

**INTRODUCTION**

I, Diana R. Williams, the Petitioner who is being represented Pro Se, hereby, requests that the Petitioner's 1<sup>st</sup> Motions For Deferral Of "Notice Of Contemplated Dismissal (Lack Of Prosecution)" 1. 1<sup>st</sup> Motions For Deferral Of "Notice Of Contemplated Dismissal (Lack Of Prosecution)" 2. Motion For A Hearing And to Vacate "The Notice Of Contemplated Dismissal (Lack Of Prosecution)". 2.) Motion For A Hearing On Motions As Permitted Under Maryland Rule 2-311 based on the grounds and authorities cited below:

CR59 (a)(4) cites that newly discovered evidence, material for the party making the application that could not have been reasonably discovered and produced earlier, are grounds for granting the Petitioner's Motions. The newly discovered evidence, material for the Petitioner, who is being represented Pro Se and making the application, which could not have reasonably been discovered and produced earlier by the Petitioner is that: 1.) For the 1<sup>st</sup> time, the Petitioner has filed Motions for Deferral of "Notice of Contemplated Dismissal (Lack of Prosecution)" and to Vacate the Notice of Contemplated Dismissal (Lack of Prosecution)" because: a.) This civil litigation is still ongoing, although the Petitioner has been waiting for over 10 months on the presiding Judge, Judge M. Schreiber II, to respond to the Petitioner's most recent Motions filed on 11-1-23 or for Judge Fletcher-Hill, the Judge-in-Charge of presiding over assigning Judges in the Civil Division to preside over civil cases, to assign a new presiding Judge to preside over the Petitioner's 11-1-23 Motions. b.) As evidenced in the record, the Petitioner has, also, filed on this day, namely, 10-15-24, a "Motion For Default Judgment", a "Motion For a hearing on this Motion", and her "1<sup>st</sup> Motion for Disqualification of Judge Fletcher as the Judge-in-Charge of presiding over assigning Judges to preside over the Petitioner's civil case, and a Motion for a hearing on this Motion. 2.) For the 1<sup>st</sup> time, the Petitioner is pleading for hearing on these Motions.

**RULE 2-311**

**1.) 1<sup>st</sup> MOTIONS FOR DEFERRAL OF "NOTICE OF CONTEMPLATED DISMISSAL (LACK OF PROSECUTION)" AND TO VACATE THE "NOTICE OF CONTEMPLATED DISMISSAL (LACK OF PROSECUTION)". 2.) MOTION FOR A HEARING ON MOTIONS AS PERMITTED UNDER MARYLAND**

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**IN THE MATTER** \*  
**THE PETITION OF** \*  
**DIANA R. WILLIAMS** \*  
**CIRCUIT COURT** \*  
**FOR** \*  
**BALTIMORE CITY** \*  
**Case No. 24-C-17-004535** \*

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As evidenced in the record and in the Petitioner's most recent Motions, which were filed on 11-1-23 (Exhibits 155 and 156, respectively, on the Petitioner's website), the Petitioner responded to the

legal arguments that substantiate the Heading in the Petitioner's 9-8-23 Motions. Schreiber fails to disclose, consider, and resolve in his Findings and Order, any of the material facts and legal arguments in the Petitioner's 9-8-23 Motions substantiate the allegations that Judge M. and/or the lack thereof of facts asserted in his Findings and Order and the evidence of the material facts website on 10-20-23 (Exhibit 154 on the Petitioner's website). The evidence of the facts stated in presiding Judge, denied the Petitioner's 9-8-23 Motions in his Finding and Order entered on the Court's Motions (Exhibits 147 and 148, respectively, on the Petitioner's website), Judge M. Schreiber II, the As evidenced in the record, although the Defendant did not respond to the Petitioner's 9-8-23

record during Discovery. afford to, at this time, make copies of all of the pages of all of the Exhibits that will be included in the Although she is on a fixed income, the Petitioner is now able to make her monthly payments, but can't the presiding Judges, and other relevant Exhibits in the Petitioner's civil litigation, which began in 2017. As declared in her other Motions, the Petitioner's family was paying the bill to maintain her website, *www.dionawilliams.com*, so that the Petitioner can continue to post Motions, Findings and Orders from

