

In The
Supreme Court of the United States

RUFUS JULIUS CORNELIUS ANDERSON,

Petitioner,

v.

GREENVILLE HEALTH SYSTEM,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

BRIEF IN OPPOSITION TO
PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

The law of this Court provides that a petition for writ of certiorari must only be granted for compelling reasons; the purpose of certiorari is not to address erroneous factual findings or misapplication of established legal principles. Anderson's petition for writ of certiorari consists of allegations that the lower courts made erroneous factual findings and misapplied well-settled rules of law. Has Anderson presented a compelling reason for the Court to grant this Petition?

PARTIES TO THE PROCEEDING AND CORPORATE DISCLOSURE
STATEMENT PURSUANT TO RULE 29.6

The case caption contains the names of all the parties. At the time of the allegations forming the basis of this action, Greenville Health System was a public not-for-profit organization. Currently, Greenville Health System is private not-for-profit organization.

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ORDERS AND OPINIONS BELOW

The orders of the United States Court of Appeals for the Fourth Circuit dated June 16, 2017 and April 28, 2017, and are contained in Petitioner's Appendix at A and B, respectively. The order of the United States District Court dated October 31, 2016 is in Petitioner's Appendix C, and the Report and Recommendation is in Appendix D.

STATUTORY PROVISIONS AND RULES INVOLVED

Other Authorities

Supreme Court Rule 10

Considerations Governing Review on Certiorari

Review on a writ of certiorari is not a matter of right, but of judicial discretion.

A petition for a writ of certiorari will be granted only for compelling reasons. The following, although neither controlling nor fully measuring the Court's discretion, indicate the character of the reasons the Court considers:

(a) a United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power;

(b) a state court of last resort has decided an important federal question in a way that conflicts with the decision of another state court of last resort or of a United States court of appeals;

(c) 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.

A petition for a writ of certiorari is rarely granted when the asserted error consists of erroneous factual findings or the misapplication of a properly stated rule of law.

STATEMENT OF THE CASE

The Petitioner, Rufus Julius Anderson (“Anderson”), commenced this action against Respondent Greenville Health System (“GHS”) on April 1, 2016, in the United States District Court for the District of South Carolina – Greenville Division (“DSC”).¹ The Complaint filed by Anderson alleges claims for retaliation and employment discrimination under 42 U.S.C. §§ 2000e *et seq.* (“Title VII”) and 42 U.S.C. §§ 12101 *et seq.*, and the amendments thereto (“the ADA”).² On or about April 26, 2016, Anderson’s Complaint for employment discrimination and attachments thereto were submitted to the Court and filed as attachments to his initial Complaint.³

On June 15, 2016, GHS filed a motion to dismiss and memorandum in support of the same in response to the Complaint.⁴ Anderson filed a response opposing GHS’ motion as well as a motion to strike GHS’ motion to dismiss on June 29, 2016.⁵ On July 15, 2016, GHS filed a response in opposition to Anderson’s motion to strike.⁶

¹ *Anderson v. Greenville Health System*, No. 16-1051 (D.S.C. 2016) at ECF No. 1.

² *Id.*

³ *Id.* at ECF Nos. 1-1 and 1-2.

⁴ *Id.* at ECF No. 27.

⁵ *Id.* at ECF Nos. 34, 36.

⁶ *Id.* at ECF No. 38

Anderson filed a reply on August 11, 2016.⁷ Anderson filed motions for issuance of subpoenas on August 8, 2016 and August 16, 2016.⁸

On October 14, 2016, the United States Magistrate Judge issued her Report and Recommendation recommending that GHS' motion be granted and that Anderson's motion to strike and motions for issuance of subpoena be denied.⁹ With specific regard to GHS' motion to dismiss, the Magistrate Judge concluded that all but one of Anderson's claims were time-barred and that the timely claim failed to state a plausible cause of action against GHS.¹⁰ The Magistrate Judge further concluded that the doctrine of equitable estoppel was inapplicable to Anderson's time-barred claims.¹¹ Anderson filed his objections to the Magistrate Judge's Report and Recommendation on October 26, 2016.¹²

On October 31, 2016, the DSC adopted the Magistrate Judge's Report and Recommendation in full, granting GHS' motion to dismiss and denying Anderson's motions.¹³ In doing so, the DSC specifically held that: (i) all but one of Anderson's employment law claims are time-barred; (ii) Anderson's sole timely claim failed to

⁷ *Anderson v. Greenville Health System*, No. 16-1051 (D.S.C. 2016) at ECF No. 52.

⁸ *Id.* at ECF Nos. 45, 53.

⁹ *Id.* at ECF No. 63.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.* at ECF No. 65.

¹³ *Id.* at ECF No. 66.

state a claim which is plausible on its face; and (iii) the doctrine of equitable estoppel did not apply to Anderson's time-barred claims.

