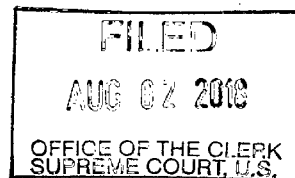


No. 18-7014



IN THE
SUPREME COURT OF THE UNITED STATES

MURIEL COLLINS — PETITIONER

vs.

ALAN B. EPSTEIN; et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

PETITION FOR WRIT OF CERTIORARI

MURIEL COLLINS

823 COLUMBIA AVENUE

LINWOOD, PA 19061

610-368-1717

QUESTION(S) PRESENTED

1. Why was Plaintiff issued disciplinary actions for following Defendants Kimberly-Clark Chester PA LLC. And Kimberly-Clark Corp. Code of Conduct and absolute relief procedures?
2. If Subpoena that was handed to Plaintiff by another hourly worker was valid, why was Plaintiff not taken off of the regular work schedule for that day; to attend Arbitration Hearing?
3. Why were all the males, under the age of 60 years old in Plaintiff's department who received "subpoenas" taken off of the regular work schedule to attend the Arbitration Hearing?
4. Why was Grievance NO: 10-10, showing that I, Plaintiff was in support of Joel Horne retaining his employment with Kimberly-Clark; withheld from evidence?
5. How could I, Plaintiff be terminated for violating a Last Chance Agreement from Defendant Kimberly-Clark; that I refused to agree to or sign?
6. Why was case not turned over to the Criminal Justice Department?
7. How could Joel Horne be terminated for allegedly doing something inappropriate; Frank Brown Jr. admitted to being the person responsible for the inappropriate actions (actions Joel Horne was accused of), but only received an 18 month letter in his file?
8. Why did Kimberly-Clark management report to unemployment that I, Plaintiff was to return to work with the same position (level 3), and pay rate?

LIST OF PARTIES

☐ All parties appear in the caption of the case on the cover page.

☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

ALAN B. EPSTEIN;

JENNIFER M. CHALAL;

SPECTOR GADON ROSEN;

KIMBERLY CLARK CORP;

KIMBERLY CLARK CHESTER PA LLC;

CHRISTOPHER P. GALANEK
(BRYAN CAVE, LLP)

LEE C. DURIVAGE
(MARSHALL, DENNEHEY, WARNER, COLEMAN & GOGGIN)

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Decision of State Court of Appeals-Judgement dated May 14, 2018

APPENDIX A (2)

Decision of State Court of Appeals-Opinion dated May 14, 2018

APPENDIX A (3)

Decision of State Court of Appeals-Sur Petition for Rehearing dated May 29, 2018

APPENDIX B-D

No Documents

APPENDIX E

Subpoena

APPENDIX E (1A)

Grievance NO: 10-10

APPENDIX E (2)

Five day suspension from Kimberly-Clark

APPENDIX E (3)

Last Chance Agreement from Kimberly-Clark

APPENDIX E (4)

Unemployment award letter and Referee's Decision/Order

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Amended Complaint (filed May 14, 2015)

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Certified letter Plaintiff sent to The Honorable C. Darnell Jones II asking to reopen discovery.

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☒ reported at 3D Cir. 2018; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☒ reported at 247 F. SUPP. 3d 571; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was MAY 03, 2018

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: MAY 29, 2018, and a copy of the order denying rehearing appears at Appendix A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

Constitutional and Statutory Provisions Involved

White V. Monsanto Company, 570 So. 2d 221/585 So. 2d 1205 (La.App. 5th Cir. 1990).

Equal Employment Opportunity Commission ("EEOC") and Pennsylvania Human Relations Commission ("PHRC"), Title VII of The Civil Rights Act of 1964

Title 18 United States Code section 1503, 1510, 1512, and 1519

The Americans with Disabilities Act (ADA)

Bruch V. Clark 507 A 2d 854, 857 (PA 112 Super, Ct 1986)

United States V. Lepowitch 38 U.S. 702 63s.Ct 914, 87 L. E.d 1091Ç 1943

PA Whistleblower Law protection Act of 1989 (WPA) 43 P.S. § 1421

EEOC Title VII of the Civil Rights act of 1964 Retaliation

Mooney V. Holohan, 294 U.S. 103 Ç 1935

United States Constitution, Fourteenth Amendment. New York Times Co V.

