

NOTE: The tags ①–⑩ defined in this Unabridged PSOF-Exclusion Table (here, ReqApx ¶86–90) provide a cross-correlation with the district court’s opinion (ReqApx ¶4–38) and with the PSOF itself (ReqApx ¶48–84), and also with the DSOF (not included in ReqApx).

PSOF-Exclusion Table (Unabridged)^α

Issues/Facts	Lower Courts’ <i>Faux</i> “Findings”
① Knabe Excel graphics episode	<u>Op</u> ¶3 = ReqApx ¶6–8. <u>Discredit PSOF</u> ¶1–2 = ReqApx ¶48–50, ¶¶1–4. <u>Credit DSOF</u> ¶2¶7.
② Feldman refuse three-way meeting	<u>Op</u> ¶3 = ReqApx ¶6–8 (<i>silent</i>). <u>Discredit PSOF</u> ¶2,5,18 = ReqApx ¶49–50,53–54,70–71, ¶¶5–6,17,59. <u>Credit DSOF</u> ¶2 (<i>silent</i>).
③ Knabe yelling incident	<u>Op</u> ¶3 = ReqApx ¶6–8. <u>Discredit PSOF</u> ¶2–3,5,15–16 = ReqApx ¶49–50,53–54,66–69, ¶¶7,17,50. <u>Credit DSOF</u> ¶2–3¶8.
④ Feldman demotion	<u>Op</u> ¶3 = ReqApx ¶6–8. <u>Discredit PSOF</u> ¶3–5,18 = ReqApx ¶50–54,71–71, ¶¶8,11–16,58–59. <u>Credit DSOF</u> ¶3–4¶9–13.
<i>{ Went to HR — here’s where things <u>really</u> “went south.” }</i>	

α • Abridged version at main Petition ¶29. “Warning”: This rather complicated Table almost certainly contains one-or-more (isolated/trivial/inadvertent/immaterial) typographical errors.

Issues/Facts	Lower Courts' <i>Faux</i> "Findings"
Ⓔ Feldman "Dear Dr. Tuvell" email	<u>Op</u> ¶3 = ReqApx ¶6–8 (<i>silent</i>). <u>Discredit PSOF</u> ¶5,16 = ReqApx ¶53–54,67–69, ¶18,51. <u>Credit DSOF</u> ¶4 (<i>silent</i>).
Ⓕ Feldman transition status reports	<u>Op</u> ¶3 = ReqApx ¶6–9. <u>Discredit PSOF</u> ¶5–8 = ReqApx ¶53–58, ¶19–23,26. <u>Credit DSOF</u> ¶4¶14–16.
Ⓖ Feldman impossible project planning	<u>Op</u> ¶4 = ReqApx ¶8–9 (<i>silent</i>). <u>Discredit PSOF</u> ¶7–8 = ReqApx ¶55–58, ¶24–25. <u>Credit DSOF</u> ¶4¶16.
Ⓗ Due "sham" ^β investigation	<u>Op</u> ¶4 = ReqApx ¶8–9. <u>Discredit PSOF</u> ¶25–26 = ReqApx ¶79–82, ¶82–84. <u>Credit DSOF</u> ¶4–5¶17–19.
Ⓘ Refusal to separate Tuvell from Feldman (many times)	<u>Op</u> ¶4,8 = ReqApx ¶8–9,13–14. <u>Discredit PSOF</u> ¶3,19–20,23–24 = ReqApx ¶50–52,71–74,77–79, ¶9–10,61–62,64,75. <u>Credit DSOF</u> ¶7¶30–31.

β • Like *everything* else in this case and in this Table, Plaintiff has much *direct evidence* for the "sham" nature of IBM's investigations (items Ⓗ, Ⓖ in this Table). Additionally, Plaintiff plans to present an extensive Expert Report[†] testifying to the investigations' "shamness." {† Not included in the Petition's ReqApx (lack of relevancy to the Question Presented by the Petition).}

Issues/Facts	Lower Courts' <i>Faux</i> "Findings"
<p>① "Bad" emails; e.g., "<i>ad hominem</i>" and esp. "lazy" letter</p>	<p><u>Op</u> ¶3–5 = ReqApx ¶6–10. <u>Discredit PSOF</u> ¶14–16 = ReqApx ¶65–69, ¶¶46,50,52. <u>Credit DSOF</u> ¶5¶¶22–23.</p>
<p>Ⓜ Mandel C&A; Open Door complaints; "sham"^{7fβ supra} investigation</p>	<p><u>Op</u> ¶6 = ReqApx ¶10–12. <u>Discredit PSOF</u> ¶8–10,14–17,24–27 = ReqApx ¶57–61,65–70,78–83, ¶¶28– 29,32,55–56,76,78–81,85,87–89. <u>Credit DSOF</u> ¶6–7¶¶27–29.</p>
<p>Ⓛ Pseudo-yelling; Feldman forbid work-time for complaint</p>	<p><u>Op</u> ¶4 = ReqApx ¶8–9 (<i>silent</i>). <u>Discredit PSOF</u> ¶8,15 = ReqApx ¶57– 58,66–67, ¶¶27,49. <u>Credit DSOF</u> ¶5 (<i>silent</i>).</p>
<p>Ⓜ Feldman Formal Warning Letter</p>	<p><u>Op</u> ¶5 = ReqApx ¶9–10. <u>Discredit PSOF</u> ¶15 = ReqApx ¶66– 67, ¶¶50. <u>Credit DSOF</u> ¶6¶¶24–25.</p>
<p>Ⓝ Fainting</p>	<p><u>Op</u> ¶5 = ReqApx ¶9–10 (<i>silent</i>). <u>Discredit PSOF</u> ¶8,15,22 = ReqApx ¶57–58,66–67,75–77, ¶¶28,50,68. <u>Credit DSOF</u> ¶6¶¶25 (<i>silent</i>).</p>
<p>Ⓞ "Raison d'être" (no third-party complaints)⁷</p>	<p><u>Op</u> ¶6 = ReqApx ¶10–12 (<i>silent</i>). <u>Discredit PSOF</u> ¶24 = ReqApx ¶78– 79, ¶¶77. <u>Credit DSOF</u> ¶6 (<i>silent</i>).</p>

