

SUPREME COURT OF THE UNITED STATES

No. 25-6669

EZEQUIEL RIVERA,

Petitioner,

v.

NESTLÉ USA, INC.,

Respondent.

**SUPPLEMENTAL BRIEF FOR PETITIONER**

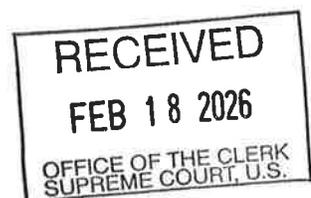
**PURSUANT TO SUPREME COURT RULE 15.8**

(Proceeding In Forma Pauperis)

Pursuant to Supreme Court Rule 15.8, Petitioner Ezequiel Rivera respectfully submits this Supplemental Brief to call the Court's attention to intervening matters that were not available at the time of Petitioner's last filing. This submission is limited strictly to new matter.

**1. Intervening Rule 60(b) Proceedings in the District Court**

On February 9, 2026, Petitioner filed in the United States District Court for the Eastern District of Wisconsin, Case No. 1:23-cv-01431-WCG (Rivera v. Nestlé USA, Inc.), a Motion for Relief from Judgment pursuant to Federal Rule of Civil Procedure 60(b)(2) and 60(b)(3), together with a supporting memorandum of law, declaration, proposed order, and exhibits (EDWI Dkt. Nos. 155–157). The motion seeks relief from the district court's summary judgment order (Dkt. No. 116) based on newly discovered evidence and misrepresentation or misconduct affecting the integrity of the judgment.



**2. Post-Judgment Adjudicative Decision Confirming No End-of-Healing**

After the judgment under review, petitioner took notice he was retaliated by defense during this lawsuit through work comp benefits Petitioner obtained a post-judgment adjudicative decision from the Wisconsin Labor and Industry Review Commission (“LIRC”) / Labor Review Board addressing the “end-of-healing” determination used to terminate Petitioner’s wage-replacement benefits. The adjudicator found that Petitioner did not reach end of healing as of April 29, 2024, and awarded temporary total disability benefits from April 29, 2024 through August 15, 2024, totaling \$18,737.95 (subject to statutory offsets). The decision further rejected the contrary end-of-healing opinion of Respondent’s IME physician, Dr. Stephen Barron, on the decisive issue. the petitioner just took notice through review This adjudicative determination post-dates the judgment under review and was not available during summary judgment proceedings.

**3. Newly Discovered Record-Retention Evidence Bearing on Spoliation**

Petitioner has also newly obtained evidence reflecting that Nestlé maintains a corporate Record Retention & Destruction Standard applicable to records generated in the course of Nestlé Group operations that the company “holds or controls.” This evidence was not available to Petitioner during merits briefing or summary judgment proceedings. It bears directly on the preservation and spoliation issues litigated below, including the destruction or overwrite of surveillance evidence and Respondent’s assertion that such destruction occurred in the ordinary course of business. Defense never disclosed a formal policy that the district court relied upon dismissing spoliation claims

**4. Relevance to the Pending Petition**

The Rule 60(b) proceedings may materially affect the status and finality posture of the judgment under review, including the possibility of reopening proceedings or altering the posture relevant to certiorari. Petitioner submits this Supplemental Brief to ensure the Court is aware of these intervening developments while the petition remains pending and Respondent’s response is due March 2, 2026.

Respectfully submitted,



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Dated: February 10, 2026