**STATEMENT OF UNDISPUTED FACTS**

order of dismissal for the period and on the terms it deems proper. Under Maryland Rule 2-507, on a Motion, a party can file at any time before 30 days after service of the notice a Motion for Deferral of Dismissal and the court for good cause shown may defer entry of the

dispositive of a claim or defense without a hearing if one was requested as provided in this section." determine in each case whether a hearing will be held, but the court may not render a decision that is state that a hearing is requested. Except when a rule expressly provides for a hearing, the court shall motion or response under the heading "Request for Hearing. The title of the motion or response shall other than a motion filed pursuant to Rule 2-532, 2-533, or 2-534, shall request the hearing in the Maryland Rule 2-311 (f) Hearing--Other Motions states that "A party desiring a hearing on a motion,

the cause that is too hard for you, bring it unto me, and I will hear it." the small as well as the great: ye shall not be afraid of the face of man: for the judgement is GOD'S: and, brother, and the stranger that is with him. Ye shall not respect persons in judgment: but ye shall hear time, saying. Hear the causes between your brethren, and judge righteously between every man and his judges over the various tribes in Israel in Judges 6:16-17, saying, "And, I charged your judges at that speaketh unto his friend", and Moses informed the judges in Israel of GOD'S law and employed the ruling, the WORD OF GOD states in Exodus 32:11, "And the LORD spake into Moses face to face as a man the Commandments and Laws in the WORD OF GOD. Thus, in terms of judges being impartial in their great Country is founded on Judeo-Christian principles, which mean that our laws are patterned after As a believer in JESUS CHRIST as her LORD and personal SAVIOR, the Defendant believes that our



Findings and Order of Judge Schreiber II, docketed on 10-20-23. As evidenced on the Court's website, as of the filing of these instant Motions, Judge M. Schreiber II, has yet to respond to the Petitioner's 11-1-23 Motions. Moreover, the evidence in the record, also, substantiate that the Defendant has yet to respond to the Petitioner's 11-1-23 Motions.

The evidence in the record and on the Petitioner's website, substantiate the materials facts that, since filing his Motion on 2-4-20 (Exhibit 76 on the Petitioner's website), the Defendant has remained acquiescence in relation to responding to any of the Petitioner's colossal Motions filed since 2-13-20, which, again, include the Petitioner's most recent Motions filed on 1-1-23. As evidenced by the "Certificate of Service" in her Motions filed on 11-1-23, the Petitioner did mail a copy of her 11-1-23 Motions on 11-1-23, but as of the filing of these instant Motions, the Defendant has yet to respond to the Petitioner's Motions.

Along with the evidence of the Defendant having failed to file a Motion to dispute any of the material facts and legal arguments in the Petitioner's Motions filed since 2-13-20 and, thus, has remained acquiescence", substantiate that the material facts and legal arguments in the Petitioner's most recent Motions are indisputable.

As evidenced by her other Motions filed on 10-15-24, the Petitioner has filed a Motion for Default Judgment against the Defendant because the evidence overwhelmingly substantiate the material facts that the Defendant, since filing his Motion on 2-4-20 (Exhibit 76 on the Petitioner's website), has remained acquiescence relevant to disputing in filed Motions any of the material facts and legal arguments cited in the Petitioner's most recent Motions or in any of the Petitioner's colossal Motions filed from 2-13-20 to the Petitioner's present Motions filed on 11-1-23 Motions.

The evidence substantiates the material facts that Judge Fletcher-Hill, the Judge-in-Charge of the Civil Division in the Circuit Court: a.) has not once ORDERED the Defendant to respond to the any of the Petitioner's numerous Motions filed in the Circuit Court since the Petitioner filed her 2-13-20 Motions. b.) has not ORDERED the Defendant to respond to the Petitioner's 11-1-23 Motions. c.) has not ORDERED the presiding Judge, Judge M. Schreiber II to respond to the Petitioner's most recent Motions filed on 11-1-23, nor has Judge Fletcher-Hill assigned another presiding Judge to respond to the Petitioner's most recent Motions.

The evidence in the record substantiate that the Petitioner has filed two other Motions on 10-14-24 (along with a "Motion For a hearing on each Motion), namely, a Motion For Default Judgment and a Motion for Disqualification of Judge Fletcher as the Judge-in-Charge of presiding over assigning Judges to preside over the Petitioner's civil case (Exhibits 181 and 182, respectively, on the Petitioner's website).

