human resources, Tom Manning misinformed me about the process and ability to file a workers-compensation complaint. Tom Manning explained that workers compensation only applied to those suffering from physical not emotional or non-physical injury.
3. Human Resources, Tom Manning refused to accept my written complaint. I had to return and insist that my complaint be accepted
4. Retaliation-Inappropriate evaluation: Per CNM statement, my reports of being fearful of Supervisor Heenan were addressed with "estimates" being taken about my body and "imagination" about my body. This type of surveillance and evaluation perversely deviates from the norms of management and serves

to create a hostile, bias atmosphere where I could not be evaluated as an average person or employee. My physical appearance is reflective of my race. CNM's procedure of evaluating my body and physical appearance invites and incorporates any stereotypes each individual desired to apply to my person, my work, my body, and the imaginations of any physical performance CNM desired to "imagine" about my body. This breach from traditional policy and societal workplace norms is a nefarious intentional effort to discriminate, intimidate and subjugate me like the other caucasian woman employee reporting abuse was not.

5. Email Feb. 7, 2012: I report harassment and abuse
6. Email Feb. 7, 2012: CNM restricts me from "reporting personnel issues" about Supervisor Heenan stating, "It is not appropriate".
7. Email Feb. 13, 2012 work assignment "Train back up proctor": Throughout employment I was asked to train other staff as I was until I reported discrimination.
8. Email Feb. 16, 2012: I report discrimination to Human Resources, Dean Perez, Director Pierce
9. February 17, 2012: I was told to leave campus and was followed by campus security
10. March 2, 2012 I filed an EEOC complaint

11. March 16, 2012: CNM terminated my employment. During the termination, Human Resources Tom Manning, also the person who reported the "estimates" and "imagination" CNM used to evaluate me, reported, "I think you're beautiful" as recorded. Witnesses: Dean Perez and Director Pierce, are referenced in CNM's statement as considering no statements to be inappropriate by Human Resources Tom Manning during the termination meeting. This evidences that from hire through termination, I was inappropriately and differently judged-evaluated and that management conspired to prevent me from experiencing the workplace norms others enjoyed.

- During the termination meeting, Tom Manning mis-informed me via telling me the decision by CNM to terminate me was a final decision. However, I should have had access to a appeal process to try ad keep my job.

12. Following termination, I filed for unemployment benefits. CNM attempted to prevent my receipt of benefits. Unemployment's investigation determined that I was fired but not for misconduct.

CNM has presented statements establishing retaliation. My reporting the assault is referred to as the "trigger" or cause of my termination.

During the recorded termination meeting, my reporting mistreatment perpetuated by my supervisor was referred to as the problem. (Not my work)

Furthermore, CNM has reported that CNM only considers the right to report when that reporter can prove ("be substantiated") what he/she is reporting. Therefore, CNM's printed mandate to report by any person who witnesses a violation of the CNM policy/procedure manuals/documents, and the legal standard deeming the right to report as a "protected activity" do not coincide. CNM retaliated against me for following the legal and CNM written mandate instead of their unwritten policy procedure for me, an African American woman reporting abuses by a caucasian man. All of my reports of abuse, CNM has explained, were considered "petty workplace gripes" and considered evidence that I was holding a "grudge". For example, my complaint that I was being treated badly because Supervisor Heenan preferred to work with women from Yemen was a petty workplace gripe. My complaint that Supervisor Heenan complained that he did not see me, while I sat at my desk without partition or walls and therefore needed to ask another person in the same room to assist him with testing, was a petty workplace grip. My complaint that Supervisor Heenan asked me to work over time and not report the time was a "petty workplace gripe". Discrimination/ Different treatment due to race: This policy/procedure restricting the right to report violations of policy did not extend to the Caucasian woman who reported abuses by African American

man. CNM's use of 2 directly opposing policies where application is determined by race is discrimination and a breach of Title 7 protections I had a legal right to experience.

I asked to be removed and separated from the party perpetuating abuse like CNM separated the caucasian woman from the African American man. My requests were refused due to the different treatment CNM employed due to my being an Africa America woman being CNM's evaluation and imagination about my body. The problem was not work related. My work, per CNM, was positively acknowledged and I was scheduled to train others which evidences quality work ad an ability to work well with others. CNM's decision not to separate me did not award me an opportunity to be evaluated without bias, perform and excel as required to both maintain my position and move forward to better higher paying positions. Instead, the termination has made it extremely difficult to find other work. This bad paper, I ask for compensation for the negative undeserved work history CNM has created for me. I ask for to be compensated for the intentional misinformation Human Resources used to prevent my accessing benefits available through workers compensation.¹

This case includes a complaint of Whistle Blower. CM has explained a policy and procedure of using inappropriate evaluation to determine fear in the workplace. CNM has explained how the activity of reporting violations of policy is considered. A clear interpretation of the written policy is provided by executive level Human Resources. My situation provides examples of how these policies are employed. Both policies vastly differ from how they are intended by state and federal explanation, the intended protections and what the average person would believe from reading CNM policy/procedures.



6/6/14

Riema Auld

6809 Toratolla Court

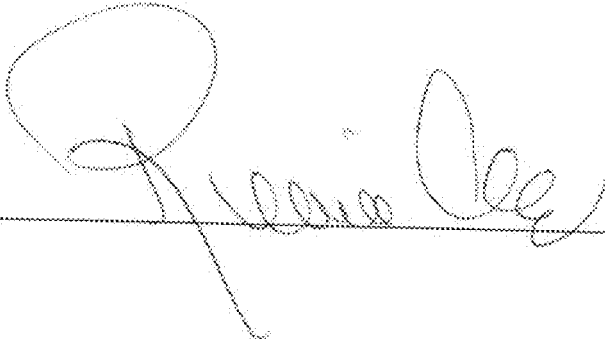
NW

ABQ, M 87120

(505) 373-9210

butterfllypurdie@gmail.com

I certify that I will mail a copy of this pleading to opposing counsel


_____ June 6, 14

Second Judicial Distric Court

County of Bernalillo

State of New Mexico

Case No. CV 2014 0 3 5 3 6

Riema Auld,

Plaintiff, Pro Se

vs

Central New Mexico Community College

Dr. Pam Etre- Perez

Tom Pierce

William Heenan

Carol Adler

Tom Manning

Kathy Winogead

Defendants

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND DAMAGES FOR
BREACH OF CONTRACT AND VIOLATION OF ANTI-DISCRIMINATION PROTECTIONS IN
THE WORKPLACE.

EXHIBIT
B

I, Riema Auld bring this complaint again Defendants and allege that Defendants conspired to breach legal protections to ensure equality and opportunity in the workplace: EEO Title 6 &7. The Defendants breached their contracted duty to evaluate me based upon standards described in their policies and procedures and did not employ with due diligence an effort to maintain a safe non abusive workplace in accordance to CNM policies and procedures, OSHA, EEO and state and federal requirements. This is, in addition, a whistle blower complaint. CNM uses state and federal money to engage policies that are illegal and discriminatory in the workplace. The behaviors of inappropriate evaluation using imagination, taking estimates and determining how well a person represents American Nationality are so ingrained and normalized at CNM that the Human Resource executives describe these activities in print via their statements to the EEOC. CNM failed to perform the duties agreed to in their contracted agreements with Auld. The breach was intentional and due to my race, national origin and gender I was not treated like other CNM employees.

I, Plaintiff Riema Auld suffered different and discriminatory treatment while employed at Central New Mexico Community College in violation of school policy and anti-discriminatory EEO state and federal laws. Following my report of an assault by my direct Supervisor William (Bill) Heenan, Dean Pam Etre Perez investigated and explained that the core reason and cause of the assault CMN deemed "a loss of control" was due to Supervisor Heenan's problem with my "culture". Although both Supervisor Heenan (Caucasian Man) and I, (African American Woman) are both American, Dean Perez reported that Supervisor Heenan preferred to work with women of Arabic decent because he had previously worked in Yemen and enjoyed the benefits he experienced as a man working in their male dominated society. In addition Dean Perez explained that Supervisor Heenan enjoyed working in the jail system. Because I did not conform to Supervisor Hennan's belief of how an Arabic woman would behave and defer to him

as a man, I experienced treatment in violation of CNM's, state and federal policies, procedures and protections of person's in the country and as an employee.

I am requesting help pursuing justice and to right the treatment I received while an employee at Central New Mexico Community College. I want help to ensure that NO OTHER PERSON SUFFERS the intentional extreme discrimination that I experienced. the problem is not the employee handbook of policies and procedures. The problem lies within the beliefs of Kathy Winograd and the management of the CNM. The true policies as they are applied are throwbacks to the days of Jim Crow and pre- the Women's Suffrage movement.

CNM refuses to mediate and stands firm in their beliefs and practices. This is a Whistle Blower situation. THESE WRONGS MUST BE EXPOSED AND STOPPED NOW. CNM boldly explains and supports their egregious actions using pseudo-science, stereotypes and discrimination as though social and legal workplace norms coincide. Kathy Winograd/ CNM receive Federal and State monies to support and perpetuate ignorance, hatred and economic disenfranchisement. I am asking the courts to please stop what is happening at CNM. Please stop Kathy Winograd.

CNM'S OWN STATEMENTS TO THE EEOC EXPLAIN INJUSTICE INCLUDING THAT CNM USED THEIR "IMAGINATION" ABOUT MY BODY AND THAT "ESTIMATES" WERE TAKEN IN EVALUATING MY BODY TO DETERMINE IF I WAS EXPERIENCING "FEAR" AS I REPORTED AND TO DETERMINE IF I SHOULD, THEREFORE, BE MOVED AWAY FROM MY SUPERVISOR (AS I REPEATEDLY REQUESTED) AFTER HE FOLLOWED ME, VERBALLY ASSAULTED ME, AND REQUIRED ME TO WORK OVERTIME HOURS AND NOT REPORT THOSE HOURS ON MY TIME CARD.

It is important to read the following knowing that CNM per their April 2014 email to me refused my appeal to them/CNM/ Kathy Winograd for mediation. CNM boldly supports the actions they have taken against me inappropriately, illegally and with severe discrimination and retaliation.

Important Timeline

Also, as you read please consider that I was never redirected or reprimanded about my work or demeanor. In fact, I was required to interact with students and TRAIN other staff consistently and up to the week I was asked to leave campus THE DAY AFTER reporting racial and cultural bias. The timeline as evidenced in documents from CNM/Kathy Winograd and the EEOC:

1. Email Feb 13, 2012 Work assignment "Train back up proctor"
2. Email Feb 16, 2013 8:43 am I report discrimination to Dean Etre-Perez, Director Tom Pierce, HR Tom Manning
3. Administrative Leave Notification February 17, 2012. I was followed out by security.
4. EEOC Claim Filed: March 2, 2012 (CNM asserts the claim was filed after termination even with EEOC's dated paperwork as evidence)
5. Notice of Termination March 16, 2012.

CNM attempts to confuse the discrimination: African American vs. Arabic

Supervisor Heenan, as explained by Dean Pam Etre-Perez liked and preferred to work in the jail system and with Yemen/Arabic women because he ENJOYED the culture that appreciates and extends preferences to men while limited those to women. CNM attempts to confuse the reality claiming that I complained that I was discriminated against because I was thought to b Arabic.

*This is not my complaint. Supervisor Heenan discriminated against me *****AFTER***** he learned that I was *****NOT***** Arabic. He learned my true ethnicity by repeatedly questioning me when I began work. This is different treatment due to my name and physical appearance as both relate to my race/ethnicity and national origin.*

Representation of American Nationality

CNM's statement to the EEOC dated Jan 29 2013, page 3, CNM explained that my name, in their opinion, does not represent American Nationality and therefore constitutes grounds for different treatment such as repeated questioning for the specific purpose to determine race and national origin. "...the origin of their name represented a nationality other than American." Page 3, CNM statement to the EEOC dated Jan 29, 2013. "After all, the name Riema is Arabic..." Page 4, CNM statement to the EEOC dated Jan 29, 2013., "Ms. Auld herself is actually feeding the notion she is Arabian." "Why would Ms. Auld jokingly call her brother Mister Omar Hassan Auld in front of Mr. Heenan when neither she nor her brother is Arabian; unless it was intentional?" Page 4, CNM statement to the EEOC dated Jan 29, 2013

MY BROTHER'S NAME IS OMAR HASSAN AULD AS NOTED ON HIS BIRTH CERTIFICATE.

Calling my little brother by his name is my practice and is a norm in, my country, America. This evidences the pertinence and hypersensitivity of my race and national origin I experienced in the workplace. As explained: I was on my cell phone engaged a brief light hearted personal call with my brother.

The name Riema is Arabic: not true, CNM believes that evaluating an employee to determine how well he/she represents American Nationality and then to act on that determination is appropriate in the work place. I ask that CNM inform and explain what criteria it uses to determine what does represent American Nationality. As an employer receiving state and federal monies especially, CNM has no place and there is no facility in evaluation a persons,my representation, of being American. I, like so many in our country are multiracial and multicultural. This is the beauty of our country. Who is CNM/Kathy Winograd to believe that they can and should stand to determine what represents being American and what does not.

This is a violation of CNM's policy, procedures serving as setting a contract to provide me with expectations and norms that I expected to enjoy while working at CNM.

Per a former employees statement he, as a Caucasian American, did not experience in 17 years of employment at CNM, questioning about his name, his ethnicity his national origin. In less than one year of employment, I as an African American woman, was repeated subjected to this questioning from my Supervisor. This is blatant unequal and unfair treatment.

My name is American. I am an American. My family is American in every way. It is insulting that I and my family are identified as *"representing a nationality other than American"* per CNM statement page 4 Jan 29 2013.

Supervisors build rapport and find common ground via questioning about race/ethnicity/national origin

CNM goes as far as describing racial/ethnic/national origin questioning, in the first week of employment, in the workplace as a appropriate means for a supervisor to "find common ground" per CNM statement page 4, Jan 29 2013. CNM explains that only 2.35% of the CNM employee population is "Black". African Americans, Blacks and other minorities should not be pressured and required to divulge personal racial information for the purpose of making his/her supervisor informed and comfortable with his/her race/ethnicity/ethnic origin. This is an undue and unfair stressor in the workplace. Further, building rapport based on racial identities in the workplace excludes others based on race. The practice in its entirety is wrong and abusive. Using racial/ethnic/national origin repeated questioning by a supervisor to an employee to "establish rapport" and "find common" ground especially to a new employee is intimidation, harassment

and wrong. CNM does not deny that this happened. CNM/Kathy Winograd, instead, provides support for this activity.

Culture

CNM admits that my culture, being African American, was a pertinent issue in my employment in CNM's December 3 2012 statement to the EEOC.

"Dean Etre-Perez had introduced the concept of cultural differences in an attempt to promote understanding and sensitivity. The Dean had introduced the concept as a way of showing how we all need to be aware and accepting." page 5

"The Dean offered insights about cultural perspectives in order to try and restore rapport." page 5

On February 16, 2012, when I documented and reported to HR the Dean Etre-Perez's findings following my report of the verbal assault by Bill (William) Heenan, my supervisor, I was immediately removed from campus being followed out by security.

That Feb 16, 2012 email from me includes: You have characterized Bill as having cultural challenges working with me due to his working with women under the oppressive regime in Yemen and working in the jails...."You have stated how uncomfortable Bill is due to my filing a complaint with HR about his verbal attack. You have sated that bill has communication issues.

Dean Etre-Perez does not deny this. Instead, she responds confirming that these issues *"have been discussed thoroughly" per her responding email dated February 16, 2012.*

Obviously, the need to present and explain culture as it relates to race/ethnicity/national origin is because the situation INVOLVED CULTURE and the NEED TO BE understanding and sensitive.

CNM EEO policy and procedures: per CNM's EEO policy, any employee who witness or becomes aware that discrimination is taking place should act/report that abuse. The Dean explained the reason for Supervisor Heenan's actions. I reported his actions. CNM upper management with Human Resources determined the reason to be cultural differences relating to race/national origin/ethnicity. Yet, CNM management with Human Resources, Tom Manning, took no action to engage the EEO process specifically engineered to address these types of problems. Instead CNM engaged inappropriate/illegal gender and sexual evaluations from which they, Human Resources, founded management decisions on as explained in CNM's statement to the EEOC dated May 1, 2012 page 8. CNM goes as far as taking "ESTIMATES" about my body. THIS IS DISGUSTING OFFENSIVE AND IT SHOULD BE CONSIDERED ILLEGAL ~~DISCRIMINATION~~.

The following is the statement from CNM/Kathy Winograd authored by Human Resources Executive, Tom Manning, May 1, 2012 page 8:

"Ms. Auld has a strong presence and her physical stature is sufficient to a degree that it is hard to imagine her physically inferior to Mr. Heenan". "Estimates are Ms. Auld is at least 5' 9". "She is sturdy and fit"."

"It is understandable that a subordinate may fear their supervisor based on the hierarchical difference, especially if they belief their job is in jeopardy. However it is hard to believe Ms. Auld was literally fearful of Mr. Heenan in the way she maintains."

"...when it comes to her and Mr. Heenan, she easily possessed the more dominant personality."

Although, I am 5' 7", shorter than Bill Heenan, a woman, a subordinate to Bill Heenan as my supervisor, as an African American, I am considered to be BIG, have super strength being AS STRONG AS A MAN, AND UNLIKE AN AVERAGE PERSON, NOT CAPABLE OF the average persons propensity to FEEL FEAR.

At this time, I was in counseling through CNMs Employee Assistance Counseling program for only the reason of coping with being fearful at work. That too was ignored by CNM due to the estimates and evaluation of my body.

As an African American woman, I was never considered to be an average person and, therefore, I was not treated as an average person.

In a former employee's statement, he confirms that, as a Caucasian man, his body was not evaluated in over a decade of employment.

A fellow employee in the same department i worked, SAGE General Education (GED)/ English Second Language (ESL), a caucasian woman, complained of sexual harassment perpetrated by an African American man, XXX. Ms. XXX explained her treatment to me and CNM explains how CNM considered and addressed to problem.

IN CNM STATEMENT EXPLAINING WHAT WAS CONSIDERED IN MS. XXX SITUATION, CNM NEVER IDENTIFIES THE ACTIVITY OF EVALUATING HER BODY MAKING ESTIMATES ABOUT HER BODY, EVALUATING HER BODY OR USING EVALUATION OF

HER BODY TO DETERMINE HER ABILITY TO FEEL FEAR OR UNCOMFORTABLE DUE TO THE ACTIONS OF THE AFRICAN AMERICAN MAN.

Decisions were made based on this Caucasian woman's safety and rights NOT to be harassed. The African American man was promptly moved after she reported his behavior.

This is unequal treatment. The difference in treatment is degrading, perverse and insulting. The ~~school~~ ^{CNM} should not condone and support this behavior and management tactics.

Using the perception of size and physical strength to maintain and manage relationships and establish a calm in the workplace is inhumane and animalistic.

As an institution of higher education, not only should equality be practiced, but also, a basic regard for biology. The term "fit" is a medical biological term used in the practice of medicine and by the military. The military employs a battery of physical fitness tests to determine if applicants are fit. So does any nurse and doctor, two examples being the Body Mass Index (BMI), Ponderal Index (PI) .

Further, being physically fit is not involved in the evaluation of feeling fear. These ideas are mutually exclusive. The idea that a college with a biology program, nursing program, Human Resources certification class applies this type of racist-sexist evaluation to make management decisions is incredible, wrong and predates current day norms and ideology. For Example, Soldiers struggling with stress and/or PTSD can be "Fit" according to the American military.

CNM prohibits reporting abuses and personnel issues

"It is not appropriate for you to spend paid work hours documenting your personnel issues with Bill." Email from Dean Pam Etre-Perez dated February 7, 2012.

"...employees should only make allegations of harassment if they could be substantiated." CNM statement to the EEOC dated Jan 29, 2013.

This policy places the burden of collecting evidence and investigation on the victim.

Reporting and seeking help by employees and students is a protected activity under the law And should be treated as an important protected activity to keep people SAFE. Prohibiting and retaliation for reporting and seeking help to stop abuse creates a hostile environment for the employee and encourages the perpetrator as no protections are enforced.

Most crime and abuse takes place in private, in secret. This policy, as reported by CNM/Kathy Winograd/Human Resources to the EEOC violates any victims right to seek help and assistance. If a person is abused, raped or in some way molested at CNM it is likely that it will not occur when evidence to substantiate the crime will be difficult to collect.

For example, the organization RAINN reports that every two minutes another American is sexually assaulted amounting to 237,868 victims per year. Sixty percent of sexual assaults are not reported to the police. CNM's policy of ...don't report until you can prove it... inhibits the reporting of crime, especially, crimes of this nature.

Every victim has a right to report as a "protected activity" AND CNM policy as it it written, NOT APPLIED OR CONSIDERED BY HUMAN RESOURCES/KATHY WINOGRAD, actually requires

reporting by employees who are aware of abuses and any breach in policy as it is written. The real policy is one of intimidation, bullying and retaliation in my opinion, in my experience.

CNM states that reporting victimization of a crime or wrong doing should only take place if a person can provide proof. CNM states that I did not have proof of wrong doing and harassment by my supervisor and later states that my reporting of my assault victimization was the "trigger" for my termination. My emailed requests for assistance to stop harassment are referred to as petty workplace gripes. "Petty work place gripes" would include Supervisor Heenan stating that he did not see me in a room I was sitting therefore prompting him to ask another staff member sitting in the same open room to help him. CNM's policy as it is considered and enforced requires a victim to investigate, collect "proof" and then report. This breach of written policy directly opposes OSHA standards for safety in the workplace in addition to CNM's own policy. Reporting wrong doing is a protected activity.

Inappropriate gender comments, sexual comments and evaluation

CNM statement dated December 4 2012 page 4

Tom Manning, Senior HR Representation and Labor Relations Officer made repeated abusive remarks about my person as a woman. In addition to his and CNM's written perception of my body, Tom Manning, representing CNM, used my termination of employment to inform me: I think you're beautiful." I recorded the termination meeting. I provided this recording to the EEOC. This is another example of the sick and demented practices of CNM. Two other managers attended the meeting. Per the CNM statement, neither the dean Perez or director Pierce considered anything inappropriate about this additional evaluation of me. Tom Manning reported during the recorded termination meeting the beautiful comment, that he thought that I

was intimidating and that he thought that I was a bully. However, I was NEVER contacted during my employment about my behavior being intimidating or bullying.

"Mr. Manning's remarks were not demeaning or sexist."

"CNM is not aware of sexist remarks being made at any time by anyone; much less in the termination meeting by Mr. Manning."

My attending Employee Assistance Counseling (EAP) for the sole purpose to cope with the fear and harassment of my supervisor was ignored. During, termination (as recorded), CNM's Human Resources Tom Manning explained to me that "I think you're beautiful". My physical appearance was consistently an acted upon factor of my treatment and employment to determine race, national origin, ability to experience fear following a reported assault, "loss of control", attractiveness. In comparison, a caucasian woman employee reporting an African American male harassing her prompted immediate action in line with CNM written policy. He was immediately moved to another building to work followed by management checking in with her to ensure she felt safe and comfortable. Per CNM's statement to the EEOC, no evaluation was made about her body. No estimates were taken to compare her body being Caucasian to the strength of him being African American man. To me as confirmed in the reports, she explained that her appearance including, categorizing her level of attractiveness, was never an issue. A former employee Steve Cormier has explained that he, as a Caucasian man, an employee of CNM for 17 years, was never asked to divulge the ethnic history of his name nor was his body and appearance evaluated during his termination process.

CNM further states that an isolated sexist comment by CNM/Mr. Manning at the termination meeting would not suffice even if it were true. This is not the case. CNM's own statements

explaining their use of my body evaluation and how CNM used those evaluations, "estimates" and "imagination" in their decision process with Tom Manning's beautiful evaluation evidence that I as a woman AND and an African American woman was evaluated breach of the contracted policies and procedures at CNM in employee manuals, in the extreme, and normal management practices.

CNM files false report to a government agency: Work Quality

In an effort to cover their wrong doing, CNM made false statements regarding my work quality to the EEOC during that Federal investigation. The written statements are in direct conflict with the statements made/recorded during the termination meeting.

During the meeting, I am repeated told that I am "*extremely capable*". I am told that the problem was that I reported wrong doing of my supervisor.

In the written statements to the EEOC, CNM stated: "*Ms. Auld never adapted to her job because she was unable to master the duties and responsibilities of her position.*" CNM statement to the EEOC dated May 1 2012, page 2.

CNM also confirms that I was scheduled to be recognized for my good work during the Christmas celebration. "Ms. Auld was scheduled to be recognized for her efforts but because she was in HR she did not attend." CNM statement to the EEOC dated May 1, 2012 page 3. At that time I was in HR seeking help to stop Supervisor Heenan's abusive behavior towards me.

I could not have "NEVER" learned to do my job and

1.also be recognized for my work

2.be consistently assigned to test, correct the tests, work with students the higher risk GED and ESL students and maintain the database of those tests

3.never be written up

4. work successfully through my probationary period with out one notification of unsatisfactory work

Further, after reporting and seeking help from upper management and HR, I and my work were scrutinized to a level I nor any other person in the office experienced. Monday or Tuesday meetings and written assignments of tasks were given to me. Then, Thursday or Friday meetings were convened to review my work by two or three levels of management including the Dean Pam Etre-Perez, The Director Tom Pierce and my Supervisor Bill Heenan. My work was never reported to be a problem.

CNM REFUSES TO MEDIATE

CNM REFUSES TO MEDIATE AND STANDS IN DEFENSE OF THE REALITY OF THIER POLICIES AND PRACTICES PER THIER APRIL 2014 EMAIL RESPONDING TO MY 3RD REQUEST FOR MEDIATION.

Breach of contract: CNM claims that the reasons for termination are two fold: a. work quality stemming from a lack of ability b. work persona. CNM contradicts itself when categorizing a problem with work quality and CNM breaches its own Employment policies by never informing me of any problem with any aspect of my person or work. In the audio recording of the termination meeting, I am told repeatedly that my I am "extremely capable". In CNM's statement to the EEOC, I am described as incapable. This is a blatant untruth and with the termination

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meeting recording, a proven untruth in an EEOC federal investigation. In CNM's written statement to the EEOC I am described as never learning to do my job yet I was the person selected to train other staff the week I was asked to leave after reporting discrimination to Human Resources. CNM also writes that I was acknowledged for my good work at a work event. CNM's policies and procedures manual reports that CNM takes steps to assist employees to be successful in the workplace and uses a multi-step process to facilitate improvement. However, I was never informed that my work or persona required any change. The retaliation of unwarranted work review by three levels of management never prompted CNM to notify me of any problem because none existed. Hence, the reason I was asked to train other staff as I has done throughout my employment, I did not receive a bad review of my work or person during the probationary period, I was consistently and continued to manage locked training materials, including the testing materials and private student transcripts. CNM attempted to deny Unemployment benefits. Unemployment conducted its own investigation of my termination and found that CNM could produce no proof of wrong doing on my part and determined me to be eligible to receive benefits.

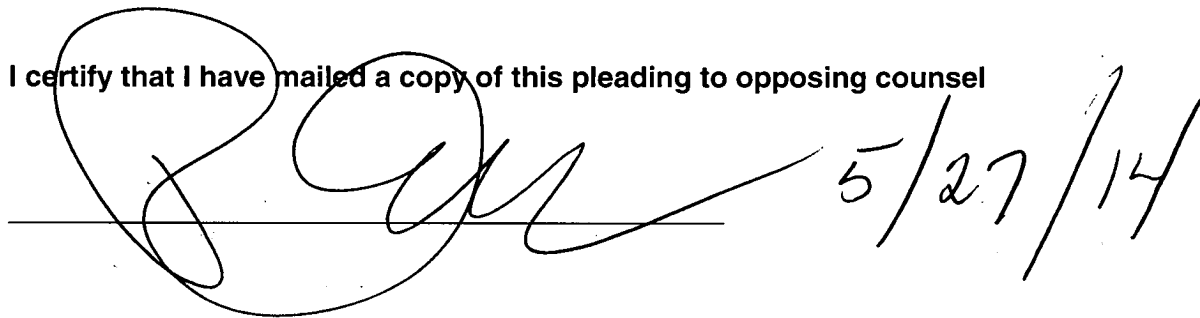
The consequences for CNM failing to apply their own appropriate management and Human Resources policies in breach of the contracted agreements set forth by CNM's own policies/procedures and state and federal laws due to my race, gender, sex, retaliation has brought great damages to my life. Due to being assaulted and discriminated against, my medical situation has adversely been affected. I request compensation for this and future treatment. I have not been able to return to CNM after since being terminated. CNM represents an unsafe place for me. Therefore I have not been able to complete the certification program. All the classes were completed leaving only the internship. I would like this issue to be addressed. I seek compensation for termination from the date of termination. I seek

The policies at CNM must be changed. People should be able to report wrong doing especially if those wrongs are against his,her person. Reporting should not be only after a person has gathered an unknown undefined level of proof. Regarding an evaluation of a persons representation of being American and visual perceptions and evaluations: Being of mixed heritage does not void the right to privacy and equal treatment in the workplace. Work quality should be considered and valued at work and in life, not ethnicity, race, national origin. Diversity should not be the grounds to evaluate and interrogate. I request that CNM Human management and the Human Resources department be required to take basic anti-discrimination courses to learn that physical evaluations and imaginings about woman and African Americans is, irrational and ill conceived and plainly ignorant. I ask that CNM management and Human Resources each successfully complete a basic biology class where each will learn that taking estimates, imagining and looking at a persons body, regardless of that persons race and gender, does not provide information from which the evaluator can determine strength or fear. This procedure employed by CNM Human Resources/Kathy Winograd is purely ignorant and extremely out of line with what is taught and expected at an institution for higher education.

I request from the court to grant me legal representation. Due to the treatment I have received at CNM, I am not able to represent myself as I would as an average person would be able to do.

Riema Auld
6809 Toratolla Court NW,
ABQ, NM 87120
505-373-9210
butterflypurdie@gmail.com

I certify that I have mailed a copy of this pleading to opposing counsel



A handwritten signature in black ink is written over a horizontal line. To the right of the signature, the date "5/27/14" is written in a similar cursive style.

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

Rienna Hold
Plaintiff

v.
CM
Defendant

No. CV 2014 0 3 5 3 6

APPLICATION FOR FREE PROCESS AND AFFIDAVIT OF INDIGENCY

My marital status is: Single Married _____ Divorced _____ Separated _____ Widowed _____

I request interpretation services: _____ yes no (If yes, please describe what you need)

INFORMATION ABOUT MY FINANCES (check all that apply to you and fill in the blanks):

A. PUBLIC ASSISTANCE

- I do not receive public assistance. (If you check this blank, go directly to Section B EMPLOYMENT/UNEMPLOYMENT).
- I currently receive the following public assistance in Bernalillo County (please check all applicable public assistance programs):
 - Temporary Assistance for Needy Families (TANF)
 - Food Stamps
 - Medicaid
 - General Assistance (GA)
 - Supplemental Security Income (SSI)
 - Social Security Disability Income (SSDI)
 - Public Housing
 - Disability Security Income (DSI)
 - Department of Health Case Management Services (DHMS)
 - Other (please describe _____)

B. EMPLOYMENT/UNEMPLOYMENT

- I am currently unemployed and have been unemployed for 24 months in the past year. I am unemployed because I cannot find work.
- I receive unemployment benefits in the amount of \$ 0 per month.
- I have no income because I am unemployed.
- I am employed. I am paid \$ _____ per hour and work _____ hours per week. My employer's name, address and phone number is:

_____ I am married, and my spouse is unemployed and has been unemployed for _____ months in the past year because _____
 _____ My spouse receives unemployment benefits in the amount of \$ _____ per month.

_____ I am married, and my spouse is employed. My spouse is paid \$ _____ per hour and works _____ hours per week.

My spouse's employer's name, address and phone number is:

C. OTHER SOURCES OF INCOME (Check all that apply)

I have income from another source not mentioned above.
 _____ Child Support \$ _____
 _____ Alimony \$ _____
 _____ Investments \$ _____
 _____ Community property from my spouse \$ _____
 _____ Other Family Help \$ 400 month

I do not have any other sources of income.

_____ I am married, and my spouse has income from another source not mentioned above.

_____ Child Support \$ _____
 _____ Alimony \$ _____
 _____ Investments \$ _____
 _____ Other _____ \$ _____
 _____ Other _____ \$ _____

_____ I am married, and my spouse does not have any other sources of income.

_____ Another adult contributes to household income in the following amount: \$ _____.

D. OTHER ASSETS (Please list other assets owned by you or your spouse that can be turned into cash. Do not include money you have in retirement accounts):

Cash on hand	\$ <u>10</u>
Bank accounts	\$ <u>200</u>
Stocks/bonds	\$ _____
Income tax refund	\$ _____
Other assets (describe below):	\$ _____
_____	\$ _____
_____	\$ _____

IF YOU DO NOT HAVE ACCESS TO YOUR OWN OR YOUR SPOUSE'S INCOME OR ASSETS, EXPLAIN WHY.

E. MONTHLY EXPENSES

House Payment/Rent	\$	<u>30</u>
Utilities	\$	50 <u>100</u>
Telephone	\$	<u>50</u>
Groceries (after food stamps)	\$	<u>200</u>
Car Payment(s)	\$	_____
Gasoline	\$	<u>60</u>
Insurance	\$	_____
Child Care	\$	_____
Student and Consumer Loans	\$	_____
Court-ordered family support obligations	\$	_____
Other court-ordered payments	\$	_____
Medical expenses	\$	<u>40</u>
Other	\$	_____

F. HOUSEHOLD

I live at 412 Grove St NE ABQ 87123

and the head of the household is self

Other than myself, the other members of the household are:

<u>Name</u>	<u>Age</u>	<u>Employment</u>	<u>I Support</u>
_____	_____	_____	()
_____	_____	_____	()
_____	_____	_____	()
_____	_____	_____	()
_____	_____	_____	()

This statement is made under oath. I hereby state that the above information regarding my financial condition is correct to the best of my knowledge. I hereby authorize the Court to obtain information from financial institutions, employers, relatives, the federal internal revenue service and other state agencies. If at any time the Court discovers that information in this application for free process was false, misleading, inaccurate, or incomplete at the time the application was submitted, the Court may require me to pay for any costs or fees that were waived under an order of free process that was granted based on the information in this application.

[Handwritten Signature]

(Signature)

Riema Auld

(Print Name)

Plaintiff Defendant

(Pro Se) Pro Se

16809 Toratella Court ^{NE}

ABQ ~~ABQ~~ NM

(City, State, Zip Code)

505 373-9210

(Telephone)

mail address

State of New Mexico)

County of Bernalillo) ss

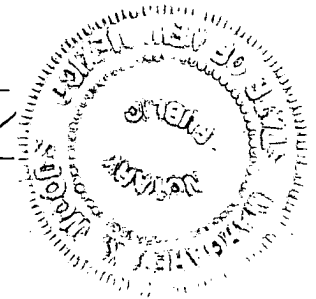
[Handwritten Signature]
Margaret Woods

Signed and sworn to (or affirmed) before me on 27 (date) by Margaret Woods (name of applicant).

[Handwritten Signature]
Margaret Woods

Notary

My commission expires: 01-06-2018



STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

5/27/2014 4:41 PM

Riema Auld,
Plaintiff

v.

No. CV 2014 03536

Central New Mexico Community
College et al. Defendants

ORDER ON APPLICATION FOR FREE PROCESS

THIS MATTER having come before the court on Plaintiff's application for free process and affidavit of indigency, and the court being otherwise advised in the premises,

FINDS that:

the applicant receives public assistance and is, therefore, entitled to free process.

the applicant's annual income does not exceed _____ percent of the federal poverty guidelines, and the applicant is, therefore, entitled to free process.

the applicant's annual income exceeds _____ percent of the federal poverty guidelines, but the applicant is not reasonably able to pay fees or costs and is, therefore, entitled to free process.

on the basis of the applicant's available funds or annual income, the applicant is not entitled to free process.

THE COURT ORDERS that:

the filing fee is waived.

the filing fee is waived except for the \$_____ alternative dispute resolution (ADR) fee.

the applicant is granted free service of process by the Sheriff in Bernalillo County,

New Mexico for 12 4 5 or _____ summons(es), provided that the applicant first attempts service

by certified mail pursuant to Rule 1-004 NMRA.

the applicant is granted free service of process by the Sheriff in Bernalillo County, New Mexico of a temporary restraining order or _____.

the applicant is to pay the filing fee on _____, 20 _____.

interpretation services shall be provided to the applicant.

free process is denied.

Other: _____.

Unless specifically granted above, this order of free process does not include the following costs: jury fees, certification fees, subpoena fees for witnesses, witness fees for hearings or trials, mailings, long distance charges, transcripts for appeals or record proper, duplication fees for audiotapes or compact discs, copy charges, publication fees, or facsimile services. Application for all other costs are to be made to the judge assigned to your case. If the applicant prevails in this law suit and collects money by judgment or settlement, the court is to be reimbursed for any waived costs. *This order is subject to revision, modification or rescission by the judge assigned to your case.*



JUDGE – Second Judicial District Court

SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

5/27/2014 4:41 PM

D-202- CV- CV 2014 0 3 5 3 6

Riema Auld
PLAINTIFF

VS

CNM, K. Winogras, T. Manning, C. Oeller, W. Heenan, P. Etre-Perez
DEFENDANT

COURT-ANNEXED ARBITRATION CERTIFICATION

(Party and Attorney) Riema Auld
pursuant to Second Judicial District Court Local Rule 2-603, certifies as follows:

 This party seeks **only money judgment and the amount sought does not exceed** twenty-five thousand dollars (\$25,000.00) exclusive of punitive damages, interest, costs and attorney fees.

This party seeks relief **other than a money judgment and/or seeks relief in excess of** twenty-five thousand dollars (\$25,000.00) exclusive of punitive damages, interest, costs and attorney fees.

Signature: Riema Auld
Printed Name: Riema Auld
Law Firm: -
Address: 10809 Torafolla Ct NWest
City/Zip: Albu NM 87120
Phone: 505 373-9210

I hereby certify that an endorsed copy of the foregoing pleadings was mailed or delivered to all parties entitled to notice on this 27 day of May 20 14.

Signature: Riema Auld

COMMUNITY HUMAN RESOURCES

2014 JUN 12 PM 4:00

SUMMONS	
District Court: Second Judicial District Court Bernalillo County, New Mexico Court Address: 400 Lomas Blvd. NW Albuquerque, NM 87102 Court Telephone No.: (505) 841-7451	Case Number: CV 2014 0 3 5 3 6 Judge: JUDGE BEATRICE BRICKHOUSE
Plaintiff(s): <u>Riema Auld</u> v. <u>Central New Mexico Community College</u> Dr. Pam Etta Perez, Kathy Winograd, Defendant(s): <u>Tom Fiere, William Heenan, Carol Cole</u> <u>Tom Manning</u>	Defendant Name: <u>Tom Manning</u> Address: <u>900 University Blvd SE</u> <u>Albuquerque NM 87106</u> <u>525 Buena Vista Dr SE, Albuquerque NM 87106</u>

TO THE ABOVE NAMED DEFENDANT(S): Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a Jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nrnbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at _____, New Mexico, this _____ day of _____, 20__.

CLERK OF COURT
 Gregory T. Ireland

By: _____
 Deputy

Riema Auld
 Signature of Attorney for Plaintiff
 [or Plaintiff Pro Se]
 Name: Riema Auld
 Address:
 Telephone No.: 505
 Fax No.:
 Email Address: butterflypurple@aol.com

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

RIEMA AULD,

Plaintiff,

v.

Case No. D-202-CV-2014-03536

CENTRAL NEW MEXICO COMMUNITY COLLEGE,
PAM ETRE-PEREZ, TOM PIERCE,
WILLIAM HEENAN, CAROL ADLER,
TOM MANNING, AND KATHY WINOGRAD

Defendants.

ENTRY OF APPEARANCE

COME NOW the Brown Law Firm, Brown and Gurule, by Kevin M. Brown, Desiree D. Gurule, Daniel J. Macke, and Keya Koul, and hereby enter their appearance on behalf of Defendants Central New Mexico Community College, William Heenan, Tom Manning, and Kathy Winograd in the above entitled and numbered cause of action.

Respectfully submitted,

*BROWN LAW FIRM
BROWN & GURULE*

/s/ Kevin M. Brown, 07/07/14

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/s/ Desiree D. Gurule, 07/07/14

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/s/ Daniel J. Macke, 07/07/14

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/s/ Keya Koul, 07/07/14

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I HEREBY CERTIFY that on this 7th day of July, 2014, I filed the foregoing electronically through the Odyssey File and Serve system, and mailed the foregoing to Plaintiff *pro se* via USPS at the following address:

Riema Auld
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/s/ Kevin M. Brown

Kevin M. Brown

/s/ Desiree D. Gurule

Desiree D. Gurule

/s/ Daniel J. Macke

Daniel J. Macke

/s/ Keya Koul

Keya Koul

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RIEMA AULD,

Plaintiff,

v.

Case No. 1:14-cv-636 RHS/SCY

CENTRAL NEW MEXICO COMMUNITY COLLEGE,
PAM ETRE-PEREZ, TOM PIERCE,
WILLIAM HEENAN, CAROL ADLER,
TOM MANNING, AND KATHY WINOGRAD

Defendants.

