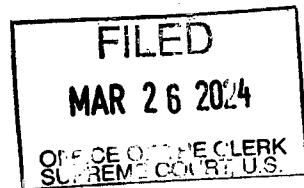


No 23-7644

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



SEKOU KEITA — PETITIONER

vs.

GIANT FOOD LLC — RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

SEKOU KEITA

7710 MAPLE AVENUE APT 1110

TAKOMA PARK, MD 20912

202 809 7478

QUESTION(S) PRESENTED

- 1- Does perjury's finding in a civil case a cause of lower court judgment reversal?
- 2- Does a retaliation claim's finding in a civil case a cause of lower court judgment reversal?
- 3- Managers in this case have lied under oath, retaliated, and discriminated against the petitioner. The following statements will prove the proof to this Court.

The proof of the petitioner's claims is documentary evidence; documents that prove the claims cited above are appended to this petition.

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:

SEKOU KEITA PETITIONER
GIANT FOOD LLC RESPONDENT

RELATED CASES

UNITED STATES v. TUCKER, 495 F. SUPP.607 (E.D.NY. 1980)
UNITED STATES v. DUNNIGAN (1993)
DESERT PALACE v. COSTA (2003)
STAUB v. PROCTOR HOSPITAL (2011)
BURLINGTON NORTHERN & SANTA FE RAIL ROAD Co. v. WHITE (2006)

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APPENDIX F Mike Brenton director of APA, Interrogatory Supplemental Response, Respondent Response to plaintiff Supp. Resp. For Production, 2 excerpts of Resp. Summary J.

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STATUTES AND RULES

Title 42 U.S.C section 1981 of the Civil Rights Violation

18 U.S.C 1621 and 1623 sections for Perjury

Title VII of the Civil Rights Act prohibits discrimination and retaliation from employer based on race, color, national origin, sex, or disability.

OTHER

Enhancement of sentence under section 3C1.1 of the Guidelines when a party willfully
impedes or obstructs, or attempt to impede or obstruct the administration of justice during
the investigation or prosecution of the instant offense.

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 A 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 B 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 10/02/2024.

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: 01/03/2024, 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

Perjury 18 U. S. C 1621 and 1623 section

Title 42 U.S.C. section 1981

Title VII of the Civil Rights Act of 1964

13th Amendment

14th Amendment

STATEMENT OF THE CASE

The petitioner Sekou Keita was hired on January 11, 2016, by Mike Brenton, the director of Asset Protection, **exhibit 1 Job Offer Letter**. Mike offered him the job by experiencing his satisfaction about petitioner's past performance while working as contractor Security Officer, for various Giant stores of Maryland.

On January 10, 2016, the petitioner received a visit from Ms. Bianca Bennett, his former APA coordinator, at Giant store of Shady Grove where he was scheduled to work by Bianca.

Bianca was accompanied by a white male; after an exchange of greeting, Bianca notified the petitioner verbally, without any paper work, that he was suspended for apprehending a shoplifter at the store 319, and that he tried to reverse the sales and when the clerk said not to do it, he told the clerk to "shut up", which petitioner did not say, but he did tell the clerk she should not interfere with the Asset Protection operations, because she might lose her job; petitioner affirms that he said the last statement of "not to interfere

with the Asset Protection Operations she might lose her job" because, the policy probit employees to interfere with the Asset Protection operations.

Bianca added by saying that the suspension was from Mike Brenton himself, she then told the petitioner to clock out and go home. Before the petitioner leaves, he asked why she was accompanied by another person, the man replied by saying that "it is for her safety."

After two weeks of suspension, the petitioner called Charles, his manager, to ask about his job status. First, Charles told the petitioner not to record on the phone what he was about to say.

Second, he told the petitioner that he was not happy with his job performance, he is not apprehending shoplifters, he did not show up to work and did not answer the phone call.

Charles did not mention about not passing the test during the phone conversation that day, nor Bianca when she came at Shady Grove to notify the petitioner about the suspension.

The petitioner wrote a letter around January 14 **exhibit 2 APP. E**, to inform Mr. Mike Brenton, the director of Asset Protection, about Charles forcing him to retake the APA test and about his suspension pending termination verbal

notice. Mr. Brenton did not do anything to reinstate the petitioner. He just told the petitioner on the phone that he had asked Mr. Garret, the associate in charge of legal matters, to investigate the discrimination allegation contained in the letter.

