No. 24-6380

SUPREME COURT OF THE UNITED STATES

Megan Rust, M.D.,
Petitioner,

vs.

Laboratory Corporation of America,
Respondent.

On Petition for a Writ of Certiorari to
The United States Court of Appeals
For the Ninth Circuit

PETITION FOR A WRIT OF CERTIORARI

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I. Questions Presented

Petitioner began working for LabCorp in San Diego, California August 24, 2020. Her first and only performance review was December 15, 2020. Petitioner's response to Dr. Gordana Stevanovic's query on Petitioner's thoughts about working at LabCorp so far, Petitioner responded that "it was ok except for the bullying and harassing management style." Petitioner also wrote this on her review form which was submitted to the court (3:21-cv-00885-BEN-BLM Document 16-4 Filed 06/06/22 PageID.442 Page 287, Exhibit 15). Dr. Stevanovic (Chief of Anatomic Pathology) and Ms. Melissa Thompson (Anatomic Pathology Manager) at the end of business that day responded to her review comments by changing Petitioner's work schedule from full time to vacation coverage, which based on industry standards is not part-time and does not require Petitioner to purchase malpractice insurance as malpractice is covered by a clause in the malpractice insurance of the vacationing pathologist. LabCorp claimed that vacation coverage was part-time and the contract signed by Petitioner was for part-time. However, verbally, Petitioner was told by Dr. Stevanovic that she would be working full-time and advised Petitioner to get full-time malpractice insurance and not part-time. Petitioner worked full-time until after her review when she was changed to vacation only. This change in schedule exemplifies the business term of "quiet firing." It is also a violation of LabCorp's Code of Conduct where they state "Labcorp prohibits retaliation in any form. Retaliation includes any adverse employment action taken against an employee as a means of punishing or seeking retribution against an employee for (a) raising a good faith concern about a potential violation of applicable law, regulation, this Code or other Company policy." LabCorp does not live up to its Code of Conduct.

During her tenure at LabCorp, Petitioner had discussed other concerning issues with Dr. Stevanovic's regarding business practices. This is discussed at length in the Introduction section along with the stalking and how both have affected Petitioner's employment over the years and continues to this day.

What you will find inside LabCorp is a working environment that is toxic and in direct violation of their Code of Conduct and the Civil Rights Act of 1964. By reporting her concerns in her review, Petitioner was following the LabCorp guidelines for reporting harassment and retaliatory behavior. A guideline that LabCorp does not respect.

Petitioner found an employment lawyer; Mr. Anthony McClaren. Her remembrances with LabCorp were emailed to Mr. McClaren on January 7, 2021. In her remembrances, she notified Mr. McClaren of her indirect stalkers. Dr. Stevanovic was also aware to notify Petitioner when her stalkers showed up. Names of the stalkers were provided to both. These stalkers have not missed an employment location of Petitioner's yet. They have been able to stalk Petitioner through the credentialing process as employment history is verified; technically this is indirect stalking and there are currently no laws prohibiting this behavior.

Petitioner has been trying for twenty (20) years to get the stalking to stop. All lawyers have refused to assist as there are no laws to use against indirect stalking. Two

lawyers have recommended that if a current employer does something egregious whereby law is available and it is known that the stalkers have stalked Petitioner to that place of employment, then file a lawsuit against the current employer for their egregious acts and use that lawsuit as an avenue to get Petitioner's stalkers into court.

Petitioner has so far attempted this legal route three times with this case being the second case. With the first two cases, Petitioner's lawyers both allowed the direction of the case to be guided by Petitioner's stalkers. The first case was Rust v RPA in Victoria Texas (4-18-cv-03005 U.S. District Court, Southern District of Texas, Houston Division). In the end, Petitioner's lawyer said he filed a Qui Tam but never did. With this case of Rust v LabCorp, her lawyer purposefully kept data out of the court. Data that Petitioner asked to be submitted. A third (Rust v Jesse Brown VA) is now in Appeal with the Equal Employment Opportunity Commission (EEOC). With this third case, she is pro se as well. With the EEOC case, Agency filed a Motion to Dismiss which Judge immediately converted to a Summary Judgement and granted the decision in favor of Agency. The Motion to Dismiss was submitted before any transfer of discovery information.

The appeal to the U.S. Court of Appeals, 9th Circuit was written and submitted May 31, 2022. Petitioner did the best she could as a pro se and followed the rules which stated no new information was allowed. Petitioner outlined how Judge Benitez did not have enough information to make a decision or the information presented was incorrect. The stalking was briefly mentioned in Petitioner's point #2 of her opening brief when she states "He chose to defer to the wishes of the opposition instead." Petitioner worded it this way because no new information was allowed and Petitioner was hoping that pointing out other issues would show that a review and re-trial by jury was best.

With this appeal to the U.S. Supreme Court, Petitioner is providing the data that the court should have had to make a judgement. The Court will now have available as much of the information that Petitioner can remember. Petitioner is wanting a review of the data and would like along with Supreme Court Rule 60 that Supreme Court Rule 10(c) be evaluated whereby "a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court."

Petitioner's underlying purpose with her appeal to the U.S. Supreme Court is to have her case reassessed where all of the data is presented to the court, have LabCorp own up to their behavior, to create new laws to help a litigant whose legal team was influence by third parties (external entities) and finally, to create laws to stop indirect stalking. Equitable relief would also be nice.

Summary of Questions Presented

1) General questions are the following:
   a. Did LabCorp violate Petitioner's Civil Rights Act of 1964 and their Code of Conduct when they reacted to Petitioner statement during her review?
   b. Identify extent of collusion and malfeasance behavior between LabCorp, Petitioner's lawyer, and Petitioner's stalkers against Petitioner?
2) With the Petitioner lawyer, was there suppression of evidence, abuse of power with LabCorp and Petitioner's stalkers?
3) With the U.S. Court, Southern District of California, was there abuse of power with deciding the Summary Judgement without adequate information?
4) With the Ninth Circuit Appeals Court:
   a. Did they allow their decision to be guided by interference from legal teams and Petitioner's stalkers?
   b. Was abuse of power and interference of an equitable legal process for Petitioner present with not providing post judgment instruction outlining next steps, which includes Motion for Re-trial?

LIST OF PARTIES

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

Megan Rust, M.D., Petitioner
vs.
Laboratory Corporation of America, Respondent

RELATED CASES

CASE 23-55186
Rust v LabCorp Appeal submitted to U.S Court of Appeals Ninth Circuit

CASE 3:21-cv-00885-BEN-BLM
Rust v LabCorp originating law suit decided by Summary Judgment submitted to the U.S. District Court, Southern District of California

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II. OPINIONS BELOW

The decision by the U.S. Court of Appeals Ninth Circuit denying Dr. Megan Rust's appeal is reported as Rust v Laboratory Corporation Holdings 9th Cir. Case No. 23-55186 on May 31, 2023. The Court denied Dr. Rust's petition on August 23, 2024 by Judges J. Clifford Wallace, Diarmuid F. O'Scannlain, and Ferdinand F. Fernandez.

The Motion to Stay Mandate was filed September 17, 2024 and denied September 19, 2024.

The decision by Judge Roger T. Benitez United States District Court, Southern District of California D.C. No. 3:21-cv-00885-BEN-BLM. Judge Roger T. Benitez denied Dr. Rust's petition on January 30, 2023.

III. JURISDICTION

The date on which the United States Court of Appeals Ninth Circuit decided Petitioner's case was August 23, 2024 and denial for Motion to Stay Mandate was September 17, 2024.

