

10/21/25

NO. 25-511

IN THE  
SUPREME COURT OF THE UNITED STATES

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WILLIAM EDWARD WILLIAMSON,  
*Petitioner,*

V.

CHESAPEAKE SCHOOL BOARD, ET AL.,  
*Respondents.*

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

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PETITION FOR A WRIT OF CERTIORARI

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## QUESTIONS PRESENTED

1. Whether the Fourth Circuit's application of a heightened and unprecedented evidentiary standard for proving racial discrimination against an Asian American plaintiff creates an irreconcilable conflict with this Court's precedents in *St. Mary's Honor Center v. Hicks* and *Reeves v. Sanderson Plumbing Products, Inc.*, and with the principles recently affirmed in *Ames v. Ohio Department of Youth Services*.
2. Whether the Fourth Circuit's decision, by effectively immunizing an employer from liability for a pattern of mendacity and shifting justifications, creates a deepening inter-circuit split regarding the proper legal standard for evaluating evidence of pretext and discrimination against Asian American plaintiffs.
3. Whether the Fourth Circuit erred in applying the *McDonnell Douglas* framework at summary judgment by requiring an Asian American plaintiff to prove pretext by a preponderance of the evidence, instead of merely raising a genuine dispute of material fact as required by Federal Rule of Civil Procedure 56.

## **LIST OF PARTIES AND CORPORATE DISCLOSURE STATEMENT**

### **(1) LIST OF PARTIES:**

Pursuant to Rule 14(b) of the Supreme Court of the United States, Petitioner, William Edward Williamson, provides the following information:

A complete list of all persons, associations of persons, firms, partnerships, corporations, guarantors, insurers, affiliates, parent or subsidiary corporations, or other legal entities that are financially interested in the outcome of the case:

1. Petitioner: Mr. William Edward Williamson  
(*Pro Se*)

Respondents:

2. School Board of the City of Chesapeake,
3. Angela B. Swygert,
4. Thomas Lee Mercer, Sr.,
5. Samuel L. Boone, Jr.,
6. Amanda Grace Dean,
7. Michael K. Lamonea,
8. John M. McCormick,
9. Norman Pool,
10. Kimberly A. Scott,
11. Brittany Nicole Walker,
12. Michael Ross Bailey,
13. Brian T. Austin,
14. Suzan L. McDermott,
15. Laurie Edgar,
16. Raymond Collins
17. Counsel for Respondents: Anne C. Lahren,  
Richard H. Matthews, and Andrew Harding.  
Pender & Coward, P.C.

(2) CORPORATE DISCLOSURE STATEMENT:  
Pursuant to Rule 29.6 of the Supreme Court of the  
United States, Petitioner, William Edward  
Williamson, provides the following information:

For a non-governmental corporate party, the  
name(s) of its parent corporation and any publicly  
held corporation that owns 10% or more of its stock  
(if none, state "None"):

None known to Petitioner.

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## **PETITION FOR A WRIT OF CERTIORARI**

Petitioner, William Williamson, respectfully requests that this Court issue a writ of certiorari to review the judgment of the United States Court of Appeals for the Fourth Circuit.

### **OPINIONS BELOW**

On September 2, 2025, the United States Court of Appeals for the Fourth Circuit denied a timely petition for rehearing and rehearing en banc. (App. A).

On July 31, 2025, the United States Court of Appeals for the Fourth Circuit entered its judgment affirming the district court. The unpublished per curiam opinion was issued without written reasoning. (App. B).

On March 17, 2025, the United States District Court for the Eastern District of Virginia (Norfolk) entered an opinion and order granting summary judgment for the defendants. (App. C).

### **STATEMENT OF JURISDICTION**

The judgment of the United States Court of Appeals for the Fourth Circuit was entered on July 31, 2025. A timely petition for rehearing and rehearing en banc was denied on September 2, 2025. This Court has jurisdiction under 28 U.S.C. § 1254(1).

## **RELEVANT CONSTITUTIONAL PROVISIONS AND STATUTES**

This case involves the Fourteenth Amendment of the United States Constitution, specifically the Equal Protection Clause, which provides that no State shall "deny to any person within its jurisdiction the equal protection of the laws."

This case also arises under 42 U.S.C. § 1981 ("Equal rights under the law") and 42 U.S.C. § 1983 ("Civil action for deprivation of rights").

## **STATEMENT OF THE CASE**

This case presents a stark record of racial discrimination and a subsequent, mendacious cover-up by public school officials. Petitioner, William Williamson, alleges he was denied a soccer coaching position at Oscar F. Smith High School in Chesapeake, Virginia, due to his Asian heritage. The athletic director, who was the sole hiring authority, made a series of discriminatory comments during the interview, including questioning Williamson's cultural fitness for the role. He then continuously interrupted Williamson and abruptly ended the interview.

The athletic director proceeded to omit Williamson's extensive coaching experiences from the interview notes, intentionally falsified Williamson's race on an official diversity form, failed to follow mandatory internal hiring procedures, and then later falsely denied that any discussion of race had occurred.

