

24-7221

No.

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FIKRETA CENANOVIC

Petitioner, Pro Se

v.

HAMDARD CENTER FOR HEALTH AND HUMAN SERVICES/

HAMDARD HEALTH ALLIANCE,

Respondent,

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

PETITION FOR A WRIT OF CERTIORARI

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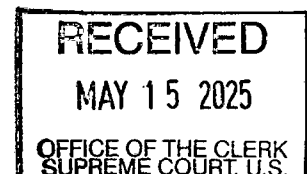
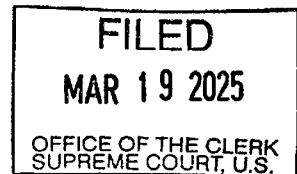


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The question presented is-

1. Whether a genuine issue of material fact precluded the District Court from finding Respondent discriminated and failed to accommodate Petitioner under Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 *et seq.*
2. Whether a genuine issue of material fact precluded the District Court from finding Respondent terminated Petitioner because she exercised her rights under the Illinois Workers' Compensation Act,
Petitioner asking this court for opinion
3. Whether summary judgment may be granted in favor of an employer where the only court opinion is judge-authored, and substantial factual disputes remain—particularly where the employer's attorney misrepresented material facts regarding the reason for termination and falsely misrepresenting not receiving document.
4. Whether the firing of a disabled worker less than four months after a work-related injury, as the only employee terminated during that period, raises a genuine dispute of material fact sufficient to defeat summary judgment under the Americans with Disabilities Act (ADA).

Could reasonable jury find:

- (1) Petitioner constituted a qualified individual under the ADA;
- (2) Respondent failed to reasonably accommodate Petitioner's disability as the ADA requires; or
- (3) Respondent fired Petitioner because of her disability or workers' compensation

The question presented is-

1. Does a District Court Judge unintentionally engage in a Fraud upon the Court by participating in the Granting of Respondent's Motion to Dismiss during the proceedings, where the Defendant intentionally misrepresents facts and covering up for the disappearance of a Modified Work Form in Summary Judgement Motion.?
2. Do Appellate Court Judges unintentionally engage in a Fraud upon the Court by participating in and the Affirming of District Court Judge Opinion during same proceedings, where the Defendant intentionally misrepresents facts and covering up for the disappearance of a Modified Work Form in Summary Judgement Motion?
3. Has Fraud on Court occurred?

The Supreme Court rules and reaffirms the principle that
"justice must satisfy the appearance of justice"

Main question presented is-

Has “appearance of justice” been satisfied when Court personnel (Respondent) falsely with the unintentional “assistance” of the District Court Judge who granted and unintentional “assistance” of Appellate Court of 7th circuit who affirmed obtained Summary judgement grant twice while both Courts unintentionally denying a Petitioner the right to fair Trial and opportunity to have justice served.

LIST OF PARTIES :

- 1) Fikreta Cenanovic, Plaintiff and Petitioner
- 2) Hamdard Center For Health and Human Services (previously known), Defendant and Respondent, Hamdard Health Alliance (currently known);

Petitioner is filing this petition not only for herself and would like to include into list : All known (from table of Authorities : *King v. Steward Trumbell Memorial Hospital*, 30 F.4th 551 (6th Cir. 2022), *Rorrer v. City of Stow*, 743 F.3d 1025 (6th Cir. 2014), *Hendricks-Robinson v. Excel Corp.*, 154 F.3d 685 (7th Cir. 1998)) and unknown injured workers who have been suffering extra due to employment termination right after FMLA.

TABLE OF AUTHORITIES

Cases

King v. Steward Trumbell Memorial Hospital, 30 F.4th 551 (6th Cir. 2022) III

Rorrer v. City of Stow, 743 F.3d 1025 (6th Cir. 2014) III

Hendricks-Robinson v. Excel Corp., 154 F.3d 685 (7th Cir. 1998) III

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APPENDIX A

Decision of Case No. 24-1743

United States Court of Appeals for the Seventh Circuit

Chicago, Illinois 60604

Submitted November 20, 2024*

Decided November 20, 2024

APPENDIX B

Decision of Case No. 1:20-CV-07612

United States District Court for the Northern District of
Illinois, Eastern Division.

No. 1:20-CV-07612

Decided March 28, 2024

Petitioner filed a civil complaint in the **United States District Court for the Northern District of Illinois**, which granted summary judgment in favor of Respondent on [March 28th, 2024].

Petitioner appealed, and the **United States Court of Appeals for the Seventh Circuit** affirmed the district court's decision on [November 20, 2024]. Petitioner now seeks a writ of certiorari to review the judgment of the Seventh Circuit.

