

No. **21-7588**

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

APR 06 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Gloria Marigny — PETITIONER
(Your Name)

vs.

Centene Management Company, LLC — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Seventh Circuit

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Gloria Marigny

(Your Name)

9111 W. Glendale

(Address)

Milwaukee, WI

(City, State, Zip Code)

262-351-5415

(Phone Number)

QUESTIONS PRESENTED

#1. Why Judge Brett Ludwig Denied Motion for Recusal , (Bias and Conflict of Interest was questionable) ?

United States Eastern District Of Wisconsin , 28U.S.C. § 144.

#2 . What material , documents , audio, did Judge Ludwig determine inadmissible? Why was the information (omitted, concealed) material made visible to Plaintiff when decision was made on Summary Judgment ?

United States Eastern District of Wisconsin.

#3. Did the Circuit Court review the Plaintiffs evidence before the Re-hearing was denied ?

Seventh Circuit Court of Appeals .

LIST OF PARTIES

(X) 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 proceedings in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

Marigny V. Centene No: 18 -Cv-1386 - BHL, U.S. Eastern District of Wisconsin .

Judgment entered 6/30/21 .

Marigny V. Centene , No: 21-2304 , U.S. Court of Appeals for Seventh Circuit,

Judgment entered 1/10/22.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Rhodes , 359 F.3d at 505.

Hall. 276 F.3d at 355.

Id at 356; see also Berry v. Delta Airlines, INC., 260 F .3d 803, 811 (7th Cir 2001)

Rogers v. Chi, 320 F 3d 748, 753 (7th Cir 2003)

Smart 89 F.3d at 440. [22]

Markel 276 F.3d at 911

Durkin v City of Chi 341 F.3d 606, 613 (7th Cir 2003)

STATUTES AN

42 U.S.C § 2000e 2 (a)(1)

42 U.S.C §2000e-3(a)

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Plaintiff Petition for Rehearing (Denied)

No. 22-_____

Supreme Court of the United States

Gloria Marigny,
Petitioner,

vs.

Centene Management Company, LLC,
Respondent.

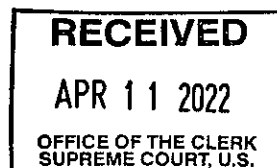
**On Petition for a Writ of Certiorari to
the United States Court of Appeals
for the Seventh Circuit**

PETITION FOR A WRIT OF CERTIORARI

Petition for Writ Of Certiorari

NOW COMES, Gloria Marigny, by and through herself as a pro se litigant, hereby petitions this court for a writ of certiorari to review the judgment of the United States Court of Appeals for the Seventh Circuit.

AS GROUNDS, the Petitioner shows the court as follows:



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 CD 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 AB 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 _____ to the petition and is appears
at Appendix _____; or,

☐ reported at
☐ has been designated for publication but is not yet reported; or, [
] is unpublished.

1.
JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was
December 16, 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: JANUARY 10, 2022, 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

Title VII of Civil Rights Act U.S.C Section 621Seq ADEA Equality Act 2010 Protected Characteristics Age
Discrimination Act 29 U.S.C 621

28 U.S.C . §144

OTHER

JURISDICTION

Mrs. Marigny's petition for rehearing to the United States Court of Appeals for the Seventh Circuit was denied, therefore, Mrs. Marigny invokes this Court's jurisdiction under 28 U.S.C. § 1254.

STATEMENT OF CASE

A. The Memorandum of Explanation to the court to explain why my claim of Opposing Summary Judgement should survive.

1. During my employment at Centene, I have never fallen asleep. This can be proven no documentation in personal files by supervisor. Never brought to my attention that someone made that claim against me.
2. I Gloria Marigny didn't not received more training then her Preceptor. This is documented during audio conversation with Vonetta & Gloria.
3. I Gloria Marigny was provided a Proposed Training Scheduled for October 30 - November 3, 2017. Majority of Scheduled Training Day was Cancelled and not rescheduled.
4. Ms. Marigny did not receive feedback from Preceptor nor Supervisor, regarding her inability to be successful as a Service Coordinator. During 1:1 meeting with Supervisor

(D.Anderson) , advised Ms. Marigny that she was performing well. She also advised her that Preceptor also stated to her that my performance was well.