When Williamson initially reported this conduct internally, the School Board and its Human Resources department conducted a sham investigation, later admitting in litigation that five of the six key statements in their investigative report were false—an admission that amounts to a confession of fabrication.

To justify hiring a less-qualified candidate during litigation, the Respondents provided multiple, shifting reasons and ultimately sworn affidavits that contradicted the contemporaneous documentary evidence.

On March 17, 2025, the district court granted summary judgment for the defendants. Applying the *McDonnell Douglas* burden-shifting framework, the court erroneously required the Asian American plaintiff to prove pretext by a **preponderance of the evidence**—a trial-level standard—and concluded he had failed to do so. A panel of the Fourth Circuit summarily affirmed without a written opinion on July 31, 2025. The panel's subsequent denial of rehearing en banc leaves this significant issue of federal law unaddressed.

### REASONS FOR GRANTING THE PETITION

The Fourth Circuit's decision should be reviewed because it creates an irreconcilable conflict with this Court's foundational precedents on pretext and deepens a significant inter-circuit split by applying a heightened, unprecedented evidentiary standard to an Asian American plaintiff's discrimination claim.

This case presents an unbroken chain of pretext and mendacity that this Court's precedents

in *St. Mary's Honor Center v. Hicks* and *Reeves v. Sanderson Plumbing Products, Inc.*—recently affirmed in *Ames v. Ohio Department of Youth Services*—hold is sufficient for a jury to infer discrimination. The discriminatory process began with racial remarks and escalated when the hiring official deliberately falsified the petitioner's race as "Caucasian" on the very form meant to ensure diversity and which had to be approved by the Human Resources Department for his hiring selection to be offered a contract.

This initial deceit was compounded by a systematic institutional cover-up. The hiring official lied to investigators by making admittedly false statements such as there was no discussion of race or ethnicity during the interview with the Petitioner, and Human Resources conducted an investigation so flawed that the School Board was later forced to admit during litigation that **five of the six key statements** in its final report that upheld their official's hiring decision were false. After litigation began, the School Board introduced contradictory affidavits to the contemporaneous documentary evidence and continued to offer shifting, pretextual reasons for its actions.

By dismissing this overwhelming evidence, the Fourth Circuit demanded something more from an Asian American plaintiff than the "prima facie case and sufficient evidence of falsity" required by this Court. This ruling effectively immunizes an employer for a clear pattern of deceit, creating a dangerous outlier that departs from established precedent.

**Furthermore, as will be detailed below, the Fourth Circuit's lenient approach stands in**

**stark contrast to the rigorous scrutiny applied by the First and Second Circuits in cases involving racial stereotypes against Asian Americans, creating an untenable inter-circuit split.** This Court should grant certiorari to resolve this conflict and restore the uniform application of the federal civil rights law for all citizens, regardless of race.

**A. THE FOURTH CIRCUIT'S DECISION IS IN IRRECONCILABLE CONFLICT WITH THIS COURT'S PRECEDENT AND IMPOSES A HEIGHTENED EVIDENTIARY STANDARD ON ASIAN AMERICAN PLAINTIFFS TO PROVE DISCRIMINATION**

The Fourth Circuit's decision creates an irreconcilable conflict with this Court's precedent by imposing a heightened evidentiary standard on Asian American plaintiffs. This error is most stark in the Fourth Circuit's panel's failure to recognize that the remarks of Athletic Director Collins constitute textbook **direct evidence of discrimination** under its own direct evidence standard outlined in *Bandy v. City of Salem*, 59 F.4th 705, 711 (4th Cir. 2023). During Williamson's interview, Athletic Director Collins stated:

"Asians don't have soccer in their culture."

"...there are no Koreans or any other Asians on that diverse team."

"...those players are all Spanish, not Asian, and the Spanish have a culture of playing soccer."

Athletic Director Collins recorded "Diverse soccer team; Spanish Culture" in his interview notes on Williamson.

Clearly offended by Athletic Director Collins's racially biased assertions, Williamson retorted, "No, Hispanics are not the only minority who play soccer. The OSH soccer team was not all Hispanic and there are no families from Spain who attend this school."

Assistant Principal Smith recorded this response as "No Hispanic and No Family" in his interview notes, separating these remarks with a vertical line from Williamson's qualifications.

The record shows that Athletic Director Collins's statements were not stray remarks, but a clear fulfillment of the established test for the Fourth Circuit's direct evidence under *Bandy*. They were: (1) made by the sole hiring authority, (2) during the dispositive interview, (3) directly targeting Williamson's protected class, and (4) explicitly related to the employment decision itself.

These statements judged Williamson not on his qualifications, but on a preconceived, racialized notion that he lacked the intrinsic "culture" required to lead. This is the essence of the **bamboo ceiling**: the well-documented barrier that denies Asian Americans leadership positions based on prejudiced notions about their cultural background. The athletic director's statements transparently reveal that the hiring decision was not based on coaching ability, but on the stereotypical belief that an Asian American was intrinsically incapable of leading a team of Hispanic players due to a perceived cultural mismatch.

