

The Medical NOTICE at page 9 to 13 in the Pro Se Complaint, placed a “heightened” Duty of Candor to the Court, and honesty in all Motions, and in Responses Filed, on the Attorneys in this case, a duty to avoid inflicting “Undue Stress” on a Pro Se Litigant, so seriously ill, that the Undue Stress could cause a fatal Stress-Caused Heart Attack.

The Medical NOTICE at page 9 to 13 in the Pro Se Complaint made the trained Attorneys in this Case fully aware that any misconduct, dishonesty, failure to confer, or conferring in Bad Faith, and any attempt to increase litigation, as a “Defense Tactic to Aggravate Plaintiff’s Disability”, could constitute an attempt to cause the death of the Elderly, Deathly-Ill, Pro Se, Plaintiff, *Billy Kidwell*.

Despite said Medical NOTICE at page 9 to 13 in the Pro Se Complaint, the Attorneys in this Case have engaged in nearly Non-Stop “Candor to the Court Violations”, and “Confer Violations” that have substantially increased litigation, and significantly aggravated Plaintiff, *Billy Kidwell’s Disabilities*, which were already substantially aggravated by Blatant, Intentional, Violations of the Servicemembers, and Veterans Initiative Act of 2020, by the Civil Rights Division of the United States Department of Justice.

As a result, the Pro Se Plaintiff, *Billy Kidwell* suffered a Massive, Suspected, Life-Threatening, Stress-Caused Heart Attack, and aggravation of his Stress-Caused Bleeding Ulcers.

Since the “Suspected” Life-Threatening, Stress-Caused, Heart Attack, on October 31, 2021, Plaintiff, *Billy Kidwell*, and his daughter, *Hannah Kidwell*, have been unable to timely respond to Court ORDERS, and Motions, in this case.

Plaintiff, *Billy Kidwell*, is nearly completely bedbound since the Suspected Heart Attack he suffered on October 31, 2021, and has constant severe dizzy, and passing out attacks, which his VA Heart Doctors said are extremely dangerous.

Billy Kidwell Throws-Up Blood from his Stress-Caused Bleeding Ulcers, and has Chest, and Heart Pains.

He is Short on Breath, and Unable to Breathe, getting Extremely Dizzy, and Passing Out, especially when Plaintiff, *Billy Kidwell*, tries to sit up, and for some strange reason when Plaintiff, *Billy Kidwell*, looks to the right.

Plaintiff, *Billy Kidwell*, is Elderly, and in dire health, and according to his VA Heart Doctors, dying from Heart Failure, and is not Medically Able to Proceed.

His daughter, and VA Medical Caregiver, Plaintiff, *Hannah Kidwell*, is needed to constantly care for *Billy Kidwell*.

Plaintiff, *Billy Kidwell's* Stress Disabilities, his Heart, and Bleeding Ulcers, have been Substantially, and Permanently Aggravated, as a direct result of all the Undue, Intentional, Stress in this case.

Plaintiffs, *Billy Kidwell*, and *Hannah Kidwell*, have not complied with the Never-Ending, Court ORDERED deadlines in this case, nor responded to the recent Motions by Defendants, because they are not Medically NOT Able to do so. [Emphasis added.]

Billy Kidwell is deathly ill, while *Hannah Kidwell* is caring for him.

It would likely cause *Billy Kidwell's Death*, if he were forced to try to proceed, and if this Court refuses to require the United States Department of Justice to comply with the Statutory Requirements of the Servicemembers, and Veterans, Initiative Act of 2020, and the extremely clear November 10, 2021, ORDERS of Attorney General, *Merrick B. Garland*, to the United States Department of Justice, for the United States Department of Justice to be “*extremely aggressive protecting Veterans Rights*”.

II. THE UNITED STATES DEPARTMENT OF JUSTICE IS REQUIRED, BY THE SERVICEMEMBERS, AND VETERANS, INITIATIVE ACT OF 2020, TO PROTECT PLAINTIFF'S RIGHTS, IN THIS LAWSUIT

No Disabled Veteran, or Veteran's Family, should ever be treated as inhuman, illegally, and dishonestly, as the Elderly, Severely Disabled, Vietnam Veteran Plaintiff, *Billy Kidwell*, and his daughter, and VA Medical Caregiver, Plaintiff, *Hannah Kidwell*, have been treated in this case.

Plaintiffs, *Billy Kidwell*, an Elderly, Severely Disabled, Vietnam Veteran, who is *Medically Unable to Stand Stress*, with a recent history of Life-Threatening, Stress-Caused Heart Attacks, and Stress-Caused Bleeding Ulcers, and his VA Medical Caregiver Daughter, *Hannah Kidwell*, **should have never been forced to file this lawsuit on their own.** [Emphasis added.]