5. Ms. Marigny set up telephone voicemail per instruction form given by Vonetta Davis Preceptor, and Deb. Anderson Supervisor.
6. Ms. Marigny was not allowed to participate in training provide at Centene newly opened Eau Claire office.
7. The training provided to Eau Claire employee was not sustantialy comparable to the delivered to Ms. Marigny. Ms. Marigny received none to minimal training. Deb. Anderson stated that EAU Clinic Employees receive robust training (in depth-trianing) , then employee in Milwaukee
8. Deb, Anderson provided me with copy of EAU Clinic skill checklist medical management form, which includes the checklist of Training provided to employees in EAU Claire. The document reflects the limited training provide in Milwaukee
9. Ms. Marigny has never discussed verbally or been advised orally or in writing regarding inability to acct responsibilities for her own failings, nor did they discuss duties or responsibilities of service coordinator
10. Ms. Schroeder never discussed Centene Business to Ms. Marigny. Only discussion that

Ms. Marigny had with Ms. M. Schroeder is when Ms. Marigny complaint to Ms. Schroeder about Ms. Lewjewski, questioning her about engaging in a prior protected activity with former employer. Refer Audio of discussion.

11. Ms. Shroeder was advised by Ms. Marigny that she was not receiving the training according to Orientation checklist. Reference the checklist.
12. During employment at Centene, Ms. Schroeder was told during meeting that I felt discrimination & Retaliation after conversation with Kathleen Lewjewski.
13. Centene Alligations of sleeping is false (Baseless). Centene is simply falsely duplicating a pattern of a allege event that was not sustained . Incomplete information.

REASONS FOR GRANTING THE WRIT

1. Centene Management Company terminated Ms.Gloria Marigny for reporting of Management retaliated by investigating her after she engaged in a protected activity before being hired at Centene Management Company. Ms. Marigny also stated because of her age and race. Ms. Marigny wasn't terminated by Centene due to numerous shortcomings in her job performance . Because Ms. Marigny has never been told or counseled about having problems with job performance. Ms. Marigny is qualified to perform the job she was hired for as a service coordinator 1, office base role (LPN).
2. Ms. Marigny managed to complete assignments, tasks, and demonstrated the ability to

perform tasks as assigned. Ms. Marigny managed to meet Centene assistance to grasp her job requirements expectations and transfer more than 100 members assigned as instructed by deadline for EAU Claire facility, completed mandatory obligation, complete competency testing with 90%-100% accuracy satisfactory performance. Marigny never received training from an additional (second) trainer as Alleged by Centene. Instead Ms.Marigny was removed from the computer queue, inablying co-workers to forward clients to her assigned (one) preceptor.

3. Marigny had no Disciplinary Action write up. Marigny never was given tools or materials to perform the job she was hired to do . Centene didn't assign others to assist in training her for the job she was hired to perform. Centene claimed that Ms. Marigny blamed her shortfalls on inadequate training and malfunctioning technology when Centene denied her access to different functional sites, completed the tasks she was expected to complete. Ms. Marigny would call helpdesk and submit tickets to troubleshoot issues. Although Ms.Marigny had these barriers put up to set her up for failure, she managed to complete mandatories. Centene alleged that Ms.Marigny voicemail telephone greeting did not adhere to the standard of the National Committee for Quality Assurance.
4. As a matter of fact Deb. Anderson had provided her intentionally the wrong voicemail greeting, Deb Anderson had not mentioned that the voicemail greeting was National Committee for Quality Assurance. However, after bringing this intentional error to Deb Anderson's attention she later gave Vonetta Davis the correct voicemail greeting to give to Ms.Marigny. At that moment Ms. Marigny preceded and met the standards of the National

Committee for Quality Assurance. Ms. Marigny emails were blocked from receiving the transaction read by Centene. Alleged that the reminder emails in Ms. Marigny inbox were opened, by whom but management at Centene. Then Centene alleged that supervisors confirmed that trainers had several times explained to Ms. Marigny how to create a complaint message which was false. Centene stated that both issues placed them at risk of violating its contractual commitments to some of its customers. In reality Centene had Ms. Marigny performing and simulation scenarios and not in a read existing proposed system so these allegations were also false.

