

IN THE
Supreme Court of the United States

BHARANI PADMANABHAN,

Petitioner,

v.

CAMBRIDGE HEALTH COMMISSION,

Respondent.

**ON PETITION FOR WRIT OF CERTIORARI TO THE
APPEALS COURT OF MASSACHUSETTS**

OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether Petitioner has presented compelling reasons to grant his Petition for a Writ of Certiorari in a case in which the Massachusetts Appeals Court affirmed a Massachusetts Superior Court's grant of summary judgment for the Respondent on Petitioner's state-law claims for retaliation, defamation, fraud, and declaratory relief stemming from Respondent's reporting of Petitioner's negotiated resignation from the Respondent hospital to the Massachusetts Board of Registration in Medicine and the National Practitioner Data Bank where: (a) the Petitioner has not demonstrated that the decision of the Massachusetts Appeals Court conflicts with the decision of another state court of last resort or of a United States Court of Appeals; and (b) the Petitioner has failed to show that the Massachusetts Appeals Court decision implicates an important federal question that has not been settled by this Court.

**CORPORATE DISCLOSURE STATEMENT
PURSUANT TO SUPREME COURT RULE 29.6**

Respondent, Cambridge Public Health Commission, doing business as Cambridge Health Alliance (“CHA”), is a public instrumentality formed pursuant to Massachusetts General Laws, Chapter 147 of the Acts of 1996.

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COUNTER-STATEMENT OF THE CASE

Petitioner Bahrani Padmanabhan, MD PhD, (“Petitioner”) filed an Amended Complaint in this action that named 70 defendants, including the Respondent, Cambridge Public Health Commission dba Cambridge Health Alliance (“CHA” or “Respondent”), and asserted a broad range of claims related to Petitioner’s summary suspension from his position as a neurologist working at CHA’s Whidden Hospital following the death of one of his patients, the subsequent investigation into his practice following that event, and the eventual termination of his employment at CHA.. Pet. App. at 35; Pet. App. Ex. G, at 1-5.¹

By order dated July 6, 2017, The Massachusetts Superior Court (trial court) dismissed Petitioner’s Amended Complaint in full on the basis that the claims within were time barred. Pet. App. Ex. G, at 5. On appeal, the Massachusetts Appeals Court (“Appeals Court”) upheld the dismissal of all claims except for limited claims against CHA that were all based on Petitioner’s allegations that CHA improperly reported to the Commonwealth of Massachusetts Board of Registration in Medicine (BORM) and the National Practitioner Data Bank (NPDB) that Petitioner had effectively resigned on October 28, 2011. Padmanabhan v. Cambridge, 99 Mass. App. Ct. 332, 343-44 (2021); Pet. App. Ex. G, at 5. Those remaining claims against CHA were all premised on Petitioner’s allegation that CHA intentionally submitted the Adverse Action Report to the NPDB on November 14, 2011, knowing that its contents relating to Petitioner’s resignation were false. Id. However, the

¹ References to the Petitioner’s Appendix submitted with February 12, 2024 Petition for Writ of *Certiorari* will cite to the Bates number affixed to the bottom of Petitioner’s original Appendix and will be designated herein as “Pet. App. at ____.” Reference to Exhibits F and G of Petitioner’s Appendix, submitted on February 22, 2024, will cite to the Exhibit and page number and will be designated herein as “Pet. App. Ex. __, at ____.”

specific contents of the Adverse Action Report were all based on extensive negotiations with Petitioner’s counsel, Eve Slattery. Pet. App. at 104-111.