OPINIONS AND JURISDICTION

Opinions On or about December 21, 2020 Petitioner filed suit in the United States District Court for the Northern District of Illinois against the Respondent alleging improper termination and discrimination of Cenanovic Fikreta by former employer with former name Hamdard Center for Health and Human Services /Hamdard Health Care/ Hamdard Health Alliance (currently named) in violation of the Americans with Disabilities Act ("ADA") and, in addition and in the alternative, for retaliation for her pending workers' compensation claim.

Respondent did not offer any reasonable accommodation option to Petitioner despite Respondent's knowledge of Petitioner's disability. Petitioner could have performed her job with a reasonable accommodation.

Besides returning Modified Work Form to Travelers insurance, Defendant never initiated any interactive process for a reasonable accommodation for Plaintiff.

Defendant knew that the Plaintiff wanted to remain employed with Hamdard same way as all other employees. Two days after an accommodation was requested only Petitioner was fired.

Petitioner alleging that Respondents had violated her rights pursuant to, 42 U.S.C. § 12101, *et seq.*

On March 29, 2024, the Honorable Edmond E Chang, Judge for the District Court for the Northern District of Illinois, issued a Final Order dismissing the Petitioner's complaint.

The jurisdiction of this Court to review the Judgment is invoked under 28 U.S.C. § 1254(l). No fact tried by a jury, shall be otherwise re-examined in any Court US.

Appeal Case: 24-1743 ended with Order on November 20, 2024 – review requested.

Constitutional and statutory provisions involved

- Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.
- Fed. R. Civ. P. 56 (Summary Judgment Standard)

STATEMENT OF THE CASE

STATEMENT OF FACTS

1. Petitioner was employed by Hamdard Center for Health and Human Services at the time of the incident.

2. On or about August 17 24, 2018, Petitioner slipped and fell at work due to a wet freshly moped floor that lacked a posted caution sign.

3. As a result of the fall, Petitioner sustained injuries to the neck and back, including cervical radiculopathy and persistent tingling sensations.

4. Petitioner received medical care and was placed on temporary medical leave through FMLA and Worker Compensation.

5. After approximately three months and two weeks of recovery, Petitioner requested a one-month extension of leave as a reasonable accommodation under the ADA, supported by medical documentation.

6. Two days after requesting this accommodation, Petitioner was terminated from employment under the pretext of "company restructuring."

7. No similarly situated employees were terminated at that time, and Petitioner was the only employee dismissed.

8. Petitioner believes the termination was in direct retaliation for exercising rights under the ADA and Worker Compensation

PROCEDURAL HISTORY

Petitioner submitted a formal accommodation request to supervisor. No interactive process occurred, and Respondent failed to engage in meaningful discussion or consider alternatives. Petitioner has exhausted internal remedies and seeks relief through this writ due to Respondent's failure to perform its nondiscretionary duty under the ADA.

LEGAL BASIS FOR WRIT

Under the ADA, employers are required to provide reasonable accommodations to qualified employees with disabilities unless doing so would impose an undue hardship.

(42 U.S.C. § 12112(b)(5)(A)). Terminating an employee for seeking such an accommodation constitutes unlawful retaliation and discrimination.

Respondent had a legal obligation to:

- Engage in an interactive process;
- Evaluate the accommodation request in good faith;
- Avoid retaliatory termination.

The Respondent failed in all these respects. Petitioner has no plain, speedy, or adequate remedy in the ordinary course of law, making this writ appropriate.

Facts Giving Rise To This Case

The core basis of the Seventh Amendment, the parties have the right to have their case decided by a jury, not just a judge.

The Petitioner is the Plaintiff/Appellant in the case before this Court and was denied the opportunity to be heard by jury in the District Court proceedings.

The District Court Proceedings

On or about December 20, 2020, Petitioner filed suit against the Respondents in the United States District Court for the Northern Illinois, alleging that Respondents had violated her rights pursuant to 42U.S.C. § 12111 based on disability and retaliation.

On September 23, 2022, the Respondents filed a motion for summary judgment.

District Court Judge misrepresents the record in the Memorandum Opinion and Order.

The Opinion was delivered on March 28, 2024. Order was fabricated by declaring that since there was no response from the Petitioner to the Respondent's requests for Modified Work Form / light duty offer, no reasonable jury could find that Petitioner was qualified individual under the Americans with Disabilities Act, 42 U.S.C. § 12112(a).

Modified Work Form as a FORM was described in Travelers representative Deposition which was ignored by District Court.

The plaintiff alleges that the dishonesty consisted in the fact that the judgment upon which the original claim was based was obtained by misrepresentation, and that the defendant knowingly falsely claimed in his defense that the defendant never received Modified work form; although there is evidence that it was immediately faxed from the doctor's office not once but twice.

