

ORIGINAL

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SUPREME COURT U.S.

1:17-CV-01073-CGE-JDN

IN THE

SUPREME COURT OF THE UNITED STATES

ANTHONY JOHNSON PETITIONER  
(Your Name)

vs.

ROWAN HELPING MINISTRIES  
— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE) FOR THE 4th  
Circuit

PETITION FOR WRIT OF CERTIORARI

ANTHONY DONELL JOHNSON  
(Your Name)

707 EAST COUNCIL ST  
(Address)

SALISBURY, NORTH CAROLINA 28144  
(City, State, Zip Code)

(704) 232-4293  
(Phone Number)

### QUESTION(S) PRESENTED

Did the district Court err in not acknowledging evidence presented by petitioner to demonstrate satisfactory job performance, through outstanding job performance evaluations? Haynes v. Waste Connections

Did the district err in not recognizing petitioner received bonuses during the relevant time period he was considered to be not performing his job satisfactorily at the time Rowan Helping Ministries fired him? Haynes v. Waste Connections, Burlington Industries v. Ellerth

Did the district Court properly exercise its discretion in granting summary judgment? The petitioner showed pretext, and showed that employer Rowan Helping Ministries proffered non-discriminatory reasons for the termination are inconsistent over time, false, or based on mistakes of fact. If the petitioner does so, then summary judgment should be denied and the case should proceed to trial. Haynes v. Waste Connections

Should the district Court should have acknowledge that Rowan helping Ministries came up with a new reason why it claims it terminated petitioners employment? Not getting along with coworkers, not performing job well, unwelcome attention to coworkers, The only reason given at the time of petitioners termination, however, was tardiness. Further, the company policy on tardiness after so many days states it should be a suspension of three days before termination, which this protocol never happened. Haynes v. Waste Connections,

### QUESTION(S) PRESENTED

Did the district Court properly exercise its discretion in the Summary judgment phase? when Petitioner submitted evidence of Supervisor, Charlotte Pinkett texting him at 3: A.M. in the morning, and not consider that harassment or inappropriate. Christine McKennon, Petitioner v. Nashville BANNER Publishing Company. Nov 2, 1994

Did the district Court overlook the fact that the false statements of unwelcome attention of petitioner toward coworkers? did not come about until after I reported Supervisor Charlotte Pinkett of harassment several times to her supervisor Sherry Smith, director of Client Services, who eventually let supervisor Charlotte Pinkett fire me. Carrether v. Speer, Sauers v. Salt Lake County if 1993

Was the district Court in error when it granted summary judgment after practitioner showed that a white employee Vickie Horn got mad at two other employees and walked off the job and left which should have been grounds for termination but continued to work there two years after Petitioner was terminated for a much less supposed infraction? Hayes v. Waste Connection

## 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

BARNES V. TRAIN (1974)

WILLIAMS V. SAXBE (1976)

BARNES V. COSTLE (1977)

MERRITOR SAVINGS BANK V. VINSON (1986)

ELLISON V. BRADY (1991)

JENSON V. EVELETH TACONITE CO (1991)

FARAGHER V. CITY OF BOCA RATON FLORIDA  
AND BURLINGTON V. ELLERTH (1998)

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## TABLE OF AUTHORITIES CITED

### CASES

See e.g., *LAGRAND v AREA Resources* 394 F.3d 1098, 1102 (8th Cir. 2005) For Community and Human (prima facie elements require the plaintiff to show membership in a protected group, <sup>services</sup> subjection to unwelcome sexual harassment

See *LAPKA v Chertoff* 517 F.3d 974-983-84 (7th Circuit) (coworker's rape was sufficiently severe to constitute actionable harassment under Title VII: <sup>2008</sup> *GARY V. LONG* 59 Fed 1391 1397 (D.C. Cir 1995) (if proven to be true (Supervisors) Repeated verbal and physical harassment of plaintiff) Culminating in a rape, is not only pervasive harassment but also criminal conduct of most serious nature

### STATUTES AND RULES

707 F.3d 7. 18 (1st Cir. 2013)

229 F.3d 917 921. (9th Cir 2000)

Turner, 595 F.3d at 685-84

### OTHER

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 \_\_\_\_\_; 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 November 9th, 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

Discrimination Title VII of the Civil Rights Act of 1964 (Title VII) generally prohibits discrimination in the workplace, but does not contain an express prohibition against harassment. The Supreme Court, however, has interpreted the statute to prohibit certain forms of harassment, including sexual harassment. The Court has also established legal standards for determining when offensive conduct amounts to a Title VII violation and when employers may be held liable for such actionable harassment.

Sexual Harassment - The Supreme Court concluded that employers cannot escape liability for supervisor misconduct simply because they did not know or could have known about the misconduct. Courts now hold employers to a higher standard for supervisory misconduct. For misconduct by supervisors, an employer will be vicariously liable.

