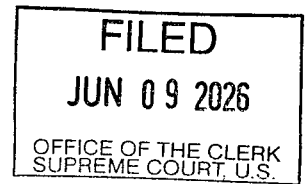


26-5011

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES



BILLIE JO LEATHAM,

Petitioner,

v.

HUGH MOSE,

Respondent.

On petition for writ of certiorari to the Supreme Court of
Pennsylvania

Billie Jo Leatham, Pro Se

1909 Beaver Road

Julian, PA 16844

814-404-4466

QUESTIONS PRESENTED

1. Whether due process is violated when a public employee is terminated based on hearsay, misattribution, and later recanted testimony, and the courts treat these substantive factual reversals as clerical errors rather than constitutional defects.
2. Whether summary judgment is improper under *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986), and *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986), where the record contains sworn recantations, contradictory testimony, credibility disputes subject to Rule 806 impeachment, and no signed or corroborated statements supporting the employer's justification.
3. Whether claim preclusion may be applied to a non-adversarial grievance process that lacked discovery, cross-examination, neutral adjudication, and meaningful representation, contrary to *Rue v. K Mart Corp.*, 552 Pa. 13, 713 A.2d 82 (1998); *Taylor v. Sturgell*, 553 U.S. 880 (2008); and *Lucky Brand Dungarees, Inc. v. Marcel Fashions Group, Inc.*, 590 U.S. ___, 140 S. Ct. 1589 (2020).

LIST OF PARTIES

Petitioner: Billie Jo Leatham

Respondent: Hugh Mose

RELATED CASES

Richards v. Centre Area Transportation Authority,
United States District Court for the Middle District of Pennsylvania,
Case No. 4:08-cv-01947,
Complaint and Suspension Records filed May 31, 2007.

Richards v. Centre Area Transportation Authority,
United States District Court for the Middle District of Pennsylvania,
Case No. 4:08-cv-01947,
Summary Judgment entered January 25, 2010.

Leatham v. Mose,
Court of Common Pleas of Centre County, Pennsylvania,
Order of Dismissal with Prejudice entered October 13, 2023.

Leatham v. Mose,
Supreme Court of Pennsylvania,
Transfer Order entered April 1, 2024.

Leatham v. Mose,
Commonwealth Court of Pennsylvania,
Memorandum Opinion affirming dismissal entered June 17, 2025.

Leatham v. Mose,
Supreme Court of Pennsylvania,
Order Denying Motion to Supplement the Record and Petition for Allowance of
Appeal
entered February 19, 2026.

Leatham v. Mose,
Supreme Court of Pennsylvania,
Order Denying Motion for Reconsideration entered March 30, 2026.

TABLE OF CONTENTS

OPININS BELOW-----	pg. 16
JURISDICTION-----	pg. 17
CONSTITUTIONAL AND STATUTORY PROVISIONS-----	18
STATEMENT OF THE CASE-----	19
REASONS FOR GRANTING-----	pg. 20
CONCLUSION-----	pg. 54

INDEX TO APPENDIX

- A. Order Denying Motion for Reconsideration (March 30, 2026)
- B. Order Denying Motion to Supplement the Record, Motion for Leave to Amend
Petition for Allowance of Appeal, and Petition for Allowance of Appeal
(February 19, 2026)
- C. Memorandum Opinion — Judge Leavitt, Affirming Dismissal (June 17, 2025)
- D. Transfer Order — Supreme Court of Pennsylvania (April 1, 2024)
- E. Order of Dismissal With Prejudice — Judge Jonathan Grine (October 13, 2023)
- F. May 31, 2007 Federal Case Documents: Complaint and Suspension Records
(Docket No. 3:CV 07 1001; Vol. II, pp. 00001–00007)
- G. Summary Judgment Order — Judge McClure (January 25, 2010)

Supporting Documents

- 1a— Grievance Form (June 6, 2007)
- 2a — Letter to Barry Pierce re: Video (“Audio No Video”)
- 3a— Letter to Barry Pierce re: Grievance Decision
- 4a— Second Step Grievance Decision — Rescission of Charge No. 3 (June 29, 2007)
- 5a — Second Step Grievance Decision (page 2)

6a — Second Step Grievance Decision (page 3)

Harriot Hearsay Statement

7a — Harriot Statement (page 1)

8a — Harriot Statement (page 2)

9a — Harriot Statement (page 3)

Deposition of Lesa Harriot (Aug. 3, 2007)

10a — Cover Page

11a — Deposition p. 11

12a — Deposition p. 23

13a — Deposition p. 26

14a — Deposition p. 27

15a — Deposition p. 28

16a — Deposition p. 29

17a — Deposition p. 30

18a — Deposition p. 35

19a — Deposition p. 36

20a — Deposition p. 37

21a — Deposition p. 45

22a — Deposition p. 47

23a — Deposition p. 49

24a — Deposition p. 53

25a — Deposition p. 58

26a — Deposition p. 60

27a — Deposition p. 63

28a — Deposition p. 65

29a — Deposition p. 72

30a — Deposition p. 73

- 31a — Deposition p. 74
- 32a — Deposition p. 75
- 33a — Deposition p. 76 (Notary Signature Page)