Following remand from the Appeals Court after its opinion in Padmanabhan v. Cambridge, 99 Mass. App. Ct. 332 (2021), the Superior Court held a litigation control conference to address how to proceed with the remaining counts of Petitioner’s Amended Complaint whose dismissal had been vacated on appeal. Pet. App. Ex. G, at 12-13. At the litigation control conference, CHA, through counsel, advised the Superior Court that CHA intended to file another dispositive motion as to the remaining counts based on a back and forth with Petitioner’s counsel concerning the facts related to those remaining counts. Id. The Superior Court suggested that a motion for judgment on the pleadings or a motion for summary judgment would be the appropriate vehicle for the proposed dispositive motion and set a deadline for the service, opposition, filing, and hearing of that motion. Id. The summary judgment motion that is the subject of this Petitioner for Writ of Certiorari (“the Petition”) was served and filed within the timeline set in the litigation control conference. In his opposition, Petitioner disregarded the requirements of Rule 9A of the Rules of the Massachusetts Superior Court and, rather than respond to each of CHA’s statements of material fact, Petitioner asserted a blanket and unsupported denial of those statements of fact. Pet. App. Ex. G, at 6-7.

By memorandum of decision and order dated January 27, 2022, the Superior Court allowed CHA’s motion for summary judgment on all remaining counts. Pet. App. Ex. F. Specifically, the Superior Court ruled: (1) that Petitioner could not meet his burden of proving each element of his fraud claim because no reasonable jury could find (a) that CHA

intended to induce Petitioner with its statements to the NPDB in the Adverse Action Report, or (b) that Petitioner acted in reliance on CHA's statements to the NPDB; that summary judgment was appropriate as to Petitioner's defamation claim because the allegedly defamatory statements made in the Adverse Action Report "provid[ed] substantially correct facts and substantially accurate context;"; and (3) that CHA was entitled to summary judgment on the retaliation claim because Petitioner was equitably estopped from bringing the claim based on representations made by Petitioner that were intended to induce CHA's reliance and that indeed did induce CHA's reliance to its detriment. Pet. App. Ex. F, at 9-17.

By unpublished opinion dated May 23, 2023, the Appeals Court affirmed the grant of summary judgment on all of Petitioner's remaining claims. Padmanabhan v. Cambridge Health Commission, 2023 WL 3589301, Pet. App. Ex. G. In doing so, the Appeals Court noted that all of Petitioner's remaining claims were predicated on his allegation that the statements of CHA contained within its Adverse Action Report submitted to the NPDB – i.e., that Petitioner voluntarily resigned his CHA medical staff privileges – were incorrect. However, citing a prior conclusion reach by the Secretary of the Department of Health and Human Services, the department responsible for maintenance of the NPDB, that the Adverse Action Report submitted by CHA to the NPDB was factually accurate, the Appeals Court held that Petitioner could not prove that CHA made any misrepresentations of fact in its Adverse Action Report. Pet. App. Ex. G, at 9-12. Where Petitioner could not prove that CHA made any misrepresentations of fact in its Adverse Action Report, the Appeals Court affirmed the Superior Court's grant of summary judgment to CHA on Petitioner's

claims for retaliation and fraud. *Id.* Additionally, the Appeals Court affirmed the Superior Court’s grant of summary judgment to CHA on Petitioner’s fraud claim, because Petitioner could not show that CHA made any statements intended to induce reliance by Petitioner. Pet. App. Ex. G, at 11-12.

Petitioner sought further appellate review of the Appeals Court’s decision, which was denied by the Supreme Judicial Court of Massachusetts (SJC), the court of last resort in Massachusetts, on August 4, 2023. Petitioner then filed a motion for reconsideration with the SJC, and the SJC denied Petitioner’s motion on September 18, 2024.

The Petitioner then filed the instant Petition for Writ of *Certiorari* (“the Petition”) with this Court on February 12, 2024. Therein, Petitioner continues his repeated attempt to relitigate matters relating to his summary suspension from CHA that were disposed of well in advance of the Superior Courts grant of summary judgment to CHA that was upheld by the Appeals Court. Petitioner’s baseless allegations of wrongdoing and deceitful action by CHA and its counsel are wholly unsubstantiated and have been rebuffed at every stage of this litigation.

CHA opposes the Petition and requests that this Court deny the Petition for the reasons that follow.

