In the
Supreme Court of the
United States

WALTER TUVELL

Petitioner

v.

INTERNATIONAL BUSINESS MACHINES (IBM)

Respondent

On Petition for Writ of Certiorari to the United States Court of Appeals for the First Circuit

PETITION FOR WRIT OF CERTIORARI, SUPPLEMENTAL BRIEF, OF PETITIONER

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1 • Tuvell is not “really” pro se — see main Petition ¶vif6.
INTRODUCTION

Pursuant to Sup.Ct.R. 15.8, petitioner hereby submits this second Supplemental Brief ("Supp-Brief") to his Petition for Writ of Certiorari (with Required Appendix), “PetWritCert.”

The sole reason for submitting this brief is to notify and transmit to this Court (in the appendix, “SuppApx”) additional information, in the form of two letters that petitioner has filed with the Judicial Council, supporting his two Complaints of Judicial Misconduct in connection with this case. The two letters were of course not available when the main PetWritCert was filed, nor when petitioner’s first Supplemental Brief ("SuppBrief") was filed.

The two letters provide eight solid examples of other (contemporaneous) cases, in which the same district judge (Casper) applied correct PSOF-Inclusion — in sharp contrast to the false PSOF-Exclusion scheme she applied in our case. The significant differentiator between those other cases and our case is our greater degree of complexity/“hardness” — as we have pled in the main PetWritCert (¶ spanning 15–16; PSOF-Exclusion Table (Abridged 29; Unabridged ReqApx 86–90); 40 2nd ¶).

“Proof-positive” of Judicial Misconduct.

2・ Those two Complaints of Judicial Misconduct were the subject of petitioner’s first Supplemental Brief (SuppBrief).

3・ Lies/malfeasance/fraud (not incompetence/insanity).

SuppBrief < i / ii >
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COMPLAINT OF JUDICIAL MISCONDUCT, LETTER #1

From:
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October 2, 2016

Dear Ms. Pagano:

This letter\(^1\) is to inform you (Judicial Council of the First Circuit) of two pieces of new/additional material I have discovered this morning, relevant to the two Complaints of Judicial Misconduct that I have filed with your office (September 12, 2016).\(^2\)

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1. Delivered by both email and U.S. mail.
2. And which, as you know, has been forwarded to the U.S. Supreme Court, in the Supplemental Brief to my Petition for Writ of Certiorari №16-343.
Both pieces of this new material apply to both of the Complaints (District and Appeals) I have filed. This new material is important, and should be distributed immediately to all appropriate members of the Judicial Council.

It will be recalled that my two complaints, as filed, have at their core the fact that the judges (both district and appellate) refused to consider Plaintiff's Statement of Material Facts (PSOF) that was filed to the district court in my case at summary judgment stage. (I am the plaintiff.) The new material I am transmitting here proves that Casper does indeed consider PSOFs in other cases she adjudicates at summary judgment. This proves, therefore, that Casper did indeed knowingly target my case differentially/discriminately/falsely — exactly as alleged in my complaint(s) — thereby supplying new/additional irrefutable proof of judicial misconduct (by both Casper and the appellate judges, as explained in f3 supra).

The new material presented here consists of the

3 • Both pieces of additional material presented here are excerpts from opinions of Judge Casper, illuminating her complained-of behavior in my case (District Docket №13-11292-DJC). However, since the Appellate Courts (both panel and en banc) in my case (Appellate Docket №15-1914) whole-heartedly adopted Casper's opinion, any/all complaints lodged against the district judge apply equally as complaints against the appellate judges too. (I am certain that I could additionally find similar material relating directly to the appellate judges I have accused of judicial misconduct, but that is an exercise I have not attempted.)
following two excerpts from two other opinions Casper has issued at summary judgment stage. As presented here, the new material is formatted straightforwardly (not reformatted) as screenshots-with-comments/emphasis/highlighting from the two published PDF opinions. As a convenience to you, I am also forwarding to you (as email attachments) full copies of the two published PDF opinions.

- *Shervin v. Partners HealthCare System (No10-cv-10601, March 7, 2014), ¶2:*

**II. Facts**

As discussed in the Court’s legal analysis, a number of the material facts in this case remain disputed. To the extent a material fact is **undisputed**, the Court refers to either Harvard’s Statement of Material Facts, D. 153, or the remaining Defendants’ Amended Joint Statement of Material Facts, D. 172, and Dr. Shervin’s responses to same, D. 230 and D. 229, respectively. To

† † † Per Supreme Court Rule, the screenshots appearing in the original letter are here reformatted, and re-colored (~ grey).
the extent Dr. Shervin raises additional allegations, the Court refers only to her additional Statement of Material Facts, D. 217, or her responses to the Defendants’ Statements of Material Facts, again D. 229 and D. 230.

- **Fiske v. MeYou Health, Inc. (No.13-10478-DJC, June 20, 2014), ¶3:**

**III. Factual Background**

The Court draws the facts of this case from the parties’ statements of facts and their responses to same. D. 29-2, 33 (collectively “SOF”).¹ MYH was founded in 2009 and is a [...]  