**DEFENDANTS' ANSWER TO AMENDED COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF AND DAMAGES FOR BREACH OF CONTRACT, WHISTLE
BLOWER VIOLATIONS AND VIOLATIONS OF ANTI-DISCRIMINATION
PROTECTIONS IN THE WORKPLACE NOT LIMITED TO VIOLATIONS OF
TITLE 7**

COME NOW Defendants Central New Mexico Community College, William Heenan, Tom Manning and Kathy Winograd, by and through their counsel of record, Brown Law Firm, Brown and Gurulé, by Kevin M. Brown, Desiree D. Gurulé, Daniel J. Macke and Keya Koul, and hereby submit their Answer to Plaintiff's Amended Complaint¹ as follows:

GENERAL ALLEGATIONS

1. In answering Paragraph 1 of Plaintiff's First Amended Complaint, Defendants state that the allegations contained therein constitute legal conclusions, therefore no response is required. In the event factual allegations are contained and a response is required, the allegations are specifically denied.

2. In answering Paragraph 2 of Plaintiff's First Amended Complaint, Defendants state that the allegations contained therein constitute legal conclusions, therefore no response is required.

¹ Because Plaintiff's Amended Complaint does not number each paragraph individually, Defendants have attached hereto, Exhibit A, Plaintiff's Amended Complaint with the Answers herein numerically corresponding thereto.

In the event factual allegations are contained and a response is required, the allegations are specifically denied.

3. In answering Paragraph 3 of Plaintiff's First Amended Complaint, Defendants deny the allegations contained therein.

4. In answering Paragraph 4 of Plaintiff's First Amended Complaint, Defendants state the allegations are vague and therefore deny the allegations.

5. In answering Paragraph 5 of Plaintiff's First Amended Complaint, Defendants deny the allegations contained therein.

6. In answering Paragraph 6 of Plaintiff's First Amended Complaint, Defendants state the allegations are vague and therefore deny the allegations.

7. In answering Paragraph 7 of Plaintiff's First Amended Complaint, Defendants deny the allegations contained therein.

8. In answering Paragraph 8 of Plaintiff's First Amended Complaint, Defendants deny the allegations contained therein.

9. In answering Paragraph 9 of Plaintiff's First Amended Complaint, Defendants deny the allegations contained therein.

10. In answering Paragraph 10 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

11. In answering Paragraph 11 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

12. In answering Paragraph 12 of Plaintiff's First Amended Complaint, Defendants deny the allegations contained therein.

13. In answering Paragraph 13 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

14. In answering Paragraph 14 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

15. In answering Paragraph 15 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

16. In answering Paragraph 16 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

17. In answering Paragraph 17 of Plaintiff's First Amended Complaint, Defendants deny the allegations contained therein.

18. In answering Paragraph 18 of Plaintiff's First Amended Complaint, Defendants deny the allegations contained therein.

19. In answering Paragraph 19 of Plaintiff's First Amended Complaint, Defendants state the allegations are vague and therefore deny the allegations.

20. In answering Paragraph 20 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

21. In answering Paragraph 21 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

22. In answering Paragraph 22 of Plaintiff's First Amended Complaint, Defendants state the allegations are vague and therefore deny the allegations.

23. In answering Paragraph 23 of Plaintiff's First Amended Complaint, Defendants state the allegations are vague and therefore deny the allegations.

24. In answering Paragraph 24 of Plaintiff's First Amended Complaint, Defendants state that the allegations contained therein constitute legal conclusions, therefore no response is required. In the event factual allegations are contained and a response is required, the allegations are specifically denied.

25. In answering Paragraph 25 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

26. In answering Paragraph 26 of Plaintiff's First Amended Complaint, Defendants state the allegations are vague and therefore deny the allegations.

27. In answering Paragraph 27 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

28. In answering Paragraph 28 of Plaintiff's First Amended Complaint, Defendants state that the allegations contained therein constitute legal conclusions, therefore no response is required. In the event factual allegations are contained and a response is required, the allegations are specifically denied.

29. In answering Paragraph 29 of Plaintiff's First Amended Complaint, Defendants state the allegations are vague and therefore deny the allegations.

30. In answering Paragraph 30 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

31. In answering Paragraph 31 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

32. In answering Paragraph 32 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

33. In answering Paragraph 33 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

34. In answering Paragraph 34 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

35. In answering Paragraph 35 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

36. In answering Paragraph 36 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

37. In answering Paragraph 37 of Plaintiff's First Amended Complaint, Defendants deny the allegations contained therein.

38. In answering Paragraph 38 of Plaintiff's First Amended Complaint, Defendants state the allegations are vague and therefore deny the allegations.

39. In answering Paragraph 39 of Plaintiff's First Amended Complaint, Defendants state the allegations are vague and therefore deny the allegations.

40. In answering Paragraph 40 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

41. In answering Paragraph 41 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

42. In answering Paragraph 42 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

43. In answering Paragraph 43 of Plaintiff's First Amended Complaint, Defendants state the allegations are vague and therefore deny the allegations.

44. In answering Paragraph 44 of Plaintiff's First Amended Complaint, Defendants deny the allegations contained therein.

45. In answering Paragraph 45 of Plaintiff's First Amended Complaint, Defendants deny the allegations contained therein.

46. In answering Paragraph 46 of Plaintiff's First Amended Complaint, Defendants deny the allegations contained therein.

47. In answering Paragraph 47 of Plaintiff's First Amended Complaint, Defendants state the allegations are vague and therefore deny the allegations.

48. In answering Paragraph 48 of Plaintiff's First Amended Complaint, Defendants state the allegations are vague and therefore deny the allegations.

49. In answering Paragraph 49 of Plaintiff's First Amended Complaint, Defendants state the allegations are vague and therefore deny the allegations.

50. In answering Paragraph 50 of Plaintiff's First Amended Complaint, Defendants deny the allegations contained therein.

51. In answering Paragraph 51 of Plaintiff's First Amended Complaint, Defendants deny the allegations contained therein.

52. In answering Paragraph 52 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

53. In answering Paragraph 53 of Plaintiff's First Amended Complaint, Defendants deny the allegations contained therein.

54. In answering Paragraph 54 of Plaintiff's First Amended Complaint, Defendants deny the allegations contained therein.

55. In answering Paragraph 55 of Plaintiff's First Amended Complaint, Defendants deny the allegations contained therein.

56. In answering Paragraph 56 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

57. In answering Paragraph 57 of Plaintiff's First Amended Complaint, Defendants state that the allegations contained therein constitute legal conclusions, therefore no response is required. In the event factual allegations are contained and a response is required, the allegations are specifically denied.

58. In answering Paragraph 58 of Plaintiff's First Amended Complaint, Defendants state that the allegations contained therein constitute legal conclusions, therefore no response is required.

In the event factual allegations are contained and a response is required, the allegations are specifically denied.

59. In answering Paragraph 59 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

60. In answering Paragraph 60 of Plaintiff's First Amended Complaint, Defendants state that the allegations contained therein constitute legal conclusions, therefore no response is required. In the event factual allegations are contained and a response is required, the allegations are specifically denied.

61. In answering Paragraph 61 of Plaintiff's First Amended Complaint, Defendants state that the allegations contained therein constitute legal conclusions, therefore no response is required. In the event factual allegations are contained and a response is required, the allegations are specifically denied.

62. In answering Paragraph 62 of Plaintiff's First Amended Complaint, Defendants state that the allegations contained therein constitute legal conclusions, therefore no response is required. In the event factual allegations are contained and a response is required, the allegations are specifically denied.

63. In answering Paragraph 63 of Plaintiff's First Amended Complaint, Defendants deny the allegations contained therein.

64. In answering Paragraph 64 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

65. In answering Paragraph 65 of Plaintiff's First Amended Complaint, Defendants state the allegations are vague and therefore deny the allegations.

66. In answering Paragraph 66 of Plaintiff's First Amended Complaint, Defendants state the allegations are vague and therefore deny the allegations.

67. In answering Paragraph 67 of Plaintiff's First Amended Complaint, Defendants state that the allegations contained therein constitute legal conclusions, therefore no response is required. In the event factual allegations are contained and a response is required, the allegations are specifically denied.

68. In answering Paragraph 68 of Plaintiff's First Amended Complaint, Defendants state that the allegations contained therein constitute legal conclusions, therefore no response is required. In the event factual allegations are contained and a response is required, the allegations are specifically denied.

69. In answering Paragraph 69 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

70. In answering Paragraph 70 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

71. In answering Paragraph 71 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

72. In answering Paragraph 72 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

73. In answering Paragraph 73 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

74. In answering Paragraph 74 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

75. In answering Paragraph 75 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

76. In answering Paragraph 76 of Plaintiff's First Amended Complaint, Defendants state that the allegations contained therein constitute legal conclusions, therefore no response is required.

In the event factual allegations are contained and a response is required, the allegations are specifically denied.

77. In answering Paragraph 77 of Plaintiff's First Amended Complaint, Defendants state the allegations are vague and therefore deny the allegations.

78. In answering Paragraph 78 of Plaintiff's First Amended Complaint, Defendants state the allegations are vague and therefore deny the allegations.

79. In answering Paragraph 79 of Plaintiff's First Amended Complaint, Defendants state that the allegations contained therein constitute legal conclusions, therefore no response is required. In the event factual allegations are contained and a response is required, the allegations are specifically denied.

80. In answering Paragraph 80 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

81. In answering Paragraph 81 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

82. In answering Paragraph 82 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

83. In answering Paragraph 83 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

84. In answering Paragraph 84 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

85. In answering Paragraph 85 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

86. In answering Paragraph 86 of Plaintiff's First Amended Complaint, Defendants admit the allegation contained therein.

87. In answering Paragraph 87 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

88. In answering Paragraph 88 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

89. In answering Paragraph 89 of Plaintiff's First Amended Complaint, Defendants state that the allegations contained therein constitute legal conclusions, therefore no response is required. In the event factual allegations are contained and a response is required, the allegations are specifically denied.

90. In answering Paragraph 90 of Plaintiff's First Amended Complaint, Defendants state the allegations are vague and therefore deny the allegations.

91. In answering Paragraph 91 of Plaintiff's First Amended Complaint, Defendants state the allegations are vague and therefore deny the allegations.

92. In answering Paragraph 92 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

93. In answering Paragraph 93 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

94. In answering Paragraph 94 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

95. In answering Paragraph 95 of Plaintiff's First Amended Complaint, Defendants state that the allegations contained therein constitute legal conclusions, therefore no response is required. In the event factual allegations are contained and a response is required, the allegations are specifically denied.

96. In answering Paragraph 96 of Plaintiff's First Amended Complaint, Defendants state that the allegations contained therein constitute legal conclusions, therefore no response is required.

In the event factual allegations are contained and a response is required, the allegations are specifically denied.

97. In answering Paragraph 97 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

98. In answering Paragraph 98 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

99. In answering Paragraph 99 of Plaintiff's First Amended Complaint, Defendants state that the allegations contained therein constitute legal conclusions, therefore no response is required. In the event factual allegations are contained and a response is required, the allegations are specifically denied.

100. In answering Paragraph 100 of Plaintiff's First Amended Complaint, Defendants state that the allegations contained therein constitute legal conclusions, therefore no response is required. In the event factual allegations are contained and a response is required, the allegations are specifically denied.

101. In answering Paragraph 101 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

102. In answering Paragraph 102 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

103. In answering Paragraph 103 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

104. In answering Paragraph 104 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

105. In answering Paragraph 105 of Plaintiff's First Amended Complaint, Defendants state that the allegations contained therein constitute legal conclusions, therefore no response is

required. In the event factual allegations are contained and a response is required, the allegations are specifically denied.

106. In answering Paragraph 106 of Plaintiff's First Amended Complaint, Defendants state that the allegations contained therein constitute legal conclusions, therefore no response is required. In the event factual allegations are contained and a response is required, the allegations are specifically denied.

107. In answering Paragraph 107 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

108. In answering Paragraph 108 of Plaintiff's First Amended Complaint, Defendants state that the allegations contained therein constitute legal conclusions, therefore no response is required. In the event factual allegations are contained and a response is required, the allegations are specifically denied.

109. In answering Paragraph 109 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

110. In answering Paragraph 110 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

111. In answering Paragraph 111 of Plaintiff's First Amended Complaint, Defendants state that the allegations contained therein constitute legal conclusions, therefore no response is required. In the event factual allegations are contained and a response is required, the allegations are specifically denied.

112. In answering Paragraph 112 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

113. In answering Paragraph 113 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

114. In answering Paragraph 114 of Plaintiff's First Amended Complaint, Defendants are without sufficient information to either admit or deny this allegation; therefore it is denied.

115. In answering Paragraph 115 of Plaintiff's First Amended Complaint, Defendants deny the allegations contained therein.

116. In answering Paragraph 116 of Plaintiff's First Amended Complaint, Defendants state that the allegations contained therein constitute legal conclusions, therefore no response is required. In the event factual allegations are contained and a response is required, the allegations are specifically denied.

117. In answering Paragraph 117 of Plaintiff's First Amended Complaint, Defendants state the allegations are vague and therefore deny the allegations.

118. In answering Paragraph 118 of Plaintiff's First Amended Complaint, Defendants state the allegations are vague and therefore deny the allegations.

119. In answering Paragraph 119 of Plaintiff's First Amended Complaint, Defendants state the allegations are vague and therefore deny the allegations.

120. In answering Paragraph 120 of Plaintiff's First Amended Complaint, Defendants state that the allegations contained therein constitute legal conclusions, therefore no response is required. In the event factual allegations are contained and a response is required, the allegations are specifically denied.

AFFIRMATIVE DEFENSES

1. Plaintiff fails to state a claim for which relief may be granted;
2. Defendants' actions do not amount to the violation of any statutory or constitutional right;
3. Plaintiff failed to exhaust administrative remedies;
4. Plaintiff's complaint was not timely filed;

5. Plaintiff was not retaliated or discriminated against on any basis;
6. Defendants' actions regarding Plaintiff's employment were taken for legitimate, nondiscriminatory business reasons;
7. Some or all of the acts complained of do not constitute actionable adverse employment actions;
8. None of Plaintiff's civil rights were violated;
9. The conduct of Defendants did not rise to the level necessary to assert violations of any of Plaintiff's constitutional or civil rights;
10. Plaintiff did not engage in any protected activity;
11. Some of Plaintiff's claims are barred by the statute of limitations;
12. There is no waiver of immunity under the Tort Claims Act for Plaintiff's tort claims;
13. Plaintiff has failed to mitigate her damages, and any award should be reduced accordingly;
14. The individual Defendants are entitled to qualified immunity for some or all of the federal claims;
15. Plaintiff's claims are barred in whole or part by the doctrine of laches, waiver, estoppel, and unclean hands;
16. Defendants have met all obligations owed Plaintiff under law and contract;
17. Plaintiff fails to identify similarly situated employees who do not share Plaintiff's purported protected statuses and who were not treated differently than she;
18. There is no waiver of sovereign immunity for some or all of Plaintiff's claims;
19. Punitive damages are not recoverable for some or all of Plaintiff's claims;
20. The action taken by Defendant CNM in relation to Plaintiff's employment was due to the Plaintiff's misconduct, poor job performance, a reduction in work force or other legitimate

business purpose unrelated to conduct prohibited pursuant to the Whistleblower Protection Act, and retaliatory action was not a motivating factor in Defendant's decision regarding Plaintiff's employment. NMSA § 10-16C-4(B) (2010).

21. Plaintiff has not objected to or refused to participate in an activity, policy or practice of the Defendants which constitutes an unlawful or improper act done or committed by the Defendants.

22. Plaintiff did not have a valid written contract as defined under NMSA 1978, Section 37-1-23(A).

23. Defendant has not breached any contractual provisions in relation to Plaintiff's employment.

WHEREFORE, Defendants CNM, William Heenan, Tom Manning and Kathy Winograd, having fully answered Plaintiff's Amended Complaint, pray that the Plaintiff's Amended Complaint be dismissed with prejudice, Defendants be awarded the costs incurred herein, and for such other relief as the Court deems just and proper.

Respectfully submitted:

*BROWN LAW FIRM
BROWN & GURULÉ*

/s/ Keya Koul 07/14/14
KEYA KOUL
Attorney for Defendants
CNM, Heenan, Manning and
Winograd
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I HEREBY CERTIFY that on this 14th day of July, 2014, I filed the foregoing electronically through the CM/ECF system, and mailed the foregoing to Plaintiff *pro se* via USPS at the following address:

Riema Auld
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butterflypurdie@gmail.com

/s/ Keya Koul
Keya Koul

Second Judicial District Court
County of Bernalillo
State of New Mexico

CASE No. CV201403536

RIEMA AULD

Pro se

vs

CENTRAL NEW MEXICO COMMUNITY COLLEGE

Pam Etre-Perez

Tom Pierce

William Heenan

Carol Adler

Tom Manning

Kathy Winograd

Defendants

AMENDMENT: COMPLAINT FOR DECLARATORY AD INJUNCTIVE
RELIEF AND DAMAGES FOR BREACH OF CONTRACT, WHISTLE
BLOWER VIOLATIONS AND VIOLATIONS OF ANTI-DISCRIMINATION
PROTECTIONS IN THE WORKPLACE NOT LIMITED TO VIOLATIONS OF
TITLE 7

¹ I had a right to be treated as an average person, a typical employee without
different treatment due to my racial appearance, the personal beliefs of my national
origin and managements personal beliefs about my race. ² I had a right to enjoy the

EXHIBIT

A

ALEXANDER GALINDO

policies and procedures of CNM contracted to be used to manage all employees regardless of my appearance racial and cultural beliefs of management.]

³ [Undisputed admissions of fact provided by CNM's own written and recorded statements prove that CNM used my culture, national origin, race and applied extraordinary policies and procedures of treatment and evaluation of me because I am a woman, African American, and an African American Woman]

⁴ [CNM via their statements submitted to the EEOC, have explained that management used non work related racial elements of my person to treat me differently than other employees.] ⁵ [From the first week of work I was questioned about my racial background specifically because/CNM my supervisor William Heenan did not consider my name to represent American nationality.] ⁶ [CNM report presents the issue of national origin specifically posing national origin as the reason I was questioned about my name and also the reason why I was described as intentionally referring to my brother by his birth name in the presence of my supervisor.] ⁷ [CNM treated me negatively differently due to their personal belief about my and my families representation of national origin.] ⁸ [CNM also states incorrectly that my name is Arabic.] ⁹ [CNM also characterizes my brothers name as being Arabic.] ¹⁰ [The act of identifying the racial derivative of my name and my

brothers name had no pertinence of my ability to work^[11] [Yet, it was and remains an explanation for the decisions and activities of management^[12] CNM condones using racial/national origin questioning as an element of building "rapport"^[13]]. Therefore, the effort of identifying the ethnicity/race/national origin of me as a new employee beginning during the first week of employment via repeated questioning evidences the importance of race and national origin as pertinent aspects of my being successful in the workplace^[14]. The questioning stopped only when I divulged that I am African American^[15]. Previous questioning by supervisor Heenan was met with geographic responses as I thought that learning my racial history was not appropriate or pertinent and therefore not the bases for his inquiries^[16]. At that time, I did not know that the reasoning was because my name was not considered to represent American Nationality^[17]. CNM has provided this explanation. Supervisor Heenan, per the investigation report fro Dean Perez, preferred to work with Arabic (Yemen) women^[18]. This supports CNM's explanation to the EEOC that race is an appropriate means from which to build rapport among staff and their subordinates^[19]. Herein is the core of the problem^[20]. Per CNM, "blacks" constitute only 2.3% of CNM's workforce^[21]. I believe this to be inclusive other races in addition to African Americans^[22]. It is unfair for "Blacks" to be required to build rapport and avoid conflict racially when "Blacks" at such a reduced quantity will have a extremely reduced opportunity to bond/ build rapport and will therefore be more open to not

having rapport that could manifest into personality conflicts, exclusionary practices, economic disenfranchisement and termination. Further, this policy is exclusionary and problematic when race is not a means for building rapport. the history of the United States ie the regulations presented by EEO policies explain the reason why focusing on and specifically using race and national origin in the workplace to build rapport is illegal and can easily become exclusionary and hostile as I experienced. As an African American woman, I was at a disadvantage having a supervisor who preferred to work with persons of a different race and culture than African American. Repeated questioning for the specific purpose to determine race and national origin based on managements determination of what does/does not represent accurately what that institution/Supervisor qualifies as representing American Nationality qualifies as different consideration leading to different treatment resulting in unfair unequal treatment, via surveillance and harassing questioning followed by an even more hostile work environment when rapport cannot be established via race and national origin. Supervisor Heenan had worked with a Hispanic woman previously in my position without problems. Different treatment due to the efforts to establish rapport is discrimination and different treatment in violation of EEO Title 7 regulations. Once Supervisor Heenan learned my race was African American, the harassment continued in other behaviors. I was assaulted. I reported the assault. Human

resources refused to accept the report and misinformed me about filing a workers compensation claim explaining that only physical injury not emotional injury could be reported. [33] I returned and submitted my report. [34] Human resources/Tom Manning refusing to accept my written complaint is one example of being retaliated against for reporting my supervisor. [35] Human Resources refusing to accept my written complaint serves as an example that CNM was biased against me at the onset for reporting. [36] Being mis informed about the workers compensation process is another example of retaliation. [37]

[37] CNM had a regular pattern of different and discriminatory treatment due to race. [38] A Caucasian woman-employee reported sexual harassment perpetrated by an African American man employee. [39] The man was immediately moved to form sitting and working near the Caucasian woman. [40] The woman was counseled and encouraged to report any future problems. [41] In comparison, me, and African American woman reporting a caucasian man was addressed totally differently. [42] In email, I was prohibited from reporting personnel issues when I sought help from Human Resources and management. [43] I asked to be moved to a different position but was refused due to CNM's evaluation of my physical body. [44] Because I am African American, I was treated and evaluated differently. [45] Per CNM's statement to the EEOC, "estimates" and "imagination" about my physical body, including,

my strength level were employed as a basis to determine that I was not experiencing fear of my supervisor. ⁴⁶ [From these "estimates" and "imagination"s by Human Resources, I was determined to be as strong as a man, my male caucasian supervisor. ⁴⁷ [The Caucasian woman's reports were addressed with concern, protection and encouragement to report in order to maintain a non harassing safe work environment ⁴⁸ [I was treated as though a work environment grounded in the knowledge of equal strength capability in case of physical combat would be a norm and appropriate for me as though I function in the realm of animalistic hierarchy establishment through strength and fighting. ⁴⁹ [My multiple reports of being fearful of my supervisor were ignored for this reason. ⁵⁰ [I was considered like an animal evaluated for physicality for work or a dog relegated to dog fighting. ⁵¹ [I am referred to as "sturdy", "fit" and described as being minimally as strong as my supervisor. ^{5a} [The Caucasian woman employee explained to me that her name and her body, neither, were evaluated when her complaint was duly processed to protect her from the behaviors of the African American man. ⁵³ [I was not treated as an average person/employee like the Caucasian woman employee because I am an African American reporting and experiencing assault, mistreatment and discrimination perpetuated by a Caucasian man. ⁵⁴ [CNM was aware that the reasons for the mistreatment were due to race national origin and gender. ⁵⁵ [In fact, CNM explained these reasons to me. ⁵⁶ [Per my reiteration of the

report of discrimination via email, the Dean explains the discrimination had already "been thoroughly discussed".⁵⁷ [In breach of the CNM EEO policy, a EEO investigation was not initiated and the problem was addressed per CNM as a "personality conflict".⁵⁸ [CNM acknowledges that discrimination was taking place per their statements to the EEOC explaining that racial/national origin culture was a problematic issue that was addressed by the Dean initiating the issue of racial culture and then explaining how she, Dean Perez, thought it should be addressed: not following EEO policies/procedures but by being aware and accepting.⁵⁹ [Per Dean Perez's email, the issue of Supervisor Heenan's racial and cultural preference had been "thoroughly discussed" and addressed as a result following the investigation of the assault.⁶⁰ [CNM's own statements to the EEOC and their emails explain that discrimination in violation of title 7 took place and that CNM's actions were in breach of title 7 and CNM's own policies and procedures including workplace protections explained in the constitution and the state of New Mexico.]

⁶¹ [My claim of retaliation or reporting mistreatment and abuse in violation of Title 7 is established not only by a timeline of events.⁶² [It is extreme and obvious.]

Retaliation

- ⁶³ [1. Per CNM's statements to the EEOC: following my report/complaint about being assaulted and abusive behavior, CM instituted a procedure of increased

surveillance involving 3 levels of management Dean Perez, Director Pierce and supervisor Keenan. ⁶⁴ [My work assignments were listed in an email, sent to all parties.] ⁶⁵ [In addition, a meeting was scheduled at the beginning of the week.] ⁶⁶ [At the weeks end, another meeting was scheduled to review and discuss my work by management.] ⁶⁷ [This was retaliation for reporting my supervisor.] ⁶⁸ [The increased surveillance created a hostile work environment.] ⁶⁹ [The Caucasian woman did not receive any increased surveillance following her report regarding harassment by the African American man.] ⁷⁰ [Included in this December complaint is my first written notification that I was fearful of Supervisor Heenan and could not sleep due to his assault on my person.] ⁷¹

2. Human resources, Tom Manning misinformed me about the process and ability to file a workers-compensation complaint. ⁷² [Tom Manning explained that workers compensation only applied to those suffering from physical not emotional or non-physical injury.]

3. Human Resources, Tom Manning refused to accept my written complaint. ⁷³ [I ⁷⁴ had to return and insist that my complaint be accepted]

4. Retaliation-Inappropriate evaluation: Per CNM statement, my reports of being fearful of Supervisor Heenan were addressed with "estimates" being taken about my body and "imagination" about my body. ⁷⁵ [This type of surveillance and evaluation perversely deviates from the norms of management and serves ⁷⁶

- to create a hostile, bias atmosphere where I could not be evaluated as an average person or employee. [77] My physical appearance is reflective of my race. [78] CNM's procedure of evaluating my body and physical appearance invites and incorporates any stereotypes each individual desired to apply to my person, my work, my body, and the imaginations of any physical performance CNM desired to "imagine" about my body. [79] This breach from traditional policy and societal workplace norms is a nefarious intentional effort to discriminate, intimidate and subjugate me like the other caucasian woman employee reporting abuse was not. [80]
- [5. Email Feb. 7, 2012: I report harassment and abuse]
- [6. Email Feb. 7, 2012: CNM restricts me from "reporting personnel issues" about Supervisor Heenan stating, "It is not appropriate".]
- [7. Email Feb. 13, 2012 work assignment "Train back up proctor": Throughout employment I was asked to train other staff as I was until I reported discrimination.]
- [8. Email Feb. 16, 2012: I report discrimination to Human Resources, Dean Perez, Director Pierce]
- [9. February 17, 2012: I was told to leave campus and was followed by campus security]
- [10. March 2, 2012 I filed an EEOC complaint]

[⁸⁶ 11. March 16, 2012: CNM terminated my employment.] [⁸⁷ During the termination, Human Resources Tom Manning, also the person who reported the "estimates" and "imagination" CNM used to evaluate me, reported, "I think you're beautiful" as recorded.] [⁸⁸ Witnesses: Dean Perez and Director Pierce, are referenced in CNM's statement as considering no statements to be inappropriate by Human Resources Tom Manning during the termination meeting.] [⁸⁹ This evidence shows that from hire through termination, I was inappropriately and differently judged-evaluated and that management conspired to prevent me from experiencing the workplace norms others enjoyed.]

[⁹⁰ During the termination meeting, Tom Manning mis-informed me via telling me the decision by CNM to terminate me was a final decision.] [⁹¹ However, I should have had access to an appeal process to try and keep my job.]

[⁹² 12. Following termination, I filed for unemployment benefits.] [⁹³ CNM attempted to prevent my receipt of benefits.] [⁹⁴ Unemployment's investigation determined that I was fired but not for misconduct.]

[⁹⁵ CNM has presented statements establishing retaliation.] [⁹⁶ My reporting the assault is referred to as the "trigger" or cause of my termination.]

⁹⁷ [During the recorded termination meeting, my reporting mistreatment perpetuated by my supervisor was referred to as the problem. (Not my work.)]

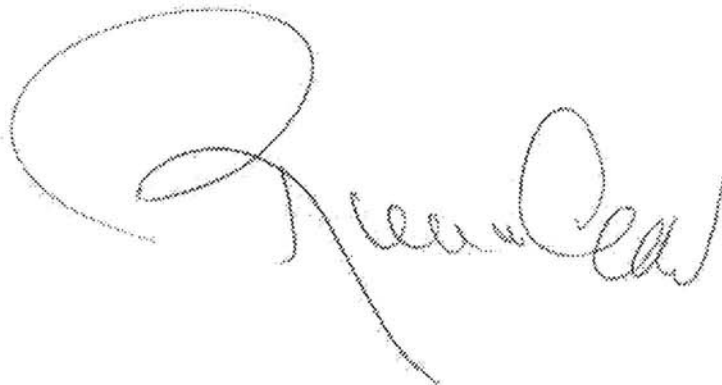
⁹⁸ [Furthermore, CNM has reported that CNM only considers the right to report when that reporter can prove ("be substantiated") what he/she is reporting.] ⁹⁹ [Therefore, CNM's printed mandate to report by any person who witnesses a violation of the CNM policy/procedure manuals/documents, and the legal standard deeming the right to report as a "protected activity" do not coincide.] ¹⁰⁰ [CNM retaliated against me for following the legal and CNM written mandate instead of their unwritten policy procedure for me, an African American woman reporting abuses by a caucasian man.] ¹⁰¹ [All of my reports of abuse, CNM has explained, were considered "petty workplace gripes" and considered evidence that I was holding a "grudge".] ¹⁰² [For example, my complaint that I was being treated badly because Supervisor Heenan preferred to work with women from Yemen was a petty workplace gripe.] ¹⁰³ [My complaint that Supervisor Heenan complained that he did not see me, while I sat at my desk without partition or walls and therefore needed to ask another person in the same room to assist him with testing, was a petty workplace grip.] ¹⁰⁴ [My complaint that Supervisor Heenan asked me to work over time and not report the time was a "petty workplace gripe".] ¹⁰⁵ [Discrimination/ Different treatment due to race: This policy/procedure restricting the right to report violations of policy did not extend to the Caucasian woman who reported abuses by African American

man.¹⁰⁶ [CNM's use of 2 directly opposing policies where application is determined by race is discrimination and a breach of Title 7 protections I had a legal right to experience.]

¹⁰⁷ [I asked to be removed and separated from the party perpetuating abuse like CNM separated the caucasian woman from the African American man.¹⁰⁸ [My requests were refused due to the different treatment CNM employed due to my being an Africa America woman being CNM's evaluation and imagination about my body.]

¹⁰⁹ [The problem was not work related.]¹¹⁰ [My work, per CNM, was positively acknowledged and I was scheduled to train others which evidences quality work ad an ability to work well with others.]¹¹¹ [CNM's decision not to separate me did not award me an opportunity to be evaluated without bias, perform and excel as required to both maintain my position and move forward to better higher paying positions.]¹¹² [Instead, the termination has made it extremely difficult to find other work.]¹¹³ [This bad paper, I ask for compensation for the negative undeserved work history CNM has created for me.]¹¹⁴ [I ask for to be compensated for the intentional misinformation Human Resources used to prevent my accessing benefits available through workers compensation.]

[¹¹⁵ This case includes a complaint of Whistle Blower.] [¹¹⁶ CM has explained a policy and procedure of using inappropriate evaluation to determine fear in the workplace.] [¹¹⁷ CNM has explained how the activity of reporting violations of policy is considered.] [¹¹⁸ A clear interpretation of the written policy is provided by executive level Human Resources.] [¹¹⁹ My situation provides examples of how these policies are employed.] [¹²⁰ Both policies vastly differ from how they are intended by state and federal explanation, the intended protections and what the average person would believe from reading CNM policy/procedures.]



6/6/14

Riema Auld

6809 Toratolla Court

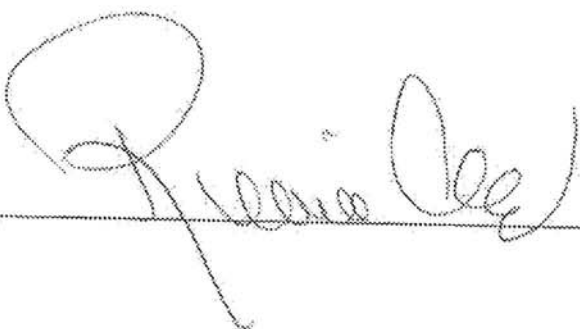
NW

ABQ, M 87120

(505) 373-9210

butterflypurdie@gmail.com

I certify that I will mail a copy of this pleading to opposing counsel

 June 6, 14

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RIEMA AULD,

Plaintiff,

v.

Case No. 1:14-cv-636 KJG/SCY

CENTRAL NEW MEXICO COMMUNITY COLLEGE,
PAM ETRE-PEREZ, TOM PIERCE,
WILLIAM HEENAN, CAROL ADLER,
TOM MANNING, AND KATHY WINOGRAD

Defendants.

MOTION TO DISMISS FOR FAILURE TO PROSECUTE

Defendants Central New Mexico Community College, William Heenan, Tom Manning, and Kathy Winograd, by and through their attorney of record, Brown Law Firm, Brown & Gurulé, Keya Koul, and pursuant to D.N.M.LR-Civ 83.6, move to dismiss the Complaint filed by Plaintiff for failure to prosecute the case. All attempts to contact Plaintiff for concurrence have been unsuccessful.

INTRODUCTION

Plaintiff initially filed her Complaint in State Court on May 27, 2014. On July 11, 2014, Defendants removed the case to Federal Court. On November 14, 2014, the Court entered an Initial Scheduling Order. The Court ordered that parties “meet and confer” no later than December 15, 2014 to discuss the nature and basis of their claims and defenses, the possibility of a prompt resolution or settlement, and to formulate a provisional discovery plan. Fed. R. Civ. P. 26(f). The Court further ordered parties to file a Joint Status Report and Provisional Discovery Plan by December 22, 2014.

When trying to schedule the telephonic meet and confer with Plaintiff, counsel for Defendants made several attempts via U.S. Post, electronic mail, and telephone to reach Plaintiff. However, all of these attempts were unsuccessful. Plaintiff’s phone number on file with the Court

had a message stating it had been disconnected or changed. Finally on Friday, December 12, 2014 in the afternoon, Plaintiff called counsel for Defendants to schedule the meet and confer and provided a new phone number. When calling that number, a gentleman answers the phone so it is unclear if that is Plaintiff's phone number.

During the telephonic conference counsel for Plaintiff and Defendants agreed that counsel for Defendants would draft the Joint Status Report (JSR) and that Plaintiff would send her sections of the JSR and any edits back to Defendants no later than Wednesday, December 17, 2014. *See* attached Exhibit A, Email dated December 15, 2014 from counsel for Defendants to Plaintiff. Then, counsel for Defendants would incorporate Plaintiff's sections into the draft of the JSR and would send it back to Plaintiff for final approval and filing by Friday, December 19, 2014. *Id.*

Counsel for Defendants sent Plaintiff an email on Thursday, December 18, 2014 alerting Plaintiff to her failure to provide her sections of the JSR and the court-ordered deadline. *See* attached Exhibit B, Email dated December 18, 2014 from counsel for Defendants to Plaintiff. Also on Thursday, December 18, 2014, counsel for Defendants called the new number provided by Plaintiff. A gentleman answered the phone and advised that Plaintiff was not there but that he would give her the message. Counsel for Defendants sent Plaintiff another email on Thursday, December 18, 2014 again asking her to contact them immediately. *See* attached Exhibit C, Email dated December 18, 2014 from counsel for Defendants to Plaintiff.

Finally, on Friday, December 19, 2014, counsel for Defendants sent Plaintiff another email advising her that we still had not received her sections of the JSR and that if we did not receive it on Friday, December 19, 2014, then we would file it with the Court without Plaintiff's sections and would advise the Court that we did meet and confer but that Plaintiff did not provide her sections by the court-ordered deadline. *See* attached Exhibit D, Email dated December 19, 2014 from counsel for Defendants to Plaintiff.

As of the time of the filing of this pleading, counsel for Defendants has still not received any communication from Plaintiff. At this time, Defendants respectfully request that the Court dismiss the Complaint with prejudice for failure to prosecute.

ARGUMENT

This Court has the power to *sua sponte* dismiss a case for failure to prosecute. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962). “The power to invoke this sanction is necessary in order to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars of the District Courts.” *Id.* at 629-30. The Court’s authority is an inherent power “governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Id.* at 630-31.

Furthermore, Plaintiff has failed to notify the Clerk of the Court in writing of any change in her contact information. D.N.M.LR-Civ 83.6. Her failure to do so or to participate in the case indicates a lack of diligence in prosecuting her claims. Plaintiff’s failure to adhere to the Court’s Order and her failure to adhere to the Court’s Local Rules both serve as good cause to dismiss the Complaint with Prejudice for failure to prosecute.

CONCLUSION

As shown above, Plaintiff has failed to notify the Clerk of the Court in writing of any change in her mailing address. Her failure to do so or to participate in the case indicates a lack of diligence in prosecuting her claims.

WHEREFORE, Defendants pray that the Complaint be dismissed with prejudice.

BROWN LAW FIRM
BROWN & GURULÉ

/s/ Keya Koul, 12/22/2014

KEYA KOUL
Attorney for Defendants
3777 The American Rd. NW, Suite 100
Albuquerque, NM 87114
Phone: (505) 292-9677
Fax: (505) 292-9680
keya@brownlawnm.com

I HEREBY CERTIFY that on the 22nd day of December, 2014, I filed the foregoing electronically through the CM/ECF system, and mailed the foregoing to Plaintiff *pro se* via USPS at the following addresses and via EMAIL at the following address:

Riema Auld
Last Known Address:
6809 Toratolla Court NW
Albuquerque, NM 87120

Riema Auld
Address listed as household address in Application for Free Process:
412 Grove Street NE
Albuquerque, NM 87108

Riema Auld
butterflypurdie@gmail.com

/s/ Keya Koul
Keya Koul

Jennifer R. Thonn

From: Keya Koul
Sent: Monday, December 15, 2014 4:24 PM
To: 'butterflypurdie@gmail.com'
Cc: Jennifer R. Thonn; Delila Chavez (Delila@brownlawnm.com)
Subject: RE: Riema Auld v. CNM et al.; Correspondence
Attachments: Joint Status Report.pdf

Follow Up Flag: Follow up
Due By: Wednesday, December 17, 2014 4:00 PM
Flag Status: Completed

Ms. Auld,

Thank you for your time this afternoon for our court-ordered meet and confer.

Per the Initial Scheduling Order, Defendants must file the Joint Status Report by Monday December 22, 2014.

Attached is a draft of the Joint Status Report.

Please send me your sections no later than Wednesday so that I may incorporate them into the final draft, resubmit to you for approval, and file by the end of the week.

Also, please note on the Initial Scheduling Order that Initial disclosures under Fed. R. Civ. P. 26(a)(1) must be made within fourteen (14) days of the meet-and-confer session.

Please feel free to contact me with any questions.

Best,
Keya

Keya Koul
Attorney
Brown Law Firm
Brown & Gurulé
3777 The American Rd. NW, Suite 100
Albuquerque, NM 87114
Phone: 505-292-9677
Fax: 505-292-9680
Email: keya@brownlawnm.com

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Cc: Jennifer R. Thonn; Delila Chavez (Delila@brownlawnm.com)
Subject: RE: Riema Auld v. CNM et al.; Correspondence

Ms. Auld,

Per our discussion, here is a copy of the Initial Scheduling Order.

Best,
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Attorney
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3777 The American Rd. NW, Suite 100
Albuquerque, NM 87114
Phone: 505-292-9677
Fax: 505-292-9680
Email: keya@brownlawnm.com

From: Keya Koul
Sent: Monday, December 15, 2014 3:06 PM
To: butterflypurdie@gmail.com
Cc: Jennifer R. Thonn; Delila Chavez (Delila@brownlawnm.com)
Subject: RE: Riema Auld v. CNM et al.; Correspondence

Good afternoon Ms. Auld,

I look forward to speaking with you shortly.

Since you had difficulty downloading the JSR document from the Court's website, I am sending it to you as an attachment now.

This may assist in our meet and confer to take place shortly.

Many thanks.

Best,
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Phone: 505-292-9677
Fax: 505-292-9680
Email: keya@brownlawnm.com

From: Keya Koul
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Cc: butterflypurdie@gmail.com; Jennifer R. Thonn
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Good afternoon Ms. Auld,

This is to confirm our conversation of this afternoon.

As agreed upon, I will call you at 3pm on Monday December 15, 2014 at [505-702-7486](tel:505-702-7486) to conduct the court-ordered meet and confer.

At the conclusion of the meet and confer I will email you a draft of the JSR for your additions and approval and for submission to the Court.

If you have any further questions please feel free to contact my office.

Keya

On Dec 9, 2014, at 12:05 PM, Delila Chavez <Delila@brownlawnm.com> wrote:

Good Afternoon Ms. Auld,

In regards to the above referenced matter, please see attached letter.

Thank you,

Delila Chavez
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<12-09-14 Letter to R. Auld.pdf>

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delila@brownlawnm.com

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I just called the number that you gave us as your new number (505) 702-7486 to confer with you regarding the status of your draft of the JSR.

A gentleman picked up the phone and said that you were not there but that he would give you the message that I had called.

