

In The
Supreme Court of the United States

Dr. Patt McGuire

Petitioner/Appellant/*Pro Se*,

v.

St. Louis County et. al.,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES SUPREME COURT

SUPPLEMENTAL BRIEF #3 FOR PETITIONER

Dr. Patt McGuire
Appellant/*Pro Se*
10164 Ventura Dr.
St. Louis, MO 63136
314-556-9760
Patt.mcguire@yahoo.com

Lorena V. Merklin von Kaenel
Associated County Counselor
Office of the County Counselor
41 S. Central, 9th Floor
Clayton, Missouri 63105
314-615-7042
lmerklinconkaenel@stlouisco.com

/s/Dr. Patt McGuire
Dr. Patt McGuire

SUPPLEMENTAL BRIEF #3 FOR PETITIONER

Due to the official filing not being available at the last filing, the petitioner is submitting this additional supplemental brief #3. *See App. F*

As of December 1, 2019 the petitioner filed the attached discrimination case with the St. Louis Missouri EEOC office against St. Louis County and Ptah Walls which was originally presented to EEOC on November 6, 2019. *See App. B*. The Petitioner notified EEOC official the petitioner's decision on December 1, 2019 via am email to the following persons (Dana Engelhardt – Enforcement Manager and Cynthia Basile – Investigator). *See App. C*. The Petitioner notified the proper management staff the following day of the incident in writing. *See App. D*. All were emailed to the proper management staff named in the complaint. The Petitioner went to the downtown St. Louis office on November 6, 2019 to file an official complaint. *See App. D*. The complaint was not filed that day; however, after thinking about the issues surrounding the incident, the Petitioner decided on December 1, 2019. *See App. D*. The Petitioner takes filing complaints serious. This is why the Petitioner took extra time before deciding to file an official complaint. The pervasive harassment and retaliation acts over the years by employees of St. Louis County have provoked this complaint filing. As an example of the petitioner's past filing with St. Louis County, the petitioner has filed a document given to her supervisor at that time a complaint of another supervisor against the petitioner. *See App. E*. According to EEOC, Harassment is a form of employment discrimination that violates, Title VII of the Civil Rights Act of 1964.¹ *See App. A*. According to USLegal the definition my current and past experiences during my employment with St. Louis County, I am and have experienced pervasive harassment and retaliation. I have documentation in my employment file of harassment and retaliation by Cheryl Campbell and Clifford Faddis. In this case, the original discrimination claims include the documented pervasive harassment and retaliation acts.² Attached to this complaint is a complaint that is dated as far back as 2011 by a supervisor of St. Louis County. As recent as November 6, 2019, the petitioner has to deal with the same practices of pervasive acts of harassment and retaliation by another supervisor. Harassment and retaliation is a pattern of acts by leadership of the Detention department. The petitioner has filed exhibits A-Z with the district court and Federal Appeal court of discovery that support these claims by the petitioner.³

According to the Supreme Court case *Vance v. Ball State University* an employee is a supervisor for purposes of vicarious liability for unlawful harassment under Title VII if or she is empowered by the employer to take tangible employment actions against the victim.⁴ The action taken by Ptah Walls the night of the incident was acts in the roll of a supervisor. Ptah Walls contacted my immediate supervisor and the supervisor on duty the night of the incident to report a negative incident which is when Supervisor Walls displayed acts of harassment and retaliation against the petitioner. The Petitioner notified her supervisor in writing of Ptah Walls acts against her in writing. *See App. D*. Based on the ongoing case filed by the petitioner, this ongoing act of harassment and retaliation is ongoing. The Right to Sue letter # 560-2017-01574 was another

¹ EEOC Harassment documentation - Title VII of the Civil Rights Act of 1964

² USLegal definition – something being spread throughout an area or something getting spread to all parts.

³ See District Court case @ 17SL-cc031123 and Federal Appeal case 19-1298

⁴ *Vance v. Ball State University*, 133 S. Ct. 2434 (2013)

charge of retaliation and harassment. *See* App. G. Within the Charge of Discrimination form the petitioner indicated the illegal act of retaliation as a continuing action then (June 28, 2017). *See* App. G. All the supervisors of the Detention Department are in positions of power over employees, the petitioner is an employee. The employer have been empowered the supervisors to take tangible employment actions against the victim meaning the supervisor are able to effect a significant change in employment status, such as hiring, firing, failing to promote, reassignment with significantly different responsibilities, or a decision causing significant change in benefits. On the night of the incident, Supervisor Walls acted in a supervisor's role when he took the action he took to report the petitioner to her immediate supervisor and the duty supervisor that night *Vivian v. Madison*.⁵

The Petition for a writ of *certiorari* should be granted.

Respectfully submitted,
Dr. Patt McGuire
Petitioner/Pro Se
10164 Ventura Dr.
St. Louis, MO 63136
Patt.mcguire@yahoo.com

Petitioner/Pro Se

December 1, 2019

⁵ *Vivian v. Madison*, 601 N. /w. 2nd 872 (1999)