The petitioner wrote an email around January 23, 2016, to Ms. Maribel Dichard to ask her that he would like to meet with Mr. Brenton, Maribel did not answer the email, but she was worried about Charles' Behavior, she wrote an email to Charles Bentley on January 23, 2017, to inquire if the petitioner was notified about his termination decision, **exhibit 3, email of Maribel. APP. E.** Charles received the email but did not give a correct answer to Maribel, the Human Resources Generalist, he kept the petitioner termination decision, he refused to notify him about the employment termination decision, which is a violation of Title VII. Staub v. Proctor Hospital (2011). Citation omitted.

The petitioner called Ms. Nicole Jenkins and told her that he would like to meet with Mr. Brenton, Ms. Jenkins transmitted the message to Mr. Brenton, but Brenton refused to meet with the petitioner. **Exhibit 3**

Around February 26, 2017, the petitioner met Charles at Union Station Giant store, while he was on break working part time for Enterprise. The petitioner

greeted him, he responded but did not talk to Charles about the job, the next day, he called Charles to inquire about his employment status. Charles told him that his employment was ended. This act is a violation of Title VII of the Civil Rights Act of 1964. *Staub v. Proctor Hospital* (2011) citation omitted.

The petitioner was put on suspension pending termination status from January 10 to February 27 without pay and Charles, according to the email of Ms. Maribel, held the petitioner decision of employment termination for 47 days (about 1 and a half months) until he was called by the petitioner on February 27 to inquire about it.

Charles' behavior is a violation Title VII of the Civil Rights Act of 1964. It is also a violation of Title 42 U.S.C Section 1981. *Burlington Northern & Santa Fe Railway Co. V. White*, 548 U.S 53 (2006). Citation omitted

**LYING UNDER OATH, RETALIATION, AND DISCRIMINATION ARE
COMMITTED BY BIANCA BENNETT, MIKE BRENTON, AND MARIBEL
DICHARD**

Charles Bently, the petitioner's former manager, sent an email to Mike Brenton and Maribel Dichard on January 10, 2017, and wrote that petitioner started to apprehend late on period (10). **Exhibit 4**. The petitioner does not

know what this period (10) means. Charles' allegation is false. Ms. Maribel can witness this allegation because employees were engaged in the first apprehensions the petitioner made, those employees were fired.

The petitioner performed a shrink walk, Ms. Belinda, the grocery manager at store 319, was one time upset because petitioner pulled down the outdated product from the shelf. Store managers get upset when Associates pulled down their outdated products off the shelf. This reaction was experienced in various Giant Stores.

The petitioner checked employees' bags because he successfully apprehended two employees as soon as he was allowed to work independently after taking and passing the APA certification test. **Exhibit 5.**

Asset Protection Associates are required to check employees' bags at the end of the shift to prevent shoplifting, which is especially important. It is a way to prevent losses because employees' shoplifting may cause a considerable loss to the company. APA must perform shrink walk which is taking outdated products off the shelf. Employees are surprised by the presence of the Asset Protection Associates at the door when they are leaving the store at the end of their shift or they go out when on break, this is when their bags are checked.

BIANCA BENNETT

Ms. Bennett was the former APA Coordinator; her role was to supervise the petitioner; she also oversaw the scheduling, which she does weekly. As the petitioner was having serious troubles in the discovery process with the respondent because not cooperating as it should (objected to all discovery requests), **exhibit 6**, he told his pro bono counsel that Ms. Bianca be called to be asked about the emails, in which, she and Charles Bentley, the petitioner's former manager, commended the petitioner about his performance, by saying "Good job Sekou."

According to respondent, underperformance was the reason for the petitioner's employment termination. The petitioner did not apprehend a lot of shoplifters as the respondent would like to. Bianca said that the petitioner has the lowest rate of apprehension which is a lie. Both Charles and Bianca lied about this, they should not compare the petitioner to other Associates who started apprehending in the beginning of the year.

Bianca said that the petitioner was fired for “Bad Stop.” The definition of “Bad Stop” is when one stops a shoplifter in the belief that she or he has stolen merchandise but he or she has not.

There are five elements required by the Universal Loss Prevention Policy that agents should comply to before approaching a customer to begin a “Stop.”

The respondent defined “Bad Stop” in the Summary Judgment Motion that “Bad Stop” is when an Asset Protection Associate improperly or inappropriately stops a customer. **Exhibit 7, excerpt of summary judgment.**

If this is the case, Giant wrongly fired the petitioner. See Incident Report **Exhibit 8 APP.E.** This is how it qualifies the decision to end the petitioner’s employment.