Other Supporting Records

- 34a — Statement of Ryan Lock
- 35a — Criminal History Record (Sept. 3, 2004)
- 36a — Written Statement by Harriot — Allegation of Racial Motivation
- 37a — Protection Order (Mar. 3, 2007) — Page 1
- 38a — Protection Order — Page 2
- 39a — Protection Order — Page 3
- 40a — Rehearing Denied Order (Apr. 18, 2007)
- 41a — News Article (Apr. 30, 2012) — Page 1
- 42a — News Article — Page 2
- 43a — Probable Cause Affidavit (Apr. 3, 2015) — Page 1
- 44a — News Article (2015 Assault Case) — Page 1
- 45a — News Article (2015 Assault Case) — Page 2

Unemployment Hearing Transcript

- 46a — Missing Disruptive Passenger Rule
- 47a — Transcript Page 1
- 48a — Transcript Page 4 (Snyder Hearsay)
- 49a — Transcript Page 5 (Snyder Hearsay)
- 50a — Transcript Page 37
- 51a — Transcript Page 38
- 52a — Transcript Page 48
- 53a — Transcript Page 54 (Signature Page)

- 54a — Referee Decision — Page 1

55a — Referee Decision — Page 2

56a — Referee Decision — Page 3

CATA Exhibits

57a — Seating Diagram

58a — M Route Map — Page 1

59a — M Route Map — Page 2

60a — Photograph of Road/Berm

Supplemental Record Exhibits

61a — Customer Service Compliment

62a — Interior Photograph of Bus

63a — Photograph of Petitioner & Abram

64a — Photograph of Bus Door

Kylie Riser Hearsay Statements

65a — Riser Hearsay Statement — Page 1

66a — Riser Hearsay Statement — Page 2

Kylie Riser Deposition August 16, 2007

67a — Cover Page

68a — Deposition Page I-4

69a — Deposition Page I-12

70a — Deposition Page I- 13

71a — Deposition Page I- 14

72a — Deposition Page I-15

73a — Deposition Page I-16

74a — Deposition Page I-19

75a — Deposition Page I-22

76a — Deposition Page I-23

77a — Deposition Page I-25

78a — Deposition Page I-27

79a — Signature Page

Union Arbitration Hearing Brief (AFSCME, Oct. 19, 2007)

80a — Page 1 of 14

81a — Page 2 of 14

82a — Page 3 of 14

83a — Page 4 of 14

84a — Page 5 of 14

85a — Page 6 of 14

86a — Page 7 of 14

87a — Page 8 of 14

88a — Page 9 of 14

89a — Page 10 of 14

90a — Page 11 of 14

91a — Page 12 of 14

92a — Page 13 of 14

93a — Page 14 of 14 (Signature Page)

94a — Grievance Decision — Page 1

95a — Discussion Section — Page 8 (Part 1)

96a — Discussion Section — Page 8 (Part 2)

97a — Grievance Decision — Signature Page

Bob Beck Deposition (Nov. 19, 2007)

98a — Cover Page

99a — Deposition Page 28

100a — Deposition Signature Page

Gayle Baughman Statements & Deposition

101a — Statement (Apr. 13, 2007)

102a — Statement (May 19, 2007)

103a — Deposition Cover Page

104a — Deposition Page 15

105a — Deposition Page 24

106a — Deposition Page 25

CATA Investigation Summary

107a — Summary Page 1

108a — Summary Page 2

109a — Documentation of September 9, 2007

110a — Photographs of Petitioner & Grandson at Church

Cheryl Siracuse Deposition (Nov. 20, 2007)

111a — Deposition Page 1

112a — Deposition Page 12

113a — Deposition Page 13

114a — Deposition Page 16

115a — Deposition Page 17

116a — Signature Page Deposition Page 21

Dr. Kraft Medical Report

117a — Medical Report

Sherry Snyder Deposition (July 23, 2009)

118a — Disparate Treatment Memo

119a — Deposition Cover Page

120a — Deposition Pages 47–48

121a — Deposition Page 49
122a — Deposition Page 57
123a — Deposition Pages 69–71
124a — Deposition Page 73
125a — Deposition Page 79
126a — Deposition Signature Page

Hugh Mose Deposition (July 23, 2007)

127a — Deposition Cover Page
128a — Deposition Page 4
129a — Deposition Page 5
130a — Deposition Page 8
131a — Deposition Page 9
132a — Deposition Signature Page

Federal Case Filings

133a — Brief for Appellant (CATA)
134a — Order Extending Discovery to Aug. 31, 2009
135a — Concurrence of Jill E. Nagy
136a — Certificate of Service

CATA Contract

137a — Contract Cover Page
138a — Contract Page 2 (Non-Discrimination)
139a — Contract Page 2 (Grievance / Just Cause)
140a — Contract Page 30 (Just Cause)

141a — Contract Page 31 (Grievances & Arbitration)

App. 142a-145a — Harriot Assessment Chart

App. 146a-148a — Riser Assessment Chart

AUTHORITIES CITED

CASES

PAGE

NUMBER

I. U.S. Supreme Court Cases

Celotex v. Catrett, 477 U.S. 317 (1986)	Page 3
Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986)	Page 3
Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574 (1986)	Page 38
McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)	Page 42
Mathews v. Eldridge, 424 U.S. 319 (1976)	Page 47
NLRB v. J. Weingarten, Inc., 420 U.S. 251 (1975)	Page 46
Pennsylvania State Police v. Suders, 542 U.S. 129 (2004)	Page 22
Taylor v. Sturgell, 553 U.S. 880 (2008)	Page 3
Lucky Brand Dungarees, Inc. v. Marcel Fashions Group, Inc., 590 140 S. Ct. 1589 (2020)	Page 3