No petition for rehearing was timely filed with this case because the United States Court of Appeals Ninth Circuit did not provide any post judgement information when they issued their decision that would have informed Petitioner that a petition for rehearing was an option. Eventually, Petitioner was tipped to query the court clerk and she initiated an email chain on September 10, 2024. The Clerk's email responses demonstrated disregarding of her pro se status and in the end, they referred Petitioner to their website. This query was initiated by Petitioner on September 10, 2024. To late to file a Motion for Re-trial by Jury.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

IV. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This case is multifaceted. It involves the Civil Rights Act of 1964, 42 U.S. Code § 1985 and Federal Rules of Civil Procedure Rule 60 at a minimum. With the Civil Rights Act of 1964, the basic rights protecting an employee or applicant to be treated fairly and not to suffer any retaliation from vocalizing in good faith concerns noticed at work. Civil Procedure Rule 60 is to correct the mistakes in decisions made as a result of suppression of evidence and collusion by allowing old and new evidence be evaluated and allow relief from final judgment. In addition, 42 U.S. Code § 1981, 42 U.S. Code § 1983, 42 U.S. Code § 1985 to address Petitioner's civil rights more specifically as they relate to the actions of Mr. McClaren, LabCorp and Petitioner's stalkers.

Finally, this case has the opportunity to create new law to address all the corporate cultures similar to LabCorp's culture and the harm the stalkers have done. New laws to protect against indirect stalking, which would include the ability to obtain

restraining orders and also laws to address the colluding of other employers to cover up the egregious behavior of the stalkers would be a good start.

V. STATEMENT OF THE CASE

A. Introduction

Petitioner began working for LabCorp in San Diego, California August 24, 2020. Her first and only employment review was December 15, 2020 where she responded to Dr. Gordana Stevanovic's query for Petitioner's thoughts about LabCorp so far, with "it was ok except for the bullying and harassing management style." Petitioner also wrote this on her review form which was submitted to the court (3:21-cv-00885-BEN-BLM Document 16-4 Filed 06/06/22 PageID.442 Page 287, Exhibit 15) Appendix 10. At end of business the same day as the review, Dr. Stevanovic (Chief of Anatomic) and Ms. Melissa Thompson (Anatomic Pathology Manager) responded by changing Petitioner's work schedule from full time to vacation coverage, which by industry standards is not part-time and furthermore, does not require malpractice insurance as malpractice insurance for vacation coverage is covered by a clause in the malpractice insurance of the vacationing pathologist. [1]

LabCorp maintained the focus for this lawsuit was a contract dispute and claimed that vacation coverage was part-time and the contract signed by Petitioner was for part-time when in reality, they are two very different things by industry standards. Part-time is not the same as vacation coverage. Furthermore, verbally, Petitioner was told by Dr. Stevanovic that she would be working full-time and advised Petitioner to get malpractice insurance for full-time and not part-time. From the end of August 2020 to first week of November 2020, Petitioner was splitting her time between LabCorp in San Diego and another Pathology group in Camden, New Jersey rotating every two weeks at each place. The New Jersey position was definitely locum only as she was only needed to cover two weeks a month for one of their pathologists who wanted to work part-time and they were looking for a gastrointestinal (GI) fellowship trained pathologist that would upon arrival help with the extra load resulting from the part-time pathologist's absence. Dr. Stevanovic and LabCorp was aware of Petitioner splitting her time between San Diego and New Jersey until New Jersey was able to hire a GI trained pathologist. [2]

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[1] See Haddle v. Garrison, 525 U.S. 121 (1998): Case about employer conspiring to lay off an employee, Haddle, to prevent him from giving testimony at a federal criminal trial. Haddle appealed. U.S. Supreme Court granted writ certiorari for the purpose of judicial review." The case was remanded.

[2] EEOC lawsuit, Civil Action No. 2:02cv728 U.S. District Court for the Eastern District of Virginia, (2003): Case on unlawful termination of employee from her position, in retaliation for role in addressing complaints by employees about sexually harassing behavior in hospital. EEOC trial awarded monetary compensation on the employee's behalf against hospital for unlawful retaliation.

[3] Lazar v. Superior Court (Rykoff-Sexton, Inc.) No. S044234. Jan 29, 1996: "Whether a plaintiff may state a cause of action for fraudulent inducement of an employment contract based on employer's false representations made during recruitment. Decision was affirmative for Lazar (Civ. Code, § 3333), as well as appropriate exemplary damages (Civ. Code, § 3294)"

The splitting of time between LabCorp and New Jersey was stopped by the second week of November 2020 and Petitioner began working only at LabCorp. This was because (1) there was another uptick in COVID-19 cases and travel was not easy during COVID-19 and (2) the LabCorp technicians were beginning to do retaliatory behavior that was compromising Petitioner's ability to do her job as they were making it difficult for Petitioner to get her cases completed before she left to cover in NeJersey. This compromised her earning potential.

Appendix 12 provides the LabCorp fee schedule. Cases vary as to the number of parts per case, which represents the number of specimens per case. Each part varies by number of cassettes. For instance, one patient has two specimens (parts) submitted to pathology in one day. Both specimens will be accessioned in under the same case number. Part A is one specimen and part B is the other specimen. With grossing and depending on the size of the specimen, it can take one cassette or multiple cassettes to submit the specimen for evaluation but you can only bill for the number of parts and not the number of cassettes. So, if part A has 5 cassettes, you can only bill one CPT code and with part B, it is also billed as one CPT code. So, two skin lesions with one having more tissue to evaluate still has the same fee. For instance, a skin lesion is CPT 88305, which is $13.00. This also applies for larger specimens which get a different CPT code of 88307 and cover specimens such as hysterectomies and bowel resections. If any special stains or immunohistochemistry is performed, they get a different CPT code. This incentivizes pathologists to work fast to generate more CPT codes and make more money. Speed is a root cause to some errors.

Travel during COVID-19 was not the easiest and that was noticed right at the beginning of lockdown, which was around March 20, 2020. Petitioner lost that locum because of the COVID-19 lockdown as cases went from 80-100 a day down to less than 30 a day, which is enough for one pathologist and not two. The beginning of the lockdown coincided with her returning to San Diego after her rotation for that month was finished. That week, she began receiving text messages from United Airlines (airline she uses for travel) notifying her that her flight from Philadelphia to San Diego was no longer going through Chicago but now going through Houston. Because of the stalking from Methodist Hospital and their location being in Houston, Texas, Petitioner has an adverse view of Texas and in her mind, Texas is her "Thelma and Louise" Oklahoma. Petitioner avoids Texas layovers. She immediately got into her United app and was able to change the flight to returning through Chicago. Later, United texted back and to inform that they had changed her flight back to going through Houston. Petitioner called and ask United Customer Service what was going on. They immediately asked her for her reason for travel and Petitioner said to return home. She has no clue what they would have said or done if she said anything different. They informed her that travel was being reduced and within the next 48-72 hours airline travel throughout the entire United States was being reduced to somewhere around 20-30% of normal travel and all airlines were working together to make this happen. With that flight back to San Diego, passengers were packed in like usual but what was different was the airports, both Philadelphia and Houston (IAH, Bush) both looked like ghost towns on both sides of TSA. All food and shopping were closed. Typically, they are extremely busy and packed with people. Petitioner returned home to San Diego and within a few days became ill with symptoms of COVID-19. Given that testing at that

time was only allowed if you were really struggling, etc., Petitioner isolated and treated symptoms.

When Petitioner began working for a different New Jersey pathology group in August 2020, travel was the same as from March 2020 meaning very few people in the airports and all food and shopping establishments were closed within the airport but things were different on the airplanes. The airlines did not have the passengers packed in with every seat occupied like normal but they followed the 6-foot distance between occupied seats as outlined by the lockdown guidelines. So, the planes looked quite empty. Food was not served on the plane although minimal beverage service was available, masks had to be on constantly unless you were taking a sip of fluid. They also handed out sanitary wipes as you boarded the plane to wipe down your seat area.

