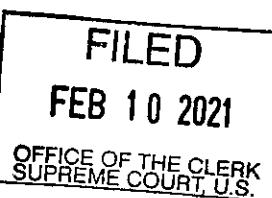


20-8375
No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



LUISA M. LIBERTO & JEFFREY M. LIBERTO – PETITIONER(S)

vs.

GEISINGER HOSPITAL. Janet Sherman, Regional Director, Patient Access Central Region; Jan Letteer, Human Resources Generalist; Cari Depak, Senior Access Rep; Theresa Phillips, Patient Access Rep; Wendy Low, Manager, Patient Access Services; Dr. David T. Feinberg, (Former) CEO; Diane Pardoe, Volunteer Coordinator; Shelly Lee Tyson, Director of Volunteer Services; Josh Wolfe, Human Services Generalist; Stacey Fisher, Senior Director, Guest Services; Lisa Kobelis, PAC; Valerie Mohutsky, Manager, Workmans Compensation – RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT – Philadelphia

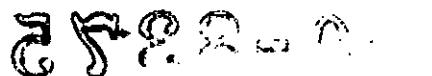
PETITION FOR WRIT OF CERTIORARI

LUISA M. LIBERTO & JEFFREY M. LIBERTO

7 MEMORIAL ACRES

SUNBURY, PA 17801

(570) 492-1701


QUESTION(S) PRESENTED

Due to his intellectual disabilities, Jeffrey Liberto was banned from his volunteering position at Geisinger Hospital, without explanation, and prevented from obtaining employment. Jeffrey Liberto was then forced to watch Geisinger Hospital upper management inflict cruel and unusual punishment on his mother while informing him of why they had banned him from his volunteering position one week earlier. Did Geisinger Hospital upper management discriminate, harass, and inflict cruel and unusual punishment on Jeffrey Liberto in violation of Title VII and the VIII Amendment?

Did Geisinger Hospital use Jeffrey Liberto, Luisa's son, as a means to harass and psychologically inflict cruel and unusual punishment on Luisa Liberto?

Luisa Liberto was sought out (targeted) by Geisinger Hospital, interviewed by a regular employee for a position that had never been posted, and hired four months later when the position was finally posted. She was then subjected to discrimination, harassment, abuse, blackballing, and cruel and unusual punishment before being wrongfully terminated.. Did Geisinger Hospital use targeting, discrimination, harassment, blackballing, abuse, and wrongful termination to inflict cruel and unusual punishment on Luisa Liberto in violation of Title VII and the VIII Amendment?

Did Geisinger Hospital violate Title VII of the Civil Rights Act, of 1964 & 1990, Title VII of the Civil Rights Act, 42 U.S.C. s2000e (ADA) 42 U.S.C. 12101; and the XIII Amendment of the Constitution by inflicting all the above-mentioned acts on Petitioners?

LIST OF PARTIES

X All parties appear in the caption of the case are 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

Liberto vs. Geisinger Hospital, et al., No. 4:17-cv-02320, U.S. District Court for the Middle District of Pennsylvania. Judgement entered April 16, 2020.

Liberto vs. Geisinger Hospital, et al., No. 18-2990, U.S. Court of Appeals for the Third Circuit, Philadelphia, PA. Judgement entered April 27, 2020.

Liberto vs. Geisinger Hospital, et al., No. 20-2012, U.S. Court of Appeals for the Third Circuit, Philadelphia, PA. Judgement entered Dec. 16, 2020.

Court Dockets included herein.

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
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STATUTES AND RULES

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APPENDIX H	Order filed April 9, 2020 - Case No. 18-2990 U.S. Third Circuit, Philadelphia, PA
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APPENDIX J Notice of Appeal dated September 5, 2018
***Amended Complaint not included as it was included with prior
Notice of Appeal dated May 15, 2020

APPENDIX K Motion for Appointment of Counsel dated August 20, 2019
Case No. 18-2990, U.S. Circuit Court, Philadelphia, PA

APPENDIX L Motion for Extension of Time to File Brief Dated August 20, 2019
Case No. 18-2990, U.S. Circuit Court, Philadelphia, PA

