

**Obama Appointed Judge Makes
Phony Ruling to Save CCC-
BoTs!!! Refused to let Jury
Hear the Evidence in Age
Discrimination Case!! Same
Judge that Overturned NC
State Constitution on Same
Sex Marriage That Cleveland
County Supported 4-1!!
Justice was NOT Done!!! BoTs
ought to be ashamed!!! No
News Yet if Ruling was
Appealed!! –Report,
evaluation and legal opinions
by Robert A. Williams**

It was announced by the Cleveland Community College Board of Trustee's attorney at the May 14, 2019 BoT meeting that the Wanda Leonard v. CCCC Board of Trustees Federal Court case had been dismissed by a Federal Court Judge, but he didn't know whether or not the judge's decision would be appealed. If the case is not appealed the BoTs win. If the case is appealed and Leonard wins, the case goes to trial, with a jury. From what I have seen and heard, if this case goes to a jury, the people

like you and me, Leonard wins and the BoTs lose.

However, “judge shopping” to get an activist judge to dismiss a good case is a common “dirty trick” by shyster lawyers more interested in getting their payoff rather than the proper ends of justice being served. It also places an undue burden on the plaintiff by requiring them to take the case to the Appeals Court level. And then, the Defendants, the BoTs could appeal the Appeals Court ruling to the US Supreme Court. Adding ten years or more to the process. Very few average folks can pay legal bills for that long and for that much.

And, the Federal Judge in this case, O. Max Cogburn, is an activist Judge in the Western District in North Carolina. Judge Cogburn was appointed to the Federal Bench by President Barack Obama, who always appointed activist Judges.

So, just what is an Activist Judge? you might ask. But don't just ask me. Ask Thomas Jefferson. Jefferson was extremely wary of judges, and when the Supreme Court handed down the Marbury v. Madison decision in 1803 declaring the Supreme Court the ultimate interpreter of the Constitution's meaning, Jefferson wrote that “to consider the judges as the ultimate arbiters of all constitutional questions is a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy.” Judges that believe THEY are the ones who get to say what the Constitution says have become known as activist judges. These are the Judges who brought us Same-Sex Marriage and abortion as Constitutional Rights, although the Constitution itself never mentions those things. Not one time. Nor has the Constitution been amended to include these acts as a Constitutional right. The Activist Judges just invented them. Among other things. And they had to fit the activist agenda as no legislation or Constitutional Amendments would ever be passed to make abortion and same-sex marriage an act protected by the US Constitution.

On the other side of the coin are the strict constructionist

Judges who believe that the Constitution means what the Constitution says. Just like Thomas Jefferson did. It goes like this:

On the politically conservative right, judges are described as either “strict constructionists” or “originalists.” Judges who adhere to this philosophy believe that social change is best left to the politically elected branches of government. The role of judges is therefore to strictly interpret the Constitution, and nothing more. Strict constructionists also believe that the Constitution contains the complete list of rights that Americans enjoy and that any right not listed in the original Constitution, or as amended, does not exist and must be earned legislatively or through constitutional amendment. They believe Judges do not have the power to “invent” a new right that does not exist in the Constitution. These judges believe in original meaning, which means interpreting the Constitution as it was meant when it was written, as opposed to how society would interpret the Constitution today or tomorrow. Strict constructionists believe that interpreting new rights into the Constitution is a dangerous exercise because there is nothing to guide the development of new rights other than a judge’s individual conscience or ego or prejudice. Justice Antonin Scalia, appointed by Ronald Reagan to the Supreme Court in 1984, embodies the modern strict constructionist.