Please email me or call me as soon as possible to let me know when I can expect your draft of the JSR.

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Fax: 505-292-9680
Email: keya@brownlawnm.com

From: Keya Koul
Sent: Friday, December 12, 2014 2:54 PM
To: Delila Chavez
Cc: butterflypurdie@gmail.com; Jennifer R. Thonn
Subject: Re: Riema Auld v. CNM et al.; Correspondence

This is to confirm our conversation of this afternoon.

As agreed upon, I will call you at 3pm on Monday December 15, 2014 at [505-702-7486](tel:505-702-7486) to conduct the court-ordered meet and confer.

At the conclusion of the meet and confer I will email you a draft of the JSR for your additions and approval and for submission to the Court.

If you have any further questions please feel free to contact my office.

Keya

On Dec 9, 2014, at 12:05 PM, Delila Chavez <Delila@brownlawnm.com> wrote:

Good Afternoon Ms. Auld,

In regards to the above referenced matter, please see attached letter.

Thank you,

Delila Chavez
Paralegal
BROWN LAW FIRM
Brown & Gurule
3777 The American Rd. NW
Suite 100
Albuquerque NM 87114
Phone: 505-292-9677
Fax: 505-292-9680
delila@brownlawnm.com

<12-09-14 Letter to R. Auld.pdf>

Jennifer R. Thonn

From: Keya Koul
Sent: Friday, December 19, 2014 9:02 AM
To: 'butterflypurdie@gmail.com'
Cc: Jennifer R. Thonn (Jennifer@brownlawnm.com); Delila Chavez (Delila@brownlawnm.com)
Subject: Riema Auld v. CNM et al.

Ms. Auld,

Good morning.

I am following up again on the status of your portion of the Joint Status Report (JSR).

If we do not have your section today then we will need to file it with the Court without your section and will have to advise the Court that we did meet and confer but that you did not provide your portion by the court-ordered deadline.

Please advise immediately.

Many thanks.

Best,
Keya

Keya Koul
Attorney
Brown Law Firm
Brown & Gurulé
3777 The American Rd. NW, Suite 100
Albuquerque, NM 87114
Phone: 505-292-9677
Fax: 505-292-9680
Email: keya@brownlawnm.com

From: Keya Koul
Sent: Thursday, December 18, 2014 11:06 AM
To: 'butterflypurdie@gmail.com'
Cc: Jennifer R. Thonn (Jennifer@brownlawnm.com); Delila Chavez (Delila@brownlawnm.com)
Subject: RE: Riema Auld v. CNM et al.; Correspondence

Ms. Auld,

I just called the number that you gave us as your new number (505) 702-7486 to confer with you regarding the status of your draft of the JSR.

A gentleman picked up the phone and said that you were not there but that he would give you the message that I had called.

Please email me or call me as soon as possible to let me know when I can expect your draft of the JSR.

Best,
Keya

Keya Koul
Attorney
Brown Law Firm
Brown & Gurulé
3777 The American Rd. NW, Suite 100
Albuquerque, NM 87114
Phone: 505-292-9677
Fax: 505-292-9680
Email: keya@brownlawnm.com

From: Keya Koul
Sent: Thursday, December 18, 2014 8:52 AM
To: 'butterflypurdie@gmail.com'
Cc: Jennifer R. Thonn (Jennifer@brownlawnm.com); Delila Chavez (Delila@brownlawnm.com)
Subject: FW: Riema Auld v. CNM et al.; Correspondence

Ms. Auld,

I have not received your draft of the JSR. Please advise.

As mentioned during our telephonic conference on Monday December 15 and again in the email below, we are under a Court Order to file the JSR by Monday December 22 which means I need your portion immediately to incorporate and recirculate for final approval and filing tomorrow.

Many thanks.

Best,
Keya

Keya Koul
Attorney
Brown Law Firm
Brown & Gurulé
3777 The American Rd. NW, Suite 100
Albuquerque, NM 87114
Phone: 505-292-9677
Fax: 505-292-9680
Email: keya@brownlawnm.com

From: Keya Koul
Sent: Monday, December 15, 2014 4:24 PM
To: 'butterflypurdie@gmail.com'
Cc: Jennifer R. Thonn; Delila Chavez (Delila@brownlawnm.com)
Subject: RE: Riema Auld v. CNM et al.; Correspondence

Ms. Auld,

Thank you for your time this afternoon for our court-ordered meet and confer.

Per the Initial Scheduling Order, Defendants must file the Joint Status Report by Monday December 22, 2014.

Attached is a draft of the Joint Status Report.

Please send me your sections no later than Wednesday so that I may incorporate them into the final draft, resubmit to you for approval, and file by the end of the week.

Also, please note on the Initial Scheduling Order that Initial disclosures under Fed. R. Civ. P. 26(a)(1) must be made within fourteen (14) days of the meet-and-confer session.

Please feel free to contact me with any questions.

Best,
Keya

Keya Koul
Attorney
Brown Law Firm
Brown & Gurulé
3777 The American Rd. NW, Suite 100
Albuquerque, NM 87114
Phone: 505-292-9677
Fax: 505-292-9680
Email: keya@brownlawnm.com

From: Keya Koul
Sent: Monday, December 15, 2014 3:17 PM
To: 'butterflypurdie@gmail.com'
Cc: Jennifer R. Thonn; Delila Chavez (Delila@brownlawnm.com)
Subject: RE: Riema Auld v. CNM et al.; Correspondence

Ms. Auld,

Per our discussion, here is a copy of the Initial Scheduling Order.

Best,
Keya

Keya Koul
Attorney
Brown Law Firm
Brown & Gurulé
3777 The American Rd. NW, Suite 100
Albuquerque, NM 87114
Phone: 505-292-9677
Fax: 505-292-9680
Email: keya@brownlawnm.com

From: Keya Koul
Sent: Monday, December 15, 2014 3:06 PM
To: butterflypurdie@gmail.com

Subject: RE: Riema Auld v. CNM et al.; Correspondence

Good afternoon Ms. Auld,

I look forward to speaking with you shortly.

Since you had difficulty downloading the JSR document from the Court's website, I am sending it to you as an attachment now.

This may assist in our meet and confer to take place shortly.

Many thanks.

Best,
Keya

Keya Koul
Attorney
Brown Law Firm
Brown & Gurulé
3777 The American Rd. NW, Suite 100
Albuquerque, NM 87114
Phone: 505-292-9677
Fax: 505-292-9680
Email: keya@brownlawnm.com

From: Keya Koul
Sent: Friday, December 12, 2014 2:54 PM
To: Delila Chavez
Cc: butterflypurdie@gmail.com; Jennifer R. Thonn
Subject: Re: Riema Auld v. CNM et al.; Correspondence

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As agreed upon, I will call you at 3pm on Monday December 15, 2014 at [505-702-7486](tel:505-702-7486) to conduct the court-ordered meet and confer.

At the conclusion of the meet and confer I will email you a draft of the JSR for your additions and approval and for submission to the Court.

If you have any further questions please feel free to contact my office.

Keya

On Dec 9, 2014, at 12:05 PM, Delila Chavez <Delila@brownlawnm.com> wrote:

Good Afternoon Ms. Auld,

Thank you,

Delila Chavez
Paralegal
BROWN LAW FIRM
Brown & Gurule
3777 The American Rd. NW
Suite 100
Albuquerque NM 87114
Phone: 505-292-9677
Fax: 505-292-9680
delila@brownlawnm.com

<12-09-14 Letter to R. Auld.pdf>

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RIEMA AULD,

Plaintiff,

vs.

Civ. No. 14-636 KG/SCY

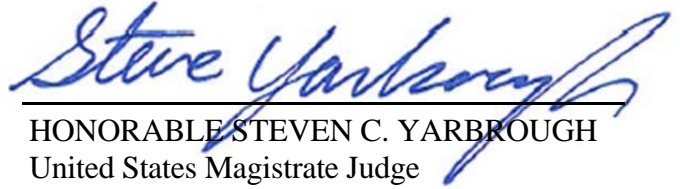
**CENTRAL NEW MEXICO COMMUNITY
COLLEGE *et al.*,**

Defendants.

PROPOSED FINDING AND RECOMMENDED DISPOSITION

THIS MATTER is before me on review of the record. On February 6, 2015, the Court entered an order staying the case for sixty days at Plaintiff's request. *Doc. 27*. In this order, the Court noted that this case was removed to federal court on July 11, 2014, but Plaintiff had yet to serve Defendants Pam Etre-Perez, Tom Pierce, and Carol Adler. *Id.* at 2. The Court further explained that because service on these Defendants was untimely, Federal Rule of Civil Procedure 4(m) required the Court to *sua sponte*, on its own after notice to the plaintiff, dismiss the action without prejudice or order that service be made within a specified time. The Court chose to order that service be made within a specified time – by May 4, 2015. The Court warned Plaintiff that absent a showing of good cause for a further extension, failure to serve Defendants Pam Etre-Perez, Tom Pierce, and Carol Adler by May 4, 2015, would result in the dismissal of the claims against these Defendants without prejudice. May 4, 2015 has passed and Plaintiff has not served these Defendants or filed a request for an extension of time.

It is, therefore, my recommendation that the Court dismiss Plaintiff's claims against Defendants Pam Etre-Perez, Tom Pierce, and Carol Adler without prejudice under Rule 4(m).


HONORABLE STEVEN C. YARBROUGH
United States Magistrate Judge

THE PARTIES ARE FURTHER NOTIFIED THAT WITHIN 14 DAYS OF SERVICE of a copy of these Proposed Findings and Recommended Disposition they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636(b)(1). **A party must file any objections with the Clerk of the District Court within the fourteen-day period if that party wants to have appellate review of the proposed findings and recommended disposition. If no objections are filed, no appellate review will be allowed.**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RIEMA AULD,
Plaintiff,

vs.

Civ. No. 14-636 KG/SCY

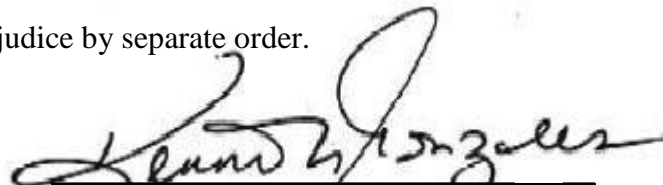
**CENTRAL NEW MEXICO COMMUNITY
COLLEGE *et al.*,**
Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on Magistrate Judge Steven C. Yarbrough's Proposed Findings and Recommended Disposition ("PFRD") advising that the Court dismiss Plaintiff's claims against Defendants Pam Etre-Perez, Tom Pierce, and Carol Adler without prejudice under Federal Rule of Civil Procedure 4(m). *Doc. 36*. In this PFRD, Judge Yarbrough explains that Plaintiff has failed to serve these Defendants despite being given a lengthy extension to do so. *Id.* Plaintiff has not filed any objections to the PFRD, thereby waiving her right to review of the proposed dismissal of these claims. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Furthermore, upon review of the record, the Court concurs with the Magistrate Judge's findings and recommendations.

IT IS THEREFORE ORDERED THAT:

1. The Magistrate Judge's Proposed Findings and Recommended Disposition (*doc. 36*) is ADOPTED.
2. Plaintiff's claims against Defendants Pam Etre-Perez, Tom Pierce, and Carol Adler will be dismissed without prejudice by separate order.


UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RIEMA AULD,
Plaintiff,

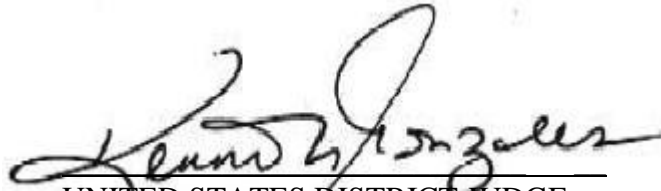
vs.

Civ. No. 14-636 KG/SCY

CENTRAL NEW MEXICO COMMUNITY
COLLEGE *et al.*,
Defendants.

**ORDER DISMISSING PLAINTIFF'S CLAIMS AGAINST
DEFENDANTS PAM ETRE-PEREZ, TOM PIERCE, AND CAROL ADLER**

In accordance with the Order Adopting Magistrate Judge's Proposed Findings and Recommended Disposition entered herewith, the Court dismisses Plaintiff's claims against Pam Etre-Perez, Tom Pierce, and Carol Adler without prejudice.


UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RIEMA AULD,

Plaintiff,

vs.

Civ. No. 14-636 KG/SCY

**CENTRAL NEW MEXICO COMMUNITY
COLLEGE *et al.*,**

Defendants.

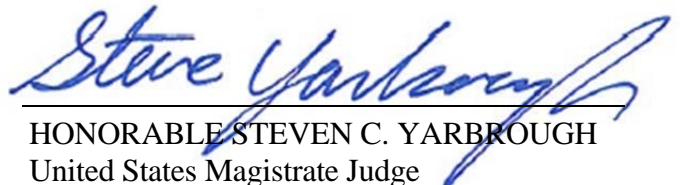
PROPOSED FINDING AND RECOMMENDED DISPOSITION

THIS MATTER is before me on review of the record. In the last five months, Plaintiff has failed to appear for court conferences three times. On January 5, 2015, Plaintiff failed to appear at the Initial Scheduling Conference. *Doc. 18*. After the Court entered two orders to show cause, Plaintiff responded that her failure to appear was caused by her difficulty receiving mail and her underlying medical conditions. *Docs. 19, 22, 23*. At the request of Plaintiff, the Court stayed the case for sixty-days and reset the Initial Scheduling Conference for May 6, 2015. *Doc. 27*. In this order the Court also set a May 4, 2015 deadline for Plaintiff to submit initial disclosures and to provide Defendants with medical and mental health releases. *Id.* When it became apparent that Plaintiff might have trouble meeting this deadline, the Court scheduled a telephone conference to discuss case status. *Doc. 30*. At this conference, Plaintiff requested an additional one-month stay, which Defendants opposed. *Doc. 31*. The Court denied this oral motion. *Id.*

In violation of this ruling, Plaintiff failed to appear at the subsequent May 6, 2015 telephonic scheduling conference. *Doc. 34*. This prompted the Court to enter another order to show causing requiring Plaintiff to explain why her case should not be dismissed under Federal Rule of Civil Procedure 41(b) for lack of prosecution. *Doc. 35*. Plaintiff filed a timely response stating that

she was having trouble dealing with the stress of this lawsuit. *Doc. 37*. Due to her medical condition, the Court refrained from imposing any sanctions on Plaintiff and instead rescheduled the Initial Scheduling conference for a third time. *Doc. 38*. The Court admonished Plaintiff that attendance at this hearing was mandatory and necessary for her case to proceed. The Court further warned Plaintiff that failing to appear on June 8, 2015 as required would likely result in the dismissal of her claims. *Id.* Despite this warning, Plaintiff did not appear at the June 8, 2015 conference. Because this is Plaintiff's third failure to appear, I am recommending that the Court dismiss her claims under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

In deciding whether to dismiss a case under Rule 41, a Court must consider the following factors: "(1) the degree of actual prejudice to the defendant; (2) the amount of interference with the judicial process; (3) the culpability of the litigant; (4) whether the court warned the party in advance that dismissal of the action would be a likely sanction for noncompliance; and (5) the efficacy of lesser sanctions." *Rogers v. Andrus Transp. Servs.*, 502 F.3d 1147, 1151-1152 (10th Cir. 2007). Here, these factors weigh in favor of dismissal. The Court has repeatedly warned Plaintiff that failure to appear at court hearings can result in dismissal of her claims. *Docs. 19, 22, 35*. Nevertheless, Plaintiff has continued to miss court hearings. This behavior has prevented the Court from entered a scheduling order commencing the discovery process. Because I am not convinced that lesser sanctions would be effective in jumpstarting this case, I recommend that the Court dismiss Plaintiff's claims without prejudice under Rule 41.


HONORABLE STEVEN C. YARBROUGH
United States Magistrate Judge

THE PARTIES ARE FURTHER NOTIFIED THAT WITHIN 14 DAYS OF SERVICE of a copy of these Proposed Findings and Recommended Disposition they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636(b)(1). **A party must file any objections with the Clerk of the District Court within the fourteen-day period if that party wants to have appellate review of the proposed findings and recommended disposition. If no objections are filed, no appellate review will be allowed.**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RIEMA AULD,
Plaintiff,

vs.

Civ. No. 14-636 KG/SCY

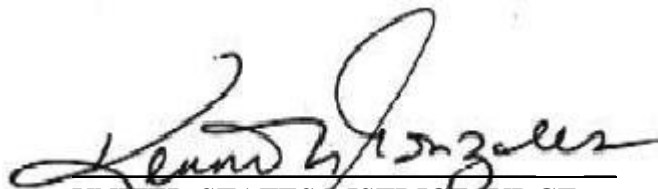
**CENTRAL NEW MEXICO COMMUNITY
COLLEGE *et al.*,**
Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on Magistrate Judge Steven C. Yarbrough's June 9, 2015 Proposed Findings and Recommended Disposition ("PFRD") (*Doc. 42*). In this PFRD, Judge Yarbrough recommends that the Court dismiss Plaintiff's remaining claims under Federal Rule of Civil Procedure 41(b) for failure to prosecute. *Id.* Plaintiff has not filed any objections to the PFRD, thereby waiving her right to review of the proposed dismissal of her claims. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Furthermore, by neglecting to file a timely objection to the PFRD, Plaintiff has confirmed that she is either unable or unwilling to prosecute this lawsuit. For this reason, and upon review of the record, the Court agrees that dismissal of Plaintiff's claims is the appropriate course of action.

IT IS THEREFORE ORDERED THAT:

1. The Magistrate Judge's Proposed Findings and Recommended Disposition (*doc. 42*) is ADOPTED.
2. All of Plaintiff's remaining claims against Defendants will be dismissed without prejudice by separate order.


UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RIEMA AULD,
Plaintiff,

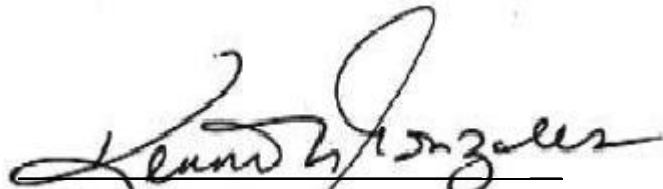
vs.

Civ. No. 14-636 KG/SCY

**CENTRAL NEW MEXICO COMMUNITY
COLLEGE *et al.*,**
Defendants.

**ORDER DISMISSING PLAINTIFF'S CLAIMS AGAINST
DEFENDANTS CENTRAL NEW MEXICO COMMUNITY COLLEGE, WILLIAM
HEENAN, TOM MANNING, AND KATHY WINOGRAD**

In accordance with the Order Adopting Magistrate Judge's Proposed Findings and Recommended Disposition entered herewith, the Court dismisses all of Plaintiff's remaining claims against Defendants without prejudice.


UNITED STATES DISTRICT JUDGE

MB

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

United States District Court
For the
_____ District of New Mexico
_____ Division

18 NOV -1 PM 2:14

Case No. 14/CV636 KG/SCY
CLERK-ALBUQUERQUE

14CV636 KG/SCY

KG/SCY

Plaintiff
Riema Auld

Defendants

1. University New Mexico Hospital (UNMH)
2. Dr. John Gray, Psychologist, UNMH
3. Dr. Jennifer Phillips, Chief of Staff, UNMH
4. Kate Becker, CEO, UNMH
5. Michael Chiarelli, CEO, UNMH
6. Central New Mexico Community College (CNM)
7. Kathy Winograd Central New Mexico Community College (CNM)

~~Complaint and Request for Injunction~~
Motion for Injunction

The parties to this complaint:

Plaintiffs

Riema Auld
6809 Toratolla Court North East
Albuquerque, New Mexico 87120
County: Bernalillo
Telephone: (505) 710-9686
Email: pambioxxo@gmailcom

Defendants

Kate Becker, CEO, UNMH
Michael Chiarelli, CEO, UNMH
University New Mexico Hospital, 2211 Lomas Blvd. NE ABQ New Mexico
87106-2745
Phone: (505) 272-2644

Dr. Jennifer Phillips, Chief of Staff, UNMH
2400 Tucker Ave NE, Albuquerque, NM 87131
Phone: (505) 272-1734

Dr. John Gray, Psychologist, UNMH
8200 Central Ave SE, Albuquerque, NM 87108
Phone: (505) 272-5885

Kathy Winograd, CEO, Central New Mexico Community College
CNM Main Campus
900 University Blvd. SE
Albuquerque, NM 87106
Phone: (505) 224-3000 (press 0), (888) 453-1304

Statement of Claim

I ask the court to assign legal representation for my case, to re-open the case

Federal Riema Auld vs Central New Mexico Community College and to

immediately stop UNMH Chief of Staff Dr. Jennifer Philips from leaving

threatening voice mails and stop Dr. John Gray psychologist from contacting me.

Since terminating care from UNMH, I have learned that Dr. Gray abused my

medical care including talk about love and relationship, falsifying my medical

record to present me as not credible, abnormal, and dangerous, gathering my

statements for court, misrepresenting that he is the Director of a home care

marijuana program that, according to the state cannabis program, does not exist. I

ask that the court to provide immediate relief at minimum in my favor favoring

irreparable injury in consideration for what UNMH and CNM have done and taken

from me.

My trust and medical care was abused with the intentional purpose of legally shielding their business partner Central New Mexico Community College (CNM). Please see 2 pieces of attached evidence: Dr. Gray, Aug, Sept Text.pdf.

I have sent a second Cease and Desist with hopes of making UNMH stop their harassment campaign. Dr. John Gray has contacted me again this week: October 17, 2018. They will not stop. They are aware that I suffer from severe depression and am disabled due to this depression. Still, they violate HIPPA and harass using medical and contact information from my records AFTER I have filed complaints with external oversight agencies: OCR, Medical Board. They are relentless in their campaign efforts.

Interference, Evidence Tampering, Witness Tampering, Harassment, and HIPPA Violations, by UNMH seems to be a practice they engage in without reservation: Keisha Marie Atkins, 23, died on Feb. 4, 2017, Exhibit 3. It seems that UNMH "attempted to shield late term abortionist Curtis Boyd from medical liability as well as deterring an investigation in the source of infection".

Operation Rescue notes that how Atkins was transported to the hospital is unclear, because SWO called an ambulance at 12:04 p.m. on February 3, but then cancelled it. The autopsy was conducted at the UNM Health Sciences Center by the UNM Office of the Medical Investigator, which also serves as the Bernalillo County Coroner. The OMI determined that Atkins' official cause of death was "*pulmonary thromboembolism due to pregnancy*," in other words, *blood clots in the lungs*. *Pro-life groups say listing this as the cause of death is a "whitewash meant to blame Atkins' pregnancy for her death instead of what appears to be a mismanaged late-term abortion procedure."* *The autopsy report admits Atkins died during cardiac arrest during the late-term abortion that had to be "emergently" committed in the hospital. "She likely did have an infection from the abortion process," says the autopsy. "UNM is a biased promoter of abortion that is attempting to shift blame onto Atkins' pregnancy, instead of the abortion, where the blame rightfully belongs," said Troy Newman, President of Operation Rescue. "Keisha Atkins and her family deserve the truth, not a cover-up. But with UNM and SWO, covering up their misdeeds has become standard operating procedure."* Exhibit 4

In my case, CNM engaged Dr. Gray and Dr. Philips to falsify my medical records in preparation for them to be provided and beneficial to CNM in the Federal Case

Riema Auld vs CNM. Human Resources executive documented to the EEOC that He facilitated estimates to be taken of my body including how attractive I am considered. I was evaluated like a farm animal and my ancestors black slaves at an auction. In distress, I brought and gave that CNM statement to Dr. Gray. UNMH supports these employment activities and will assist their business partners to affect legal and political control and erasure of the rights of the people they take an oath to serve and care for. This is a practice that must stop.

Please help me. I have been used to grow and monitor a tumor then sterilized. I have been lied to and manipulated for years in therapy and medical care by Dr. Jennifer Phillips Chief of Staff, Dr. John Gray Psychologist, and Dr. Vicky Chee.

I will NEVER have a choice to have a baby or a family. I have been used and sterilized. Dr. Philips is the doctor who facilitated this. She is the Chief of Staff. Dr. Philips contacted me via voice mailed recorded message to harass warn and threaten me regarding a medical board complaint. This behavior, like that of Dr. Gray, would qualify as intentional malicious HIPPA violations. If the Chief of staff is so bold and confident to leave a voice mail message including her name and title she must believe from experience that she in fact is untouchably beyond the law. I believe that UNMH has earned and learned that they can be this flagrant

because they regularly violate the protections of trusting sick patients who are often poor and in desperate need of care.

Taking advantage of the most needy because you can should be repulsive and considered by UNMH against the medical oath and ethical standards at least.

I have tried all legal remedy. Without money and an attorney UNMH and CNM consider me to not have any rights and will do whatever they wish to abuse my body and aggravate and worsen my disability. I am asking the court to appoint an attorney to my case. I am less than the average person representing her case as pro se. Furthermore, UNMH and CNM are aware of every personal aspect of my person and have proven that they will use whatever information illegally. I cannot fight them alone. I am so tired and I am so sad. When I passed out on the federal court steps and the ambulance was called, the reason was the tumor that Dr. Philips growing in my uterus. DR. Gray, I would never consider my doctor who claimed to love me so deeply would diligently and illegally work against me FOR YEARS. UNM and CNM have taken my hope. They partnered in hate against me for nothing that I have done to them. I went to school and worked at CNM to improve my life. I did good work for CNM but the focus was put on my race and my body. I personally called Kathy Winograd to ask her if she could listen and hopefully transfer me to a different supervisor. Kathy Winograd didn't stop the abuse. CNM

responded to my EEOC complaint by putting in writing the results of estimates taken about my body. Kathy Winograd responded to my EEOC complaint with sexism and racism formally and definitively expressed because she understands that she will prevail with an abuse of her position in New Mexico. UNMH helped CNM by abusing the trust I should have been able to rely on. My doctor deposed me for the defendants in my case. He talked me away from the pursuing my chance at justice in the CNM case and the tumor and sterilization I suffered at UNMH. I was so sad and not functioning well without the help and financial support of my family. Dr. Gray would schedule me as his last appointment and we should talk and laugh and hug and share for hours. He was a very dear person in my life. I had no idea that he was collecting data about the case and learning everything about me to sway me as he and they liked. I am worried about getting another mental health professional or doctor of any kind to be honest. My future is to never have a child and to always have the question mark scar Dr. Philips jokes looks like a question mark. I am physically and mentally exhausted but still I must try and get up every day and brush my teeth and pretend I do not feel a whole where a tumor was and a baby will never be. UNMH used my body to grow a monster tumor inside of me for years and my doctor was steadily convincing me that moving on without litigation was the best option for my current health. I was tricked and manipulated in every way; and, they did it with hugs and love and

promises of love and support. It is so vicious and mean. I have hurt no one and they have taken everything from me. Dr. Gray, even after I terminated contact, continued to pursue contact and created a false home counseling marijuana program that would provide him with entrance to my home and authority over the approval/ revocation of my cannabis card. It was all a lie. He lied to come to have “therapy” and marijuana “dosage” management in my home. He lied about the entire program.

Most weeks I visited Dr. Gray once per week for 2-5 hours as his last appointment. I told him everything. He was a major part of my life. Every week I thought I was visiting my therapist to help me, not providing a deposition for court. Please provide me with a legal representation. I am extremely disadvantaged at this time. I need help to do so. The depression is currently extremely activated. Regularly sleep is a challenge. Sadness is a daily battle. Some days dressing to leave is all that gets done. Finding harassing texts and voicemails from my trusted doctors worsens everything. I rarely answer the phone. It was a problem before but now I rarely answer. My doctors treat me as though I haven't a right to be left alone. I am so tired and I need help. I ask the court to please provide me with legal representation.

Name	Title	HIPPA Breach	Breach Quantity	Exhibit
Dr. Jennifer Phillips	Chief of Staff	Voice mail message retaliation, harassment subsequent to and regarding medical board complaint	1, prompted first Cease and Desist	Exhibit 5
Dr. John Gray	Psychologist	Text	2, prompted second Cease and Desist	Exhibit 2
Dr. John Gray	Psychologist	Medical records manipulated/false	Multiple entries spanning over years	Exhibit 1
Dr. John Gray	Psychologist	Misrepresented that he is the Director of a home care marijuana program affiliated with UNMH and the state to continue seeing me after I terminated care		
Dr. John Gray	Psychologist	Inappropriate behavior		

Federal question is the basis for federal court jurisdiction

§ 160.316 Refraining from intimidation or retaliation. A covered entity or business associate may not threaten, intimidate, coerce, harass, discriminate against, or take any other retaliatory action against any individual or other person for— (a) Filing of a complaint under § 160.306; (b) Testifying, assisting, or participating in an investigation, compliance review, proceeding, or hearing under this part;

Failure to cooperate with complaint investigations and compliance reviews

§ 160.310 Responsibilities of covered entities and business associates. (a) Provide records and compliance reports. A covered entity or business associate must keep such records and submit such compliance reports, in such time and manner and containing such information, as the Secretary may determine to be necessary to enable the Secretary to ascertain whether the covered entity or business associate has complied or is complying with the applicable administrative simplification provisions. (b) Cooperate with complaint investigations and compliance reviews.

§ 160.401 Definitions. As used in this subpart, the following terms have the following meanings: *Willful neglect* means conscious, intentional failure or

reckless indifference to the obligation to comply with the administrative simplification provision violated. [74 FR 56130, Oct. 30,

§ 160.404 Amount of a civil money penalty. (a) The amount of a civil money penalty will be determined in accordance with paragraph (b) of this section and §§ 160.406, 160.408, and 160.412.

(iii) For a violation in which it is established that the violation was due to willful neglect and was corrected during the 30-day period beginning on the first date the covered entity or business associate liable for the penalty knew, or, by exercising reasonable diligence, would have known that the violation occurred, (A) In the amount of less than \$10,000 or more than \$50,000 for each violation; or (B) In excess of \$1,500,000 for identical violations during a calendar year (January 1 through the following December 31); (iv) For a violation in which it is established that the violation was due to willful neglect and was not corrected during the 30-day period beginning on the first date the covered entity or business associate liable for the penalty knew, or, by exercising reasonable diligence, would have known that the violation occurred, (A) In the amount of less than \$50,000 for each violation; or (B) In excess of \$1,500,000 for identical violations during a calendar year (January 1 through the following December 31). (3) If a requirement or

prohibition in one administrative simplification provision is repeated in a more general form in another administrative simplification provision in the same subpart, a civil money penalty may be imposed for a violation of only one of these administrative simplification provisions. [71 FR 8426, Feb. 16, 2006, as amended at 74 FR 56130, Oct. 30, 2009; 78 FR 5691, Jan. 25, 2013]

§ 160.406 Violations of an identical requirement or prohibition. The Secretary will determine the number of violations of an administrative simplification provision based on the nature of the covered entity's or business associate's obligation to act or not act under the provision that is violated, such as its obligation to act in a certain manner, or within a certain time, or to act or not act with respect to certain persons. In the case of continuing violation of a provision, a separate violation occurs each day the covered entity or business associate is in violation of the provision. [78 FR 5691, Jan. 25, 2013]

§ 160.408 Factors considered in determining the amount of a civil money penalty. In determining the amount of any civil money penalty, the Secretary will consider the following factors, which may be mitigating or aggravating as appropriate: (a) The nature and extent of the violation, consideration of which may include but is not limited to: (1) The number of individuals affected; and (2) The time period

during which the violation occurred; (b) The nature and extent of the harm resulting from the violation, consideration of which may include but is not limited to: (1) Whether the violation caused physical harm; (2) Whether the violation resulted in financial harm; (3) Whether the violation resulted in harm to an individual's reputation; and (4) Whether the violation hindered an individual's ability to obtain health care; (c) The history of prior compliance with the administrative simplification provisions, including violations, by the covered entity or business associate, consideration of which may include but is not limited to: (1) Whether the current violation is the same or similar to previous indications of noncompliance; (2) Whether and to what extent the covered entity or business associate has attempted to correct previous indications of noncompliance; (3) How the covered entity or business associate has responded to technical assistance from the Secretary provided in the context of a compliance effort; and (4) How the covered entity or business associate has responded to prior complaints; (d) The financial condition of the covered entity or business associate, consideration of which may include but is not limited to: (1) Whether the covered entity or business associate had financial difficulties that affected its ability to comply; (2) Whether the imposition of a civil money penalty would jeopardize the ability of the covered entity or business associate to continue to provide, or to pay for, health care; and

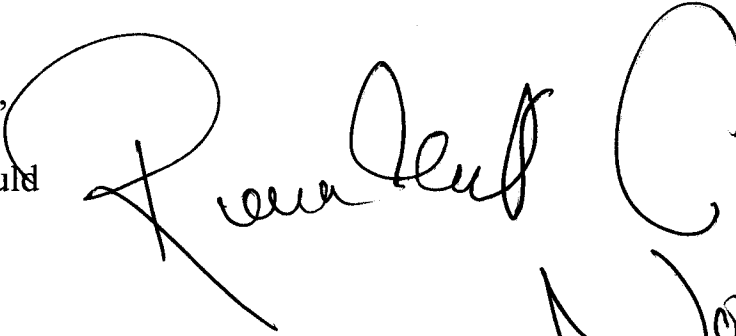
(3) The size of the covered entity or business associate; and (e) Such other matters as justice may require. [78 FR 5691, Jan. 25, 2013]

1. U.S. Code › Title 18 › Part I › Chapter 73 › § 1512

18 U.S. Code § 1512 - Tampering with a witness, victim, or an informant

Sincerely,

Riema Auld

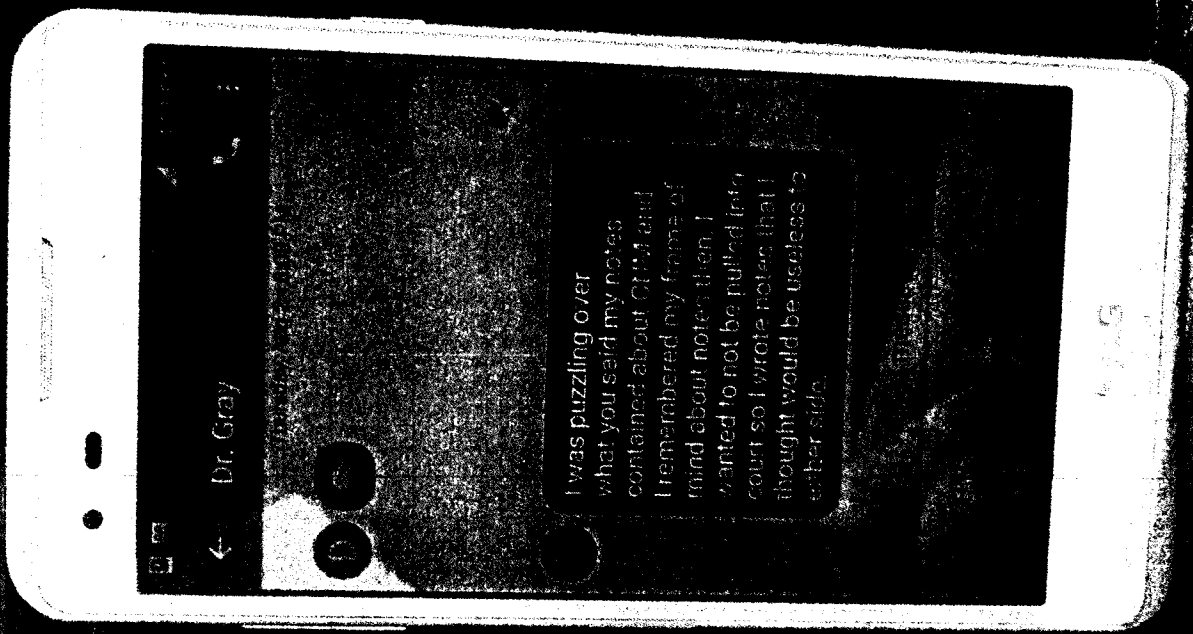


November 1, 2018

Exhibits

- Exhibit 1 Texts: Dr. Gray explains that he falsified patient Auld's medical record
- Exhibit 2 Cease and Desist #2
- Exhibit 3 News Article: Keisha Atkins murder victim, UNMH cover up Curtis Boyd (Abortion Clinic)
- Exhibit 4 News Article: Keisha Atkins murder victim, UNMH cover up Curtis Boyd (Abortion Clinic)
- Exhibit 5 Cease and Desist #1
- Exhibit 6 Recent: UNMH liable in MRSA lawsuit
- Exhibit 7 UNMH partnership: CNM (Nursing Bachelor of Science course schedule)
- Exhibit 8 UNMH partnership: CNM (UNM Newsroom)
- Exhibit 9 UNMH partnership: CNM (Journal)
- Exhibit 10 Email: Medical Cannabis State Program

Texts



Picture of phone
Text from Dr. John Gray,
Psychologist.

Exhibit 1



Picture of phone

10:04 AM Thu, Oct 18



65%

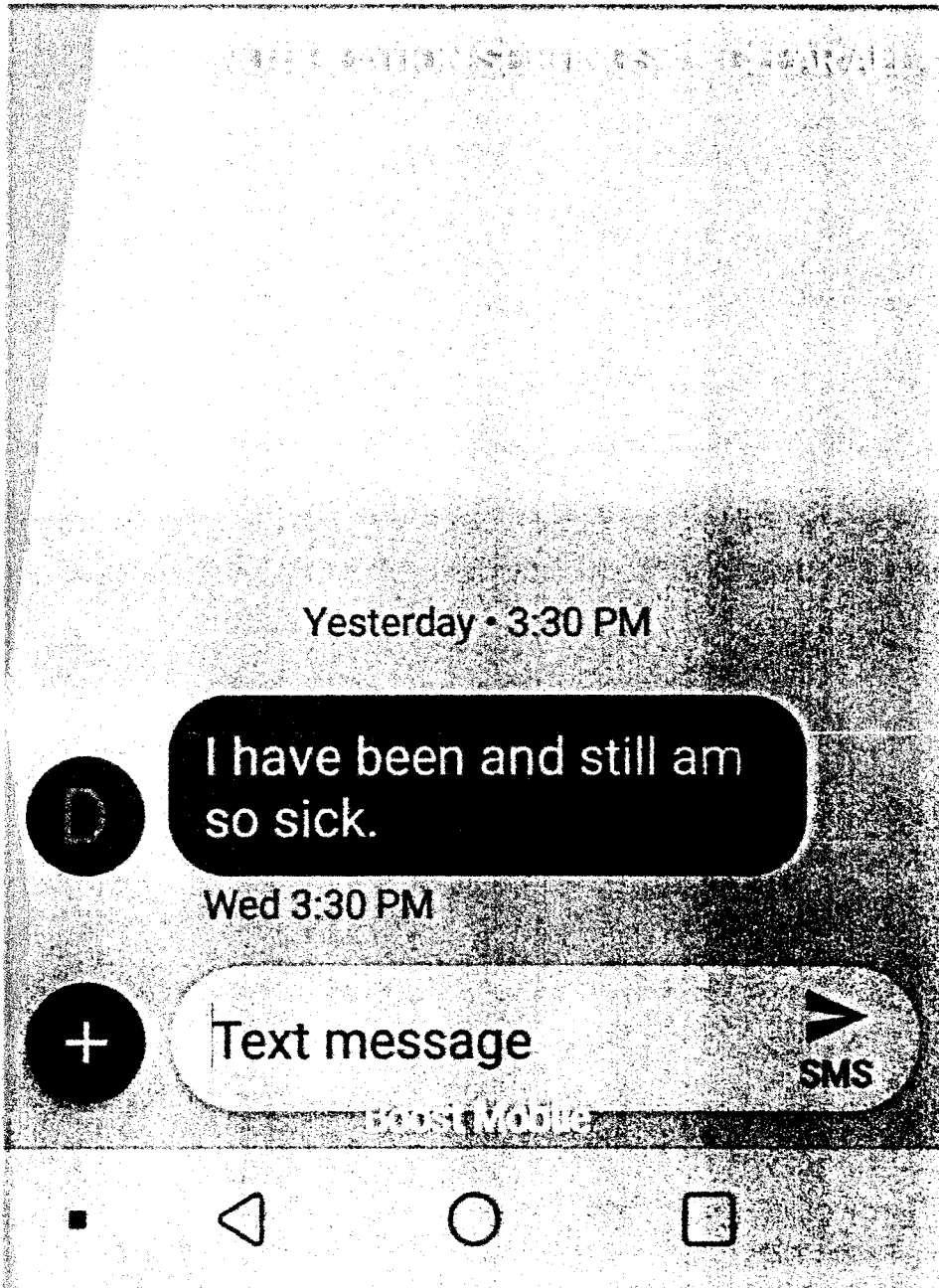


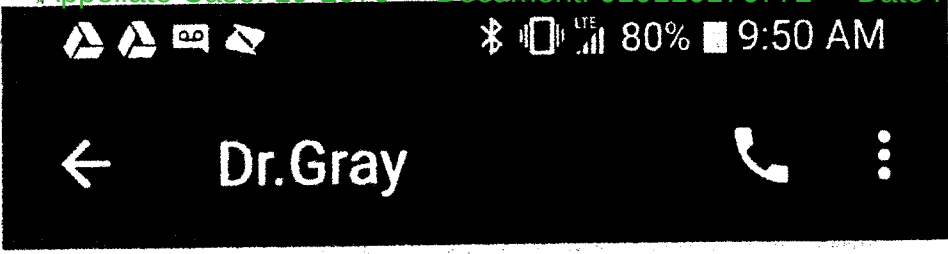
Auto

Android System • 9:50 AM ^



Screen Shot






Yesterday • 3:30 PM

D I have been and still am so sick.