The United States Department of Justice is REQUIRED by the Equal Protection Clause, and/or, Due Process Requirements of the Constitution, to do their Statutory Duty, to comply with the four corners of the Servicemembers, and Veterans Initiative Act, and not to “*Selectively*” Discriminate against Veterans, and only comply with the Servicemembers Provisions of said Act, while intentionally violating the rights of Veterans, especially Elderly, Severely Disabled Vietnam Veterans. [See Attachment 1].

The ADA Section of the United States Department of Justice has a Statutory Duty to protect the Disability Rights of Citizens, and had a Statutory Duty to investigate, and to protect, the rights of the Severely Disabled, Elderly, Disabled Vietnam Veteran Plaintiff, *Billy Kidwell*, when the Walmart Defendant attacked, and assaulted him for using P.T.S.D. Service Dogs.

The ADA Section of the United States Department of Justice would have quickly entered this case, if the Plaintiff(s) were a Minority, a member of the LGBTQI Community, or even a Terrorist at Guantanamo Bay in Cuba.

But because Plaintiff, *Billy Kidwell*, is an Elderly, Severely Disabled Vietnam Veteran, and the other Plaintiff, *Hannah Kidwell*, is the daughter of a Disabled Vietnam Veteran, and his VA Medical Caregiver, despite this lawsuit being about ADA Violations, and Civil Rights Violations, pursuant to 42 U.S.C. §1983, which were took place because of the Defendant, Walmart’s, “*Policy of Discrimination toward the Disabled, Needing to use Service Dogs*”, the United States Department of Justice refused to investigate, and refused to protect the Plaintiff’s Rights, despite the Justice Department having a Statutory Duty to do so. [Emphasis added.]

The United States Department of Justice has a well-documented History, and Unconstitutional Policy of “*Blatant Discrimination, and an Unreasonable, Intense Hate, towards Elderly, Disabled Vietnam Veterans, with Combat Stress Disabilities, needing to use P.T.S.D. Service Dogs*”.

According to the Civil Rights Division, the United States Department of Justice, has *never* protected the disability rights of a Disabled Vietnam Veteran, with a Combat Stress Disorder (P.T.S.D.), using a P.T.S.D. Service Dog.

According to the Veterans Administration approximately 2,700,000 American Men, and Women, served in Vietnam, and at least 12%, some 225,000 Vietnam Veterans are disabled, and rated with at least 70% Service-Connected, with a Combat Stress Disorder, (Post-Traumatic Stress Disorder, or simply P.T.S.D.).

Although there are no exact numbers it is estimated that at least 50%, or at least 112,500 Disabled Vietnam Veterans use P.T.S.D. Service Dogs, with most of those Disabled Veterans living in Florida, and Texas.

A quick search of the internet, *just on You Tube for Florida*, shows that there are hundreds, and hundreds, of videos of Disabled Veterans being denied their rights, and being harassed, and denied service at Public Accommodations, for needing to use P.T.S.D. Service Dogs.

Nearly every local TV station in Florida has run stories on Disabled Veterans being denied services, for using a P.T.S.D. Service Dog in Florida, yet **there is not a single case of the Justice Department protecting their rights.**

Elderly, Severely Disabled Vietnam Veterans, with Combat Stress Disabilities, needing to use P.T.S.D. Service Dogs, are sporadically not allowed to sit on a Public Beach in Florida, or allowed to enjoy a Public Park, because their P.T.S.D. Service Dogs are not allowed, and because the United States Department of Justice refuses to protect their rights.

As in this case, Elderly, Severely Disabled Vietnam Veterans, with Combat Stress Disabilities, needing to use P.T.S.D. Service Dogs, are sporadically not allowed to shop at Public Accommodations, like Walmart, ALDI's, Publix, and other stores, because of their service to this country, resulting in them being disabled, and needing to use a P.T.S.D. Service Dog to calm them during P.T.S.D. Anxiety Attacks.

Most Disabled Veteran Victims in Florida are unable to enforce their rights, because they cannot afford an Attorney, and the Justice Department does not like Elderly, Male, Disabled Vietnam Veterans, and discriminates against Disabled Vietnam Veterans, refusing to investigate, or to enforce their rights.

In the extremely few cases where the Justice Department does enforce a Disabled Veteran's Rights, the Justice Department requires the Disabled Veteran to be a Minority, a Female, a Young "Recent" Veteran, such as an Iraq, or Afghanistan Veteran, and even then, it is rare for the Justice Department to protect those Veteran's Rights.

Congress, realizing how horrific America's Servicemembers, Veterans, and their Families, are treated by the United States Department of Justice, passed the Servicemembers, and Veterans, Initiative Act of 2020, placing Specific Statutory Duties on the United States Department of Justice.

