

OPTIONAL
COURT FORM NO. 1

21-123

FILED
JUL 26 2021
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

Marguerite T. Martin — PETITIONER
(Your Name)

vs.

Teleperformance Inc. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Marguerite T. Martin
(Your Name)

10530 SW. 203rd terrace
(Address)

Cutler Bay, Florida 33189
(City, State, Zip Code)

305-878-3031
(Phone Number)

QUESTION(S) PRESENTED

- The plaintiff/Appellant act of committing a security breach were not mentioned throughout the case.
- Symptoms of the Plaintiff/Appellant's anemia condition were not considered a disability, on the day of the incident, that allegedly resulted in the security breach that led towards her employment termination with the business.
- Privacy concerns after the termination was not considered a major factor although information presented in the case suggested otherwise.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

RELATED CASES

Marguerite T. Martin v. Teleperformance Inc., No. 18-cv-62488-RAR, U.S. District Court of Southern Florida. Judgement entered January 28, 2020.

Marguerite T. Martin v. Teleperformance Inc., No. 20-10462, U.S. Court of Appeals for the Eleventh Circuit. Opinions entered February 23, 2021. Rehearing Denial entered April 20, 2021.

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Appendix B: United States Court of Appeals Opinions

Appendix C: Court of Appeals Denying both Petition for Rehearing & Rehearing En Banc

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Tables of Authorities

Cases:

Pirtek USA, LLC v. Twillman 2016 WL 5846978, *5, M.D. Fla.

Jacobs v. N.C. Administrative Office of the Courts. United States Court of Appeals, Fourth Circuit. March 12, 2015, 780 F.3d 562 2015.

Statutes:

§304.20 General provisions. 1 C.F. R. Subpart B

Other:

Thomson Reuters Westlaw, Online Library.

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 B 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 is unpublished.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 A 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 2-23-2021, February 23, 2021

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: 4-20-21, April 20, 2021, and a copy of the order denying rehearing appears at Appendix C.

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

Southern District Court Constitutional and Statutory provisions:

Federal Rules of Civil Procedures and Local Rules for Southern District Florida (see attached file).

The United States Court of Appeals for the Eleventh Circuit Constitutional and Statutory provisions:

Federal Rules of Appellate Procedures (FRAP)

FRAP 39, 24(a), 28, 32, 25(d), 30(a)(1)

11th Circuit Rules 28-1, 28-3, 28-5, 12-1, 30-1, 30-2, 42-3, 40-3

STATEMENT OF THE CASE

Marguerite T. Martin vs. Teleperformance Inc. case involves the termination of Marguerite T. Martin on January 9, 2018, for reason of a security breach. Marguerite T. Martin was diagnosed as being anemic the year of 2017, the year of employment (September 2017). Plaintiff/Appellant termination information was discussed about the alleged "security breach" and the outcome has damaged the Plaintiff/Appellant's future employment endeavors due to people cognizant of this information. A mediation meeting did take place between the plaintiff and Defendant's attorneys ordered by the Southern District Court on August 6, 2019; however, a non-negotiable monetary amount was offered, and the Plaintiff/Appellant declined.

REASONS FOR GRANTING THE PETITION

- I. Throughout the entire claim Teleperformance Inc. failed to provide substantial or supportive evidence that a security breach occurred by the Plaintiff/Appellant on the day in question. "Under Florida law, rescission of contract may be influenced under Florida law by mutual agreement of parties, by one of the parties declaring rescission without the other if legally sufficient ground therefore exists, or by applying to courts for decree of rescission" (Thomson Reuters Westlaw). There is an inoperable discrepancy because the evidence that a security breach was committed by the Plaintiff/Appellant is nonexistent to validate that the termination of the Plaintiff/Appellant was legally warranted, and/or wrongfully terminated based on the contractual agreement between Marguerite T. Martin and Teleperformance Inc. Cognizable decisions and offenses such as these drastically impacts future employment qualifications for the Plaintiff/Appellant. *Pirtek USA, LLC v. Twillman* 2016 WL 5846978, *5. M.D.Fla.

- II. However, although the Defendant did not provide evidence that a security breach had occurred on the day in question, the anemia medical condition is the sole reason for the alleged breach. The Plaintiff/Appellant did advise supervisors as well as employees of the business of the condition while employed with the business. Before terminating the Plaintiff/Appellant, the floor manager asked the Plaintiff/Appellant the reason for the abrupted entrance in the building, the Plaintiff/Appellant answered and stated that she

began to severely shake outside due to the weather and an anemia condition. Making the manager fully aware of the Plaintiff/Appellant's anemia and the conditions associated.

After a detailed explanation of the condition, explained by the Plaintiff/Appellant, the manager proceeded with the termination. *Jacobs v. N.C. Administrative Office of the Courts. United States Court of Appeals, Fourth Circuit. March 12, 2015 780 F.3d 562 2015.*

III. In addition, the identical issue (security breach) that the Plaintiff/Appellant was allegedly terminated for, company employees did share confidential information regarding the Plaintiff/Appellant's termination details. Under the Privacy Act of 1974 that "protects records about individuals retrieved by personal identifiers such as a name, social security number, or other identifying number or symbol. Individuals to whom the information belongs to has rights under the Privacy Act to seek access to and request correction (if applicable) or an accounting of disclosures of any such records maintained about him or her. Prohibits disclosure of such records without the prior, written consent of the individual to whom the records pertain". *§ 304.20 General provisions. I C.F.R. Subpart B*

CONCLUSION

The relief the plaintiff seeks this Petition of Writ of Certiorari is to clear the name of the Plaintiff/Appellant's alleged termination reason, "security breach". The plaintiff would further request compensation and want the Supreme Court to determine a substantial monetary value of present and future damages caused by the business' employees because of this incident. The Plaintiff/Appellant has been searching for employment since 2018 and has not worked in a professional setting since this incident occurred. Although Teleperformance Inc. has issued the Plaintiff/Appellant a notice of a Class Action Settlement, recently in 2021, involving employees during the time period of her employment with the business, the Plaintiff/Appellant would prefer not to participate.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: 7-16-21, July 16, 2021