

Case Number 122-2

PETITION FOR FULL COURT HEARING DEFENDANT RESPONSE

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(48) HOURS PRIOR TO THE SCHEDULED HEARING DATE TO THE SGA CLERK OF
COURT.

Defendant: Oscar Martinez

Defendant's Phone Number: 504-251-3793

Defendant's Student ID Number: 2315857

Plaintiff: Aaron J. Jordan

PETITION FOR FULL COURT HEARING DEFENDANT RESPONSE

SGA Supreme Court Complaint Rebuttal Form C-002

Case Number 122-2

Rebuttal Specific Violation(s) Alleged (Be sure to include any and all applicable SGA Constitutional provisions, SGA Code(s) of Law(s) and SGA Senate Rules and Procedures. Be sure to note the Article, Section, and Subsections to which you are referring.):

The plaintiff has chosen the violation as SGA constitutional area referred to as Section 7.1, specifically subsection 7.1.2. Herein stated as "~~Dereliction of duty, the persistent poor performance of their duty, or the malicious abuse of their power.~~" To quote the plaintiff's own arguments, the plaintiff specifically refers to the event where the defendant stated, "lied and or omitted the truth." The plaintiff did specifically lie or omit the truth and only referred to groups which may have been painted in a good light by the senate, and not the organization, the French Quarter Minutemen (Exhibit A), with which he was a founder. The defense argues that the plaintiff could easily have talked about the organization stated above. However, due to the fact that he was indicted by the DA's office for felony stalking (which was later dropped), the recognition of his group was forever tarnished. While the defendant did not follow up, it is clear that the Plaintiff did not wish to divulge this information. However, be that as it may, this is not referred to as an abuse of their power, and only serves to further illustrate that the Plaintiff is able to readily lie to the court as the plaintiff's own "Exhibit E" shows. These allegations are a baseless claim made by the plaintiff to further punish the senate with frivolous suits (Exhibit B, C) that only show how upset the plaintiff is due to his not winning appointment by unanimous vote. Furthermore, the plaintiff also refers to Subsection 3.12.3.2 of the UNO SGA Rules and procedures which states, "Making derogatory remarks about an individual." as well as section 3.12.3.3 which states "Knowingly misrepresenting any individual's intentions to the Senate or Committee." Firstly, the plaintiff purports that derogatory remarks were made against themselves. However, to further demonstrate that none were made, the entirety of the quote will be dictated here as: "Oscar Martinez, College of Sciences. So, the reason I asked for a lot of his experience with groups is A. He hasn't led a group on campus. And B, he lied about off campus groups or omitted the truth. He has been a part of an off-campus group and I think that group has not been painted in the best light. You can do further research on that on yourself. But I believe that, with that knowledge in mind, he is prepared to lie to SGA again or omit the truth to serve his own political needs." Derogatory, as defined by the Oxford American dictionary is defined as: "showing a critical attitude and lack of respect for somebody." Critical attitude is further defined as: "containing or making severe or negative judgments" The defense argues that no derogatory statements were made, as evidenced by the above definitions. The defense argues that decorum was maintained as well as a high standard of professionalism. The defense further argues that the plaintiff did in fact lie himself in order to keep his associations with the failed group mentioned above secret, which, purports to fall under the same baseless subsection that the plaintiff themselves uses against the defense. Furthermore, the plaintiff argues that he was not required to give organizations that he may have been a part of over the course of his life. The defense argues that the plaintiff should have divulged groups within the last 10 years, especially ones involved in legal action as, well as ones with which he founded. Furthermore, the defense argues near the end of the plaintiff's specific violations alleged that he was not required to divulge the groups he has been a part of, (which was the very question posed to him), within reason. Within reason is also defined as: "fair or reasonable and not too extreme." It is argued by the defense that the plaintiff uses such extremes later in his alleged violations as support for his argument whereas no reasonable person would expect an individual person of the plaintiff's advanced age to refer back to, unless so desired. The defense also argues that the plaintiff, while "he has never been a part of or a member of any group for which he now ashamed of belonging to or shies away from admitting to," is relative to the plaintiff's own moral judgement, which is relative to the plaintiff themselves, and not at all in the purview of the court and is therefore a weak statement to support their claims. Furthermore, the defendant proposes that the reason that the group itself was not brought up by name was a safety measure made due to the nature of the "French Quarter minutemen" as an armed group and in order to avoid recourse by armed individuals against the senate (Exhibit D).

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Remedies Sought By Defendant (Please state here what you would like the Court to rule.):

Dismissal of court case and prohibition of further litigation brought to the court by the plaintiff on similar matters.

AFFIRMATION

I, Oscar Martinez, do hereby swear that the information contained above is true and correct to the best of my knowledge.

Signature of Defendant: 

Date Signed: 9/20/22

YOU MUST PRESENT TEN (10) COPIES OF THIS FORM TO THE SGA CLERK OF COURT AT THE TIME OF FILING.

For SGA Clerk of Court Use Only:

Date Defendant Response Received: _____

Date Notice of Rebuttal served upon Plaintiff: _____

Method of Service: _____