Sullivan 376 U.S. 254 Ç1954. Intentional infliction of emotional distress, tort; 17

Har V. CR-CL Rev 133, 179 Ç1982. New York Times Co. V. Sullivan 1964 U.S.

Lexis 1500, 376 U.S. 967, 845. Ct 1130, 12L. Ed 2d 83 (U.S. 1964).

Tort JK Stipancich-Ohil St. L.J 1992 Brook. L. Rev. 70, 1845, 2004 793, 795 (1991)

Title VII act of 1990 (ADA), Hate crime EEOC & Whitlow V. Cognis Corporation
NO. 10-CV-2182, illegal retaliatory, Whistleblower Law 43 P.S § 1421 ET geg (Pa
WBL) Retaliation in violation of Pennsylvania Whistleblower Law 43, P.S. 1423 (a)
U.S. Code 31 U. S. Code § 3729.

18 U.S.C. § 1001 Falsifying documents, knowing fraudulent statement entry by
defendants 109A. 109 B., 110, 117, or sections 1591. Framing charges and evidence
6. 752.1 12 (11-28-2008) Obstruction of justice, Conspiracy between civil wrong 18
U.S.C. § 1505 U.S Code Title 18 Obstruction of justice.

STATEMENT OF THE CASE

FACTUAL BACKGROUND: I (Plaintiff), Muriel Collins had been employed by Scott Paper Co. / Kimberly –Clark Chester PA LLC (“Kimberly-Clark”) from May 1967-May 25, 2011. Plaintiff was working under the collective bargaining agreement (“CBA”) in effect between Kimberly –Clark and U.S.W Local 10-488. I, Plaintiff was a level three Team Leader in the Fiber Pulp Prep department; and Chief shop steward as well. I, Plaintiff was the only women in the Fiber Pulp Prep department at time and only African American woman holding a Chief Shop Steward position. I, Plaintiff had a spotless work record; with no infractions for over 43 years. I, Plaintiff did not work under the CBA from June 23, 2011 to March 20, 2012, in a false imprisonment and emotionally distressed. *White V. Monsanto Company*, 570 So. 2d 221/585 So. 2d 1205 (La.App. 5th Cir. 1990).

1. I Plaintiff, Muriel Collins (“Collins” or “Plaintiff”), in 2009 filed an Equal Employment Opportunity Commission (“EEOC”) and Pennsylvania Human Relations Commission (“PHRC”), Title VII of The Civil Rights Act of 1964 (“Title VII”) citing Race and Sex. *Muriel Collins V. Kimberly- Clark Corporation* NO. 530-2009. Supported by defendants First set of interrogatories EXT (1) page 7(C).

2. Joel Horne ("Horne"), a shop steward in Plaintiff's department was a witness for Plaintiff's 2009 complaint with EEOC and PHRC supported by the May 14, 2015 amended complaint.
3. On January 16, 2010 Keith Brown accused Joel Horne of doing an inappropriate drawing of a male private part inside the Kimberly -Clark Facility. (noted on line 23 of Amended complaint on May 14, 2015)
4. Kimberly-Clark suspended Joel Horne on January 20, 2010 and launched an investigation (noted on line 24 of May 14, 2015 Amended complaint).
5. February 3, 2010 Kimberly- Clark informed me Plaintiff, Frank Brown Jr. admitted that he had done the drawings; that Joel Horne had been accused of.
6. February 5, 2010 I, Plaintiff put in a grievance asking Kimberly- Clark to bring Joel Horne back to work. Defendant Kimberly- Clark moved grievance to second step, signed into second step by U.S.W. Local 10-488 President Ron Chandler ("Chandler") and amended by Ron Chandler under settlement desired. Grievance was signed by John Flynn ("Flynn"); Flynn was the Labor Relations person for Kimberly -Clark. The grievance was assigned number (NO. 10-10).
7. Defendant, Jennifer M. Chalal amended complaint on May 14, 2015 states under (line 27 of amended complaint) second step meeting, but withheld evidence of grievance NO. 10-10. A violation of Title 18 United States Code

section 1503, 1510, 1512, and 1519 that prohibits a party from destroying or assisting another in destroying evidence.

