

No. 25-7650

IN THE
SUPREME COURT OF THE UNITED
STATES

WILLIAM PETERMAN, JR.

Petitioner

v.

THE MAPLE PRESS COMPANY

Respondent

On Petition for a Writ of Certiorari to the Superior
Court of Pennsylvania

**BRIEF OF RESPONDENT IN OPPOSITION TO
PETITION FOR WRIT OF CERTIORARI**

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COUNTERSTATEMENT OF THE QUESTIONS
PRESENTED FOR REVIEW

- I. When the Civil Rights Act of 1964 specifically lists classes for protection against discrimination, and no other statutory basis extending coverage beyond the classes expressly identified by Congress is asserted, can the Civil Rights Act of 1964 protect individuals that claim discrimination but do not claim membership in any of the listed classes?

Suggested Answer: No. The Civil Rights Act of 1964 specifically lists race, color, religion, sex, and national origin as unlawful bases to discriminate against employment candidates. As such, if the candidate does not claim discrimination on one of these classes, the candidate's claim must fail as a matter of law.

- II. When Petitioner's Brief in Support of his appeal to the Superior Court of Pennsylvania fails to comply with the Pennsylvania Rules of Appellate Procedure in such a way that it prevented the Superior Court from making a meaningful review, should the appeal have been dismissed without reaching the merits?

Suggested Answer: Yes. When there are substantial defects as it pertains to compliance with rules of procedure, and issues are not properly raised and developed in a brief by the Petitioner, it is proper for the Court to dismiss the appeal without consideration of the merits.

III. When there is no realistic prospect of providing relief, does an employment discrimination agency act within its lawful discretion when it declines to act?

Suggested Answer: Yes. When an employment discrimination agency does not have jurisdiction, authority or the ability to provide an actionable remedy, it is within the agency's discretion to decline to act, particularly when it does not leave the claimant without recourse to pursue a remedy in court.

IV. When the Petitioner's claim is based on excluding alternative explanations for the decision not to hire, and is devoid of any evidence that Respondent's conduct was motivated by unlawful discriminatory intent, did the Petitioner set forth a *prima facie* claim of discrimination?

Suggested Answer: No. A claimant has the burden of setting forth a *prima facie* claim of discrimination. A claimant may not rely on a "process of elimination" to satisfy this burden without setting forth averments of fact that the conduct was motivated by unlawful discriminatory intent.

LIST OF ALL PARTIES TO THE PROCEEDING

William Peterman, Jr.

The Maple Press Company

No parent corporation exists and no publicly held company owns more than 10% of The Maple Press Company.

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COUNTERSTATEMENT OF THE CASE

Petitioner, William Peterman, Jr. (“Petitioner”), filed a *pro se* Complaint in the Court of Common Pleas of York County, Pennsylvania alleging that Respondent, The Maple Press Company (“Respondent”), discriminated against him by not hiring him for various positions at the company. App. 10a-19a.

Respondent filed Preliminary Objections and a supporting Brief to which Petitioner responded. The Trial Court, taking all well-pleaded facts as true, sustained Respondent’s Preliminary Objections in an Order and Decision dated October 25, 2024, which dismissed the Complaint due to failure to set forth a claim upon which relief may be granted pursuant to Pennsylvania Rule of Civil Procedure 1028(a)(4). App. 9a-19a.

Petitioner filed a Notice of Appeal with the Superior Court on November 18, 2024. The Superior Court issued a Memorandum Decision and Order on May 30, 2025 holding that Petitioner failed to comply with a “host” of the Superior Court’s Rules of Appellate Procedure and that Petitioner’s non-compliance left the Court unable to conduct meaningful review. App. 3a-8a. The Superior Court dismissed the appeal and cancelled oral argument. Id.

The Superior Court issued an Order on July 30, 2025 denying Petitioner’s June 3, 2025 application for reargument of the May 30, 2025 decision. App. 2a.

Petitioner then filed a Petition for Allowance of Appeal with the Pennsylvania Supreme Court, which declined review on February 19, 2026. App. 1a.