.Hamdard and its attorneys deliberately hid signed form and documents which actually came from a subpoena response. Request for all documents including Dr Notes was made by Lauren Zimmer in October 2018 when Petitioner was still employee.

Additionally, Petitioner signed authorization on June 24, 2021 that Prinz Law firm can obtain Medical record and ALL information related to evaluation and treatment.

Subpoena to produce to produce documents was dated July 7th, 2021.

The following is a short version of what happened to the Modified Work form and its transition from blank to signed:

First, blank form produced by Insurance Company is sent to employer to mark all applicable. Form sent to Hamdard on September 11, 2018

As Jonathan Sobkowiak (Travelers) stated after the employer sent the form back Insurance send that marked form to the lawyer and if possible to the doctor of the injured worker.

In the email on September 12, 2018 at 4:05 PM Ellicia Kurowski (Travelers)writes to Petitioner's Worker Comp attorney Robinson that she received the form from Hamdard Center and that Travelers will forward it to the doctor's office and to Robinson.

Travelers faxed the form and Job description on September 12, 2018 at:

- 4:13:07 PM to Attorney Robinson

- 4:13: 32 to Dr office

Please see attached documents showing that they are faxed from same server to both

On September 13, 2018 Doctor signed, approved and faxed back to Respondent what was more than enough for Respondent to plan Petitioner's return back to work if it really wanted

On September 13, 2018 Petitioner's Worker Comp attorney Robinson writes email to Ellicia Kurowski that she is emailing to adjustor documents received from provider.

So it was not Petitioner's doctors who failed to sign off on the form or otherwise respond, and neither Petitioner or Petitioner's Worker Comp attorney Robinson were responsible for the breakdown in the interactive process – contrary what Appellate court concluded.

Defendant's lawyers never acknowledged receiving the form from the Dr office;

however, they emphasized that the form never arrived from the lawyer.

They had the form right away and they claimed that they never received it from the Petitioner lawyer in order to fool the court into believing that the form was never even returned.

Having form in its possession and claiming opposite to obtain favorable judgement is dishonest way.

Form was faxed back from Dr office on Sept 13 and Medical Records with form faxed on November 3rd, 2018 Subpoena - US Legal Support as witness, are more than enough evidence that has confirmed that Court was defrauded and summary judgement was granted and case was closed.

Had District Court known these documents were in possession of Respondent prior to March 28, 2024, it could have decided differently. It is disingenuous of Defendant to misrepresent existence of such important documents so Petitioner contends that Kristen E. Prinz and Amit S. Bindra attorneys for Hamdard Health Alliance committed fraud on the court by the following actions and deliberate omissions that harmed the integrity of the judicial process.

Main reason for hiding that form is that form itself being signed or not acted only as Defendant's false correspondence of offering light duty work. Light duty work has never been offered to employee

Truth is, both courts may have taken different approach had they had the correct information disclosed.

The Appellate Court Proceedings

On April 30, 2024, Petitioner appealed the dismissal of her complaint to the United States Court of Appeals for the Seventh Circuit.

On June 27, 2024, Petitioner submitted the Appellant's Brief

On September 27, 2024, Petitioner submitted the Appellant's reply Brief

On November 20, 2024, the Seventh Circuit issued an unpublished opinion affirming the District Court's order.

On Dec 4, 2024 Petitioner filed Petition for rehearing by demonstrating new discovered evidence which is admissible and credible (as part of court order material) and clearly would have produced a different result if presented before the original judgment

Requested hearing never occurred since petition was denied on December 19, 2024 following issuance of Mandate.

The jurisdiction of this Court to review the Judgment of the Seventh Circuit is invoked under 28 U.S.C. § 1254(l).

The undisputable facts are these:

The premise for the Final Judgment from both Courts hinges on the claim that the Petitioner failed to respond to the Respondents' request to submit Modified Work Form thus determining the light duty offer was rejected what led to termination.

Faxed form was physically in the Defendant's possession right away.

The District Court Judge unintentionally covered up for the “disappearance” of the Petitioner’s documents in the Final Judgment claiming the court found that

“Petitioner must show that there was a vacant position for which she was qualified and does not meet this burden because she does not present evidence establishing—even giving her the benefit of reasonable in-ferences—that there was a vacant position at Hamdard for which she qualified at the time of the termination.”

Petitioner termination was during ACA – Obamacare enrolment for which she was qualified- licensed and trained and used her account on HealthCare.gov daily. Being one Certified Assister Counselor (CAC) / Navigator was additional task to her Bosnian related case management work and as a result of termination of Case Management Department Petitioner could have continued to be part Health Care Navigation team – only she was one of case managers who was licensed to process applications during Open enrolment which was ON at the time of her termination . By terminating Petitioner Defendant created vacant positions for some new healthy employees.