On January 5, 2021, President Trump signed into law the Servicemembers, and Veterans, Initiative Act of 2020, which is intended to provide Civil Legal Protection for Servicemembers, Veterans, and their Families, and access to Civil Attorneys to protect their rights.

The Servicemembers, and Veterans, Initiative Act, REQUIRES the United States Department of Justice to put aside their intense hate for Disabled Vietnam Veterans, and to provide Statutory Duties to "*Servicemembers, Veterans, and their Families*".

The Servicemembers, and Veterans Initiative Act was intended to make sure that Servicemembers, Veterans, and their Families, would no longer be abused because they could not afford to hire Attorneys for Civil Matters. [See Attachment 1.]

On November 10, 2021, the day before Veterans Day, Attorney General, Merrick B. Garland, issued a News Release Titled "*Attorney General Merrick B. Garland Directs Steps to Safeguard the Rights of, and Ensure Equal Access to Justice, for Veterans, and Servicemembers*". [See Attachment 2].

This News Release makes it clear that the United States Department of Justice was specifically *ORDERED* by Attorney General Merrick B. Garland to be responsive to the Civil Needs of Veterans, and to “*Very Aggressively protect Veteran’s Civil Rights*”.

According to the Servicemembers, and Veterans, Initiative Act the Justice Department has a Statutory Duty to provide adequate funds to protect Plaintiff’s Rights in this case.

According to the November 10, 2021 News Release of Attorney General, *Merrick B. Garland*, the Justice Department was Ordered by the Attorney General to very aggressively protect Plaintiff’s Rights.

According to Attorney General, *Merrick B. Garland*, the Justice Department honors our Nations Veterans, not just with words, but with action.

Every single paragraph, and every single promise, and ORDER to the United States Department of Justice in Attorney General, *Merrick B. Garland’s* November 10, 2021 News Release, has been intentionally violated by the Civil Rights Division of the Justice Department, *in this case*. [Emphasis added.]

The Civil Rights Division of the United States Department of Justice, knowing that Plaintiff, *Billy Kidwell*, is Elderly, Severely Disabled, the victim of recent Life-Threatening, Stress-Caused, Heart Attacks, and knowing *Billy Kidwell* is Medically Unable to Stand Stress, has knowingly, and intentionally, caused *Billy Kidwell* to suffer another Life-Threatening, Stress-Caused Heart Attack on October 31, 2021 by:

1. For the past four (4) years the ADA Section of the United States Department of Justice has refused to investigate Americans with Disabilities Act Violations by Walmart, in which Walmart has posted signs at all of its Florida Walmart Stores “*Selectively*” prohibiting Service Dogs to be in Shopping Carts, while allowing Pet Dogs in Shopping Carts.

The ADA Section investigates ADA Complaints from Minorities, Females, Gays, and members of the LGBTQI Community, the only group the Justice Department discriminates against is Elderly, Disabled Vietnam Veterans, with Combat Stress Disabilities, that need to use P.T.S.D. Service Dogs.

2. The Civil Rights Division of the Justice Department refused to investigate a Felony Attack on the Dying, Severely Disabled Vietnam Veteran Plaintiff, *Billy Kidwell*, right after he was released from the Intensive Care Heart, and Stroke Ward of the Bay Pines VA Hospital, by a Walmart Manager, named “*Handy*”, who attacked Kidwell because he was using P.T.S.D. Service Dogs at Walmart.

3. The Civil Rights Division of the Justice Department was made fully aware that there is a video of the complete Felony Attack and the Justice Department, for the past four (4) years, has helped Walmart conceal the video, and conceal the Walmart Manager named “*Handy*”, that attacked *Billy Kidwell*.

4. The Civil Rights Division of the Justice Department was made fully aware that there is a video of Walmart, and the Charlotte County Sheriff’s Department in Charlotte County Florida conspiring together to suborn Perjury, and to falsify a Sheriff’s Report, to fraudulently trespass the Plaintiffs, as punishment for using P.T.S.D. Service Dogs at Walmart.

5. The Civil Rights Division of the Justice Department is covering-up these Civil Rights Crimes against Plaintiffs by Walmart, and the Charlotte County Sheriff, as they help Walmart conceal video of the crimes, and the key witness named “Handy”.

6. The Civil Rights Division of the Justice Department is covering-up that Walmart, and the Charlotte County Sheriff, fraudulently claimed that Walmart owns the Culver Restaurant, and owns Murphy’s Gas Stations, and illegally threatened Plaintiffs that they better not eat at Calvers, or get gas at Murphy’s.

7. The Civil Rights Division of the Justice Department knowingly, and intentionally concealed that there is an SVI Section in the Justice Department, and that there is a Servicemembers, and Veterans Initiative Act, in a scheme to get by with Discriminating, and refusing to provide Justice Department Services, to Elderly, Severely Disabled Vietnam Veterans, and/or, their Families.