5. Ms. Marigny complained of Employment Unlawful Practice to management, after Ms. K. Lijewski began to questioning Ms. Marigny initially during orientation October 24, 2017, about her engagement in Prior Protected Activity and Lawsuit filing, this was the determining factor for Termination, Ms. Karen Lusher gave no reason for Ms. Marigny termination. Acting litigation Attorney Robert Tribeck coaching with unlawful Discrimination, had demonstrated Adverse Action with Retaliatory Activity on site discussing Ms. Marigny on March 8th, 2018 and March 9th, 2018. Pre-planned termination while Ms. Marigny had remained under protective activity for prior engagement in protective activity for participation in investigation and filing of Lawsuit with her employee before coming to Centene MHS Milwaukee.
6. Ms. Marigny had complained to Deb Anderson and Michelle Schroeder regarding Ms. K. Lijewski questioning. After reporting the event and complaining to the preceptor and trainer (Vonetta Davis, Kathleen Lijewski, Karen Mc Guigan, Markella Reed). Alleging

they did not provide materials or tools and refused to train Ms. Marigny for the job she was hired to perform.

7. This changed the nature and character of Ms. Marigny's job Ms. Marigny hired as Licensed Practical Nurse, Service Coordinator I (An Office Based Role) During this time Ms. Marigny was provided a job description different from the job description from counter parts and different from the job description given on hire. Ms. Marigny was singled out and treated differently than her co-workers, managers and staff that contributed to being Discriminated at Centene MHS - Wisconsin. Ms. Marigny was subjected to a negative adverse job action because of a complaint of Discrimination and Harassment she had engaged in protected activity the employer took action against her by retaliation.
8. Centene staff and management intentionally provided false misleading information to Ms. Marigny in hopes of setting her up to fail at performing her job duties. Centene declined to provide the necessary tools to be successful in completing her job such as job guidelines, Work process , Employee handbook , Policy and procedure , or The National Committee for Quality Assurance information during any time while employed at Centene.
9. Ms. Marigny complained to management within 3 weeks of employment of the preceptor not training / precepting her while orienting at Centene. She was given different job duties than other employees, given different duties working under same supervisory and managers. Competency Test required by Ms. Marigny, not required of other employees. Ms. Marigny experienced offensive comments from management. Ms. Marigny received

throughout employment with Centene calls on private line racial slurs.

10. Ms. Marigny never received a Job Performance Evaluation or complaint or review indicating a performance problem. The stated reasons Centene has given, is not true, because there are no basis for stating the reasons given. The stated reasons were never applied before Ms. Marigny made a complaint to Centene and filed EEO. Centene had personal knowledge of Ms. Marigny engagement of prior protected activity before coming to Centene MHS. Ms. Marigny was fired based on her race, age and retaliation for engaging in prior protected activity. Equal Employment Opportunity Commission in Violation of the Age Discrimination in Employment Act and Title VII of the Civil Rights Act of 1964.see 29 U.S.C §623;42 U.S.C §2000e-2(a).

11. Ms. Michelle Schroeder and Ms. Deb Anderson aware of Ms. Marigny engagement of Prior protected Activity by means of Ms. Kathleen Liejewski asking Ms. Marigny about her engagement of prior EEO Activity and filing of Lawsuit, then terminating her employment for her participation in discussion after Ms. Marigny reported to Ms. Deb Anderson and Ms. Michelle Schroeder . Mr. Robert Tribeck participation in coaching of Ms. Marigny termination from Centene . Ms. Schroeder and Ms Anderson gained more personal knowledge in discussion in meeting in reference to the issue stated above.

12. Ms. Marigny proclaimed that she mentioned in her interrogatories and Brief Summary Labeled Marigny -vs-Centene LLC. Facts beginning Background # 5-21 documents list the persons responsible for the Discrimination and the actions taken . Information has

been concealed or omitted, Sworn into record.

13. Ms. Marigny over Age 50 , it was addressed in Ms. Marigny complaint that Age was a determining factor in Discrimination that Michelle Schroeder, Vonetta Davis , Deb Anderson , Karen Lusher , Markella Reed, Ricardo Perez were all in Age range of 30-45 while Ms. Marigny employed at Centene. Ms. Rita Watson was hired as replacement of Ms. Marigny in January 2018 , while she remain working at Centene ,Ms. Marigny fired March 9, 2018. Ms. Rita Watson between Age 30-40.
14. Ms. Marigny counter part (caucasian) were not required to take Compency Testing . Centene treated Ms. Marigny different by holding her to a stricter performance and behavior standard before she filed a discrimination complaint.Ms. Marigny did not provide Hearsay statements in her brief as alleged by Centene. There were proven facts of her experience while employed at Centene
15. Ms. Marigny Opposition to Centene Summary Judgment motion was sufficient enough to overcome Summary Judgment.
16. Centene alleged feedback of hearsay of Ms. Marigny respond to Interrogatories were simple facts, Ms. K.Lijewski in conversation with Ms. Marigny spoke on employees' race and age between 20-40 and number of new employees , Eau Claire employees she trained in Eau Claire employees for opening in December 2017. Ms. Marigny