APPENDIX M Letter to Honorable Judges – Case No. 18-2990
U.S. Circuit Court, Philadelphia, PA
***Attachments not included because they were included in the
Notice of Appeal dated May 18, 2020

APPENDIX N Motion for Extension of Time to File a Brief dated Feb 11, 2020
Case No. 18-2990, U.S. Circuit Court, Philadelphia, PA

APPENDIX O Notice from Circuit Court informing of Delay in Outgoing Mail and
Deadlines shall be extended 14 days due to Covod-19

APPENDIX P Motion to Reopen with Informal Brief dated March 11,2020
Case No. 18-2990, U.S. Circuit Court, Philadelphia, PA
***Court did not honor the 14 day extention and did not acknowledge
receiving the Informal Brief***

APPENDIX Q Motion to Reconsider March 26, 2020 Order, dated April 16,2020
Case No. 18-2990, U.S. Circuit Court, Philadelphia, PA

APPENDIX R Civil Docket for Case No. 18-2990

APPENDIX S Report and Recommendation (Opinion) filed March 30, 2020
Case No. 4:17-cv-02320 - U.S. District Court, Middle District of PA
Briscoe v. Klaus, 538 F.3d 252, 257 (3d Cir. 2008)

APPENDIX T Report and Recommendation (Opinion) filed July 30, 2018
Case No. 4:17-cv-02320 - U.S. District Court, Middle District of PA
Briscoe v. Klaus, 538 F.3d 252, 257 (3d Cir. 2008)

APPENDIX U ORDER filed April 16, 2020 - Case No. 4:17-cv-02320
U.S. District Court, Middle District of PA

APPENDIX V ORDER dated Feb 27, 2020 – Case No. 4:17-cv-02320
U.S. District Court, Middle District of PA
Remand matter back to M. J. Carlson

APPENDIX W ORDER dated Feb 28, 2020 – Case No. 4:17-cv-02320
U.S. District Court, Middle District of PA
Order to File Amended Complaint
***Petitioners were preparing Informal Brief as Circuit Court case
management said. Petitioners asked Clerks of both Courts if the
District Court could file an Order if the case was still pending in the
Circuit Court. They could not answer that question. No attorneys
were available. ***

APPENDIX X ORDER dated August 17, 2018 - Case No. 4:17-cv-02320
U.S. District Court, Middle District – PA
Case Dismissed.

APPENDIX Y Civil Docket for Case No. 4:17-cv-02320

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioners respectfully pray that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

X For cases from federal courts:

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

X reported at U.S. District Court for the Middle District of Pennsylvania; or,
— has been designated for publication but is not yet reported; or,
— is unpublished.

X reported at U.S. District Court for the Middle District of Pennsylvania; 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

X reported at U.S. District Court for the Middle District of Pennsylvania; 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

X For cases from **federal courts:**

The date on which the United States Court of Appeals decided my case was December 15, 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 dates: ** See note below** Case No. 18-2990, and a copy for 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_____.

Case Manager Tim McIntyre had said Petitioners could file a Petition for Rehearing after the Case was Dismissed on February 27, 2020; then someone else in the background said Petitioners must file a Motion to Reopen instead.

The jurisdiction of this Court is invoked under 28 U.S.C. s1254(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 extention 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. s1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

VIII (Eighth) Amendment of the Constitution – Cruel and unusual punishment

- The VIII Amendment proscribes more than physically barbarous punishments and embodies broad and idealistic concepts of dignity, civilized standards, humanity, and decency against which a court must evaluate penal measures. - *Estelle v. Gamble*, 429 U.S. 97 (1976)
- Punishments which are incompatible with evolving standards of decency that mark the progress of a maturing society, or which involve unnecessary or wanton infliction of pain, are repugnant to the VIII Amendment. – *Estelle v. Gamble*, 429 U.S. 97 (1976)
- Among unnecessarily and wanton inflictions of pain prohibited by the VIII Amendment are those that are totally without penalological justification. – *Rhodes vs. Chapman* 452 U.S. 337 (1981)
- Some Courts have stated that only the unnecessary and wanton infliction of pain can constitute a violation of the prohibition against cruel and unusual punishment:
 - *Collins v. Bopson*, 816 F.Supp. 335 (E.D. Pa. 1993)
 - *Talib v. Gilley*, 138 F. 3d 211 (5th Cir. 1998)
 - *Friends v. Morre*, 776 F.Supp. 1382 (E.D. Mo. 1991)
 - *Ruble v. King*, 911 F. Supp. 1544 (N.D. Ga. 1995)
- Such statements should not be taken to mean that the infliction of pain is the only way in which the prohibition against cruel and unusual punishment can possibly be violated.