By mid-October, the LabCorp technicians were beginning to not want to expedite cutting blocks for further workup that was necessary for Petitioner to sign out her assigned cases. They began to put her requests back into the pending box instead of cutting the block. This caused a delay in the case being signed out and also, a loss of income for Petitioner as the case had to be transferred to another Pathologist for them to sign out. Petitioner knew that in the long run her position at LabCorp had more longevity than with the group in New Jersey. LabCorp knew about the New Jersey arrangement from the start as the New Jersey group started their credentialing process before LabCorp. Petitioner worked full time throughout her time with LabCorp until after her review when she was changed to vacation only. This response by management and change in schedule violates the LabCorp Code of Conduct and exemplifies the business term known as "quiet firing." Appendix 14

LabCorp's Code of Conduct states on page 11 under the heading of "No Retaliation" that "Labcorp prohibits retaliation in any form. Retaliation includes any adverse employment action taken against an employee as a means of punishing or seeking retribution against an employee for (a) raising a good faith concern about a potential violation of applicable law, regulation, this Code or other Company policy* (b) participating as a witness in an external or internal investigation regarding a potential violation of policy or law, or (c) being associated with a person who has raised a good faith complaint or participated in an investigation. Good faith means having an honest or reasonable belief in the facts being reported and not acting maliciously." On the same page, under LabCorp's "People Leader Tip" states "as a people leader, you must demonstrate commitment to a retaliation-free workplace. Never engage in retaliation, and prohibit retaliation against others." LabCorp Code of Conduct then lists eight (8) examples of retaliation and they are as follows: "Demotion*. Suspension*. Termination*. Failing to hire or consider for hire or promotion. Giving negative performance evaluations based on unsubstantiated performance issues. Failing to give equal consideration in making employment decisions or to make impartial employment recommendations*. Adversely impacting working conditions or otherwise denying any employment benefit to an employee*. Creating a hostile or intimidating work environment*." LabCorp does not live up to its own Code of Conduct. With Petitioner, LabCorp actively engaged in six (6) of the eight (8) examples of retaliation they list in their Code of Conduct. The violations are marked with a superscript *. On top of

violating LabCorp's Code of Conduct and her Civil Rights (Civil Rights Act of 1964), they have actively slandered Petitioner since leaving LabCorp (i.e.: OMNI Pathology).

This was not the first time Petitioner had discussed concerns about management and business practice issues with Dr. Stevanovic. The first was October 2020, when Petitioner was quietly taken off of cytology sign-out. Quietly because she was not told, Petitioner just noticed an abrupt end to receiving any cytology slides. Petitioner queried the change with Dr. Stevanovic and her response was "well, Megan, you signed out a urine cytology as atypical." Petitioner asked if Dr. Stevanovic had looked at the slide and she said "no." As Chief and the person in charge of who is allowed to sign out cases, she should have reviewed the slide as it is part of her job description. If she had, she would have seen a few clusters of hyperchromatic cells with one cluster demonstrating papillary structure. The differential includes degenerative change of cells originating from the renal pelvis with reactive hyperplasia, atypia, and papillary neoplasm with degenerative change possibly originating from renal pelvis but bladder origin cannot be ruled out. What made this case even more complicated was that the patient was the husband of the ordering physician who called Petitioner upset and in a panic. She actually requested Petitioner to change the diagnosis as she "was sure her husband did not have cancer." Petitioner responded by discussing with the clinician the findings, the differential and that further workup was recommended. Petitioner is uncertain what happened with the case or if the report was changed (amended).

During the conversation with Dr. Stevanovic about why Petitioner was taken off of cytology, Petitioner was told by Dr. Stevanovic that at LabCorp San Diego urine cytology diagnoses can have one of only two choices: No High Grade Urothelial Carcinoma Seen or High Grade Urothelial Carcinoma Seen. This is not something Petitioner has ever encountered and is concerning because reactive, low grade and high grade cytological features with urothelial cells are all taught in cytopathology fellowship; a fellowship Petitioner is boarded in while Dr. Stevanovic is not. This limited choice for diagnosis is concerning for medical malpractice as an atypical Petitioner called while at Methodist in Houston ended up being low grade urothelial carcinoma on biopsy. With that case at Methodist, Dr. Alberto Ayala said that calling the case atypical was the right thing to do as it may have saved the patient's life. After this discussion with Dr. Stevanovic and the rules of urine cytology sign out clarified, Petitioner was put back on cytology but told that atypical urine cytology diagnosis was not allowed.

Petitioner found this concerning and discussed the incident with Dr. Gregory Luke Larkin, who will be explained in greater detail later but what was very alarming was that when she told him, he acted like he already knew about it and when she told him of the atypical diagnosis she called at Methodist that ended up being low grade and relayed what Dr. Ayala said to her, his face fell.

Another concerning incident happened October to November 2020 when LabCorp computer issues involving a patient's parotid gland (salivary gland) FNA was realized. In San Diego, as per in-house computer technicians (IT), the computers used by pathologists are not modern enough to handle current technology. IT was unable to connect a bar code scanner to Petitioner's computer on day one. In current times, slides

are now bar coded and that bar code contains all the patient data for that case so the bar code can be scanned and the electronic medical record for the case will be brought up to be worked on; this decreased medical error. Petitioner's lack of access to a bar code scanner connected to her computer was one of the root causes for the medical error with this case. Because of the lack of a bar code scanner, Petitioner increase her diligence with confirming she was in the correct case by using extra data points as confirmations that she is in the correct file; patient's full name, patient's date of birth, specimen source and case number. Of issue with this case was that the parotid gland was assigned to Dr. Jenny Galloway who was still working on that case but in the computer, it showed that it was "signed out" by Petitioner. This should never have happened as the only person who can sign out a case is the one who is assigned the case in the computer.

Petitioner had been assigned a thyroid FNA and per her training, she always puts in a small description of what she sees on the slides. The description provided in the signed out parotid gland matched a thyroid and not a parotid gland. Furthermore, the parotid gland case was still in Dr. Galloways office as she was not finished working it up. So, obviously there is a multi-faceted problem with the parotid gland report. In the end, an amended report was generated. There was discussion amongst the office as this event was a serious concern. The result of any root cause analysis was never relayed to Petitioner.

A web search reveals that the LabCorp computers systems have been an issue such that their stockholders sued them because of security concerns (Eugenio v. Berberian et al., No. 2020-0305-PAF, Del Ch. Apr. 28, 2020). LabCorp has also been involved in a cybersecurity lawsuit related to its association with The American Medical Collection Agency August 1, 2018 cyberattack (Villarreal et al v. American Medical Collection Agency Inc. and Laboratory Corporation of America Holdings, No. 7:19-cv-05340, S. District of NY).

Discussion with LabCorp employees in the building revealed concerns related to LabCorp with their putting profit over safety and is why the computers are not modernized to handle modern laboratory equipment. Petitioner had a discussion with Ms. Linda Guay, VP of Operations of the Western Division of LabCorp, to discuss the retaliation by Dr. Stevanovic and Ms. Thompson. During that discussion, the LabCorp computers and computer programs were discussed. She mentioned that LabCorp had developed a new electronic medical record to sign out pathology reports and it was due to be implemented and she described the new program. Petitioner knew enough from her locum work that this was gaslighting. What LabCorp was doing was taking a more modern version of CoPath, a program used by many of the places Petitioner has worked at and LabCorp was making some changes, which is normal for laboratories to do but per Ms. Guay, LabCorp was calling it their own creation.

The computer program Petitioner used while at LabCorp to generate pathology reports was created per IT in the 1980's and based on Word Perfect, a program that lost market in the early 1990 as Windows began to take over market share. Word Perfect is now obsolete. So, Ms. Guay tried to gaslight Petitioner. She also told Petitioner that she

was "a Christian woman and would not tolerate retaliation" yet she was tolerating retaliation by allowing Dr. Stevanovic and Ms. Thompson to change the schedule in retaliation for what Petitioner said in her evaluation.

Circling back to the time right after the parotid gland issue, Petitioner began communicating with in-house IT again to get a bar code scanner connected to her computer. She tried calling in-house IT and sent a number of emails but never got a response. She then called LabCorp general IT support and they were combative. They demanded her LabCorp physical address immediately and refused to allow time for Petitioner to find the address. In the end, they said they could not help install the bar code scanner and told Petitioner that she was going to have to call the manufacturer of the bar code scanner and get their help. This was when Petitioner went into Dr. Stevanovic's office where she found her with Ms. Thompson and told them what was going on. Ms. Thompson became a little nervous and she left to go to her office vocalizing how she was going to fix it. Ms. Thompson being nervous around Petitioner was common. In the end, in-house IT came by and with some effort they were able to get the bar code scanner to sync with Petitioner's office computer. That is when she was told that the computers were too old and a lot of what IT did was cannibalize parts and Jerry-Rig to get things to work for modern day.

