

2021-1535
IN THE APPEALS COURT FOR THE FEDERAL CIRCUIT

Opening Brief on Appeal

Corrected SUPPLEMENTAL APPENDIX , Part 2 continued

APPELLANT PRO SE

Ms. Dorothy M. Hartman
254 So. 16th Street
Philadelphia , Pa. 19102

Jurisdiction

What kind of cases are heard by judges of the court?

As established by Congress in 1855, the purpose of the court is to allow citizens to file claims for money against the federal government. To read more about the court's history, please [click here](#). The court has nationwide jurisdiction and its judges may hear cases anywhere in the United States.

What is the scope of the court's jurisdiction?

The court is authorized to hear primarily money claims founded upon the Constitution, federal statutes, executive regulations, and contracts (express or implied in fact) with the United States. The court's primary jurisdiction lies in 28 U.S.C. § 1491, known as the Tucker Act. Under this and other statutes passed by Congress, the court may hear a variety of specialized claims against the federal government including contract claims, bid protests, military pay claims, civilian pay claims, tax claims, Indian claims, takings claims, Congressional reference cases, vaccine injury claims, and patent and copyright claims.

What is a Civil Right?

Civil rights are the non political rights or privileges of citizens, especially the rights to personal liberty guaranteed to United States citizens by the 13th and 14th amendments to the Constitution.

Can the federal government be sued?

Yes, but only in the United States Court of Federal Claims, a special court that hears only claims against the United States. No claims against the US may be made in any state court.

Is the US Court of Federal Claims an Article III court?

No. The US Court of Federal Claims is an Article I court, which makes it part of the Legislative Branch of government rather than the Judicial Branch. Congress established the US Court of Federal Claims in 1855 to hear many types of cases involving monetary claims against the United States. According to US Code (28 USC § 1491), the jurisdiction of the Court "is over claims for just compensation for the taking of private property... READ MORE

What did the US Supreme Court Dred Scott decision say about slavery?

The US Supreme Court said that slaves were not citizens and therefore had no right to bring suit in Federal court, and that the Federal government had no authority to decide whether a State would be "slave" or "free." See related link.

The Court of Federal Claims is also unique among federal courts in that it does not hear criminal cases or convene juries. Rather, the judges of the court

possess jurisdiction, as conferred by Congress, to resolve suits against the federal government for money damages not sounding in tort. The majority of the court's adjudications concern government contract, bid protest, civilian and military pay, tax refund, Fifth Amendment just compensation, intellectual property, Native American, and vaccine injury claims, but Congress has also conferred jurisdiction on the court to hear cases in other, specialized areas of the law (such as unjust conviction and imprisonment, oyster grower, and aviation insurance claims). The Court of Federal Claims is also the only federal court with the authority to adjudicate congressional reference cases. If you would like to read more about the history of the court, please [click here](#).

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In the United States Court of Federal Claims

No. 20-832 C

(Filed: November 16, 2020)

DOROTHY M. HARTMAN

Plaintiff

v

JUDGMENT

THE UNITED STATES

Defendant

Pursuant to the court's Memorandum And Order, filed November 16, 2020, granting defendant's motion to dismiss,

IT IS ORDERED AND ADJUDGED this date, pursuant to Rule 58, that plaintiff's amended complaint is dismissed without leave to replead.

Lisa L. Reyes

Clerk of Court

By:

Deputy Clerk

NOTE: As to appeal to the United States Court of Appeals for the Federal Circuit, 60 days from this date, see RCFC 58.1, re number of copies and listing of all plaintiffs. Filing fee is \$505.00. Case 1:20-cv-00832-EMR Document 30 Filed 11/16/20 Page 1 of 1

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IN THE UNITED STATES COURT OF FEDERAL CLAIMS

DOROTHY M. HARTMAN,
Plaintiff

Case No. 1:20- cv- 00832
Judge Eleni M. Roumel

v.

THE UNITED STATES
Defendant

NOTICE OF APPEAL OR RECONSIDERATION BY THIS COURT TO REOPEN
CASE .

1.According to civil , constitutional , and criminal laws of this country , the Plaintiff Pro Se alleges that she has been and continues to be the victim of historically one of the greatest attacks of Domestic Terrorism and Judicial and governmental abuse of Office . With all due respect to the Court of Federal Claims and the apology of the Plaintiff to its Chief Judge Eleni Roumel , the Plaintiff wishes to reopen this case closed by the Memorandum / Order filed by Your Honor on November 16 , 2020 .