So, let’s look at this Federal Judge, O. Max Cogburn, and decide whether or not Cogburn is an Activist or a strict constructionist. Two things clearly indicate Judge O. Max Cogburn is an activist judge. One thing already mentioned is that Cogburn was appointed a Federal Judge by President Barack Obama. And everybody knows that Obama only appointed activist judges. Proof of that is clear. Look at all the lawsuits filed against President Donald J. Trump. They are most always filed in California, Oregon or Washington state. That is where most of the activist judges are. On top of that is these Western

States are in the 9th Circuit Court of Appeals-which is also filled with Activist Judges. Only when the Trump Administration appeals to the US Supreme Court does these activist judge's phony rulings get overturned. There are plenty of examples of that.

But the telling case for Judge O. Max Cogburn in North Carolina was his ruling that overturned the North Carolina Constitution to allow same sex marriage. Full well knowing that North Carolina voters voted overwhelmingly (two to one statewide, four to one in Cleveland County) to outlaw same-sex marriages. But NOooo! Cogburn was the Federal Judge that "invented" the constitutional right to allow gay same-sex-marriage. Not only in North Carolina but all across the USA. There are absolutely no rights for gay same-sex marriages in the US Constitution or in any amendment. Cogburn "invented" those rights himself. That is about as good a definition of an activist judge that there is.

Editor's Note: Readers, you will have to pay close attention and do some independent thinking the rest of the way through this article. But thinking for yourself is good. The more you exercise your ability to think about things, the stronger your ability to think becomes. Soon enough all the Russian "meddling" in our elections and all the propaganda in the Shelby Star won't amount to doodley-squat. You will be able to see right through all the fake news and phony narratives. And you will have my articles to thank for preparing you to face all the Bull-lony in the 2020 Elections. And beyond!!!

Now, some details in Judge O. Max Cogburn's Order (attached at the end of this article for your convenience) that dismissed Wanda Leonard's case. You don't have to believe me, just read this Order for yourself and form your own opinion on whether or not my conclusions and opinions noted in this article are correct. Remember-think for yourself.

1. The Seventh Amendment (Amendment VII) to the United States

Constitution is part of the Bill of Rights. This Constitutional amendment codifies the right to a jury trial in certain civil cases and prevents activist judges from overturning a jury's findings of fact. And, in a jury trial, a jury is the "trier" (or finder) of fact. The jury finds the facts and applies them to the relevant statute or law it is instructed by the judge to use in order to reach its verdict.

By dismissing Wanda Leonard's lawsuit, Judge O. Max Cogburn basically took away Wanda's right to a jury trial. And "likely" invented his own facts, legal and otherwise, in the process.

2. Throughout the 26-page Order that Dismissed Wanda Leonard's case, Judge O. Max Cogburn cited the defendants (BoTs) "stuff" many more times than the Plaintiff Wanda Leonard's stuff. Clearly showing a bias in favor of the BoTs.

3. Judge Cogburn, on several occasions, cited testimony (deposition testimony, not live testimony on the stand that can be cross-examined) from CCC's Dr. Becky Sain. Tainted testimony because Dr. Sain herself was alleged to have been one of the persons involved in the alleged discriminatory acts against Wanda Leonard. It was in Dr. Sain's interest to lie to cover her own skin. Cross examination in front of a jury would have brought out these matters. Also note that Dr. Becky Sain is NOT a MEDICAL DOCTOR.

4. Judge Cogburn, on several occasions, cited deposition testimony from Doctors that were involved with some sort of consortium with CCC to provide students to the CCC Nursing Program that Wanda Leonard taught. The Classes Wanda Leonard taught were for highly skilled emergency room and surgical nurses. The so-called Doctors were not real medical doctors or real surgical doctors, but Administration Doctors with Doctorate degrees in anything but medical doctors. They also had an interest in covering up their lack of timely input to the CCC situation. They also were not allowed to be cross-

examined in front of a jury.

5. On Page 1 of Judge O. Max Cogburn's Order (attached at the end of this article), Cogburn states **"This Court is aware that some companies today attempt to disguise an unconstitutional reason for termination using a pretextual "legitimate business reason" for their decision. However, that is not what we have in this case."** This is a statement of "Fact" and not law. Findings of fact are the responsibility of a Jury and Wanda Leonard asked for a jury trial. Only by dismissing the case could Cogburn have gotten away from this requirement. This certainly indicates to me that an activist judge was making up rules for his own purpose, whatever that was.