As for Ms. Thompson always being nervous around Petitioner, Petitioner believes this is because Ms. Thompson knew of Dr. Stevanovic involvement with Petitioner's stalkers and she did not like it. It made her nervous. But also, Ms. Thompson was the other half of the coop whereby Dr. Stevanovic gained the title of Chief of Anatomic Pathology from Dr. Galloway. This meant that Ms. Thompson was stuck being Dr. Stevanovic's accomplice. So, while Ms. Thompson does have a reputation for being a bully as per others in the building, Petitioner thinks that her presence in the building made Ms. Thompson nervous not because of anything she did but because of the connection with the stalkers.

At LabCorp, both Dr. Stevanovic and Ms. Thompson had a reputation of 'ganging' up on other pathologists in the building and with one in particular. This pathologist told Petitioner that there were times that the intimidation was so bad they would have to leave the building for a few hours. This pathologist stated that Dr. Stevanovic and Ms. Thompson would crowd around them while they were sitting at their desk and practically pinning them to their desk. Other pathologist also had issues. One pathologist never unpacked all their office boxes from when they moved into their office years before and they loved coffee; that coffee pot was still in a box. This same pathologist was also known to arrive to work close to noon and work late. Petitioner always interpreted this to be suggestive of avoidance behavior given the majority of their hours working being after hours where avoidance of Dr. Stevanovic was the objective. Another pathologist would refuse to do consults as you are not paid for consults. They also would keep their office door closed and when you would knock on their door, they never responded and if you cracked the door open because you heard them inside, they would immediately pick up the phone and wave you off. They did this with everyone. Petitioner knew not to take it personally as Petitioner knew what was driving this behavior. This is all part of the working environment.

Early December 2020 and before Petitioner's review, Petitioner was assigned a case involving an excision of a skin lesion that was poorly oriented such that the slides had her looking at the specimen on an angle from the deep part of the specimen showing mostly fat with few slanted hair follicles. So, there is skin surface and the specimen is just poorly oriented in the block. The expected orientation of any skin specimen is to orient the skin during embedding to have the surface of the specimen facing the histology blade to be perpendicular to the skin surface. This specimen was improperly embedded and needed to be melted down and re-embedded.

Petitioner asked Dr. Stevanovic for the protocol to have the block melted down and re-embedded. Petitioner followed Dr. Stevanovic's instructions of submitting the request on a pink instruction sheet used for special stains and immunohistochemistry (IHC). What Dr. Stevanovic did not tell Petitioner is that the request also had to be requested electronically. Unless, this was a step Ms. Thompson and Dr. Stevanovic made up just to be able to gang up on Petitioner because later, both Dr. Stevanovic and Ms. Thompson entered Petitioner's office, Ms. Thompson proceeded to say that the request was done incorrectly and then proceeded to say that her histotechnologists do not embed specimens incorrectly. She then stated that the specimen did not have skin surface and refused to re-embed the specimen. Petitioner knew of Ms. Thompson's background as a cytotechnologist and therefore knew that she would have no knowledge as to the presence of skin surface or not; cytology is not histology. So, Petitioner knew that she was experiencing an intimidation game of Dr. Stevanovic's and Ms. Thompson's. Petitioner calmly pointed out that there was skin surface and relayed what she had seen on the slide which included superficial skin appendages and described the angle of presentation. Ms. Thompson then began to panic and looked at Dr. Stevanovic who immediately decided to take over the case. Petitioner just lost income. Per industry protocol, Dr. Stevanovic should have over ruled Ms. Thompson and had the specimen re-embedded and she may have for her to sign out the case herself but not for Petitioner.

December 20, 2020, there was a black out in the building over the weekend. Petitioner found this out when she went in to sign out some cases but found her office and the building to be without electricity. She found out on Monday that it was a scheduled blackout and that an email had been sent to everyone except, Petitioner who was not on that email list. This was also when she found out from a colleague that Petitioner was not receiving other emails, which included health warning emails that reported where COVID-19 was being detected in the building and was slowly traveling through departments. She had been working at LabCorp for four (4) months by this time and was still not on appropriate email lists. For Petitioner, this was another example of lack of support and welcome by LabCorp.

At one point, Petitioner was called by a male LabCorp employee to discuss Petitioner's turnaround time. His focus was to try and blame Petitioner for a 12-day turnaround on a gram stain for a case she had signed out. He stated that it was a bad reflection on Petitioner and would be documented on her turnaround time. Petitioner had to tell this person that the gram stain was signed out after 12 days because it took that long for the slide to go from San Diego up to LabCorp in Monrovia, California and then back to San Diego where Petitioner signed the case out the very same day the

slide was documented as received back in San Diego. So, that 12-day turnaround is a reflection on LabCorp inefficiency not Petitioner's. This is another example of standard LabCorp toxic environment.

The last occurrence to discuss occurred over the Christmas holidays 2020, Petitioner wanted to review a prostate biopsy case. She had signed it out in December and knew she had ordered immunohistochemistry (IHC). To find the case again, she needed the case number. So, she pulled all the IHC requests (pink sheets) for December. Both special stains and IHC use the same pink sheet. On one side is the special stains and the other is the IHC. While she was going through the sheets, Petitioner decided to split the sheets up by Pathologist. It was then that she noticed two things. The first is that three of the six pathologists had significantly more requests than the other pathologists. Petitioner remembered Dr. Galloway telling her to look for cases coming from certain account numbers as they would need more workup than others. She also remembered Dr. Haque stating that prior to Petitioner working at LabCorp, Dr. Haque had put in a complaint regarding cases that were being shuttled to certain pathologist and these cases would require more work up, which would result in those pathologist's having a boost in income. At LabCorp San Diego, a pathologist is paid based on CPT code and not salary. Appendix 12 So, the more cases you sign out, the more parts per case and the more stains ordered on each case is how income is generated. With Dr. Haque's complaint, she was attempting to obtain equal distribution of cases so the income realized by pathologists was more equitable. Petitioner was told that there was an investigation but nothing was found; Dr. Stevanovic never had a nice thing to say about Dr. Haque and vice versa. What Petitioner found by looking at the special stain and IHC workup sheets for just December supported Dr. Haque's view that LabCorp was favoring certain pathologists and had covered up what was really going on and that Dr. Haque's complaint was justified. The more complicated cases were going to certain pathologist. This finding explained a lot of Dr. Haque's behavior and Dr. Stevanovic's disdain for Dr. Haque.

During the same time that Petitioner was finding data supporting Dr. Haque's concerns, Petitioner found that Dr. Stevanovic was padding her income by double dipping with her special stain requests on nail clipping cases. These are common cases and performed to rule out fungus of the nail. Dr. Stevanovic double dips and adds to her income by ordering both a PAS and a GMS stain on each nail case. She only needs one. By ordering both, this is overkill and demonstrates padding of income as with each stain she is given a fee from the CPT code generated (CPT 88312 x 2 is $13 x 2) and this is a common specimen. This behavior is not cost containment which is emphasized in the industry. This is gouging for self-interest. Appendix 12

Toward the end of her tenure at LabCorp, Petitioner also found out that Dr. Stevanovic in her role as Chief of Anatomic Pathology, would ask other pathologists to do some of her duties as Chief. Dr. Stevanovic in her role as Chief receives a stipend for the extra work she is required to do for that position. But she was not doing the work. She was having other pathologists do the work. By doing this Dr. Stevanovic was freeing up her time so she could sign out more cases while the other pathologist's time was being restricted. Dr. Stevanovic gets to generate more income at the expense of the other pathologists.