ARGUMENT FOR DENYING THE PETITION

I. Certiorari Should Be Denied Because the Petition Presents No Question Warranting Review Under U.S. Supreme Court Rule 10.

This case concerns a fact-bound dispute arising from a rescinded employment offer and the dismissal of Petitioner's state-court complaint. The Pennsylvania Supreme Court denied discretionary review without opinion, and the Pennsylvania Superior Court dismissed Petitioner's appeal because his appellate brief contained substantial violations of Pennsylvania's Rules of Appellate Procedure that prevented meaningful review. App. 1a-8a. The original state court filing was dismissed because the Complaint, which alleged one count of discrimination in hiring, failed to set forth a claim upon which relief could be granted in compliance with Pennsylvania Rule of Civil Procedure 1028(a)(4). App. 9a. Namely, the Complaint was filed prior to pursuing

administrative relief with the Pennsylvania Human Relations Commission, which has the exclusive authority to remedy complaints alleging discrimination. See, Weaver v. Harpster, 975 A.2d 555 at n. 10 (Pa. 2009). App. 18a-19a.

The Petition identifies no conflict among lower courts concerning the questions presented. It cites no federal or state authority adopting a rule contrary to the one applied by the courts below. Nor does it identify any recurring question of federal law that has divided courts nationwide. Instead, the petition seeks correction of an error in a single employment dispute, which is not a proper basis for certiorari.

Specifically, Petitioner's principal theory in the Petition appears to be that the Civil Rights Act of 1964 protects persons who are equivalent to members of protected classes even when the alleged

discrimination is not based on race, color, religion, sex, or national origin. Pltfs Pet. 11-13.

That proposition does not arise from the text of Title VII. Title VII prohibits discrimination because of an individual's race, color, religion, sex, or national origin. 42 U.S.C.A. § 2000e-2. Petitioner's complaint expressly alleges that he was not discriminated against because of membership in any protected class and instead contends that some unidentified discrimination must have occurred because he was previously offered employment and there is no other explanation.

This theory is not an unresolved federal issue. Rather, Petitioner seeks recognition of a cause of action unsupported by the text of Title VII or existing precedent in that he wants to claim discrimination without claiming membership in a protected class. However, a claimant must establish membership in a

protected class to set forth a claim of discrimination under the Civil Rights Act of 1964. Texas Dep't of Cmty. Affs. v. Burdine, 450 U.S. 248, 253-54 (1981).

This principle is so well-established, there is no proper basis under U.S. Sup. Ct. Rule 10 for review.

II. The Petition Does Not Present a Genuine Federal Question.

The Pennsylvania Superior Court never reached the merits of the claim and instead dismissed the claim due to failure to substantially comply with the Rules of Appellate Procedure in Pennsylvania. The trial court dismissed the claim because the Petitioner failed to set forth a claim in the Complaint pursuant to the Pennsylvania Rules of Civil Procedure. As such, the federal issues set forth in the Petition were never reached by the appellate or trial courts. No federal question was ever decided by the lower courts, and so, there is no basis for the Supreme Court's review.

III. Any Federal Issue Was Not Properly Presented or Passed Upon Below.

The Court generally declines review where the alleged federal question was not actually decided by the lower courts. Birtcher Corp. v. Diapulse Corp. of Am., 17 L. Ed. 2d 43 (1966).

As stated previously, the Pennsylvania Superior Court expressly declined a merits review because Petitioner's appellate brief failed to comply with numerous procedural requirements and left the court unable to conduct meaningful appellate review. App. 8a. The Superior Court cited deficiencies including the absence of required sections and the failure to develop legal arguments supported by authority App. 7a. It therefore dismissed the appeal without reaching the merits. App. 8a.

Because the trial and intermediate appellate courts did not decide Petitioner's federal-contention theory, there is no developed state-court adjudication

of the purported federal issue for this Court to review. The absence of a merits determination weighs heavily against certiorari.

IV. The Decision Below Rests on Independent and Adequate State Grounds.

The Superior Court's dismissal was based on Pennsylvania procedural rules governing appellate briefs. The court held that Petitioner's substantial noncompliance prevented meaningful review and warranted dismissal under Pennsylvania Rule of Appellate Procedure 2101. App. 8a.

