

No. 18-9594

In The
Supreme Court of the United States

BRIAN L. DAVIS,
Petitioner,

v.

7-ELEVEN, INC.,
Respondent.

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Fourth Circuit

BRIEF IN OPPOSITION

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QUESTIONS PRESENTED

1. Is it correct that all American citizens should stand up for their rights just in [sic] as an American citizen?
2. Is it correct that Section 1981 is to ensure that all races get treated fairly in a public accommodated [sic] place to ensure the right to contract for all culture, races?
3. Why can a jury not decide whether a case can proceed in a trial?

CORPORATE DISCLOSURE STATEMENT

7-Eleven, Inc., a Texas corporation, is wholly owned by SEJ Asset Management & Investment Company (“SEJAMI”), a Delaware corporation. SEJAMI is wholly controlled by Seven-Eleven Japan Co., Ltd. (“SEJ”), a Japanese corporation. SEJ is wholly owned by Seven & I Holdings Co., Ltd., a Japanese corporation whose stock is publicly traded on the Tokyo Stock Exchange.

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STATEMENT OF THE CASE

This case involves numerous claims made by the Petitioner against 7-Eleven, Inc. stemming from an incident that occurred in October of 2016. Petitioner was asked not to return to a 7-Eleven, Inc. store that was located in Hampton, Virginia after a series of incidents in which the Petitioner was loitering and behaving in a manner that raised concerns of the staff while in the store. Petitioner was left a voicemail by a 7-Eleven, Inc. regional manager requesting that he not return to that specific location, but that he was welcome at other 7-Eleven, Inc. locations in Hampton, Virginia. As a result of this incident, Petitioner has filed suit against 7-Eleven, Inc. in multiple venues asserting multiple claims.

REASONS FOR DENYING THE WRIT

I. THE LOWER COURT PROPERLY DECIDED THAT RES JUDICATA APPLIES

The lower court correctly decided that res judicata should not be “waived”, as the Petitioner requests. Their reasoning and the elements of both claim and issue preclusion are fully briefed in the Dismissal Order from the United States District Court for the Eastern District of Virginia, which Petitioner has attached as Appendix B to his Petition for Writ of Certiorari. Petitioner also attached to his Writ as Appendix F the Respondent’s Memorandum in Support of Motion to Dismiss which was filed in the U.S. District Court for the Eastern District of Virginia. Respondent would request that the Court consider that pleading at this time.

II. PETITIONER HAS NOT PROVIDED A COMPELLING REASON FOR GRANTING A WRIT

As stated in Rule 10 of the Rules of the Supreme Court, “[r]eview on a writ of certiorari is not a matter of right, but of judicial discretion. A petition for a writ of certiorari will be granted only for compelling reasons.” (emphasis added).

Petitioner has not provided any compelling reasoning as to why the decision of the lower courts should be reversed. This is not a case where the United States Court of Appeals for the Fourth Circuit has entered a decision that is in conflict with another circuit, nor does this involve an important question of federal law that should be settled by this Court. Petitioner further has not provided any reason, fact,

or statements of law to support his contention that res judicata should have been waived.

CONCLUSION

The petition for a writ of certiorari should be denied.

July 10, 2019

Respectfully Submitted,

A handwritten signature in cursive script, reading "Randall C. Lenhart, Jr.", written in dark ink.

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