The actions of Dr. Stevanovic and Ms. Thompson in December after Petitioner's review alarmed Petitioner. The response from LabCorp was egregious and very retaliatory to what Petitioner feels was the reporting of an honest concern about the work environment at LabCorp, San Diego. Petitioner was able to find an employment lawyer; Mr. Anthony McClaren. Her remembrances for LabCorp were emailed to Mr. McClaren on January 7, 2021. In her remembrances, she notifies Mr. McClaren of the existence of her indirect stalkers and mentions The Methodist Hospital of Houston, Texas, her family and Dr. Gregory Luke Larkin. Dr. Stevanovic was also told of her stalkers at the beginning of Petitioner's employment and in particular Dr. Gregory Luke Larkin. Petitioner asked both verbally to notify Petitioner when her stalkers showed up. Petitioner's indirect stalkers have not missed an employment location of Petitioner's yet. They are still going strong at 20 years and it has affected her employment negatively. That is why she warned both Mr. McClaren and Dr. Stevanovic.

Mr. McClaren was told from day one that this lawsuit was a whistleblower case and that "he may not think that my stalkers are not a part of this case but they are very much a part." Petitioner trusted Mr. McClaren's decision to utilized breach of contract as she is not a lawyer and deferred to his expertise. The case progressed but eventually, Petitioner noticed that her stalkers and in particular Dr. Larkin had shown up. Petitioner continued to talk to Mr. McClaren about her stalkers and correcting him on things he would say that she knew was from her stalkers. One was when Mr. McClaren said that recordings were inadmissible in court cases. This was something the stalkers and in particular Dr. Larkin did not want to happen. Petitioner responded to Mr. McClaren by telling him that this had already been tested in California courts and she had been told by another California licensed attorney that they were admissible. The recordings were made to collect data on the behavior of her stalkers (avoid he said – she said) and all conversations occurred in public and face to face. Petitioner found his statement even more interesting given that he was prone to talk to Petitioner by speaker phone and she could tell that there was someone else in the room who was not introduced. One day she even heard them ask a question. Another example of stalker presence was when both Judge Barbara Major (mediator) and Mr. McClaren while in a "private room" during one of the zoom mediation conferences, they both told Petitioner that she was out of touch because she did not understand how little laboratory technicians made. This was brought up because some LabCorp laboratory technicians have also sued LabCorp for the hostile work environment. Petitioner stated she was fully aware of the salary for a laboratory technician as she has been a laboratory technician a few times at the beginning of her career. It is on Petitioner's CV which Mr. McClaren was given. Petitioner also discussed the toxic work environment which Judge Major seemed very interested in. From this conversation, Petitioner knew with certainty that Dr. Larkin was still interfering in her life because he always does and from history, she knows the triggers he likes to utilize and her laboratory technician history is a point she was constantly having to remind Dr. Larkin about because he would forget. She knew Dr. Larkin was helping Mr. McClaren and LabCorp find things that Petitioner could be needled on; more harassment. Petitioner never gave Dr. Larkin permission to contact LabCorp or Mr. McClaren. She presumes he found them through Methodist and the credentialing process.

Petitioner and Dr. Larkin both have history at University of Texas Southwestern

(UTSW) but not at the same time. Her first job out of undergraduate was as a laboratory technician in a research lab at UTSW. Petitioner knew from what Mr. McClaren and Judge Major said about laboratory technicians' salary that Dr. Larkin had definitely infiltrated the court proceeding. Dr. Larkin has been the front man for the stalkers since around 2013 when they all showed up to Southern Methodist University (SMU) where they were able to convince SMU to fail Petitioner in her MBA speech class that Petitioner took as an undergraduate at SMU and got a B.

Petitioner continued to warn Mr. McClaren about her stalkers and in particular Dr. Larkin and what they had done to Petitioner in the hopes he would eventually be able to stop himself and stop allowing Petitioner's stalkers to guide the path of the legal case. She was trying to allow him to save face. Unfortunately, that did not happen and she had to expose them all. Mr. McClaren called Petitioner a few days after this and said he "did not know" about the stalkers. He did but regardless, he never should have allowed the stalkers to guide the lawsuit. He was reminded that he was notified. During this conversation, Petitioner asked Mr. McClaren to tell her what the stalkers said to him about her because she wanted to know why he chose to comply with them. He knew how much this case meant to her to be able to get the stalkers to court and stop their behavior. He did not respond and hastily got off the phone. With this, Petitioner did a web search to find out what the stalkers may have on Mr. McClaren because - why allow a third party to guide a legal case? What Petitioner found was that Mr. McClaren is an only child whose mother died of cancer and then his father died from Parkinson's whom Mr. McClaren was the caregiver. He also lost his first marriage. Petitioner suspects her stalkers played on this information and Mr. McClaren chose to comply with Petitioner's stalkers because he was projecting his own emotions for the loss of his parents and marriage onto Petitioner.

At the time of the depositions, Petitioner was questioned by Mr. Christopher Kondon (K&L Gates lead lawyer for LabCorp) about Dr. Larkin and Dr. Stevanovic was questioned by Mr. McClaren about Petitioner's LabCorp interview relating to a topic Dr. Stevanovic focused on concerning a colleague dying of ALS (Lou Gehrig's Disease) the same disease that Petitioner's father died of in 2005. This colleague actually died of an aneurysm and Petitioner stated that to Dr. Stevanovic, which Dr. Stevanovic ignored. During the interview, Dr. Stevanovic leaned forward toward Petitioner and discussed the colleague dying of ALS at length. Over the years, Petitioner has had to field ALS questions from colleagues as that has been one of the tools used by her stalkers. Petitioner suspects that they think the mention of ALS will evoke emotion. What they are doing is dwelling on the death of Petitioner's father and expecting Petitioner to do the same. The refuse to accept that she is not. Appendix 11

Briefly on how the stalking started because it is a part of this case. July 2004, Department of Pathology at Methodist was the first group to be "kicked out" of The Methodist Hospital (TMH). This started from a disagreement between Methodist and Baylor College of Medicine (BCM) in Houston, Texas. Baylor wanted to open an adult clinic and use Methodist building space. Methodist said fine but wanted a percentage of the profits from the adult clinic. Baylor said no. Methodist and Baylor are now at war.

July 2004, Methodist exercised the 90 day no questions asked clause of the new contract with the Department of Pathology which is staffed by Baylor pathologists.

Many of the physicians working at Methodist were also Baylor employees. When this happened strife amongst all Baylor pathologists was ignited. The pathologists that stayed with Methodist were now 'enemies' with Baylor pathologist working mostly at Ben Taub and in the Baylor private laboratory. Methodist proceeded to make other departments choose loyalty; stay with Methodist and work or leave. Methodist is known to be very harsh with the way they conduct business.

December 2004, Petitioner had a residual of a mole taken from her face. This was the same day that her surgeon, Baylor Chief of Plastic Surgery, was fired from Baylor. His clinic did not support the removal of the sutures. Petitioner complained but Methodist and Baylor disagreed. This is when the stalking began and it has included cyberstalking. At one point Petitioner was told Methodist had her personal email password. She had used a Methodist computer to check her personal email. Petitioner has also received a threatening Facebook message from a Methodist colleague, Dr. Rose Anton, who was known to have their Facebook profile open on their Methodist computer; Methodist is going through the Methodist servers to get the passwords.
Appendix 6

Petitioner initially thought the job offer by Methodist at the end of her cytopathology fellowship at UT Southwestern (UTSW) in 2006 was an olive branch. It was not. July 2006, started off with Methodist claiming that Dr. Raheela Ashfaq, Chair of Cytopathology at UT Southwestern, had written a bad reference for Petitioner's onboarding and Methodist refused to abide by their bylaws, which has protocols to resolve this situation. Petitioner had reported Dr. Ashfaq's husband, Dr. Hossein Saboorian, for sexual harassment at UT Southwestern. Petitioner suspects the sexual harassment was done at the request of Methodist as she overheard a conversation between staff at UT Southwestern revealing that Methodist had followed Petitioner up to UT Southwestern. Petitioner sat waiting for five (5) months for Methodist to resolve this issue. Finally, Petitioner told Dr. Mary Schwartz at Methodist she was going to search for another job. This was when Methodist finally brought Petitioner into Methodist to work. Petitioner then learned from a colleague (Dr. Anna Sienko) that Methodist planned to "put you through enough hell that you would call your mother." Methodist knew Petitioner's father as a distant colleague as his pathology practice was about 25 miles northeast of Houston in Humble, Texas. Petitioner suspects that with the death of her father, Dr. Schwartz may have developed a perverse attachment to Petitioner and this may be part of the reason that the stalking as continued for as long as it has; twenty (20) years so far. [3]

[3] See Jackson v. Birmingham Bd. of Ed., 544 U.S. 167 (2005): Case involving a girls' basketball coach who complained to his supervisors about equal funding and uniforms, which resulted in him received negative work evaluations and eventually was removed as the girls' coach. The U.S. Supreme Court held that retaliation against a person because that person has complained of sexual harassment is a form of intentional sex discrimination covered by Title IX.