As evidenced in the record of the Circuit Court and on her website, the Petitioner's most recent Motions filed on 11-1-23 are Motions from her appeal in the In Banc Review in the Circuit Court of her initial civil litigation whose Civil Complaint was filed in 2017. In her Civil Complaint, amongst other things, the Petitioner alleges that the Defendant breached the verbal contract between the Defendant and the Petitioner which has caused additional distress to the Petitioner. Also, as evidenced in the

Petitioner's Civil Complaint and in her Motions, the Petitioner asserts that, prior to the alleged breach of contract, she and the Defendant had a friendly relationship and was engaged in various conversations, which included the Petitioner revealing to the Defendant that she was enduring afflictions and had been wrongfully terminated by her former employer, the Baltimore City Public School System (hereinafter "BCPSS") due to the Petitioner exposing lead hazards in 4 schools in Baltimore City. As evidenced by facts cited in the Civil Complaint, the Petitioner declares that, among other things, she informed the Defendant that she was a Whistleblower and that the Findings and Recommendation of the Hearing Examiner (119 on the Petitioner's website), the Findings and Recommendations by the Investigators and Administrator from OSHA (Exhibits 124, 125, 126, 127, and 128 on the Petitioner's website, and the dissenting Opinion from the Hon. Judge from the 4<sup>th</sup> Circuit Court of Appeals (Exhibit 136 on the Petitioner's website) substantiate that the Petitioner was unlawfully dismissed as a Mathematics teacher in Baltimore City because she continued to expose, publicly, that there is lead-tainted drinking water and/or lead-based paint hazards at the 4 public schools in Baltimore City, that 3 OSHA Officials determined that the voluminous evidence provided by the Petitioner substantiates that the Petitioner suffered adverse actions from her employer due to the Petitioner whistleblowing about lead hazards in some of Baltimore City Public Schools.

The Petitioner asserts that she informed the Defendant, who was often accompanied with a female when they came to visit the Petitioner on several occasions that, because of her whistleblowing about these lead hazards, she was terminated as a Mathematics teacher and that she has been fighting in the courts to get justice. Still too, the Petitioner alleges that she informed the Defendant that, in order to support her allegations of lead hazards in the public schools, at her first "Dismissal Hearing" before the original Finder of Fact, the Hearing Examiner, who was hired by the Board of School Commissioners for Baltimore City (hereinafter "School Board") to be the Finder of Fact, she provided the evidence to substantiate her allegations. The Petitioner asserts that she told the Defendant and the female that was with him about her Documentary that she had written which documents her whistleblowing. The Petitioner's 2011 Documentary is entitled Thanks, Praise, Honor, and Glory to the TRINE GOD For Leading and Guidance in Documenting Lead Poisoning in the Public Schools and the Obstructions of Justice in Order to Conceal the Indisputable Truths. Also, the Petitioner declares that, after signing each copy, she gave the Defendant and the female that was with him a copy of her 2011 Documentary. A copy of the Petitioner's Documentary is part of the record from the Petitioner's 2012 civil litigation in the Circuit Court. The Petitioner's Documentary includes direct quotations from the Hearing Examiner's 11-page Findings and Recommendation dated October 12, 1999.

As stated in her Documentary, the Hearing Examiner, the original Finder of Fact, used the incriminations in the letter of the Petitioner's suspension without pay and in the Statement of Charges document (Exhibits 117 and 118, respectively, on the Petitioner's website) against the Petitioner by the CEO of BCPSS and summarized the issues of the case in his October 12, 1999 Findings and Recommendation relevant to the allegations declared by the Petitioner of lead-tainted drinking water at Southeast Middle School (hereinafter "SMS") and lead-based paint hazards at Fairmount-Harford High Schools (hereafter "FHHS") and James Mosher Elementary School (hereafter "JMES") and, thereby,



declares the issues in the Petitioner's letter of suspension without pay and in the Statement of Charges document are the following:

"1. Did the Respondent [Ms. Williams] commit misconduct in office by circulating erroneous information to parents, students and staff regarding potential health hazards at SMS, FHS, and JMES? 2. If the information circulated by the Respondent is basically accurate, did the Respondent commit misconduct in office by failing to follow the chain of command by disseminating the information directly to the public and the media? 3. Whether the acts allegedly committed by the Respondent would bear upon the Respondent's fitness to teach such that it would undermine her future classroom performance and overall impact on her students?"<sup>1</sup>