The plaintiff was still able to perform translation services efficiently because her speech and cognitive abilities were not impaired as a result of the injury.

The court’s judgement suggests that the Petitioner’s return-to-work date was indefinite; however, the Petitioner made several attempts to contact the employer to discuss a potential work schedule and has witnesses that she requested reinstatement. The defendant replied that “the Board” approval is needed and never followed-up with the plaintiff after this correspondence

In addition, a Work Letter submitted by the Petitioner's orthoped, Dr. Karaikovic, indicates the plaintiff's intention to return to work following her treatment.

The Petitioner was also qualified for the vacant position offered by the defendant following her termination. The responsibilities of the new and previous roles were not only the same, but also required the same training. The plaintiff received all the necessary trainings that would allow her to perform the vacant position of Health Navigator should it have been offered to her in the first place. Lastly, all trainings are online and Petitioner could have completed all remotely if it was offered to her

REASONS FOR GRANTING THE WRIT

1. Summary Judgment Was Improper Where Genuine Disputes of Material Fact Exist

The grant of summary judgment violated Fed. R. Civ. P. 56, as the record—viewed in the light most favorable to Petitioner—contains multiple factual disputes, including the employer's actual reason for termination and pretextual justification. The timing of termination relative to injury alone raises triable issues under the ADA.

2. Lower Courts Ignored Material Misrepresentations

This case presents an important question of law regarding the duty of courts to scrutinize factual assertions by attorneys in summary judgment proceedings. The lower court failed to consider the employer's demonstrably false representations, effectively allowing false narrative to prevail unchallenged.

3. This Case Presents a Pattern of Disability-Based Retaliation

The pattern of firing the only injured worker shortly after the injury supports a compelling inference of discrimination and retaliation under federal law, which lower courts failed to consider in a fact-sensitive manner

4. Review Is Warranted Because The District Court Proceedings Undermine The Seventh Amendment And Are A Blueprint For Injustice By Embracing And Enabling A Culture Of Fraud.

Petitioner's right for fair trial and judgement is stolen from her by Respondents attorneys who have used and abused both District Court and Appellate Court

Theft or receipt of stolen Judgement matter generally

Whoever abstracts, or by fraud or deceit obtains, or so attempts to obtain in any court a favorable judgment from Court or Judge Shall be fined.

5. Review Is Warranted Because The District Court Proceedings Circumvent The Seventh Amendment And Disregard This Courts Instructions Concerning Summary Judgment

The Seventh Amendment establishes the constitutional right of trial by jury
stating

“In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.”

6.Review Is Warranted Because The Appeals Courts Unpublished Opinion Affirming A Fraudulent Final Judgment Conflicts With This Court's Longstanding Precedent And Well Settled Law On Frauds Against The Court

"Court of Appeals' position is inconsistent with the standard for summary judgment set forth in Rule 56(c), which provides that summary judgment is proper "if the pleadings, depositions, answers to

interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law."

The fact that many misrepresentations are present this petition should be granted and entire case reviewed. Fikreta Cenanovic deserves better.

All injured workers deserve better, healthier, safer workplace.

There should be only one new law created for this type of cases that I would call it FAW

F – FMLA

A – ADA

W – Worker Comp

Central to the case before this Court and presented during the District and Appellate court proceedings is the District Court's misuse of summary judgment.

CONCLUSION

Petitioner is a pro se litigant not by choice but by circumstances related to and before proceedings.

Fact that she reached the highest Court in the United States of America despite all this obstacles is sign how justice is reachable and Petitioner prays for justice for herself and all disabled at work injured workers in similar situations.

Petitioner wants the Court to rule on.

1. Whether an employer's failure to provide reasonable accommodation for a disabled worker, coupled with disparate treatment due to the worker's disability, violates the Americans with Disabilities Act (ADA)?"

2. "Whether the lower courts erred in failing to recognize disparate treatment under the ADA for an injured worker requesting modified work based on a legitimate disability-related need?"

Petitioner, an pro se litigant, submits that she cannot afford the services of an Attorney, and humbly requests the Court may appoint an Attorney representative and may authorize the commencement of the action in this Court without the payment of fees, cost, or security, in the interest of Justice.

Petitioner respectfully requests that this Court issue a writ of certiorar

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On Petition for a Writ of Certiorari to the
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CERTIFICATE OF WORD COUNT

As required by Supreme Court Rule 33.1(h), I certify that the relevant portions of the Petition for a Writ of Certiorari in the above-captioned case contain 3,730 words, excluding the parts of the document that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 12 May 2025



Fikreta Cenanovic

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