

**No. 25-5288**

**In the Supreme Court of the United States**

Eddie Mekasha,

Petitioner,

v.

Tyson Fresh Meats, Inc., Christy Chappellear, and Daniel Horton,

Respondents.

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

**PETITION FOR REHEARING**

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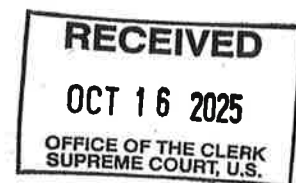
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**Rules**

Sup. Ct. R. 44.2



## **PETITION FOR REHEARING**

Pursuant to Supreme Court Rule 44.2, Petitioner Eddie Mekasha respectfully petitions for rehearing of this Court's order denying his petition for a writ of certiorari.

### **I. REASONS FOR GRANTING REHEARING**

This case presents claims of disparate discrimination in violation of the Fourteenth Amendment, Title VII of the Civil Rights Act of 1964, and EEOC Article 915.002.

Petitioner was terminated for a misdemeanor associated with documented COVID-related PTSD that was presented during hearings, while his coworker, Mr. Schooling, retained his position despite a felony conviction during the same period.

The lower courts granted summary judgment against Petitioner without fully considering the evidentiary record and in disregard of his constitutional right to due process.

#### **1.1. New Developments and Intervening Circumstances**

Rule 44.2 authorizes rehearing based on "intervening circumstances of a substantial or controlling effect or other substantial grounds not previously presented."

Such circumstances now exist. The Douglas County Health Department—the first agency to report COVID-19 incidents at Tyson Foods has issued a credentialed letter (attached) confirming Petitioner's role as a first responder and advocate for marginalized populations, including Tyson workers, during the outbreak that made him target of retaliation by respondent.

Despite these early warnings, Tyson's plant manager dismissed safety concerns raised during early weekly meetings attended by Petitioner and Safety Captain Schooling. HR Manager Christy Chappellear mocked COVID-19 reports relayed through the company's chaplain (now retired), stating: "I don't know what this lady is talking about."

This critical evidence—directly related to worker safety and Tyson's misconduct—was never considered by the lower courts despite Petitioner's repeated attempts to introduce it. Its exclusion constitutes a serious violation of due process.

#### **1.2. Federal and National Significance**

Recent federal cases have documented Tyson Foods' negligence during the COVID-19 pandemic, particularly its failure to protect workers in meat processing facilities. The facts of this case align with those national findings and reveal discrimination and retaliation against vulnerable and marginalized workers.

Given the national importance of corporate accountability during public health emergencies, this petition raises issues of federal and national significance that merit the Court's review. The lower courts' use of summary judgment deprived Petitioner of a fair opportunity to present evidence and violated his constitutional rights.

### 1.3. Negligence and Retaliation by Tyson Foods

Tyson's negligence during the pandemic resulted in widespread infections, deaths, and severe harm to workers and their families. As a first responder, Petitioner contracted COVID-19, suffered significant health complications including PTSD, and was subsequently retaliated against for advocating on behalf of affected employees.

Petitioner coordinated with local health officials, distributed protective equipment, promoted vaccination awareness, and championed worker safety. Rather than recognition for excellent contribution, petitioner faced discrimination and humiliation. For example, Safety Captain Schooling falsely labeled Petitioner "COVID positive" after his return from quarantine—despite a negative test and medical clearance—leading to further stigma and mistreatment. HR Manager Chappelear ignored this misconduct, which ultimately culminated in Petitioner's termination.

### 1.4. Disparate Treatment in Employment

Petitioner, a Black senior citizen and foreign-born employee with a misdemeanor linked to PTSD, was terminated, while a white, American-born coworker with a felony conviction retained employment. Both were members of Tyson's Food Safety Committee Schooling as Safety Captain, and Petitioner as a caseworker coordinating hospital and funeral services.

Tyson misled the lower courts by minimizing Schooling's role, thereby undermining Petitioner's disparate treatment claim. Testimony from Safety Committee members some of whom also contracted COVID-19 was never sought or considered despite multiple requests by petitioner.

## **II. CONCLUSION**

For the foregoing reasons, and in light of new and substantial developments, this Honorable Court should grant rehearing of Petitioner's case.

The record demonstrates:

- 2.1. Rulings by the Iowa Workforce Court finding Petitioner's termination wrongful;
- 2.2. Findings by the Iowa Civil Rights Commission supporting claims of disparate discrimination
- 2.3. Evidence of retaliation, verified by the county health department, for Petitioner's protected advocacy efforts. The lower courts' failure to consider critical evidence, testimony, and medical documentation deprived Petitioner of due process and warrants rehearing.

Respectfully submitted,

Eddie Mekasha

*Eddie Mekasha 10/07/25*

Petitioner

CERTIFICATE OF COUNSEL

Pursuant to Rule 44.2, I, Eddie Mekasha, certify that this petition for rehearing is restricted to the grounds specified in Rule 44.2. I further certify that it is presented in good faith and not for purposes of delay.

Sincerely,

*Eddie Mekasha 10/07/25*

Eddie Mekasha



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January 22, 2025

Nebraska Mediation Association  
615 S Beltline HWY W  
Scottsbluff, NE 69361

To Whom It May Concern,

We are delighted to confirm Eddie Mekahsa's involvement as a Community Chaplain and partner with the Douglas County Health Department during the COVID-19 pandemic. His invaluable support and dedication significantly enhanced our community outreach, providing critical health services to vulnerable populations.

Eddie's commitment to fostering resilience and unity is highly commendable, and we fully support his nomination to the Nebraska Mediation Association Board. His skills and compassionate approach will undoubtedly benefit the NMA's mission and goals.

Sincerely,

*Jamin Johnson*

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