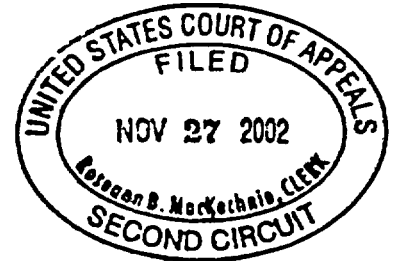


United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse, Foley Square, in the City of New York, on the 27th day of Nov. two thousand and two,

Present:

Hon. Pierre N. Leval,
Hon. Guido Calabresi,
Circuit Judges,
Hon. David G. Trager,*



Parents Concerned About Indian Point *et al.*,
Petitioners,

v.

02-4243

United States Nuclear Regulatory Commission, *et al.*,
Respondents.

Entergy Nuclear Indian Point 3, LLC; Entergy Nuclear
Operations, Inc.; Entergy Nuclear Indian Point 2,
Movants.

Respondents move to dismiss Petitioners' petition for review and for oral argument on the motion. Movants seek to intervene as of right and for leave to intervene out of time. Upon due consideration, it is ORDERED that the motion to dismiss is granted, as Petitioners may not proceed in this Court without the representation of an attorney. *See generally Eagle Assoc. v. Bank of Montreal*, 926 F.2d 1305 (2d Cir. 1991). The motions for oral argument, to intervene, and for leave to intervene out of time are denied as moot.

FOR THE COURT:
Roseann B. MacKechnie, Clerk

By: Lucille Carr

* The Honorable David G. Trager, of the United States District Court for the Eastern District of New York, sitting by designation.

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Attorneys for Petitioner

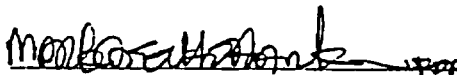
IN THE UNITED STATES COURT OF APPEALS
 FOR THE TENTH CIRCUIT

OHNGO GAUDADEH DEVIA,)	
)	
Petitioner,)	
v.)	PETITION FOR REVIEW
)	
UNITED STATES NUCLEAR)	
REGULATORY COMMISSION,)	<i>No. 02-9583</i>
)	
Respondent.)	
)	

COMES NOW, Ohngo Gaudadeh Devia ("OGD"), through its attorneys, EchoHawk Law Offices, and pursuant to 28 U.S.C. § 2342, 42 U.S.C. § 2239, and Fed. R. App. P. 15, hereby petitions this Court for review of the Nuclear Regulatory Commission's Memorandum and Order, CLI-02-20, entered on October 1, 2002, regarding the Private Fuel Storage licensing proceeding (Docket No. 72-22-ISFSI).

DATED: November 29, 2002.

ECHOHAWK LAW OFFICES

By 
 Paul C. EchoHawk, of the firm
 Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of November 2002, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

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Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

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Administrative Judge
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for ECHOHAWK LAW OFFICES

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United States District Court
For the District of Maryland

U.S. DISTRICT COURT
FILED
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COPY

Ms. Susan Khoury

v.

Civil Action No. DKC 02 CV 3511
Trial by Jury Demanded

Richard A. Meserve, Chairman
Nuclear Regulatory Commission
Washington, D.C. 20555-0001

COMPLAINT

Count One

(Employment Discrimination)

The plaintiff alleges against the defendant as follows;

1) At all times herein the plaintiff is a former employee of the defendant agency where she had been employed as a Criminal Investigator GG-1811-13. The defendant is the chairman of the agency. The plaintiff had been employed with the agency in the Office of the Inspector General, in its facility located in Rockville Maryland so that the venue for the lawsuit is proper in this court. The jurisdiction of the Court is invoked pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000(e) et seq. as amended. The plaintiff filed a timely formal complaint with the agency alleging discrimination based upon gender and national origin (Middle East-Palestinian). More than 180 days has passed since the filing of the complaint with the agency and a final decision has not been issued. The plaintiff also had a ruling from the MSPB which became final on

October 2,2002 so that this lawsuit is likewise timely.