An independent and adequate state-law basis bars Supreme Court review even when a litigant attempts to frame the dispute as involving federal law. Wainwright v. Sykes, 433 U.S. 72, 81 (1977); see also, Coleman v. Thompson, 501 U.S. 722, 729 (1991), overruled on other grounds by Martinez v. Ryan, 566 U.S. 1 (2012)(holding, "This Court will not review a

question of federal law decided by a state court if the decision of that court rests on a state law ground that is independent of the federal question and adequate to support the judgment.”).

Because the judgment below rests on a state procedural basis independent of any federal question, certiorari should be denied.

V. Petitioner’s Challenge to Pennsylvania’s Administrative Exhaustion Requirements Does Not Merit Review.

Petitioner also appears to argue that he should not have been required to proceed through the Pennsylvania Human Relations Commission (“PHRC”) because his alleged discrimination does not fit within a recognized protected classification. App. 15a-16a.

The Pennsylvania Court of Common Pleas relied on settled Pennsylvania law holding that the Pennsylvania Human Relations Act provides the

exclusive state-law remedy for employment discrimination claims and requires exhaustion of administrative remedies through the PHRC before judicial action may proceed. The trial court cited established Pennsylvania authority, including the Pennsylvania Supreme Court's opinion in Clay v. Advanced Computer Applications, Inc., 559 A. 2d 917 (Pa. 1989) and related cases.

The petition identifies no disagreement among courts concerning these principles. At most, Petitioner disputes Pennsylvania's application of its own statutory scheme. Such state-law questions do not warrant this Court's intervention. Fox Film Corp. v. Muller, 296 U.S. 207, 209-210 (1935).

VI. Subsequent Events Further Undermine Any Need for Review.

The record reflects that Petitioner later filed a complaint with the Pennsylvania Human Relations Commission and received a right-to-sue notice after

the expiration of the statutory waiting period. The PHRC informed him that he could initiate an action in the Pennsylvania Court of Common Pleas based upon the alleged violations in his administrative complaint. App. 20a.

Thus, the alleged inability to obtain judicial review or an administrative remedy through the statutory process no longer exists. To the extent Petitioner seeks adjudication of discrimination claims, available state procedures are open to him. This further diminishes any need for extraordinary review by this Court.

VII. Petitioner fails to substantially comply with U.S. Supreme Court Rule 14 such that the Court should deny the Petition.

The Petitioner fails to argue any reasons why certiorari is appropriate under U.S. Sup. Ct. Rule 10, and instead appears to argue the merits of his case in the Statement of the Case instead of conforming to

the Statement of the Case instead of conforming to U.S. Sup. Ct. Rule 14. Specifically, Petitioner fails to set forth “a direct and concise argument amplifying the reasons relied on for allowance of the writ.” U.S. Sup. Ct. Rule 14(h). He sets forth a bulleted list of incomprehensible statements that do not address any of the reasons for review in U.S. Sup. Ct. Rule 10. As such, the Court should deny review.

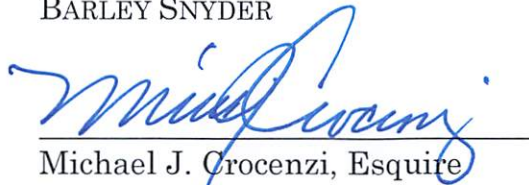
CONCLUSION

For the forgoing reasons, the Court should deny the petition for certiorari.

Respectfully submitted,

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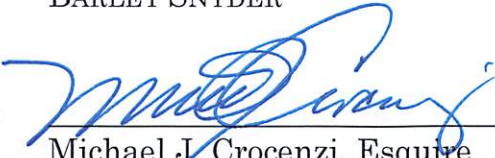
Date: July 23, 2026

CERTIFICATE OF SERVICE

I certify that on July 23, 2026, I served an electronic version of the Brief in Opposition to Petition for Writ of Certiorari in the above-captioned matter upon the following, and that pursuant to Rule 29.2, three copies of a paper version will be sent to the same individual via United States mail, postage prepaid by July 27, 2026:

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