[4] EEOC lawsuit, Civil Action No. 2:02cv728 U.S. District Court for the Eastern District of Virginia, (2003): Case involving unlawful termination of employee from her position at DePaul, in retaliation for her role in addressing complaints by employees about sexually harassing behavior in the operating room environs by a nurse. EEOC announced a federal jury awarded monetary compensation in an EEOC trial on the employee's behalf against Bon Secours DePaul Medical Center, Inc. for unlawful retaliation.

Work at Methodist was never pleasant. Then one day after four years at TMH, Petitioner was the cytopathology attending for a rapid on-site evaluation, which means she is evaluating slides of specimens at the surgery room and not in her office. With this procedure, she was directly outside of the surgery room with her resident going into the surgery room to get the specimen and bring it outside where it was stained and looked at under the microscope. Everything was proceeding uneventful until the end when the resident came out but did not have the location of the last two specimens and refused to go back into the room and ask for the location again. Petitioner went inside and saw the patient laying on the table in the operating room. She was a black lady with gray streaks in her hair and loose waves to her hair. The surgeon (Dr. Uttam Tripathy) was sitting down on the single step to a small elevated stage. Petitioner asked for the location of the last two specimens. It was then that she realized that the surgeon had become flustered during the procedure and did not know the location. He proceeded to stand up, approach Petitioner and stand very close invading her personal space in an attempt to intimidate her.

Petitioner left the room, went out by the cart to tell her resident to clean up and return to the lab. The surgeon followed Petitioner to this area with the cart and continued to verbally insult her and intimidate her by crowding her personal space. Petitioner then proceeded to leave and return to her office and he returned to the operating room. As Petitioner was about to leave the surgery area and enter a public hallway, she ran into the surgeon who was training Dr. Tripathy on the procedure. It was then that Petitioner learned that Dr. Tripathy had not learned the procedure in fellowship and he was still not fully trained to perform the procedure as per the surgeon training him but Dr. Tripathy was insistent. The surgeon training Dr. Tripathy stated they were going back to the operating room to check up on Dr. Tripathy. I told them what happened and requested that it not happen again.

Dr. Tripathy ended up following Petitioner to the Pathology Department and as Petitioner was heading to her office, she noticed him entering the front office where Dr. Alberto Ayala and Dr. Mary Schwartz's offices were located; Dr. Alberto Ayala was Chair of Surgical Pathology and Dr. Mary Schwartz was Chief of Anatomic Pathology (just under Dr. Ayala). Dr. Schwartz later came to Petitioner's office and a discussion on how to handle the last two specimens occurred but no discussion of the incident or Dr. Tripathy's behavior ever happened. No one in leadership or by Methodist human resources has ever asked for Petitioner's side of what happened. She was just blamed. Dr. Phil Cagle was the most direct with insults when he said to Petitioner, "I bet you would correct the Pope if he ever did anything wrong."

Long story short, February 2010, Methodist chose not to renew Petitioner's contract, which had been renewed yearly. On the day, she found out that her contract was not going to be renewed, she returned to her office and her sister, Heather, who she had not spoken to in four (4) years was leaving a message of support on her office phone. Petitioner listened to the message and then went to Dr. Alberto Ayala's office to see if he would be a reference, his first words to her were "so, are you going to call your mother?"

[5] EEOC lawsuit, Civil Action No. 2:02cv728 U.S. District Court for the Eastern District of Virginia, (2003)

Bottom line is that the Methodist Hospital's hornets' nest is now fully stoked and they are actively interfering with Petitioner's employment and using the public relations sales pitch of 'to get Petitioner to talk to her mother.' Methodist is fully aware of Petitioner's mother's personality disorder and so was Mr. McClaren. She is a narcissistic borderline. No one has ever asked Petitioner directly why she goes no contact with her mother. Methodist and their flying monkeys and enablers have violated Petitioner's Civil Rights and Employee Privacy Rights along with the 14th Amendment, 18 U.S. Code § 119, and 18 U.S. Code § 2701 repeatedly.

"No contact" is exactly as it sounds and it is what Petitioner has done with her mother since she was in her 20's (Petitioner's year of birth is 1967). In 2007, Petitioner had her lawyer at the time, Mr. Howard Stern, JD, write a letter to both Judy Rust (mother) and Shanon Rust (sister) providing him as contact for all communication. APPENDIX 7 He sent it by email to both and certified mail with return receipt to Judy although that is not documented on the letter. He did send a pdf of the signed return receipt to Petitioner but it is trapped on her computer as an AOL pdf. She is no longer AOL. Unfortunately, Mr. Stern destroyed the green receipt card without telling Petitioner prior to destroying it. The Texas Bar Disciplinary Board said that what he did was ok even though per protocol he was supposed to have notified Petitioner and give her the option of retrieval but he did not. (Texas Bar Disciplinary Board complaint #201504525). By putting in the complaint to the Disciplinary Board, it documented that the green return receipt Judy's signed did exist because you cannot destroy what was did not exist. Petitioner has lost her copy of this letter but has requested a copy from the Texas Bar Disciplinary Board and will forward it once it is received. Appendix 17 Petitioner created this avenue of communication because of a Rust Trust she was involved in. Judy never called the lawyer but instead went to Dr. Mary Schwartz at Methodist. Petitioner knows this because she asked her sister Erin after she started to receive cards from Judy at her home address.

December 2010, Petitioner met Dr. Gregory Luke Larkin via a dating app. In 2013, he accused Petitioner of getting him fired from his job in New Zealand and went to Southern Methodist University (SMU) to complain and they complied. She did not get him fired. He has a solid history of getting fired and blaming others. His behavior is what gets him fired. Because of his historical status in Academic Emergency Medicine, he knows people at Methodist and Baylor. He has "historical" status because he has lost all jobs associated with academia due to his behavior and last Petitioner heard, he works locum but Petitioner has not interacted with him since 2022. The stalkers all met up at Southern Methodist University and have been acting as a unit since then. Dr. Larkin typically acts as the lead when contacting Petitioner's employers and people in her life. This is how Petitioner's stalkers all know each other.

Petitioner never gave LabCorp, Methodist, her family or Dr. Larkin permission to contact each other. They did it all on their own. This is in violation of Petitioner's Rights to Privacy as an employee and violates the Civil Rights Act of 1964 at a minimum.

How LabCorp got involved with the stalkers is partially because of how

onboarding works for physicians where prior places of employment are contacted to verify that they left in good standing. This occurred with LabCorp onboarding. Ms. Lisa Wicker was in charge of the LabCorp credentialing and during a phone call told Petitioner that she thought Houston was weird. Petitioner already knew that Dr. Stevanovic was in communication with Methodist because of the ALS statements during her interview. Petitioner was hoping Dr. Stevanovic would open up to her and tell her that her stalkers were involved as she had asked but Dr. Stevanovic never did. Petitioner goes this route in an attempt to not embarrass those who have complied with Methodist's stalking.