2) The plaintiff began her employment with the agency in January 1997 as a GS-1811 criminal investigator in the office of the Inspector General .In November 2001 she was proposed for removal and ultimately removed from her position within the agency. The plaintiff alleges that she was removed from her position because of her gender, national origin,and retaliation for engaging protected EEO activity based upon discriminatory treatment .. She also alleges that she was terminated because of her participation in protected employment activities by protesting discriminatory treatment that was directed toward her and other women in the agency. This retaliatory conduct led to her dismissal from the agency for reasons that were without merit. The retaliatory acts that led to her dismissal from the agency commenced after the plaintiff engaged in protected EEO activity. The plaintiff had filed an EEO complaint within the agency alleging denial of a promotion because of her gender a00nd national origin.

3) In October 2000 the agency listed an announcement(#01 1401) for two vacancies, GS-14 Criminal Investigator, job series 1811.While the performance appraisal for FY 2000 was “fully satisfactory”it was worded in such a manner that the plaintiff would be precluded from being a serious candidate for the position At that time her supervisors were Richard Scenna and George Mulley. The plaintiff protested her rating to the IG personnel representative Marie Lopez-Nagle. The plaintiff had alleged that the agents of the defendant agency who were acting in the scope of their employment and on behalf of their employer deliberately wrote the performance appraisal in such a manner as to preclude her from competing for the position in a successful manner. It was designed to favor and preselect two Caucasian males for the position. The position did not go to the plaintiff as two Caucasians were selected for the announced job.

4) The plaintiff was subjected repeatedly to a hostile work environment and retaliation by her managers because of her opposition to discriminatory treatment by her supervisors within the office of the OIG within the Agency. The team leader of Team A, Mr. Stryker lacked communication skills in dealing with female employees and treated male members of his staff in a favored manner. He established a double standard for work assignments, giving favored treatment to male employees. The plaintiff did not receive any awards during these periods while awards were in fact given to male agents who worked on the same cases as the plaintiff.

5) The plaintiff sought an upgrade to a GS-12 level but was disciplined for her work, but was criticized for using the standard operating procedures for completing her reports. She was ultimately forced to wait nineteen months for her upgrade to a GS-12 in July 1998. The plaintiff contends that the delay in granting her the promotion was discriminatory and based upon her national origin and gender.

6) Mr. Scenna became the team leader the same mistreatment of the plaintiff continued and her performance was repeatedly criticized and she was not given the recognition that she was entitled to. Mr. Mulley remained in the same position so that the hostile work environment directed towards the plaintiff continued.

7) The plaintiff filed a timely EEO complaint with the agency for the denial of the promotion and for the refusal of the agency to select her for the position. Prior to the filing of an EEO complaint within the agency the plaintiff sought to alleviate the situation through the official agency grievance procedure. The plaintiff was denied her rights under the grievance procedures established by the agency in violation of the Agency rules and regulations. The plaintiff sought to review her files to substantiate the allegations of her complaint in accordance with the grievance

procedure established by the agency. On April 9, 2001 the plaintiff advised management that she had filed an EEO complaint and was participating in the ADR process. On May 7, 2001, the plaintiff was placed on administrative leave. Her NRC identification card, weapon, badge and keys were confiscated and she has been prohibited to go to work. This disparate treatment directed toward the plaintiff was based on discriminatory reasons of gender ethnicity, i.e., national origin and retaliation. On November 16, 2001 the plaintiff received a notice of proposed removal from the agency and she was ultimately removed from the agency in February 2002 based upon spurious reasons.

8) The plaintiff contends that she was denied terms and conditions of employment by the agents of the agencies who were acting in the scope of their employment and on behalf of their employer. The sole reason for her being subjected to illegal employment conditions was her gender national origin and retaliation. The Agency unreasonably delayed processing the EEO investigation, causing additional injuries to the plaintiff and ultimately led to her termination.

9) As the direct result of the discriminatory treatment that she suffered, as outlined; she lost her position with the agency and her career in the federal service was destroyed. She has been unemployed since her removal and lost all benefits associated with the position. She suffered emotional distress, anxiety, and humiliation as a result of these acts. She seeks the following relief.

- A) Reinstatement with full back pay with a promotion to GS-14 which she was denied.
- B) Removal of all derogatory information from her personnel files with the government
- C) Restoration of all benefits associated with the position.\
- D) Reasonable attorneys' fees, court costs, prejudgement interest
- E) Compensatory damages as stated in Title VII of the Civil Rights Act

F) Any additional relief the Court deems appropriate.

Trial by jury demanded on all issues.

A handwritten signature in black ink, appearing to read 'Sol Z. Rosen', is written over a horizontal line.

Sol Z. Rosen Esq.
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