2.Absent what errors that may have appeared in her July 6 , 2020 filing , the Plaintiff would like to reiterate her eligible claims that exist under the Big Tucker Act under this Court's jurisdiction in the hopes that she might yet find relief in Law and Justice .

3.Let's consider the Judge's Memorandum /Order filed November 16 , 2020 to examine the parts of the Plaintiff's Complaint that might be salvaged and considered in this appeal as the law is quite specific in noting the rights to which the Plaintiff Pro Se is entitled under the jurisdiction of the court of federal claims-

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that jurisdiction best known by the Court . Attached for Reference is the Judge's 8-paged Opinion . To maintain her claims which now are in their 6 th year , the Plaintiff Pro Se who is still traumatized by her experiences which include the loss of two homes by what can only be described as a 'fraud fest' carried out by government employees – primarily judges but not limited to Judges acting outside of their role as judges and abusing the privileges of their office .

4. With all due respect to this Court and to Your Honor , the Plaintiff Pro Se asks that she be judged according to her position and that is a plaintiff pro se and not a lawyer who has been forced into that position by those violating their office and committing crimes against the plaintiff . The Plaintiff brought her case before this court, the CFC on July 5 , 2020 having already introduced her case in a timely manner to previous District Courts where the final acts of injustice occurred in an effort to maintain the statute of limitations on her claims . The domestic terrorism to which the plaintiff has been subjected which not only involves the loss of two homes which were taken by FRAUD , but the defamation of her good name and reputation including extreme and intentional infliction of distress as she has been under attack by hundreds of individuals online and off while she was already ill . This has left her traumatized . Those violations of the Plaintiff's civil , constitutional , and criminal acts have caused extreme damage to her and because of her age may never recover . Therefore for the sake of Justice , In spite of the Plaintiff Pro Se errors , I hope that Your Honor will reconsider and reopen this case which deserves a look at actual evidence and to hear from witnesses .

5. 3 rd Circuit of Appeals and the Federal Circuit Ct. of Appeals .- These Opinions , the Federal Circuit Ct. of Appeals opinion rendered and mandated in April 2013 – a Writ of Mandamus # was filed with the Supreme Court but not reviewed and therefore denied on February 2015 .. Further , in the 3 rd Circuit Ct. of Appeals , the Opinion affirmed in Mellon Bank et al vs. Dorothy M. Hartman was handed down on May 5 , 2016 , Hartman filed a Writ of Certiorari #1310187 that was filed with the Supreme Court and therefore denied . These judicial acts were not decades ago but within 6 years and pursuant to 28 U.S. Code § 2501 may still be heard by this Court,

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the CFC to determine whether the acts by government employees acting against the Plaintiff in ways that seriously harmed her – motivated by racial hatred , prejudice and excessive greed alleges the Plaintiff dictate that the victim should receive Justice and compensation for her loss(es) and suffering .

6. Pursuant to 28 U.S. Code § 2501, Every claim of which the United States Court of Federal Claims has jurisdiction shall be barred unless the petition thereon is filed within six years after such claim first accrues. Plaintiff has suffered horrendously and continues trying to live in anguish and therefore asked this court for relief from injustice and cruelty . The fact of the matter is the government has empowered and enriched itself by theft of property and while at the same time cruelly exploiting of the Plaintiff who was a working and law abiding person who purchased nice homes – not a criminal nor a thief but a contributing member of society who contributed a considerable amount of service as well as valuable property through her creativity and skills . Therefore to maintain the statute of limitations of her claims , the Plaintiff respectfully asks that Your Honor , Eleni Roumel reopen her case .

6.Pro Se Plaintiff alleges that she can prove her allegations and claims if given the opportunity to do so . She was not having mortgage problems when her home at 822 So. 5 th Street was taken from her through Fraud , a fraudulent mortgage foreclosure and falsified criminal records in the 3 rd Circuit Court of Appeals . She lived in an Apartment at 2200 Parkway , Apt. 105 because she could not live in her home because of being harassed and intimidated and had rented her home to tenants . The prejudiced judges , that she refers to as a “lynch mob” who had it in for her because of her lawsuit for fraud and discrimination against a Jew , Dennis Milstein , John D’Angelo , Frank Pryor and Greenwich Walk Homeowners Assn had used its influence . These men where big shots in Philadelphia City Government . Dennis Milstein and his father Howard in Real Estate , John D’Angelo a lawyer and secretary for the Philadelphia Civil Service Commission , and Frank Pryor Police Captain for the 3 rd District and apparently ‘friends’ with the respondents or

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condominium board . The judge apologized to Mr. D'Angelo for having to bring him to court .