Wed 3:30 PM

+ Text message 
SMS





Pambi Sugar <pambioxo@gmail.com>

Cease & Desist #2

Fwd: ~~Cease and Desist #2~~ Dr. John Gray Psychologist, UNMH, Dr. Jennifer Phillips

1 message

Pambi Sugar <pambioxo@gmail.com>

Fri, Oct 19, 2018 at 9:45 AM

To: eamorelli@salud.unm.edu, iberres@salud.unm.edu, Mallory Reviere <mreviere@unm.edu>, presidentstokes@unm.edu

To: Paul B. Roth, MD, FACEP
Chancellor for Health Sciences
Dean, School of Medicine
(Office) 505-272-5849

Executive Assistant Emily Morelli eamorelli@salud.unm.edu

To: Michael Richards, MD
Executive Physician-in-Chief
UNM Health Sciences Center
(Office) 505-272-1175

Executive Assistant: iberres@salud.unm.edu

To: Board of Regents
Executive Assistant M. Reviere

Please STOP Dr. Gray, Dr. Jennifer Phillips from contacting me to harass and intimidate.

I have already contacted CEO K. Becker, CEO M. Chacarelli, UNMH Attorney Jennifer James asking for UNMH to stop the retaliation campaign. I emailed a Cease and Desist.

Dr. Philips left a voicemail message after I filed an external complaint with the medical board.

Please STOP Dr. Jennifer Philips from attempting to intimidate me from communicating with the medical board.

Dr. Gray has sent me another text message.

After filing complaints with the Medical Board and Office of Civil Rights, UNMH has violated HIPPA protections via abusing my medical records to intimidate me, falsify my medical records, access my medical records with intentional malicious intent, interfered with Federal Court proceedings, etc...

UNMH- Please stop.

Sincerely,
Riema Auld

----- Forwarded message -----
From: Pambi Sugar <pambioxo@gmail.com>
Date: Fri, Oct 19, 2018, 8:12 AM
Subject: Cease and Desist #2 Dr. John Gray Psychologist, UNMH
To: <presidentstokes@unm.edu>

Cease and Desist #2

Exhibit 2
1 of 2

DNM 135

MURDER - Medical Cover up
Mrs. Keisha Atkins

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You are here: Home / Albuquerque / Woman DEAD from Abortion at Late-Term Facility Currently Under Criminal Investigation

f a t o

Woman DEAD from Abortion at Late-Term Facility Currently Under Criminal Investigation

August 23, 2017 By Operation Rescue 43 Comments

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Operation Rescue Video



Keisha Maria Atkins, 23, died on February 4, 2017 -- four days into a late-term abortion process at Southwest Women's Options abortion facility in Albuquerque, NM.

Life of Death Reasons to #DefundPP

PRESS RELEASE

(By Cheryl Sullenger)

Albuquerque, NM – A woman has died as the result of a late-term abortion process initiated at Southwestern Women's Options (SWO), in Albuquerque, New Mexico, which is the largest abortion facility in the U.S. that openly specializes in abortions throughout all nine months of pregnancy.

Abortion Free New Mexico obtained the autopsy report for Keisha Marie Atkins, 23, who died on February 4, 2017, after being transported from SWO to UNM Hospital. Tara Shaver of Abortion Free New Mexico has also been in communication with members of Atkins' family.

Operation Rescue is assisting Abortion Free New Mexico with an investigation of this tragedy.

This abortion-related death is particularly troubling in light of a criminal investigation that is currently underway by the New Mexico Attorney General's Office into Southwestern Women's Options and UNM. UNM has aggressively worked to increase second and third trimester abortions at SWO, which, in turn, is UNM's largest provider of aborted baby tissue and organs. A U.S. House investigation found this arrangement violates state and federal law, despite stonewalling and obfuscation on the part of UNM and SWO.

Atkins reported to SWO on January 31, 2017, for a four day late-term abortion procedure that was to be done by eighty-year old abortion facility owner Curtis Boyd. It is believed that

Heartbreaking 911 call. Mother finds daughter dead after abortion.

Abortion clinic caught endangering botched abortion patient.

Latest Tweets



Tweets by @operationrescue

Four days later, on February 3, 2017, Atkins returned to SWO for the completion of the abortion where she displayed labored breathing and signs of sepsis, a systemic, life-threatening infection.

At 12:04 p.m. on February 3, an ambulance was called to transport Atkins to the hospital, but was later cancelled, raising questions of how and when Atkins actually received emergency medical help.

Once at the UNM Medical Center, Atkins' condition deteriorated rapidly, prompting UNM staff to perform an emergency D&E abortion procedure to remove her baby through dismemberment.

During the procedure, Atkins suffered cardiac arrest. Efforts to revive her were unsuccessful, and she was pronounced dead at 12:10 a.m. on February 4, 2017.

An autopsy was conducted at the UNM Health Sciences Center by the UNM Office of the Medical Investigator, which also serves as the Bernadillo County Coroner. The OMI determined that Atkins cause of death was "pulmonary thromboembolism due to pregnancy," in other words, blood clots in the lungs.

However, a careful review of the autopsy findings indicates that this cause of death is a whitewash meant to blame Atkins' pregnancy for her death instead of what appears to be a mismanaged late-term abortion procedure.

"UNM is a biased promoter of abortion that is attempting to shift blame onto Atkins' pregnancy, instead of the abortion, where the blame rightfully belongs," said Troy Newman, President of Operation Rescue. "Keisha Atkins and her family deserve the truth, not a cover-up. But with UNM and SWO, covering up their misdeeds has become standard operating procedure."

There is evidence that Atkins suffered from sepsis, a bacterial infection caused by the four-day abortion process, which brought about symptoms consistent with Disseminated Intravascular Coagulation (DIC). Atkins suffered hemorrhaging in her brain and left adrenal gland, a buildup of fluid around her lungs, and other symptoms of DIC that the autopsy ignored.

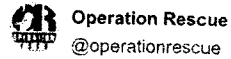
Pro-life leaders believe there is a way to keep other women from suffering Atkins' fate.

"We call on the New Mexico Attorney General to step up their criminal investigation, and we call on the State Medical Board to take a hard, honest look at Keisha Atkins' death," Newman said. "Curtis Boyd should be stopped from practicing, and the dangerous Southwestern Women's Options should be shut down for good."

"Coverups are as heinous as the crimes, and the crimes of the abortion cartel in New Mexico have been covered up for too many years. It is time for Hector Balderas to do his job or resign. It is time for the UNM Regents to do their jobs or resign. It is time for the New Mexico Medical Board to fully investigate Keisha's death without bias," said Fr. Stephen Imbarato, The Protest Priest.

"We join the family of Keisha Atkins as they grieve her death from serious complications during a late term abortion at Southwestern Women's Options. She was a 23-year old vibrant woman with her whole life ahead of her that was tragically cut short," stated Tara Shaver of Abortion Free New Mexico. "For years we have worked to expose the barbaric nature of late term abortion in New Mexico and sought to bring accountability to the unregulated and unaccountable Abortion Cartel. Now more than ever, we need leadership in our city and state to take a bold stand and the necessary steps to prevent the needless deaths of women and their children through late term abortion."

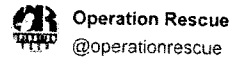
View the autopsy report.



Miscarriage or Worse? What Really Happened At Cherry Hill Women's Center? operationrescue.org/archives/misca... #Abortion #ShutThemDown #ProLife

Miscarriage or Worse? Wh... By Cheryl Sullenger Cherry ... operationrescue.org

6h



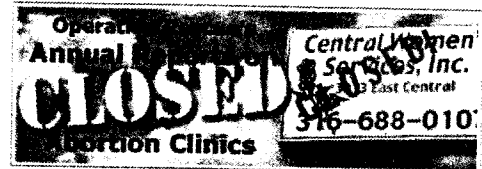
Gosnell—A Good Film Stops Short of Unforgettable - Crisis Magazine crisismagazine.com/2018/gosnell-a...

Gosnell—A Good Film Sto... It can be said with safety tha... crisismagazine.com


Oct 15, 2018

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Heisha Atkins

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Medical Examiner Hides Cause of Death After Young Woman Dies From Botched 6-Month Abortion

STATE (HTTPS://WWW.LIFENEWS.COM/CATEGORY/STATENEWS/)
MICAIAH BILGER JUN 28, 2018 | 6:05PM ALBUQUERQUE, NM



Share this story:

Exhibit 7

A New Mexico medical authority ~~may have concealed~~ the cause of a woman's death after a late-term abortion in 2017, according to a series of emails obtained by the New Mexico Alliance for Life.



(https://lifene-
wpenge.netdna-ssl.com/wp-content/uploads/2017/08/keishaatkins.jpg)

Share this story:

Do you believe the Church should stand for the unborn? CARE NET

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(HTTPS://WWW.GOOGLE.COM/CSE?CX=013272677517335896521%3ACNZHOQROXY&IE=UTF-

8&SA=&Q=SEARCH+LIFENEWS.COM+ARCHIVES&OQ=&GS_L=#GSC.TAB=0&GSC.Q=SEARCH%20LIFENEWS.COM%20ARCHIVES&GSC.PAGE=1)

2 139

The autopsy was conducted by Medical Investigator, Lauren E. Dvorscak, MD, who is also an Assistant Professor of Pathology at UNM School of Medicine.

In one of the emails obtained by Seibel, UNM Hospital Emergency Medicine physician, Dr. Trenton Wray wrote, "I have to admit, I was floored by the cause of death being a massive PE [pulmonary embolism]." "Everything about her course was consistent with septic abortion → refractory septic cardiomyopathy [heart failure due to infection] → death."

The UNM Hospital radiologist, Dr. Gary Hatch, who performed a CT scan of Atkins' lung and heart stated, "Second review reveals no segmental or larger emboli. There just simply isn't PE [pulmonary embolism]."

Despite declaring the cause of death "natural" due to pregnancy, Dvorscak admits in another email that Atkins was infected from the abortion.

When questioned by UNM Hospital doctors Wray and Hatch, Dvorscak states that she does not know whether the source of the embolism is from the septic abortion, despite her autopsy attributing the cause of death as an embolism, solely to the pregnancy, "However, there is no way for me to know if she embolized from a deep vein, completely separate from her sepsis. Unfortunately, I don't think we will know."

Another email from UNMH radiologist Dr. Gary Hatch states, "The autopsy diagnosis doesn't make sense to me. Who did the autopsy?" Following up in another email, Hatch states, "There

The recently subpoenaed emails between University of New Mexico doctors, who treated Atkins right before she died, and the medical investigator who wrote her autopsy.

The emails reveal that the physicians who treated Atkins expressed concerns about the autopsy after they diagnosed her with a septic infection relating to the abortion, according to the New Mexico Alliance for Life.

“This sends a chilling effect across the entire medical community since we can no longer trust the Medical Investigator’s office to operate in an unbiased and ethical manner,” said Elisa Martinez, spokesperson for the Atkins estate. “To put honest doctors’ careers at risk in order to protect Curtis Boyd’s business interests is simply unconscionable and gives the appearance of civil conspiracy.”

Notably, the late-term abortionist has a close relationship with the university (<https://www.lifenews.com/2016/01/21/late-term-abortionist-harvest-body-parts-of-baby-just-minutes-after-the-abortion/>), where the medical investigator’s office is located. Boyd provides aborted baby body parts to university researchers and used to train UNM medical students at his late-term abortion facility.

A university spokesperson previously said they do not pay Boyd for the aborted babies’ body parts. The abortion facility also did not receive money to train the medical students, leading some to question whether the students’ work was exchanged for the aborted babies’ body parts.

Martinez said she wonders how many more botched abortions may have been covered up by the Office of the Medical Investigator.

Follow LifeNews.com on Instagram (<https://instagram.com/lifenewspics/>) for pro-life pictures and the latest pro-life news.

This is what the emails revealed, according to the group:

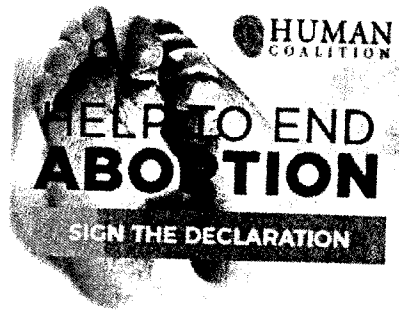
was no massive PE present at the time of scan. Period...I am also confident there was no segmental or greater PE..."

"The OMI office really had to go out of their way to come up with such a biased and compromised autopsy report, one that wholly overlooks the diagnosis of every single doctor at UNMH who treated Keisha Atkins for a septic abortion infection and symptoms from the infection," Seibel said.

Operation Rescue and Abortion Free New Mexico, which have been following the case as well, also suspected a cover-up (<https://www.lifenews.com/2018/03/08/abortionist-under-investigation-after-killing-woman-in-botched-6-month-abortion/>). Earlier this year, the groups obtained Adkin's autopsy report (<https://www.operationrescue.org/archives/woman-dead-from-abortion-at-late-term-facility-currently-under-criminal-investigation/>) along with a CAD printout of a 911 call (<https://www.operationrescue.org/wp-content/uploads/2017/08/522-Lomas-EMS-report.pdf>) from the abortion facility on the date of Adkin's death. The groups said both documents raised serious questions about the mishandling of Adkin's medical emergency, and raised their suspicions of an attempted cover-up.

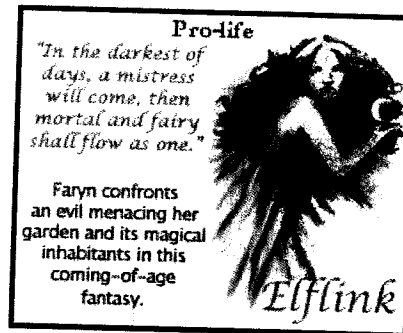
"UNM and Boyd's abortion business carry a lot of political power in New Mexico. It's possible that cover up of Atkins' true cause of death was politically initiated to keep the heat off Boyd who was already the target of a Federal investigation," Troy Newman, president of Operation Rescue, said in March.

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The case involves the late Keisha Marie Atkins, 23, who died on Feb. 4, 2017, (<https://www.lifenews.com/2018/03/08/abortionist-under-investigation-after-killing-woman-in-botched-6-month-abortion/>) after having her late-term unborn baby aborted at Southwestern Women's Options, in Albuquerque. She was about six months pregnant.

The autopsy report from the New Mexico Office of the Medical Investigator determined that the cause of death was "natural," stemming from a "pulmonary thromboembolism due to pregnancy."

But Albuquerque attorney Michael Seibel, who represents Atkins' estate, said he suspects a "potential civil conspiracy."

"My client and her family were denied their rights to justice and due process in this matter, while the Office of the Medical Investigator has attempted to shield [late-term abortionist] Curtis Boyd from medical liability, as well as deterring an investigation into the source of infection," Seibel said.

 Gmail

Exhibit 5

Pambi Sugar <pambioxxo@gmail.com>

Cease and Desist: To CEO Kathleen Becker, CEO Mike Chicarelli, Attorney Jennifer James

2 messages

Pambi Sugar <pambioxxo@gmail.com>

To: JrJames@salud.unm.edu, lfwhitney@salud.unm.edu

Sat, Sep 15, 2018 at 2:55 PM

Bcc: omar@thecheapsquad.com

Attorney James, I want to ensure that CEO Becker and CEO Chicarelli receive my emails. Is this the correct address for each: lfwhitney@salud.unm.edu ?

If not, please provide the email address for each please.

I have requested the results of the UNMH' Investigation. I was promised a copy and have asked for it to be resent. It was sent via certified mail and was returned unclaimed. Why are you ignoring my multiple requests? When will you allow me to review the results of your investigation?

Riema Auld- "Dirtier than the public hospital floor and garbage" as described by UNMH

✓ On Wed, Sep 12, 2018, 8:42 PM Pambi Sugar <pambioxxo@gmail.com> wrote:

TO: UNMH

CEASE AND DESIST

- ABUSE OF PATIENT RECORDS
- VIOLATION OF PATIENT PRIVACY PROTECTIONS
- HARASSMENT, INTIMIDATION, RETALIATION
- OBSTRUCTION OF MEDICAL BOARD COMPLAINT
- OBSTRUCTION OF UNMH COMPLAINT INVESTIGATION

Please clarify for me me: At what stage in the UNMH complaint process should I receive threatening harassing calls from your hospital staff?

FOR WHAT PURPOSE HAS YOUR STAFF CONTACTED MY MOTHER?

LEAVE MY MOTHER ALONE.

MY MOTHER IS OLD AND SICK. LEAVE HER ALONE.

EXACTLY HOW EVIL DO YOU HAVE TO BE TO HARASS A MOTHER ABOUT HER SICK DAUGHTER? PLEASE help me understand how sick and awful you are to decide that you should target a 73 year old sick African American lady.

I have been quiet from your bully tactics worrying about my doctor's cancelling my disability support. I've been suffering for years from the tumor UNMH misrepresented to me and tricked me into nurturing for years. You treated a uterine tumor with IUD's. I nurtured a tumor to the size of a 26 week baby. Then it was too late. My womb was useless by then and then you took it. The cruelest part is that the reason you told me I bled so profusely and for so long was because my body released multiple (2-3) eggs. It's a real medical issue. You made me think I was more fertile for years. I will never have a child or grand children. Then you, your doctor who reviews my file and can see what I am recovering from and my diagnosed depression. After reviewing my file and seeing my recent and current medical turmoil, Dr. Vicky Chee chose to degrade, insult and insert filth inside of me from floor soiled gloves and the garbage as the table. I have traded standing up for my rights for my livelihood.

I have a right to decent normal health care. You have taken my dignity and my children. Because I am poor, I am forced by you to accept any and all abuses of my body in exchange for an accurate report of my disability in order to receive disability support.

1 of 2

The boldness: to be so smug of your position and power in comparison to my illness, poverty and powerlessness that you all would decide that in handling my complaint, a legal process isn't necessary. UNMH's poor patients relying on disability payments don't deserve a civil democratic complaint process. We get harassed from a huge hospital and experts who have all of our private information.

How many wealthy patients have you used a garbage bin as can table during an internal exam?

How many wealthy people have you decided to he harass?

Who are the patients UNMH reserves the garbage treatment for?

Who are the patients UNMH decides to harass?

This intimidation is not only about Dr. Vicky Chee. UNMH harassment is also intended to prevent a Medical Board complaint and exposure detailing how UNMH prevented me from having children and monitored a massive tumor's growth inside of me FOR YEARS.

Dr. Vicky Chee, explained that I am, in fact, dirtier than your public clinic room hospital floor and your public hospital garbage. This is how UNMH considers me, an African American. This is definitive because Dr. Vicky Chee explained it and UNMH has literally voiced support of Dr. Vicky Chee, her treatment and description of me.

You have violated HIPPA protections of my personal records. You used my medical records to access my personal information in order to intimidate and harass me into submission and quiet. HIPPA exists to protect patients against hurtful acts.

You know that your tactics are unethical and illegal. Your relying on my inability to stand up for my rights because I am poor and black and tired and disabled and I am mourning the loss of ever having a family. So, you violate my rights because you can, because you've determined that no one will stop you and no one will care. This is the very same reason President Trump has removed poor brown children from families and caged them. They are too poor and without political connections.

This is why police kill us. We are too poor and without political connections.

If my complaints have no merit, there would be no need to harass me during the Medical Board investigation.

PLEASE END YOUR INTIMIDATION CAMPAIGN IMMEDIATELY.

PLEASE DIRECT YOUR STAFF NOT TO LEAVE ANY MORE MESSAGES FOR ME OR MY MOTHER.

DO NOT CONTINUE TO USE MY MEDICAL RECORDS TO HARASS AND INTIMIDATE ME OR MY FAMILY.

Please email the results of your investigation.

Riema Auld

On Tue, Jul 24, 2018, 3:20 PM PatientAdvocate <PatientAdvocate@salud.unm.edu> wrote:

Ms. Auld,

I do not have the information you are requesting.

Thank you,

Kaitland

UNMH found liable in MRSA lawsuit brought by patient

By Scott Sandlin / Journal Staff Writer

Thursday, June 30th, 2016 at 12:05am

ALBUQUERQUE, N.M. — A state court jury has decided that the University of New Mexico Hospital is liable for not testing surgical patient James Woodard of Roswell for MRSA before his 9½-hour back surgery, leading to infection and a dozen more subsequent surgeries that left him in a wheelchair he didn't need before the procedure.

MRSA is an infection caused by a type of staph bacteria that has become resistant to many antibiotics used to treat ordinary staph infections.

The jury, which began hearing the case June 21 before 2nd Judicial District Judge Carl Butkus, awarded \$4.2 million Tuesday to Woodard and his wife, Diane, who have been married 45 years.

But the Woodards' lawyers say the couple can recover just over \$1 million from UNMH because it is a state institution and covered by the New Mexico Tort Claims Act, which imposes caps on claims.

Attorneys Amalia Lucero and Lisa Curtis, who represent the Woodards, say James Woodard came to Albuquerque for a two-stage back surgery in spring 2012 and wasn't tested for the bacterium that causes the infection before either one of the procedures. That, they alleged in a lawsuit, fell below the standard of care.

UNM acknowledged in a court filing that it does not screen all hospital patients for MRSA, but said it is not required to do so. Some hospitals do, but there is no defined standard of care requiring it, according to the defense position in the filing. UNM policy requires patients in intensive care units to be screened for MRSA.

UNM also said it was not known where Woodard became "colonized" with the bacterium, distinguishing "colonization," meaning a person has MRSA on a skin surface, from infection.

Lucero and Curtis said the evidence showed Woodard contracted the infection in the hospital and medical personnel knew it within minutes of concluding the procedure. Woodard ended up with "a massive surgical site with MRSA" that meant not only 12 more surgeries to deal with problems from the infection, but also an extensive period of hospitalization and rehabilitation.

The problem was found because the couple's son is a physician working as a hospitalist in Flagstaff and saw that "the wound just didn't look right. The infection was deep inside the body and it takes a while to work its way out. They opened one of the surgical wounds and puss came pouring out," according to Lucero and Curtis.

Woodard ended up with osteomyelitis because the infection went all the way down to his bone.

Lucero said their clients cried when the verdict was announced at being vindicated.

But because of the way the caps are set up under the Tort Claims Act, the Woodards can recover only \$1.05 million and will have to fight claims from insurance carriers wanting some or all of it.

"The fighting doesn't stop with the verdict," Lucero said. Although Woodard's medical costs topped \$2 million, the cap on recovery of medical bills from UNMH is \$300,000, she said.

"The judge will award costs of the case against the defendant," Lucero said. The Woodards won't be compensated as they should be based on the jury findings, but they ultimately will have something substantial, Curtis and Lucero said.

The defense could also file post-trial motions to alter the amount ordered by the verdict.

"It's being evaluated by our legal department," Billy Sparks, communications director for the UNM Health Sciences Center, said Wednesday. "There's been no decision on additional litigation."

Exhibit 7 UNM partnership: Cnm

Bachelor of Science in Nursing

Admissions Contacts

Come see us during walk-in hours or schedule an appointment.

Walk-in Hours

Mondays 8:00-11:00 a.m.

Fridays 8:30-11:00 a.m. and 1:00-4:00 p.m.

505-272-4223 | HSC-CON-Studentservices@salud.unm.edu

Explore three options for earning your Bachelor of Science in Nursing degree through the University of New Mexico College of Nursing:

- Pre-licensure BSN
 - UNM Health Sciences Center Campus (Albuquerque)
 - UNM West Campus (Rio Rancho)
- Dual Degrees
- RN to BSN program

Each option will help you be part of the field of nursing – a career that provides exciting opportunities in a wide variety of health care settings, with the added benefit of flexible working hours. You'll make a difference in the lives of people of all ages and cultural backgrounds.

Pre-Licensure BSN Option

Prepare to take the National Council Licensure Examination – Registered Nurse (NCLEX-RN) licensing exam with the New Mexico State Board of Nursing.

UNM West students will be taking nursing classes at our Rio Rancho location. All other will take nursing courses at UNM Health Sciences Center campus in Albuquerque.

What to Expect During Your Education

- Three semesters of prerequisites
- Five consecutive terms, including summers, upon admission to the UNM College of Nursing
- Coursework on campus
- Experiential clinical courses in a hospital or clinical setting

Pre-Licensure and Dual Degree Options: Program of Study

("N" classes are nursing courses. Course numbers may vary by institution.)

FRESHMAN YEAR (32 Credit Hours)

SOPHOMORE YEAR (32 Credit Hours)

JUNIOR YEAR (32 Credit Hours)

SENIOR YEAR (32 Credit Hours)

Student Objectives

1. Engage in professional nursing practice that is patient-centered and culturally appropriate for individuals, families and communities.
2. Integrate principles of quality improvement and safety into nursing practice within health care organizations and systems.
3. Deliver nursing care that is evidence-based.
4. Demonstrate leadership behaviors through the application of policies that apply to health care delivery.
5. Engage in effective interprofessional collaboration in the delivery of health care for quality patient outcomes.
6. Use technologies for the management of information and delivery of patient care.

Dual Degree BSN Option

In the dual degree program, you're based at a community college and co-enrolled at the partnering university to earn a Bachelor of Science in Nursing degree. Working on a dual degree prepares you to take the National Council Licensure Examination – Registered Nurse (NCLEX-RN) licensing exam with the New Mexico State Board of Nursing.

- Three semesters of prerequisites
- Five terms upon admission
- Coursework delivered at the community college campus
- Experiential clinical courses in a hospital or clinical setting arranged by your local community college

Time Commitments for Pre-licensure and Dual Degree BSN Options

The University of New Mexico

	Months
Health Sciences Campus - Albuquerque	20
UNM West - Rio Rancho	20

Dual Degree Partner Institutions

	Months
Central New Mexico Community College	20
New Mexico Junior College	24
San Juan College	24-28
Santa Fe Community College	24-28
University of New Mexico - Gallup	24-28
University of New Mexico - Taos	24
University of New Mexico - Valencia	24-28

Find useful information about your education at the New Mexico Nursing Education Consortium (NMNEC), a collaborative involving nursing programs across the state of New Mexico.

RN to BSN Online

Choose the RN to BSN Degree Completion Option if you're an associate's degree-level nurse who is licensed or pending licensure, and you want to complete a bachelor's degree in nursing. Learn more about the RN to BSN Degree Completion Option.



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New Mexico's Flagship University

more at social.unm.edu

UNM PARTNER CAM
+ PNM partners w/ UNM

≡ UNM Newsroom (/)

UNM Newsroom (/) / News (/news) / Innovation District adds another partner

Innovation District adds another partner

PNM creates Innovation Network for speakers and social media marketing

By Dianne Anderson © April 29, 2014

Categories: Latest News (/categories/latest-news?c=20230) President's Office (/categories/inside-unm/president?c=20144)

Innovate ABQ, and the push to create an innovation district in downtown Albuquerque, have picked up a new partner. PNM announced a \$56,000 contribution to create the PNM Innovation Network in collaboration with the New Mexico Technology Council (NMTCC).

"The PNM Innovation Network will fit very well with the great work that others here today are doing," PNM CEO Pat Vincent-Collawn said, in a gathering that included Mayor Richard Berry, UNM President Robert G. Frank and CNM President Kathy Winograd. "One of our core missions is supporting economic development and job growth in New Mexico. We believe that our success is tied to the success of those we serve," she said."

The PNM Innovation Network is the latest organization to join the public/private efforts to grow a culture of innovation in the center of the city. The new program will include bringing speakers to Albuquerque to inspire entrepreneurs and share ideas through the PNM Innovation Speakers Series starting in July.

hopes to build on the momentum started by UNM's InnovateABQ project, the mayor's efforts to create an Innovation Corridor downtown and CNM's STEMulus training center. It will provide funding to help support existing programs and marketing efforts to promote the innovative ideas happening in Albuquerque.

The mayor and higher education leaders welcomed the effort and emphasized the importance of partnerships and collaboration. "This is all part of a shared vision within the community," Frank said. "At UNM, we believe that through the types of partnerships that are emerging here, Albuquerque can become the seat of innovation for the entire state and New Mexico can become a beacon for the entire country."

"A lot of the things that are going on right now are possible because we have leaders throughout our state and in our community who made a conscious decision to work together," Berry said.

"It is through these types of collaborations that we create opportunities for our citizens," Winograd said.

The initiative will include a social media platform to share the stories of local innovators and money to support entrepreneurial and start-up activities.

"It is the backing and support from PNM that is creating this opportunity for us to have a leading role in creating an Albuquerque that fulfills the aspirations of our best and brightest," said Lisa Adkins, director, New Mexico Tech Council.

Related News



Nuclear Science Week

Nuclear Science Week coming to UNM (</news/nuclear-science-week-coming-to-unm>)

(</news/nuclear-science-week-coming-to-unm>)

Lobos urged to use Rave Guardian app (</news/lobos-urged-to-use-rave-guardian-app>)

2 of 2

Exhibit 9 Umm partnership-CNM

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Front Page

Tuesday, July 14, 2009

CNM President Did 'Good Job'

By Martin Salazar

Journal Staff Writer

Central New Mexico Community College President Kathy Winograd is getting high marks from the school's governing board for her second year at the Albuquerque school's helm.

"She was given a lot of credit for some of the things she's done," said Robert Matteucci, chairman of CNM's governing board. "Times are pretty difficult in college business right now. We have a rather significant budget reduction of \$8 million. We thought she did a good job."

The board recently met behind closed doors to discuss Winograd's performance, and it is slated to approve her evaluation this evening.

Despite the praise Winograd will get no pay raise, at her own request.

"It's been a tough year," she said. "Our faculty and staff worked really hard, and we've increased enrollment. We're seeing more and more students. People are really rising to the occasion, and they didn't get a salary increase. So it would be really inappropriate for me to ask for one."

Matteucci said that given economic realities, the board agrees that Winograd shouldn't get a raise this year.

"That's just the way things are right now," he said.

Winograd earns \$206,000 a year plus another \$20,600 in deferred compensation.

Though she won't get a raise, Winograd is getting an automatic one-year extension to her contract. Winograd has a rolling contract, which extends to three years each year unless she or the board provides a written request to end the agreement.

Matteucci praised Winograd for reaching agreements with the University of New Mexico, New Mexico State University and High School for Health Professions, making it easier for students to begin their college careers at one of those universities for their second two years. He also praised her for reducing administrative and operational costs through

In her letter to the governing board, Winograd said the college was able to avoid layoffs, despite the decrease



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DNM 151

Exhibit 10

Medical Cannabis: State

From: Pambi Sugar <pambioxxo@gmail.com>
Sent: Tuesday, October 30, 2018 4:28 PM
To: [REDACTED]
Subject: Fwd: [EXT] Requesting contact info for program director, Complaint/Warning: Dr. John Gray

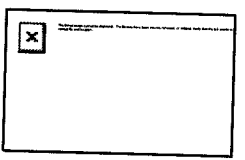
----- Forwarded message -----

From: **Gonzales, Martinik, DOH** <Martinik.Gonzales@state.nm.us>
Date: Tue, Oct 23, 2018 at 3:18 PM
Subject: RE: [EXT] Requesting contact info for program director, Complaint/Warning: Dr. John Gray
To: Pambi Sugar <pambioxxo@gmail.com>
Cc: Cannabis, Medical, DOH <Medical.Cannabis@state.nm.us>

Dear Ms. Auld,

Dr. Gray is not affiliated with the Medical Cannabis Program nor is he endorsed by the Department of Health or regulated by the Medical Cannabis Program. Additionally, the Department of Health has not endorsed any Home Health Care Programs or support/therapy groups. As a doctor/psychologist he may specialize in cannabis. He may also specialize in dosage. I am unsure of what the rules are surrounding your home health care group from UNM. A doctor may indeed have an opinion on best practices for cannabis. A patient can have up to 230 units or an 8 once supply on a rolling 90 day cycle. As long as a patient is not actively violating those specific rules a patient could choose to medicate as they see fit. Only the Department of Health can revoke a patients medical card. However, if Dr. Gray signed off on your patient application you may need to find a different doctor to sign off on your future medical cannabis patient application. The Department does encourage tracking usage and how certain strains may have made a patient feel. I can send a copy of the journal to track information regarding dosage. I hope you find this information helpful. Again, I would like to encourage you to contact Regulation and Licensing and file a complaint with the Psychology Board at www.rld.state.nm.us.

Thank you,



Martinik (Marti) Gonzales
License and Compliance Program Manager

1 of 1 Exhibit 10

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RIEMA AULD,

Plaintiff,

v.

Case No. 1:14-cv-636 KJG/SCY

CENTRAL NEW MEXICO COMMUNITY COLLEGE,
PAM ETRE-PEREZ, TOM PIERCE,
WILLIAM HEENAN, CAROL ADLER,
TOM MANNING, AND KATHIE WINOGRAD

Defendants.

RESPONSE TO MOTION FOR REINSTATEMENT

Defendants Central New Mexico Community College, William Heenan, Tom Manning, and Kathie Winograd, by and through their attorney of record, Brown Law Firm, Brown & Gurulé (Desiree D. Gurule), herein submit their response to Plaintiff's "Motion for Injunction[.]" which is categorized for e-filing purposes as a Motion for Reinstatement [Doc. 45].

Introduction

Plaintiff filed her first Amended Complaint on June 6, 2014. [Doc. 1-2]. Thereafter, the matter was removed to this Court. [Doc. 1]. On May 29, 2015, the Court dismissed Plaintiff's Claims against Pam Etre-Perez, Tom Pierce, and Carol Adler without prejudice pursuant to Fed. R. Civ. P. 4(m). [Docs. 39 and 40] On June 8, 2015, Plaintiff failed to appear a third time before the Honorable Steven C. Yarbrough, despite multiple warnings that Plaintiff's failure to appear at court hearings could result in the dismissal of her claims. [Doc. 42]. On June 9, 2015, Judge Yarbrough entered a Proposed Finding and Recommended Disposition in which Judge Yarbrough recommended that Plaintiff's claims be dismissed without prejudice pursuant to Fed. R. Civ. P. 41. [Doc. 42]. On June 30, 2015, Plaintiff's remaining claims against Central New Mexico Community College, William Heenan, Tom Manning, and Kathie Winograd were dismissed without prejudice. [Doc. 44].

Argument

It is unclear how, if at all, Plaintiff's 2018 motion relates to her prior claims asserted against the Defendants named in the 2014 lawsuit. As the dismissal of the remaining CNM Defendants occurred pursuant to Fed. R. Civ. P. 41(b), the dismissal operated as an adjudication on the merits. While the pleading is titled a "Motion for Injunction" rather than a Motion for Reinstatement, Fed. R. Civ. P. 60(c) requires that a motion for relief from a judgment or order be filed "no more than a year after the entry of the judgment or order or the date of the proceeding."

Further, 42 U.S.C.S. § 2000e-16 states as follows in regard to the applicable limitations period for a claim brought under Title VII:

Within 90 days of receipt of notice of final action taken by a department, agency, or unit referred to in subsection 717(a) [subsec. (a) of this section], or by the Civil Service Commission upon an appeal from a decision or order of such department, agency, or unit on a complaint of discrimination based on race, color, religion, sex or national origin, brought pursuant to subsection (a) of this section, Executive Order 11478 [42 USCS § 2000e note] or any succeeding Executive orders, or after one hundred and eighty days from the filing of the initial charge with the department, agency, or unit or with the Civil Service Commission on appeal from a decision or order of such department, agency, or unit until such time as final action may be taken by a department, agency, or unit, an employee or applicant for employment, if aggrieved by the final disposition of his complaint, or by the failure to take final action on his complaint, may file a civil action as provided in section 706 [42 USCS § 2000e-5], in which civil action the head of the department, agency, or unit, as appropriate, shall be the defendant.

42 U.S.C.S. § 2000e-16 (LexisNexis, Lexis Advance through PL 115-270, approved 10/23/18).

Plaintiff has never demonstrated that she has properly exhausted her claims in this matter. In addition, it has been over three years from the date of the dismissal of this case. The only grounds for relief from the judgment available under Fed. R. Civ. P. 60 concern Rule 60(b), and Plaintiff cannot establish a basis for relief from judgment under these standards, nor is such a motion timely. For each

of these reasons, Defendants request that Plaintiff's Motion for Reinstatement/Motion for Injunction be Denied.

Conclusion

The statute of limitations for Plaintiff's claims has passed, and there is no basis for relief from the prior judgment.

WHEREFORE, Defendants Central New Mexico Community College, William Heenan, Tom Manning, and Kathie Winograd request that Plaintiff's Motion for Reinstatement be denied.

Respectfully submitted:

*BROWN LAW FIRM
BROWN & GURULÉ*

/s/ Desiree D. Gurulé, 11/14/18

Desiree D. Gurulé
Attorney for Defendants Central New Mexico
Community College, William Heenan, Tom Manning,
and Kathie Winograd
333 Rio Rancho Blvd. NE Suite 102
Rio Rancho, NM 87124
(505) 292-9677
(505) 292-9680 (facsimile)
desiree@brownlawnm.com

I HEREBY CERTIFY that on the 14th day of November, 2018, I filed the foregoing electronically through the CM/ECF system, and mailed the foregoing to Plaintiff *pro se* via certified USPS at the following addresses and via EMAIL at the following address:

Riema Auld
Last Known Address:
6809 Toratolla Court NW
Albuquerque, NM 87120
pambioxxo@gmail.com

/s/ Desiree D. Gurulé, 11/14/18
Desiree D. Gurulé

CASE 14CV636 KG/SCY

November 16, 2018

Motion to stop Retaliation, Harassment
Motion to have an attorney represent my
To the Court, Case

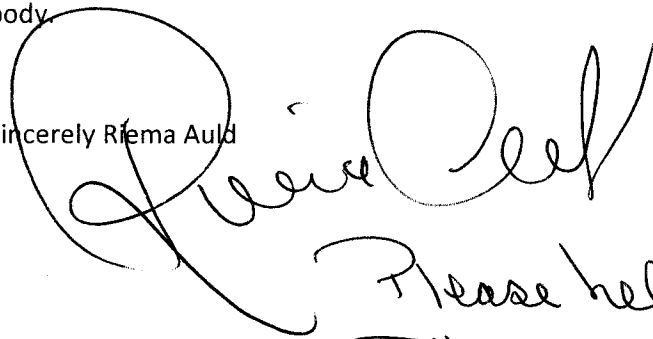
FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
18 NOV 16 PM 3:34
CLERK-ALBUQUERQUE

Your honor please help me. On November 14, UNMH and CNM attempted to have me locked up BY 6-SIX gun carrying officers and a mental health doctor. Please intervene and stop them. Please provide me with an attorney to help me. They will do anything and use whatever political connection to abuse and break the law. My life is at stake. Please

I am afraid of them. I need to get you the recording, ultra sounds of the tumor they grew, evidence of Dr. Gray's efforts, the termination meeting recording. I am afraid to communicate with CNM and UNMH now. I am afraid. I cannot even prepare a proper prose motion for you because I am being harassed by them. I am legally disabled due to depression. They will not stop harassing me. When I attempted this case years ago, UNMH WAS GROWING A HUGE TUMOR IN MY BODY. I BLED PROFUSELY EVERY DAY and I was told by Dr. Phillips that is was normal. At that time I was disabled and applying for disability benefits. At this time Dr. John Gray Psychologist was providing legal counsel advising via therapy that I should not pursue legal redress for CM's-Kathy Winograd's racist sexist employment practices. Please give me a chance. Two of the largest entities in NM have already greatly hurt my body and my life. Now they want to lock me away.

Please don't let them lock me away to cover up what they CNM and UNMH have done to my job and my body.

Sincerely Riema Auld



Please help me
They will not stop
Please



Pambi Sugar <pambioxxo@gmail.com>

Request #2: Response to Ignored Complaints regarding Dr. J. Phillips, Dr. John Gray

1 message

Pambi Sugar <pambioxxo@gmail.com>

Tue, Nov 6, 2018 at 11:11 AM

To: iberres@salud.unm.edu, Mallory Reviere <mreviere@unm.edu>, lfwhitney <lfwhitney@salud.unm.edu>, presidentstokes@unm.edu

To CEO Kate Becker
To Attorney J.James
To Board of Regents

UNMH policy explains that patient complaints will receive a response within 7 days. My complaints have not.

Please respond to complaints in accordance to UNMH policy Attorney James emailed is the customary UNMH complaint/grievance policy and procedure.

Regarding: Ignored complaints

Requesting response to complaints regarding Dr.Jennifer Phillips Chief of Staff, Dr. John Gray Psychologist

As your patient, I have filed complaints naming Dr. Jennifer Phillips Chief of Staff and Dr. John Gray Psychologist. Both have violated HIPPA protections to interfere with Federal legal processes. Both are not intimidated by federal laws intended to protect people like me. Both are confident that even leaving evidence (voicemail, text) they representing UNMH are untouchable and above federal law and ethical accountability. According to your policy, I should have received the results of each complaint already.

When will I receive the results of each complaint?

I asked you CEO Kate Becker and attorney James to stop your harassment campaign. I asked you to stop contacting me for the purposes of retaliation, harassment and intimidation. My contact information should only be used within the parameters of HIPPA: pertained to my care. Medical predation as described in each complaint is certainly part of my care from your hospital. Your response to my request and the Cease and Desist of inappropriate contact was a harassing bizzare text message from your psychologist instead of following UNMH protocol to address the complaint.