II. U.S. Courts of Appeals Cases (Third Circuit)

Dee v. Borough of Dunmore, 549 F.3d 225 (3d Cir. 2008)	Page 48
Fuentes v. Perskie, 32 F.3d 759 (3d Cir. 1994)	Page 38
Goosby v. Johnson & Johnson Medical Inc., 228 F.3d 313 (3d Cir. 2000)	Page 39
Kachmar v. SunGard Data Systems Inc., 109 F.3d 173 (3d Cir. 1997)	Page 39
Suders v. Pennsylvania State Police, 325 F.3d 432 (3d Cir. 2003)	Page 23
Tomasso v. Boeing Co., 445 F.3d 702 (3d Cir. 2006)	Page 38
Burton v. Teleflex, 707 F.3d 417 (3d Cir. 2013)	Page 38

III. U.S. District Court Cases

Larochelle v. Wilmac Corp., 210 F. Supp. 3d 658 (E.D. Pa. 2016)	Page 39
---	---------

IV. Pennsylvania Supreme Court Cases

Allegheny Reproductive Health Ctr. v. DHS, 288 A.3d 505 (Pa. 2023)	Page 51
Clay v. Advanced Computer Applications, 559 A.2d 917 (Pa. 1989)	Page 50
Commonwealth v. Cosby, 252 A.3d 1092 (Pa. 2021)	Page 24
In re Appeal of Coatesville Area Sch. Dist., 224 A.3d 1090 (Pa. 2020)	Page 35
Rue v. K-Mart Corp., 713 A.2d 82 (Pa. 1998)	Page 3

STATUTES AND RULES

Federal Statutes

- 42 U.S.C. § 2000e-2 — Prohibition of employment discrimination based on sex
- 42 U.S.C. § 2000e-3 — Prohibition of retaliation
- 42 U.S.C. § 1983 — Civil action for deprivation of constitutional rights

❖ Why § 1983 MUST be added

Because your petition raises:

- Due Process (5th & 14th Amendments)
- Equal Protection (14th Amendment)
- ERA violations (state constitutional)

Those constitutional claims must be brought through § 1983. If you leave it out, the Clerk could say your “Provisions Involved” section is incomplete.

Pennsylvania Statutes

- 1 Pa. Cons. Stat. Ann. § 1921(a)
- 1 Pa. Cons. Stat. Ann. § 1921(c)
- 43 P.S. § 951 et seq. — Pennsylvania Human Relations Act
- 43 P.S. § 955(a) — Harassment
- 43 P.S. § 955(d) — Retaliation
- 43 P.S. § 962(g) — Right-to-sue notice

Federal Rules of Evidence

- Fed. R. Evid. 103 — Rulings on Evidence; Preservation of Error
- Fed. R. Evid. 806 — Attacking and Supporting the Declarant

Pennsylvania Rules of Appellate Procedure

- Pa. R.A.P. 1114(b)(6) — Supervisory authority / discretionary review
- Pa. R.A.P. 1926 — Correction or modification of the record

Pennsylvania Code

- 210 Pa. Code § 19
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IN THE
SUPREME COURT OF THE UNITED STATE
PETITION FOR WRITE OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issues to review the judgement below

OPINIONS BELOW

☐ For cases from federal courts:

The opinion of the United States Court of Appeals appears at Appendix _____ to the petition and is

- ☐ Reported at _____; or,
☐ Has been designated for publication but is not yet reported; or
☐ Is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ Reported at _____; or,
☐ Has been designated for publication but is not yet reported; or
☐ Is unpublished.

☒ for cases from state court:

The opinion of the United States highest state court to review the merits appears at **Appendix C.** to the petition and is

- ☐ Reported at _____; or,
☐ Has been designated for publication but is not yet reported; or
☒ Is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

- ☐ Reported at _____; or,
☐ Has been designated for publication but is not yet reported; or
☐ Is unpublished.

JURISDICTION

For cases from Federal Courts:

The date on which the United States Court of Appeals decided my case was _____

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date _____, and a copy of the order denying rehearing appears at Appendix _____

An extension of time to file the petition for a writ of certiorari was granted to and including-----date on _____ date in Application No. _____ A _____.

The jurisdiction of this court is invoked under 28 U.S.C. section 1254(1)

☒ For cases from state courts:

The date on which the highest state court decided my case **February 19, 2026**
A copy of that decision appears at **Appendix B**

☒ A timely petition for rehearing was thereafter denied on the following date: **March 30, 2026**, and a copy of the order denying rehearing appears at **Appendix A**

An extension of time to file the petition for a writ of certiorari was granted to and including-----date on _____ date in Application No. _____ A _____

The jurisdiction of this court is invoked under 28 U.S.C. section 1254(1)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution

- U.S. Const. amend. V — Due Process
- U.S. Const. amend. XIV — Due Process & Equal Protection

Pennsylvania Constitution

- Pa. Const. art. I, § 1 — Due Process
- Pa. Const. art. I, § 28 — Equal Rights Amendment

STATEMENT OF THE CASE

Petitioner worked for the Centre Area Transportation Authority (CATA) from 1989 until her termination in 2007, a position that conferred a protected property interest under the collective bargaining agreement. (App. 137a-141a) On May 24, 2007, before the termination decision, Petitioner's attorney notified CATA that a federal civil action alleging unlawful conduct would be filed. CATA imposed a suspension with pay the next day, and the federal action was filed on May 31, 2007, at Docket No. 4:08-cv-01947 (App. F).