γ • Mandel/IBM's claim that "IBM does not accept third-party complaints" is either (i) *false* or (ii) *illegal* (per ADA, PetAdd ¶5,

Issues/Facts	Lower Courts' <i>Faux</i> "Findings"
Ⓟ STD leave; Mandel refusal to investigate	<u>Op</u> ¶5,10 = ReqApx ¶9–10,16–17. <u>Discredit PSOF</u> ¶8,12–14,16,26–27 = ReqApx ¶57–58,62–66,67–69,81–83, ¶¶28,41,45,53,86. <u>Credit DSOF</u> ¶6,8,12¶¶26,34,55.
Ⓞ MTRs; false interpretations ^δ	<u>Op</u> ¶5–9 = ReqApx ¶9–16. <u>Discredit PSOF</u> ¶21–23 = ReqApx ¶74–78, ¶¶66–72. <u>Credit DSOF</u> ¶7–11¶¶32–33,35–52.
Ⓡ Rescind physical & electronic access	<u>Op</u> ¶6 = ReqApx ¶10–12 (<i>silent</i>). <u>Discredit PSOF</u> ¶13–15 = ReqApx ¶63–67, ¶¶45,47–48. <u>Credit DSOF</u> ¶12¶¶53–54.
Ⓢ Feldman misclassify work- at-home days	<u>Op</u> ¶7 = ReqApx ¶12–13 (<i>silent</i>). <u>Discredit PSOF</u> ¶8–9 = ReqApx ¶57– 59, ¶¶30. <u>Credit DSOF</u> ¶9 (<i>silent</i>).
Ⓣ Feldman & Kime sabotage transfer	<u>Op</u> ¶9–10 = ReqApx ¶14–17. <u>Discredit PSOF</u> ¶9–13,16,23 = ReqApx ¶58–65,67–69,77–78, ¶¶31,33– 40,42–44,54,73–74. <u>Credit DSOF</u> ¶12–15¶¶57–66,68,70.

“oneself or others”) — hence, either (i) *pretextual* or (ii) *direct* evidence of wrongdoing. This is one-of-many-many items towards which the lower courts *steadfastly maintained a “blind eye.”* {† This is not the meaning signified by the blindfold on the classic image of Lady Justice (Latin *iūstitia*, justice/fairness/equality/righteousness) since ancient Roman times!}

δ • See ReqApx ¶12f4, ¶15f8.

Issues/Facts	Lower Courts' <i>Faux</i> "Findings"
Ⓢ Fake offer of accommodation (Metzger)	<u>Op</u> ¶9–10 = ReqApx ¶14–17. <u>Discredit PSOF</u> ¶18–21 = ReqApx ¶70–74, ¶¶60,63,65. <u>Credit DSOF</u> ¶14–15¶¶67,69,71–72.
Ⓢ LinkedIn; EMC ^ε	<u>Op</u> ¶10–11 = ReqApx ¶16–18. <u>Discredit PSOF</u> ¶17 = ReqApx ¶69–70, ¶56. <u>Credit DSOF</u> ¶16¶74–77.
Ⓢ Imprivata ^{fε supra}	<u>Op</u> ¶10–11 = ReqApx ¶16–18. <u>Discredit PSOF</u> ¶17,27–28 = ReqApx ¶69–70,82–84, ¶¶56–57,90–91. <u>Credit DSOF</u> ¶16–17¶¶73,78–81.
Ⓢ Termination ^ζ	<u>Op</u> ¶11 = ReqApx ¶17–18. <u>Discredit PSOF</u> ¶17–18 = ReqApx ¶69–71, ¶57. <u>Credit DSOF</u> ¶17¶79.

ε • These two items (Ⓢ, Ⓢ) were “made-up” “issues” by IBM, serving no purpose other than *harassment* — hence *falsely* leading *directly* to the termination (item Ⓢ, see fζ *infra*).

ζ • Besides illicitly employing: (i) their *PSOF-Exclusion* tactic to *wholly avoid* addressing termination (this Ⓢ entry); *and* (ii) their *QDI-Exclusion* tactic to *wholly avoid* the termination issue (see Petition ¶27f41, and PetAdd ¶19); the lower courts *also additionally* (iii) *conflicted* with the Ninth Circuit on ADA *substantive-law* regarding “Manifestation-of-Disability (MOD)” termination (see PetAdd ¶19).