A violation of the prohibition against cruel and unusual punishment can be found even absent the infliction of actual physical pain.
Avery v. Powell 695 F. Supp. 632 (D. N.H. 1988)

The scope of the VIII Amendment is broader than the mere infliction of physical pain. – Sher v. Engelke, 943 F. 2d 921 (8th Cir. 1991)

Additional acts that contributed to the cruel and unusual punishment.

Title VII of the Civil Rights Act of 1964, 1981, and 1990; and
Title VII of the Civil Rights Act 42 U.S.C. s2000e, (ADA) 42 U.S.C. 12101
Discrimination, Harassment, Targeting, Bullying, Abuse, and Wrongful Termination

42 U.S Code s12203: Prohibition Against Retaliation

No person shall discriminate any individual because such individual has opposed any act or practice made unlawful by this chapter or because such individual made a charge.

Black-balling should be illegal and it violates the U.S. Declaration of Independence – “...all men are created equal, endowed by their creator with certain unalienable rights, that among these are Life, Liberty, and the Pursuit of Happiness.”

STATEMENT OF THE CASE

This Employment Discrimination, Harassment, Cruel and Unusual Punishment, Wrongful Termination, and Black-balling case was dismissed, not because of the merits, but because of technicalities which Petitioners did not understand. Petitioners are being black-balled and prevented from obtaining legal counsel, employment, and the Right to a Life abounding in Liberty to Pursue Happiness, Tranquility, and Prosperity with Freedom from Oppression.

No American citizen, including Americans with intellectual disabilities, should be subjected to any of the above-mentioned in their place of volunteering or employment.

No employer should have the right to target, discriminate, harass, torture, ban, wrongfully terminate, and black-ball an employee, volunteer, or individual interested in employment simply because employers in Pennsylvania can do so, then jump under the umbrella of the "At Will Employment" law, which allows employers to do as they please, claiming they do not need just cause.

Luisa Liberto was sought out (targeted) by Geisinger Hospital, called in and interviewed by a regular employee, for a position that had never been posted. Luisa Liberto was hired five months later, after the job was finally posted. Luisa was then subjected to discrimination, and egregious acts of harassment, black-balling, abuse, and cruel and unusual punishment before being wrongfully terminated in retaliation for speaking out.

Geisinger Hospital's upper management also used Luisa's son, Jeffrey Liberto, who has intellectual disabilities, as a means to harass and psychologically torture Luisa.

not receive the Circuit Court's Opinion dated October 29, 2020, from the District Court until January 28, 2021. Luisa then was able to submit the Petition of Allowance of Appeal on February 10, 2021. Petitioners thank this Honorable Court for the Clerk's March 8, 2021, letter giving Petitioners the opportunity to file this Petition For Writ of Certiorari within 90 days.

The following is a condensed account of the egregious acts inflicted on Petitioners at Geisinger Hospital. In March 2012, Geisinger Hospital employee, Theresa Phillips, contacted Luisa Liberto regarding a Patient Access Rep position, (which Luisa later learned had never been posted). Theresa interviewed Luisa, had Luisa shadow her for one full day on the floors of the hospital, and offered the position to Luisa.

In April 2016, after Theresa asked Luisa to provide Theresa with Luisa's references, Luisa spoke to Betsy in HR and learned that there was no application on file for that position because there was no such job posting.

In June 2016, Regional Director, Janet Sherman, who had given Theresa Luisa's Resume and had instructed Theresa Phillips to contact and interview Luisa, finally posted the position; and HR Richelle Myers offered the position to Luisa.

On August 1, 2016, Luisa began working at Geisinger Hospital in Danville, PA, at the Janet Weis Pavilion. Theresa had two enclosed cubicles in the lobby especially for Theresa and an assistant, away from the rest of the Patient Access Department in the Main Building of the hospital. Theresa began training Luisa and having Luisa shadow her on the floors of the hospital.