On January 25, 2010, the United States District Court for the Middle District of Pennsylvania granted summary judgment to the defendants (App. G). The court acknowledged that Petitioner established a *prima facie* case of retaliation based on temporal proximity, and the record before the federal court included materials developed after the grievance process, including a 2009 deposition by Sherry Snyder.

Petitioner later filed an action in the Centre County Court of Common Pleas, asserting that her termination violated federal constitutional protections and that the employer failed to correct material factual errors underlying the disciplinary decision. On October 13, 2023, the court dismissed the action on *res judicata* grounds (App. E). The Pennsylvania Supreme Court transferred the appeal to the Commonwealth Court for lack of jurisdiction (App. D), and the Commonwealth Court affirmed (App. C).

Petitioner sought discretionary review in the Pennsylvania Supreme Court. The Court denied the Petition for Allowance of Appeal on February 19, 2026 (App. B), and denied reconsideration on

March 30, 2026 (App. A). Because discretionary denials do not reach the merits, the federal constitutional questions presented remain unresolved.

. REASONS FOR GRANTING THE WRIT

The decision below conflicts with this Court's precedent on due process and summary judgment.

A. The lower courts treated sworn recantations, contradictory testimony, and the collapse of the factual basis as "clerical errors," contrary to this Court's decisions prohibiting courts from resolving credibility disputes or accepting unsupported factual narratives at summary judgment. These errors raise recurring federal questions about the constitutional limits of summary judgment in public-sector employment.

B. The case presents recurring procedural harms in public-sector grievance systems.

Petitioner's grievance process lacked discovery, cross-examination, neutral adjudication, and meaningful representation. These structural defects mirror the concerns identified in this Court's preclusion and due-process jurisprudence and recur nationwide in unionized public employment. The question whether a

non-adversarial grievance process can preclude later constitutional claims warrants this Court's review.

C. Gender-based procedural harm in male-dominated workplaces shows the issue extends far beyond Petitioner.

This case also exposes gender-based procedural harms in a male-dominated workplace, where credibility assessments and disciplinary processes were applied unevenly, raising concerns under Pennsylvania's Equal Rights Amendment that extend far beyond Petitioner's individual circumstances. These systemic disparities reinforce the need for this Court's intervention

I. ON JUNE 6, 2007 — THE FACTUAL BASIS FOR THE TERMINATION COLLAPSED

On June 6, 2007, Sherry Snyder submitted a disciplinary report based solely on a phone conversation, repeating hearsay that she later recanted. (App. 7a-9a; App. 65a-66a) In her 2009 deposition, Snyder admitted the report was speculative, unverified, and based on statements she could not confirm (App. 125a).

Lesa Harriot and Kiley Riser never testified under oath in any judicial proceeding. Their only statements were given during the union arbitration (App. 142a-145a; App. 146a-148a), where they were questioned by the employer and the union. The union proceeding was not a judicial forum, was not conducted under the rules of evidence, and did not constitute a formal deposition. Because Harriot and Riser never testified under oath in court, unemployment (App. 48a-49a; App. 54a-55a), or

any judicial setting, their union statements did not verify or adopt any allegations and cannot cure hearsay. Only the relevant pages are cited because Rule 806 impeachment applies to the statements relied upon, and the full deposition materials are contained in the Supplemental Record.

Snyder's assertion that the complaints were "identical," despite the clear contradictions between Harriot's hearsay report (App. 7a-9a), and the Harriot's Deposition Assessment Chart (App. 142a-145a), Riser's hearsay report (App. 65a-66a), and the Riser Deposition Assessment Chart (App. 146a-148a), reflects the kind of supervisory coercion that **Suders** recognized as actionable when a supervisor uses their authority to distort the factual basis for discipline. See **Pennsylvania State Police v. Sauders, 542 U.S. 129 (2004)**. Because the termination here (App. 1a) was an official act, Suders confirms that the employer is fully responsible for the consequences of that action. And where, as here, the official act rests on false charges later contradicted and recanted, the resulting termination violates fundamental due process and the contractual just-cause requirement. (App. 139a-140a)

II. 2009 SNYDER RECONTATION CONFIRMS THE 2007 CHARGES WERE FALSE

Sherry Snyder's 2009 recantation confirms that the hearsay reports used to justify Petitioner's termination were not based on truth. Harriot (App. 7a-9a); Riser (App. 65a-66a). Her decision to wait two years—long after the union failed to challenge

the report and the arbitrator accepted it—allowed a false narrative to stand uncorrected. Only when legal accountability became imminent did Snyder tell the truth. Snyder's role in signing and submitting a speculative, unverified report (App. 125a), and her delayed admission, contributed directly to the denial of Petitioner's rights. *Suders v. Pennsylvania State Police*, 325 F.3d 432 (3d Cir. 2003) (false charges; reversed on other grounds).