The employment termination decision was wrong, it is retaliatory and discriminatory, Title VII of the Civil Rights Act of 1964 and Title 42 U.S.C section 1981.

A colleague’s employment was ended for “Bad Stop” because he stopped a customer wrongly, the customer had the receipt of the merchandise he or she bought. According to this colleague, he was tipped by a store associate, which he should refrain from doing. He should see the shoplifter concealing

the object himself, the customer taking the object(s) and concealing it or them. This is an example of “Bad Stop.”

The petitioner case was different. He stopped someone who was heading toward outside, who took a merchandise without paying for it. No matter the size or the value of the object. The act is called shoplifting.

Attempting to reverse a sale due to the shoplifter’s bad faith is not a “Bad Stop,” the petitioner was trying to deter. He is a professional Security Officer. The petitioner found other stolen items among the purchased items. See Incident Report **exhibit 8 APP. E**. The question is how many times will the same person return to the store and do the same thing she did?

Not because she is white and nice looking, a business attire dressed, she should be treated differently. The petitioner believes that this store management discriminates against customers due to their race, skin color and social rank. The general manager Jared inappropriately said some slurs words toward an African American woman, the petitioner apprehended for shoplifting. She stole groceries, as the petitioner was writing the incident report in the office, Jared said this “these Porks come here to steal.” The

petitioner looked at him and kept writing the incident report. This was not a laughing matter.

This incident occurred under Bianca's supervision. This is an example of her lies about the petitioner's performance.

Ms. Bianca was questioned about the petitioner's performance overall. Unfortunately, she lied about it. She said in her deposition that since she started working with the petitioner, from August 2016 to December 2016, the petitioner did not apprehend a single shoplifter, **see Bianca deposition and Respondent Summary Judgment, exhibit 9**, Bianca lied under oath, which is perjury, a violation of 18 U.S.C section 1623, United States v. Tucker, 495 F. Supp. 607 (E.D.N.Y. 1980) citation omitted.

The Counsel of the respondent reiterated this lie in the motion of Summary Judgment on which the Judge based her opinion to decide this case; but the Judge was prevented of the lies contained in the deposition of Ms. Bianca.

Exhibit 10

In Keita's poor performance page of the Summary Judgment, exhibit 9 the counsel wrote: "during the time Ms. Bianca Bennett supervised Keita from August through December 2016, he did not apprehend any shoplifter."

Bennett deposition 14-15; 18-19, 50. **Exhibit 4 rejects this statement in exhibit 9**, Charles informed Mike that the petitioner made 19 apprehensions at the later time, **exhibit 4**, which was under Bianca's supervision.

Charles Bentley, the petitioner former district manager, sent an email to Mike Brenton on December 23, 2016, **exhibit 12**, after his conversation with the petitioner in the office for the reason of not showing up to work on a wrong schedule and yelling at Bianca. The petitioner was scheduled twice to work for Giant when he should work for Enterprise Mobility, Bianca and Charles purposely created a conflict of schedule. This conflict was prevented by Dennis and Kelly, they both respected the arranged schedule set at the hiring of the petitioner. He agreed to close the store, which means working in the evening.

The petitioner believed that this issue was fixed when he came to the office to meet Charles and Bianca. He told Charles that he did not yell at Bianca and that the schedule was conflicting with his other job's schedule.

This is the day Charles told the petitioner verbally that he will have to put him on probation for lack of apprehension for more than a week, and that he must

retake the test. Bianca never told the petitioner that he was on probation, she lied in her deposition.

Charles informed Mr. Brenton about the petitioner's performance issues and that he must retake the APA test because he has learned that he was helped by Kelly, the petitioner's former coordinator. **Exhibit 11 APP.E**

Charles also sent an email to Brenton on January 10, 2017, this email even though full of false allegations rebukes Bianca's false allegations contained in the deposition, regarding the petitioner's performance **Exhibit 4.**

Charles wrote: "Sekou was hired on 1/11/2016 but however, did not make any apprehension until period (10) of 2016. Sekou had a total of (19) apprehensions for all of 2016, five of which were recoveries".

This information contradicts Bianca's deposition, the petitioner apprehended shoplifters under Bianca's supervision. There are three apprehensions the petitioner can cite among the apprehensions he has made under Bianca's supervision.