7.“Being the first Black and female head of household to purchase a condominium there at that Complex on Philadelphia’s South Street – I was insulted with racial and sexual epithets , such as “suck 16 inches “and had been sold a condominium with a leaky bedroom which had been covered up – apparently by the seller bribing the housing inspector . After 4 years of it , I finally sued in 1998 – it was just the beginning of what became a legal nightmare with the ‘ fix on ‘ to put the ‘niggah in her place’ . That was only the beginning of what would become a living hell especially when the trial was fixed with the subpoena for the Housing Inspector was squashed and the fraud became a non suit and the judges did not order the respondents to fix the roof but he did pose the question to the jury as to whether they felt the roof was a defective condition before purchase to which they they all answered “yes” but to prevent the seller from paying punitive damages he had already entered a non suit for fraud. I won the case on a lesser charge of negligence, an \$8,000 judgment not \$400,000 as they claimed in falsified criminal records .

8.“ I was forced to move from my condominium at 1105C South Street and purchased 822 So. 5 th Street but the mob influenced by city workers and judges continued as they do to this day to harass , threaten , and intimidate .That case as well as others designed to strip me of all of my property rights have followed . Evidence and witnesses can attest to this . I was not having ‘mortgage problems ‘. I was paying rent and a mortgage when they took my house because the troublemakers sent a convicted felon into my home to rob my tenants and tore up my house resulting in \$8300 damages. That is what caused me to default and Bank of America which was in on the fraud would not allow me to repair the default in my mortgage even though I had income. I am the victim in this situation – not the defendants or lynch mob and thieves . I lived almost happily in spite of poor health for almost 50 years until my contact with race hating judges , government employees , and politicians who resented my

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intelligence and accomplishments and they attacked me and took everything that I own and worked for over a lifetime .There are a number of them involved in it . I have a right to defend myself and my property from them and a right for redress for my grievances in a court of law .”

9.“ It consists of a civil conspiracy which may have had its roots in Philadelphia but once they learned in Deposition of my home office , Talk Shoppe Inc. , and my involvement in the development of the Internet – thus began the involvement of others and their taking of my property and other cruelty. “ I kept a journal with the Comptroller of the Currency of the outrageous and cruel things done to me and to my property homes and automobiles while being harassed and made to live in a hostile environment . “ Any supposed bad luck in business was caused by destruction of my websites and business start ups online through censure and sabotage of my sites by those who have been gifted with my intellectual property by the government and who along with some of the government employees have been promoted or flourished through profits . Talk Shoppe Inc. is probably the first prototype in history to have a supposedly ‘criminal record ‘ . “

10.“These people that I sued were associated with city workers. My experiences are available through the Freedom of Information Act. See Exhibit 3 and I shared that with the crooked trials that I was subjected to but all judges associated with the take away of my home – ignored evidence and tried to portray me as ‘no good’ with their lies and libel. I have always been quiet and reclusive for the most part because of illness . However besides school , teaching , inventing and taking care of my family – that is the only thing I have done in life . My contributions are nothing to sneeze at and not only do I deserve to be paid for property that they took from me including my homes , and intellectual property , because it was done with politics and hate and nothing legal about it. Soon the mob included Harrisburg , Pa. , Washington D.C. and Alexandria , Va.“

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11. My claims can be proven . Thus far I have not had the opportunity to be heard in Court. Therefore I ask this Court to reopen this case , according to its discretion for Cause of Action . I am only a disabled woman . What could I have possibly done to cause all of these people to hurt me ? I have enclosed one of the letters from my personnel file. I was well thought of by my former employers , my colleagues , and my neighbors . I am not aggressive nor a trouble maker . See Exhibit 1 Even after retirement I spent a great deal of time inventing ideas to help people , not hurt them . I deserve Justice for this situation . I would never had been treated this way had it not been for the resentment to me an African-American a well educated and , articulate woman , racial hatred , and excessive greed surrounding the worth of my property especially what eventually became the new Internet after 1990 . “Therefore I ask the Court to use and exercise its jurisdiction to hear this case because interference with patenting and intellectual property or trade secrets that belong to another is theft especially when done with government employees being in conspiracy with each other and conflicts of interest where they have charge of my property and can do what they like .”