In her 2009 deposition, Snyder admitted that the video of the Cheryl Siracuse incident lacked audio (App. 122a), confirmed that Lesa Harriot did not describe the incident as racial (App. 123a), and acknowledged that Steve McKinley—the alleged victim—was unharmed and filed no complaint (App. 120a–121a; App. 124a). She ultimately issued only a written reprimand for April 13, 2007, reflecting that the alleged conduct warranted minimal discipline (App. 123a). Snyder further conceded she did not appropriately document Harriot's complaints and did not receive written statements from either Harriot or Riser; both witnesses did not write their own statements (App. 125a). She wrote and signed both the Harriot report (App. 7a–9a) and the Riser report (App. 65a–66a), giving Snyder complete control over the narrative that was later used to justify Petitioner's termination June 6, 2007 (App. 1a).

III. THE EMPLOYER'S BAIT AND SWITCH VIOLATED DUE PROCESS

Immediately following Snyder's recantation, the employer's conduct revealed a classic bait and switch. **The original 2007 report—the bait—**was used to justify

Petitioner's suspension and termination on June 6, 2007 (App. 1a; Harriot, App. 7a–9a; Riser, App. 65a–66a). Once Snyder admitted the report was inaccurate, unverified, and based on hearsay (App. 125a), the employer (Hugh Mose) refused to correct the record—the 2009 switch.

The grievance, arbitration, and later judicial proceedings all relied on the original report as if it remained valid, even though the Harriot assessment chart (App. 142a–145a) and the Riser assessment chart (App. 146a–148a) documented contradictions in every material respect. Petitioner relied on the grievance process to address these discrepancies, yet the employer and union continued to reference the report even after Snyder repudiated it (App. 118a–126a). Snyder herself had previously received a written warning for “disparate treatment” toward Petitioner (App. 118a), further undermining her neutrality and credibility as the author of the 2007 report. Mose likewise confirmed that the bus did not go off route (App. 4a).

As the Pennsylvania Supreme Court has made clear, “due process does not permit the government to engage in a bait and switch by inducing reliance on an official assurance and then later reversing its position to the defendant’s detriment.”

Commonwealth v. Cosby, 252 A.3d 1092, (Pa. 2021). Yet despite these repudiations, the courts continued to rely on the discredited report as if it remained valid.

VI. LATER ARISING FACTS AND THE HEARSAY COLLAPSE UNDER RULE 806 AND RULE 103(a)

Petitioner was terminated on June 6, 2007 (App. 1a) based entirely on phone conversations that Snyder drafted and signed herself. In her 2009 deposition, Snyder further conceded she did not appropriately document Harriot's complaints and did not receive written statements from either Harriot or Riser; both witnesses did not write their own statements (App. 125a). She wrote and signed both the Harriot hearsay report (App. 7a–9a) and the Riser hearsay report (App. 65a–66a), giving Snyder complete control over the narrative that was later used to justify Petitioner's termination on June 6, 2007 (App. 1a).

The Harriot Assessment chart (App. 142a–145a) and the Riser Assessment chart (App. 146a–148a) confirm that the signed hearsay reports and Snyder's 2009 recantations impeach the hearsay. The charts confirm that Lesa Harriot did not describe the incident as racial (App. 123a), proving Snyder misattributed Kylie Riser's racial allegation (App. 74a) to Harriot. Harriot disavowed both the racial allegation (App. 19a) and the "bus off route" allegation (App. 25a), proving Snyder misattributed Riser's bus-off-route claim (App. 78a) to Harriot. Mose's later rescission of that charge (App. 4a) confirms Harriot's disavowals and the misattributions. These contradictions between the hearsay and the charts corroborate Snyder's 2009 recantations and demonstrate that the factual landscape had changed.

Once the two misattributions are established, the rest of the record collapses. The 2009 deposition shows that Snyder wrote both complaints herself and claimed they were identical, but the assessment charts prove otherwise. The Harriot Assessment chart (App. 142a–145a) and the Riser Assessment chart (App. 146a–148a) show that the statements Snyder attributed to Harriot and Riser do not match what the witnesses actually said. These differences confirm the misattributions and demonstrate that the hearsay reports were inaccurate once compared to the corrected record.

Under Rule 806, the courts erred by failing to impeach the hearsay even after Snyder's 2009 deposition admitted that her 2007 reports were inaccurate, unverified, and based on misattributed allegations she could not confirm. (App. 125a)

Under Rule 103(a), the courts continued to rely on repudiated hearsay despite Snyder's admissions, constituting a substantial-right error requiring reversal.

Because the 2007 grievance relied entirely on Snyder's 2007 hearsay reports, Snyder's 2009 recantations changed the operative facts after the 2007 grievance. Once she admitted the reports were inaccurate, unverified, and misattributed, the factual basis of the 2007 grievance became invalid. The assessment charts simply organize the contradictions, misattributions, disavowals, and lack of corroboration already in the record, confirming that the entire 2007 grievance record was false. Under *Lucky Brand*, these later-arising facts changed the factual landscape, and

the 2007 grievance record could no longer serve as a valid basis for preclusion. When the operative facts no longer exist, the rule based on those facts cannot survive — once the facts collapsed, the rule collapsed with them.

V. CREDIBILITY DEFECTS REQUIRE DENIAL OF SUMMARY JUDGEMENT

The supplemental record demonstrates pervasive credibility defects in the only remaining witness—defects never disclosed during the grievance process. These credibility failures, combined with the collapse of the factual basis, raise a federal question appropriate for this Court's review.