From August 9, 2016, thru August 11, 2016, Luisa successfully completed Training Classes to learn to navigate Geisinger's computer program, The Epic System, in

a separate facility in Buckhorn, PA. Luisa began to experience headaches by the end of each day, which became worse daily and caused her to become very sleepy as she drove home.

On August 11, 2016, by the end of the day, Luisa's headache had become so bad that while driving home that evening her eyes became very heavy; and Luisa had difficulty staying awake while driving.

On August 12, 2016, still having the headache, Luisa took Ibuprophen and began driving to complete her last Training Classes, which were not essential to her position. Luisa had completed the classes pertinent to her position the day before. Luisa's headache was so severe that it became dangerous to continue driving. Being close to Geisinger Hospital, Luisa went into work and spoke to Janet Sherman, who gave Luisa permission to work with Theresa. Janet Sherman would reschedule Luisa's last class.

Theresa Phillips became enraged, even though those last classes had nothing to do with Luisa's job; and Janet and Theresa began the harassment and intimidation:

- Refusing to give Luisa Keys to her office;
- Not allowing Luisa to shadow her on the floors any more;
- Denying Luisa access to EPIC by not providing a password for her, at Janet Sherman;s orders;
- Sending Luisa daily "follow-up" emails labeled, "High Importance and Confidential" on anything Theresa taught Luisa, copying Janet Sherman and Wendy Low, Luisa's Direct Supervisor. (Theresa admitted that she had never sent such emails to any other trainee before).

Wendy Low scheduled Luisa for the EPIC classes she missed, but Trainer Eileen Wolfe insisted Luisa retake all the classes she had successfully completed not even one and a half (1 ½) weeks prior before taking the classes she missed.

Janet Sherman told Luisa she would be transferred to the Patient Access Office because of all the issues with Theresa. However, the transfer would take some time because the Department Offices were being relocated to Building F, beside the IT Dept.

Janet Sherman scheduled a meeting with Jan Letteer from HR, Wendy Low, Luisa, and herself to discuss the harassment and to clarify why Janet Sherman had searched through all the thousands of applications in Geisinger's HR data base, choosing Luisa to be hired as a Patient Access Rep for a position that had not been posted.

On August 23, 2016, Janet Sherman transferred Luisa to the new offices in Building F, next to the IT Department, assigning Luisa a password for EPIC.

Luisa was the only Hispanic in that department and was at various times subjected to derogatory remarks. Luisa was assigned a cubicle directly under a vent in the ceiling that ran constantly, was very noisy, and never shut off. Whenever Luisa signed on to EPIC or to her Councelor Log, this already noisy vent would make a kick-on noise, as if restarting, then became louder. As the already running vent kicked on becoming even louder and running harder, Luisa would experience pressure in her head, ears, eyes, and nose causing Luisa a sensation as if her head was going to burst, severe headaches, nausea, ringing in her ears, and even pain in her joints.

Luisa asked Janet Sherman, Wendy Low, and Cari Depak, Senior Access Rep and Luisa's trainer, if the vent could be turned off. Janet Sherman and Cari Depak said the vent had to stay on at all times because Cari had allergies. Luisa later learned from her

doctor that this made no sense because vents stir up dirt which make allergies worse. Wendy Low wrote several work orders, but nothing ever changed.

Luisa repeatedly asked if she could be relocated to a different cubicle, since there were six (6) empty cubicles in the office, but her requests were always denied by Janet Sherman who said, "You're going to have to get used to it." Meanwhile, Luisa's symptoms became worse and she felt as if she were being electro-shocked every time she signed onto EPIC or her Counselor Log.

Wearing earplugs and taking Ibuprophen did not help. Luisa would often have to jump up suddenly out of her seat to get away from the torturous conditions, hurting her hip. By the end of each week the symptoms were so unbearable it would take the entire weekend to recover. Each weekend that passed, Luisa would recover less.

