

No. 20-6224

**ORIGINAL**

Supreme Court, U.S.  
FILED

OCT 07 2020

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

BRENDAN L. White — PETITIONER  
(Your Name)

vs.

Elite Beverages — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Seventh Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

BRENDAN L. White  
(Your Name)

4141 N. Ridgview Drive  
(Address)

INDPLS., IN 46226  
(City, State, Zip Code)

317-875-1957  
(Phone Number)

## **QUESTION(S) PRESENTED**

1. Should a liquor store have rules drugs and alcohol and not follow them?
2. When a family member notices a problem with the employee and asks the liquor store to help, should that concerned family member be denied help?
3. Should that employee be denied help?
4. Should any provision for the employee be made?
5. Why wasn't it in this case?
6. Why would the employee's supervisor pick up and drop off employee because that employee has a drinking problem?
7. Is this practice an enabler for the employee?
8. Why would an employee be allowed to purchase alcohol during work shift?
9. Why would an employee be allowed to drink during shift?
10. Why would employer allow employee with a known drinking problem to purchase liquor?
11. Why would employer pick up an employee that is drunk or hung over to take to work?

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12. Why would employer have intoxicated employee work in the warehouse until employee is sober when that employee would have to handle large boxes and glass bottles?
13. Why would not the employer allow intoxicated employee medical treatment after breaking toes and fingers while intoxicated working in the warehouse?
14. Why would employer reprimand employee after tolerating, without any correction, previously?
15. Why would employer, after years of allowing this behavior, harshly punish employee after a habit has been developed into a routine, making it difficult to process for alcoholic?

## **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:

## **RELATED CASES**

A.

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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 \_\_\_\_\_ to the petition and is  
 reported at U.S. Court of Appeals for the Seventh Circuit; 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 \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; 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 July 23, 2020.

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: \_\_\_\_\_, 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. § 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**

**AIG Liability for Intoxicated Employees, found online:**

**"Federal Register 32889; Presidential Documents; Vol. 51. No. 180 Wednesday, September 17, 1986**

**Title 3-; Executive Order 12564 of September 15, 1986; The President; Drug-Free Federal Workplace"**

**Policy, Data, Oversight; WORK-LIFE; Alcoholism in the Workplace: A Handbook for Supervisors;**

**Introduction; The National Council on Alcohol and Drug Dependence defines alcoholism this way:**

**"Alcoholism is a primary, chronic disease with genetic, psychological, and environmental factors influencing its development and manifestations. The disease is often progressive and fatal. It is characterized by impaired control over drinking, preoccupation with the drug alcohol, use of alcohol despite adverse consequences, and distortion in thinking, most notably denial."**

**(<https://www.opm.gov/policy-data-oversight/worklife/reference-materials/alcoholism-in-the-workplace-a-handbook-for-supervisors/#content>)**

**"The employees sued to obtain the lost benefits, alleging ERISA violations, breach of contract and a breach of the implied covenant of good faith and fair dealing. The federal District Court granted summary judgement in favor of the employer."**

**"The mission of the Indiana Department of Labor is to advance the safety, health and prosperity of Hoosiers in the workplace. In order to make significant strides..."**

## **STATEMENT OF THE CASE**

My daughter, Brenae Davis, was employed by Elite Beverages for four years. Within that time she became an alcoholic. Brenae has a daughter. They lived with me. After a while, I noticed empty liquor bottles, and bottles with liquor in them. Also, her behavior was off. She had a couple of accidents going to work. Her supervisor picked her up and brought her back home daily so she did not have to drive because of her dependency on liquor. No enforcement for no intoxication on the job were discussed with Brenae. She became more and more unlike herself because of the liquor. I spoke to one of the store owners, Adam Cox. I told him of my concerns with my daughter going to work hung over or intoxicated and her supervisor transporting her to work and back, and he did not seem concerned. He said when he got to it he would speak to her. That was June. In October, he spoke to her. By that time, I had to put her out of my house because she was unrecognizable in many ways from the alcohol. After Brenae was left to purchase liquor during her working hours and drink on the job and purchase liquor before she left work, she developed a continued habit to do so, daily. She was dealt with harshly in October, which was too late and uncaring. That caused her to be depressed. There is a psychology to it, somehow. My daughter was needing help and her employer refused to help her or support me in trying to get help for her. In their employee handbook, steps were supposed to have been taken to end that trend, downward. None were taken. My daughter passed away in January from liquor, and, I believe heartbroken from the way that she was abruptly treated from drinking, leaving her daughter motherless, and me, daughterless.

## REASONS FOR GRANTING THE PETITION

A federal court rendered my case to be frivolous. This matter should be granted because there are no definitive laws for intoxication in the workplace, and specifically, a liquor store. There are no regulations to monitor employees or enforce the rules of the employee handbook should there be any violation.

Now, my granddaughter has no mother because the rules were not enforced for her mother, and, I don't have my daughter because the rules weren't enforced. I scheduled a visit with one of the owners, Adam Cox, in June, he did get around to speaking to my daughter until October. He told my daughter that I didn't want her to drink on the job. My daughter told me that. That caused her to be angry at me, causing tension in our home. She had been drinking so much and became so angry and continued drinking, I had to put her out of my house. By January she was deceased. Without the company enforcing their rules and allowing her to be intoxicated on the job, every day, I believe that they caused my daughter's death. They waited too long before correcting her behavior, obviously, making her feel that it was okay to behave in this manner.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Ben Dawhite

Date: 10-27-20 10-30-20