

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Wednesday the 3rd day of November, 2021.

Makeda Haile,

Appellant,

against

Record No. 210246

Circuit Court No. CL-2019-0012268

Abdul Conteh,

Appellee.

From the Circuit Court of Fairfax County

Upon review of the record in this case and consideration of the argument submitted in support of the granting of an appeal, the Court is of the opinion there is no reversible error in the judgment complained of. Accordingly, the Court refuses the petition for appeal.

The rule to show cause entered previously herein is discharged.

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk

By:

Muriel-Theresa Pitney

Deputy Clerk

VIRGINIA:

IN THE FAIRFAX CIRCUIT COURT

Makeda Haile :
Plaintiff, : Case No. CL-2019-0012268
V. :
Abdul R Conteh :
Respondent. :

FINAL ORDER

This day came the parties on the Plaintiff's request for entry of a protective order pursuant to §19.2-152.10 of the Code of Virginia, 1950, as amended. The Plaintiff was present with the assistance of an interpreter and the Defendant appeared by WebEx, as he now permanently resides in the state of Texas as of March 2020.

Upon full consideration of all the evidence, the court finds as follows:

1. As a threshold matter, the Plaintiff did not request any specific relief other than a generalized request for a protective order. Courts can only grant relief requested. *Irwin v. Irwin*, 47 Va. App. 287, 298 n.10.
2. Additionally, the Plaintiff neither specifically addressed or established by evidence that she was entitled to any of the relief available under §19.2-152.10.

3. Essentially, Plaintiff's argument was that her life was very good until she started working at Kaiser Permanente in Tysons Corner, Va., where the Defendant also worked.
4. Plaintiff complains of a remark that the defendant made concerning her being an organ donor for him after the group was discussing another co-worker's selfless agreement to donate an organ to a stranger. This was part of an ongoing discussion where the Defendant was consoling another employee whose father had just succumbed to kidney failure.
5. Upon sensing that the Plaintiff was taken aback by the comment, the Defendant immediately gathered all persons and publicly apologized if he caused any offense.
6. From that moment on, any perceived slight or unfortunate circumstance occurring in the Plaintiff's life, without any evidence whatsoever, was attributed to the Defendant such as:
 - a. Being unfairly treated at work;
 - b. Being followed by suspicious men or watched by suspicious vehicles;
 - c. Having to abide by unfair or unduly burdensome work assignments;
 - d. People surreptitiously peering into or entering her vehicle or home;
 - e. Individuals looking at her in a suspicious manner;

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- f. Being reassigned to another facility away from the defendant but near to where he was living and a facility where the defendant had friends;
- g. Being racially discriminated against;
- h. Suffering retaliation or being ignored by her superiors or Human Resources personnel;
- i. Being ignored by Kaiser Permanente security when she made complaints;
- j. Being ignored by the Police when she made complaints;
- k. Being ignored by the FBI when she made complaints;
- l. Management on at least one occasion had the defendant work the same shift and hours as the Plaintiff after she made complaints;
- m. Management forbidding the use of her phone and company email for personal matters during the workday, but allowing others to use their phones and to take photographs;
- n. Management disallowing her dissemination of a petition verifying her good character and work qualifications during work hours while allowing the defendant's similar petition to be circulated during work hours;
- o. Discrepancies in testing procedures;
- p. Being locked out of her computer;

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- q. Inadequate training and confusing instructions about training;
- r. Requiring Plaintiff to train on semen analysis when there were schematics of a male penis contained within the training as well as never having any prior training in semen analysis;
- s. Being ignored when she complained that co-workers were:
 - i. Making faces at her;
 - ii. Using unprofessional language in her vicinity;
 - iii. Making arm motions that were "ISIS signals";
 - iv. Placing stickers on her buttocks as part of a team building exercise; and
 - v. Making non-specified threatening innuendos.
- t. Having her children stay home from school or daycare rather than going on field trips out of an unspecified fear for their safety; and;
- u. Being terminated from her employment when she refused the transfer to the Woodbridge, Virginia facility.

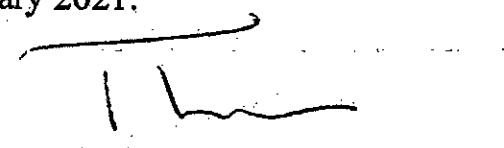
7. Other complaints were raised at trial as well. However, there was precisely zero evidence that the defendant had anything to do with any of these circumstances.

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8. The Plaintiff argues that nothing like this ever happened to her before, and so it is acceptable to assume that it was the Defendant who was behind all of her negative experiences.
9. The court is unable to engage in guesswork and speculation.
10. Even if the Plaintiff requested specific relief, which she did not, she has not met her burden of proof, and therefore her case fails.

Therefore, it is adjudged and ordered that the Plaintiff's Petition for a Protective Order is dismissed with prejudice. Appeal rights explained.

Entered this 5th day January 2021.



Thomas P. Mann, Judge

Endorsement Waived Per Rule 1:13