.Under **Anderson v. Liberty Lobby, Inc.**, 477 U.S. 242 (1986), courts may not resolve credibility disputes at summary judgment. Under **Celotex Corp. v. Catrett**, 477 U.S. 317 (1986), the moving party must show the absence of a genuine dispute of material fact, and **Matsushita Elec. Indus. Co. v. Zenith Radio Corp.**, 475 U.S. 574 (1986) requires that the nonmovant's evidence be credited at this stage. Here, the only remaining evidence consists of out-of-court statements: Harriot's hearsay report in Volume V (App. 7a–9a) and Riser's hearsay statements in the Supplemental Record (App. 65a–66a). Both declarants fall squarely within Fed. R. Evid. 806, and their statements were impeached through sworn recantations, contradictions, and misattribution already established in Sections I–III and B–D. These pervasive credibility defects independently preclude

summary judgment under *Anderson* and *Celotex* and raise a federal question appropriate for this Court's review.

A. Harriot's Personal Attack vs. Her Own Conduct

Harriot's own testimony impeaches the hearsay statements attributed to her. She testified she contacted CATA only because she believed Petitioner had "personally started attacking" her (App. 31a-32a). Barry Pearce ended questioning with "No further questions," reflecting that the allegation collapsed under Harriot's own testimony. On August 3, 2007, Harriot disavowed the statements attributed to her, clarifying that the comment in question referred to the "Gentleman" Steve McKinley (App. 19a) and had nothing to do with herself.

B. NOT PERSONAL, NOT RACIAL, NOT HOSTILE

Snyder admitted in her 2009 deposition that "Lesa Harriot did not describe the incident as racial" (App. 123a) and recanted the racial framing that appeared in her own written report (App. 8a; App. 66a). This confirms the statement was not personal, not racial, and not hostile, but a factual observation related to Petitioner's job duties.

C. MISATTRIBUTION OF CHARGES

Although only Harriot's hearsay report was file-stamped, the charges originated with Riser and were duplicated and misattributed to Harriot (App. 7a-9a; App. 65a-66a). Snyder admitted she did not verify either account, did not receive written

statements, and relied entirely on uncorroborated phone conversations (App. 123a; App. 125a). Snyder wrote and signed both reports, giving her complete control over the narrative used to justify termination (App. 1a).

D. HARRIOT THREATENED TO SMACK PETITIONER—THEN DENIED IT

Harriot first admitted she “would have pretty much smacked the driver” (App. 21a) but later denied saying it (App. 31a). This contradiction is documented in the Harriot Assessment Chart (App. 142a–145a).

E. HARRIOT CRIMINAL HISTORY

Harriot’s credibility was further undermined by her documented criminal history, which was known to management and confirmed during Snyder’s deposition (App. 120a) when counsel questioned her about Harriot’s prior arrest and violent conduct. (App. 120a) Records include prior arrests for kicking and spitting on police officers during a DUI incident (App. 35a), and Harriot herself wrote that she believed the officers acted against her “because of the color of her skin” (App. 36a) a 2007 domestic violence complaint (App. 37a–39a), a rehearing denied one month before she was on Petitioners bus (App. 40a). Additional materials include a 2012 *Express* article reporting Harriot’s child abuse conviction (App. 41a-42a), and a 2015 conviction for pouring scalding hot water on her boyfriend and threatening to kill him (App. 43a–45a). Under Rule 806, these materials are admissible for impeachment because her statements were relied upon despite her not testifying at trial.

F. RYAN LOCK CONFIRMED THE THREAT

Independent contractor Ryan Lock reported that Harriot said she "would have knocked the Petitioner out if her children had not been with her" (App. 34a). Union representative Barry Pearce described Harriot as aggressive and assertive (App. 90a-91a). These contradictions destroy credibility under **Anderson v. Liberty Lobby 477 U.S. 242 (1986)** The contradiction charts (App. 142a-146a) show that Harriot reversed herself on every material point and her criminal history further demonstrates that her accusations were unreliable.

G. STEVE MCKINLEY ACCOUNT

Steve was moving slowly because he was getting around the stroller in the aisle (App. 29a; App. 57a). Petitioner began to close the door but immediately retracted it when she saw him approaching. As he stepped down, his shoulder made accidental contact with the open door, consistent with his later statement that he "bumped the door" and that it was not Petitioner's fault as reported at the unemployment office (App. 51a-52a.) The front wheel well blocked Riser's view, making it impossible for her to see his pant leg or foot. The **photo sequence (App. 57a-64a)** confirms he stumbled forward but did not fall as seen from the side window of the bus. Both Harriot and Riser confirmed that Steve stumbled but did not fall (App. 16a; App. 72a). The door closes toward the face, making it physically impossible for his arm to have been caught (App. 64a). Snyder admitted that Steve was unharmed and filed no complaint (App. 120a-121a; App. 1)

H. UNEMPLOYMENT HEARING CREDIBILITY FINDINGS (AUGUST 14, 2007) — NO CORROBORATION AUGUST 14, 2007

At the unemployment hearing, no witnesses testified (App. 54a–55a), leaving the employer with no first-hand testimony on any allegation. The referee excluded Snyder's paperwork as hearsay (App. 48a–49a) (App. 1a) and credited Petitioner's account. The Harriot and Riser contradiction charts (App. 142a–145a; App. 146a–148a) further confirm that none of the allegations were corroborated.

