

24-6800

No. _____

ORIGINAL

Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Brenetta Sherman — PETITIONER
(Your Name)

vs.

Solvay USA, Inc — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The Supreme Court of Texas
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Brenetta Nanek Sherman
(Your Name)

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(Address)

Clute, Tx 77531
(City, State, Zip Code)

346-757-1410
(Phone Number)

QUESTION(S) PRESENTED

1.) Why did Mr. Alfredo Celaya tell Workman Comp., there was no mesothelioma building on site? Apex Precision Analytical Services, Marquis Construction and Turnstone EH&S submitted paper work that said the whole file room had to be torn down.

2.) Once mold and other particulates were found in my system, why did Vencore's attorney call me and tell me I don't have the right to know what I was exposed to. Stop reaching out to Vencore's employees or have Mr. Brown would file harassment charges on me.

3.) Mrs. Pam Young admitted during the disposition that there was mold,bestos, and radon on site. Why did they refuse me testing after mold and other particulates were found in my system.

4.) Why didn't David Bleakly, Marlo Curry and Scott Alexander refuse to question Terrance Moten?

5.) Mrs. Pam Young sent out an email at around the end of April 2019 telling people to stay out the room. Why did Mr. Alfredo Celaya keep sending me in there until weeks later when I got hurt?

6.) I didn't I have the proper personal protective equipment?

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Union Carbide Corp. v. Spatzske	438 S.W.3d 39 (Tex 2014)
Burlington Northern & Santa Fe Railroad Co. v. White	364 F.3d 789 (6 th Cir 2006)
American Cyanamid Co. v. Sparto	267 F.2d 425

STATUTES AND RULES

- 1) Occupational Safety and Health Administration Communication Standard (29 CFR 1910.1200) - the federal regulation requiring employers to inform employee about hazardous chemicals in the workplace and to train them on their safe handling.
- 2) Texas Labor Code Sec 411.002 - imposes a duty on employers to provide a safe working environment, including informing employees about potential hazards.
- 3) Employee Right to Know Law - Laws ensuring that employees have the right to be informed about hazardous substances they are exposed to in the workplace.
OTHER

LIST OF PARTIES

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

[x] 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:

Rhone-Poulenc.

Vencorex US Inc

Alfredo Celaya

RELATED CASES

Union Carbide Corp v. Sotzske, 438 S.W.3d 39 (Tex 2014) Precedent showing that exposure to toxins, chemicals and the resultant health issues provide sufficient grounds for legal actions.

Burlington Northern & Santa Fe Railroad Co v. White, 364 F3d 789 (6th Cir. 2004) Case emphasizing employer responsibilities regarding hazardous substances and retaliation, supporting claims of employer misconduct and retaliation.

American Cyanamid Co. v. Sparto - Establishes legal accountability for employer negligence in managing workplace hazards

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 _____ 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 _____ 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 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 Texas Supreme Court court 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.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ 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: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

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

☐ For cases from **state courts**:

The date on which the highest state court decided my case was 12-06-24.
A copy of that decision appears at Appendix A.

☐ 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

Constitutional

- .) Due Process Clause (5th and 14th Amendments)
 - ! Protects against deprivation of "life, liberty, or property" without due process. Violation of my rights to workplace safety.
- Retaliation (threat of harassment charges) it interfered with my ability to seek legal redress
- Equal Protection clause (14th Amendment) (targeting me as a janitor to unsafe task)

Federal Statutory Protection

- 1.) Occupational Safety and Health Act (OSH Act, 29 U.S.C. §654)
Requires employers to provide a workplace free from recognized hazards (mold, asbestos, particulates unknown)

PPE and training (29 CFR 1910.132) Employers must provide personal protective equipment (PPE) and training for hazardous exposure.

Whistle blower Protection (29 U.S.C. §660(c)) Prohibits retaliation for reporting safety violations.

- 2.) Toxic Substances Control Act (TSCA, 15 U.S.C. §§ 2601-2692)
 - Regulates asbestos and other hazardous substances.
 - Employers must follow strict handling and disposal rules.

3.) Asbestos Hazard Emergency Response Act (AHERA, 15 U.S.C. § 2601)
• Requires proper asbestos. Failure to comply could trigger liability.