17. Ms. Marigny had not been to Eau Claire office , nor had she received any training via video . She often had telephone conversations with staff during December 2017 as she had transferred more than 100 clients successfully to their newly opened facility. Centene alleged Ms. Marigny could not function , or grasp the concept of the job of Centene .
18. Ms. Schroeder proclaimed Ms. Marigny being "unable to absorb information provided to her " accused of incompetent of completing her job duties , were false statements.
19. Ms. Marigny establishes that the employees at the newly opened office in Eau Claire has a job duty skills different from the skills checklist , different training and orientation requirements that Ms. Marigny was given by Deb Anderson the same Supervisor. Trained and worked under the same management but had different rules and procedures to follow. Documents of skilled checklist and orientation submitted in record in supporting evidence of Ms. Marigny's Claim.
20. Following Discovery , Centene MHS Milwaukee moved for summary Judgement (Civil Local Rule 56 (a) Ms. Marigny submitted evidence.
21. Inadmissible documents , audio recorder documents and audio recorded conversation, was not presented or addressed to Ms. Marigny , what information that was not excepted as evidence in record . Rejected by Judge Brett Ludwig information . This was a unfair process taken by Eastern District of Wisconsin Court.

22. Genuine Issue of Material Fact . Matsushitaelec, Indus, Cov, Zenith , RadioCorp, 475 U.S. 574, 586, (1986). Centene has not explained why they never gave Ms. Marigny the Rules and Expectations of Employees or Discrimination Policies or Employee Handbook which were provided to other employee at Centene.

23. Centene never responded to Discrimination Complaint and concern of Ms. Marigny. She was never given the Chain of Command of who can receive complaints . Ms. Marigny was never told after reporting Discrimination to Ms. Ms. Michelle Schroeder and Deb Anderson How she could report Discrimination.

24. In Ms. Marigny Interrogatories she states that she was being treated less favorable because of her race, age and engagement in Prior EEO Activity included she provided information in her Brief of the specific individuals at Centene who allegedly denied her the training which included Deb Anderson (White), Michelle Schroeder (White), Kathleen Liejewski (White), Belinda Groshek(White) , Karen McGuigan (White), Karen Lusher (White), Vonetta Davis (Unknown).All outside of Protected Class.

25. Ms. Marigny on multiple occasions has indicated that management shares personal knowledge of Ms. Marigny engagement in Protected Activity , Ms. Deb Anderson , Ms. Michelle Schroeder, Kathleen Liejewski, Belinda Groshek, Karen Mc Guigan , Karen Lusher . Matter of fact Deb Anderson , Michelle Schroeder , Kathleen Liejewski demonstrated personal knowledge in conversation and disciplinary action per audio recording and documents reflecting personal knowledge. Refer documents submitted into

record. These are the persons also responsible for declining to provide training for the job I was hired to perform at Centene . Deb Anderson ask Ms. Marigny to report to her office to tell her that she would be the last employee to receive a poor to choppy training with Centene. Ms. Deb Anderson had no intentions on training Ms. Marigny. She reiterated that the Eau Claire office will the the training and recive a "Robust " , more Structured . Deb Anderson stated she would be out of office to train employees in Eau Claire month or two.

26. Ms. Marigny was required to take a Competency Test . In Ms. Marigny's Brief she enclosed was the meaning of Competency Test is described as a reliable tests that measures knowledge skills required for a job. Ms. Marigny also provided her to complete the test were Deb Anderson , Belinda Groshek , Karen McGuigan and Vonetta Davis to follow up on time test completed. Vonnetta verified to Ms. Marigny that she and Markella was'nt required to take the test nor was the employees in Eau Claire location as evidenced on audio recorder and document given to Eastern District of Wisconsin.

27. Ms. Marigny also provided details of how the lack of training , and Centene refusal to provide the tools adversely affected by her employment situation also enclosed in her Brief.

