

No. _____

In The
Supreme Court of the United States

MARCIA WILSON,

Petitioner,

v.

STATE OF HAWAII; et al.,

Respondent.(s)

On Petition For Writ Of Certiorari
To The United States Court Of Appeals
For The Ninth Circuit

PETITION FOR WRIT OF CERTIORARI

MARCIA WILSON

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QUESTIONS PRESENTED

1. Is the Order Granting State of Hawaii's Motion for Summary Judgment (filed 08/26/2008) (that I did not pursue to a higher court after judgment) sufficient to show as material fact, the connection between the protected activity and the adverse employment action? (2000e § 704(a) of the Title VII of 1964)
2. Did the employer act discriminatorily, by abusing their managerial discretion in terminating person without just and proper cause? (Title VII)
3. Does adverse employment action allow for intentional tort, as a means to hurt and cause the loss of property by retaliation and does targeting of person and family members by the police, violate the Fourth Amendment?

PARTIES TO THE PROCEEDING

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:

STATE OF HAWAII; STATE OF
HAWAII JUDICIARY; CALVIN
CHING; DEFENDANTS JOHN
DOES 1-10; DEFENDANTS JANE
DOES 1-10; DEFENDANTS DOE
CORPORATIONS 1-10
DEFENDANTS DOES
PARTNERSHIPS 1-10; AND
DEFENDANT DOES
GOVERNMENTAL ENTITIES 1-10

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PETITION FOR A WRIT OF CERTIORARI

Marcia Wilson petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit in this case.

OPINIONS BELOW

The court of appeals' Memorandum (App. 1-3) is Not For Publication.

JURISDICTION

The court of appeals entered judgment on January 19, 2018, This Court has jurisdiction under 28 U.S.C. § 1254(1).

**CONSTITUTIONAL AND STATUTORY
PROVISIONS INVOLVED**

Title VII 42 U.S.C. § 2000e-3(a) provide:

Title VII makes it unlawful employment practice for an employer to discriminate against any of his employees...because he or she has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing, Title VII's anti-retaliation provision forbids employer actions that discriminate against an employee... because he or she opposed a practice that Title VII forbids or has made a charge, testified, assisted, or participated in a Title VII investigation, proceeding, or hearing.

STATEMENT OF THE CASE

This case arises at a time when I, Marcia Wilson, received a phone call from my father saying that my mother had fallen while getting out of their car and was taken to the hospital by EMS (Emergency Medical Service) (October 6th 2012). She had broken her hip and was about to have surgery. I was very distraught, my mind was on my 90 year old mother.

Knowing the high risk of recovery from that type of surgery. I was extremely worried. I let my supervisor know what had happen to my mother, they (Honolulu District Court) used it as an opportunity (I believe) to discharge me. (Marcia Wilson).

The Union (HGEA) was notified of the incident and called them to tell them that they were breaking the Union Contract. The Courts persisted on the discharge. I, Marcia Wilson was forced to use my 401K, sell my apartments to pay my bills, so my grandson could stay in preschool, so my daughter could work and my son wouldn't become homeless.

My mother died 8 weeks later and I went into mourning. I tried to get a job, however, a year later my father had died. Just as I was thinking, I could go out and get a job, back into mourning I went.

Three and a half years went by, and all the Union Steps. Finally, the Arbitrator found that the courts were wrong to discharge me (Marcia Wilson). By then, I was forced to sell another property.

The Union could not arbitrate properties or the pain and suffering of the actions from the Courts. I was told I would have to take them to court for their wrongful decision, that cause needless hurt and anger while I (Marcia Wilson) was trying to recover from my parents deaths.

I filed a lawsuit with the United States District Court, District of Hawaii, it was denied on June 9, 2017 (App. 4-5) I appealed it to the United States Court of Appeals for the Ninth Circuit, it was denied again on January 19, 2018. Stating that, I failed to raise a genuine dispute of material fact showing causal connection between any alleged protected activity and alleged adverse employment action. Also, they could not consider arguments and allegations raised from a previous court case.

And So I, Marcia Wilson come to you with the court case (filed Sept. 25, 2006) (civil no. 06-00520 JMS/BMK) claiming discrimination as material fact as to a causal connection between a protected activity and the adverse employment action of discharge as proof the I (Plaintiff) suffered a materially adverse employment action.

The case filed Sept. 25, 2006, I would like to make clear the reason I did not

pursue this case was (when my attorney and I met with Judge, in his chambers, I was told that they would settle the case if, I were to agree to quit my job with the courts) I would not agree to quit. The hearing was then held at Circuit Court and my attorney came to me at my desk and said that they dismissed the case. Later, I was told that I shouldn't have been forced to quit.

REASONS FOR GRANTING THE WRIT

The Court should grant the writ on the discrimination and retaliation questions.

Knowing there was a previous case claiming the same charges the Courts chose to ignore the material fact and chose to discriminate and retaliate person, again, by discharging her knowing the incident occurred simultaneously when plaintiff got word that her mother had fallen and 8 weeks later died. Knowing how upset Plaintiff was, the Courts took the opportunity, ignored the risk of another lawsuit and chose to discharge Plaintiff.

Title VII makes it an unlawful employment practice for an employer to discriminate against any of his employees...because she has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing. *Hillig v. Rumsfeld*, 381 F.3d 1028 (10th Cir. 2004) (quotation omitted) and *Hashimoto v. Dalton*, 118 F.3d 671 (9th Cir. 1997) (quotation omitted).

The appeals court asked that Plaintiff establish a prima facie case of retaliation *See McDonnell Donnell Douglas Corp. v. Green*, 411 U.S. 792 (1973), *Noyes v. Kelly Servs.*, 488 F.3d 1163,1168 (9th Cir. 2007) (quotation omitted) Plaintiff must show that (1) she engaged in a protected activity; (2) Defendant took an adverse action against her; and (3) there was a causal link between her involvement in the protected activity and the adverse personnel action undertaken by Defendant. *Freitag v. Ayers*, 468 F.3d 528, 541 (9th Cir. 2006); *McGinest v. GTE Serv. Corp.* 360 Fd.3d 1103, 1124 (9th Cir. 2004) (citation omitted).

The requisite degree of proof necessary to establish a prima facie case for Title VII...is minimal and does not even need to rise to the level of a preponderance of the evidence. *Cordova v. State Farm Ins. Cos.*, 124 F.3d 1145, 1148 (9th Cir. 1997) (citation omitted).

It is of national importance in having the Supreme Court decide the questions involved in the case not only to Plaintiff but to others similarly situated.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: _____