Please provide a date explaining when I will receive the results of your response to my complaints.

Riema Auld

Thank you,
Riema Auld

On Sat, Nov 3, 2018, 12:27 AM Pambi Sugar <pambioxxo@gmail.com> wrote:

To CEO Kate Becker
To Attorney J.James
To Board of Regents

Regarding: Ignored complaints

Requesting response to complaints regarding Dr.Jennifer Phillips Chief of Staff, Dr. John Gray Psychologist

As your patient, I have filed complaints naming Dr. Jennifer Phillips Chief of Staff and Dr. John Gray Psychologist. Both have violated HIPPA protections to interfere with Federal legal processes. Both are not intimidated by federal laws intended to protect people like me. Both are confident that even leaving evidence (voicemail, text) they representing UNMH are untouchable and above federal law and ethical accountability. According to your policy, I should have received the results of each complaint already.

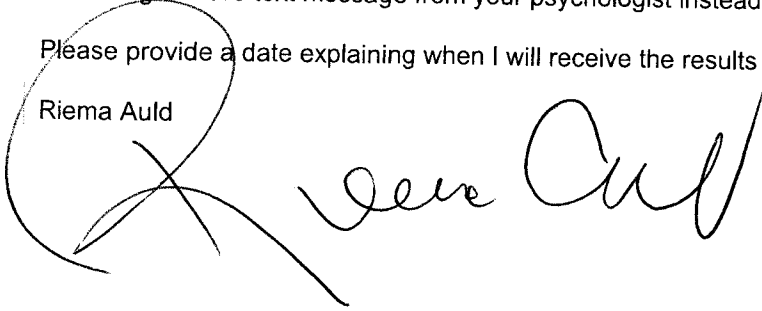
DNM 157

When will I receive the results of each complaint?

I asked you CEO Kate Becker and attorney James to stop your harassment campaign. I asked you to stop contacting me for the purposes of retaliation, harassment and intimidation. My contact information should only be used within the parameters of HIPPA: pertained to my care. Medical predation as described in each complaint is certainly part of my care from your hospital. Your response to my request and the Cease and Desist of inappropriate contact was a harassing bizzare text message from your psychologist instead of following UNMH protocol to address the complaint.

Please provide a date explaining when I will receive the results of your response to my complaints.

Riema Auld

A handwritten signature in black ink, appearing to read "Riema Auld". The signature is written in a cursive style and is positioned to the right of the typed name "Riema Auld".



Pambi Sugar <pambioxxo@gmail.com>

Emergency Help: Harassment Retaliation, Federal case 14CV636KG/SCY

1 message

Pambi Sugar <pambioxxo@gmail.com>
To: aabeyta@nm.ag.gov, concerns@nmag.gov

Fri, Nov 16, 2018 at 10:45 AM

To: The Attorney General of New Mexico

Please address the following:

On Fri, Nov 16, 2018, 10:05 AM Pambi Sugar <pambioxxo@gmail.com> wrote:

To:
Chief of Police Grier,
Office of Civil Rights
Psychology Regulation Board
Medical Board
New Mexico Attorney General Balderas

Help PLEASE

Please escalate this situation. The Defendants including UNMH have engaged the police and mental health system to lock me up.

CNM Kathy Winograd with Tom Manning evaluated my body and appearance for being attractive. Actual "estimates" were taken and written about my body as a training testing coordinator.

CNM and UNMH used my therapy sessions and my trusted therapist to 1. legally advise me to disengage from pursuing justice and standing up for my rights against CNM and UNMH and 2. falsified my medical records to cover up Kathy Winograd's sexist racist employment practices.

Dr. Phillips Chief of Staff lied to me about a tumor she monitored for years until it was too large to save my uterus. My uterus is now gone and I will never have the choice to decide for my own body to have a child.

Two Cease and Desist demands have already been emailed. Now, they-UNMH-CNM are working to have me locked up where they will have complete access to my body and ability to document me medically in order to drug and continue to abuse me in whatever way they desire. Any evidence from my person would be minimally reviewed copied. Any falsehood to benefit UNMH and CNM will be an addition to Dr. Gray's lies already in my file.

PLEASE ESCALATE THIS SITUATION AND STOP THE RETALIATION OF CEO Kathy Winograd, CEO Kate Becker, Chief of Staff Dr. Jennifer Phillips (Tumor Doctor who left threatening voicemail), Dr. John Gray Psychologist (falsified medical records, Lied about a home care Cannibus program to provide "therapy" in my home.

They respect and abide by no Federal organization, HIPPA regulation, Federal Court process, MEDICAL oath, Civil rights law.

They have proven that they act as though they are untouchable. Please do not let them function above the law. They are after my freedom. SIX officers trained to shoot and kill were sent to my home. I am a black African-American woman. The police have a history in New Mexico and in the USA as being problematic and abusive to African-Americans. As a black person, we are afraid and fully aware that any benign encounter with police can end with a beaten and or dead black person. I am frightened. They will not stop. Please help.

Please note that the sequence of events. The day after attempting to have me locked away, a motion to dismiss was submitted to the Federal Court by CNM Kathy Winograd's legal firm. As a patient locked in jail or an institution for insanity would render me unable to respond without an attorney. I need an attorney to protect and represent me. Locking me up was a legal ploy and abuse of power.

I have filed Federal complaints regarding patient abandonment and asked for an extension of medication that had NOT yet run out to Kathy Winograd and UNMH. Correspondence included a request that CEO Kathy Winograd stop UNMH from harassing me.

Prior complaints had been filed for sexual harassment involving Dr. Gray, Sterilization, Breach of the Grievance Policy, retaliation, harassment, Growing a tumor inside of me, Providing legal advice and legal deposition by UNMH-Dr. John Gray surreptitiously using the guise of therapy.

I am frightened for my well being safety and freedom.

You'll find that in the news and current news, UNMH has also worked to legally shield themselves and other business partners through manipulating legal medical documents and in violation of HIPPA: Keisha Atkins example.

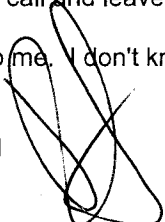
What can each of your agencies do to stop CNM CEO Kathy Winograd and UNMH?

I am asking for your EMERGENCY URGENT HELP.

I'm trying to stand up for what is right and for my life. As an American in our country I have this right. And, these right exist to illuminate wrong doings and redirect minimally the offending parties so they won't hurt more people. No one should have estimates of their body taken at work. No one should be deposed thinking their receiving therapy. No person should be sterilized and then have the doctor, THE CHIEF OF STAFF Jennifer Phillips, who facilitated the sterilization call and leave a threatening voicemail about a medical board complaint.

Please help me. I don't know what they will do next.

Sincerely,
Riema Auld



On Nov 14, 2018 5:22 PM, "Pambi Sugar" <pambioxo@gmail.com> wrote:

Dear Chief Geier and Detective Wichter,

Abusing the system to harass in retaliation for filing complaints is a civil and criminal act. Please file a complaint on my behalf that will include both prior cease and desist demands by me to UNMH and the EEOC complaint regarding CNM.

This act is a political abuse of the New Mexico police force and the system in general.

Please file a criminal complaint regarding this activity.

Please provide the information of the person & party who activated police activity.

This request is urgent. As soon as possible, I must notify the court.

Sincerely,
Riema Auld 505 -710-9686

On Wed, Nov 14, 2018, 2:32 PM Pambi Sugar <pambioxo@gmail.com> wrote:

Dear Chief Geier and Detective Wichter,

Police officers were sent to my mother's home for me. Six officers I believe.

Your office is being used to retaliate against me for filing complaints against CEO Kathy Winograd, CEO Chief of Staff Jennifer Phillips, Dr. John Gray Psychologist, Dr. Vicky Chee.

I have been sterilized. I will never have a child.

CEO Kathy Winograd directed her staff to evaluate me for being Arabic and how attractive I am, literal "estimates" were taken regarding my body by Tom Manning Labor Relations Specialist Human Resources Executive at CNM.

I have filed 2 Cease and Desist demands to UNMH to stop the harassment of Dr. Phillips and Dr. Gray. I have received a voice mailed threat and inappropriate text messages from both.

Please review NM federal case records: 14CV636KG/SCY.

Please access complaints submitted to the OCR, MEDICAL board, Psychology regulation board.

I am in no need of your services. This is a continuatiin of their nefarious harassment. They have involved my mother in their harassment also.

I have asked UNMH for assistance with medication and moving to a new hospital. They refused. This is a HIPPA violation: Patient Abandonment that I reported to OCR this week with a request that they reconsider their denial.

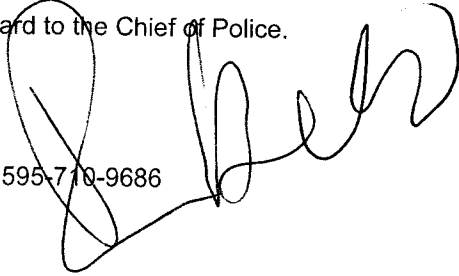
Please do not allow the people who falsified my medical records and sterilized me to use your office for further abuse, harassment, and retaliation.

REQUEST: Please provide me with a report of all involved with the police visit-contact with my mother including audio, film, report, name badge title of each officer and medical professional involved AND attending.

Please forward to the Chief of Police.

Thank you

Sincerely,
Riema Auld 595-710-9686

A handwritten signature in black ink, appearing to read 'Riema Auld', written over the typed name and phone number.

FILED (MB)
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

Case 14CV636KG/SCY

Exhibit List

Notice of The Exhibit

- 18 NOV 26 PM 3:55
1. CD rom: Audio recording of termination by CNM Central New Mexico Community College meeting of Riema Auld, plaintiff.

CLERK-ALBUQUERQUE

Attending:

Tom Manning Labor Relations Specialist and Human Resources Executive
Pam Etre-Perez Dean SAGE, GED/ESL
Tom Pierce ABE Program Director (GED/ESL)

Please listen to the termination meeting after reading the explanation of my demeanor CNM describes as

- "confrontational in the same way she had always been"
- "Tried to take over the meeting"
- "Mr. Manning was direct and matter of fact because he had to be in order to be heard.
This implies a stereotype of black women as being loud aggressive and in need of policing.

2. CNM untruths and explanations of the termination meeting

December 3, 2012, CNM response to EEOC claim 543-2012-00760, Author Rose Orozco-Monroy Director Human Resources

- CNM untruths and explanations of the termination meeting

3. Body evaluation, Racial evaluation by CNM

April 30, 2012, CNM response to EEOC claim 543-2012-00760, Author Tom Manning Labor Relations Specialist and Human Resources Executive

- CNM- Tom Manning explains taking estimates of my body, and imagines my body in comparison to a man's body to conclude that I was dishonest when explaining that I was fearful of my male supervisor Bill Heenan. Page 8
- Evaluation for national origin page 3-4,
- Falsely defining my Jewish name as Arabic page 4, paragraph 2
- Accusing me of intentionally feeding the notion of being Arabic to CNM by merely stating the name of my brother page 4, paragraph 4

4. Policy created prohibiting the use of CNM compliant policy

Email Tuesday, February 7, 2012, 6:48 PM from P. Etre-Perez to Riema Auld

AULD, RIEMA

From: ETRE-PEREZ, PAMELA
Sent: Tuesday, February 07, 2012 6:48 PM
To: AULD, RIEMA
Subject: RE: February 6/2012 Meeting Review

Dean of GED/ESL Department

Riema,

It is not appropriate for you to spend paid work hours documenting your personnel issues with Bill. Please engage in this sort of activity outside of work hours and not in the KC offices. Thank you.

Pam

Pamela Etre-Pérez, Ph.D.
Dean, School of Adult and General Education
Central New Mexico Community College
525 Buena Vista Dr. SE
Albuquerque, NM 87106
505-224-3936 ph
505-224-3991 fx

Responsibility* Achiever* Communication* Relator* Significance

From: AULD, RIEMA
Sent: Tuesday, February 07, 2012 5:04 PM
To: ETRE-PEREZ, PAMELA
Cc: AULD, RIEMA
Subject: February 6/2012 Meeting Review

Hello Pam,

February 6/2012 Meeting Review:

Concerning Issues:

1. Job Description Changes
2. Faith in the process of changing Bills Behavior
3. Management reporting structure
4. Requesting to explore options to find other opportunities at CNM

Dec 3, 2012 = By Rose Orozco - Money Director Human Resources

attention, provoke those who were trying to respond, and then criticize the response as supposedly unsupportive. This is another example of why the employment relationship between CNM and Ms. Auld became impossible to maintain. CNM simply recognized that fact and took appropriate action by placing Ms. Auld on administrative leave with pay before ending her employment. It was a fair and proper business decision and had nothing to do with Ms. Auld's complaint nor Ms. Auld's race, color, or sex.

During Ms. Auld's termination meeting, Tom Manning, Senior HR Representative, made some inappropriate comments that were demeaning and sexist in nature which violated the Respondent's harassment policy.

Ms. Auld's claim that Mr. Manning made inappropriate comments that were demeaning and sexist is false. Therefore, there was no harassment of any sort, no violation of CNM's harassment policy, and certainly no harassment based on sex or race in the termination meeting. The termination meeting took place on March 16, 2012. Ms. Auld had been on administrative leave with pay since February 17, 2012. CNM called the meeting on March 16, 2012 to inform Ms. Auld that a decision to end the employment relationship had been made. In addition to Ms. Auld the meeting was attended by Pam Etre-Perez, the Dean of SAGE, Tom Pierce, the ABE Program Director and Mr. Heenan's direct supervisor, and Tom Manning.

As was Ms. Auld's customary style, she tried to take over the meeting from the outset and turn it into a forum for asserting her grievances. Ms. Auld was confrontational in the same way she had always been. Mr. Manning redirected Ms. Auld by informing her that the purpose of the meeting was to communicate that CNM was ending the employment relationship and that the decision was final and not negotiable. Ms. Auld continued to protest alleging unfairness and saying she had done nothing wrong. Mr. Manning explained to Ms. Auld that she was a difficult employee and that CNM had no choice but to end the employment relationship. He was even handed and authoritative in order to ensure Ms. Auld was clear about the decision.

It is never easy for CNM to separate an employee. When Ms. Auld tried to take over the meeting Mr. Manning, in the interests of being clear and honest, made sure she was aware of the meetings purpose, of the decision that had been made, and that CNM was not going to spend additional time listening to grievances that had already been discussed on numerous occasions before. This was not a negotiation. Mr. Manning was direct and matter of fact because he had to be in order to be heard. Ms. Auld's combativeness, even after a month off with pay, made it necessary. This is another example where Ms. Auld provokes an individual and then criticizes their response. Mr. Manning's remarks were not demeaning or sexist.

CNM does not know what Ms. Auld is referring to when she says Mr. Manning's comments were sexist in nature. Ms. Auld provided no details to substantiate her allegations about inappropriate comments that were either demeaning or sexist. CNM assumes that because Mr. Manning was clear but did not agree with Ms. Auld that she would characterize that as demeaning. Taking that position would be consistent with Ms. Auld's tendency to vilify anyone who disagreed with her. CNM can only assume that because Mr. Manning is male and Ms. Auld is female, that being direct while disagreeing with Ms. Auld would be interpreted by her as sexist; because CNM is not aware of sexist remarks being made at any time by anyone; much less in the termination meeting by Mr. Manning. Again, Ms. Auld's claim that Mr. Manning made

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listen to my side during meeting

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Recording: "Beautiful"

Decision Final

Human Resources "Beautiful" DNM 105

By *Rose Orozco-Monroy*
Dec 3, 2012

Recording

inappropriate comments that were demeaning and sexist is false. Please see Tabs D, E, and F for statements from the employees who attended the termination meeting.

During Ms. Auld's termination meeting the Dean made a comment that Heenan's issue with Ms. Auld was cultural

Ms. Auld's assertion that during the termination meeting "Dean Etre-Perez made a comment that Heenan's issue with Ms. Auld is cultural" is false. Ms. Auld actually introduced the comment that Heenan's issue was cultural, not Dean Etre-Perez. Ms. Auld brought that up when she tried to turn the termination meeting into a discussion related to her grievances. No one on the management side intended on having that kind of discussion. Consequently, there was no reason, in a meeting where the sole purpose was to inform Ms. Auld that a decision to end the employment relationship had been made, for the Dean to make such a reference.

During a previous meeting when the College was still trying to address Ms. Auld's concerns, Dean Etre-Perez had introduced the concept of "cultural differences" in an attempt to promote understanding and sensitivity. The Dean had introduced the concept as a way of showing how we all need to be aware and accepting. She was referring to a general phenomenon and did not target Ms. Auld's cultural identity or suggest in any way that cultural differences were a reason for Mr. Heenan's behavior toward Ms. Auld. If anything, the Dean was only reinforcing CNM's commitment to non-discrimination and encouragement of diversity. But Ms. Auld fixated on the word "cultural" and twisted it to support her view that Mr. Heenan was discriminatory. From that point forward Ms. Auld used the phrase "cultural differences" to say that the Dean had said Mr. Heenan's actions were based on "cultural differences" or were "cultural." That was never true although Ms. Auld adopted the phrase and used it thereafter. Ms. Auld never articulated how a "cultural difference" translates into discrimination. Nevertheless, because Ms. Auld was argumentative during the termination meeting, she stated that the Dean had previously taken the position that Mr. Heenan had "cultural differences"; and as a matter of consistency the Dean should continue to support the notion now because she would then have to reverse the decision to terminate.

The irony is that Dean Etre-Perez is one of CNM's most visible diversity advocates. She heads a campus organization that supports inclusion and she is well versed in the dynamics of cultural competence. That is why when efforts were ongoing to help Ms. Auld, the Dean offered insights about cultural perspectives in order to try and restore rapport. Ms. Auld took the word and the discussion out of context. Even so, the Dean did not initiate a conversation in the termination meeting where she used the word "cultural" as stated in the amended charge. Ms. Auld brought it up and then accused the Dean of having done so to apparently create the appearance of a contradiction. Again, Ms. Auld was vilifying anyone who did not agree with her. See Tabs C, D, and E for statements from those who attended the meeting.

Ms. Auld believes she was retaliated against after complaining about protected activity

When Ms. Auld alleges that she "complained about protected activity," CNM assumes that Ms. Auld means she engaged in protected activity. Although the phrase "retaliated against after complaining about protected activity" appears for the first time in the amended charge it is, as far as CNM can tell, a continuation of Ms. Auld's claim that she was placed on administrative

Map - CNM admits I complained about cultural discrimination during employment

see Emails Feb 16, 2012

Culture



Central New Mexico Community College

Kathie W. Winograd
PRESIDENT

April 30, 2012

Gilberto Vargas, Intake Supervisor
The Equal Employment Opportunity Commission
Albuquerque Area Office
505 Marquette, N. W. Suite 900
Albuquerque, NM 87102

RE: Riema Auld; EEOC Charge Number 543-2012-00760

ALBUQUERQUE AREA
EEOC
RECEIVED
2012 MAY -1 AM 11

Attended By: Thomas A. Manning
Senior HR Representative and
Labor Relations ~~Specialist~~
Officer

Boyd Evaluation
Page 8

April 30, 2012

The Allegations
Problems from the Start of Her Employment

Ms. Auld's allegations as stated in her charge of discrimination are confounding. First of all the issues that caused Ms. Auld so much concern did not manifest from the beginning of her employment as she says in her charge. Ms. Auld's concerns manifested after the argument she had with Mr. Heenan on December 12, 2011. As late as four months after she was hired on November 25, 2011 Ms. Auld was thanking Mr. Heenan for his understanding. See Ms. Auld's email at Tab P.

The Allegations
Comments and Perceptions Attributed to Mr. Heenan

Ms. Auld offered no evidence to support her claim that Mr. Heenan made a derogatory comment regarding blacks. CNM was not able to discover evidence to support the allegation either. CNM does not know what Ms. Auld means when she states that she was "put on administrative leave due to personal challenges brought on by Heenan as well as how he perceived my cultural identity." Ms. Auld was put on administrative leave with pay because CNM could find no remedy for her disruptive behavior which escalated with every attempt made to diffuse and improve the situation. CNM did determine that Mr. Heenan is culturally competent and has a background and interest in diversity to a degree that exceeds the norm. The diversity statistics in the department where Ms. Auld worked (and the college as a whole) support CNM's position that it is inclusive and serve to refute Ms. Auld's claims.

The Allegations
Harassment, Intimidation, Hostile Work Environment, and Failure to Pay Overtime

Even though Mr. Heenan is tall he is also thin and his presence is not imposing. Ms. Auld has a strong presence and her physical stature is sufficient to a degree that it is hard to imagine her as physically inferior to Mr. Heenan. Estimates are Ms. Auld is at least 5'9". She is also sturdy and fit. Mr. Heenan is skittish when confronted and although he is personable and competent he does not project a natural confidence; nor is he authoritative. Ms. Auld on the other hand is assertive, demonstrative, and well spoken. Ms. Auld had no hesitation being aggressive and challenged Mr. Heenan, Mr. Pierce, Dean Etre-Perez, and HR whenever she disagreed, which was frequently. It is understandable that a subordinate may fear their supervisor based on the hierarchical difference, especially if they believe their job is in jeopardy. However, it is hard to believe Ms. Auld was literally fearful of Mr. Heenan in the way that she maintains. If she was, it never stopped her from being confrontational nor did it ever cause her to retreat. Ms. Auld's conduct was consistent with the premise that when it comes to her and Mr. Heenan, she easily possesses the more dominant personality.

Mr. Pierce, who witnessed the argument between Ms. Auld and Mr. Heenan on December 12, 2011 indicated that Ms. Auld's description of events was an exaggeration. Again, see Tab A for Mr. Pierce's eye witness account of the argument. Both parties participated in the exchange and had an emotional involvement that was not helpful. There was a desk between them and Mr. Heenan's voice was expressive but not raised. Mr. Heenan's hands were not motionless but he was not finger pointing with his hand in Ms. Auld's face, in fact could not because the desk would not allow him to be in proximity. However, according to Ms. Auld's version of events only Mr. Heenan was culpable. This is not creditable based on the eyewitness account of Mr. Pierce. Similarly, Ms. Auld charged CNM with not paying her overtime when great effort was expended to research, respond, and pay her the overtime rate she was due. Again, the facts are contrary to Ms. Auld's claims.

Fit = Medical & Military term
Page 8

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False

January 25, 2013

problem with Ms. Auld's culture whether it is related to being an African American or Arabian and no evidence that he took any actions based on her national origin, race, color, or sex.

As explained in the response to the charge in the first amendment, Dean Etre-Perez had introduced the concept of "cultural differences" in an attempt to promote understanding and sensitivity during a previous meeting when the College was initially trying to address Ms. Auld's concerns. ~~The Dean had introduced the concept as a way of showing how we all need to be aware and accepting.~~ She was referring to a general phenomenon and did not target Ms. Auld's cultural identity or suggest in any way that cultural differences were a reason for Mr. Heenan's behavior toward Ms. Auld. If anything, the ~~Dean was only reinforcing CNM's commitment to non-discrimination and encouragement of diversity.~~ But Ms. Auld fixated on the word "cultural" and twisted it to support her view that Mr. Heenan was discriminatory. From that point forward Ms. Auld used the phrase "cultural differences" to say that the Dean had said Mr. Heenan's actions were based on "cultural differences" or were "cultural." That was never true although Ms. Auld adopted the phrase and used it thereafter. Ms. Auld never articulated how a "cultural difference" translates into discrimination. This is another example of how any attempt to help Ms. Auld was countered and twisted so she could continue to disagree with everything.

Paragraph #3 of Ms. Auld's Second Amended Charge:

During my first week Heenan asked me where I was from. He said he was wondering because I had an Arabic name and he told me the meaning and different spellings of my name in Arabic. On about three occasions Heenan said that he loves being over seas because he said "I'm a god oversees." He said that he always hated to come home because he couldn't get a date. He told me that his wife was not from this country. (Heenan's wife is Asian.) He said that it was so hard for him to date that he put advertisements in the newspapers to find women. He said he taught a class and all the women wanted to marry him. He explained that a student's family wanted him to marry their daughter because he was an American teacher.

CNM's Response to Paragraph # 3 of the Second Amended Charge:

This allegation, based on the examples Ms. Auld provides, really has more to do with gender than national origin and CNM has previously addressed the charge of gender discrimination. Nevertheless, Mr. Heenan generally denies the allegations and CNM has found no evidence to support them. On one of Ms. Auld's first days in her job, Mr. Heenan, making friendly conversation, asked her whether her name was Arabic because he knew it to be a common Arabic name. She said no, and that was the end of the conversation. Ms. Auld's remaining allegations are false and presented long after the fact with no corroborating evidence. None of these issues were mentioned in Ms. Auld's original complaint which was 22 pages long and very detailed; or in her first amendment to the charge.

Again it appears Ms. Auld is contriving a counter charge after having read CNM's response to her original. Nevertheless there is nothing unusual with someone asking another person where they are from and saying they were wondering because the origin of their name represented a nationality other

Riema Auld 2nd Amended EEOC Charge of Discrimination # 543-2012-00760

my name is American.
Evaluation for Not Representing Page 3-4
an American Stereotype

CULTURE Name = Nationality

January 25, 2013

than American. Providing the meaning of the name and the different spellings in Arabic would be similarly benign. Mr. Heenan denies saying "I'm a god oversees." But again, even if someone had used that very phrase in the context that Ms. Auld said it was used, it would normally be to contrast a management style that Americans in today's society know to be unusual, unacceptable, and illegal; not to go on record as being supportive of it. For Ms. Auld to imply that this phrase, had it been used, serves as proof that Mr. Heenan discriminated against her is ludicrous. As CNM stated in its response to Ms. Auld's original charge, Mr. Heenan is neither aggressive nor oppressive. - Heenan Reprimand assault

Page 4

The unsubstantiated allegations in paragraph #3 show that Ms. Auld will go to any length to discredit Mr. Heenan. Apparently Ms. Auld believes discrediting Mr. Heenan will obscure the fact she was a liability during the time she worked at CNM. The comments that Ms. Auld attributes to Mr. Heenan actually sound conversational and an attempt to be cordial in order to establish rapport. After all, the name Riema is Arabic and uncommon in the United States. Why would anyone object, as Ms. Auld has, to a supervisor who was willing during her first week of employment and upon finding common ground to have a conversation which really sounds quite friendly; unless the purpose was to misrepresent the context of the conversation to discredit the supervisor after the fact? At any rate CNM's president is a female as is the Dean of SAGE where Ms. Auld worked. The Dean is also active at CNM leading diversity initiatives. As stated in all of CNM's responses to Ms. Auld's EEOC charge, the Dean, also a female, made the decision to terminate Ms. Auld.

* on 2.3.19 employees are 15/10/19

Paragraph #4 of Ms. Auld's Second Amended Charge:

On another occasion, I was talking to my brother on the phone. I said jokingly good-by Mister Omar Hassan Auld. Heenan asked who I was talking to. I told him my brother. He told me Omar is an Arabic name and asked me if anyone in my family was Arabic. I told him no. He said that it was interesting because we both had Arabic names. Heenan speaks Arabic, he has taught an Arabic class at CNM and he has lived and worked in Yemen as he and Dean Etre-Perez have both explained.

CNM's Response to Paragraph #4 of the Second Amended Charge:

Paragraph # 4 of the second amended charge is also ludicrous. Ms. Auld has implied that Mr. Heenan has arrived at the conclusion she is of Arabian descent because of her name. Ms. Auld has also implied that because Mr. Heenan has taught Arabic and lived in Yemen he must have adopted the bias that the culture in the Middle East has toward women. Ms. Auld further alleges that Mr. Heenan has projected this bias against Arab females to include Ms. Auld in order to discriminate against her even though she is not Arabian. However, if the allegations of paragraph #4 are to be believed, Ms. Auld herself is actually feeding the notion she is Arabian. Why would Ms. Auld jokingly call her brother Mister Omar Hassan Auld in front of Mr. Heenan when neither she nor her brother is Arabian, unless it was intentional? For Mr. Heenan to ask Ms. Auld if anyone in her family is Arabian after Ms. Auld just called her brother Mr. Omar Hassan is not an illogical thing to do and does not mean that Mr. Heenan is gathering personal information about Ms. Auld in order to form a basis for discriminating against her for being of Arabian

That is his name
Continued Scrutiny about Race
"To identify"

Es name is Jewish
CNM name is NOT ARABIC
Heenan National origin evaluation
Heenan evaluation



FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

Case 14CV636KG/SCY

Motion to be entered in the Federal Witness protection program and removed from New Mexico

Motion for emergency attorney representation

Motion for assistance in the pro se disability program to receive assistance with learning the online system for court

Notification of Evidence/Exhibits

The result of the trial would likely have been different

- Plaintiff/Patient Auld was legally counseled during weekly and bi-weekly appointments to not participate in her own case by UNMH-Dr. Gray psychologist. Dr. Jennifer Phillips treated a potentially cancerous uterine tumor with IUD's. Patient Auld. Our appointments lasted 2-5 hours and required Dr. Gray to lock the gate of the clinic parking lot himself after I drove past the gate we would say our last good byes and I would leave. He-Dr. Gray explained that because we remained so late after 5:00 pm that the security guard would leave for the day without locking the parking gate enabling me to leave so late without parking on the street in the clinics dangerous neighborhood.
- I listened to, considered and acted upon Dr. Gray's legal advice thinking he was providing me with mental health care as my psychologist.
- I bled profusely every day. I could have made the decision to be sterilized but I didn't. I suffered through the pain and the constant bleeding thinking that I was super fertile. I suffered through those years of blood thinking that I was suffering in order to in fact have a child one day. UNMH violated patient Auld's medical protections by working as an agent not only involving but prioritizing benefits to CNM-Kathy Winograd's interests instead of my health. Dr. Gray's text explains that this prioritization and counseling occurred over time and is not isolated to one event.

It could not have been discovered since the trial, before now.

- Text message/s from Dr. John Gray, UNMH Psychologist: August 2018

It is material to the issue of liability/guilt or innocence.

- I signed and returned the authorization document to CNM allowing them to access my medical records, the records UNMH manipulated for this case. Dr. Gray indicates that UNMH prepared my medical records for court, not the patient. I would like to present these documents to the court but I am extremely fearful of what the defendant and CNM-

Kathy Winograd's cohorts will do to me. The police can collect me at any moment and have been engaged with guns, hiding around my and my mother's house with a doctor. CNM and partners are successfully working to aggravate my depression that they are fully aware of through UNMH-Dr. Gray. I am afraid.

- One aspect is that in the opinion of UNMH, CNM-Kathy Winograd: UNMH determined my therapied testimony-depositions during therapy sessions to be too detrimental to document considering their business partner's legal interest. Therefore, my therapy-deposition was falsely documented to invalidate me as a witness in this case, a potential medical malpractice case against UNMH and remove any credibility of a potential complaint stemming from the fake home therapy marijuana program UNMH-Dr. Gray created.
- UNMH-Dr. Gray's text is a stand-alone explanation of UNMH creating and falsifying evidence to ensure that I would not prevail in court while at the same time 1. Legally counseling me against my own knowledge and interests, providing legal counsel surreptitiously through mental health therapy, 2. Billing/Charging Medicare and Medicaid for providing me therapy within the guidelines of his profession: Doctor of Psychology.

There is a pattern of dishonesty from the defendants. The audio recording of the CNM termination meeting compared with the lies of the meeting attendees statements to the EEOC evidence that the defendant CNM and their partners 1. will lie and 2. will lie to federal agencies to legally shield themselves from the consequences of their hateful activities. EEOC investigation and UNMH's falsification of my medical similarly evidence the propensity, ease, confidence, thorough and consistent practice the defendants their agents and business partners will pursue to protect one another.

Example: CNM lies to EEOC stating no policy was created to prohibit me from reporting personnel issues Exhibit_1, paragraph 1.

Truth: Dean Dr. Pamela Etre-Perez, PH.D emailed the CNM policy prohibiting reporting personnel issues on Tues. Feb 7, 2012 6:48 pm Exhibit _2_ page 25, paragraph 2.

As a Californian born in southern California and raised and attended college in Cupertino and San Jose, CNM describes my name as 'represented a nationality other than American. Providing the meaning of the name and the different spellings in Arabic would be similarly benign" Exhibit_2_ Page 3-4.

CNM insists that regardless of spelling and my own family history, CNM insists that my own name is Arabic. My and my brother's names should not be an issue of my employment. Exhibit _2_, paragraph 4. In fact, I am accused of feeding the notion of my being Arabic thus requiring explanation to my inquiring supervisor of my ethnic lineage of

my name. What is constant between UNM and CNM is the continual evaluation of my physical appearance. Tom Manning, CNM: beautiful, Dr. John Gray 'living Doll' Dr. Vicky Chee, Dirtier than the floor and garbage of the hospital floor, Dr. Philips laughs about the 12 inch scar left from the huge tumor she grew and monitored in my body. Tom Manning-CNM explains that CNM considers my complaints reporting fearing my supervisor as lies because CNMs evaluation of my body and personality do not conform to the societal stereotypes for appropriate feminine behavior in violation of Price Waterhouse v Hopkins. The evaluations were the foundation that caused CNM to consider Auld a liar and refuse requests for a relocation to a different position away from Supervisor Heenan. Auld's complaint was considered a lie and CNM describes Auld's complaint as the catalyst to Auld's termination Exhibit Evaluation of my physical exterior as a woman was consistently problematic proving detrimental to my ability to earn money and receive basic medical care that the hospital is paid to deliver to me. If the Defendant is not blatantly lying in the EEOC reports, CNM attempts to redefine laws and at times science. CNM uses *imaginings* and *estimates* to determine fitness, beauty, and inappropriate evaluations of my body. I am presenting this to the court provide an example of the perverse eugenic foundation on which my employment was based upon and managed by CNM-UNMH. .

This is a pattern of blatant disrespect for truth and the law. They will breach any law of the land and human rights protection to prevail in court. Their ability to involve the police to come to my home with guns, cuff, and a doctor evidences their power and ability to lock me up with an agency constantly in the news for killing people and violating the rights of people they are sworn to protect.

The chief of police has not responded to my email asking for immediate action to stop the harassment and retaliation from CNM-UNMH-Police. Only one agency has responded to inform me that court action is the only way to attempt to stop CNM-UNMH-NM Police from continuing to retaliate against my mother and I. I am asking the court to help me to be safe. I am too afraid at this time to research the only response I received from the city of Albuquerque Exhibit 4. The harassment it is scary and escalating. Both my mother and I have been hospitalized recently for our hearts. My hospitalization was 2 days after reporting speaking with UNMH Attorney Jennifer James regarding Dr. Jennifer Philips voice mailed threat warning me against participating in the medical board investigation. My body cannot handle this stress and as my doctors they are aware. As a survivor of violent crime, my depression would be and has been successfully aggravated due to the activities of CNM and CNM's agents.

My social security card I am including as information that I've included to offer the court some evidence of my being legally disabled. The harassment and preparing these documents is wearing. **I cannot detail the affects because CNM may use that information with the police to apprehend me. I am terrified and alone. Please enter me into the witness protection agency.** May I have a person guide me through using the courts online system? Again, I am not able to explain my depression symptoms because the police may be dispatched AGAIN and at any time to arrest me. Especially via a 5150 mental health danger call, I could be stripped, endure cavity searches of my private areas

(vagina, rectum, mouth) bound, and falsely documented like UNMH has already performed. I am asking to be placed in Federal protection with my mother as soon as possible PLEASE.

Sincerely,

Riema Auld 505-710-9686

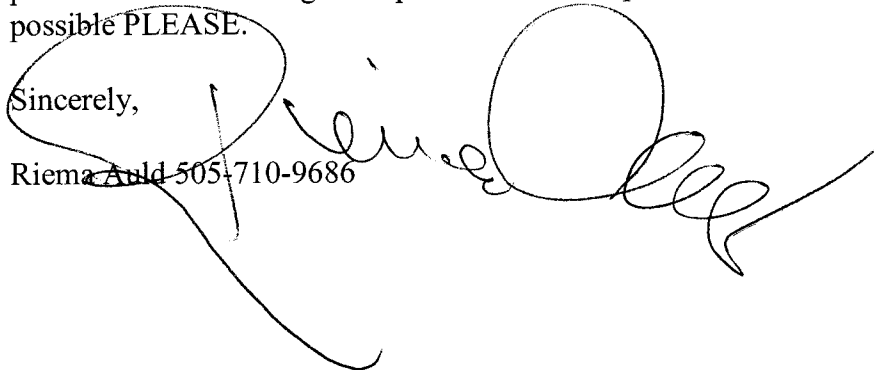
A handwritten signature in black ink, appearing to read "Riema Auld". The signature is written in a cursive style with a large, prominent loop at the end. A large, hand-drawn circle is drawn around the signature, overlapping the text "Sincerely," and "Riema Auld".

Exhibit List

- Exhibit 1. CNM prohibits reporting supervisor
 2. CNM explains that there was not rule against reporting harassment page 25
 2. CNM evaluates my name and determines it does not represent American nationality and labels my name as being Arabic regardless of spelling page 3-4
 2. CNM admits that the trigger for Auld's termination was Auld reporting her manager for harassment.
 3. CNM blames Auld for saying her brother's name in front of her supervisor Bill Heenan
 4. Estimates, imaginations of CNM regarding Auld's body
 5. Requesting reconsideration of Medical Abandonment by UNMH using the language of UNMH- Vicky Chee who explained that I am dirtier than the public hospital floor and garbage.
 6. Email: Ease and Desist 2: Appeal to Kathy Winograd to stop the CNM-UNMH harassment campaign
 7. Result of appeal to police asking to not be arrested.
 8. Email to Chief of Police
 9. A part of the complaint submitted to the NM Medical Board, OCR, NM Attorney General,
 10. Medicare Card

Exhibit 1, ~~original~~

AULD, RIEMA

From: ETRE-PEREZ, PAMELA
Sent: Tuesday, February 07, 2012 6:48 PM
To: AULD, RIEMA
Subject: RE: February 6/2012 Meeting Review

Dean of GED/ESL Department

Riema,
It is not appropriate for you to spend paid work hours documenting your personnel issues with Bill. Please engage in this sort of activity outside of work hours and not in the KC offices. Thank you.

Pam

Pamela Etre-Pérez, Ph.D.
Dean, School of Adult and General Education
Central New Mexico Community College
525 Buena Vista Dr. SE
Albuquerque, NM 87106
505-224-3936 ph
505-224-3991 fx

Responsibility*Achiever*Communication*Relator*Significance

From: AULD, RIEMA
Sent: Tuesday, February 07, 2012 5:04 PM
To: ETRE-PEREZ, PAMELA
Cc: AULD, RIEMA
Subject: February 6/2012 Meeting Review

Hello Pam,

February 6/2012 Meeting Review:

Concerning Issues:

1. Job Description Changes
2. Faith in the process of changing Bills Behavior
3. Management reporting structure
4. Requesting to explore options to find other opportunities at CNM

Author: Rose Grazco,
Dean HR

Exhibit 2
Community College

January 25, 2013

James C. Snyder, Investigator
The Equal Employment Opportunity Commission
Albuquerque Area Office
505 Marquette, N. W. Suite 900
Albuquerque, NM 87102

RE: Riema Auld; Second Amended Charge; EEOC Charge Number 543-2012-00760

Dear Mr. Snyder,

Introduction

CNM denies the allegations of discrimination and retaliation based on race, color, sex, and national origin that Riema Auld has filed in her second amended charge. CNM also denies the whistle blower allegations. CNM is absolutely committed to the principles of equal opportunity outlined that commitment in the

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March 16, 2012.
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Mr. Heenan is used to
is not used to having to

Second Amended Charge:

charge and the first amended charge that
evidence supported those allegations CNM
relationship with Mr. Heenan. Ms. Auld's
assault or cultural differences. Apparently Ms. Auld,
allegations and thus deflect attention away from her
asks if she repeats the word "assault" and the phrase
charge will relent. There is no evidence that Mr. Heenan has a

January 25, 2013

EXHIBIT 2

problem with Ms. Auld's culture whether it is related to being an African American or Arabian and no evidence that he took any actions based on her national origin, race, color, or sex.

As explained in the response to the charge in the first amendment, Dean Etre-Perez had introduced the concept of "cultural differences" in an attempt to promote understanding and sensitivity during a previous meeting when the College was initially trying to address Ms. Auld's concerns. ~~The Dean had introduced the concept as a way of showing how we all need to be aware and accepting.~~ She was referring to a general phenomenon and did not target Ms. Auld's cultural identity or suggest in any way that cultural differences were a reason for Mr. Heenan's behavior toward Ms. Auld. If anything, the ~~Dean was only reinforcing CNM's commitment to non-discrimination and encouragement of diversity.~~

But Ms. Auld fixated on the word "cultural" and twisted it to support her view that Mr. Heenan was discriminatory. From that point forward Ms. Auld used the phrase "cultural differences" to say that the Dean had said Mr. Heenan's actions were based on "cultural differences" or were "cultural." That was never true although Ms. Auld adopted the phrase and used it thereafter. Ms. Auld never articulated how a "cultural difference" translates into discrimination. This is another example of how any attempt to help Ms. Auld was countered and twisted so she could continue to disagree with everything.