4.) Clean Air Act (42 U.S.C. §§ 7401-7671q)

- Regulates airborne hazards (e.g. mold spores, asbestos, fibers)

5. Federal False Claims Act (31 U.S.C. §§ 3729-3733)
(hiding hazards)

State Laws

6.)

- Tort Law (Negligence, Fraud, Intentional infliction of emotional distress)

STATEMENT OF THE CASE

I was a janitor employed at VencoreX Chemical Plant in Brazoria County, TX. There was a storm back in April 2019 that came through and messed up the maintenance Department, mainly the tile room. Over time I began to get sick. A pulmonologist diagnosed me with mold and other particles in the air. Despite repeated request for the company to disclose the specific substance present in the workplace, they consistently refused to provide this critical information. Their refusal impeded my ability to receive the proper health care I need. In addition to withholding information, VencoreX attorney Mr. Brown the first one threatened me with harassment charges if I continue to reach out and contact VencoreX employees for information regarding the hazardous substance. This act of intimidation added emotional distress to the already significant physical health concern. Then VencoreX allegedly submitted falsified documents related to the presence of hazardous substance in the workplace, this misrepresentation was intended to obscure the fact and misled the court therefore by struck the injustice due to the company's ongoing refusal to disclose critical information and the health issues arising from exposure to toxic substances. I filed this lawsuit to compel VencoreX to provide the necessary information and seek compensation damages for the medical expenses pain, suffering and emotional distress incurred. I urgently need disclosure of all hazardous substances presented in the VencoreX work place to receive proper medical care I Brett Sherman an seeking compensatory damages, including medical expenses, pain and suffering and emotional distress resulting from the exposure and subsequent negligence and retaliation by VencoreX Chemical Plant.

REASONS FOR GRANTING THE PETITION

1.) A novel Constitutional Question of National Importance
This case presents an unprecedented opportunity to resolve whether private employers acting under color of State law (via state permits, federal contracts, or regulatory entwinement) can violate the Due Process Clause by: Intentionally concealing hazards that destroy bodily integrity,
: Weaponizing legal threats to deny access to truth and remedies
The lower courts refusal to recognize these rights leaves millions of workers vulnerable to corporate malfeasance that mair and silences.

2.) The right to Bodily Integrity as a Fundamental Liberty
This court has long recognized bodily integrity as a fundamental right (Rochin v. California, 342 U.S. 165 (1952)) Here respondent's actions exposing me to mold, asbestos, carcinogens while hiding the risks constitute a direct assault on this right. The question of whether such conduct by a private employer rises to Due Process violation remains unanswered and urgent

3.) Expanding the State-Created Danger Doctrine to Private Actors
Lower courts have applied the state-created danger theory (DeShaney v. Winnebago County, 489 U.S. 189 (1989)) only to government actors. However Respondent's destruction of the building and fabrication of safety records created a foreseeable risk of harm, indistinguishable from state-created dangers. This court should clarify whether private entities assume "public" duties (e.g. environmental safety) that trigger constitutional duties

4.) Corporate Fraud as a Due Process Violation

Respondent's submission of false documents to OSHA and environmental agencies corrupted the legal process, depriving me of the ability to seek redress. This fraud implicates Due process by undermining the "fairness and integrity" of administrative systems (*United States v. Ruiz* 536 U.S. 622 (2002)).

5.) Circuit Conflict and legal Uncertainty

The circuits are split on whether Due Process applies to private actors in contexts involving:

- Workplace safety (Compare *Doe v. Exxonmobil Corp*, 473 F.3d 345 (D.C. Cir 2007) with (*Jackson v SunnySide Corp.* 4th Cir. 2011)).
- Right to be truthful information (Compare *Garcetti v. Ceballo*, 547 U.S. 410 (2006), with (*Lane v. Franks*, 573 U.S. 228 (2014))

CONCLUSION

The lower courts decisions perpetuate a legal vacuum where corporations may poison, deceive and intimidate workers with impunity. This case demands intervention to affirm that the Constitution's guarantees of dignity, truth and bodily integrity are not relics of the past but shield against modern corporate tyranny. The petition for a writ of certiorari should be granted.

Respectfully submitted,

Brenetta Sherman

Date: March 5, 2025