I. KYLIE RISER — LACK OF CORROBORATION

Kylie Riser's deposition confirms she never reported profanity, contradicting Snyder's hearsay report (App. 76a) (App. 66a). Her allegation about transfers (App. 76a) is contradicted by Harriot's testimony that she did receive a transfer (App. 29a–30a). These contradictions are documented in the Riser Assessment Chart (App. 146a–148a).

J. CHERYL SIRACUSE — NO CORROBORATION

Cheryl's swearing allegation was never substantiated. The video she relied upon had no audio, as confirmed by General Manager Hugh Mose (App. 2a), and Shery Snyder (App. 122a) so it could not confirm any profanity.

K. INVESTIGATIVE INTERVIEWS REMAIN UNVERIFIED HEARSAY

The record contained three sets of summaries because three different individuals conducted different parts of the process. Snyder authored the April 13, 2007 summaries herself after interviewing Petitioner and Baughman; neither Petitioner nor Baughman wrote their own statements (App. 101a). Petitioner only signed her April 13, 2007 investigative summary when HR investigator Melissa Hnatkovich obtained her signature on June 4, 2007—after Petitioner had already been suspended. Justin Schmidt signed his HR summary on May 31, 2007, and Steve Hagenbach signed his on June 4, 2007—all signatures occurring **after** Petitioner's suspension and therefore not contemporaneous with the events (App. 98a–100a).

Baughman did not sign her April 13, 2007 summary until June 22, 2007 (App. 101a), **after** Petitioner's June 6, 2007 termination (App. 1a), confirming it was not contemporaneous and could not have been part of the firing decision.

When Baughman later raised the separate April 19, 2007 “shooter” allegation (App. 102a), Snyder referred the matter to HR investigator Melissa Hnatkovich prepared the investigative summaries, and HR supervisor Amanda Jones later prepared a third summary, concluding she could not find sufficient evidence to support a claim of unlawful harassment (App. 107a). Snyder ultimately issued only a written reprimand for April 13, 2007, reflecting that the alleged conduct warranted minimal discipline (App. 123a).

None of the April 13, 2007 investigative interviews were ever adopted under oath. Although Baughman later testified, her deposition contradicted the April 13, 2007 statements attributed to her, confirming she did not adopt them under oath. She never testified in any judicial proceeding to confirm or authenticate the April 13, 2007 summary itself.

The contemporaneous April 13 summary documented a calm resolution between Petitioner and Beck, who walked out together and continued talking in the parking lot, where Beck felt he had made progress. HR found no harassment or threat (App. 107a). These findings show that later claims of “hostility,” “rage,” or “accosting employees” were not reliable.

L. APRIL 13, 2007 — BAUGHMAN’S CONDUCT CONTRADICTS THE NARRATIVE

Baughman’s own conduct contradicts the narrative attributed to her. On September 9, 2007, she approached Petitioner at church and asked for a hug (App. 109a), directly contradicting any claim of fear and functioning as a recantation verified in her deposition (App. 104a). By November 19, 2007, Petitioner was no longer attending the church, confirming later accusations were unfounded (App. 110a).

Petitioner was never advised that Baughman had filed a “shooter” complaint (App. 102a), and because the employer withheld it entirely, she had no opportunity to

grieve it or respond, violating due-process notice requirements and the contract's just-cause procedures (App. 139a-140a).

M. CHERYL SIRACUSE — MEDICALLY DISPROVEN AND RECANTED

Cheryl Siracuse's allegation was internally inconsistent and medically disproven. Medical documentation established that Petitioner did not and never had the physical characteristic Siracuse described (App. 111a-116a; Medical Report App. 117a). Siracuse later testified under oath that "**she saw nothing**," recanting the allegation (App. 115a; App. 2a).

Her investigative interview was written by Snyder (App. 7a) and was never adopted under oath; it remained unverified hearsay (App. 122a). The video Siracuse referenced had **no audio** and does not show Siracuse being cornered in the parking lot. Her statements were retaliatory, contradictory character attacks, not factual evidence.

N. BARRY PEARCE — "CREATIVE WRITING 101"

Union representative Barry Pearce testified that Snyder engaged in "**creative writing 101**" when preparing the Harriot and Riser statements, producing accusations that "just did not happen" (App. 85a). Pearce's testimony directly impeaches the reliability of the hearsay reports and confirms the employer's narrative was **constructed, not investigated**.

VI. CORRECTED RECORD REQUIRED REVERSAL UNDER PA. R.A.P.

1926

Under Pa. R.A.P. 1926, the courts were required to consider the corrected record. Once the corrected materials were submitted—including Snyder’s July 23, 2009 deposition (App. 118a–126a) and the medical documentation (App. 117a)—the appellate courts could not rely on an incomplete or inaccurate record. *Coatesville Area School District*, 224 A.3d 1090 (Pa. 2020), holds that an appellate court must review the record **as corrected**, not as originally transmitted.

Snyder’s 2009 deposition changed the operative facts: she admitted her report was unverified and based on hearsay (App. 118a–126a). Under *Lucky Brand Dungarees, Inc. v. Marcel Fashions Group, Inc.*, 140 S. Ct. 1589 (2020), later-arising operative facts cannot be precluded. Once the factual basis collapsed, the judgment could not stand.

VII. WITH DRAWAL OF THE OFF-ROUTE ALLEGATION NO RULE VIOLATION

The factual record already established that the events described by Ms. Snyder did not occur. General Manager Hugh Mose rescinded the off-route allegation at the Second Step Grievance (App. 4a), and both Harriot and Riser confirmed in their depositions that the bus did **not** go off route (Harriot, App. 25a; Riser, App. 78a). The Union likewise concluded that “it was clear from the depositions that the

events described by Ms. Snyder did not happen in the manner suggested” (App. 87a; App. 65a).