Paragraph #3 of Ms. Auld's Second Amended Charge:

During my first week Heenan asked me where I was from. He said he was wondering because I had an Arabic name and he told me the meaning and different spellings of my name in Arabic. On about three occasions Heenan said that he loves being over seas because he said "I'm a god oversees." He said that he always hated to come home because he couldn't get a date. He told me that his wife was not from this country. (Heenan's wife is Asian.) He said that it was so hard for him to date that he put advertisements in the newspapers to find women. He said he taught a class and all the women wanted to marry him. He explained that a student's family wanted him to marry their daughter because he was an American teacher.

CNM's Response to Paragraph # 3 of the Second Amended Charge:

This allegation, based on the examples Ms. Auld provides, really has more to do with gender than national origin and CNM has previously addressed the charge of gender discrimination. Nevertheless, Mr. Heenan generally denies the allegations and CNM has found no evidence to support them. On one of Ms. Auld's first days in her job, Mr. Heenan, making friendly conversation, asked her whether her name was Arabic because he knew it to be a common Arabic name. She said no, and that was the end of the conversation. Ms. Auld's remaining allegations are false and presented long after the fact with no corroborating evidence. None of these issues were mentioned in Ms. Auld's original complaint which was 22 pages long and very detailed; or in her first amendment to the charge.

Again it appears Ms. Auld is contriving a counter charge after having read CNM's response to her original. Nevertheless there is nothing unusual with someone asking another person where they are from and saying they were wondering because the origin of their name represented a nationality other

CULTURE Name = Nationality

Page 51

January 25, 2013 Author Rose Orozco

My name is Arabic
My name is Jewish
My name is personal, not
Political @ work

than American. Providing the meaning of the name and the different spellings in Arabic would be similarly benign: Mr. Heenan denies saying "I'm a god oversees." But again, even if someone had used that very phrase in the context that Ms. Auld said it was used, it would normally be to contrast a management style that Americans in today's society know to be unusual, unacceptable, and illegal; not to go on record as being supportive of it. For Ms. Auld to imply that this phrase, had it been used, serves as proof that Mr. Heenan discriminated against her is ludicrous. As CNM stated in its response to Ms. Auld's original charge, Mr. Heenan is neither aggressive nor oppressive. - Heenan Refrained assault

Page 4

The unsubstantiated allegations in paragraph #3 show that Ms. Auld will go to any length to discredit Mr. Heenan. Apparently Ms. Auld believes discrediting Mr. Heenan will obscure the fact she was a liability during the time she worked at CNM. The comments that Ms. Auld attributes to Mr. Heenan actually sound conversational and an attempt to be cordial in order to establish rapport. After all, the name Riema is Arabic and uncommon in the United States. Why would anyone object, as Ms. Auld has, to a supervisor who was willing during her first week of employment and upon finding common ground, to have a conversation which really sounds quite friendly; unless the purpose was to misrepresent the context of the conversation to discredit the supervisor after the fact? At any rate CNM's president is a female as is the Dean of SAGE where Ms. Auld worked. The Dean is also active at CNM leading diversity initiatives. As stated in all of CNM's responses to Ms. Auld's EEOC charge, the Dean, also a female, made the decision to terminate Ms. Auld.

* on 2/3/19 employees are Blatant

Paragraph #4 of Ms. Auld's Second Amended Charge:

On another occasion, I was talking to my brother on the phone. I said jokingly good-by Mister Omar Hassan Auld. Heenan asked who I was talking to. I told him my brother. He told me Omar is an Arabic name and asked me if anyone in my family was Arabic. I told him no. He said that it was interesting because we both had Arabic names. Heenan speaks Arabic, he has taught an Arabic class at CNM and he has lived and worked in Yemen as he and Dean Etre-Perez have both explained.

CNM's Response to Paragraph #4 of the Second Amended Charge:

Paragraph # 4 of the second amended charge is also ludicrous. Ms. Auld has implied that Mr. Heenan has arrived at the conclusion she is of Arabian descent because of her name. Ms. Auld has also implied that because Mr. Heenan has taught Arabic and lived in Yemen he must have adopted the bias that the culture in the Middle East has toward women. Ms. Auld further alleges that Mr. Heenan has projected this bias against Arab females to include Ms. Auld in order to discriminate against her even though she is not Arabian. However, if the allegations of paragraph #4 are to be believed, Ms. Auld herself is actually feeding the notion she is Arabian. Why would Ms. Auld jokingly call her brother Mister Omar Hassan Auld in front of Mr. Heenan when neither she nor her brother is Arabian; unless it was intentional? For Mr. Heenan to ask Ms. Auld if anyone in her family is Arabian after Ms. Auld just called her brother Mr. Omar Hassan is not an illogical thing to do and does not mean that Mr. Heenan is gathering personal information about Ms. Auld in order to form a basis for discriminating against her for being of Arabian

That is his name
Continued Scrutiny about Race
"No doubt"

Exhibit 3

Name - Riema Auld

January 25, 2013 CNM EEOC Response

There was no continued harassment. Ms. Auld was not doing her job, her supervisor became frustrated, and they had an argument. The argument was a single event in time and was never repeated. This is not harassment. At that point Ms. Auld had a choice of complying with the requirements of her position or continuing her resistance. Ms. Auld elected to resist and she made the matter personal. Knowing this was not the appropriate choice, her justification was to assert that Mr. Heenan was to blame; even though he was largely removed from the equation after the argument.

See Email from Dean Pam Etre-Perez

Bad Policy
Not the Law

There was no rule against reporting harassment. Ms. Auld was informed that no adverse action could be taken without proof; the implication being that employees should only make allegations of harassment if they could be substantiated. This is different than saying harassment cannot be reported. Ms. Auld continually reported it and still is. Anyone who disagreed with Ms. Auld or had to redirect her was a potential harasser according to Ms. Auld. Jesse - Reported to LouAnne = stopped behavior

No more Reporting

CNM has already responded to the unfair testing allegation in its response to paragraph #8 above.

Section 5.02 (C) 9 of the Employee Handbook references Temporary Upgrades. This portion of the Handbook is not applicable to Ms. Auld's allegation. CNM assumes Ms. Auld intended to reference Section 5.02 (C) 8 which is Transfers. The section on transfers states: "A transfer is defined as a lateral move from a job in one classification to a job with the same grade level in a different classification. Transfers may occur within or between classification groups. A transfer does not involve a pay rate change but may involve a change in annual earnings if the work calendar for the new job differs from that of the old job." This provision in the Handbook gives CNM the authority to transfer but in no way obligates the College to do so. Almost all personnel moves, to include lateral moves, occur through the application process. CNM is a publicly funded institution and so the College is obligated to abide by equal employment opportunity principles. This is accomplished best by affording as many employees as possible the opportunity to apply and compete for vacant positions; not moving disgruntled employees who will very likely be a problem wherever they go into a new position just because the employee is demanding it. Consequently, CNM's practice is to primarily use the application process to move employees; although if necessary the reassignment mechanism may be utilized under the auspices of Section 5.02 (C) 8. Using this authority for transfer is the exception and not the rule. The authority is invoked when extraordinary circumstances require it. The provision is almost never invoked for problem employees. Ms. Auld was so advised. When Ms. Auld states that it was explained to her that CNM does not move people and alleges this contradicts the Employee Handbook, she failed to mention that she was also told that CNM does not move employees who are similarly situated to the circumstance she created for herself.

Listen to Recorded Meeting

SUMMARY

Ms. Auld's second amended charge itself is evidence of the behavior that made her an impossible employee. Having filed one charge, she misinterprets and distorts information provided in response to the first charge to fabricate new and virtually endless complaints out of non-issues. This is precisely the sort of cycle that Ms. Auld perpetuated after her first internal complaint at CNM, to the point where her preoccupation with finding new perceived wrongs consumed her, prevented her from engaging in

Author Rose Orezco
January 25, 2013 Statement

Page 25

Policy = Reporting

Unjust Power
Not Police
Requires employees to invest grade
(In case => Client provide

d) Failure to Act: CNM Policy and Procedure Manual Equal Employment Opportunity IS-2008

2: Mediation/Investigation

My request to Tom Manning, Senior HR and Carol Adler, HR Director for Mediation was ignored/Never responded to.

e) Failure to Act: CNM Employee Handbook Section IX, Discipline/Grievance Procedure 9.05C. Initiation of Grievance Page 38

7. The Human Resources Representative, being Tom Manning, was required to conduct an investigation in response to the EEOC complaint as stated in the CNM Policy and Procedure Manual Equal Employment Opportunity IS-2008

CNM's Response to Paragraph #14 of the Second Amended Charge:

Ms. Auld's statement that "During the investigation time period, I filed the EEOC complaint" is false and blatantly so. Ms. Auld was terminated on March 16, 2012. According to the original Charge of Discrimination Ms. Auld signed and filed her EEOC complaint on March 19, 2012. The EEOC signed the Notice of Charge of Discrimination on March 28, 2012. CNM received the complaint shortly thereafter and responded to the original charge on April 30, 2012.

*EEOC Questions = Feb 2, 2011
EEOC 131 Notice = March 2, 2011*

Obviously, Ms. Auld was terminated before she filed her complaint of discrimination. Therefore, the allegations contained in paragraph 14 of the second amended charge are moot. Ms. Auld's termination could not have constituted retaliation for an EEOC charge that she had not yet filed and that CNM was not yet aware of. As previously stated, Ms. Auld filed an internal complaint in December 2011. This

complaint was the trigger for everything that happened between the initiation of the complaint in December of 2011 and Ms. Auld's termination the following March.

*Retaliation
Complaint
Termination*

There was no mention of discrimination, retaliation, or harassment based on a protected class anywhere in Ms. Auld's internal complaint. After receiving Ms. Auld's internal complaint CNM worked vigorously with all parties to resolve all issues. Not a single action was taken or motivated by Ms. Auld's race, color, sex, national origin, or because she had filed an internal complaint. Had CNM uncovered such a motivation HR would have reported the individual(s) and followed up whether Ms. Auld did or not.

= CNM reports action taken w/ pay 2/16/12 = response = next day of termination

Most of Ms. Auld's allegations in paragraph # 14 of the second amended charge relate to alleged violations of CNM's Equal Employment Opportunity policy. CNM provided a copy of this policy in Tab N of its response to the original charge. It appears Ms. Auld is reading the requirements outlined in that policy and countering by accusing CNM of violating the provisions therein. However, Ms. Auld is applying the requirements incorrectly. Since there was no charge of discrimination until after Ms. Auld left CNM, the College would not have been obligated to meet the investigatory requirements outlined in the policy; and of course CNM could not have provided Ms. Auld the results because without a charge there were would be no investigatory results. As stated above, once CNM received the charge from the EEOC, a response was provided.

FALSE - Email 2-16-2012

Notified Investigated Dismissed then HR/leave Retaliation - Leave + Term

Complaint/Report = Trigger for Termination

January 25, 2013. Author Rose Grazco Exhibit 3

problem with Ms. Auld's culture whether it is related to being an African American or Arabian and no evidence that he took any actions based on her national origin, race, color, or sex.

As explained in the response to the charge in the first amendment, Dean Etre-Perez had introduced the concept of "cultural differences" in an attempt to promote understanding and sensitivity during a previous meeting when the College was initially trying to address Ms. Auld's concerns. The Dean had introduced the concept as a way of showing how we all need to be aware and accepting. She was referring to a general phenomenon and did not target Ms. Auld's cultural identity or suggest in any way that cultural differences were a reason for Mr. Heenan's behavior toward Ms. Auld. If anything, the Dean was only reinforcing CNM's commitment to non-discrimination and encouragement of diversity. But Ms. Auld fixated on the word "cultural" and twisted it to support her view that Mr. Heenan was discriminatory. From that point forward Ms. Auld used the phrase "cultural differences" to say that the Dean had said Mr. Heenan's actions were based on "cultural differences" or were "cultural." That was never true although Ms. Auld adopted the phrase and used it thereafter. Ms. Auld never articulated how a "cultural difference" translates into discrimination. This is another example of how any attempt to help Ms. Auld was countered and twisted so she could continue to disagree with everything.

Paragraph #3 of Ms. Auld's Second Amended Charge: Heenan asked me where I was from

During my first week Heenan asked me where I was from. He said he was wondering because I had an Arabic name and he told me the meaning and different spellings of my name in Arabic. On about three occasions Heenan said that he loves being over seas because he said "I'm a god oversees." He said that he always hated to come home because he couldn't get a date. He told me that his wife was not from this country. (Heenan's wife is Asian.) He said that it was so hard for him to date that he put advertisements in the newspapers to find women. He said he taught a class and all the women wanted to marry him. He explained that a student's family wanted him to marry their daughter because he was an American teacher.

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This allegation, based on the examples Ms. Auld provides, really has more to do with gender than national origin and CNM has previously addressed the charge of gender discrimination. Nevertheless, Mr. Heenan generally denies the allegations and CNM has found no evidence to support them. On one of Ms. Auld's first days in her job, Mr. Heenan, making friendly conversation, asked her whether her name was Arabic because he knew it to be a common Arabic name. She said no, and that was the end of the conversation. Ms. Auld's remaining allegations are false and presented long after the fact with no corroborating evidence. None of these issues were mentioned in Ms. Auld's original complaint which was 22 pages long and very detailed; or in her first amendment to the charge.

Again it appears Ms. Auld is contriving a counter charge after having read CNM's response to her original. Nevertheless there is nothing unusual with someone asking another person where they are from and saying they were wondering because the origin of their name represented a nationality other

Riema Auld 2nd Amended EEOC Charge of Discrimination # 543-2012-00760

CULTURE Name = Nationality

Exhibit 3

Page 11

Exhibit 4

Page 8

April 30, 2012

The Allegations
Problems from the Start of Her Employment

Ms. Auld's allegations as stated in her charge of discrimination are confounding. First of all the issues that caused Ms. Auld so much concern did not manifest from the beginning of her employment as she says in her charge. Ms. Auld's concerns manifested after the argument she had with Mr. Heenan on December 12, 2011. As late as four months after she was hired on November 25, 2011 Ms. Auld was thanking Mr. Heenan for his understanding. See Ms. Auld's email at Tab P.

The Allegations
Comments and Perceptions Attributed to Mr. Heenan

Ms. Auld offered no evidence to support her claim that Mr. Heenan made a derogatory comment regarding blacks. CNM was not able to discover evidence to support the allegation either. CNM does not know what Ms. Auld means when she states that she was "put on administrative leave due to personal challenges brought on by Heenan as well as how he perceived my cultural identity." Ms. Auld was put on administrative leave with pay because CNM could find no remedy for her disruptive behavior which escalated with every attempt made to diffuse and improve the situation. CNM did determine that Mr. Heenan is culturally competent and has a background and interest in diversity to a degree that exceeds the norm. The diversity statistics in the department where Ms. Auld worked (and the college as a whole) support CNM's position that it is inclusive and serve to refute Ms. Auld's claims.

The Allegations
Harassment, Intimidation, Hostile Work Environment, and Failure to Pay Overtime

Even though Mr. Heenan is tall he is also thin and his presence is not imposing. Ms. Auld has a strong presence and her physical stature is sufficient to a degree that it is hard to imagine her as physically inferior to Mr. Heenan. Estimates are Ms. Auld is at least 5'9." She is also sturdy and fit. Mr. Heenan is skittish when confronted and although he is personable and competent he does not project a natural confidence; nor is he authoritative. Ms. Auld on the other hand is assertive, demonstrative, and well spoken. Ms. Auld had no hesitation being aggressive and challenged Mr. Heenan, Mr. Pierce, Dean Etre-Perez, and HR whenever she disagreed, which was frequently. It is understandable that a subordinate may fear their supervisor based on the hierarchical difference, especially if they believe their job is in jeopardy. However, it is hard to believe Ms. Auld was literally fearful of Mr. Heenan in the way that she maintains. If she was, it never stopped her from being confrontational nor did it ever cause her to retreat. Ms. Auld's conduct was consistent with the premise that when it comes to her and Mr. Heenan, she easily possesses the more dominant personality.

Mr. Pierce, who witnessed the argument between Ms. Auld and Mr. Heenan on December 12, 2011 indicated that Ms. Auld's description of events was an exaggeration. Again, see Tab A for Mr. Pierce's eye witness account of the argument. Both parties participated in the exchange and had an emotional involvement that was not helpful. There was a desk between them and Mr. Heenan's voice was expressive but not raised. Mr. Heenan's hands were not motionless but he was not finger pointing with his hand in Ms. Auld's face, in fact could not because the desk would not allow him to be in proximity. However, according to Ms. Auld's version of events only Mr. Heenan was culpable. This is not creditable based on the eyewitness account of Mr. Pierce. Similarly, Ms. Auld charged CNM with not paying her overtime when great effort was expended to research, respond, and pay her the overtime rate she was due. Again, the facts are contrary to Ms. Auld's claims.

Fit = Medical & Military term

Page 8

Exhibits

Pambi Sugar <pambioxxo@gmail.com>



Request to reconsider HIPPA BREACH: Medical abandonment

4 messages

Pambi Sugar <pambioxxo@gmail.com>

Sun, Nov 11, 2018 at 5:13 PM

To: winograd@cnm.edu, lfwhitney <lfwhitney@salud.unm.edu>, JrJames@salud.unm.edu, Rosellen from NextRequest <rosellen.rother@nextrequest.intercom-mail.com>, Mallory Reviere <mreviere@unm.edu>, presidentstokes@unm.edu

To CEO Kate Becker,
CEO M. Chicarelli,
CEO Kathy Winograd, CNM
BOARD OF Regents,
President Stokes
Attorney Jennifer James
To Office of Civil Rights
To Medical Board
To Board of Psychology

COMPLAINT- Grievance: Medical Abandonment. UNMH refused my request for medical assistance to transfer medical care away from UNMH. I was offered only another Doctor who worked in the same clinic as Dr. Vicky Chee and Chief of Staff Tumor doctor, Dr. Jennifer Philips , AND I was offered to participate in a state- UNMH marijuana home therapy program that does not exist. Evidence will be emailed to agencies. UNMH already has the emailed requests for assistance.

CEO KATHY WINOGRAD IS INCLUDED in this medical request because UNMH has selected to involve Kathy Winograd and CNM in decisions involving my medical care.

CEO KATHY WINOGRAD has with Tom Manning CNM LABOR RELATIONS SPECIALIST organized an evaluation of my body to have "estimates" taken about my body. I was evaluated in the workplace at CNM for how attractive I am considered by CNM, and my body was evaluated and estimates were taken. As a GED/ESL TESTING COORDINATOR my body was evaluated and estimates were taken and my racial identity as an Arabic person was questioned and evaluated at the CEO and executive level. I am African American with Jewish genetuc lineage. I AM NOT ARABIC. I AM CHRISTIAN, NOT MUSLIM. It is recorded and documented. This discrimination is what UNMH falsified my medical records to defend in Federal court. UNMH lied to protect Kathy Winograds racist illegal HATE DRIVEN employment practices.

I am having problems post surgery from your unwanted tumor and sterilization.

I'm concerned that my medication will run out prior to my finding a new doctor.

I have asked UNMH for assistance transferring away from Dr. Mengele Phillips and Dr. Marijuana Gray. UNMH has refused my request for assistance.

I understand that your belief is that I as an African-American am dirtier than the public garbage and floor as you have explained to me via Dr. Vicky Chee. Your Chief of Staff Dr. Jennifer Mengele Phillips has expressed UNMH support as well as her own support for Dr. Vicky Chee as the Chief of Staff.

Appellate Case: 19-2079 Document: 010110176772 Date Filed: 05/31/2019 Page: 185
However, I ask you to consider me as a white women like you, Dr. Mengele Phillips and CEO Kathy Winograd who directs her Human Resources to evaluate and take estimates of black female employees. Consider me a racist white biggot with HIPPA federal protections. As filth dirtier than the floor, understandably you would sterilize me and grow potentially cancerous tumors inside of my body. As a "dirty" black woman of course you would allow Dr. Gray complete unadulterated access to my person.

I'm asking to be considered as you would yourself, a friend, someone who looks like you, someone in your family, someone white like you.

I need help with my prescriptions being available. HIPPA for non black filth of course provides for patients not being abandoned by thier doctors. It is true that I left but I refuse to be abused or therapied with marijuana at my home as part of your-UNMH's fake state home care marijuana program WITH Dr. Gray as the fake state program Director.

I'll never change your strong core beliefs about me and those of us you consider less than "dirty" and slated for medical experimentation. So I ask you to over look the black that's makes me such dirty filth and please help me get my medication.

I would ask that my tumor doctor Dr. Jennifer Mengele Phillips and Dr. Marijuana Gray not be involved but I know that my desires, rights, federal protections, health, body, fertility, HIPPA protections mean as much to you as the aborted baby parts you give to the murderer of poor 23 year old Keisha Atkins: South West Women's Options.

Please consider me a white woman, not a black woman being dirtier than your public hospital garbage and your public hospital floor and provide another year of my medicationso U may find a doctor.

I have been medically ruined like my ancestors. You have effectively reduced the dirty filthy babies that I could have birthed from my black body you describe as less than dirty filth. You have effectively done your part to reduce the black population in the state of New Mexico and the USA through the tumor and sterilization you conducted during my most fertile years.. I disabled and out of the workforce, am not a competitor for employment. At this time the concern is a heart attack or stroke: Stress. So, your handy work harassment and medical experimentation is almost complete and you'll have no concern about a "dirty" black woman fighting you for basic rights. I'll be dead. Until then, please reconsider following HIPAA protections and provide me with my needed medicine.

I have done nothing to harm any of you yet you have abused my body in every way.

I hope you and CEO Winograd agree to prescribe my antidepressant and heart medications. I sincerely ask you with all your money power and political connections to please reconsider for dirty black sterilized filth.

Riema Auld, STERILIZED BY UNMH CHIEF OF STAFF, MEDICAL PREDATOR Dr. Jennifer Mengele Phillips
Described as dirtier than the floor and garbage by Dr. Vicky Chee who was hired and fully supported by Chief of staff Dr. Mengele Jennifer Philips per voice mailed threat to Patient Auld

Appellate Case: 19-2079 Document: 010110176772 Date Filed: 05/31/2019 Page: 186
To: OCRCComplaint@hhs.gov, psychologist.examiners@state.nm.us, "Dieterich, Debbie, BME"
<Debbie.Dieterich@state.nm.us>

[Quoted text hidden]

Pambi Sugar <pambioxxo@gmail.com>
Draft To: eamorelli@salud.unm.edu

Mon, Nov 12, 2018 at 2:12 AM

To

[Quoted text hidden]

Pambi Sugar <pambioxxo@gmail.com>
To: eamorelli@salud.unm.edu

Mon, Nov 12, 2018 at 2:14 AM

To: Paul B. Roth, MD, FACEP
Chancellor for Health Sciences
Dean, School of Medicine
(Office) 505-272-5849

Executive Assistant Emily Morelli eamorelli@salud.unm.edu

[Quoted text hidden]



Exhibit 6

Pambi Sugar <pambioxxo@gmail.com>

URGENT: Cease and Desist #2 Dr. John Gray Psychologist, UNMH, Dr. Jennifer Phillips CEO Winograd, please stop your cohorts harassment campaign

3 messages

Pambi Sugar <pambioxxo@gmail.com>
To: winograd@cnm.edu

Sun, Nov 11, 2018 at 11:41 AM

To Kathy Winograd CEO Central New Mexico Community College (CNM)

You have extended your hate to my medical care. Your efforts have been successful as you already know. Dr. Jennifer Phillips (your friend, my doctor) successfully grew a tumor inside of me until it was so big and tortuous that it was removed essentially sterilizing me.

So, when I passed out at federal court trying to fight your racism and sexism, a tumor larger than the size of a 26 week baby was growing within my uterus intentionally monitored by Chief of Staff Dr. Jennifer Phillips. I guess the estimates of my body you and Tom Manning arranged were wrong. I was not "healthy" "sturdy" or "fit". The "beautiful" estimate and evaluation was shared by UNMH. AFTER being sterilized by UNMG, UNMH created a home care marijuana program just for Dr. Gray to come over and therapy me with marijuana. He had already falsified my records for you Ms. Winograd so with a mental health record of crazy, violent unreliable and a sterilized body home therapy marijuana visits would leave no prima facie evidence.

Never would I have believed that you and my doctors could be so evil to me for just trying to go to school, work and have a family. I will never have a family. Why and how could you do this to me...to my body. You have everything in your life. I lost my job so I lost my house. You didn't even want me to receive unemployment. Then you fixed the lawsuit via my medical records while Dr. Phillips kept me sick with a huge tumor and constant painful blood releasing from my body. Dr. Gray counseled me against standing up to you and of course to find other ways mother. And find justice inside...spiritually....not through the court.

I did nothing to you. I have hurt no one. I went to college and worked because I thought that I could overcome racism and sexism with honest work education and being a kind good person. Why have you supported my complete ruin? From everything my heart now pangs and hurts. I've been hospitalized for my heart. I had such terrible pain on Friday that I couldn't leave the house. I was too afraid to call the ambulance. I now terribly fear health care. What have I ever done to any person at CNM to deserve your racist hate? I called you for help. I thought that you would at least try to understand what was happening. Even AFTER I filed the complaint at EEOC you had Tom Manning document your CNM staff estimates about my body. You had me evaluated for being Arabic. You had my JEWISH name gifted to me from my Jewish grandmother referred to as Arabic. You knew the EEOC wouldn't. Decide in my favor regardless of any comment or description. Dianna Herrera EEOC told me that they'd never decide against you bc state and federal money fund both CNM and the EEOC. You knew UNMH would help as they did. Even after I fired me you wanted to insult me sexually and racially. The EEOC Allowed it via their own platform. Then I engaged UNMH. I was so sad and sick from tumor. I trusted UNMH. They fixed my medical file for you to prevail in court. Dr. Gray and Dr. Phillips continue to work on your behalf leaving harassing texts and voicemails. Please ask them to stop. You abuse your political power and connections to ruin those you don't like. DNM 187

this case it is me, a black lady trying to survive. I did nothing but ask you to help me stop being harassed at work. Director of GED/ESL Pam etre Perez actually laughed at me while I was being fired without cause. Tom MANNING during being fired evaluated how attractive CNM considers me to be. That type of cruelty is top down because they know what will be tolerated. What did I ever do to bring your wrath that has ruined my life? Why have you done this and allowed this? I have done nothing to you and you have taken my justice" my hope" my future and my children. Why did you want to hurt me so deeply and so completely. I am a human being. Im not a stereotype of your hate. I am just a person. See me as a person.

Why would you do this to my life

Riema

On Fri, Oct 19, 2018, 10:10 AM Pambi Sugar <pambioxxo@gmail.com> wrote:

Sent to mbirmingham@salud.unm.edu as instructed by the Reply-out of office message for:

To: Michael Richards, MD

Executive Physician-in-Chief

UNM Health Sciences Center

(Office) 505-272-1175

Executive Assistant: iberres@salud.unm.edu

On Fri, Oct 19, 2018, 9:45 AM Pambi Sugar <pambioxxo@gmail.com> wrote:

To: Paul B. Roth, MD, FACEP

Chancellor for Health Sciences

Dean, School of Medicine

(Office) 505-272-5849

Executive Assistant Emily Morelli eamorelli@salud.unm.edu

To: Michael Richards, MD

Executive Physician-in-Chief

UNM Health Sciences Center

(Office) 505-272-1175

Executive Assistant: iberres@salud.unm.edu

To: Board of Regents

Executive Assistant M. Revierre

Please STOP Dr. Gray, Dr. Jennifer Phillips from contacting me to harass and intimidate.

I have already contacted CEO K. Becker, CEO M. Chacarelli, UNMH Attorney Jennifer James asking for UNMH to stop the retaliation campaign. I emailed a Cease and Desist.

Dr. Philips left a voicemail message after I filed an external complaint with the medical board.

Please STOP Dr. Jennifer Philips from attempting to intimidate me from communicating with the medical board.

Dr.Gray has sent me another text message.

After filing complaints with the Medical Board and Office of Civil Rights, UNMH has violated HIPPA protections via abusing my medical records to intimidate me, falsify my medical records, access my medical records with intentional malicious intent, interfered with Federal Court proceedings, etc...

UNMH- Please stop.

Sincerely,
Riema Auld

----- Forwarded message -----

From: Pambi Sugar <pambioxxo@gmail.com>
Date: Fri, Oct 19, 2018, 8:12 AM
Subject: Cease and Desist #2 Dr. John Gray Psychologist, UNMH
To: <presidentstokes@unm.edu>

Cease and Desist #2

To President Stokes UNM,

I have contacted you before.

I have previously appealed verbally and in writing to UNMH Attorney Jennifer James and UNMH CEO K. Becker.

Will you please help?

My attempts to stop UNMH from violating HIPPA privacy and usage of medical record information have been unsuccessful. I have severed relations with My UNMH doctors. My medical information should not be accessed to harass or interfere with complaints filed with the state Medical Board, Office of Civil Rights... This is intentional malicious behavior.

Please STOP!

I ask you to stop your team from contacting me unless it involves my medical care. There is no reason for Dr. Gray Psychologist to contact me.

Yesterday, I received a text message from Dr. Gray.

STOP!

Riema Auld 505-710-9686

Pambi Sugar <pambioxxo@gmail.com>
To: winograd@cnm.edu

Sun, Nov 11, 2018 at 3:22 PM

Ms. Winograd, When will you and UNMH let me have a life? I have only wanted to live a life with a little love and happiness. I never wanted to hurt any one in my life. I've never hurt anyone. Why would you hate anyone to the point of complete ruin? I don't deserve the sick perversion from your men or the discrimination for being what UNMH refers to as "dirtier than the garbage and floor". I am black and I have a right to work and have a child and not have my body used for medical

experimentation. I earned a college degree to be evaluated for my work not my body or race or how attractive human resources evaluations determine me to be. How could you engage and allow this as a woman? Why? Why would you involve my medical care Ms. Winograd? Now I must fight to clear the lies Dr.Gray's records convey in order for you to prevail legally and for me to fail. A false mental health record forever has a negative medical record of insanity, and negative character representations. This renders any testimony I provide as unreliable. I could be victimized in any way by any criminal sexual or otherwise and my word, my account, my testimony would count for nothing. I wouldn't be able to defend myself without credibility. Dr. Gray was my trusted doctor and dearly in my life. He was working in your favor betraying every legal and ethical duty.

My heart seems to be painfully giving out on me. With your and UNMH's reach and interest in harming me and the willingness to ignore any and all Federal Laws, I am scared to go to any hospital here in New Mexico. I called Gov. Martinez's office. They told me to put it in writing. I did. They were rude and did nothing. You literally can do whatever you like. I didn't think...I didn't consider my medical care was a retaliatory option. The tumor Dr. Phillips grew could have caused cancer. Really, I was told that the tumor was too large to evaluate in its entirety. Therefore, splices are taken. I will never know regardless. My medical records garner no HIPPA or medical ethics from UNMH. My body and health care is of no value but experimentation. Dr. Phillips is done as her tumor baby she monitored grow in my body is gone. Now, Dr. Phillips has taken to threats. I have her voicemail. Dr. Gray like your CNM team prefers to put things writing. Voicemail, recordings, texts emails: UNMH and CNM are untouchable and above state and federal law. So, executive staff at either entity can and does leave evidence believing rightfully that no actor will engage a legal repercussion for any intentional breach of law. I believed in justice and in being an American too much to accept this. I guess that I'm crying now because I'm losing what I thought was being American, having basic rights, trying to do no harm to others at least.

I'm not taking part in Dr. Gray's fake home therapy marijuana program he is the supposed "director" of. I reported him after I learned he falsified my medical records for you Ms. Winograd. I thought that I was warning the state Cannabis program about their program Director: a liar who falsifies medical records. They informed me instead. You and CEO Becker, Dr. Mengele Phillips and CEO Chicarelli need to figure out a different payment for Dr. Gray's legal services. There will NOT be any therapy and marijuana counseling at my home. No more using my body! No more of your sick perverted slave chattel evaluations of my body! I am a person. I am a lady.

I wanted to keep my job at CNM. I had been asking to transfer. I just wanted to work. I called you to ask to be moved. I thought you would abhor the treatment I had received. I would have even taken less pay. I wanted to work and go to school. I had dreams. When I left, I mailed keys to the building back to CNM -Tom Pierce. I did it because it was the right thing to do. I have always done my best to do the right thing. I only wanted to earn a living Ms. Winograd. I just wanted a chance to make a life in an honorable way.

I cry very day for everything I have lost. I can't determine why and how you could ever be so hate filled. I cry and cry for not being strong enough and not knowing how to persevere. I cry and sleep and try every day. If your pervert men describing me as beautiful is what is prompting so much hatred, don't worry. The removal of Dr. Phillips' tumor has left a scar approximately 12 inches long. Dr. Phillips likes to joke that it is a question mark. She finds my scar from her tumor comical. My hair has thinned and sadness works in general against beauty and attracting others. Dr. Gray refers to me as a "living doll". Our last meeting was behind Wal-Mart-Eubank. He picked me up. It was similar to how prostitutes are treated in the movies. We had planned lunch or coffee. So, "beautiful" or not, as a eunuch "dirtier than the floor" as UNMH describes me, the back of Wal-Mart is the respect black eunuch women like me get. Thankfully to you and for you, I the black eunuch lady has been marked, scarred and sterilized out of the market for a respectable partner. So, I hope the "beautiful" and "living doll" comments and evaluations aren't what is fueling your hate and that if UNMH. Your southern Kentucky gentry beliefs are in tact. Beauty in a "dirty" black women should

still be enjoyed in the back of a Wal-Mart building and secret home meetings. Dr.Gray is like a pre civil war southern gentlemen working in your honor Miss Winograd.

So, please tell me Ms. Winograd, how does a black lady persevere after hateful bigots have sterilized you, falsified your medical records, grown a tumor inside of you, lied to you, abused their position and trust as your doctor, fired you from your job resulting in the loss of your home you invested \$60000, your employer organized the evaluation of your body and level attractiveness in order for HUMAN RESOURCES to document perverse "estimates" of your body, evaluate your racial identity, document your Jewish name as Arabic? How does one move on after being sterilized, after being deposed FOR CEO Kathy Winograd via therapy sessions by UNMH to move past the hate discrimination that was in fact perpetrated by CEO Kathy Winograd?

Tell me how to start my life again, have a baby, remove this scar Dr. Phillips thinks is so funny? How do I get those years of bleeding and pain back? How do I finish my certificate program? How do I stop crying? How do I stop feeling a hole were my uterus should be? How do I forget how I am a poor black target for white monied executives? How do I escape you and UNMH? How do I stop white racist white women from wanting to prevent success and happiness of ANY kind in my life. How do I survive HATE? How do I stop crying. How do I stop my heart from hurting? How do I move past my doctor's betrayal? How do I move on with such hate, your hate targeted at me Ms. Winograd?

Give me an answer because I can't figure out a reason to go on.

Riema

[Quoted text hidden]

Pambi Sugar <pambioxxo@gmail.com>

Sun, Nov 11, 2018 at 3:33 PM

To: winograd@cnm.edu

I am a child of God. I don't deserve your hate Miss Winograd. I do not deserve destruction. I did not earn destruction.

[Quoted text hidden]



Exhibit 17

Pambi Sugar <pambioxxo@gmail.com>

Your City of Albuquerque 3-1-1 Case has been completed. Case Number: 181114-000926

1 message

CABQ Customer Service <311@cityofalbuquerque.com>

Reply-To: CABQ Customer Service <coa_customers@mailmw.custhelp.com>

To: pambioxxo@gmail.com



Dear Riema Auld,

Thank you for contacting the City of Albuquerque 311 Citizen Contact Center. Your request, 181114-000926 has been submitted to the Police Department.

If you wish to follow up regarding your inquiry, you can contact us at 311 or (505)768-2000. Please refer to reference number 181114-000926.

Thank you for using 311 for all your city needs. It was our privilege to serve you.

Exhibit 8



Pambi Sugar <pambioxxo@gmail.com>

URGENT: Please file criminal complaint

3 messages

Pambi Sugar <pambioxxo@gmail.com>

Wed, Nov 14, 2018 at 5:22 PM

To: drichter@cabq.gov, mgeier@cabq.gov, psychologist.examiners@state.nm.us, OCRComplaint@hhs.gov, "Cannabis, Medical, DOH" <medical.cannabis@state.nm.us>, "Dieterich, Debbie, BME" <Debbie.Dieterich@state.nm.us>

Dear Chief Geier and Detective Wichter,

Abusing the system to harass in retaliation for filing complaints is a civil and criminal act. Please file a complaint on my behalf that will include both prior cease and desist demands by me to UNMH and the EEOC complaint regarding CNM.

This act is a political abuse of the New Mexico police force and the system in general.

Please file a criminal complaint regarding this activity.

Please provide the information of the person & party who activated police activity.

This request is urgent. As soon as possible, I must notify the court.

Sincerely,
Riema Auld 505 -710-9686

On Wed, Nov 14, 2018, 2:32 PM Pambi Sugar <pambioxxo@gmail.com> wrote:

Dear Chief Geier and Detective Wichter,

Police officers were sent to my mother's home for [redacted] officers I believe.

Your office is being used to retaliate against me for filing complaints against CEO Kathy Winograd, CEO Chief of Staff Jennifer Phillips, Dr. John Gray Psychologist, Dr. Vicky Chee.

I have been sterilized. I will never have a child.

CEO Kathy Winograd directed her staff to evaluate me for being Arabic and how attractive I am, literal "estimates" were taken regarding my body by Tom Manning Labor Relations Specialist Human Resources Executive at CNM.

I have filed 2 Cease and Desist demands to UNMH to stop the harassment of Dr. Phillips and Dr. Gray. I have received a voice mailed threat and inappropriate text messages from both.

Please review NM federal case records: 14CV636KG/SCY.

Please access complaints submitted to the OCR, MEDICAL board, Psychology regulation board.

I am in no need of your services. This is a continuatiin of their nefarious harassment. They have involved my mother in their harassment also.

I have asked UNMH for assistance with medication and moving to a new hospital. They refused. This is a HIPPA violation: Patient Abandonment that I reported to OCR this week with a request that they reconsider their denial.

Please do not allow the people who falsified my medical records and sterilized me to use your office for further abuse, harassment, and retaliation.

REQUEST: Please provide me with a report of all involved with the police visit-contact with my mother including audio, film, report, name badge title of each officer and medical professional involved AND attending.

Please forward to the Chief of Police.

Thank you

Sincerely,
Riema Auld 595-710-9686

Pambi Sugar <pambioxo@gmail.com>
To: drichter@cabq.gov, mgeier@cabq.gov, psychologist.examiners@state.nm.us,
OCRComplaint@hhs.gov, "Cannabis, Medical, DOH" <medical.cannabis@state.nm.us>, "Dieterich,
Debbie, BME" <Debbie.Dieterich@state.nm.us>

Fri, Nov 16, 2018 at 10:05 AM

To:
Chief of Police Grier,
Office of Civil Rights
Psychology Regulation Board
Medical Board
New Mexico Attorney General Balderas

Help PLEASE

Please escalate this situation. The Defendants including UNMH have engaged the police and mental health system to lock me up.

CNM Kathy Winograd with Tom Manning evaluated my body and appearance for being attractive. Actual "estimates" were taken and written about my body as a training testing coordinator.

CNM and UNMH used my therapy sessions and my trusted therapist to 1. legally advise me to disengage from pursuing justice and standing up for my rights against CNM and UNMH and 2. falsified my medical records to cover up Kathy Winograd's sexist racist employment practices.

Dr. Phillips Chief of Staff lied to me about a tumor she monitored for years until it was too large to save my uterus. My uterus is now gone and I will never have the choice to decide for my own body to have a child.

Two Cease and Desist demands have already been emailed. Now, they-UNMH-CNM are working to have me locked up where they will have complete access to my body and ability to document me medically in order to drug and continue to abuse me in what ever way they desire. Any evidence from my person would be minimally reviewed copied. Any falsehood to benefit UNMH and CNM will be an addition to Dr. Gray's lies already in my file.

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Please forward to the Chief of Police.

Thank you

Sincerely,
Riema Auld 595-710-9686

Pambi Sugar <pambioxxo@gmail.com>

Fri, Nov 16, 2018 at 10:05 AM

To: drichter@cabq.gov, mgeier@cabq.gov, psychologist.examiners@state.nm.us,
OCRComplaint@hhs.gov, "Cannabis, Medical, DOH" <medical.cannabis@state.nm.us>, "Dieterich,
Debbie, BME" <Debbie.Dieterich@state.nm.us>

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New Mexico Attorney General Balderas

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PLEASE ESCALATE THIS SITUATION AND STOP THE RETALIATION OF CEO Kathy Winograd, CEO Kate Becker, Chief of Staff Dr. Jennifer Phillips (Tumor Doctor who left threatening voicemail), Dr. John Gray Psychologist (falsified medical records, Lied about a home care Cannibus program to provide "therapy" in my home.

They respect and abide by no Federal organization, HIPPA regulation, Federal Court process, MEDICAL oath, Civil rights law.

They have proven that they act as though they are untouchable. Please do not let them function above the law. They are after my freedom. SIX officers trained to shoot and kill were sent to my home. I am a black. African-American woman. The police have a history in New Mexico and in the USA as being problematic and abusive to African-Americans. As a black person, we are afraid and fully aware that any benign encounter with police can end with a beaten and or dead black person. I am frightened. They will not stop. Please help.