However, a pro se plaintiff still has the burden of establishing this Court’s jurisdiction by a preponderance of the evidence. Reynolds, 846 F.2d at 748; Curry v. United States, 787 F. App’x 720, 722 (2019) (citing Kelly v. Sec’y U.S. Dep’t of Labor, 812 F.2d 1378, 1380 (Fed. Cir. 1987)). As with all other litigants, this Court must have jurisdiction over claims brought by pro se litigants. See Reynolds, 846 F.2d at 748

12. On Appeal or reconsideration , the Plaintiff Pro Se will restrict her allegations and charges to Federal Government Employees although they influenced others, those over whom the Court of Federal Claims does have jurisdiction and concentrate on compensatory damages that because of the subject matter and the illegal acts involved by numerous individuals in the theft of what has become exceedingly valuable property are still considerable . There was no way that I should have been treated the way I was , It was unnecessary , inhumane, and mean. I want the ones responsible to be held accountable .”

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“Function of court on motion is to determine whether genuine issue of fact exists.” *Palmer v. Capitol Life Ins. Co.*, 157 Neb. 760, 61 N.W.2d 396 (1953).

“On a motion for summary judgment, the question is not how a factual issue is to be decided, but whether any real issue of material fact exists. Where it is not clear from the record whether the trial court relied upon improper evidence, the better course is to reverse a grant of summary judgment. Summary judgment is an extreme remedy because it may dispose of a crucial question in litigation, or the litigation itself, and may thereby deny a trial to the party against whom the motion for summary judgment is directed.” *Kulhanek v. Union Pacific RR. Co.*, 8 Neb. App. 564, 598 N.W.2d 67 (1999)

BACKGROUND OF THE CASE

1990- 1991.Theft of intellectual property of the Inventor by the government . Issues were heard in Court before the Federal Circuit Ct. of Appeals in case referenced in

2013 1070 and referenced here in which the United States Patent and Trademark Office in conflict with its own interests ignored the prior theft by National Science Foundation of inventor’s by taking steps to deliberately slow patent application claiming that it would take 12 years to prosecute intellectual property which was the priority data filed with patent application in 2004 but later during prosecution was removed.* See Corrected filing receipt dated 2012 and enclosed here with this Appeal as Exhibit 2 . In secret the National Science Foundation used inventor’s intellectual property to transform and introduce new internet around 1993 . Although the Court Case was held in 2013 and a Writ of Mandamus filed in February 2015 – the violations had begun years before. Note . Inventor’s address where she lived when corrected filing receipt was mailed to the 2200 Benjamin Franklin Parkway in Philadelphia as she was forced to rent out her home at 822 So. 5 th Street . She alleges that same ‘mob’ involved today . She still alleges illegal incursions into her computer and documents and being harassed in her everyday life . “ I deserve to have my life and dignity back.”

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2014-2017. United States Patent and Trademark Office held Inventor's Patent Application U.S. #11003123, the Accessing Accessibility Process in abeyance refusing to even begin prosecution until sometime around 2008 – alleging Jafri apparently entered around 2003 was a statutory bar . Hartman alleges that Jafri was introduced by Patent Office via the NSF to deliberately bar and was not immediately validated. Even so , Jafri could not bar completely as it only covered on type of transaction , a mere sliver of the changes introduced by using the Accessing Accessibility Process . She alleges based on her handicap more than anything else .She is often made the butt of jokes especially cat jokes as when she first appeared on Twitter , her handle was Alpha Kitty . The Federal Circuit Ct. of Appeals in taking up this issue in 2013 did not consider the what the inventor alleges was fraud in the United States Patent and Trademark Office . Further there were other flaws in its opinion as claiming the black inventor's invention was indefinite as it is not . It requires machinery and machinery accessories and is therefore is defined and definite . The Federal Circuit ct. of Appeals did not grant rehearing and did not consider FRAUD in Patent Office . The fact that the inventor's property is used everyday by the government and yet has made no effort to make the inventor whole should make the case still relevant .2016 . The decisions and opinions entered in by Judges in the 3 rd Circuit Ct. of Appeals involved not only fraud which can be proven by evidence and witnesses but that essentially took away the inventor's homes involving two residences and done by a civil conspiracy aided by the production of fraudulent criminal records by someone in the Penna. Judicial Administration leading to not only the takeaway of one home but two that she had purchased and owned . This contributed to the defamation of her character and financial losses of her homes approximately \$600,000 . The Internet and Worldwide Web is worth trillions of dollars but only those not like her were gifted with her property by the National Science Foundation and given the opportunity to make names and fortunes for themselves . Plaintiff alleges that these attacks on her have been brutal in not only stripping her of property rights , maligning her character and reputation , but financial and monetary losses and extreme and intentional infliction of distress by numerous individuals involved in the theft and fraud for their own advancement and