6. Cogburn's Order states Whether an employee met her employer's legitimate expectations at the time of termination depends on the "perception of the decision maker . . ., not the self-assessment of the plaintiff," and not the opinions of the plaintiff's coworkers. And because it is the plaintiff's burden to persuade the trier of fact that she met her employer's legitimate subjective employment expectations, at the prima facie stage, the Court must consider the employer's "evidence that the employee was not meeting those expectations."

On page 7 of Cogburn's order Cogburn says "Defendants argue Plaintiff was not performing her job duties pursuant to Cleveland-CC's legitimate expectations when she was told her contract would not be renewed." Plaintiff contends her "evaluations from her managers over the years reflected her success in the program," and that "through her last evaluation in May, 2016, plaintiff's performance in her position was not questioned.". Cogburn continues "While her disciplined teaching and testing style drew some complaints, primarily from students who could not succeed, it was recognized, at least implicitly, that her performance was beyond satisfactory. In fact, plaintiff never received any specific criticism for her performance."

So, how can Judge Cogburn recognize Wanda Leonard's performance was better than satisfactory, yet rule that CCC had a legitimate reason to fire Leonard??? Cogburn should have denied CCC's Motion to dismiss right there and called for the jury trial to begin.

7. Now go to the bottom of Page 7 and top of Page 8 and read how Cogburn allowed CCC to weasel out of the fact that Wanda Leonard's performance as noted in Paragraph 6 above was always much better than satisfactory. And remember that Wanda Leonard's graduating students as noted later in Cogburn's Order all passed their State licensing requirements. All of them, 100% of her graduating students passed their State Exams. So, who would you want in your operating room assisting the Medical Doctors cut on you?? Wanda Leonard's graduating students or Judge O. Max Cogburn, Dr. Becky Sain, Eddie Holbrook, Dr. Shannon Kennedy of some other nitwit? One of the BoTs maybe?

Folks, I've read enough and said enough about Judge Cogburn's Order. The Order is attached. Read the rest of the Order at your leisure. Form you own opinion on whether or not Wanda Leonard deserved to have her case heard before a Jury as the US Constitution, Seventh Amendment, allows.

I read through it all and formed my conclusion that Wanda Leonard DID deserve her jury trial where she could call her witnesses and cross examine the Board of Trustees witnesses. I fully intended to travel to Asheville and watch this trial myself. I fully believe a Federal Court Jury would have found in favor of Wanda Leonard and the CCC BoTs would have been taught a lesson that they would never forget. I also truly believe that the CCC BoTs should be ashamed of themselves for letting all this happen to begin with as well as not doing what was right to resolve this situation years ago.

Instead, it appears that the BoTs have NOT learned a thing and are going around bragging that they did everything right, when

everything they allowed to happen was wrong.

So, my idea is to have a Trial for Wanda Leonard and the CCC BoTs right here in Cleveland County. A Jury Trial in the Court of Public Opinion. A trial right here on this website where the BoTs as well as Wanda Leonard and her colleges, students, citizens and taxpayers get to participate. Maybe even activist Judge O. Max Cogburn might want to explain himself. Even CCC employees who are still afraid to speak out will be assured of anonymity. This should be fun. And informative to everybody that the First Amendment is alive and well in Fallston and Cleveland County.

Stay tuned folks while I get this Trial all formatted out and ready to go. And remember, it is just like Judge Cogburn said, we will find out what the expectations of the "decision makers" are here in Cleveland County. Us taxpayers and Citizens have the expectation and we are the decision makers. WE are going to decide whether or not OUR expectations for good government are met. The verdicts will come in at Election Time in 2020.

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