1- Bianca scheduled the petitioner to report to Frederick to solve the issues of diary's shoplifting issues. She was asked for help by the diary manager to send an Asset Protection Associate. The petitioner reported

to Frederick and solved the issues. He apprehended the permanent shoplifter of Yoghurt products. The shoplifter was an Asian American woman, originated from India.

The diary product's manager was so happy, she called Bianca, according to her, to thank her. She said that she has suffered serious loss of profit due to the theft of Yoghurt and other dairy products in general.

2- Petitioner apprehended a Hispanic male at Giant of Rockville who stole important quantity of beauty products of more than three hundred dollars of value.

3- Petitioner apprehended a white male at Giant store of Potomac. He used his kids to shoplift. This man called Bianca to complain alleging that petitioner has "destroyed" his life. The petitioner does not know who he was, he believes that he must be an important person. He was looking, according to Bianca, to speak with petitioner's managers. The petitioner believes that he did because, Bianca said that she gave the man his managers' numbers.

4- The Petitioner apprehended an African American woman at the store 319 for stealing groceries.

All these incidents occurred under Bianca's supervision.

Since the incident of the white man of Potomac, the petitioner started to notice the changes of his supervisors' attitude toward him. His schedule was changed, Bianca lied that petitioner yelled at her when she called him to report to work when he should be working at the other job.

In the deposition, Binca lied that she talked to petitioner about the training, Bianca never approached the petitioner to talk about the training.

Kelly and Dennis, the former supervisors of the petitioner never complained about the petitioner's underperformance.

The information Charles gave to Mike in the email about the petitioner's performance is false. He wrote: Sekou had a total of (19) apprehensions for all of 2016 **Exhibit 4**. This statement is false, Mike knows it; the petitioner started working by himself in June 2016 when he took the APA test and passed it. The petitioner must complete the probation of three months before taking the test, which he successfully did.

He took the test on June 6, 2016. This date is marked on the second page of the APA test draft brochure, **exhibit 5**. Everyone that has the APA test draft brochure will see this date, including the respondent. The petitioner

apprehended shoplifters as soon as he was allowed to work independently after passing the test, Ms. Richard can confirm this.

The petitioner worked only 6 months in 2016 alone by himself not the entire year as Charles mentioned in the email. Associates are not allowed to work alone without complete satisfaction of the test result. The Company prevents lawsuits, because a customer may file a lawsuit if he or she is wrongly accused of shoplifting.

Bianca also said in the deposition that the petitioner did not pass the APA test, the petitioner has worked for retail companies directly or indirectly. See **Resume exhibit 13**, directly he worked for the retail stores as Loss Prevention Associate, where he underwent this similar training and took the Asset Protection test (Loss Prevention), Copy of **certificate exhibit 14** Indirectly, he worked for a Security Guard Company (Abacus) that passed a contract with Giant of Maryland (Giant Food). Abacus, the Security Guard Company scheduled the petitioner to work in different Giant stores of Maryland.

He was approached by an APA agent in one of Frederick's Giant stores who informed him about the availability of Job at Giant. The petitioner applied for a position of Asset Protection at Giant and was hired under the

recommendation of the managers of that store. This is the reason Mike was impressed with the past performance of the petitioner.

Bianca states, when questioned about the petitioner's length of employment with her, that she worked with the petitioner to December 2016. Bianca is the one who notified the petitioner on January 10, 2017, about his suspension.

The petitioner apprehended shoplifters under both teams' supervision.

Dennis and Jerry Kelly; Charles Bentley and Bianca Bennett. Both teams commended the petitioner's performance. The petitioner's work at Giant Food, whether during his period of contractor or his time as an associate, was to protect the company's assets: personnel, and property.

The bananas Ms. Lana Crouse stole and put in her basket without paying for them were not displayed for free on the table in the produce areas. They were displayed for sale. It is a lie that there was food at Giant that customers can take for free without paying for it. The bananas were scanned by the customer service agent and the price came out; the price was already programmed in the computer. It did not say free. See incident report **exhibit 8**. The petitioner wrote the incident report the same day following the company's policy, and Ms. Crouse apologized for the wrongdoing. **Incident Report exhibit 8**.

The allegations of Bianca about the petitioner's underperformance are false.

Bianca perjured herself by lying under oath. 18 U.S.C section 1621 and

Bianca allegations about petitioner not searching employees' bags are false.