Please note that the sequence of events. The day after attempting to have me locked away, a motion to dismiss was submitted to the Federal Court by CNM Kathy Winograd's legal firm. As a patient locked in jail or an institution for insanity would render me unable to respond without an attorney. I need an attorney to protect and represent me. Locking me up was a legal ploy and abuse of power.

I have filed Federal complaints regarding patient abandonment and asked for an extension of medication that had NOT yet run out to Kathy Winograd and UNMH. Correspondence included a request that CEO Kathy Winograd stop UNMH from harassing me.

Prior complaints had been filed for sexual harrassment involving Dr. Gray, Sterilization, Breach of the Grievance Policy, retaliation, harassment, Growing a tumor inside of me, Providing legal advice and legal deposition by UNMH-Dr. John Gray surreptitiously using the guise of therapy.

I am frightened for my well being safety and freedom.

You'll find that in the news and current news, UNMH has also worked to legally shield themselves and other business partners through manipulating legal medical documents and in violation of HIPPA: Keisha Atkins example.

What can each of your agencies do to stop CNM CEO Kathy Winograd and UNMH?

I am asking for your EMERGENCY URGENT HELP.

I'm trying to stand up for what is right and for my life. As an American in our country I have this right. And, these right exist to illuminate wrong doings and redirect minimally the offending parties so they won't hurt more people. No one should have estimates of their body taken at work. No one should be deposed thinking their receiving therapy. No person should be sterilized and then have the doctor, THE CHIEF OF STAFF Jennifer Phillips, who facilitated the sterilization call and leave a threatening voicemail about a medical board complaint.

Please help me. I don't know what they will do next.

Sincerely,
Riema Auld

[Quoted text hidden]

Hello Ms. Auld,

There is nothing the Board of Psychologist can do immediately. You filed a complaint and that is the first step. A timely process has to be followed and the Board can only make decisions as a whole during a Board meeting.

Sincerely,

Sheila Harris

Compliance Liaison

Regulation & Licensing Department

Boards & Commissions Division

P.O. Box 25101

Santa Fe, NM 87504

(505) 476-4622

From: Romero, Laura, RLD **On Behalf Of** Examiners, Psychologist, RLD
Sent: Wednesday, November 28, 2018 12:37 PM
To: Harris, Sheila, RLD <sheila.harris@state.nm.us>
Subject: FW: [EXT] Re: URGENT: Please file criminal complaint

Confidentiality Notice: This e-mail, including all attachments is for the sole use of the intended recipients[s] and may contain confidential and/or privileged information. Any unauthorized use, copying, disclosure or distribution is prohibited, unless specifically provided under New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender at once and destroy all copies of this message.

Harris, Sheila, RLD <sheila.harris@state.nm.us>

Wed, Nov 28, 2018 at 12:50 PM

To: "pambioxxo@gmail.com" <pambioxxo@gmail.com>

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From: Pambi Sugar [mailto:pambioxo@gmail.com]

Sent: Friday, November 16, 2018 10:05 AM

To: drichter@cabq.gov; mgeier@cabq.gov; Examiners, Psychologist, RLD
<Psychologist.Examiners@state.nm.us>; OCRComplaint@hhs.gov; Cannabis, Medical,
DOH <Medical.Cannabis@state.nm.us>; Dieterich, Debbie, BME
<Debbie.Dieterich@state.nm.us>

Subject: [EXT] Re: URGENT: Please file criminal complaint

[Quoted text hidden]

Clinic: South East Heights Clinic

Patient: Riema Auld, Phone (505) 710-9686, Email pambioxxo@gmail.com
Address: 6809 Toratolla Court NW, ABQ New Mexico 87120

This document is intended to report multiple complaints to the Medical Board.

Complaint: Dr. John Gray, Psychologist

I voiced a complaint about to UNMH- Dr. Gray regarding sexual harassment including attempting to convince me that I am lesbian or bisexual, homosexual sex, group sex, house party orgies all perpetrated by a fellow female group member named Wendy. I was propositioned to provide sex in exchange for restaurant food. UNMH addressed my complaint by tasking, the shared doctor of the harasser and the harassed, Dr. John Gray to resolve the complaint. I have never has an interest in lesbianism or group sex. UNMH selected to address my sexual harassment complaint through my psychological treatments by my doctor, Dr. Gray. Dr. Gray believed that my appearance and inability to say "no" properly as explained in the group text was the cause of Wendy's behavior. As my doctor, with Dr. Jennifer Phillips who is the Chief of Staff at UNMH were the decision makers providing support for my disability application that was being decided upon at that time.

Incident time frame: Group session was the second to the last group session that I attended.

Complaint: Dr. Jennifer Phillips

Dr. Jennifer Phillips the Chief of staff at UNMH, my doctor, ignored the results of an ultrasound that found uterine tumors. Dr. Phillips treated my uterine tumors with IUDS. The tumors grew FOR YEARS WITH MY SUFFERING in a mass to the size of a 26 week

1 of 7

10/05 16:56 515054767237-010 00:04:00 07 OK STANDARD
DATE, TIME FAX NO./NAME DURATION PAGE(S) RESULT MODE

SER.# : BROE5J564179
TEL :
FAX :
NAME :
TIME : 10/05/2018 17:00

TRANSMISSION VERIFICATION REPORT

Date: October 4, 2018

To: New Mexico Medical Board

Email *pmbme@state.nm.us*
Fax *(505) 476-7237*

Complaint

Doctor: Dr. John Gray, Psychologist

Doctor: Dr. Jennifer Philips

Hospital: University New Mexico Hospital, 2211 Lomas Blvd. NE ABQ New Mexico 87106-2745 Phone: (505) 272-2644

Clinic: South East Heights Clinic

Patient: Riema Auld, Phone (505) 710-9686, Email pambioxxo@gmail.com
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7 pages Total

1 of 7

baby. I was told that my menses released more than one egg that could be fertilized. Dr. Philips said that nothing was available medically to address this and that "some people just bleed more". I severely bled daily. I suffered. I bled so much that I started to sew cloth pads because the disposables were too expensive. I am now sterilized and will NEVER have children or grandchildren. Dr. Philips monitored the tumors growing inside of me at each yearly visit. My symptoms were unending however, Dr. Phillips expertise determined that I should continue to nurture the tumor and I should endure the symptoms of the tumor she monitored throughout the years: menses, blood pressure, anemia, passing out, dizziness +.

After surgery, Dr. Phillips checked my scar and chuckled that it looked like a question mark. The scar that extends 12 inches is ugly thick and obvious. It is a reminder that my body was abused by UNMH and Dr. Jennifer Philips especially. My scar and the reason why I have it, Dr. Philips, is NOT funny and never will be.

Complaint: Dr. John Gray, Psychologist, Sexual Deviant Wendy

As Wendy explained to me, Wendy has sexual relations with men and women, attends sex parties, has random sex with strangers, is a member of a private community of people who organize sex orgies. Wendy explained that she poses for art nudes, is polyamorous and believes in polygamy.

Wendy would not stop pursuing me for sex, hugs, to touch me, and to touch my hand, to sit next to her and to communicate with her. Wendy attempted to convince me that I was lesbian or bisexual like everyone else in the world, as she believes. Therefore, I should have sex with her and her associates. Wendy wanted me to meet the organizers of her sex group party. I was promised a free meal at nice restaurant in exchange for meeting with them to determine if I would join their next sex party orgy. I was especially worried because she said she had informed the orgy organizers of my name and that I was in group with her. Therefore, the organizers were aware of my location during group. She pressured me to agree to meet the orgy organizers in the parking lot of the Southeast Heights Clinic following group. No refusal was accepted. Her pursuit was relentless. All this I explained to Dr. Gray and he said he witnessed during group. He would not intervene he said, because I was able to stop her on my own and he wanted me to experience empowerment and success. I was very scared about meeting her perverted associates and I did not want them sitting in a car after group staring and or taking pictures of me. Nothing shocked or concerned Dr. Gray about my fear or safety. During therapy, everything Wendy did to me was attributed to how I could have encouraged her with a focus on my failure to employ the correct wording and order as explained by the text. Sometimes he would use my experience at CNM to show that I had a history of not being able to appropriately tell people bothering me no resulting in their continued behavior. It was my fault. CNM was used to prove that I had a perception problem with determining harassment. I was asked to consider how the CNM situation was similar to Wendy and then think of reasons why I could not effectively communicate when I wanted behavior to stop.

Wendy explained that she had already had sex with a UNMH security guard who worked at the Southeast Heights Clinic and assured me that like him, no one would find out if I participated with her sexual activities. She invited him, the UNMH security guard, to her sex party orgy group but he had only wanted to have sex with Wendy at that time. All this I explained to Dr. Gray. He only wanted me to identify the man.

Wendy attempted to convince me to participate in her sexual activities with her sex party group by explaining that she had told the sex party organizers, a married couple, about me without my knowledge or permission. They were very interested in meeting me. They had offered, through Wendy, to take me to a "FREE" dinner at a NICE restaurant like Cheddars or Pappadeaux. She assured me that I would be able to order anything I wanted and after participating in the orgy I would most likely receive another "free" meal. The "free" "nice" meals before and after group sex was stressed as valuable convincing lure. Essentially, this proposal was prostitution sex in exchange for free restaurant food. I was also promised access to the couples nice home and pool. The pool however had restrictions and expectations: nudity was required. Wendy explained that the husband liked having sex in the pool with his wife watching so I, like her, should be ready to prostitute my body to the husband in the pool while the wife watched. I expressed this to Dr. Gray but the responses were that my attractiveness and inability to follow the text were causing the ongoing harassment problem with Wendy.

Wendy asked if I would meet the orgy organizers in the Southeast Heights parking lot after our group therapy session. Wendy asked me for pictures to show to them. Wendy asked me to exchange pictures and then sent me a picture of herself. Dr. Gray's response was that taking pictures during group was not allowed and that most likely they would not come to the clinic to see or meet me.

My therapy included figuring out how I encouraged Wendy's inappropriate attention and learning how to tell Wendy "no" and to "stop" correctly. We would discuss my behavior and communications with Wendy. Dr. Gray and I worked and even role played and practiced the group's text, following each step as I was required when I reported back to Dr. Gray about the latest encounter with Wendy. My refusals were not counted as efforts to make Wendy leave me alone:

I'm not interested
I'm not a lesbian
I've never been interested in women
Don't touch me
Don't ask to touch me
I could never do that
Refusing to sit next to her
Moving my seat away from her
Not talking to her
Ignoring her when she spoke to me
Moving away from her when she joined me talking to another person
Not answering her phone calls

UNMH/Dr. Gray did not consider these refusals. Because these refusals did not conform to the text. I was at fault for Wendy's harassment because I would not follow the text. During therapy and as homework, I had to think of reasons why she selected me. I had to analyze why she ignored my refusals. I couldn't exactly follow the steps or exactly what he said to do because I was becoming more disgusted and afraid and embarrassed and ashamed that she had selected me to target for such debauchery. I just wanted the behavior to stop and I wanted Dr. Gray to make her stop. I complained that I just wanted therapy. I didn't want to engage with Wendy in any way. He refused promising that I would benefit and was in fact lucky to have a situation that he could assist me with because this was a recurring problem for me.

After group session, Wendy again asked if she could hug me. I refused. She then asked if she could just touch me. I refused. She asked if she could just touch my hand. I refused. She walked to the door. As she reached for the door I asked if I could speak to her. This group session was the second to the last group session that I attended.

As the group prepared to leave...

I recapped her behavior, my refusals, and again directed her:

Not to call me anymore

Not to send me anymore disgusting sexual texts (I showed to Dr. Gray).

That I would not have sex with her, her friends or join her group sex parties

That if she continued I would file a complaint with UNMH and the police.

I couldn't tell her that I already had filed a complaint and that I was found to be to blame by UNMH-Dr. Gray. My therapy included going to group and addressing Wendy only according to the text per therapy when she approached me.

UNMH/ Dr. Gray was very upset that I had confronted Wendy in front of other group members. I was reprimanded for embarrassing Wendy in front of other group members and for exposing her sexual practices. He likened her sexual preferences to HIPPA privacy requirements. Dr. Gray was upset because he said my voice volume raised and I "threatened" Wendy by explaining that I would report her to the police and UNMH. Dr. Gray passionately stressed, REPEATEDLY, that Wendy was "devastated". He was upset that my refusal to be touched offended Wendy so much that she might not return to group.

As Dr. Gray explained, the goal was to say no in a way that would encourage Wendy to realize the benefits of not sexually harassing me. It was my job to convince her to buy in to the idea that she would be happier not having sex with me, not having orgies with me, not having sex with her friends, not sending me sexual texts etc.

I had not used personal insults profanity or vulgarity. Dr. Gray's focus was on Wendy's feelings, sexual preference exposure and that she was "DEVASTATED". He was very angry that Wendy may not return to group and it was my fault for not following the text. Raising my voice was not part of the text Dr. Gray explained. I told Dr. Gray that I could have

4 of 7

insulted her personally by telling her that even if I were lesbian, I would NOT be interested in her because she is disgusting. Dr. Gray was bitter by this notion and told me "If you did, then you'd have to pay the consequences." "Think about that". I understood that this meant my disability. I was living on \$1-300 of charity from my family. I was sick and I needed that to live. He was aware of my circumstances.

Dr. Gray did not accurately address my complaint or this situation in my medical records. Our shared doctor should not have handled my complaint. My therapy should not have been affected as a response to my complaint.

Doctor Tonya was present with the other group members during my final attempt to Wendy to stop harassing me. During a prior group she was introduced as attending to train with Dr. Gray. Dr. Gray explained that Dr. Tonya approached him following the exchange between Wendy and I with fear and concern. Dr. Gray explained that Dr. Tonya, a white woman, said that she, Dr. Tonya was afraid for her own life AND the lives and safety of **each** and every person in the room because of me. Dr. Gray said that Dr. Tonya thought I was going to attack her and everyone in the room. Dr. Gray said that Dr. Tonya made no comment about the sexual harassment I described and was attempting to stop. She was only concerned with EVERYONE'S safety but mine.

Dr. Tonya was standing across the room away from me with other group members however I was expected to effectively stand and mortally bludgeon everyone in the room in an uncontrolled animalistic fit of rage. Dr. Gray did not express any issue with Dr. Tonya's perspective.

I refused to attend another group. A white female doctor claiming mortal fear of me for trying to protect myself VERBALLY while seated, in heels, across the room from her, without reason is terrifying to me. Black people are killed and jailed because of people with these beliefs. She believed that I would and was physically able to attack and battle a room of people who had caused me no harm. Dr. Gray attempted to convince me to return but I would not fearing Dr. Tonya could accuse me of fearful behavior hurting her in some way. I could be jailed or hospitalized as a threat to the public. Communications refer to this belief system and abuse of the system as "Miss Scarlet".

After I informed Dr. Gray that I would no longer attend group, he changed his explanation of Dr. Tonya's commentary. The new response by Dr. Tonya was limited to one sentence, "She was escalating". I was repeatedly told to return to group. Fearing jail stemming from Dr. Tonya and Dr. Grays support of Dr. Tonya's comments, I did not.

Attending group members: Wendy, Amy, Rebecca, Danielle, plus...
I was seated and wearing high heels throughout the entire time I spoke to Wendy. Everyone else was standing but I was still considered a violent threat to everyone in the room by UNMH doctors.

Amy, a fellow group member stood next to me during at least part of time I spoke to Wendy.

Amy was not fearful for her life as Dr. Tonya experienced and expressed to Dr. Gray. Amy stopped me and spoke to me outside of the building. Amy explained to me that Wendy had made Amy feel uncomfortable. Wendy wanted to hug and touch Amy. Amy had asked Wendy to stop. Wendy continued.

At the start, Wendy seemed to want to be friends with me. I never considered that she was pursuing me for sex. I asked Dr. Gray if she was safe to associate with as a friend. He said Wendy was like anyone person dealing with life's challenges. **Not true!** Wendy explained to me that she tried to murder her boyfriend by putting poison in his coffee. According to Wendy, Wendy was in group and on probation for TRYING TO KILL ANOTHER HUMAN BEING...because she did not want to discuss her bunnies that had been killed. Wendy's boyfriend verbally insisted not knowing that his insistence prompted murder in Wendy. I did not check the courts to verify the truth of her story. I instead decided that Wendy was not a person I wanted to associate with. I informed Dr. Gray. He said he didn't know about her probation and couldn't discuss her medical issues with me due to HIPPA.

Wendy's problem resolution skills include murder by poison but Dr. Gray thought she would be an appropriate person to associate with.

Weeks later, Dr. Gray explained that other female group members had also complained about Wendy. I was asked to return to group.

My depression disability approval was at stake. After filing the complaint with the medical board, UNMH began harassment. I have a voice mail message that includes threat and intimidation about the prior medical board complaint. My mother was also contacted by UNMH.

I've been in the hospital for emergency care. At this time I don't have a doctor but I have complications from hysterectomy surgery, new heart problems, blood in my bowels, stomach pain following a bowels.

I have evidence that explains without question that my medical files have been manipulated and falsified with intention by Dr. Gray. Dr. Gray told me that he loved me and cared for me and wants me in his life. At the same time he's made my records misrepresent me as not credible. If I am the victim of a crime, with theses medical records, no person will believe me. I have believed him and believed in him for so many years. I thought he loved and sincerely cared for me. He told me that he did. I thought that he really wanted to help me with my depression. I'm ashamed and embarrassed that I did think he loved me and that I loved him too. This is not love. What he did was abusive and wrong.

Dr. Gray has invited me to participate in the UNMH home health program for cannabis card holders. I will not participate. It would not be "lovely" to see him. Dr. Gray should not be trusted to accurately report or document any person's medical files. Patients using marijuana will have less credibility if they report that Dr. Gray misrepresented the truth. Dr. Gray

should not be trusted to run the program or even participate in the program because HE VIOLATES HIPPA AND FALSIFIES MEDICAL RECORDS OF TRUSTING PATIENTS. He is a liar and medical predator who should not be allowed in patients homes. Patients agreeing to enroll in the program should have prior knowledge of his work practices. I'm sure they'd select NOT to participate and GLADLY pay WHATEVER amount to purchase their own cannabis card.

I am done with that awful man. He abused my trust and reliance on him as my doctor. UNMH abused my body and my mind so they could use me for whatever they wanted and no person would ever listen to me if I complained. They sterilized me after making grow a tumor FOR YEARS. They treated the tumor with IUD. AFTER they found tumors inside of my uterus. I will never have children. I am sterile.

There is more to add to this complaint. Dr. Gray is a medical predator. My life and pain mean nothing to him. He would engage little to no conversation about Dr. Philips decision to misinform and mistreat the tumor. My pain and disappointment from being sterilized and never having a family are cut short. The choice to determine to have children was taken from me. In all that time I could have made a choice. Instead I bled and suffered from a tumor parasite eating off of my body. There is not a concern for my rights. My body and my mind and my self-determination, my right to REAL medical care and fair honest medical reporting for my health is nil. As Dr. Vicky Chee explained to me, I am considered by UNMH as being dirtier than the floor and the public hospital garbage. So, my medical care need not reflect the concern and adherence to accepted medical standards.

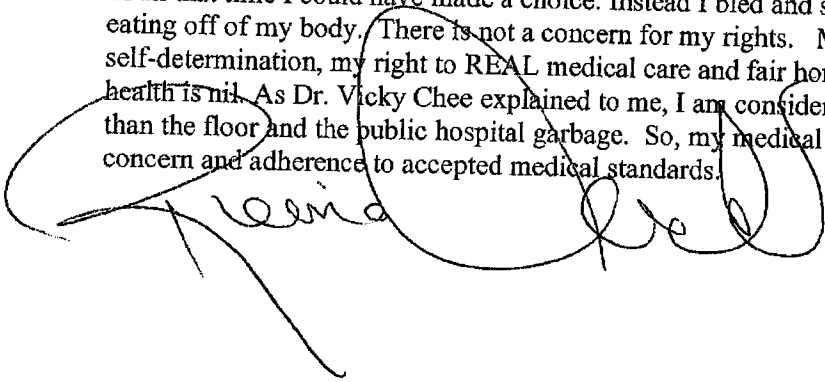

 505
710-9686

Exhibit 10

 **MEDICARE HEALTH INSURANCE**

Name/Nombre
RIEMA A AULD

Medicare Number/Número de Medicare
~~XXXXXXXXXX~~

Entitled to/Con derecho a
HOSPITAL (PART A)
MEDICAL (PART B)

Coverage starts/Cobertura empieza
03-01-2016
07-01-2017

You may be asked to show this card when you get health care services. Only give your personal Medicare information to health care providers, your insurers, or people you trust who work with Medicare on your behalf. **WARNING:** Intentionally misusing this card may be considered fraud and/or other violation of federal law and is punishable by law.

Es posible que le pidan que muestre esta tarjeta cuando reciba servicios de cuidado médico. Solamente dé su información personal de Medicare a los proveedores de salud, sus aseguradores o personas de su confianza que trabajan con Medicare en su nombre. **¡ADVERTENCIA!** El mal uso intencional de esta tarjeta puede ser considerado como fraude y/u otra violación de la ley federal y es sancionada por la ley.

1-800-MEDICARE (1-800-633-4227 /
TTY: 1-877-486-2048); Medicare.gov



Case No. _____

14CV636KG/SCY

Plaintiff

Riema Auld

Defendants

1. University New Mexico Hospital (UNMH)
2. Dr. John Gray, Psychologist, UNMH
3. Dr. Jennifer Phillips, Chief of Staff, UNMH
4. Kate Becker, CEO, UNMH
5. Michael Chiarelli, CEO, UNMH
6. Central New Mexico Community College (CNM)
7. Kathy Winograd Central New Mexico Community College (CNM)

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

DEC 20 2018 

Complaint and Request for Injunction

The parties to this complaint:

Plaintiffs

Riema Auld
6809 Toratolla Court North East
Albuquerque, New Mexico 87120
County: Bernalillo
Telephone: (505) 710-9686
Email: pambioxxo@gmailcom

Defendants

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Kathy Winograd, CEO, Central New Mexico Community College
CNM Main Campus
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Albuquerque, NM 87106
Phone: (505) 224-3000 (press 0), (888) 453-1304

Motion to be put in federal witness protection program with my mother in response to as escalation in the continuation of collusive tactics to obstruct justice including harassment and witness tampering: Whistle Blower, and coercion through fear mongering retaliation

Motion for continuance/ delay of case progress so victim may address medical concerns due to patient abandonment and patient abuse by Defendants partner/agent UNMH, harassment, intimidation, retaliation

Motion to subpoena police report documents regarding the attempted arrest kidnapping of Plaintiff. I as a pro se plaintiff have no protection or safety to interact the New Mexico Police Department working to assist the Defendants and their partners/agents.

I ask the court for delay. CNM- Kathy Winograd with her agents and partners has engaged the police to collect me. The officers literally hid from sight. They were plain clothed. Lights and sirens were not used. Cars were parked away from my home. This witness tampering was a secret attack to arrest and kidnap at minimum. Prologue invites expectation: I am hunted and will continue to be. They have pimped and abused me, my body and then passed me to the next PH.D Executive for whatever that person desires. The Police Department of New Mexico is an agency formally documented as corrupt and deadly. UNMH farmed a monster inside of me and then butchered me and then laughed at the scar evidencing my sterilization. A false manipulated stereotyped employment record and medical profile managed by my loved and trusted PH.D Doctor of Psychology promised all safe participation.

I have been sterilized. I know that I can be raped, removed without a trace, murdered, beaten by the police and absolutely nothing will happen. The police

have hunted me and have nothing to prevent them from abusing me just as UNMH has supported Kathy Winograd's Defense. PHD Kathy Winograd is Defending the practices and logic of the old south: The Confederate Flag Shall Rise Again. PHD Kathy Winograd abuses the trust of the brown people and their green money she is entrusted to ethically account for. Standard American Values do not coincide with the employment practices she employs at CNM. The money Kathy Winograd is trusted by the states people to use was surely not intended to benefit a defense of

PHD Kathy Winograd stands in support and assures employment of a man so fearless in his unfettered sexual depravity in the HUMAN RESOURCES LABOR executive position-work place, that he documents his perverse imaginations and evaluations of me and how those evaluations were used in determining management decisions of my life- career.

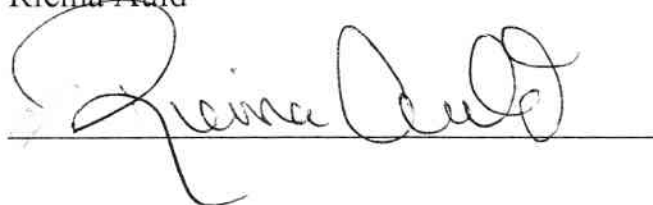
HD Winograd has situated Tom Manning in a school where underage children attend classes and even day care. So many women are struggling with poverty and still trying to go to school. Why position a perjury pervert in a respected executive managerial role of people in need striving to improve their lives. I do not understand how another woman can condone and do what PHD Winograd as

allowed. PHD Winograd continues to employ and defend Tom Manning's employment and the activities he engages in at work.

I cannot share any medical symptoms because the defendants are hunting me. I do not know what moment will be the moment I am collected. I live in fear. The police can break into your home claiming safety concern drug you and control your body. Every night I wonder if they will break in, take and abuse me. Women have reported being raped in jails overall and in New Mexico jails. I cannot continue as I need and would like to at this time. When I sleep I dream of the Rodney King beating and the mentally challenged man the police planned, on the way, to shot in his private penis. The police beat shot and abuse with abject hate. From Keisha Atkins 23 years old, I know that my death would be documented to assist UNMH's business partner. I wake myself up screaming, my momma or my puppies help me wake out of nightly torment. Obstruction of justice including harming my body, my person is the continued interest and activity. I live in fear. PHD Winograd with her partners have been thoroughly effective in my demised state. Please arrest the case, I am not sure if the legal term is continuance. What I believe is safe to express about my symptoms is that I need rest. I would like to have time to sleep and rest. The constant fear is affecting my heart with hard beats and palpitations. I

just do not know what they will do to me or my mother or our dogs. Nothing need intimidate them because “them” includes law enforcement. I am not safe and I could disappear. I ask the court to put my momma and I, with our dogs, in the federal witness protection program or whatever program will get us to safety. As an employee, this is a whistle blower case exposing the authentic policy that is applied to African American women at CNM. Please remove us from New Mexico away from Kathy Winograd’s reach. I’ve only wanted to be treated like a normal average person. My mother worries so much for my safety. As a child, momma grew up in Louisiana. Playing, she found a hanging black man’s body. The neighborhood did not report knowing the police could be the perpetrating party. Momma’s heart functions at approximately 70% capacity. My daily safety is now a burden on her heart. The breadth of injustices I have been subjected to in the past and recently is debilitating and overwhelming. I need help and I ask for an attorney to be assigned to represent this case in addition to the request to be relocated to safety as soon as possible please. This is a draft that I am unable to proof-read at this time but I need to submit to the court. Being the target of this much awfulness is exhausting and debilitating.

Riema Auld

A handwritten signature in cursive script, appearing to read 'Riema Auld', is written over a horizontal line.

Exhibits

The following exhibits present events that I and African- Americans experience that explain, some, the danger causing fear and distrust of the police and officials.

Exhibit 1 Article: Rodney King symbolizes the fears that divide us

Exhibit 2 Article: Rodney King: I never tried to Attack police

Exhibit 3 Article: Homeless man's killing by police "like a gangster movie", family claims

Exhibit 4 Article: Why Minority Cops are afraid to speak out: Police: it's the Code of Silence, enforced by fear and conditioning, says a black, female former officer.

Exhibit 5: CNM-OUTCOMES INC
Exhibit 6: Email TH, Feb 16, 2012 9:AM
Exhibit 7: Email Mon Feb 13, 2012 10:27AM

Rodney King symbolizes the fears that divide us

By WILEY A. HALL
THE BALTIMORE SUN

AUGUST 19, 1993

Don't blame Ben Chavis and the NAACP for turning Rodney King into a symbol -- Mr. King has been a symbol for some time now. The question is, what exactly does he symbolize?

Rodney King, of course, is the black motorist whose videotaped beating at the hands of four white Los Angeles police officers in 1991 made him perhaps the world's best-known victim of police brutality. ✓

The officers were acquitted of state criminal assault charges in April 1992, sparking one of the country's worst riots in decades. ✓
At least 54 people died during the riots in Los Angeles and over \$1 billion in property was destroyed. At the height of the violence, Mr. King made a nationally televised appeal beseeching looters to end the violence.

Three of the officers in the beating were convicted early this month on federal civil rights charges and each was sentenced to 30 months in prison.

Since the beating, Mr. King has been portrayed as victim and villain, as peacemaker and clown.

The television show, "In Living Color," opened the fall season last year with a parody of Rodney King's appeal for peace during the riots.

"Why can't we all get along?" quavered comedian David Alan Grier -- his face and body twitching spasmodically. The humor had a cruel edge when you consider that the quavering voice and twitching movements Mr. Grier portrayed so adroitly were due, in part, to nerve damage Mr. King sustained as a result of the beating.

On their top-selling rap album, "Sell-Out," the Ghetto Boyz accused Mr. King of betraying the black community when he made his appeal for peace and brotherhood. Using angry lyrics laced with obscenities, the Ghetto Boyz vowed to beat up Mr. King themselves. The rap ended with the Ghetto Boyz pretending to shoot Mr. King in the face.

On the other end of the political spectrum, the case has sparked a backlash in defense of the police -- from citizens who argue that Mr. King has a criminal record and would not have been beaten if he had not fled.

And, we must not forget that two separate courts have, in effect, ruled that Mr. King deserved the beating he ✓
ed of attacking him.

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Appellate Cash 19-2078 Document 01-0110176772 Date Filed 05/31/2019 Page 217

A predominantly white jury said as much last spring when it acquitted the officers of most of the criminal charges lodged against them. And a federal judge, who also is white, underscored that belief during the sentencing of Mr. King's assailants on federal civil rights charges. U.S. District Court Judge John G. Davies accused the victim of provoking police to assault him and even argued that most of the police blows were justified.

All in all, it would be safe to say Rodney King has been victimized more than once. And through it all, he has shown a remarkable lack of bitterness. If the National Association for the Advancement of Colored People doesn't applaud him, who will?

At a Tuesday news conference to publicize the 30th anniversary of the 1963 March on Washington on Aug. 28, Dr. Chavis, the NAACP's executive director, announced he has enlisted Mr. King's aid as "a symbol of why we march." Dr. Chavis said Mr. King has joined the NAACP and will work with the organization in inner-city neighborhoods.

"He has become a symbol of fighting injustice," said Dr. Chavis, "and Rodney King himself has gone through an evolution."

These sentiments have proven to be controversial from both sides of the political spectrum, although they seem entirely appropriate to me. The NAACP should use Mr. King to deliver a double-edged message. To young blacks, whose anger and alienation are exemplified in the Ghetto Boyz rap, he can deliver the message that blacks have the power to fight for justice in this society and that this can best be achieved through concerted, nonviolent means.

To reactionary whites whose bigotry and fear were exemplified in the four police officers, the Simi Valley jury and Judge Davies, he can be used to symbolize, first, that our system of justice still is not colorblind, and second, that blacks will not stop fighting until we make it so.

Neither victim nor villain, peace-maker nor clown, Mr. King actually has become a symbol of the suspicions and angers that divide us.

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This article is related to: Rodney King

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RODNEY KING: I NEVER TRIED TO ATTACK POLICE

By **George de Lama, Chicago Tribune**
CHICAGO TRIBUNE

JANUARY 22, 1993 | LOS ANGELES

Preparing for a racially charged trial set to begin in two weeks, black motorist Rodney King is expected to testify that he was drinking heavily but did not attack or threaten police officers on the night he was beaten.

King reportedly told federal grand jurors last summer that he tried to flee police because of fear that, in his drunken condition, he would be put back in jail for violating probation on an earlier charge.

But the 32-year-old King, whose videotaped beating in March 1991 has become, for many blacks, a national symbol of police mistreatment of minorities, also reportedly told the grand jury he "went numb" after being shocked by stun guns and being hit in the head by a nightstick and did not try to attack the officers.

The grand jury testimony, disclosed Thursday by the Los Angeles Times, is regarded as a likely preview of King's testimony during the federal criminal trial of four white police officers charged with conspiring to violate his civil rights.

The federal trial, scheduled to begin Feb. 2, is awaited anxiously in Los Angeles. The city erupted in three days of deadly riots last April after the four officers were acquitted of state criminal charges, and officials fear more unrest if they are acquitted again.

King's reported grand jury testimony is at odds with the version presented by attorneys for the officers, who said the beating was a reasonable use of force to stop a "PCP-crazed giant."

Charged in the case are Los Angeles Police Sgt. Stacey C. Koon, Officers Theodore Briseno and Laurence M. Powell and former Officer Timothy E. Wind.

In a motion filed in federal court Tuesday, lawyers for the officers said King brought the attack on himself by resisting arrest and by his threatening behavior after a 100-m.p.h. car chase.

King's attorney, Milton Grimes, disputed the police version, noting that no PCP or other illegal narcotics were found in King's bloodstream. PCP is a potent drug also known as Angel Dust.

In their motion, defense attorneys asked Judge John G. Davies to require that prosecutors prove that King's beating was racially motivated. Such a ruling would make it considerably more difficult for prosecutors to obtain a conviction, legal experts say.

The officers were charged under a law that makes it illegal to intentionally use unreasonable force to deprive a person of his civil rights. They were not charged under a different section of the law that forbids intentionally depriving a person of his rights because of his race.

Davies is expected to rule on the racial motivation issue within a few days.

In his grand jury testimony, King reportedly did not say whether police used racial epithets. He was quoted as saying he remembers police taunting him, saying, "What's up? What's up, killer? How you feel now, killer?"

When he woke up at a hospital to find himself surrounded by police, King said, one officer asked if he remembered what happened. When he said nothing, the officer reportedly said, "Well, we played a little ball tonight, and guess who won? We did."

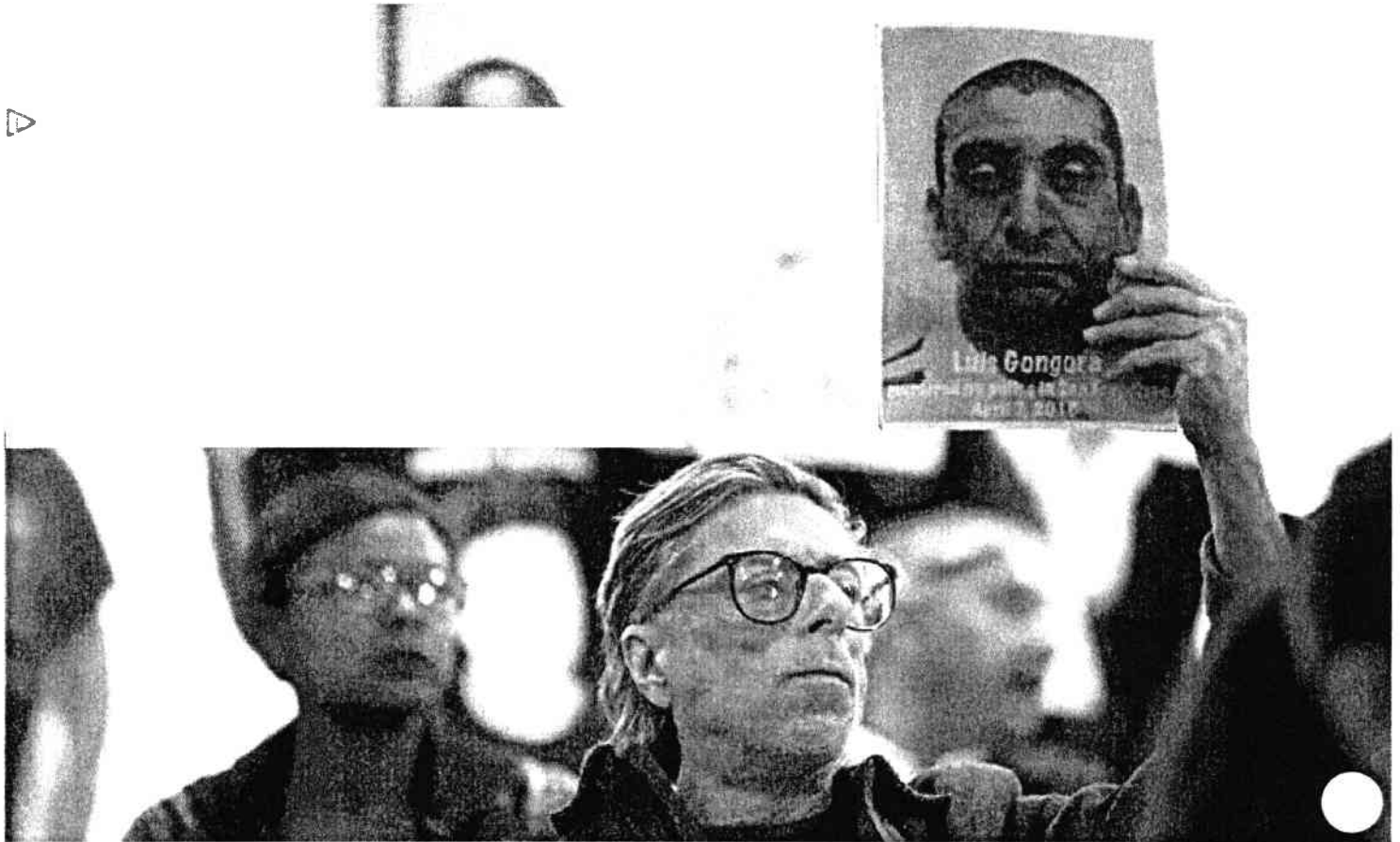
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This article is related to: Trials and Arbitration, Rodney King

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The Guardian



Homeless man's killing by police 'like a gangster movie', family claims

Attorneys for Luis Góngora's family presented evidence they say shows San Francisco officers shot him from above, while he was sitting down or lying prone

Julia Carrie Wong in San Francisco

Fri 17 Jun 2016 18.53 EDT

Luis Góngora, the homeless man shot by San Francisco police on 7 April, was killed by a shot to the head from above, lawyers for his family alleged at a press conference as they announced the filing of a claim against the city and county of San Francisco for excessive force and wrongful death.

"This was like a mafia shot," said Luis Poot Pat, Góngora's cousin, who attended the press conference on Friday. "I can't believe in the beautiful city of San Francisco this can happen."

Attorneys for the Góngora family presented video and photographic evidence that they say shows that police officers shot Góngora from above, while he was either sitting down or lying prone. Photographs from a private autopsy show that Góngora was shot in the top of his head, as well as in the back, both arms, and the abdomen.

“The officer can be seen shooting down at the wounded man, with a handgun in one hand and a shotgun in the other, in a scene reminiscent of a gangster movie,” the claim states. The claim is a precursor to a lawsuit.

The lawyers played an enlarged, slow-motion version of surveillance video, previously released by the San Francisco Chronicle, that provides a partial view of the shooting. One of the officers can be seen firing three rounds.

“If you slow down this clip, you will witness that the officer who initially had the shotgun is pointing downward,” said Adante Pointer, one of the attorneys. “Mr Góngora was already down on the ground when this officer decided to pump three shots into his body.”

Pointer also told the Guardian that the absence of stippling or tattooing on Góngora’s body shows that police were more than arm’s-length away from Góngora when they shot him.

“They shot him to pieces,” Pointer said. “It’s ridiculous.”

“Based on multiple eyewitness accounts that are part of our preliminary investigation, Luis Góngora lunged at one of our officers with a large knife,” said Matt Dorsey, spokesman for the San Francisco city attorney’s office. “Góngora posed an immediate and deadly threat, and our officers’ use of lethal force was necessary and legally justified.”

Góngora’s brother and two cousins were present, and his wife, parents, and three children joined the San Francisco press conference via a video call from their home in Teabo, Mexico.

“The measure of a society is how they treat the least among us,” said John Burris, a prominent civil rights attorney whose firm is representing Góngora’s family.

“Luis was treated as if he was the least among us. He was homeless, and the manner in which he was approached and ultimately attacked clearly indicated there was a lack of regard for him as a human being.”

“Today begins our struggle for justice against the unjustified homicide of our son, our father, and our husband,” said Rosana Góngora May, one of Góngora’s daughters, by video phone and through an interpreter.



Family of Luis Góngora at a press conference. Photograph: Julia Carrie Wong for the Guardian

“Despite his moments of poverty, he never lost contact with us here in Yucatan and we always dreamt of coming back together and meeting in Yucatan ... We will fight as a family to raise his name and expose the shameful conduct of the police.”

Góngora was shot and killed in San Francisco’s Mission district, near a homeless encampment where he lived in a tent. The fatal encounter began when two homeless outreach workers observed Góngora carrying a large knife and called 911, according to police.

Eyewitness and police accounts diverge widely over what happened once police arrived on the scene.

Police officials have claimed that after two officers fired less-lethal beanbag rounds at Góngora, he stood up and “charged” at the responding officers with the knife, prompting them to open fire.

But six eyewitnesses - including other residents of the homeless encampment, neighbors who live in apartments across the street, and a pedestrian who was walking on the sidewalk - have challenged that narrative.

“He didn’t get up until they were shooting,” Smith Patrick, a neighbor who had an unobstructed view of the shooting from her second-story window, told the Guardian the day after the shooting. “I would by no stretch of the imagination say that he was charging them. His body was recoiling from bullets.”

Surveillance video revealed that the officers began shooting just 30 seconds after the officers exited their cars. The footage does not show the shooting itself but provides a view of the police officers’ arrival and audio of the encounter.