28. Ms. Marigny submitted evidence by exhibits with Table of Contents supporting her claim of Discrimination , Opposing Summary Judgment of Defendent , all authenticated legitimacy of claim, material, data, emails. Centene authenticated document including audio , and filing of material into record of Eastern District of Wisconsin, verication of date and time stamped.

29. Ms. Marigny held the originals and complied to Rule 56 (e). , also was provided Sworn Affidavit was entered into record . Ms. Marigny provided documents that supported her complaint more than 200 exhibits enter into record of documents that Centene allege did not exist . Such as computer issue help desk entry, mandatories. These documents and audio recordings carried no valid reason to be declined or dismissed . Labeled as inadmissible . What reason would be to be allowable when Material facts , evidenced that support Ms. Marigny claim. Judge Brett Ludwig did not disclose legal principles or show items , materials that he considered in his decision to be inadmissible before decision was made in favor of Centene (Defendant). Ms. Marigny provided tangible evidence that could have been introduced to a fact finder if document weren't dismissed , concealed, omitted.

30. Ms. Marigny can provide the facts by showing the Burden of Proof that the Supreme Court could find a Triable Issue of Discriminatory and Retaliation motive on part of courts errored in deciding on this case they errored in deciding on Summary Judgment in favor of Centene (Defendent).

31. Ms. Marigny was set up to fail at performing her job at Centene by management at Centene and favorable staff members. When Ms. Marigny proceeded to overcome barriers and roadblocks that Centene put up. She then was discriminated against and terminated with unlawful Harassment.

32. Ms. Marigny has indicated in Brief beginning with background listed the Discriminatory

and retaliatory issues that she has endured while being employed with Centene.

33. Ms. Marigny Counter parts (caucasian) were not required to take Competcy Testing. Centene treated Ms. Marigny differently by holding her to stricter performance standard before she filed a Discrimination Complaint.

34. Ms. Marigny expressed being treated differently than same situated individuals outside of her protected class (Prima Facie Case). Ms. Marigny did not provide Hearsay statements in her brief summary as alleged by Centene., their were proven facts of her hostile experience while employed at Centene.

35. Ms. Marigny stated that her counterparts were treated more favorably by being provided with tools , materials, training, precepting , to be successful in completing the job they were hired to do with no barriers or false misleading information , setting up to fail.

36. Training method of others Ms. Marigny indicated (2) co-workers' explanation of their training that they received. Ms. Marigny forward the audio conversation to Eastern District of Wisconsin .

37. Centene alleged that Ms. Marigny received training while employed there , Ms. Kathleen Liejewski was terminated and Vonetta Davis signed skills Checklist fraudulently as a trainer under Ms. Liejewski title intentionally as though she provided the training to Ms. Marigny . Refer to skills checklist , submitted to record.

38. Ms. Marigny received no Disciplinary while employed at Centene . Centene alleged Ms. Marigny had issues of not catching on to job functions . Question how was Ms. Marigny

able to meet requirements of Centene in timely manner .

39. Recuse a federal district court judge - 28U.S.C. Plaintiff disputed the Defendants proposed facts for summary judgement Summary Judgement Civ.L.R. 56(b)(4)

40. Ms. Marigny sustained her burden of demonstrating a triable issue of discrimination and retaliation in connection with her training

41. Ms. Marigny has also showed facts which could create a triable issue of being unlawful harassment based upon prevailing standards in circuit . See Scruggs V. Garst Seed CO. 587 F. 3d 832, 841 (7th cir. 2009).

42. In Ms. Marigny argument simply shows evidence in the record indicating that Ms. Marigny was subjected to conduct so severe and pervasive to alter the terms and conditions of her employment with racial slurs on work private phone. In the charge of discrimination Ms. Marigny clearly points out in her EEOC she was discriminated on basis of Race, Age, Reprisal, Harassment was amended and accepted by Honorary Judge Pamela Pepper in Eastern District of Wisconsin.

CONCLUSION

For the foregoing reasons, Ms. Marigny respectfully requests that this Court issue a writ of certiorari to review the judgment of the United States Court of Appeals for the Seventh Circuit.

Dated at Milwaukee, Wisconsin, this 5th day of April, 2022

Gloria Marigny

Gloria Marigny 4/5/2022

Pro Se Plaintiff-Appellant

(Signature)

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Gloria Maigny

Date: April 24, 2022