The petitioner was the only associate who apprehended two employees for shoplifting. **See the 19 Incident reports of petitioner apprehensions.** This occurred as soon as he was allowed to work alone independently after taking and passing the APA test. According to Charles' email, the petitioner started to apprehend late in the period (10) which is false.

Ms. Dichard told the petitioner in late February on the phone, that Charles told her that he was fired for not passing the test. The question is now, what is the motive of the firing decision of the petitioner? "Bad Stop" or because "Not passing the test he retook" and passed because he was allowed to return to work independently without supervision?

The petitioner passed the test on the first attempt; the test brochure can prove this allegation; **exhibit 5** although Mr. Brenton said in his interrogatory that associates can be given few chances to retake the test.

The petitioner believes that he was indiscriminately fired, because there is not a valid reason for his firing, Title VII of Civil rights violation of 1964 and Title 42U.S.C section 1981.

The petitioner believes that Danny Switzer, his former colleague, was protected by Charles Bentley. Danny's employment was ended for misconduct, according to discovery response. Charles Bentley discriminated against the petitioner, title 42 U.S.C section 1981, and Brenton knows it.

Danny Switzer lied about Jerry Kelly helping the petitioner to take the test; he was asked by Charles to send an email to Human Resources the same day the petitioner had a discussion with Charles regarding retaking the test. This is the day the petitioner told Charles that "managers' unethical behaviors do not only harm employees morally, but they also harm the companies financially" Charles got angry and said to petitioner, "**I know that you are smart, but this job is not for you.**" Bianca was present; Charles, angry, told Danny to draft the email **exhibit 11** to say that Kelly helped the petitioner pass the test, and he wrote Brenton an email the same day. He even predicted in the email that the petitioner would fail the test but, he did not, because he sent him back to work without supervision after grading the test. This act

violated Title VII of the Civil Rights Act of 1964 and the Title 42 U.S.C section 1981.

Charles did not like the petitioner the first time he put his sight on him. Charles' action violated the petitioner's civil rights, he retaliated against him, he violated the disposition of Title VII, and Brenton knows it. Charles also violated the dispositions of title 42 U.S.C section 1981.

Danny cannot be trusted, he was fired for misconduct, according to respondent's discovery response.

Charles Bentley retaliated against the petitioner because he was told by Bianca that the petitioner yelled at her. This issue was fixed because the petitioner was called to come to the office. He came and explained the circumstances in which he talked loudly to make himself heard; such due to vehicles' engine noises at his workplace; petitioner did not admit that he yelled at Bianca. Also, Charles also retaliated against the petitioner because he denounced the unethical decision of retaking the test. This reaction did not please Charles because the petitioner is a black man. He should not teach him an ethical lesson. Charles and Mike retaliated against the petitioner

because they got a complaint from a white man who was apprehended by the petitioner at Potomac Giant store.

The petitioner took the test and passed it, Charles Bentley told him to report to store 319 to resume his schedule. The test was graded by Charles as the petitioner was taking it. He had not been told that day that he did not pass the test as Bianca said in her deposition. Bianca was present in the room when Charles was grading the test.

Taking the test was imminent for Charles, he was worried about the company being at risk since the petitioner did not know what he was doing, according to Charles in the email. The petitioner worked six months independently apprehended shoplifters, without any incident that could put the company at risk, and was commended by Charles himself and Bianca, but Charles found that he must retake the test for not responding a question regarding the 5 elements, in order to make a stop, although the petitioner made all the stops he was commended for, by both Charles and Bianca, in complying to the 5 elements. The petitioner believes that he responded to the question but not the way Charles wanted to.

The petitioner was put on schedule to continue working and was called to come to work although Charles and Bianca said that he did not pass the test. The petitioner was told to return to work independently. The question is now, what was Charles worried about? This question was a concern for the pro bono counsel.

Giant does not allow associates to work independently if they do not satisfactorily pass the APA test. Petitioner believes that he repassed the test when he unjustly retook it.

The question is now who was a risk for the company? Charles and Bianca or the petitioner? They both were finally let go because they were a risk for the company.

The respondent's counsel wrote in the Summary Judgment Motion that the petitioner said that he should not attempt to cancel the sale of the shoplifter. The petitioner precises that the Counsel did not understand him. He meant to say that he took such decision because due to the lie of the shoplifter. He also said that the petitioner was present at Bianca's deposition, the counsel certainly meant to say that Bianca cannot lie in the presence of the petitioner.