In relation to the burden of proof, the Petitioner being trained in the field of lead paint assessment and abatement, and the validity of the statements in her public communications, the original Finder of Fact begins by citing the following:

"The CEO must prove by a preponderance of the evidence that the information contained in the two (2) communications was erroneous. The Hearing Examiner finds that the CEO failed to carry his burden of proof. In fact, based on the substantial documentation presented at the hearing, the Hearing Examiner finds that the information contained in the two (2) communications concerning SMS, FHS and JMES was basically true.

First, the Hearing Examiner finds that the Respondent [Ms. Williams] has received substantial training in the field of lead paint assessment and abatement and could validly consider herself an expert in the field. See Respondent's Exhibits 8 & 9. Secondly, with regards to the correspondence dated February 24, 1999, to parents SMS students regarding lead in the water, the Respondent present sufficient documentation to support the statements made in the correspondence."<sup>2</sup>

Next, as evidenced in his 11-page Findings and Recommendation (Exhibit 119 on the Petitioner's website), the Hearing Examiner addressed in more detail the issue of lead in the water at SMS, which was one of thirty-two schools identified as having lead-blemished drinking water since 1993. Thus, the findings underpin the following:

"In 1993, the State Department of Health and Mental Hygiene sampled the water at SMS [CEO Exhibit 15]. The State Department of Health and Mental Hygiene found that there was lead in the water but only one (1) drinking fountain had a lead content in excess of EPA standards. According to Fields, high lead content found in the one fountain was due to a deteriorating bubbler or spigot. Fields testified that in response to the report received from the State Department of Health and Mental Hygiene, the fountain was turned off and the school established four (4) bottle water stations.

The Hearing Examiner finds that, though bottle water was available to the students, the water was not readily accessible due to the locations of the water stations [Transcript p. 391 line 7 thru p. 394

<sup>1</sup> *In the Matter of Diana Williams before the New Board of School Commissioners for Baltimore City*, Case No. 99-17, Findings and Conclusions of Law by the Hearing Examiner (October 12, 1999), p. 8.  
<sup>2</sup> *Ibid.*, pp. 8-9

Line 5]. Except for the water fountains that had been turned off, students still had access to water fountains in the school. The Respondent testified that she took a water sample from a fountain that was still being used by students for testing to a certified laboratory [Respondent's Exhibit 27]. The lab found that the lead content of the water exceeded the standards allowed by EPA.

The CEO relied on the report from the City Health Department dated February 11, 1999 [CEO Exhibits 8 & 9] in determining that the Respondent had issued erroneous information regarding the water at SMS and placing her on suspension. The Hearing Examiner questions how the CEO determined that there was no lead problems with SMS' drinking water because there was no assessment of the lead content of the school's drinking water in the inspection report. Moreover, the actual sampling of the school's water by the City Health Department did not occur until March 9, 1999 [CEO Exhibit 16] and the report was not issued until March 15, 1999; two (2) weeks after the Respondent was suspended. The report indicates that there is lead in the water at SMS and that at least one (1) fountain that was still in use prior to February 11, 1999 had a lead content in excess of EPA standards for drinking water. Elam testified that SMS was 1 of 32 schools that had been identified with lead in its drinking water [Transcript p. 130, Line 9 et. Seq.]

Though the Respondent may not have had her dates correct as to when the fountains were turned off, the fountains were indeed turned off after the Health Department's inspection and the parents of the students were not notified of the situation as stated in the correspondence. It would appear prudent to recommend that students who may have consumed water with a high lead content be tested as a precaution."<sup>3</sup>

Also, as evidenced by the facts cited in his 11-page Findings and Recommendation, the original Finder of Fact concluded that there was substantial evidence in the record which clearly establish that the school system did not fully unclerk to the parents that there was an issue with the lead content of the water at SMS before I issued my communication and unearth the following:

"The CEO complains that the actions of the Respondent cause panic amongst the parents, students and staff that disrupted the educational process. According to Field's testimony, the primary information contained in the communication and about the person who disseminated the information. Fields also testified that she had to call an emergency staff meeting to answer concerns raised by the staff regarding the information in the communication.