According to the District Court's opinion, which was affirmed by the Fourth Circuit, "[e]ven assuming that such race-related comments were made during Plaintiff's interview, the Court finds that such comments are not enough to show that the well-documented reasons for selecting Collier for the head soccer coach position were simply a pretext for discrimination." (Pet. App. 29a).

By requiring a more explicit or "cartoonish" form of bigotry, the Fourth Circuit's opinion effectively immunizes employers from liability for this insidious form of discrimination and stands in direct opposition to the principles of federal anti-discrimination law recently affirmed by this Court in *Ames*.

## **B. MANIPULATION OF INTERVIEW RECORDS**

The Fourth Circuit's decision is in direct conflict with the central holding of *Reeves v. Sanderson Plumbing Products, Inc.* This Court held in *Reeves* that a factfinder is entitled to treat an employer's dishonesty as powerful circumstantial evidence of guilt. The athletic director's discriminatory animus was not confined to his words; it was immediately translated into action by deliberately creating a false and incomplete record of the interview with the Asian American plaintiff.

During Williamson's interview before Athletic Director Collins with Assistant Principal Smith in attendance, Williamson detailed his extensive coaching experiences, including Division I college soccer at Youngstown State University (YSU), varsity



high school soccer at Slippery Rock High School, paid varsity high school baseball and track at Oscar Smith High School, recreational soccer in the community, and his ability to speak Spanish.

While Assistant Principal Smith recorded these experiences and qualifications in his interview notes, Athletic Director Collins notably omitted Williamson's soccer coaching experiences at the Division I college and varsity high school levels, his previously varsity coaching experiences at Oscar Smith High School, as well as his Spanish language proficiency. **The Respondents admitted during litigation that this omission occurred after the athletic director recorded "Diverse soccer team; Spanish Culture" in his interview notes.**

This discriminatory animus was made even more explicit by Athletic Director Collins's hostile conduct.

When Williamson attempted to discuss his extensive higher level coaching experiences in division I college and varsity high school, Athletic Director Collins repeatedly interrupted him.

When Williamson, feeling compelled to defend his qualifications and being Asian American to Athletic Director Collins during the interview, attempted to explain his diversity as an asset to the last high school soccer team he coached, Collins interrupted and ended the interview.

Under *Reeves*, this sequence of events is devastating to the employer's case. A reasonable jury would be entitled to ask why a decision-maker would deliberately omit a candidate's best qualifications. The only logical inference is that he was creating a false record—a pretext—to justify a decision he made

based on race. The athletic director's handwritten note of "Diverse soccer team; Spanish Culture" provides the motive for that pretext.

Not only is the Fourth Circuit's decision in direct conflict with *Reeves*, but also within its own circuit's case law. In *Wannamaker-Amos v. Purem Novi, Inc.*, 23-1568 (4th Cir. Jan 13, 2025), the Fourth Circuit recently held that a plaintiff can show pretext by offering "circumstantial evidence of discrimination, such as conduct or circumstances probative of discriminatory animus." Athletic Director Collins's racial comments, omitting qualifications, repeated interruptions, and hostile dismissal are all circumstances that are highly probative of discriminatory animus.

The Fourth Circuit's failure to analyze this conduct nullifies the core principle of *Reeves*. By disregarding such powerful evidence of mendacity, the Fourth Circuit's panel effectively denies an Asian American plaintiff the ability to prove discrimination through the very method this Court has repeatedly sanctioned: demonstrating that the employer's proffered explanation is unworthy of credence.

This Court's intervention is required to correct this misapplication of precedent and to reaffirm that a plaintiff who produces substantial evidence of an employer's dishonesty has the right to present their case to a jury, even an Asian American plaintiff.

### C. FALSIFICATION OF THE APPLICANT SUMMARY FORM AND MORE MENDACITY OF ATHLETIC DIRECTOR COLLINS

The Fourth Circuit's decision is in direct conflict with this Court's landmark ruling in *St. Mary's Honor Center v. Hicks*, which held that a factfinder's disbelief of an employer's reasons, particularly when accompanied by a "suspicion of mendacity," can be sufficient to prove intentional discrimination. The record below presents a case study in the exact kind of systematic deceit that *Hicks* requires a court to consider.

The mendacity began immediately.

Athletic Director Collins **deliberately falsified** a key hiring document, affirmatively writing "Caucasian" as Williamson's race on the Applicant Summary Form—a document required for approval of his hiring decision which explicitly states its purpose is "To ensure that a diverse applicant pool has been considered." He later admitted to the act of changing Williamson's race when interviewed by Human Resources (HR), offering no explanation for why.

The deceit then compounded throughout the litigation process through a series of admitted falsehoods:

- **First**, Athletic Director Collins initially claimed that there was "**No discussion of race or ethnicity**" during the interview. During discovery, he was forced to **admit this was false**, a fact already proven by his own handwritten interview notes.