The petitioner watched the deposition through the Zoom and was refrained from speaking by the opposing counsel anytime Bianca lied. The petitioner mentioned the false allegations of Bianca to his pro bono counsel, but she did not take any step to address the issue.

The petitioner asked the pro bono counsel if Bianca false statements may affect the case, she said they may affect the case, but she did not address the issue, she closed the discovery without concerting with the petitioner and pressured him to accept the settlement offer; this is why the petitioner asked the Judge to reappoint another counsel, **exhibit 10**, the Petitioner believes that the counsel has not addressed the pertinent issues during the discovery proceedings.

Unfortunately, the Judge said during the judicial conference that she would not reappoint another counsel, she will move to decide the case through a summary judgment, that if anyone does not agree with the decision they can appeal. The judge said this when she asked the opposing counsel about the settlement, the response of the counsel was, “the defendant did not think the settlement conference will be successful.” Which means that the offer will

not be large as the plaintiff thinks. Such, because a small offer was made to the plaintiff before he filed the case in court.

The deposition of the petitioner took all day, it was stopped to be followed another day, petitioner did not read, persist, and sign his deposition such to correct any mistake made, the opposing counsel moved to file a summary judgment motion as he was tipped of his victory by the judge during the judicial conference. This is a violation of civil procedure.

MIKE BRENTON

Mr. Mike Brenton knows that the petitioner was forced to retake the test. Charles Bentley's email **exhibit 12**. The petitioner wanted to meet with Mike after he was forced to retake the test. Mike was informed by email by Ms. Jenkins that the petitioner was asking to meet with him. Ms. Dichard' s email **exhibit 3**.

The petitioner wanted to tell Mike that he opposes the certified test retaking decision; which he meant in the letter, there was no reason to make him retake the test, that he hired him due to his work ethics and his past performance; Job offers letter **exhibit1**. Mike alleged in the interrogatory response that petitioner was willing to retake the test, that he took the test

voluntarily; **Exhibit 14** This is a lie. Mike also said that the petitioner took the first test he failed then Jerry Kelly, his former coordinator, helped him take the second. This also is a lie, he lied under oath which is a violation of 18 U.S.C section 1623.

The petitioner took the test on a first attempt and passed it, see ASSET PROTECTION TEST DRAFT COPY **exhibit 5**. It is mentioned “first test” on the **APA test draft’s copy**, and the date is written on the second page. Mike also said that the petitioner took the test on June 8th, 2016, no it was June 6th, 2016, when Kelly returned from Medical Leave. As mentioned earlier, this is why the group took the test 6 months after their hiring; but Mike was correct to say that petitioner retook the test on December 24, 2016, because he was informed by Charles.

The letter the petitioner wrote to Mike expressed the petitioner’s indignation for the issue of retaking the test he had already taken and passed. This letter is proof that the petitioner was forced to retake the test; **Exhibit 2**.

The coercive character and the predisposition demonstrated by Charles in the email that the petitioner will fail the second test are undeniable proof that Charles Bentley hated the petitioner and forced him to retake the test.

Mike said in the interrogatory response that Charles is the one who refused to pay the petitioner while he was 47 days (about 1 and a half months) suspended pending termination status from January 10, 2017, to February 27, 2017; **Exhibit 14 Mike interrogation's response;** Defendant Response to plaintiff Supplemental Requests For production.

Mike interrogatory response about the work schedule did not concord with the accommodated schedule of the petitioner. The petitioner told Mike in the letter that his days off were Thursday and Friday, that Bianca intentionally scheduled him to work on Friday. The petitioner's memory was fresh at the time, he wrote the letter, and his recollection of the event was intact.

Respondent did not deny the change of schedule of the petitioner in the answer of the complaint but did not mention informing the petitioner about the change of the schedule. Petitioner's rights were violated, Title VII, respondent violated the policy of working relationship.

Mike said that the petitioner claimed that he holds a master's degree in his application. The petitioner remembers that he predicted his graduation date to be in May 2016 although he was hired on January 11, 2016. The petitioner

did not break the policy because the graduation date was ahead of the hiring date. Resumes attached, **exhibit 13**.

The petitioner's graduation did not happen as expected he updated the date from May 2016 to pending. **Two Resumes attached exhibit 13**. The petitioner produced this updated resume to respondent's counsel before his deposition and this question of "not having a master's degree" was the second question of the deposition. This updated resume was not filed to court, only the resume with anticipation date was filed. This is to prove to the Court that the petitioner is not intentionally lying about having a master's degree of public administration. The petitioner is respectfully asking the Court to verify this allegation and to sanction the respondent and the counsel for their unethical behaviors, **Exhibit 13** Resumes.