8. Horne spoke up at the second step meeting, and admitted to having a disability. He fell under The Americans with Disabilities Act (ADA). Horne had nothing in his record prior to being accused of inappropriate drawings January 16, 2010.
9. Kimberly-Clark denied grievance NO. 10-10; then sent Horne a letter via certified mail, that he was terminated.
10. Kimberly-Clark turned Horne's case over to Defendant Kimberly-Clark Corporation ("KC Corp.") and their legal team; also the United Steel Workers Local 10-488 lawyer as well.
11. KC Corp. legal team put together a conspiracy *Bruch V. Clark* 507 A 2d 854, 857 (PA 112 Super, Ct 1986), hate crime against an American with disabilities (ADA).
12. On November 4, 2010 KC Corp. legal team used Ron Schultz an employee as part of conspiracy *United States V. Lepowitch* 38 U.S. 702 63s.Ct 914, 87 L. E.d 1091Ç 1943 intent to defraud Plaintiff with fraudulent Subpoena. Kimberly-Clark's policy does not accept subpoenas from any employee that does not have an address on it. Also, it MUST be the address on the employees file; this is Kimberly-Clark's policy. Neither Kimberly-Clark nor U.S.W local 10-488 had Plaintiff taken off her regular work schedule for November 9, 2010. All other witnesses (all male), in Fiber Pulp Prep

department were pre-relieved and their shifts covered. Ron Schultz was a level 6 in Fiber Pulp Prep department, he handled scheduling. All parties knew I, Plaintiff was a witness for Horne, not against him based on NO. 10-10.

13. November 9, 2010 KC Corp. legal team gave the arbitrator plaintiff's name to be a witness against Horne to taunt, ridicule and tort.

14. KC Corp. lawyer that represented Kimberly-Clark for the arbitration hearing, used Flynn, Kimberly-Clark's labor relations person; who was also an alleged law enforcement officer to call me, Plaintiff on November 9, 2010 to intimidate, harass, and threaten me, Plaintiff on a cell phone call. Neither Department head nor Asset Leader, or anyone else of authority in Kimberly-Clark would relieve Plaintiff to attend the arbitration hearing; even after John Flynn had called. Plaintiff could not prove that John Flynn had called on a cell phone or spoke to Plaintiff until November 30, 2010; when he admitted it on paper.

15. November 30, 2010 Plaintiff was suspended for insubordination, for not walking off the job on November 9, 2010.

16. I, Plaintiff, called KC Corp Code of Conduct hotline to file a complaint.

Plaintiff sent Lori Ney documents via certified mail on February 1, 2011.

Plaintiff stated to Lori Ney that the legal team used Flynn to intimidate me, Plaintiff to walk off the job, to entrap Plaintiff into committing perjury or to be fired for job abandonment on November 9, 2010. Falls under PA

Whistleblower Law protection Act of 1989 (WPA) 43 P.S. § 1421 good faith.

May 18, 2011 confronted Ron Chandler at union hall.

17. On May 25, 2011, Kimberly-Clark offered Plaintiff a Last Chance Agreement ("LCA"), if I agreed to LCA also a fifteen day suspension; if Plaintiff wanted to maintain employment with Kimberly-Clark. LCA (Appendix E) also stated demotion and wage reduction. Plaintiff refused LCA. Kimberly-Clark stated that KC Corp. had investigated the complaint from Plaintiff and Chandler said Plaintiff had a subpoena and Plaintiff knew she was supposed to be at the arbitration hearing on November 9, 2010. Also stated I, Plaintiff lacked credibility. Fifth Amendment right to Due Process.

18. Plaintiff refused Kimberly-Clark's Last Chance Agreement and filed with EEOC *Title VII of the Civil Rights act of 1964 Retaliation* on May 26, 2011. This evidence was withheld in the May 14, 2015 Amended Complaint.

19. On May 26, 2011 I, Plaintiff filed for unemployment under 402(e); where an employee can refuse to work under discriminating conditions, harassment and pay cuts. Unemployment was granted to Plaintiff. Kimberly-Clark filed an appeal of Plaintiff receiving benefits for May 26, 2011 until June 22, 2011. Kimberly-Clark told unemployment agency via submitted documents that Plaintiff came back to work on June 23, 2011 with the same Level three leadership position, and level three pay. Plaintiff had never been restored to a Level Three position or Level three pay.