- **Second**, Athletic Director Collins offered a **shifting, pretextual reason** for hiring the selected candidate than what was recorded on the Applicant Summary Form, claiming the volunteer coach had led the team to a regional championship. This, too, was later **admitted to be false**.
- **Third**, after initially confirming to HR investigators that he was the one who selected the chosen candidate, Athletic Director Collins provided a sworn affidavit inventing a new claim that the school's head principal Paul Joseph—a person **not even present at the interview**—made the hiring decision.

The lower court's failure to recognize that this **unbroken pattern of deliberate falsification, contradictory explanations, and admitted lies** constitutes powerful evidence of pretext nullifies the core holding of *Hicks*. This Court's intervention is necessary to reaffirm that an employer cannot escape liability by engaging in such a systematic pattern of deceit against an Asian American plaintiff.

#### **D. THE EMPLOYER'S SHIFTING AND ADMITTEDLY FALSE JUSTIFICATIONS**

The Fourth Circuit erred by disregarding the employer's multiple, shifting, and admittedly false reasons for its hiring decision—evidence that this Court has long held is highly probative of pretext under *St. Mary's Honor Center v. Hicks*. The record reveals a clear, chronological pattern of an employer struggling to invent a plausible, non-discriminatory rationale after the fact.

The Respondents presented at least four different and conflicting explanations for their hiring decision, with each new story contradicting the last as the procedural posture of the case evolved:

- **Initial Reason (November 29, 2022):** "His coaching knowledge along with his knowledge of VHSL rules and procedures and his working relationship with OSHS students." (Before any internal complaint or lawsuit was filed).
- **First Shift (December 6, 2022):** The soccer team "reached regional championship last year under the leadership of Collier as assistant coach," a claim later **admitted to be false.** (Stated during internal HR investigation).
- **Second Shift (January 13, 2023):** "The candidate hired...led the team to a highly successful season including reaching the regional championship under his leadership." This was also **admitted to be false.** (Stated pre-litigation).
- **Final Explanation (May 16, 2024):** The candidate was selected due to "Collier's relevant high school varsity soccer coaching experience" and his one year as a volunteer at the high school. This final, belated explanation contradicted the initial official reason and all prior false claims. (Used for Respondents' Motion for Summary Judgment which was granted by the district court and affirmed by the Fourth Circuit).

An employer's inability to settle on a consistent, truthful reason for its actions over a period of eighteen months gives rise to a strong inference that the true reason is one it wishes to conceal.

The Fourth Circuit's failure to give any weight to this classic evidence of mendacity effectively imposes a **heightened evidentiary standard on Asian American plaintiffs**.

If a demonstrable pattern of admitted lies and shifting justifications is not sufficient for an Asian American plaintiff to have his case heard by a jury, then the courthouse doors have been effectively closed. This approach requires a level of proof that is almost impossible to meet, allowing employers to escape liability through a simple strategy of obfuscation and deceit.

This Court held in *Hicks* that a factfinder's disbelief of an employer's reasons, especially when accompanied by a "suspicion of mendacity," can be sufficient to prove intentional discrimination. The Fourth Circuit's failure to apply this core principle is a clear misapplication of precedent that this Court should correct.

#### **E. THE INSTITUTIONAL COVER-UP: THE SCHOOL BOARD'S DELIBERATE INDIFFERENCE AND THE INADEQUATE HR INVESTIGATION**

The Fourth Circuit's decision is fundamentally flawed because the court failed to recognize the overwhelming evidence of an institutional cover-up, which establishes municipal liability under this Court's precedent in *Monell* and constitutes a classic case of pretext under *Hicks*.

## 1. The School Board's Deliberate Indifference

The record is clear that the School Board had explicit, detailed, and repeated notice of the ongoing constitutional violations, triggering its obligations under *Monell*.

- **First Notice (January 2, 2023):** Williamson provided School Board members with a detailed account of the discriminatory conduct and warned that the HR department was actively “protecting racial discrimination hiring practices.”
- **Second Notice (January 11, 2023):** Williamson provided the School Board Chair and another member with the actual interview notes, highlighting the discrepancies, as there were two interviewers, that evidenced a cover-up and a **manipulation of interview records on the part of Athletic Director Collins.**
- **Third Notice (January 16, 2023):** Williamson notified the School Board of ongoing procedural violations regarding his requests for investigative documents under the Virginia Freedom of Information Act (FOIA). The HR department's refusal to comply with the requests and gave no reasons for noncompliance which is a violation under Virginia FOIA.

Despite one School Board member acknowledging the “detailed breakdown” and promising to “look into this situation,” the School Board made the deliberate choice to do nothing.

They remained silent, refused to intervene, and consciously delegated all authority to the very HR department it had been warned was corrupting the investigation. This conscious disregard for Williamson's rights in the face of repeated, specific warnings constitutes the "deliberate indifference" for which a municipality can be held liable.