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enrichment . The invasion of privacy , medical malfeasance , extreme distress , harassment and loss of her health are priceless and may never be overcome .
2016 – Again using property taken from the black inventor , Dorothy M. Hartman alleges that the federal government using her intellectual property [her version of the Internet as introduced in secret by the National Science Foundation through Merit Networks of Michigan] was introduced to the public as a public utility – again totally disrespecting the rights of the inventor . The Department of Commerce under the auspices of the presidential administration forming a questionable alliance with a so called private company , ICANN declared the Internet a public utility without any declaration of Eminent Domain . Intellectual property patented or not is assigned to its inventor and like any other property if seized by the Federal Government should be assigned a value that is offered to the owner . *Inventor suggests that in fairness to all concerned that a patent should be granted as it was interfered with by the National Science Foundation taking her property without her permission and stopping the Prima Facie awarding of a patent from an idea that was novel at the time and the Inventor was the First to Invent and First to File . A licensed patent with both domestic and foreign license and purchased from the Inventor as it should have been would , in applying the 5 th and 14 th amendment would be advantageous everyone concerned including the Nation .

Sincerely Submitted ,

Signature : "/S/" Dorothy M. Hartman , December 16 , 2020

In the United States Court of Federal Claims

CERTIFICATE OF SERVICE FILED

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In the United States Court of Federal Claims

DOROTHY M. HARTMAN,
Plaintiff,

No. 20-cv-832

v.

Filed: December 21, 2020

THE UNITED STATES,
Defendant.

ORDER

On December 16, 2020, Plaintiff filed a motion requesting this Court reconsider this Court's Memorandum and Order (ECF No. 29) and Judgment (ECF No. 30) dismissing Plaintiff's Amended Complaint. See "Notice of Appeal or Reconsideration by this Court to Reopen Case .[sic]" (ECF No. 32) (Pl. Mot.). Motions for reconsideration are governed by Rule 59(a)(1) of the Rules of the United States Court of Federal Claims (Rule or Rules). Under Rule 59(a)(1), a court, in its discretion, "may grant a motion for reconsideration when there has been an intervening change in the controlling law, newly discovered evidence, or a need to correct clear factual or legal error or prevent manifest injustice." *Biery v. United States*, 818 F.3d 704, 711 (Fed. Cir. 2016) (internal citation and quotation omitted). A motion for reconsideration must also be supported "by a showing of extraordinary circumstances which justify relief." *Id.* (citing *Caldwell v. United States*, 391 F.3d1226, 1235 (Fed. Cir. 2004)). Such a motion "may not be used to relitigate old matters, or to raise arguments or present evidence that could have been raised prior to the entry of judgment." *Exxon Shipping Co. v. Baker*, 554 U.S. 471, 485 n.5 (2008) (quotation omitted). "The decision whether

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to grant reconsideration lies largely within the discretion of the [trial] court.” Yuba Natural Res., Inc. v. United States, 904 F.2d 1577, 1583 (Fed. Cir. 1990). Under Rule 59(b)(1), a motion for reconsideration must be filed within twenty-eight (28) days after the entry of judgment. Here, the Court entered judgment on November 16, 2020. See ECF No. 30. Plaintiff’s Motion to Reconsider was not filed with the Court until December 16, 2020, two (2) days past the deadline mandated by Rule 59(b)(1). See Pl. Mot. at 9. Notwithstanding the untimeliness of her motion, the Court has reviewed and considered the entire record, including all of Plaintiff’s arguments in her Motion to Reconsider. Plaintiff’s arguments on reconsideration are not based on a change of law or newly discovered evidence—nor is there a clear factual or legal error for the Court to correct. The Motion for Reconsideration merely makes arguments that Plaintiff either made before or could have made at the motion to dismiss stage. See *Four Rivers Invs., Inc. v. United States*, 78 Fed. Cl. 662, 664 (2007) (motions for reconsideration are not opportunities for parties to reassert arguments that the court has already heard) (citations omitted). Finally, to the extent Plaintiff intended for her Motion to serve as a Notice of Appeal, this Court does not have jurisdiction to consider it; Plaintiff must instead file her appeal before the United States Court of Appeals for the Federal Circuit. Accordingly, Plaintiff’s motion is DENIED.

IT IS SO ORDERED.

s/Eleni M. Roumel
ELENI M. ROUMEL
Chief Judge