Mike stated in his interrogatory response that the number of apprehensions is not required, and that the petitioner should not retake the test, there is no policy requiring it. He contradicts himself that the petitioner was fired for poor performance, and the way he talks to his coworkers, these statements are not truth.

MARIBEL DICHARD

Ms. Dichard, a Human Resources Generalist, lied under oath about Danny Switzer's performance. She said in her interrogatory response that Danny made fifty-six apprehensions, **see Dichard's interrogatory response**, recoveries and tentative of apprehensions. The question was not answered properly. In the email Charles wrote to Mike, he said that the petitioner had only made nineteen apprehensions, five of which were recoveries. This means that the petitioner only apprehended fourteen shoplifters during the "whole year," 5 of which were recoveries. Charles detailed his information true or not, even though he allegedly made a wrong evaluation of the petitioner's performance.

The question is now how many apprehensions Danny has made? If Danny has not made the number of apprehension larger than the petitioner's apprehension number, he too should be put on probation; It does not matter now how Danny is notified of it, written probation or not. The respondent did not allow the pro bono counsel to verify this. It objected to the questions of incident reports.

Tentative apprehensions, and recoveries do not count toward the statistics of apprehension of shoplifters. Managers do not take those in count in

evaluating the performance. Managers expect associates to apprehend shoplifters, this to deter and prevent loss. Even though Charles misevaluated petitioner's performance in comparing his apprehensions to other associates' apprehensions tally, he differentiated the apprehension and the recovery. Ms. Maribel fails to do this, and it is for reason. They cannot tell how many apprehensions Danny had made. Telling this will make them lose the case. So, they must lie.

Ms. Maribel was not willing to answer the question because they knew the reason the question was posed. Danny Switzer contributed to the firing of the petitioner he himself had an issue with, but Charles wanted to fire the petitioner so badly that he must use Danny to help him do it, even though Danny himself has some serious issues. This is an act of discrimination, Title 42 U.S.C section 1981.

The respondent's agents cited above conspired to lie in the interrogatory responses.

Bianca lied under oath in stating that the petitioner was told to be trained and he rejected in stating that he is fine, that he did not need to be trained.

Contrary to the statement of Bianca excerpt of her deposition on **exhibit 17**, the petitioner retook the test because he was compelled by Charles for not responding to the questions as he wanted. He must retake the test because he failed it for the second time and Kelly helped him, according to the email of Charles, **exhibit 12**. The respondent did not have a choice to make but to retake the test. He retook the test and was sent back to work.

The respondent was requested for the second time to produce the email where it commended the petitioner for his good performance, email that says, “good job Sekou” It failed to provide the email **exhibit 18**.

The petitioner explained the reason he did not apprehend shoplifters in a certain period **exhibit 19**. According to Mike the director, the number of apprehension of shoplifters in a week is not required. The petitioner apprehended Ms. Crouse for shoplifting the same week he was called about apprehension issues. He believed that he was harassed by Charles and Bianca about the apprehension issues.

REASON FOR GRANTING THE PETITION

There is compelling evidence that Giant managers lied under oath, retaliated, and discriminated against the petitioner. They violated the petitioner civil rights; they violated the 14th amendment equal protection clause of the United States Constitution, both titles the VII of the civil rights Acts of 1964, the 42 U.S.C section 1981, and the 18 U.S.C sections 1621 and 1623.

Forcing the petitioner to retake the test, stating false allegations about his performance review and his job performance, lying under oath during the deposition and stating false allegations about his former coworker's. performance constitutes an act of discrimination and retaliation.

The managers used Danny Switzer another white coworker to lie about the petitioner being helped by an African American to pass the APA certification test. The petitioner apprehended shoplifters under Ms. Bianca's supervision; Bianca told Danny, according to Danny, that the petitioner was doing an excellent job in making apprehensions of shoplifters. The petitioner was told this by Danny in mid-December at store 319 while working there.

Danny refused to depose, he told the pro bono counsel that he would not depose and will not talk when forced to depose.