From August 23, 2016, Cari Depak, Luisa's trainer, lied to Luisa about procedures, thereby forcing Luisa to have to spend more time at her cubicle on the EPIC system. After several weeks of training, Cari would no longer sit beside Luisa at her cubicle. Cari would instead sit or stand on the other side of the partition in the empty cubicle beside Luisa's cubicle.

Luisa began to experience the symptoms on the laptop that had been assigned to her when going on the floors to interview patients. Then Luisa began to experience the symptoms on all the laptops after she signed in. With more exposure to her torturous work space and laptops, Luisa began to experience sensations as if currents of electricity were running through her head any time Luisa used any computer or when she came in contact or near electrical equipment, microwaves, or cell phones, including her own. Luisa became hypersensitive to electrical equipment, electrical vibratory noise, and high

frequency sounds. Luisa spoke to Wendy Low and Jan Letteer numerous times about Janet Sherman's unrelenting harassment and cruelty. All Luisa's pleas were ignored and the abuse and cruel and unusual punishment continued until Luisa was wrongfully terminated.

Meanwhile, from October 16, 2016, Shelly Lee Tyson, Director of Volunteer Services, and Diane Pardoe, Volunteer Coordinator, began calling meetings with Luisa – their office dimly lit – and Luisa would experience the torturous symptoms on the chair they directed Luisa to sit on. Luisa would quickly have to get up from the chair and back out of the office, speaking to them from outside the door.

Jeffrey Liberto was volunteering at the Main Entrance of the hospital, taking patients on wheelchairs from the Rabbit Transit Bus to their appointments at the hospital, then coming back to the Main Entrance and sitting with his coworkers to wait for the next Rabbit Transit Bus.

On Friday afternoon, October 21, 2016, Shelly Lee Tyson and Diane Pardoe asked Luisa to meet with them regarding Jeffrey. Jeffrey was doing a good job and they wanted him to volunteer four (4) hours a day instead of three (3). Luisa related to Shelly and Diane that Jeffrey had told her that Lauren, a paid employee, had transferred out from Jeffrey's department at the Main Entrance to another department; and Jeffrey was interested in that part-time position.

Jeffrey's disabilities had been discussed at length with Janet Sherman, Wendy Low, Shelly Lee Tyson, and Diane Pardoe before Jeffrey began volunteering. The job they assigned for him was a perfect fit for him. The job worked well with his disabilities. He performed well in that roll, and he loved it.

On Monday morning, October 24, 2016, after Jeffrey had already punched in and was at his work station, Diane Pardoe went to Luisa's office and told Luisa that Jeffrey was not to go to the Main Entrance to work. There were issues she could not discuss with Luisa. Her "higher-ups" had ordered that Jeffrey could no longer work at the Main Entrance or be seen in the Main Building of the hospital. He had been banned.

Diane, making reference to his intellectual disabilities, made a brick-like motion with her hands, saying, "Jeffrey needs to be *confined* to four (4) walls, sitting in one place." Diane told Luisa to go tell Jeffrey he could no longer volunteer at the Main Entrance, and Luisa had to go inform him.

Jeffrey, after excitedly anticipating that he would replace Lauren in this paid part-time position, received this sudden order instead. He had been banned from the Main Entrance position and the Main Building, and no one would give him a reason why. Jeffrey became very embarrassed, confused, and extremely emotionally distressed. Therefore, Jeffrey had a severe meltdown with loud outbursts.

Luisa wrote a letter to then CEO, Dr. David T. Feinberg, believing he would help. Instead, Dr. Feinberg was indifferent and insensitive to the discrimination Jeffrey was being subjected to due to his intellectual disabilities.

Dr. Feinberg assigned HR Generalist, Josh Wolfe, to respond to the letter and to hold a meeting with Luisa and Jeffrey.

The morning of the meeting, Luisa did not feel well. Luisa called Josh Wolfe and asked to hold the meeting over the telephone. Josh insisted the meeting must be in person because there were things that could not be said over the phone. Insisting they meet in person, Josh accused Luisa of not wanting to speak with him face to face.