**The School Board's mendacity then escalated during litigation. They advanced the demonstrably false claim that it had delegated final hiring authority to the school's principal.** This was not only a fabrication invented for this lawsuit, but it is directly contradicted by Virginia law (Va. Code § 22.1-313), which grants the Board "exclusive final authority over matters concerning employment," a fact established against this very same School Board in a prior federal court case, *Spellman v. School Board of Chesapeake*. Compounding this deceit, the Board falsely denied in its official *Answer* that it had ratified the hiring decision, a claim belied by the plain text of the employment contract, which explicitly names the "SCHOOL BOARD OF CHESAPEAKE CITY" as a party.

## **2. The "Obviously Inadequate" HR Investigation**

The investigation that the Board ratified was a farce, designed not to find the truth, but to protect a discriminatory decision against an Asian American.



The HR department's conduct shows an undeniable pattern of deceit:

- **First**, the HR Assistant Director fabricated a claim during litigation that Williamson had refused a phone interview to cover up the fact that she never requested to interview him. She later **admitted under oath that it was false and that she had never requested an interview from Williamson about his claims of racial discrimination.**
- **Second**, the official Investigation Summary Report, which formed the basis for upholding the hiring decision and closing Williamson's internal complaint, was built on a foundation of falsehoods. The Appellees later **admitted** that the report contained numerous false statements **(Five (5) out of six (6) key statements were admitted to as false by the Respondents in Petitioner's motion for summary judgment and their own motion for summary judgment)**, including:
  - Falsely claiming there was **"No discussion of race"** during the interview.
  - Falsely claiming Williamson's résumé showed **"no high school level coaching experience."**
  - Repeating the lie to justify the hiring decision that the selected candidate had **"led the team to a highly successful season including reaching the regional championship."**

Once litigation began, the Respondents presented sworn affidavits with new statements that **contradicted** their own created contemporaneous documents—a blatant act of mendacity.

When confronted with these falsehoods in sworn affidavits, the HR officials did not correct them but instead invented new, shifting justifications for their findings, creating a dizzying record of contradiction that is, by itself, powerful evidence of pretext.

This course of conduct constitutes an “obviously inadequate investigation” that serves as further proof of pretext. Under *Villa v. Cavamezze Grill, LLC*, 858 F.3d 896 (4th Cir. 2017), an “obviously inadequate investigation” is itself sufficient to show pretext. The Respondents’ admitted false statements and deliberate concealment of evidence throughout the investigative process undeniably constitute an “obviously inadequate investigation.”

The Fourth Circuit panel’s dismissal of this overwhelming evidence is a clear departure from its own established precedent.

The Fourth Circuit’s decision to ignore such overwhelming evidence of an institutional cover-up—from the School Board’s deliberate indifference under *Monell* to their own HR department’s admitted fabrications—nullifies the core holdings of this Court.

By deeming this mountain of evidence insufficient to proceed to a jury, the Fourth Circuit has implicitly created a **heightened and unprecedented evidentiary standard for Asian American plaintiffs**.

If an unbroken pattern of racist remarks, deliberate falsification, admitted lies, and an inadequate investigation is not enough to establish a triable issue of fact, then the standard is effectively impossible to meet. This decision effectively immunizes a public entity that does not merely tolerate discrimination, but actively participates in its concealment, and it requires this Court's intervention to restore the proper, uniform standard for all plaintiffs under federal civil rights law.

#### **F. THE FOURTH CIRCUIT'S DECISION EXACERBATES A DEEPENING INTER-CIRCUIT SPLIT**

The Fourth Circuit panel's decision in this case is not an isolated error; it directly contributes to and exacerbates a developing inter-circuit split regarding the application of anti-discrimination law to claims brought by Asian American plaintiffs.

This Court's approach, which dismissed compelling evidence of mendacity and pretext, stands in stark contrast to the heightened scrutiny applied to similar claims in other circuits.

The First and Second Circuits have grappled with the unique and complex issues surrounding discrimination against Asian Americans, particularly in landmark cases such as *Students for Fair Admissions, Inc. (SFFA) v. Harvard* and *Chinese American Citizens Alliance of Greater New York (CACAGNY) v. Adams*.

These cases, while in the context of university admissions, established a critical legal principle: courts must apply rigorous scrutiny to policies and actions that disadvantage Asian American individuals, particularly when such actions are rooted in stereotypes or pretext.

The Fourth Circuit's decision to immunize an employer from this mountain of pretextual evidence showing discrimination against an Asian American plaintiff places it on the wrong side of a deepening inter-circuit split regarding the proper legal standard for evaluating evidence of discrimination against Asian American plaintiffs. While the other circuits, following this Court's lead, have applied rigorous scrutiny to decisions rooted in racial stereotypes, the Fourth Circuit's summary affirmance adopts a far more lenient standard that is irreconcilable with these approaches.

This Court's landmark decision in *Students for Fair Admissions, Inc. (SFFA) v. Harvard* established a critical legal principle: subjective assessments that disadvantage Asian American applicants based on racial stereotypes must be subjected to rigorous scrutiny.