Anderson filed his notice to appeal the DSC's decision to the United States Court of Appeals for the Fourth Circuit on December 21, 2016.¹⁴ On April 28, 2017, the Fourth Circuit affirmed the DSC's decision which granted GHS' motion to dismiss and denied Anderson's motions.¹⁵ The Panel's *per curiam* opinion specifically noted that it found no reversible error in the DSC's opinion. An Order denying rehearing and rehearing *en banc* was filed June 16, 2017.¹⁶

On August 18, 2017, Anderson submitted this Petition to the Court for a writ of certiorari to overturn the Fourth Circuit's decision, and the petition was placed on the docket January 25, 2018.¹⁷

¹⁴ *Anderson v. Greenville Health System*, No. 16-1051 (D.S.C. 2016) at ECF No. 78.

¹⁵ Anderson's Petition, App. B.

¹⁶ Anderson's Petition, App. A.

¹⁷ *Anderson v. Greenville Health System*, No. 17-1062 (4th Cir. 2017) at ECF Doc. No. 31.

SUMMARY OF THE ARGUMENT

GHS requests that this Court deny this Petition because the Petition's legal contentions are without merit. The Petition is primarily supported by allegations of erroneous fact-finding and misapplication of legal standards by the lower courts which are not compelling reasons for review by this Court.

REASONS FOR DENYING THE PETITION

This Court should deny the Petition because its legal contentions are meritless and lacking any foundation in the well-established rules of this Court. The Petition is supported largely by contentions of erroneous factual findings and misapplications of properly stated legal standards, and thus, fails to present a compelling reason for review.

Although the Petition fails to precisely state the specific grounds upon which Anderson seeks this Court's review, it is clear that the Petition relies on allegations that the DSC and Fourth Circuit committed fact-finding errors and misapplied rules of law in dismissing Anderson's Complaint and denying his motions. These reasons are insufficient to warrant review by this Court.

Anderson's Complaint against GHS was dismissed on the grounds that it failed to state claims upon which relief could be granted. Anderson has appealed the Fourth Circuit's affirmation of the dismissal of his Complaint and related motions on that basis. The Fourth Circuit properly followed the applicable standard of review and gave a well-reasoned opinion with regard to Anderson's appeal. The Fourth Circuit reviewed the DSC's order accepting the Magistrate Judge's recommendation and determined that no reversible error existed. Accordingly, the Fourth Circuit upheld the DSC's dismissal of Anderson's employment action against GHS.¹⁸

¹⁸ Anderson's Petition, App. B.

Supreme Court Rule 10 provides “[r]eview on a writ of certiorari is not a matter of right. A petition for writ of certiorari will be granted only for compelling reasons.”¹⁹

The considerations governing review on certiorari are:

- (a) a United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power;
- (b) a state court of last resort has decided an important federal question in a way that conflicts with the decision of another state court of last resort or of a United States court of appeals;
- (c) 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.²⁰

Rule 10 further instructs that “[a] petition for a writ of certiorari is rarely granted when the asserted error consists of erroneous factual findings or the misapplication of a properly stated rule of law.”²¹

This Petition does not meet *any* of the criteria or otherwise present compelling reasons for granting certiorari. This case does not involve: (a) a conflict among the U.S. courts of appeals; (b) a conflict between a U.S. court of appeals and a state court

¹⁹ SUP. CT. R. 10.

²⁰ *Id.*

²¹ *Id.*

of last resort regarding a federal question; (c) a conflict among state courts of last resort regarding a federal question; or (d) an important question of federal law decided by a state court or United States court of appeals that should be decided by this Court to resolve a conflict or otherwise.

To the contrary, this Petition is precisely the type that Supreme Court Rule 10 strongly cautions against filing. Anderson appears to claim that the lower courts made erroneous factual findings as to whether his Complaint stated plausible claims of employment discrimination and failed to properly apply the legal standards relating to employment law claims. But Anderson does not argue that the lower courts improperly stated rules of law relating to reviewing employment law claims, federal motions to dismiss, or appeals. The Petition merely rehashes the allegations contained in Anderson's Complaint while relying on unsupported claims that the lower courts reached erroneous factual findings and misapplied the law as to Anderson's employment claims. Indeed, the "Reasons for Granting the Petition" section of the Petition fails to point to a single case citation to support review by this Court. At its core, Anderson's argument appears to be that the DSC's dismissal of his case and the Fourth Circuit's affirmation of the same was unfair and unjust, and thus, a violation of his constitutional rights. These reasons are in no way compelling or sufficient to warrant this Court's review.

CONCLUSION AND RELIEF SOUGHT

Anderson's Petition relies on unsupported allegations that the lower courts made erroneous factual findings and misapplied properly stated legal standards. These are not reasons sufficient to warrant this Court's consideration. Therefore, GHS respectfully requests that this Court deny Anderson's Petition for Certiorari.

Dated February 26, 2018.

Respectfully Submitted,



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