

Supreme Court, U.S.
FILED
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NO. 21-1129

IN THE
SUPREME COURT OF THE UNITED STATES

Wen-Ting Zheng-Smith,
Petitioner,

v.

Nassau Health Care Corporation,
Dr. Victor Politi and Dr. John Riggs
Respondents.

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Second Circuit

PETITION FOR WRIT OF CERTIORARI

Wen-Ting Zheng-Smith
Pro Se
19203 Wind Dancer St, Lutz, FL, 33558
Tel: (805) 665-7014
Email: sunnywendey@yahoo.com

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SUPREME COURT, U.S.

QUESTION PRESENTED

The District Judge in this case directed the plaintiff's attorney to submit evidence through the defense's attorney. Can that evidence be presented by the defendant's attorney on the behalf of the plaintiff, be updated to include the correct and missing information that was submitted? A substantial amount of relevant information to include witness statements, official government findings, academic reviews, emails and text messages were not included as evidence which would have corroborated the plaintiff's claims, and thus countering false information submitted by the defendants.

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Wen-Ting Zheng-Smith respectfully requests the issuance of a writ of certiorari to review the judgment of the United States Court of Appeals for the Second Circuit.

DECISION BELOW

The decision of the United States Court of Appeals for the Second Circuit (See Appendix A). The decision of the Eastern district of New York (See Appendix C).

JURISDICTION

The Eastern district of New York entered summary judgment on September 14, 2020 (Appendix C). Second Circuit entered judgment on September 9, 2021 (See Appendix A) and entered the order to deny the rehearing on October 14, 2021 (See Appendix B). This Court's jurisdiction is invoked under 28 U.S.C. § 1254.

STATEMENT OF THE CASE

While trying to complete her medical residency training, Wen-Ting Zheng-Smith (plaintiff) was openly discriminated against based upon her race and gender, on October 3, 2017, after officially reporting racial discrimination on September 29, 2017, she was suspended then terminated by her manager, the very person who was conducting this criminal activity (one of the defendants). Wen-Ting filed federal lawsuit against Nassau University Medical Center (and those specifically named), but due to her lack of monetary resources and high cost of attorney fees and associated court costs, while trying to provide for her family, she quickly depleted her resources. Wen-Ting then was forced into finding alternative legal support, namely an attorney willing to work on a contingency basis. Finding an attorney proved to be very difficult because Wen-Ting was not able to afford down payment and court filing fee. Eventually Wen-Ting found Mr. John Luke, esq., to take the case. Initially there was much interest and enthusiasm.

On October 21, 2019, the defendants filed motion for summary judgement to dismiss the lawsuit. Meanwhile the defendants filed false, misleading and some incomplete information to the court on behalf of the plaintiff without notice or her acknowledgement. To compound the issue, the information filed by the defendants failed to include critical information to include eyewitness accounts, supporting academic evidence, emails and text messages, and official government agency

findings. This proved to be a critical and costly omission as there was significant impactful information that was omitted that would have convinced any reasonable person the merits of her case, and since this valuable information was not presented, it precluded the presentation and discussion with the court. Afterwards, the plaintiff's attorney told the plaintiff that it was the court that ordered defendants' attorney to file both parties' evidence.

On September 14, 2020, the District Court ordered the dismissal of the lawsuit for lack of merit. To add insult to injury, the defendants (representing a group of wealthy and powerful individuals and hospital) filed a motion to requesting plaintiff Wen-Ting (a humiliated and financially strained Chinese-American woman) to reimburse the defendants' legal costs. The plaintiff's attorney gave Wen-Ting the documents defendants filed on her behalf in October 2020, it was at this time that she realized the evidence submitted to the district court misrepresented the facts of the events and the merit of her case and did not include collaboration and support by third parties (and other evidence) that would have greatly supported Wen-Ting's factual presentation of the open and blatant retaliation upon her, and counter the false information that defendants submitted.

Wen-Ting appealed to Second Circuit Court as Pro Se but was not allowed to introduce new evidence since she had legal representation during her lawsuit. And since she was represented during the lawsuit, new evidence will not be allowed, even if the pertinent information was omitted by mistake or by bad faith. The Second Court held for the District Court and denied the petition for rehearing.

REASONS FOR GRANTING THE WRIT

- 1. The District Judge should not have directed the submission of evidence supporting the plaintiff's case by the defense's attorney.**

The most essential and greatest of the supporting facts and evidence corroborating the witnessed Racial and sexual Discrimination, the Official Reporting, and Prompt Termination for reporting the offense was not filed for Wen-Ting although both Plaintiff and Defendants' parties possessed the information. Some of the key, omitted evidence supporting Wen-Ting includes, but is not limited to:

- a. Eyewitness statements from the Academic Affairs Office**
 - b. Official Job Performance Reports from
Graduate Medical Education**
 - c. Official Milestone reports from Accreditation Council for
Graduate Medical Education**
 - d. Email and Text Messages corroborating the plaintiff's
statements**
 - e. Findings of the New York Office of Professional Medical
Conduct**
- 2. Life-Long Punishment and Permanent Loss of Employment of a single
worker due a mistake or omission made by legal representation**

Wen-Ting was discriminated by defendants which suffered her a hostile work environment. Then she reported racial and sexual discrimination, she was terminated. This caused her removal from her medical residency training program, being removed from a residency program effectively ended her career to become a hospital doctor—her years of specialty education and training will have yielded nothing—due to other hospitals not accepting a terminated resident for “unsafe” practice of medicine as court ruled on lopsided evidence submitted by defendants alone. For this level of draconian punishment, all essential and supporting evidence should be reviewed for consideration, even if omitted by mistake, neglect or by bad faith of either side of the attorney.

3. Cost of Legal Representation precluded adequate support and attention to detail

It is very clear that Plaintiff lacked the level of monetary resources as compared to the defendants. The plaintiff is Chinese-American immigrant working her way through residency training with a family. The defendants are a hospital supported with limitless legal resources and wealthy doctors managing the hospital. The defendants hired a preeminent law firm with extensive resources who could focus on this case. The Plaintiff was relegated to finding the best resource, working for nothing, with a limited expectation of income.

4. Social and Economic Justice voided because of an omission of evidence

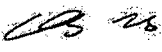
Logically before justice can fully be served, the full facts of a case should be presented. By not presenting the facts of this case, the judge could not have been able to render a fair decision.

CONCLUSION

Wen-Ting respectfully pleads with this Court issue a writ of certiorari and allow evidence be presented.

Respectfully submitted,

Wen-Ting Zheng-Smith
Pro Se
19203 Wind Dancer St, Lutz, FL, 33558
(805) 665-7014

Signature: 

January 9, 2022