REASONS FOR DENYING THE PETITION

The decision of the Massachusetts Appeals Court does not conflict with a decision of this Court, other state courts of last resort, or a United States Court of Appeals, and the Massachusetts Appeals Court decision in no way implicates an important question of federal law that has not been settled by this Court. To the contrary, the decision of the

Massachusetts Appeals Court reflects a scrupulous adherence to well established law that summary judgment is appropriate where there are no genuine issues of material fact, and the moving party is entitled to judgment as a matter of law. Accordingly, the Petitioner has failed to satisfy his burden of demonstrating any "compelling reasons" to support the granting of his petition under Supreme Court Rule 10, and his petition should be denied.

I. The Massachusetts Appeals Court Decision Correctly Upheld the Grant of Summary Judgment to Respondent CHA

Petitioner argues that his Petition should be granted because the material facts relied upon by CHA in its motion for summary judgment were "untrue" and because CHA "concealed" material facts in its motion for summary judgment. There is absolutely no basis in the record to support these contentions and the Appeals Court correctly affirmed the grant of summary judgment to CHA.

The Massachusetts rules of procedure applicable to CHA's motion for summary judgment set forth clear requirements for movant to set forth facts that are material to its motion and for a non-movant to respond either by denying those facts, with reference to proper evidence, or by setting forth additional facts material to the motion and opposition. Massachusetts Superior Court Rule 9A(b)(5). Petitioner had every opportunity to comply with the straightforward mandates of Rule 9A with regards to his summary judgment opposition. He failed to do so. Pet. App. Ex. G, at 7-9. He seeks to excuse his refusal to either admit or deny the Statements of Fact served with CHA's motion for summary judgment by arguing that CHA wrongly omitted any reference to a prior Fair Hearing of January of 2011. CHA's Statement of Facts contained only those facts that were material to its motion for summary judgment, consistent with Rule 9A(b)(5)(i). To the extent that

Petitioner felt that additional facts not addressed by CHA warranted denial of CHA's motion, the rules of procedure provided him with the method for asserting those facts. He failed to do so. Pet. App. Ex. G, at 9. Moreover, as recognized by both the Superior Court and the Appeals Court, Petitioner could not have reasonably expected to rebut the material facts that were the basis for the grant of summary judgment to CHA as those facts and their supporting materials were incontrovertible. Ids.

II. The Massachusetts Appeals Court Decision Does Not Implicate an Important Question of Federal Law and Is Consistent with the Jurisprudence of This Court

Petitioner argues that the Appeals Court decision affirming the grant of summary judgment for CHA denied him his right to a jury trial under the Seventh Amendment to the United States Constitution. There is no basis in law for this assertion.

It is well established that a motion for summary judgment is appropriate "upon proper showings of the lack of a genuine, triable issue of material fact." Celotex Corp. v. Catrett, 477 U.S. 317, 327 (1986). Summary judgment, reached in accordance with Rule 56 of the Federal Rules of Civil Procedure does not deny an opponent's right to a jury trial and is consistent with the requirements of due process. Hill v. McDermott, Inc., 827 F.2d 1040, 1044 (5th Cir. 1987), cert. denied, 484 U.S. 1075, (1988); see also Calvi v. Knox County, 470 F.3d 422, 427 (1st Cir. 2006). In Calvi, the local rules allowed both a movant for summary judgment to present material facts and evidence in support of the motion and allowed the opponent to admit or deny those facts and to present counter facts in opposition. Id. Under those procedures, "a grant of summary judgment does not compromise the Seventh Amendment's jury trial right because that right exists only with respect to

genuinely disputed issues of material fact.” *Id.* (citing Harris v. Interstate Brands Corp., 348 F.3d 761, 762 (8th Cir. 2003)).

Here, the Petitioner was afforded the opportunity to present evidence that might show that the facts material to CHA’s motion for summary judgment were subject to a genuine dispute. He failed to do so (and could not do so). Summary judgment was properly granted for CHA and was appropriately affirmed by the Appeals Court. The Petitioner has not cited to any persuasive authority to show that he was denied a right a jury trial or that the Appeals Court Decision implicates any important question of federal law.

CONCLUSION

The Petitioner has not demonstrated any compelling reasons for this Court to grant a Writ of *Certiorari*. The Respondent therefore respectfully requests that the Court deny the Petition.

Respectfully Submitted,
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