However, the facts clearly establish that school system did not fully disclose to the parents that there was an issue with the lead content of the water at SMS before the Respondent issued her communication. Additionally, it appears to the Hearing Examiner that the school system, relying on the February 11<sup>th</sup> Health Department report, may have issued misinformation regarding the matter [CEO Exhibit 6]"<sup>4</sup>

<sup>3</sup> Ibid., pp.9-10.  
<sup>4</sup> Ibid., p.10



Again, the evidence in his Findings and Recommendation in relation to the exposure to lead poisoning at FHS and JMES, the original Finder of Fact articulates the truth as supported by the evidence in the record as follows:

"The Hearing Examiner also finds that the weight of the evidence supports the Respondent's claim that FHS and JMES had been cited for lead paint hazards [CEO Exhibit 10, p. 3]. The school system hired a certified lead abatement contractor to clean FHS after a sampling reveal lead bearing dust in excess of EPA standards. JMES was cited in a report by MOSH to have a lead base paint problem and was ordered to abate the lead bearing paint throughout the facility [Respondent's Exhibit 29, p. 14]. It is also clear from the evidence that it was the complaints filed by the Respondent that spurred the school system into taking corrective action at the two (2) schools."<sup>5</sup>

In regard to the Petitioner being alleged to have committed misconduct in office by not following the chain of command when it came to publicly debunking the lead hazards at these schools, the original Finder of Fact affirms the following:

"The Hearing Examiner finds that the Respondent [the Petitioner] did not follow proper procedure when she disseminated the information regarding the health related issues directly to the public without first providing the school system a fair opportunity to take corrective action. In regard to the situations at FHS and SMS, the Respondent did raise her concerns to the principals of the schools, respectively. However, the Respondent acknowledges that she did not present her concerns to the area executive officer or officials at North Avenue before filing a complaint with MOSH or going public.

JMES' principal was not notified of the Respondent's concern regarding lead paint at the school before the Respondent issued her communication to the public.

The Respondent testified that, after her experience at FHS, she did not believe that the school system would take her concerns seriously. The Respondent testified further that, because the health and welfare of the students were at issue, she felt time was of the essence in having the situations investigated.

Though the Hearing Examiner finds that the Respondent did not follow proper procedure in filing a complaint with MOSH or circulating information to the public without following the chain of command, the Hearing Examiner does not find that such actions constitute misconduct in office. Employees have a legal right to file complaints regarding safety and health issues affecting their condition of employment directly to MOSH. The Respondent also has a right as a citizen to file a complaint regarding safety and health issues that generally affect the public to MOSH. Moreover, the concerns raised in the Respondent's complaints were validated by MOSH.

The Hearing Examiner does not find that the acts committed by the Respondent bears upon her fitness to teach such that it would undermine her future classroom performance and overall impact

<sup>6</sup> Ibid., pp.10-11.  
<sup>7</sup> Ibid., p.11

As alleged in the Petitioner's most recent Motions filed on 11-1-23, in other Motions, in her 2017 Civil Complaint, and in other documents, the evidence in the record and/or on the Petitioner's website substantiate the material facts that support the Petitioner's allegations that her 14<sup>th</sup> Amendment Right and her Civil Right under Title 18, U.S.C., Section 242 are being deliberately and repetitiously breached as a result of the presiding judges' unlawful denial of the Petitioner's Motions in order to grant the Defendant's Motion to dismiss the Petitioner's initial civil litigation filed in 2017, in order to prevent the Petitioner from having a requested jury trial which would include exposing publicly the Findings and Recommendation of the original Finder of Fact, the OSHA Investigators, the OSHA Administrator, and the dissenting Opinion of the Honorable Judge from the 4<sup>th</sup> Circuit Court of Appeals, which substantiates the allegations that Martin O'Malley, Kurk Schmoke, Larry Hogan, former Chief Judge Barbera, and/or other governmental officials are being alleged to have violated Federal U.S. Code, 18 U.S.C. & 1091 – Genocide, and/or have attempted to and/or conspired to breach Federal U.S. Code, 18 U.S.C. & 1091 ("Crimes against Humanity"), committed misconduct in office, and/or have committed other criminal acts due to knowingly and willingly: 1.) allowing our children to be exposed to lead-contaminated drinking water and/or lead-based paint hazards for almost three decades by the owners of the public schools in Baltimore City (the Mayor and Baltimore City Council) from at least 1993 to the present, namely, Kurt Schmoke, Martin O'Malley, Sheila Dixon, Stephanie Rawlings, Catherine Pugh, Jack Young and Brandon Schott, against all of the present members of the City Council of Baltimore City (hereinafter

WHEREFORE, the undersigned Hearing Examiner respectfully recommends that the CEO'S recommendation to dismiss the Respondent be denied."