Credentialing is how Methodist always finds out where Petitioner is going to work but because Petitioner has been stalked for twenty (20) years, the rumor mill is such that it is basically common knowledge throughout the field of pathology and this is how LabCorp knew about the stalkers prior to credentialing. Petitioner has gone on a few job interviews that she now labels as "gawking interviews" because during the interview she finds that they will needle her about topics similar to OMNI asking her about missing her father as an advisor. One place in Arizona actually claimed at dinner that she wanted to stay and live in La Jolla, California; this is a wish of Dr. Larkin's not Petitioner. She advised this person to go visit La Jolla as it has changed a lot since they had last visited. It baffles Petitioner that these gawking interviews are willing to pay for travel and not to hire but just to insult and needle Petitioner. Petitioner's stalkers have not missed interfering with an employment position yet and this includes all positions to current day. Methodist is not the only position that has released her from employment but others have as well at the request of Methodist.

LabCorp and her stalkers have also engaged in an egregious smear campaign and slandered her over the years. Petitioner had an interview with OMNI Pathology in Pasadena, California where she worked for a few weeks covering vacation beginning May 2022. It was originally posted as a permanent position. The management at OMNI (Dr. Mohammad Kamal, Mr. Emmanuel Mabanga and Ms. Michelle Herrera) had employment history with LabCorp and said they knew the Pathologists in San Diego. During the interview with OMNI, Petitioner was accused by Ms. Herrera of "not liking black people." This was witnessed by Mr. Mabanga. Dr. Stevanovic is white and Ms. Melissa Thompson is black; the patient at Methodist of Dr. Tripathy's is black. If Petitioner did not like black people, then why did she stick up for the patient of Dr. Tripathy's at Methodist. This is just part of a series of insults Petitioner has had to endure. Others include accusation of drug use, eating disorder (anorexia), bar hoper/partier, and trolling people with web searches. OMNI also brought in the 'father died angle' just like Dr. Stevanovic did by asking questions about Petitioner's father and how Petitioner felt not having her father as an avenue for advice. With all this repetition of same topic conversations, Petitioner's suspects that twenty years after her father's death, people are still assuming that Petitioner is grieving and the no contact with her mother is related to that. They are wrong. Petitioner tells them she is fine with his death but they refuse to accept it. She finds their behavior to be intrusive and out of line and thinks that her private life is none of their business.

Mr. McClaren knew how important it was to Petitioner for the LabCorp toxic

environment and stalking data to be presented to the court. By not submitting the data provided in the deposition, he suppressed evidence and abused his power. This is the second court case that Petitioner has been involved in where her stalkers were able to convince her lawyer to throw the case. The first was Rust v Regional Pathology

Associates when her lawyer, Mr. Wayne Collins convinced Petitioner to withdraw the original case and let him file a Qui Tam (Case: 4-18-cv-03005 Rust v RPA, United States District Court, Southern District of Texas). Appendix 9 A colleague alerted Petitioner that Mr. Collins did not file the Qui Tam. When Petitioner questioned him, he lied. These court cases were how Petitioner was going to finally get her stalkers into court so, she could legally get them to stop their stalking as it has egregiously affected her career, income and retirement; her entire life.

With the Rust v RPA court case, it represents the most egregious retaliation (libel) experienced by Petitioner. Because of the Freedom of Information Act, court cases are written up and put on the web. So, they are searchable. With this case, it was written up by Southeast Texas Record. But what they did is reverse who the complaints were against. The worst of the complaints Petitioner had against Dr. C. Lelani Valdez was that she signed out a prostate chip case as cancer when it was not cancer but radiation change. She admitted to signing out the case without looking at one slide. She definitely did not look at the immunohistochemistry slides as they arrived the day after she signed out the case. Southeastern Record wrote up the legal suit such that Petitioner was the one who signed out the case without looking at one slide, etc. When Petitioner notified their editor of the error, they refused to correct the article but they did not mind listening to "what was really going on." Petitioner lost a number of jobs because of this article. A few years later, with a different editor she was able to get them to correct the article but it was not without a struggle. Appendix 9

With everything you have just read, please take a moment to read the documents provided for Rust v. LabCorp Case 3:21-cv-00885 of the California Southern District Court. Appendix 4,5,10 To Petitioner, the information presented here when compared to the information that was presented to court for Judge Benitez is night and day especially when it comes to availability of information and accuracy of information. So, when Judge Benitez states that he did not have enough information to make a judgment, he is correct. And, he should not have made a Summary Judgment (Federal Rule 56). He should have the case go to trial by jury. When Mr. McClaren notified Petitioner of the Summary Judgement decision, he then said that he would not work on the appeal as that is not part of his practice. He never mentioned if a Motion for Re-Trial by Jury was available. With Petitioner's Appeal Opening Brief, she went through the documents that Judge Benitez focused on and bullet pointed issues she noticed along with documenting the pages of deposition not submitted. Appendix 3,11

Petitioner tried very hard to find legal representation for her appeal to the U.S. Court of Appeals, Ninth Circuit given Mr. McClaren had excused himself from the case. Petitioner had actually tried to replace Mr. McClaren when she realized he was definitely in communication with Dr. Larkin but failed; common reason given by the lawyers she interviewed was that the legal case had already started. Petitioner interviewed a number of lawyers for the appeal who in the end declined the case, cost her a substantial amount of money and depleted the time available to write the brief.

The only semi-nice thing one of the lawyers did was get an extension granted except the date he told Petitioner the appeal was to be filed was June 1st the day after it was due. It was actually due May 31, 2023. Petitioner realized this around 2am May 31st when she woke up and the thought to double check Pacer came to mind. She noticed the due date and immediately woke up and started polishing up the brief. Appendix 3

The interesting thing about this day is that beginning very early in the morning (~7am) all of a sudden, a slew of SPAM emails began inundating Petitioner's email inbox. Meaning 100's within minutes of each other and at such a steady rate that Petitioner had to turn off all notifications and close her email app on her computer and phone. Then around 10am, she began receiving emails and phone calls from Apple. When Apple and Petitioner were finally able to connect and have a conversation, they notified her that an iPad had been purchased in New Jersey and they wanted to verify if this was a purchase Petitioner consented to. They were told no it was not a purchase by Petitioner. Apple stopped the purchase and refunded Petitioner. Petitioner canceled her credit card, which was still located in her wallet. Petitioner had to travel the next day and that credit card was her primary card.

The appeal was written and submitted at around noon on May 31st. Petitioner did the best she could as a pro se and followed the rules as best she could by outlining how Judge Benitez should have sent the case to trial given there was not enough information to make a judgment. Furthermore, she pointed out that travel restrictions were a reality during COVID-19 and both Judge Benitez and the Appeal Court refused to acknowledge this; there is a Wikipedia page on travel restriction during COVID-19.

The 9th Circuit affirmed the Summary Judgment and also harmed Petitioner by not providing the post-judgement hearing information when they posted the decision to PACER. So, Petitioner was not aware of the ability to submit a Motion for Re-trial. Appendix 1,2,16

Per history, Petitioner knows that her stalkers use the same games each time that they follow her to her next place of employment. As she describes it, her stalkers play the same games but just change out the middleman. LabCorp was the middleman for this legal case. Over the years, Petitioner has experienced the anger of the middleman when she exposes the games of her stalkers to the middleman. The anger really should be directed toward her stalkers as her stalkers are the ones who duped them. She warned LabCorp of her stalkers. They ignored her.

LabCorp has a business relationship with Methodist. LabCorp has small lab draw stations on practically every floor of the buildings associated with Methodist. Petitioner has noticed this monopoly by LabCorp lab draw stations with other facilities in Texas and in California. As a patient, you go to your appointment, the physician orders tests and then the patient is sent to the lab draw station which is LabCorp. Methodist has nine (9) hospitals in the Houston area and even more buildings housing clinics and these buildings can be well over 20 floors. With a LabCorp lab draw station on every other floor, that is an impressive number of laboratory station and revenue. Per HoustonMethodist.org locations for zip code 70002, which is Houston, they have 209 specialty physician group offices. Per the web, Methodist Hospitals also have a

presence in a other States; California, Florida, Illinois, Indiana, Kentucky, Minnesota, Nebraska, New York, Tennessee, and Texas.