On November 2, 2016, Josh Wolfe and Stacey Fisher, Sr. Director, Guest Services, held the meeting with Luisa and Jeffrey in a conference room at the hospital. The room was apparently unfinished. The room was located in a hallway where rooms were under construction.. At the meeting, Luisa, already not feeling well, began to experience pressure in her head, hearing echoes, and feeling as if her head was going to burst. Luisa had to keep getting up out of her seat with her hands clasping her head, excusing herself, and quickly leaving the room to obtain relief. Luisa repeatedly asked if they could please find another room. Josh and Stacey refused, saying there were no other vacant conference room in the entire hospital. Josh and Stacey were inhumanly immovable and subjected Luisa to this horrific torture for two (2) hours while they barraged accusations at Jeffrey. It was torturous for Jeffrey to have to sit there helplessly watching his mother be subjected to those conditions. There was nothing said at that meeting that could not have been said over the phone.

Under the direction of Dr. David T. Feinberg, Luisa and Jeffrey were subjected to cruel and unusual punishment, for two hours, at the meeting with Josh and Stacey.

At the meeting, Josh and Stacey related that after the meeting held late Friday afternoon, October 21, 2016, with Luisa, Shelly, and Diane, employees in Jeffrey's department suddenly had a list of complaints. Therefore, without investigating or speaking with Jeffrey first about the complaints, they banned him. Luisa spoke with the employees. They did not know what was going on and did not want to get involved.

On November 4, 2016, several members of the IT Department worked in the Patient Access Dept on the laptops and on the master computer in the Interview Room next to Janet Sherman's Office. During that time, first thing in the morning, at the

direction of Janet Sherman, Cari Depak instructed Luisa to correct some alleged errors on the EPIC system. That was unusual because the Patient Access Reps were always instructed to interview the patients on the hospital floors before working on anything else.

Luisa's symptoms had become progressively worse with more and more exposure to her work space. While doing the work Cari told Luisa she must do, the feeling in Luisa's head and body were more severe than she had ever felt before. The sensations of being electro-shocked were so intense it was unbearable. Cari stood in the empty cubicle behind the partition between Luisa's cubicle and the empty cubicle next to Luisa's while she walked Luisa through the alleged errors. Cari stated Janet had instructed her to walk Luisa through these alleged errors.

Feeling herself going into a zombie-like state, and not being able to withstand the torture any longer, Luisa moved out of her cubicle and refused to work there any longer. Luisa moved to a laptop cart. Cari, then, in apparent violation of Janet's orders, would not stand next to Luisa. Cari then sat down at her own cubicle, apparently ignoring Janet's instructions.

Luisa's symptoms, even at the laptop cart, were extremely severe. Luisa, almost in a stupor, made her way to the bathroom and threw up. Luisa came back to the office and told Wendy and Janet she had to go home. Janet Sherman and Wendy Low tried to prevent Luisa from leaving.

Janet Sherman and Wendy Low told Luisa she must be seen by Employee Health before filing a workman's compensation claim.

On November 8, 2016, at Employee Health, Lisa Kobelis, PAC, said Geisinger would not accept an Employee Injury Report written on paper. Lisa Kobelis, PAC,

refused to examine Luisa unless Luisa completed the report online. Lisa Kobelis, PAC, tried to force Luisa to complete the Report online at the computer in their office, saying she would help her. After much debate, a nurse came out from the back and gave Luisa a hard copy to complete. Lisa Kobelis, PAC tried to snatch it from Luisa's hand. Luisa pulled the form away from her, quickly folded it and put it in her coat pocket.

On November 9, 2016, Luisa went to a Geisinger Urgent Care. They refused to see her but allowed her to fax the completed Employee Injury form to Workman's Comp. Valerie Mohutsky, Manager, Workman's Comp., denied receiving the Employee Injury Report. Luisa called HR's Jan Letteer, who said she would speak to Valerie.

Lisa Kobelis, PAC, saw Luisa that afternoon. Lisa Kobelis, PAC, said that based on a report of a test conducted at Luisa's work station, the air quality was good and everything was ergonomically fine. Despite Luisa's symptoms, Lisa Kobelis, PAC, wrote an order that Luisa should go back to work the next day without limitations. Geisinger Hospital did not send Luisa to a Panel doctor.