Burris also called on San Francisco’s district attorney to file criminal charges for murder against the two police officers.

“There is no excuse for what happened,” Burris said. “It was done in large measure I believe because of the condition in which he lived, and these officers used deadly force because they could, not knowing that people would care.”

Topics

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- US policing
- Homelessness
- news



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Why Minority Cops Are Afraid to Speak Out : Police: It's the Code of Silence, enforced by fear and conditioning, says a black, female former officer.

July 02, 1991 | BRENDA GRINSTON | *Brenda Grinston resigned from the Los Angeles Police Department in November, 1985*

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Why did 18 out of 18 Los Angeles Police Department officers, 10 of them rookies, stand and watch the Rodney King beating, and do nothing about it? Why did three California Highway Patrol officers, who were upset enough with the beating to report it to their supervisors, fail to intervene in a savage attack that could have been fatal?

Why do all the LAPD minority police officer associations join in supporting Chief Daryl Gates? Why have they remained silent in the face of events like the King beating, even though they know that the beating was no aberration, and they know that it had a racial motivation?

I know what many of these officers are really thinking, because I am black and female, and a former Los Angeles police officer.

In the LAPD's North Hollywood Division, I experienced more terror and racism from the police brotherhood and administration than I ever did from suspects on the street. The racism was built into the department's system.

FROM THE ARCHIVES

LAPD Officer Charged With Extortion Plot

June 26, 2001

Law Allowing Police Officers to Sue Public Ruled Illegal

October 21, 1999

Slaying Suspect Barricades Self, Commits Suicide

August 27, 1998

Thousands Pay Tribute to a Fallen Compatriot : Police:

Gov. Wilson and L.A. Chief Williams are among those at funeral for slain O.C. officer.

March 16, 1993

Young Officers Retire : Stress Pensions: LAPD Cases

Grow

February 3, 1985

For instance, I worked under a lieutenant who was assigned to a division that had no ranking black officers. At his previous station, where there were ranking black officers, the lieutenant had been a member of a white-supremacist group.

I saw overt, blatant hatred for the black constituency we were supposed to be serving with equality under the law. This was clear from comments, ethnic jokes and even physical abuse. White officers treated me like a suspicious outsider.

As for the reasons why none of the officers who witnessed the King beating made an attempt to intervene, and why minority officers have remained silent about the affair, I think I know the answer. It's the code of silence, enforced by fear and conditioning.

All minority officers are continually faced with the question: "Which side are you on?" They all know that when an officer finally gets fed up and comes forward to speak the truth, that will mark the end of his or her police career. The police profession will not tolerate it, and civilian authorities will close their eyes when the retaliatory machinery comes down on the officer.

Still, an occasional officer, like Don Jackson in Long Beach, will try to expose police brutality. It is very hard for a minority officer to stand by and watch another minority person abused, without thinking that the same thing could happen to you if you were in street clothes and could not get the words out fast enough that you were a fellow officer.

probationary period, like the 10 rookies who watched the King beating. During that period, the officers can be terminated on a poor evaluation, with virtually no job protection.

A probationary officer will usually be silent rather than risk his or her career. Thus, one of the rookies at the King beating questioned one of the attackers about the severity of the violence--but did not report it to anyone.

Once the officer is silent after witnessing a crime or, worse yet, files a report with false or misleading statements or omissions to protect another officer, it is no longer possible to speak out without self-implication.

There is no doubt that police officers have difficult and often dangerous jobs. But it is also true that police officers have great power over the public that hires them.

It is bad enough that the public has to suffer violent crimes. People should not also have to fear being terrorized by their public servants. Police standards of behavior cannot be set at the lowest common denominator--that is, by the behavior of the worst elements of society.

The African American Police Officers Assn. spoke up several weeks ago, holding a press conference and declaring that officers were afraid. Other officers have given sworn statements to the court, declaring that many officers are afraid to tell the truth.

But the press and public have largely ignored them. The officers' fear, therefore, is fully justified. The community, the police and the Christopher Commission want these minority officers to come forward and tell the truth--but the likelihood is that if they do so, they will be at considerable risk, putting themselves at the mercy of those they accuse.

It's not hard to understand. If it was your spouse who worked for the LAPD, and the income was essential to the welfare of yourself and your children, would you want your mate to take that risk?

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From the Web

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Everything to build, clean, or fix.

zoro.com

Top-rated vacation destinations in North America for 2019

New top ranking

Where are the women running family offices? | Family Capital

FamCap

Most expensive homes in the world

Matatung_Homes



STRENGTHENING AND ENRICHING
INDIVIDUAL, WORK AND FAMILY LIFE

EXHIBIT 5

THE PSYCHOTHERAPY AND COUNSELING DIVISION SERVICE AGREEMENT

Outcomes Inc. is a nationally accredited agency. The Psychotherapy and Counseling Division provides professional therapy for individuals and families. Good therapy is facilitated by a thoroughly understood structure. Please read this Service Agreement carefully so you will understand the essentials of our therapeutic framework.

Fees

The standard charge for service is \$100 per individual/family therapy hour and \$100 per one hour medication evaluation. You may request a reduced charge. A minimum fee will be identified based on your gross household income from all sources and the number of people dependent on that income. These figures establish the range within which your fee is set. The difference between your actual fee and \$100 will be paid by United Way and other donations. We reserve the right to modify our fee scale. Your fee will not be changed unless you have been at your current level for at least one year or your income changes. Any changes in your income should be discussed with your therapist and your fee will be adjusted accordingly.

Payments

Payment is due at each session. If you fail to make a payment, that payment must be made prior to your next appointment or your therapist may be unable to see you. You may pay with cash (your receipt becomes your record), check, or credit card. If a check is returned to us because of insufficient funds, you will be charged an additional \$15 handling fee.

Appointments

Appointments are set by you and your therapist. Once established, your appointment time is reserved just for you. If you must miss a scheduled appointment, you are requested to notify us at least 24 hours in advance or you will be charged for that missed or canceled appointment at your regularly hourly rate. You are expected to pay for the missed appointment prior to your next session.

Use of Time

You and your therapist will set the amount of time for your appointment. You will be charged for additional time at your regular hourly rate if, with your knowledge, your therapist appears in court, makes emergency or planned home/hospital/school visits, attends parent conferences, or spends extraordinary time writing reports or letters, on the telephone, or in case file review.

Insurance

Many health plans reimburse a part of the cost of therapy. We ask you to provide us with the information which will enable us to bill your insurance company directly. If your regular payment and the amount paid by your insurance company exceed the standard rate of \$100 per hour of therapy, we will refund the balance to you or credit your account per your instructions.

Confidentiality

Outcomes Inc. complies with all HIPAA privacy policies; you will be given a copy of that policy at your first appointment. No information about you is released to anyone without your verified authorization, unless we are ordered to do so by a court of law. There are two exceptions. We are required by law to report: 1) suspected child abuse or neglect and, 2) clear evidence of planned or committed acts of violence against self or others.

Written Records

We maintain written files about your service which you have a right to review. If so desired, please arrange such a review with your therapist.

Access to files within the agency is carefully restricted. In rare circumstances, case files may be subpoenaed. Such cases usually involve a dispute of which you would be well aware. If a court orders us to produce a file, we must comply.

Emergencies

Call Outcomes Inc. during office hours (243-2551). If you are in crisis and our office is closed, call 243-2551 or 243-7145 to contact our answering service.

Grievances

If you have any concerns or complaints about your therapy, address the issue directly to your therapist. If the issue is not resolved to your satisfaction, feel free to direct your concerns in writing to the Clinical Director or Executive Director of Outcomes Inc.

Session Payment Rate

In reviewing your income, please include your gross, pre-tax income from all sources including wages, tips, child support, dividends, etc. Please include income from all wage earners. Your completeness will help us to use our United Way dollars where the need is greatest. If your situation does not allow you access to your household income, please discuss this with your therapist.

Gross Annual Household Income \$ _____
Number of people dependent on that income _____
Based on your income and family size, the range for your fee will be between \$ _____ and \$100. (Group and medication fees are calculated separately).
I agree to be charged and to pay \$ _____ per therapy hour.
Client(s) initials _____

I have read and understand my rights and responsibilities, as outlined in this document. I also understand that I have the right to refuse to consent to treatment or aspects of the treatment plan. I give consent to Outcomes Inc. to provide services, understanding that I may withdraw this authorization for services at any time.

I certify the information concerning my financial resources is correct. I agree to inform my therapist of any changes in my gross income. I understand that if I leave therapy with an unpaid balance due to missed appointments not paid for, NSF checks, or any other fees not paid, Outcomes Inc. will make every effort to collect these debts. Any fees caused by Outcomes Inc. in collection efforts will be an additional charge to my balance owing. I understand my obligations under this agreement and I agree to pay for my service at my established hourly charge.

Client's Signature Quenna [Signature]

Date 1/31/12

Client's Signature _____

Date _____

Therapist's Signature Elizabeth C. Ettinger LPCC

Date 1/31/12

Exhibit 6

AULD, RIEMA

From: ETRE-PEREZ, PAMELA
Sent: Thursday, February 16, 2012 9:00 AM
To: AULD, RIEMA
Cc: MANNING, (HR) THOMAS; PIERCE, TOM
Subject: RE: Requesting Response: Requesting EAP meeting attendance: Wed Feb. 15th @ 10:30 am

Riema,

I don't understand why you are requesting leave for your appointment if you are going during your lunch hour. Just go. Also, I have warned you about using work time to send lengthy emails covering topics that have been discussed thoroughly in our meetings. It is not productive nor efficient.

Pam

Pamela Etre-Pérez, Ph.D.
Dean, School of Adult and General Education
Central New Mexico Community College
525 Buena Vista Dr. SE
Albuquerque, NM 87106
505-224-3936 ph
505-224-3991 fx

Responsibility*Achiever*Communication*Relator*Significance

From: AULD, RIEMA
Sent: Thursday, February 16, 2012 8:43 AM
To: ETRE-PEREZ, PAMELA
Cc: MANNING, (HR) THOMAS; PIERCE, TOM
Subject: RE: Requesting Response: Requesting EAP meeting attendance: Wed Feb. 15th @ 10:30 am

Hello Pam,

Lunch time: EAP
EAP assistance for continued behavior
Sick leave: Doctors note

I have been using my lunch hour to attend each of these meetings and subtracting any of the commute time from my 15 minute breaks. I have not checked out with Tom for any of my lunches for these meeting days. I have been attempting to work with you in every way. The meetings are not mandated by CNM but I have sought help with Bills decision to continue his abusive behavior. And, it has been difficult leaving work, to talk about work, and then return to work without a break to relax. But, I have done so.

You have asked me not to communicate personnel issues and to be patient with Bills actions. I have shared that I am extremely uncomfortable at work and I am seeking assistance. But for Bills behavior, I would not need to reach out to EAP for help. I have been sick and I have provided a doctor's note as requested. I have taken sick leave as provided by CNM. It seems that the perspective you have chosen penalizes me for being sick for that to be included in the decision for me to attend a 1 hour help/support meeting each week.

I am asking for a little understanding as it is not a usual experience for me to have my supervisor yell at me and stick his fingers in my face. Nor am I accustomed to a manager who peeks around walls at me while I am working or one who asks me to remain late and then says he does not remember or one who states that he cannot see me while I sit at my desk. You have characterized Bill as having cultural challenges working with me due to his working with women under the oppressive regime in Yémin and working in the jails.

You have stated that Bill has communication issues. You have stated how uncomfortable Bill is due to my filing a complaint with HR about his verbal attack. I have attempted to prompt your understanding for my position working for someone who behaves like Bill. It is uncomfortable, stressful and overall EXTREMELY difficult.

I apologize if my seeking assistance for the situation and my attempt at coping with the daily stress at work interferes with your expectations of how I should move forward after being treated so badly.

Because I have not taken work time to attend the EAP assistance, I do not believe meeting me half way would include me taking leave. Please advise.

Sincerely,
Riema

From: ETRE-PEREZ, PAMELA
Sent: Wednesday, February 15, 2012 5:36 PM
To: AULD, RIEMA
Cc: MANNING, (HR) THOMAS; PIERCE, TOM
Subject: RE: Requesting Response: Requesting EAP meeting attendance: Wed Feb. 15th @ 10:30 am

Riema,

I think we should be meeting each other halfway on this – alternately covered with work release hours and your taking personal leave. My reasons are 1) the meetings are not mandated by CNM and 2) you have been absent a great deal from work lately. Please take leave for the 2/21 appointment.

Thanks for getting the request in early.

Pam

Pamela Etre-Pérez, Ph.D.
Dean, School of Adult and General Education
Central New Mexico Community College
525 Buena Vista Dr. SE
Albuquerque, NM 87106
505-224-3936 ph
505-224-3991 fx

Responsibility*Achiever*Communication*Relator*Significance

From: AULD, RIEMA
Sent: Wednesday, February 15, 2012 4:15 PM
To: ETRE-PEREZ, PAMELA
Cc: MANNING, (HR) THOMAS; PIERCE, TOM
Subject: FW: Requesting Response: Requesting EAP meeting attendance: Wed Feb. 15th @ 10:30 am

Hello Pam,

Requesting EAP meeting work time attendance: Wed Feb.21 @ 9am

Thank you,
• Riema

From: AULD, RIEMA
Sent: Wednesday, February 15, 2012 9:48 AM
To: ETRE-PEREZ, PAMELA
Cc: MANNING, (HR) THOMAS; PIERCE, TOM
Subject: Requesting Response: Requesting EAP meeting attendance: Wed Feb. 15th @ 10:30 am

Hello Pam,

Requesting EAP meeting work time attendance: Wed Feb. 15th @ 10:30 am-11:30 am

I have not heard from you. May I have an answer please.

Thank you,
Riema

From: AULD, RIEMA
Sent: Monday, February 13, 2012 3:16 PM
To: ETRE-PEREZ, PAMELA
Cc: PIERCE, TOM; MANNING, (HR) THOMAS
Subject: Requesting EAP meeting attendance: Wed Feb. 15th @ 10:30 am

Hello Pam,

Requesting EAP meeting attendance: Wed Feb. 15th @ 10:30 am-11:30 am

Thank you,

Riema

Exhibit 7

AULD, RIEMA

From: AULD, RIEMA
Sent: Monday, February 13, 2012 10:27 AM
To: PIERCE, TOM; ETRE-PEREZ, PAMELA; ABRAHAM-SHEA, HANNAH; MANNING, (HR) THOMAS
Cc: AULD, RIEMA
Subject: Management Decision: Walk-in Testing Procedures
Attachments: On the same page.pdf

To Management and HR,

I am requesting your assistance in following walk-in testing procedures and Bill's continued abusive behavior.

This morning at approximately 9:15 am, Carol approached Bill for assistance with a student requesting to test. Bill referred Carol to me to assist the student. Carol came to me explaining the student's situation and asked me if he should be tested. I asked Carol if Bill asked her to come to me about this. She said that he had. As Bill is aware, I cannot make the decision to test a student as it is a management decision to test a student that is walking in to test on any day other than Friday Walk-in testing between the hours of 8:30 am-3pm.

I told Carol that I would allow Bill to respond to the students request and returned the student's i.d. to Bill. I later explained the policy to Carol and made clear to her that I would have liked to help more but in my role I could not make the decision as it is reserved for management.

This is a procedure we have followed since I have been working here. Bill is aware of this procedure as he is the person who trained me on this procedure.

Bill has stated to management in the email to Tom P. (Attached: Email Fri. Jan 20) that I do not want him supervising. He is attempting to make this untrue characterization of me seem true by giving me a decision to make that is obviously his and obviously inappropriate for me in my role.

As I complain and request assistance on a regular basis, I am concerned that Bill is adamant in his effort to create situations where I will be considered not following directions or refusing to do my work as he has continues to create situations attempting to characterize me badly: Flex time, Files, Book review, Tutor help scheduling, Attendance. His regular excuses are that he does not remember, or that he never made the statements. Week after week the behavior continues.

I am asking for assistance: I am asking for this behavior to stop as it is retaliatory hostile behavior that creates an unbearable workplace for me. I am asking to be moved away from Bill in a new position at the school as sitting further away from Bill has not worked nor has appealing to management. Bill is intent and continues his effort. And, he is successful in making me feel uncomfortable and targeted and overwhelmed in dodging his attempts to trouble me and work successfully all at once.

HELP

Sincerely,

Riema Auld

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RIEMA AULD,

Plaintiff,

v.

Case No. 1:14-cv-636 KJG/SCY

CENTRAL NEW MEXICO COMMUNITY COLLEGE,
PAM ETRE-PEREZ, TOM PIERCE,
WILLIAM HEENAN, CAROL ADLER,
TOM MANNING, AND KATHIE WINOGRAD

Defendants.

RESPONSE TO MOTION FOR WITNESS PROTECTION ET AL [DOC. 52]
AND MOTION TO DISMISS AMENDED COMPLAINT [DOC. 54]

Defendants Central New Mexico Community College, William Heenan, Tom Manning, and Kathie Winograd, by and through their attorney of record, Brown Law Firm, Brown & Gurulé (Desiree D. Gurule), herein submit their response to and motion to dismiss Plaintiff's pleadings filed as Doc. Nos. 52 (filed 11/30/2018) and 54 (filed 12/20/2018). Plaintiff has not sought or received approval from Defendants or the Court prior to filing her recent pleadings. Pursuant to Fed. R. Civ. P. 12(b) and 15(a)(2), Plaintiff's recent motion and amended complaint should be denied.

Introduction

Plaintiff filed her first Amended Complaint on June 6, 2014. [Doc. 1-2]. Thereafter, the matter was removed to this Court. [Doc. 1]. On May 29, 2015, the Court dismissed Plaintiff's Claims against Pam Etre-Perez, Tom Pierce, and Carol Adler without prejudice pursuant to Fed. R. Civ. P. 4(m). [Docs. 39 and 40] On June 8, 2015, Plaintiff failed to appear a third time before the Honorable Steven C. Yarbrough, despite multiple warnings that Plaintiff's failure to appear at court hearings could result in the dismissal of her claims. [Doc. 42]. On June 9, 2015, Judge Yarbrough entered a Proposed Finding and Recommended Disposition in which Judge Yarbrough recommended that Plaintiff's claims be dismissed without prejudice pursuant to Fed. R. Civ. P. 41. [Doc. 42]. On June 30, 2015,

Plaintiff's remaining claims against Central New Mexico Community College, William Heenan, Tom Manning, and Kathie Winograd were dismissed without prejudice. [Doc. 44]. On November 1, 2018 Plaintiff filed a motion for reinstatement, which has not been granted by the Court. [Doc. 45]. That motion is fully briefed and pending a ruling by the Court. This fact notwithstanding, Plaintiff has not sought concurrence from counsel for the filing of her recent motion and amended complaint contrary to D.N.M. LR-Civ. 7.1, the recent pleadings have not been authorized by the Court, the pleadings cite no legal basis for the relief sought, and are otherwise untimely and improper and should be denied.

Argument

It is unclear how, if at all, Plaintiff's 2018 motion for witness protection and her recent amended complaint relate to her prior claims asserted against the Defendants named in the 2014 lawsuit. Further, Plaintiff has not received Court approval to file an amended complaint, nor has she sought concurrence for the filing of any 2018 pleadings, including Doc. No. 54, the amended complaint. As the dismissal of the remaining CNM Defendants occurred pursuant to Fed. R. Civ. P. 41(b), the dismissal operated as an adjudication on the merits. Briefing is complete and a decision is pending on Plaintiff's motion for reinstatement [Doc. 45]. As none of the pleadings filed after Doc. 45 are pleadings which Plaintiff may file in this matter as of right, and no ruling has been issued on the motion for reinstatement, Defendant herein incorporates its arguments and the legal authority filed in this and any subsequent pleadings filed by the Plaintiff hereafter.

It has been over three years from the date of the dismissal of this case. The only grounds for relief from the judgment available under Fed. R. Civ. P. 60 concern Rule 60(b), and Plaintiff cannot establish a basis for relief from judgment under these standards, nor is such a motion timely. For each of these reasons, Defendants request that Plaintiff's Motion for Reinstatement/Motion for Injunction be Denied, and that each of Plaintiff's subsequent vague and unrelated assertions made in those pleadings filed after the November 1, 2018 motion for reinstatement be denied by the Court as moot.

Conclusion

The statute of limitations for Plaintiff's claims has passed, and there is no basis for relief from the prior judgment.

WHEREFORE, Defendants Central New Mexico Community College, William Heenan, Tom Manning, and Kathie Winograd request that Plaintiff's Motion for Reinstatement be denied, and that each pleading filed thereafter be denied as moot.

Respectfully submitted:

*BROWN LAW FIRM
BROWN & GURULÉ*

/s/ Desiree D. Gurulé, 1/22/19

Desiree D. Gurulé
Attorney for Defendants Central New Mexico
Community College, William Heenan, Tom Manning,
and Kathie Winograd
333 Rio Rancho Blvd. NE Suite 102
Rio Rancho, NM 87124
(505) 292-9677
(505) 292-9680 (facsimile)
desiree@brownlawnm.com

I HEREBY CERTIFY that on the 22nd day of January, 2019, I filed the foregoing electronically through the CM/ECF system, and mailed the foregoing to Plaintiff *pro se* via standard USPS at the following addresses and via electronic mail at the following address:

Riema Auld
Last Known Address:
6809 Toratolla Court NW
Albuquerque, NM 87120
pambioxxo@gmail.com

/s/ Desiree D. Gurulé, 1/22/19
Desiree D. Gurulé

Case 14CV636 KG/SCY

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
19 JAN 22 AM 8:37

To The Court,

CLERK ALBUQUERQUE Please help me to leave

- New Mexico as soon as possible. I am targeted and I am not safe. I do not know if I will be alive or taken or dead. Please put me in the witness protection program and remove me and my unanama and our 3 dogs. I just want to be safe.
- They've inceded me with drugs now.
- Injunction: Please issue ^{urgent} emergency ^{Prompt} injunction where motions and injunctors will be decided. I need an attorney before they lock me in a mental ward - Crazy Assylum as they have attempted twice already. This court is the only reason I am alive. Yesterday - Saturday - Martin Luther King's remembrance my brother and legal representative saved me from more beatings, drugs, pinching, breast vaginal exposure. Please give me an attorney and safe passage and assistance out of New Mexico.

Recent

Sincerely,
Riema Auld

How many women / people have been abused by this network of elitist medical predators and then locked away for legal defense and cover. Please refer my case to the DOJ for intense investigation. This is terrorism that no person deserves. Please don't let them hurt any more people. This should never happen.

Renee O'Neil

• Motion to subpoena voicemail of Chief of Staff Jennifer Phillips to include as evidence in this case:

Subpoena from either 4 sources

① Medical Board

② Office of Civil Rights Case# 19-320463

③ Governor Lujan

④ Mayor Keller

→ I don't know how to capture the voicemail and present it to court. However, I have emailed it to various. Renee O'Neil

How many women / people have been abused by this network of elitist medical predators and then locked away for legal defense and cover. Please refer my case to the DOJ for intense investigation. This is terrorism that no person deserves. Please don't let them hurt any more people. This should never happen.

Rena Ouf

• Motion to subpoena voicemail of Chief of Staff Jennifer Phillips etc include as evidence in this case:

Subpoena from either 4 sources

① Medical Board

② Office of Civil Rights Case# 19-320463

③ Governor Lujan

④ Mayor Keller

→ I don't know how to capture the voicemail and present it to court. However, I have emailed it to various. *Rena Ouf*

To the Court,

I have less than 30 days of medicine remaining. Walgreens advised me to go to emergency care. I did for heart pain breathing and to get my prescriptions. I had to change insurance and leave UNMH.

Since the beating of this weekends attempt, I am fearful of using emergency care. Please put me in witness protection so I can have my medication and be safe. The medications are Venlafaxine - Depression, HCT/HMTZ - Diuretic, Amlopodene - Heart.

Please issue injunction to Lovelace, NM and Presbyterian to ~~Not~~ input me in any mental health care organization.

~~These~~ Please get us out of New Mexico. Sincerely, *[Signature]*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RIEMA AULD,

Plaintiff,

v.

Case No. 1:14-cv-636 KG/SCY

CENTRAL NEW MEXICO COMMUNITY COLLEGE,
PAM ETRE-PEREZ, TOM PIERCE,
WILLIAM HEENAN, CAROL ADLER,
TOM MANNING, AND KATHIE WINOGRAD,

Defendants.

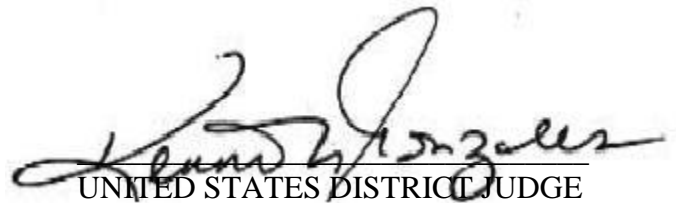
ORDER STAYING CASE

This matter comes before the Court upon Plaintiff's "Motion for Injunction," filed November 1, 2018. (Doc. 45). On November 14, 2018, Defendants filed a response in which they characterized the "Motion for Injunction" as a "Motion for Reinstatement." (Doc. 46). On December 17, 2018, Defendants filed a Notice of Completion of Briefing. (Doc. 53).

The Court observes that numerous motions and documents have been filed since Plaintiff filed her "Motion for Injunction." The Court notes that if it denies the "Motion for Injunction" the subsequent filings necessarily become moot. Accordingly, in the interest of justice and judicial economy and in accord with a stay, the Court *sua sponte* prohibits the parties from filing any more motions or documents until the Court rules on the "Motion for Injunction." *See Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936) ("[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.").

Should any party violate this Order Staying Case, that party will be subject to an order to show why that party should not be sanctioned for violating a Court order. *See Jones v. Thompson*, 996 F.2d 261, 264 (10th Cir. 1993) (“A court also has an ‘inherent power’ to ‘levy sanctions in response to abusive litigation practices.’” (citation omitted)).

IT IS SO ORDERED.



Kenneth H. Gonzalez
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RIEMA AULD,

Plaintiff,

vs.

No. CV 14-636 KG/SCY

CENTRAL NEW MEXICO COMMUNITY COLLEGE,
PAM ETRE-PEREZ, TOM PIERCE,
WILLIAM HEENAN, CAROL ADLER,
TOM MANNING, and KATHIE WINOGRAD,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Plaintiff Riema Auld's "Motion for Injunction" (Motion), filed November 1, 2018. (Doc. 45). Defendants Central New Mexico Community College (CNM), William Heenan, Tom Manning, and Kathie Winograd (collectively, Defendants) filed their response, characterizing Plaintiff's Motion as a "Motion for Reinstatement," on November 14, 2018. (Doc. 46). Defendants subsequently filed a Notice of Completion of Briefing on December 17, 2018. (Doc. 53).¹ The Court considers Plaintiff's Motion as a motion to amend the pleadings under Federal Rule of Civil Procedure 15, a motion to alter or amend a judgment under Rule 59(e), and a motion for relief from a final judgment under Rule 60(b). Having so considered Plaintiff's Motion, the briefing, and the applicable law,

¹ Noting that numerous motions and documents have been filed since the "Motion for Injunction," and that all subsequent filings necessarily become moot if the Court denies the "Motion for Injunction," the Court *sua sponte* stayed proceedings pending resolution of that motion. (Doc. 60).

the Court denies Plaintiff's Motion. Because the Court denies Plaintiff's Motion, the Court denies as moot the remaining documents filed by Plaintiff and Defendants.²

Plaintiff originally filed her Complaint for Declaratory and Injunctive Relief and Damages for Breach of Contract and Violation of Anti-Discrimination Protections in the Workplace on May 27, 2014, in the Second Judicial District Court for the State of New Mexico. (Doc. 1-3). Plaintiff listed CNM, Heenan, Manning, Winograd, Tom Pierce, Carol Adler, and Pam Etre-Perez as parties-defendant to that action. (*Id.*) Plaintiff, who worked for CNM in February and March 2012, alleged that she was discriminated against on the basis of race and gender. Plaintiff filed an Amended Complaint in on June 6, 2014, and made substantially similar allegations. (Doc. 1-2). Defendants removed the case on July 11, 2014, predicated on federal question jurisdiction under 28 U.S.C. § 1331. (Doc. 1).

On May 7, 2015, Judge Yarbrough filed his first Proposed Finding and Recommended Disposition, recommending that the Court dismiss Etre-Perez, Pierce, and Adler under Rule 4(m)

² The remaining documents are: Motion to Stop Retaliation, Harassment, Motion to have an attorney represent my case (Doc. 47), filed November 16, 2018; Notice of the Exhibit (Doc. 48), filed November 26, 2018; Motion to be entered in the Federal Witness protection program and removed from New Mexico, Motion for emergency attorney representation, Motion for assistance in the pro se disability program to receive assistance with learning the online system for court, Notification of Evidence/Exhibits (Doc. 52), filed November 30, 2018; Motion to be put in federal witness protection program with my mother in response to a[n] escalation in the continuation of collusive tactics to obstruct justice including harassment and witness tampering: Whistle Blower, and coercion through fear mongering retaliation, Motion for continuance/delay of case progress so victim may address medical concerns due to patient abandonment and patient abuse by Defendants partner/agent UNMH, harassment, intimidation, retaliation, Motion to subpoena police report documents regarding the attempted arrest kidnapping of Plaintiff (Doc. 54), filed December 20, 2018; Motion for Protection, Motion to subpoena voicemail of Chief of Staff Jennifer Phillips to include as evidence in this case (Doc. 56), filed January 22, 2019; Motion requesting issuance of EMERGENCY immediate court date to determine protection order and witness protection, Motion to deny dismissal request and response, Notification of Exhibits (Doc. 57), filed January 24, 2019; and Notification of Evidence (Doc. 58), filed January 28, 2019. On January 22, 2019, Defendants filed a Motion to Dismiss for Failure to State a Claim and Lack of Jurisdiction. (Doc. 55).

for failure to serve those individuals. (Doc. 36). Plaintiff did not object to Judge Yarbrough's recommendation. Thereafter, on May 29, 2015, the Court adopted the Proposed Finding and Recommended Disposition and dismissed without prejudice Plaintiff's claims against Etre-Perez, Pierce, and Adler. (Docs. 39 and 40).

Judge Yarbrough entered a second Proposed Finding and Recommended Disposition on June 9, 2015, recommending the Court dismiss Plaintiff's remaining claims pursuant to Rule 41(b) for lack of prosecution and Plaintiff's failure to comply with multiple Court orders. (Doc. 42). Plaintiff again did not object. Thus, on June 30, 2015, the Court adopted Judge Yarbrough's Proposed Finding and Recommended Disposition, dismissed all of Plaintiff's remaining claims without prejudice, and closed this case. (Docs. 43 and 44).

Under Rule 15(a)(2), "a party may amend its pleadings only with the opposing party's written consent or the court's leave." Fed. R. Civ. P. 12(a)(2). "Refusing leave to amend is generally only justified upon a showing of undue delay, undue prejudice to the opposing party, bad faith or dilatory motive, failure to cure deficiencies by amendments previously allowed, or futility of amendment." *Frank v. U.S. West, Inc.*, 3 F.3d 1357, 1365-66 (10th Cir. 1993) (citations omitted). A Rule 59(e) motion to alter or amend a judgment "must be filed no later than 28 days after the entry of the judgment." Fed. R. Civ. P. 59(e). A Rule 60(b) motion for relief from judgment must be filed within one year if such motion is based on "(1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discover evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); [or] 3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party[.]" Fed. R. Civ. P. 60(b)(1)-(3), and (c). A Rule 60(b) motion "must be made within a reasonable time" if the movant argues that "(4) the judgment is void; (5) the judgment

has been satisfied, released, or discharged; [or] it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or (6) any other reason that justifies relief.” Fed. R. Civ. P. 60(b)(4)-(6), (c).

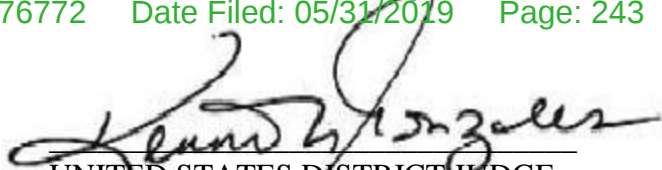
Plaintiff did not appeal the orders of dismissal or otherwise take any action in this matter for over two years. Therefore, her Motion fails under Rules 59(e) and 60(b)(1)-(3). Plaintiff does not argue that the Court’s judgment is void or has been satisfied, released or discharged. Fed. R. Civ. P. 60(b)(4), (5). Plaintiff must proceed under Rule 15 or Rule 60(b)(6).

The instant motion does not relate to Plaintiff’s underlying complaint and instead raises grievances against University of New Mexico Hospital employees. These new allegations bear no reasonable connection to Plaintiff’s original complaint. Furthermore, two and a half years of inactivity and failure to appeal or otherwise seek relief from judgment objectively constitutes undue delay. As such, to the extent Plaintiff moves under Rule 15 to amend her complaint, the Court denies Plaintiff’s motion.

A Rule 60(b)(6) motion brought requires a showing of “extraordinary circumstances” to reopen a final judgment. *Gonzalez v. Crosby*, 545 U.S. 524, 535 (2005) (quotation omitted). For the reasons noted above, the Court does not find such extraordinary circumstances in this case.

IT IS, THEREFORE, ORDERED THAT:

1. Plaintiff’s Motion for Injunction (Doc. 45) is denied;
2. Plaintiff’s remaining filings (Docs. 47, 48, 52, 54, 56, 57, and 58) are denied as moot;
3. Defendant’s Motion to Dismiss for Failure to State a Claim and Lack of Jurisdiction (Doc. 55) is denied as moot; and
4. This case remains closed as of June 30, 2015.



UNITED STATES DISTRICT JUDGE

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

MAY - 7 2019

MITCHELL R. ELFERS
CLERK

Case 14CV636KG/SCJ

Appeal

Issue #1 Disabled, Pro Se, Attorney Requested

Again, I request an attorney to represent me in this case. I am disabled due to depression: legally Disabled. I have repeatedly requested an attorney to properly present the issues of this case. When first I filed this case the business partners of the defendants UNM Hospital were monitoring, studying, observing a Fibroid Tumor in my uterus. I bled daily. I was in pain daily. The tumor grew to the size of a 26 week aged baby. I was treated by the Chief of Staff Dr. Jennifer Phillips with IUD's aspirin and because I was advised that symptoms were "emotional" and unreal, Dr. John Gray's ~~was~~ "Psychologist - UNMH Sexual Healing Touch" program.

Dr. Gray, psychologist advised me against pursuing legal Counsel for this case and later for complaint regarding the Tumor-Sterilization by UNMH. Dr. Phillips and UNMH staff explained debilitating tumor symptoms as my having a unique natural-Super ovulation. Meaning, I released multiple eggs during menses. The continuous clotted heavy daily blood flow was normal as it was nurturing the multiple eggs released. I suffered daily with extreme anemia, high blood pressure, lack of energy, bloating, pain, Extreme blood flow EVERY DAY, an extremely hard protruding stomach, appetite. I suffered daily. Dr. Gray advised me to NOT pursue any legal complaint due to my health. I was sick and believed him as my Doctor and the man who professed to love me dearly.

2-6

Issue # 2 - Falsification of Medical Records

Disabled: I was ~~was~~ physically and emotionally unable to function. I was ~~also~~ legally counseled by my psychologist and my love to protect CMM Kathy Wingo. Not knowing that Dr. Gray was legally representing UMM Hospital's business partner CMM-K. Wingo. And falsifying my medical records to assure my loss in this case. My body and my civil rights were violated to protect business partners.

Issue # 3 Continual ~~Harassment~~ Harassment and MURDER attempt.

The Chief of Staff - Dr. Phillips and Dr. Gray psychologist worked to scare and intimidate me from pursuing this case:
Voice-mails Threat, Text, Kidnap and murder attempt.

Date 1/19/2019 Kidnap Beating
Murder

Repeatedly I asked for a protective order & informed the court of my fear due to harassment.

* On 11/14/2018 ~~Ransom~~ harassment with police and guns around my house occurred approximately

2 days after turning in Du Gray's confession TEXT: Obstruction of justice. The court ignored my request for an attorney and Protection Order.

The Defendants & cohorts escalated to the Kidnap murder attempt.

I was beaten dragged tied down sexually assaulted. My bare breast beaten by a security guard smiling.

4-6

I continue to live in fear knowing that the Defendants and business partners will not be interrupted regardless of what they do to terminate me standing up for my rights - to be treated like a human being protected by the laws of my country. They not only want me DEAD. They want me to suffer in a long torturous death. They want me to suffer terribly. I believe that I should have been granted witness protection and an attorney. Fear of Death ~~is~~ because of retaliation

5-6

Rendered me incapable of
over coming my disability.
Depression and representing
my case as an average
Pro se victim.

Please issue an appeal and
provide me with an attorney.
I requested an attorney when
I originally submitted the
TEXT - Obstruction of justice
to reopen the case. The

Defendants use the money
of the people of this state
to protect jim CROW sexism.
Please give me an opportunity
to present my case.

Rienna Ould

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RIEMA AULD,

Plaintiff,

v.

1:14-cv-00636-KG-SCY

CENTRAL NEW MEXICO COMMUNITY COLLEGE,
PAM ETRE-PEREZ, TOM PIERCE,
WILLIAM HEENAN, CAROL ADLER,
TOM MANNING, and KATHIE WINOGRAD,

Defendants.

ORDER DENYING MOTION TO PROCEED IN FORMA PAUPERIS ON APPEAL

THIS MATTER comes before the Court on Plaintiff's Motion to Proceed on Appeal Without Prepayment of Costs or Fees, Doc. 63, filed May 7, 2019. The Court DENIES the motion and CERTIFIES that Plaintiff's appeal is not taken in good faith.

On June 30, 2015, the Court dismissed Plaintiff's claims against Defendants. *See* Doc. 44. More than three years later Plaintiff filed: (i) a motion to reopen the case; (ii) a motion to appoint counsel; (iii) a motion to be entered in the Federal Witness Protection Program and for emergency attorney representation; and (iv) a motion for protection. *See* Doc. 45, filed November 1, 2018; Doc. 47, filed November 16, 2018; Doc. 52, filed November 30, 2018; Doc. 56, filed on January 22, 2019. The Court denied the motion to reopen the case and denied the motions for protection and to appoint counsel as moot. *See* Doc. 61 at 4, filed April 22, 2019. On May 7, 2019, Plaintiff filed a Notice of Appeal and a Motion to Proceed on Appeal Without Prepayment of Costs or Fees. *See* Doc's 62, 63.

“In order to succeed on [a motion for leave to proceed on appeal without prepayment of costs or fees], an appellant must show a financial inability to pay the required filing fees and the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised on appeal.” *DeBardleben v. Quinlan*, 937 F.2d 502, 505 (10th Cir. 1991). “An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a)(3). “The Supreme Court has held that good faith is to be judged by an objective standard, for review of any issue ‘not frivolous.’” *Spearman v. Collins*, 500 Fed.Appx. 742, 743 (10th Cir. 2012) (citing *Coppedge v. United States*, 369 U.S. 438, 445 (1962)). “An appeal is frivolous when the result is obvious, or the appellant’s arguments of error are wholly without merit.” *Id.*; see also *Thompson v. Gibson*, 289 F.3d 1218, 1222 (10th Cir. 2002) (“an appeal is frivolous if it lacks an arguable basis in either law or fact”).

Plaintiff’s Motion states her issues on appeal are:

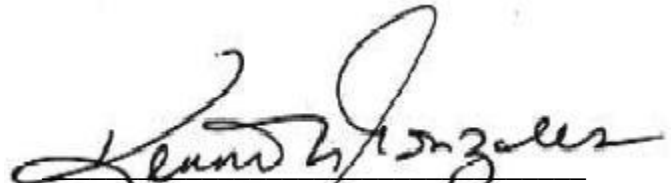
7/23/2018 Threat by business partner of Defendant CNM. Date 11/14/2018 Police Harrassment. Date 1/19/2019 Kidnap Beating Sexual Assault Murder Attempt. Disabled-Depression, not able to work. Not able to represent case as average person for pro se case representation. Continued obstruction of justice: medical experimentation sterilization, psychologist falsification of medical records murder, psychologist using therapy to legally advise.

Motion at 2. Plaintiff’s Notice of Appeal lists three issues on appeal which: (i) describe Plaintiff’s disability and medical issues; (ii) allege that one of her doctors advised Plaintiff not to pursue any legal complaint; (iii) discuss falsification of medical records; (iv) describe "continual harassment and murder attempt;" and (v) state: "Repeatedly I asked for a protective order & informed the court of my fear due to harassment. . . . The court ignored my request for an attorney and Protection Order. . . . I believe that I should have been granted witness protection and an attorney." Doc. 62 at 4-5, filed May 7, 2019.

The Court concludes that Plaintiff's appeal is not taken in good faith and that her motion for leave to proceed IFP must be denied because she has not identified a reasoned, nonfrivolous argument on the law and facts in support of her appeal of the Court's denial of her motions to reopen the case, for protection and to appoint counsel.

IT IS ORDERED that Plaintiff's Motion to Proceed In Forma Pauperis on Appeal, Doc. 63, filed May 7, 2019, is DENIED.

THE COURT CERTIFIES that Plaintiff's appeal is not taken in good faith.



UNITED STATES DISTRICT JUDGE