8. The Civil Rights Division of the Justice Department is knowingly, and intentionally violating Plaintiff’s Statutory Rights pursuant to the Servicemembers, and Veterans Initiative Act.

9. The Civil Rights Division of the Justice Department is knowingly, and intentionally violating Plaintiff’s Rights pursuant to the November 10, 2021 News Release ORDER of Attorney General, *Merrick B. Garland*, to the Justice Department.

10. The Civil Rights Division of the Justice Department knowingly, and intentionally violated the Statutory Rights of *Billy Kidwell* with the intent of causing massive Undue Stress, and the Suspected, Stress-Caused, Life-Threatening, Heart Attack on October 31, 2021.

III. THE LAW AS TO THE APPOINTMENT OF COUNSEL HAS CHANGED WITH THE SERVICEMEMBERS, AND VETERANS, INITIATIVE ACT OF 2020

The law of the Eleventh Circuit has been that Pro Se Litigants do not have a right to counsel in Civil Cases, but that counsel should be appointed in extremely complex cases, like the instant case, where counsel is necessary to properly present the issues to the Court.

With the passage of the Servicemembers, and Veterans Initiative Act of 2020 the law has changed for Servicemembers, Veterans, and their Families.

The Civil Rights Division of the United States Department of Justice has posted on the Justice Department SVI Website pages, and pages, and pages, of lawsuits filed by the United States Department of Justice to protect the rights of Servicemembers. [See Attachment 4, Attachment 5, and Attachment 6.]

The United States Department of Justice has not posted a single case, NOT ONE, of the Justice Department protecting the rights of an Elderly, Severely Disabled, Vietnam Veteran, with a Combat Stress Disability, needing to use a P.T.S.D. Service Dog.

There has never been a more Blatant, or more provable, case of Unconstitutional Discrimination.

Even more appalling, is that the Civil Rights Division of the United States Department of Justice is killing an Elderly, Severely Disabled Veteran with their intentional abuse, and discrimination.

It should be noted that none of the pages, and pages, and pages of lawsuits filed for Servicemembers has the Public Importance of Plaintiff's Case, where every Disabled Vietnam Veteran in Florida with a P.T.S.D. Service Dog is affected, or where the Justice Department with its Blatant Discrimination has caused an Elderly, Severely Disabled Vietnam Veteran to suffer a Life-Threatening, Stress-Caused Heart Attack.

IV. RELIEF

1. To protect the life of the Pro Se Plaintiff, Billy Kidwell, this Court should suspend all time limits in this case until the VA provides Medical Appointments, and a series of Heart, and Aortic Aneurysm, test to determine if it is safe for the Plaintiff, Billy Kidwell to proceed.

2. To keep from endangering Plaintiff Billy Kidwell's Life this Court must also suspend all time limits in this case as to Plaintiff, Hannah Kidwell, so that she can continue to provide Life-Saving Care, and the necessities of life, to her father, Plaintiff, Billy Kidwell, who is nearly completely bedbound.

3. This Court MUST Order Attorney General, *Merrick B. Garland*, to explain to this Court why his Orders to the Justice Department on November 10, 2021 to “*Aggressively Protect Veterans Rights*” is not being followed by the United States Department of Justice, Civil Rights Division.

4. This Court MUST Order Attorney General, *Merrick B. Garland*, to explain to this Court why the Justice Department files hundreds of “*Broken Fingernail*” minor lawsuits pursuant to the Servicemembers, and Veterans Initiative Act, while refusing to protect the rights, *and possibly save the life*, of even one Disabled Veteran, *Billy Kidwell*, and his daughter, *Hannah Kidwell*.

5. This Court MUST Order the Civil Rights Division of the Justice Department to explain how they have such excessive funds to file hundreds of lawsuits for Servicemembers, pursuant to the Servicemembers, and Veterans Initiative Act, and yet the Justice Department can’t afford one 54 cent stamp to respond to four (4) years of Civil Rights Complaints by the Elderly, Severely Disabled Vietnam Veteran Plaintiff, *Billy Kidwell*.

6. Plaintiffs seek any other relief this Court deems fit, and proper.

By: /s/ Billy Ray Kidwell

December 14, 2021

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By: /s/ Hannah Kidwell

December 14, 2021

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All parties conferred and Defendants Objected to this Motion.

CERTIFICATE OF SERVICE

Plaintiff(s) *Hannah Kidwell*, and *Billy Kidwell*, hereby certify that they have served a true, and correct, copy of the attached on all parties in this action, by emailing a copy of same to arlene.kline@akerman.com, the Attorney for the Walmart Defendants, and emailing a copy to Christy@purdylaw.com, the Attorneys for the Charlotte County Sheriff, on this the 14th day of December 2021.

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