In *SFFA*, this Court recognized that using subjective criteria like "courage" or "kindness" to penalize Asian Americans was a form of discrimination. The athletic director's actions in this case are a direct parallel in the employment context. His reliance on a vague, undefined, and stereotypical notion that **"Asians don't have soccer in their culture"** over Williamson's superior qualifications is precisely the kind of subjective, stereotype-based decision-making that this Court has condemned.

While other circuits have begun to apply the principles of *SFFA* to employment cases, the Fourth Circuit's decision here does the opposite, effectively blessing a hiring process where racial stereotypes against Asian Americans were the deciding factor.

Similarly, the legal battles in cases like *Chinese American Citizens Alliance of Greater New York (CACAGNY) v. Adams* established another critical principle: courts must look with deep skepticism at "facially neutral" processes, when there is evidence they are being used to achieve a discriminatory result. In *CACAGNY*, the court was asked to look behind a seemingly neutral admissions policy to uncover its discriminatory impact on Asian Americans. The core of the legal challenge was to show that the justifications for the policy were pretextual.

That is precisely what happened in this case. The School Board used its HR department to conduct an internal investigation, but the record shows this process was corrupted and used as a tool to protect the athletic director's discriminatory conduct. The Fourth Circuit should have looked behind the facade of the HR investigation and scrutinized its integrity. Instead, it ignored overwhelming evidence that the investigation was mendacious.

- The HR department **fabricated a claim** that Williamson refused a phone interview to cover up the fact that they never requested to interview him, a claim that the department's own official later admitted under oath was false.

- The official Investigation Summary Report used to uphold the athletic director's hiring decision was built on a foundation of **admitted lies**, including falsehoods about Williamson's qualifications and the content of the interview.
- The School Board, despite being warned that the investigation was corrupt, engaged in **deliberate indifference**, ratifying the sham process.

The Fourth Circuit's error was treating a demonstrably corrupt, mendacious investigation as legitimate. This refusal to look behind a facially neutral process is in direct conflict with the skeptical approach demanded by the Supreme Court in *SFFA v. Harvard* and applied by the Second Circuit in cases like *CACAGNY*, where courts recognize that such procedures can be used to sanitize and protect an act of discrimination against Asian American plaintiffs.

If Williamson's case had been heard in a circuit that applied the rigorous scrutiny demanded by cases like *SFFA* and *CACAGNY*, the outcome would have been different. The court would have recognized the athletic director's reliance on cultural stereotypes and the employer's subsequent pattern of mendacity as powerful evidence of pretext. The Fourth Circuit's failure to do so creates an untenable legal landscape where an Asian American plaintiff's ability to have their civil rights vindicated depends entirely on geography. This is precisely the kind of inter-circuit conflict that this Court's intervention is required to resolve.

## **G. THE FOURTH CIRCUIT'S DECISION IS IN IRRECONCILABLE CONFLICT WITH THIS COURT'S BINDING PRECEDENT**

As detailed above, the Fourth Circuit's decision, issued without a written opinion, effectively imposed a heightened and unprecedented standard for what constitutes evidence of discrimination for an Asian American plaintiff.

The Fourth Circuit panel, in its summary affirmance, did not just misapply the law; it disregarded the entire framework for evaluating discrimination claims that this Court has meticulously constructed over decades. This decision is in irreconcilable conflict with this Court's foundational rulings in *St. Mary's Honor Center v. Hicks* and *Reeves v. Sanderson Plumbing Products, Inc.*, and it directly defies the Court's recent, unanimous mandate in *Ames v. Ohio Department of Youth Services*.

### **1. The Decision Nullifies the Core Holding of *Hicks* and *Reeves***

This Court's decisions in *Hicks* and *Reeves* established a clear and workable standard for plaintiffs to prove discrimination through pretext. In *Hicks*, the Court held that a plaintiff who proves the employer's stated reason is false is not required to produce additional, independent evidence of discrimination. The factfinder's disbelief of the employer's lie, combined with the initial evidence of discrimination, is sufficient to find for the plaintiff.

In *Reeves*, this Court reinforced this, stating that "a plaintiff's prima facie case, combined with sufficient evidence to find that the employer's asserted justification is false, may permit the trier of fact to conclude that the employer unlawfully discriminated.

The Fourth Circuit panel completely ignored this binding precedent. As detailed exhaustively above, the record in this case presents a veritable mountain of evidence showing the employer's justifications were false.

- **Shifting Justifications:** The employer provided at least four different, conflicting, and belated reasons for its hiring decision.
- **Admitted Lies:** The employer **admitted** that key justifications were **demonstrably false**.
- **Systematic Deceit:** The employer engaged in a pattern of mendacity, from falsifying an official diversity form to submitting sworn affidavits that contradicted contemporaneous documentary evidence.

