

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Deborah
Harrison Khatana — PETITIONER
(Your Name)

vs.

WMATA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. District Court for the District of MD
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Deborah Harrison Khatana
(Your Name)

1404 Pacific Avenue
(Address)

Capitol Heights, Maryland 20743
(City, State, Zip Code)

202-294-6396
(Phone Number)

QUESTION(S) PRESENTED

1. Why were the contractor's statements not presented to the courts?
2. Double jeopardy was committed in this case. So why was Khatana charged twice for the same ~~case~~ incident?

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A - Evidence / court documents

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Khatana v WMATA

STATUTES AND RULES

OTHER N/A

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☐ is unpublished.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☐ is unpublished.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 US District Court of MD; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the US District Court of MD 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☐ is unpublished.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 2/27/17.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: 2/27/17, and a copy of the order denying rehearing appears at Appendix A.

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

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

STATEMENT OF CASE

On May 14, 2014 I was wrongfully terminated on the allegations that I damaged a trolley on the service lane on April 23, 2014.

I maintain my innocence based on the facts that will be given/ proven that the trolley was never damaged or detached but in fact the hose attached to the trolley had “popped loose.”

As I was in the service lane I drove the bus up to be fueled; the bus mirror contacts with the hose on the trolley. This cause the hose to loosen because of the pressure building up in the hose from the previous bus that was fueled in the same lane. I got off the bus put in my payroll number in the kiosk where the it failed to work. Jeff Winfrey (the lead person on the service lane) also attempted to put in his payroll number in the kiosk and it also failed to work.

After those failed attempts to place our payroll number in the kiosk, we had realized the hose on the trolley was loose. Mr. Winfrey had then told me to grab a bucket so can climb the ladder and try to catch any fuel or fluids that would leak from the hose. No fluids or gas fuel came out of the hose. Anytime the hose on the trolley is disconnected fully the fuel or fluids will leak out. Mr. Winfrey had then slammed the trolley and the hose back together and told me to go back to work because the buses were lining up in the service lane.

That same day I had even worked over time. Not one time during my shift was I approached by management or the supervisor, Mr. Lipscomb about an “accident” occurring on the service lane. I did not go through proper WMATA accident protocol that includes: SOP 1075 urine test, interviews by management, or fill out an accident report.

When the issue was brought to my attention a couple of days later I was brought in the back with Mr. Brown and management to discuss and view a video of the alleged accident. In the video that was shown to me showed the bus mirror contacting the hose as well as Mr. Winfrey and I attempting to input our payroll numbers in the kiosk.

The video that was shown does NOT show a broken or damaged trolley or NO LEAKS coming from the hose.

Based on the video that was originally shown to me management decided to charge me with a suspension for two days without and a one-day class. This was the second offense for me. To be terminated in general I needed to have four offenses in total. Shortly after I was suspended management decided to fire me committing double jeopardy by punishing me twice for the same incident.

Before the alleged accident occurred all employees on the service lane had to sign a document stating that we are to report all accidents to management. This document came about because the trolley was known to pop off/ disconnect on employees due to the pressure building up in the hose all the time. WMATA had "outside" contractors working on the hose in the service lane for over six months because of the pressure buildup in the hose. An issue WMATA has had before the alleged accident and continues to have problems with as of today.

During the arbitration hearing, my union representative, Mr. Barnes and my arbitration lawyer Mr. Paul failed to represent me properly. Neither my union representative or lawyer obtain witnesses on the service lane from contractors to co-workers, failed to mention the meeting between Mr. Bond, Mr. Coleman, and Mr. Lipscomb on the service lane and the hose easily popped off in Mr. Bond's hand. They also failed to explain to the arbitration judge the main point on how the trolley operated.

- The trolley does NOT have a “catch” to stop the hose from moving.
- Because it does not have a “catch” the hose can slide easily to reach the front and back of bus fueling caps.
- The fueling caps on the old model buses are in the front and the newer model buses are in the back.

None of this was explained to the arbitration judge, so it was assumed that the trolley was broken/damaged.

The union also failed to properly assist me in the repeal of the decision. The union leader, Ms. Jeter failed to inform me the option to appeal to the higher up union, International before filing with the U.S. courts after I had sent a written letter disagreeing with the decision.

WMATA management have always shown favoritism towards male employees over the females. I was grandfathered to the service lane over all other employees except for Tim because he was also grandfathered in. Every time a job promotion or opportunity position was offered Mr. Lipscomb would intentionally pass over me and give the position to a male employee underneath my position. Since I am grandfathered to the service lane those positions are always to be offered to me or Tim, the other grandfathered employee first. When asked on why I was being passed over or not offered the position Mr. Lipscomb claimed that I had a medical document in my file preventing me from getting those positions. I had asked to see this alleged document in my file and the document was never presented to me.

Management has continued to disregard and properly discipline male employees. A crew member name Keyon lied about having an accident with one of the buses. He had damaged the side of the bus and parked it in a space. When management discovered that the bus was damaged, they viewed the tapes and found out he damaged the bus. Keyon was interviewed

about the bus, he lied to them and was shown the evidence against him. He was terminated and reinstated soon after.

Another co-worker and grandfathered employee, Tim would leave his work shift 30 minutes early. Management noticed and would wait for all employees to clock out when shift was over and caught another employee clocking out for him. Tim has threatened co-workers and “cussed” me out as well as shared to other employees about confidential and private information about me to get back at me. The only way he would even know about information he shared was if management had shared that with him.

I have also been cussed out from another employee from another male employee, Andre for warning him about almost having an accident with the bus he was operating. These things were able to be reported because I was apparently limited to a few discrepancies.

REASONS FOR GRANTING PETITION

I am a disabled veteran of the United States Army who served this country with honorable discharged. I am also an Eastern Star who serves the community. I have worked for Metro for 18 years (10 years they owe me) for a total of 28 years. I would have retired fully three years before this all came about. I have no reason to risk my job over something as small as this.

I believe that I am being discriminated against based on my sex and retaliated against by WMATA and management. WMATA has wrongfully terminated me six times and has brought me back every time. The most recent firing prior to this, I had won the rights to have my job back as well as a settlement of back (in which WMATA had never fully paid me). Because WMATA had lost that suit against me I have been harassed on the job, threatened, and constantly being berated by my male counterparts. I have always done my job properly and have been an outstanding and determine employee to WMATA. I was on FMLA when I was asked to come back just to be determined for an incident that I was already reprimanded for. When asked why I was being terminated I was told by Mr. Bonds that someone from WMATA's HR wanted me to be gone.

WMATA has always had a bad history of poor treatment of their employees and this case is one of them. I just want to be heard and my case properly handled so justice can be done.