¹ Defendants have not responded to Plaintiffs’ “further statement of material facts,” SOF ¶¶ 32-84, instead moving her supporting affidavit, D. 38.
Sincerely yours,

/s/ Walter Tuvell

Walter E. Tuvell
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COMPLAINT OF JUDICIAL MISCONDUCT, LETTER #2

From: Walter Tuvell
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October 3, 2016

Dear Ms. Pagano:

This letter is a follow-up to the previous letter I sent you (yesterday).

After a little more (non-exhaustive) research, I have discovered some additional examples of other cases adjudicated by Judge Casper, of the same general nature as mine (employment/labor, discrimination/retribution, summary judgment, etc.) — which

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1 Delivered by both email and U.S. mail.

Complaint of Judicial Misconduct, Letter #2
involve Casper correctly citing to plaintiff/non-movant’s Statement of Material Facts (PSOF) (as is required by law/rule, FRCP-LR 56.1). These examples therefore provide additional instances contrasting with her wrongful actions in my case (where she falsely refused to cite to my PSOF) — thereby additionally supporting my complaint(s) of Judicial Misconduct (both District and Appeals) in my case.

The formatting of the listed items, infra (in no particular order), follows that of my previous letter. Also as previously, I am providing you with full PDF copies of Casper’s opinions (via email), for your convenience.

- Griffin v. Adams & Assoc. (№14-12668-DJC, June 28, 2016), ¶3:

  III. Factual Background

  The following facts are drawn from the parties’ statements of material facts, D. 47, D. 53, and, unless otherwise noted, are undisputed.

2 · Interestingly, I have also found motion to dismiss (parallel to summary judgment) employment cases by Casper, where she correctly cites to non-movant/plaintiff’s original Complaint (parallel to PSOF); e.g., Breda v. McDonald (№15-13263-DJC, Dec. 23, 2015).
**Sanchez v. NECCO** (N\textsuperscript{2}14-11353-DJC, August 14, 2015), \(\S\)2:

**III. Factual Allegations**

Unless otherwise noted, all facts are drawn from [Sanchez’s statement of material facts, D. 57, and Local 348’s statement of material facts, D. 52.](#)

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**Bailey v. PWC** (N\textsuperscript{2}14-10141-DJC, November 18, 2015), \(\S\)2:

**III. Factual Background**

**A. Independent Foreclosure Review Projects**

Bailey was hired by PwC as a switchboard operator in 1995. [D. 53 \(\S\) 15.](#) During her first ten years at PwC, she worked as a hotel administrator, receptionist and executive assistant. [Id. \(\S\S\) 16-18.](#) In 2005, Bailey became an associate in the Capital Markets group supervised by PwC principal Scott Dillman. [Id. \(\S\S\) 22-23.](#)

*Complaint of Judicial Misconduct, Letter #2*
During her employment at YouthBuild, Boone received reports from students that McHugh, a YouthBuild teacher, had made racially offensive comments. An African-American student reported that McHugh told her: “There are more African American people on Welfare than Whites; you should be ashamed of yourself. I know you all feel bad and might want to donate to the kids in Africa but I could give a damn. I change the channel and keep eating my food.” D. 36-1 at 2. A student from Cape Verde said that McHugh said “he could care less about the kids in Africa ... and there are enough people like that on welfare anyway.” D. 36-2 at 2. A white student reported that McHugh told the class that he did “not know why people get so mad about slavery, sorry to break it to you guys but you guys were the ones
selling your own fucking kind first.”

Boone and a coworker approached Barakat in early 2013 to [...]"}

III. Factual Background

The following facts are drawn from the parties’ statements of material facts, D. 61, D. 64, and unless otherwise noted, are undisputed.

Joyce v. The Upper Crust (№10-12204-DJC, July 21, 2015), ¶4 — illustrating Casper’s familiarity with (mastery of) FRCP-LR 56.1:

IV. Factual Background

The following facts are as described in Joyce’s statement of material facts, D. 85. Tobins did not file a statement of material facts in support of his motion for partial summary judgment.³

Complaint of Judicial Misconduct, Letter #2
At oral argument, Joyce argued that Tobins’s motion for partial summary judgment should be dismissed as Tobins did not submit a concise statement of material facts in support of his motion in accordance with Local Rule 56.1. See Mass. L. R. 56.1 (noting that “[m]otions for summary judgment shall include a concise statement of the material facts ...” and that “[f]ailure to include such a statement constitutes grounds for denial of the motion”). Tobins indicated, however, that for the purposes of summary judgment, he did not dispute the facts as presented by Joyce. Accordingly, the Court will not dismiss Tobins’s motion due to this procedural flaw, but will rely upon Joyce’s statement of facts with all reasonable inferences drawn in Joyce’s favor.

Naturally, I expect this information to be immediately conveyed to the appropriate members of the Judicial Council.

Sincerely yours,

/s/ Walter Tuvell

Walter E. Tuvell