Under *Hicks* and *Reeves*, this overwhelming evidence of mendacity is, by itself, a sufficient basis for a jury to find that the employer's true motive was discriminatory. By deeming this evidence insufficient to survive summary judgment, the Fourth Circuit panel did exactly what *Reeves* forbids: it substituted its own judgment for that of a jury and implicitly required Williamson, an Asian American plaintiff, to produce even more evidence of discrimination beyond the powerful proof of the employer's lies.



## 2. The Decision Directly Defies This Court's Unanimous Ruling in *Ames*

The Fourth Circuit's error is made even more egregious by its direct conflict with this Court's recent and **unanimous** decision in *Ames v. Ohio Department of Youth Services*. In *Ames*, this Court sent an unambiguous message, holding that the protections of anti-discrimination law **apply equally to all employees, regardless of their group affiliation**, and that it is therefore impermissible to impose a "heightened evidentiary standard" on any plaintiff. While *Ames* arose under Title VII, this Court has long held that the same burden-shifting framework and substantive principles apply to discrimination claims under 42 U.S.C. § 1981 and the **Equal Protection Clause**. *Ames* reaffirmed that the framework applies equally to all plaintiffs and that courts cannot subtly rewrite the rules to make it harder for certain protected classes to win.

The Fourth Circuit's decision is a textbook example of the error *Ames* was intended to prevent. By refusing to recognize blatant, stereotype-based remarks as direct evidence of discrimination and by dismissing an overwhelming pattern of admitted lies and institutional cover-up, the panel effectively held Williamson, an Asian American plaintiff, to a standard of proof that is impossible to meet. If this staggering amount of evidence is not enough for an Asian American plaintiff to have his case heard by a jury, **then the standard has been illegally heightened, not just for one group, but for all.**

The Fourth Circuit's ruling threatens to unravel the core protections of federal civil rights law, and this Court must intervene to restore the proper, uniform standard for every plaintiff.

#### **H. THE LOWER COURTS MISAPPLIED MCDONNELL DOUGLAS BY IMPOSING A TRIAL-LEVEL BURDEN OF PROOF AT SUMMARY JUDGMENT**

The district court's decision, summarily affirmed by the Fourth Circuit, represents a fundamental failure to apply federal anti-discrimination law. The courts below correctly identified the controlling legal standard, noting that to establish a claim under 42 U.S.C. § 1981 or § 1983, a plaintiff "must meet the same proof scheme as required under Title VII." However, the courts then proceeded to apply that very proof scheme in a manner that is irreconcilable with Supreme Court precedent and the straightforward text of Federal Rule of Civil Procedure 56.

The decision is flawed for three overlapping reasons. First, it commits a threshold error by dismissing textbook direct evidence of discrimination, thereby improperly triggering the *McDonnell Douglas* analysis. Second, in applying that framework, the court utilized the very judge-made, atextual, and confusing formula that Justice Thomas's concurrence in *Ames* with Justice Gorsuch joining him, identifies as incompatible with the summary judgment standard. Third, by ignoring a mountain of undisputed evidence of pretext, mendacity, and an institutional cover-up, the court

failed its duty to recognize that a "genuine dispute as to any material fact" requires that this case be heard by a jury.

### **1. The Court Erred at the Outset by Ignoring Direct Evidence of Discrimination**

The district court's entire analysis is built on the faulty premise that "direct evidence of discrimination . . . has not been adequately presented here." This conclusion ignores the plain meaning of the record. Direct evidence is "evidence of a stated purpose to discriminate." The statements made by Athletic Director Collins—the sole hiring authority—during the dispositive interview are an explicit articulation of a discriminatory worldview applied directly to the hiring decision:

- "Asians don't have soccer in their culture."
- "...there are no Koreans or any other Asians on that diverse team."
- "...those players are all Spanish, not Asian, and the Spanish have a culture of playing soccer."

These are not stray remarks. They are statements made by the decision-maker, in the context of the decision, which explicitly link the Asian American plaintiff's race and national origin to his perceived fitness for the job. Collins memorialized this discriminatory motive in his own notes: "Diverse soccer team; Spanish Culture."

This is a transparent declaration that the hiring decision was based not on qualifications, but on a racial stereotype that an Asian American was culturally unfit to lead a Hispanic team—the very essence of the "bamboo ceiling."

By mischaracterizing such blatant evidence, the court improperly defaulted to the burden-shifting framework. This is a critical error, as this Court has held that *McDonnell Douglas* is "**inapplicable** when the plaintiff relies on direct evidence to prove his claim." *Trans World Airlines, Inc. v. Thurston*, 469 U. S. 111, 121 (1985).

## **2. The Court's Reliance on *McDonnell Douglas* is a Misapplication of a Flawed, Judge-Made Doctrine**

Even if the court had been correct to proceed past the direct evidence, its mechanical application of *McDonnell Douglas* demonstrates the exact analytical breakdown Justice Thomas critiqued in *Ames*.

The framework itself is a questionable tool at summary judgment, and the lower court's use of it imposed an improperly heightened burden of proof on the Asian American Plaintiff.