20. Patricia Langdon ("Langdon"), senior Human Resources Specialist at Kimberly-Clark signed the May 25, 2011 LCA. However at Unemployment appeal hearing on August 31, 2011 Langdon testified under oath that she had no firsthand knowledge was not involved nor did she have any witnesses to the May 25, 2011 LCA.
21. Unemployment Referee ruled that I, Plaintiff did not make a false discrimination complaint and I, Plaintiff was granted unemployment.
22. Plaintiff hired Attorney Thomas W. Moore III on October 18, 2011 to file Equal Pay violations of the EPA that Attorney Thomas W. Moore III could have filed directly to the court and did not file.
23. After Plaintiff was terminated March 2012 Attorney Thomas W. Moore III filed a complaint on April 23, 2012. Attorney Thomas W. Moore III sent Plaintiff a copy of complaint after Attorney Thomas W. Moore III had signed my name and filed the complaint against Kimberly -Clark.
24. Settlement hearing was scheduled for July 2013. Attorney Thomas W. Moore III did not show up; Attorney Thomas W. Moore III called on cell phone during hearing and spoke with Plaintiff.
25. Plaintiff received a certified letter in October 2013 from Attorney Thomas W. Moore III saying that he had been disbarred and could no longer work Plaintiff's case.
26. No lawyer would take my, Plaintiff's case after Attorney Thomas W. Moore III. After Attorney Thomas W. Moore III was disbarred; Plaintiff found out

Kimberly-Clark's lawyer had filed for Summary Judgement. *Mooney V.*

Holohan, 294 U.S. 103 Ç 1935 Perjured written statements from defense witnesses, defense attorney's knew was perjury. Violation to the United States Constitution, Fourteenth Amendment. *New York Times Co V.*

Sullivan 376 U.S. 254 Ç1954. Intentional infliction of emotional distress, tort; 17 *Har V. CR-CL* Rev 133, 179 Ç1982. *New York Times Co. V. Sullivan* 1964 U.S. Lexis 1500, 376 U.S. 967, 845. Ct 1130, 12L. Ed 2d 83 (U.S. 1964).

27.I, Plaintiff sent The Honorable Judge C Darnell Jones II a certified letter asking to reopen discovery. Honorable Judge C. Darnell Jones II denied my request.

28. Defendant Alan Epstein ("Alan Epstein") called Plaintiff at home and stated that Judge C Darnell Jones II gave him my name and number.

29. Plaintiff met with Alan Epstein and gave Alan Epstein copies of all Plaintiffs signed documents.

30. Defendant's Alan Epstein and Jennifer Meyer Chalal had a duty to submit evidence NO. 10-10 to Defendant's KC Corp. legal team; and ask that they recant their summary judgement from 2013. If KC Corp. legal team refused to recant their summary judgement, from 2013 Defendants Alan Epstein and Jennifer Meyer Chalal had a duty to submit the evidence; Grievance NO. 10-10 and amend the complaint to false imprisonment, false arrest, Whistleblower Law, malice, and slander to my reputation.

31. Rule 37. A failure to make disclosures Rule 26 (a) appropriate sanctions, Rule (IV) Rule 34. Fails to produce documents as requested under Rule 34 Failure to disclose. Negligent Spoliation of evidence *Tort JK Stipancich-Ohil St. L.J 1992 Brook. L. Rev.* 70, 1845, 2004 793, 795 (1991) imposing sanctions for spoliation of evidence.

32. Defendants Jennifer Meyer Chalal and Alan Epstein amended civil action CV 12-2173 and a legal duty to add Defendants Kimberly Clark Legal team and Kimberly Clark Corporation under Title VII act of 1990 (ADA), Hate crime *EEOC & Whitlow V. Cognis Corporation* NO. 10-CV-2182, illegal retaliatory, Whistleblower Law 43 P.S § 1421 ET geg (Pa WBL) Retaliation in violation of Pennsylvania Whistleblower Law 43, P.S. 1423 (a) U.S. Code 31 U. S. Code § 3729. False claims (B), knowingly making fraudulent claim made to Unemployment under PA unemployment laws 402 (e) and to the court. False imprisonment and false arrest June 23, 2011 until Mach 20, 2012. Slander and defamation of Plaintiff's good reputation from May 25, 2011 until now.