Retaliation. Title VII's anti-retaliation provision protects an employee from being fired for sexual harassment when employee notifies the employer and/or supervisor of the harasser because unless employer has cognitive and some reasons for the dismissal,

## STATEMENT OF THE CASE

I Anthony Johnson worked at the previous employer for four years without incident and Received good PERFORMANCE Reviews. Until the fourth year the employer Rowan Helping Ministries gained Knowledge about my disability. They Received a letter from the Social Security office in Chicago Illinois asking about my wages and other information. That is when management campaign to get rid of me began. During that same time period I was dealing with a supervisor Charlotte Pinkett who was sexually harassing me and creating a hostile work environment, Threatening me with write ups everytime I was alone with other female coworkers, calling me to the office to chastize me for being in the office with other female coworkers when she and management had me training some of these females who were new employees. Supervisor Charlotte Pinkett would then isolate me from other coworkers, give me different job assignment and task. A few times Charlotte my Supervisor would Run up in my face or up on me as if she was trying to provoke me into a physical altercation so only thing I knew to do at the time was go somewhere I knew she couldn't go, So I would go to the Restroom. I asked the Supervisor Charlotte Pinkett what is wrong with you, you act like you have some kinda emotional connection to me she said I do I just keep trying to fight it. I Really didn't know what to say, or to believe it at first until her actions got worse.



# STATEMENT OF CASE

I went to the director of Client Services Sherry Smith who was her boss and mine and by that time they had become friends and nothing was done. The following week I was called in the office for a write up Refusing to give a shelter guest their medication or looking for it I suggested to the director of Client Services Sherry Smith to go back and look at the camera's. She said to me that won't be necessary. Somehow Charlotte and I had to work together that Saturday I asked her why would you make up these fabricated write ups on me. She said cause you went to my boss on me. I said to her I come in when you short handed, I give you your respect, I do what you ask me to do within the boundaries of the job, can we just get along for the sake of the business the homeless shelter, but she got worse. I went back to the director of client services again about the supervisors behavior and she Sherry Smith says this is your fourth time coming to me about her Charlotte Pinkett, don't come to me about her no more I don't care if ya'll are having sex! This left me no choice but to go to the director of Rowan helping Ministries Kyna Grubb Kyna says to me I thought you was married, oh she just needs more training, but let's look inside your employee file to see how many times you were late this year. When I've had to stay over at work an hour or two from other coworkers being late with nothing ever said to them. One coworker in particular Vickie Horn walked off the job in which she supposed to have been automatically terminated but worked their at Rowan helping Ministries two years after I was gone.

# STATEMENT OF THE CASE

I Anthony Johnson did not just RUN AND file a lawsuit, I tried every avenue I could to try to get the situation corrected. I went through I thought the proper channels through my SUPERIORS to handle the issues, but still to NO AVAIL then after a campaign of false and fabricated write ups, ON Saturday September 24, 2016 Sherri Smith lead me in to the office with Supervisor, Charlotte Pinkett and let Charlotte terminate me. Six Months later after letting her fire me, They terminate her for having inappropriate Relations with a veteran housed by the shelter, AND some guest living in shelter. I filed a Complaint with the Equal Employment Opportunity Commission. which a year later issued a Right to Sue letter which is the basis of this lawsuit AND Appeal.

# STATEMENT OF THE CASE

Supervisor, Charlotte Pinkett was texting me at 3:00 A.M. AND calling me all times of the A.M. I submitted evidence of text messages pictures of this to U.S. District Court in Greensboro, for the Middle district of N Carolina. the Court said it was just a supervisor trying to get in touch with her employee.

Supervisor was verbally abusive, volatile AND created a stressful, hostile work environment.

Supervisor Charlotte Pinkett told me she had an emotional connection to me, I reported this to her Supervisor, Sherry Smith director of Client Services AND also about her behavior. She said this is your fourth time coming to me about her I don't care if ya'll sex don't come to me about her anymore.

Then eventually let Charlotte terminate me.

Even after that I was gonna make an attempt to go back to work in February 2017 at STD Coffee, I went through three interviews, they ask me to take a drug test, they said I would be starting soon, a month almost later I call the guy who interviewed me he said Human Resources had receiving a phone call or email not to hire me from someone at Rowan Helping Ministries, Management

### REASONS FOR GRANTING THE PETITION

The case is important because MANY people who would be petitioners, fail to bring their cases forward because they have to represent themselves. I have been sexually harassed, discriminated against Title 7, and Retaliated against. MANY people mentioned who may have had the same problems have let their cause of action expire. The petitioner is informed and believe that the court should GRANT CERTIORARI because it is unique situation to me but it is not unique and that male employees are sexually harassed, but fail to bring forth their claim, because of the stigma attached to a male making a claim against a female supervisor or employee, Calling me all hours of the night and texting me 3:00 A.M. Using her authority to punish with write ups for being in the office alone with other female coworkers. The petitioner request this petition for writ of CERTIORARI be GRANTED because the personal action is believed to have violated his constitutional right to due process.

I Anthony Johnson wanted to further  
Contest the Summary judgment but  
Received this letter from district Court  
in Greensboro, NC.



### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Anthony Johnson

Date: April 6 2021