Bianca Bennett lied in her deposition which the counsel used as base for the summary judgment motion. The email Charles wrote to Mike Brenton on December 23, 2016, and January 10, 2017, contained inaccurate allegations about the petitioner's job performance. Charles' emails to Mike Brenton are compelling evidence that Bianca lied under oath about the petitioner's job performance, she perjured herself. Mike Brenton lied about the petitioner not been forced to retake the test, he knows the petitioner complained in writing a letter to him, he confirmed this on the phone with the petitioner, he ignored the letter and broke the law. Mike purposely lied in the interrogatory questions. He knew the questions, the response to the questions but chose to lie to win the case.

Ms. Maribel lied about Danny's performance to elude the justice system, she helped Mike in not cooperating with the justice system, she failed to tell Mike about the policy. They illegally fired the petitioner, he was fired without a valid reason, no paperwork was done, no firing document with a valid motive of the employment termination was written and sent to the petitioner.

They know that Charles refused to pay the petitioner, **Mike's Interrogatory response, exhibit 14**, and they did not do anything to prevent the hardship the petitioner was exposed to. Ms. Maribel knew that Charles was breaking

the law. Charles, refusing to notify the petitioner at the time provided by the law, exposed the petitioner to a financial hardship which caused him to lose his apartment, and be evicted which contributed to the loss of his academic tools while preparing for an exam. Charles made a wrong decision, Justice Antonin Scalia in Staub v. Proctor Hospital, “Holding the employment determination for a prolonged period against an employee while in suspension caused a financial burden to the employee.” Staub v. Proctor Hospital. 562 U.S 411 (2011), in Staub, the Supreme Court hold that employer can be liable under certain circumstances for the discriminatory animus of a supervisor who did not make the ultimate employment decision.

In Staub v. Proctor Hospital (2011), Justice Antonin Scalia said that: “If a supervisor performs an act motivated by discriminatory animus that is intended by the supervisor to cause an adverse employment action, and if that act is a proximate cause of the ultimate employment action, the employer is liable”.

Making the petitioner retake the test without a valid reason is discriminatory, caused by hate. Mike, the director, said that the petitioner should not retake the test he stated in his interrogatory **exhibit 14**. Respondent also said that petitioner should not have to retake the test, he took the test voluntarily.

Exhibit 15; but the email of Charles shows that he was forced to retake the test **exhibit 12.** Mike lied by saying that the petitioner failed for the first time, which is not true **exhibit 5.** The late Jerry Kelly would never accept to witness this lie.

Mike gave an inaccurate schedule in his interrogatory response, the petitioner never absented from work when scheduled properly; the schedule Mike provided conflicts with the schedule the petitioner had; **Exhibit 14.**

The petitioner is presently working for Enterprise Rent-A-Car now Enterprise Mobility, for 8 years and 10 months, he has never been absent from work without a valid reason. The petitioner was hired by his current employer Enterprise Mobility on July 6, 2015, and he was hired by the respondent on January 11, 2016.

In *Desert Palace Inc. V. Costa* (2003), Justice Clarence Thomas stated: “Direct evidence of discrimination is not required for plaintiff to obtain a mixed motive jury instruction under Title VII”, it is evident that Mike Brenton and consorts have violated the Title VII dispositions also retaliated and discriminated against the petitioner.

Mike Brenton perjured himself, he took all the lies of Charles Bentley into count. They both orchestrated the plaintiff’s firing. He refused to meet with

the petitioner to discuss the issues of retaking the test and suspension, Mike lied about the date the petitioner took the APA test, lied about the petitioner failing the first test, lied about the petitioner being helped by Kelly to pass the APA test, lied about petitioner lying about holding a master's degree. Mike lied that the petitioner did not pass the test he retook, although he was sent back to work independently after the test, Mike perjured himself in this case.

Ms. Maribel perjured herself into aiding Mike to lie about Danny's performance in the interrogatory response, they hid the truth. Charles fails to review Danny's performance properly and take the appropriate decision. Petitioner believes he was discriminated against because managers singled him out during the performance review Title 42 U.S.C section 1981.

The blackout email **exhibit 16**, concerns other associates who were counselled to apprehend shoplifters; an email was generated by Charles asking associates to apprehend shoplifters.

Bianca lied in her whole deposition to help Mike win this case. The email of Charles Bentley on December 23, 2016, and January 10, 2017, are the proof.

Exhibit 4 and 12. These two documents are one of the documentary pieces of evidence to prove the violations of Title VII of the civil Rights violation, the Title

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Seton Keeler

Date: MAY 24, 2024