33. I Plaintiff asked the court to sanction or disbarred 903 false statements and concealment: 18 U.S.C. § 1001 Falsifying documents, knowing fraudulent statement entry by defendants 109A. 109 B., 110, 117, or sections 1591. Framing charges and evidence 6. 752.1 12 (11-28-2008) Obstruction of justice, Conspiracy between civil wrong 18 U.S.C. § 1505 U.S Code Title 18 Obstruction of justice asked all defendants sanctioned or disbarred.

Table of Authorities

White V. Monsanto Company, 570 So. 2d 221/585 So. 2d 1205 (La.App. 5th Cir. 1990). Citing “factual background” page i

Equal Employment Opportunity Commission (“EEOC”) and Pennsylvania Human Relations Commission (“PHRC”), Title VII of The Civil Rights Act of 1964 Cited “Line 1” page i

Title 18 United States Code section 1503, 1510, 1512, and 1519 cited “line 7” page i, ii

The Americans with Disabilities Act (ADA) cited “line 8” page iii

Bruch V. Clark 507 A 2d 854, 857 (PA 112 Super, Ct 1986) cited “line 11” page iii

United States V. Lepowitch 38 U.S. 702 63s.Ct 914, 87 L. E.d 1091Ç 1943 cited “line 12” page iii

PA Whistleblower Law protection Act of 1989 (WPA) 43 P.S. § 1421 cited “line16” page iv-v

EEOC Title VII of the Civil Rights act of 1964 Retaliation cited “line 18” page v

Mooney V. Holohan, 294 U.S. 103 Ç 1935 cited “line 26” page vi, vii

United States Constitution, Fourteenth Amendment. New York Times Co V.

Sullivan 376 U.S. 254 Ç1954. Intentional infliction of emotional distress, tort; 17

Har V. CR-CL Rev 133, 179 C1982. New York Times Co. V. Sullivan 1964 U.S.

Lexis 1500, 376 U.S. 967, 845. Ct 1130, 12L. Ed 2d 83 (U.S. 1964). cited "line 26" vii

Tort JK Stipancich-Ohil St. LJ 1992 Brook. L. Rev. 70, 1845, 2004 793, 795 (1991)

cited "line 31" page viii

Title VII act of 1990 (ADA), Hate crime EEOC & Whitlow V. Cognis Corporation

NO. 10-CV-2182, illegal retaliatory, Whistleblower Law 43 P.S § 1421 ET geg (Pa

WBL) Retaliation in violation of Pennsylvania Whistleblower Law 43, P.S. 1423 (a)

U.S. Code 31 U. S. Code § 3729. Cited "line 32" page viii

18 U.S.C. § 1001 Falsifying documents, knowing fraudulent statement entry by

defendants 109A. 109 B., 110, 117, or sections 1591. Framing charges and evidence

6. 752.1 12 (11-28-2008) Obstruction of justice, Conspiracy between civil wrong 18

U.S.C. § 1505 U.S Code Title 18 Obstruction of justice. Cited "line 33" page viii

REASONS FOR GRANTING THE PETITION

I, Plaintiff am asking that the Court grant certiorari for the reasons noted below:

I, Plaintiff had worked for Kimberly-Clark for 44 years with an excellent work history. There was no attendance or disciplinary issues in my file. I, Plaintiff was a victim of discrimination, harassment, and intimidation and when I, Plaintiff spoke out and filed a complaint/ called the Code of Conduct Hotline about it, to try to get help with resolving the issues, I, Plaintiff then became a victim of retaliation. I, Plaintiff have had poor counsel throughout this process. Having the Supreme Court decide would have great importance in my, Plaintiff's case, and may help restore faith in the legal system for employee's whose rights have been violated, such as Joel Horne (for admitting that he had a disability). Also, for I, Plaintiff and others who have filed discrimination complaints against Kimberly-Clark. Employees at Kimberly-Clark had been reluctant to file complaints with the Code of Conduct Hotline, when there is a violation for fear of retaliation. Through these years of fighting this case; the defendants have been suppressing evidence, and submitting information they know to be false. They have also been relying on Plaintiff being Pro Se and not fully understanding legal terms and attacking me, Plaintiff with economic hardship. I, Plaintiff have always been known (my entire 44 years of employment) by co-workers as someone with integrity, honest, and a leader. The Defendants have defamed and slandered my good name. I, Plaintiff sincerely ask the Court to grant this petition, so all the suppressed evidence can be entered and appropriate charges filed against defendants.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Muriel Collins".

Muriel Collins

Date: August 2, 2018