As Justice Thomas explained in *Ames*, the entire edifice of *McDonnell Douglas* is suspect:

But, the judge-made *McDonnell Douglas* framework has no basis in the text of Title VII. And, as I have previously explained, lower courts' extension of this doctrine into the summary-judgment context has caused "significant confusion" and "troubling outcomes on the ground." *Hittle v. City of Stockton*, 604 U. S. \_\_\_, – (2025) (opinion dissenting from denial of certiorari) (slip op., at 3–4).

The framework, originally designed for bench trials, has "taken on a life of its own" and become the "presumptive means of resolving Title VII cases at summary judgment" without this Court ever sanctioning such a role. The district court's approach is particularly egregious given this Court's consistent efforts to *limit* the framework's reach—making it inapplicable at the pleading stage, in post-trial motions, in mixed-motive cases, and, most relevantly here, in cases with direct evidence.

The core of the district court's error lies in its fundamental misunderstanding of the summary judgment standard. The court repeatedly stated that once the defendant offers a reason, the plaintiff "must **prove by a preponderance of the evidence** that [Defendants'] purportedly neutral reasons were a pretext for discrimination."

This is a trial standard, not a summary judgment standard.

As Justice Thomas forcefully argued in *Ames*:  
 If courts are to apply *McDonnell Douglas* at summary judgment, they must modify the framework to match the applicable legal standard. For example, at the third step, the question for the court cannot be whether the plaintiff has "prove[d] by a preponderance of the evidence that the legitimate reasons offered by the defendant . . . were a pretext for discrimination." *Burdine*, 450 U. S., at 253. Instead, the plaintiff need only present sufficient evidence to create a "genuine dispute as to" whether the employer's stated reason was pretextual. Rule 56(a).

By demanding that Williamson "prove" pretext by a trial-level standard, the district court usurped the role of the jury and held Williamson to a burden the law does not require at this stage.

### **3. The Court Ignored Overwhelming Evidence Creating a Genuine Dispute as to Pretext**

The court's conclusion that "no reasonable jury could return a verdict for Plaintiff" is indefensible. To reach this conclusion, the court had to ignore a relentless pattern of mendacity, deceit, and cover-up that constitutes classic and powerful evidence of pretext. Williamson did not need to "prove" his case; he needed only to present evidence creating a "genuine dispute" as to the employer's credibility. He overwhelmingly did so.

The court ignored:

- **Deliberate Falsification of Records:** Athletic Director Collins deliberately omitted Williamson's Division I and varsity high school soccer coaching experience from his notes. More egregiously, he affirmatively falsified Williamson's race as "Caucasian" on the diversity form, an act a jury could easily see as an attempt to hide discrimination.
- **A Pattern of Admitted Lies and Mendacity:** Collins lied to HR about discussing race, lied about the selected candidate's qualifications, and lied in a sworn affidavit by inventing a new decision-maker. This pattern creates the "suspicion of mendacity" that under *St. Mary's Honor Center v. Hicks* is sufficient for a jury to infer discrimination.
- **Shifting and Contradictory Justifications:** The employer presented four different, conflicting reasons for the hiring decision over 18 months, powerful evidence that the true reason is one it wishes to conceal.
- **An Institutional Cover-Up:** The HR investigation was a sham, with officials later admitting that **five of the six key statements** in their final report were false. The School Board, despite repeated notice, exhibited "deliberate indifference," ratifying the sham investigation.

The district court embraced a flawed, atextual legal framework and then misapplied it by imposing a trial-level burden of proof on the plaintiff.

As Justice Thomas argued in *Ames*, courts should simply apply the "straightforward text of Rule 56." Had the court done so, it would have been impossible to conclude there was no "genuine dispute." The record contains direct evidence of racial animus, an unbroken chain of lies, falsified documents, shifting justifications, and an institutional cover-up. This is not a case lacking evidence; it is a case where the court ignored it. A reasonable jury, presented with this evidence, could easily find the employer's stated reason was a pretext for racial discrimination against an Asian American plaintiff. Summary judgment was, therefore, wholly inappropriate.

### CONCLUSION

The Fourth Circuit's unpublished, summary affirmance of the district court's decision is not just an error in a single case; it is a dangerous departure from this Court's established precedent that threatens to undermine the core protections of federal civil rights law. The decision sanitizes blatant, stereotype-driven discrimination, ignores an overwhelming and undisputed record of institutional mendacity, and imposes a heightened evidentiary standard—**born of the improper extension of the trial-level *McDonnell Douglas* framework to the summary judgment stage**—that is impossible for Asian American plaintiffs to meet.

By allowing such a decision to stand, this Court would permit the Fourth Circuit to operate as an outlier, creating an untenable legal landscape where a citizen's fundamental right to be free from



discrimination depends entirely on geography. This Court's intervention is urgently needed to correct this clear misapplication of the law, resolve a deepening inter-circuit split, and reaffirm that the courthouse doors are open to all, not just to those who can meet an impossibly high and illegally heightened standard of proof.

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,

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