If LabCorp should anger Methodist and Methodist chose to cancel their business relationship just as they did with Baylor in July 2004. LabCorp would lose a substantial amount of revenue which could result in significant effects on their stock prices and shareholder confidence, if not bankruptcy. One year after the Baylor Pathology contract with Methodist was cancelled, Baylor was very close to bankruptcy. With bankruptcy, Baylor College of Medicine, which is a well-respected medical school would shut down. Per a 2016 news article from the Houston Chronical on the Baylor - Methodist divorce from 2004, it states that historically, Baylor received up to $50 million a year from Methodist and that was now gone with the divorce. Petitioner remembers Baylor pleas for donations during this time. It was a blessing when in September 2004, it was announced that Mr. Dan L. Duncan was donating $35 million to Baylor and then again in January 2006, it was announced he would donate another $100 million. That was like Baylor winning the lottery just in time.

For Petitioner and her personal experience with Methodist stalking, so far, she has had two instances where she was very close to bankruptcy and is currently experiencing her third. Except now, she is considered unemployable by industry standards. When she was driving to Victoria, Texas in 2018 to work, she only had about $10,000 to her name and when she took the job with LabCorp, she had about $50,000 to her name. Petitioner has also lost other position of employment at the request of Methodist. Per history, Methodist could do the same thing to LabCorp and that includes requesting other hospital organizations to cancel LabCorp.

Along with the risk of being canceled by Methodist, another incentive for LabCorp to assist Methodist in covering up their behavior is that LabCorp may be involved in another kickback scheme similar to what was exposed by S. Lutz and K. Webster in 2013 with their Qui Tam complaint (United States ex rel. Lutz v. Lab. Corp. of Am. Holdings Civil Action No. 9:14-cv-3699-RMG (D.S.C. Jan. 15, 2019) and United States v. Lab. Corp. of Am. Holdings, C/A No. 9:14-3699-RMG (D.S.C. Jun. 15, 2021) where the end result was a $19 million dollar fine. What would happen to LabCorp if they got caught again? Southern Methodist University (SMU) got the death penalty for their football team for cheating twice; Petitioner experienced that herself as she is a 1990 SMU graduate. SMU should have learned their lesson but they did not because Petitioner knows a player who tried out for the first football team after the death penalty and they said SMU was still violating NCAA rules and in 2015, SMU got caught by the NCAA again but this time it was men's basketball.

So, not only is LabCorp unwilling to acknowledge their own retaliation and harassment of Petitioner while she worked for LabCorp, behavior that is in violation of their own Code of Conduct along with a slew of other Federal and State laws. But LabCorp also has a conflict of interest because of the business relationship they have with Methodist. So, covering up the presence of Petitioner's stalkers is to LabCorp's advantage. Until someone helps, Petitioner is stuck. Petitioner has tried to get restraining orders for her stalkers in Texas and in California but she has been denied both times since her stalkers are not directly bothering her but working indirectly.

The behavior of her stalkers continues to this day and as already stated has made her unemployable as per current industry standards and rules. She did accept a position to begin November 2023 with the Jesse Brown VA in Chicago, Illinois but that position was rescinded after they confirmed she had already moved to Chicago, Illinois. The decision by the VA Human Resource Department may be due to issues with their department that a whistleblower exposed in 2014 but when you add that Petitioner's movers tried to extort additional fees on a binding contract but ended up deciding to keep 1000 lbs. of her household goods and deliver the rest with destruction of property noted on what was delivered, the likelihood that the stalkers are involved. They have been pervasive with their behavior for 20 years straight so this representing continued involvement is pretty much a given. Petitioner is still working with the Equal Employment Opportunity Commission on an appeal (EEOC Appeal 2025000323, EEOC case 440-2024-00257X). The original case went to Summary Judgment before Discovery could take place. The entire interaction with the VA and the EEOC is highly suspicious of continued interference of court cases by her stalkers but the continuation of the retaliatory and harassing behavior by the VA human resources department exposed by a whistleblower in 2014 may also be a factor if not in combination. Appendix 13,15

With this case, the decisions made by the courts so far have been very detrimental to Petitioners life and livelihood as well as it has covered up egregious behavior within the LabCorp business culture and by Petitioner's stalkers. Petitioner really is considered unemployable now. If Petitioner's complaints and concerns along with all the data had been presented to the court like she asked, Petitioner would most likely have a different life right now and new laws would be in development; at least that was the hope.

VI. REASONS FOR GRANTING THE PETITION

Change within LabCorp at all levels needs to happen to rid LabCorp of its toxic work environment. LabCorp needs to start living up to their Code of Conduct. The retaliation LabCorp has inflicted onto Petitioner is well beyond egregious. Not only did they retaliation harshly while she was employed by them but they continued their retaliation to future employment opportunities (ie: OMNI). This is unacceptable.

The behavior of The Methodist Hospital since December 2004 has been despicable and the inclusion of Petitioner's family and Dr. Larkin make it worse. Laws protecting individuals whose old employers, family and x-partners retaliate need to be developed. Over the years, Petitioner has learned that Methodist's retaliatory stalking behavior has been done to others. Laws need to be created to stop this behavior. Petitioner has been completely impotent in this fight and the enablers and flying monkeys of the industry and community has made life extremely painful. Petitioner wants this to never happen to another person.

Avenues of reporting malicious manipulation of legal cases whereby stonewalling is not an issue and litigant's legal cases are not harmed by the behavior needs to be developed. Better laws to protect whistleblowers need to be developed. An office to govern this so that reporting can be confidential may help. Lastly, creating enforceable

laws against indirect stalking including restraining orders for indirect stalkers need to be developed.

VII CONCLUSION AND PRAYER FOR RELIEF

Dr. Megan Rust (Petitioner) respectfully requests that this Court grant a writ of certiorari to review the judgment of the U. S. Court of Appeals, 9th Circuit. Supreme Court Rule 60 and Supreme Court Rule 10(c) should be available and allowed to correct an egregious wrong.

Mr. McClaren's decision to allow LabCorp and Dr. Rust's stalkers to guide the lawsuit was the initial harm. However, the decisions made by both the U.S. Court of Appeals, 9th Circuit and the U.S. District Court, Southern District of California have blocked Petitioner's ability to finally right a wrong and get her life back on track.

LabCorp by their actions have violated Dr. Rust's civil rights (Civil Rights Act of 1964 and 42 U.S.C § 1981, 42 U.S.C § 1983, and 42 U.S.C § 1985) at a minimum. On top of that Methodist Hospital has violated Petitioner's civil rights as well as her rights to privacy (18 U.S. Code § 1514 and 18 U.S. Code § 2701), also, at a minimum.

Since the Summary Judgment, Dr. Rust's civil rights have continued to be disrespected for the sake of big business. Petitioner has no professional or personal life because the stalking has invaded all aspects of her life. Their stalking behavior has taken everything away. All she had saved is gone. Today, she has no income, no retirement or savings, no amenities available that others in her field of training (medicine) have. Currently, by industry standards since she has been unable to work in the last two (2) years, she is considered unemployable. With LabCorp hiding and aiding Methodist Hospital's stalking, they have directly impacted Petitioner's employment. The pain with the loss of her ability to be employed in a field she worked very hard to be a part of is indescribable.

Dr. Rust respectfully requests this court to dismiss prior court decisions and grant a writ of certiorari and grant equitable relief deemed appropriate.

Respectfully submitted,

Megan Rust, M.D.

Date: Nov 18, 2024

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Megan Rust, M.D.,
Petitioner,

vs.

Laboratory Corporation of America,
Respondent.

PROOF OF SERVICE

I, Megan Rust, M.D., do swear or declare that on this date, November 18, 2024, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 18, 2024

Megan Rust, MD