RECOMMENDATION

The Hearing Examiner finds that there was more than some validity to the Respondent's allegations.

recommended a different disciplinary action.  
determined that there was some validity to the Respondent's allegations, she may have unfounded) information to parents and the public. However, even Abernathy stated that if she had based primarily on the premise that the Respondent irresponsibly disseminated erroneous (and suspending the Respondent without pay and recommending her dismissal. The case for dismissal is "The CEO relied on Abernathy's [the Southeast Area Superintendent at the time] recommendation in

and Recommendation by citing the following:  
As evidenced in his Findings and Recommendations, Hearing Examiner concludes his 11-page Findings

Respondent was not a competent teacher."<sup>6</sup>  
communications. In addition, there was no evidence offered by witnesses for the CEO that the or other staff members at the three (3) schools complained about the Respondent issuing the two (2) on her students. There was no evidence offered by witnesses for the CEO that any parents, students



I HEREBY CERTIFY that on this 15<sup>th</sup> day of October 2024, a copy of the foregoing Petitioner's: 1.) 1<sup>st</sup> Motions For Deferral Of "Notice Of Contemplated Dismissal (Lack Of Prosecution) And to Vacate "The Notice Of Contemplated Dismissal (Lack Of Prosecution)", 2.) Motion For A Hearing On Motions As

Certificate of Service

410-868-6013

Baltimore, Maryland 21222

131 Calvin Hill Court

Diana R. Williams, Pro Se



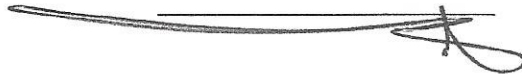
Respectively Submitted

Therefore, the Petitioner is pleading that her 1<sup>st</sup> Motions For Deferral Of "Notice Of Contemplated Dismissal (Lack Of Prosecution) And to Vacate "The Notice Of Contemplated Dismissal (Lack Of Prosecution)" and her Motion For A Hearing On Motions As Permitted Under Maryland Rule 2-311 be grant, otherwise there be a hearing on the Motions as permitted under Maryland Rule 2-311.

CONCLUSION

"City Council") and against those who were members of the City Council since at least 1993. 2.) having ignored for years the alleged heinous crimes against the Mayor of Baltimore City, owners of the public schools, namely, that of repetitiously and/or intentionally exposing our children to lead poisoning for decades and, thereby, breaching Federal U.S. Code, 18 U.S.C & 1091 – Genocide, and/or attempting to and/or conspiring to violate Federal U.S. Code, 18 U.S.C & 1091 ("Crimes against humanity"), committing misconduct in office, and/or refusing to prosecute for over a quarter of a century the owners of the schools, the Officers of the Court, and/or other governmental officials, who are being alleged to have repeatedly and/or deliberately infringed upon Federal U.S. Code, 18 U.S.C & 1091 – Genocide, and/or attempted to and/or conspired to violate Federal U.S. Code, 18 U.S.C & 1091 ("Crimes against humanity"), committed misconduct in office, and/or other criminal acts and, in some instances, for over 25 years. 4.) and/or having accepted bribes and/or compensation to let the owners of the public schools in Baltimore City, the Officers of the Court, and/or other government officials walk free who have been alleged to have breached Federal U.S. Code, 18 U.S.C & 1091 – Genocide, and/or attempted to and/or conspired to violate Federal U.S. Code, 18 U.S.C & 1091 ("Crimes against humanity"), committed misconduct in office, and/or other crimes.

Permitted Under Maryland Rule 2-311 was mailed, postage paid to: Larry H. Kirsch, Esquire, 1803  
Research Blvd., Suite 125, Rockville, Maryland 20850.



Diana R. Williams, Pro Se

REQUEST FOR A HEARING

Cc: Hon. President, Hon. Military Tribunal, Public