Luisa, again, as she had several times, met with Jan Letteer relating the discrimination, harassment, abuse, and torture. Luisa also discussed with Jan Letteer transferring to another department. Wendy Low, Luisa's immediate supervisor, had previously spoken to Luisa about transferring her to a different department, but she had to get it approved. Geisinger Hospital did not transfer Luisa to a different department.

Luisa had to go see her own doctor, who determined that the onset of Luisa's symptoms began with exposure to vent noise over her head in her work station. Luisa's doctor recommended, several times, that Luisa should be moved to a different work space away from the vent and that when she returned to work, she would have limitations.

Geisinger Hospital did not honor Luisa's doctor's orders. Instead, Luisa was never moved from the torturous work space.

Jan Letteer Fed Ex'd a letter to Luisa threatening to terminate her employment if Luisa's doctor did not complete an ADA form. Luisa immediately took the ADA form to her doctor. When Luisa returned to work, her work station was still under the vent despite all the doctor's notes, recommendations, and restrictions. Luisa was forced to remain at her torturous work station.

On December 8, 2016, under the direction of Dr. David T. Feinberg, after Luisa turned in the ADA form, Jan Letteer, Janet Sherman, and Wendy Low wrongfully terminated Luisa in retaliation for having spoken out about the discrimination, harassment, black-balling, abuse, and torture that both Luisa and Jeffrey had been subjected to.

Terminating Luisa, Jan Letteer stated, "You're not happy with us, so we're not happy with you." Luisa was escorted to her work station by a security guard. Jan Letteer followed and snatched Luisa's training and other materials out of her hands, saying, "This is Geisinger property!" As Luisa was walking out the door of the hospital, Jan Letteer said, "Get Out!"

REASONS FOR GRANTING THE PETITION

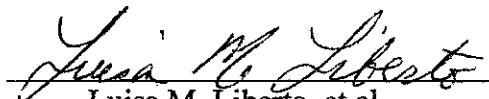
- Luisa Liberto and Jeffrey Liberto were targeted, discriminated against under Title VII of the Civil Rights Act of 1964, 1981, and 1990; and Title VII of the Civil Rights Act, 42 U.S.C. s2000e (ADA) 42 U.S.C. 12101, due to their race, color, and disabilities.
- Luisa Liberto and Jeffrey Liberto were subjected to egregious abuse and cruel and unusual punishment by Geisinger Hospital upper management in violation of the Eighth (VIII) Amendment of the Constitution of the United States.
- Luisa and Jeffrey were black-balled at Geisinger and continue to be black-balled in the area in which they live. This violates their Civil Rights and the Declaration of Independence; and it is affecting their quality of Life, Liberty, and Pursuit of Happiness.
- Petitioners have suffered and continue to suffer damages because of everything they were subjected to. Luisa is now hypersensitive to electricity, electrical vibratory noises, and high frequency sounds. Luisa was forced into early retirement due to her health conditions and the black-balling.
- Petitioners have been destroyed financially: suffering from poverty, eviction, and even two (2) months of homelessness, having to sleep in their car with Jeffrey's emotional support dog.

- Petitioners have been affected and continue suffering from damages caused by Geisinger Hospital, including but not limited to, physical, financial, material, emotional, and psychological damages.
- No American citizen, especially Americans with disabilities, should ever be subjected to such egregious acts of discrimination, harassment, black-balling, abuse, and torture (cruel and unusual punishment).
- No Employer should have the right to target any American citizen, especially those with disabilities, and inflict such incomprehensible, egregious acts of cruel and unusual punishment.
- No Employer should have the right to wrongfully terminate, ban, or prevent any American citizen from employment in order to further inflict cruel and unusual punishment, hiding under “At Will Employment” law.
- No Employer should have the right to black-ball any American citizen, especially those with disabilities, inflicting further cruel and unusual punishment and ruining their lives, health, self-esteem, liberty, and their efforts in moving forward in their pursuit of happiness.
- Geisinger Hospital, or any other employer, should not be allowed to inflict such egregious acts on Petitioners or any other human being ever again.

CONCLUSION

For all the foregoing reasons, Petitioners Luisa Liberto and Jeffrey Liberto respectfully request that this Honorable Court grant the Petition for a Writ of Certiorari.

Respectfully submitted,



Luisa M. Liberto, et al

Date: June 4, 2021