The circumstances that day—detours, road construction, traffic, and an escalating passenger—fully explain the timing variation. Schedules are not an exact science, and delays under such conditions are outside the driver’s control. Management routinely posted detour and construction notices to drivers, demonstrating that they were fully aware such conditions caused unavoidable timing variations. **Despite this record, the arbitrator accepted Snyder’s account as true and disregarded the contrary evidence, compounding the procedural defect that began in the 2007 grievance.**

VIII. MISSING RULE / WRONG RULE APPLIED

The employer failed to file the complete employee handbook. The version submitted contained only selected pages and omitted the Disruptive Passenger Rule (App. 46a) that governed Petitioner’s conduct. The complete rule appears in the Supplemental Record and in the Appendix. That rule required drivers to first issue a warning to disruptive passengers, and Petitioner complied with it. Because the governing rule was withheld and an incomplete rule set was applied, the disciplinary decision rested on an inaccurate legal standard.

IX. HEARSAY RECANTATION AND RULE CHANGE ARGUMENT FAIL

The employer cannot rely on a hearsay exception or post hoc rule changes to preserve the disciplinary report. Even under the business-records exception, the report fails because **Snyder—the hearsay source—admitted her report was speculative, unverified, and based on statements she could not confirm** (App. 118a–126a). A **recanted, contradictory, and unverified** report cannot qualify as a trustworthy business record (App. 125a). **Due process prohibits retroactive rule changes**, and once the governing rule was omitted and the hearsay source recanted, **no hearsay exception could sustain the disciplinary action.**

X. UNION FINDING CONFIRM LACK OF TRUSTWORTHINESS October 19, 2007

The union concluded that “the facts are not as previously reported,” that Mr. Mose “rubber-stamped” Snyder’s report, and that discharge “cannot be based on conjecture, surmise, or anything but hard, material, and known facts” (App. 87a). The union found that CATA “never sought or obtained any proof other than the documents produced by CATA themselves,” and that statements were selected to support a predetermined position while contrary documents were “lost in the pile” (App. 87a). Harriot’s sworn testimony contradicted Snyder’s account on every material point (App. 142a–145a), confirming that the events “did not happen in the manner suggested.”

XI. LACK OF CORROBERATION INCONSISTENT TESTIMONY

The disciplinary narrative lacked corroboration from any witness. None of the allegations were supported by consistent testimony, and each material claim was contradicted by the individuals allegedly involved. The record contained no firsthand evidence, and several statements were internally inconsistent, contradicted by the available video (App. 2a–122a), or later recanted. These inconsistencies appear throughout the grievance record and supplemental materials, including Harriot (App. 142a–145a) and Riser (App. 146a–148a)

XII. SUMMARY JUDGEMENT ERROR AND PRETEXT UNDER CELOTEX ANDERSON, MATSUSHITA, MCDONALD DOUGLAS AND THIRD CIRCUIT

The courts failed to address the contradictions in the record and instead relied on a tainted and incomplete evidentiary foundation, contrary to the standards required under *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986) (absence of evidence defeats summary judgment); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986) (credibility disputes cannot be resolved at summary judgment); and *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574 (1986) (implausible explanations require stronger evidence). Third Circuit precedent further holds that inconsistent explanations and shifting narratives demonstrate pretext. *Fuentes v. Perskie*, 32 F.3d 759 (3d Cir. 1994); *Tomasso v. Boeing Co.*, 445 F.3d 702 (3d Cir. 2006); *Burton v. Teleflex Inc.*, 707 F.3d 417 (3d Cir. 2013);

Goosby v. Johnson & Johnson Med. Inc., 228 F.3d 313 (3d Cir. 2000); *Kachmar v. SunGard Data Sys., Inc.*, 109 F.3d 173 (3d Cir. 1997). As the Eastern District of Pennsylvania explained in *LaRochelle v. Wilmac Corp.*, 210 F. Supp. 3d 658 (E.D. Pa. 2016), credibility disputes and conflicting accounts preclude summary judgment.

The federal court further misapplied *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973), by terminating the analysis at the pretext stage despite substantial evidence of pretext, including sworn recantations, contradictory testimony, and credibility concerns surrounding Harriot (App. 142a–145a). Management’s own admissions that Petitioner did not commit the alleged misconduct constitute affirmative proof of pretext and require jury resolution, including Snyder’s 2009 admissions (App. 118a–126a), her prior disparate-treatment warning (App. 118a), and Mose’s rescission (App. 4a). Once the factual basis collapsed, the employer’s justification collapsed with it. **No rule violation occurred.**

These contradictions, recantations, and post-grievance factual reversals constitute changed operative facts under *Lucky Brand Dungarees, Inc. v. Marcel Fashions Group, Inc.*, 590 140 S. Ct. 1589 (2020), further demonstrating that summary judgment was improper and that claim preclusion cannot apply.

XIII. PROEDURAL DUE PROCESS VIOLATIONS FEDERAL CASE (2007)

A. Impeachment Evidence Ignored Under Rule 806 and Rule 103. Petitioner's counsel correctly argued that the disciplinary report was hearsay because the investigator relied entirely on phone conversations with passengers she never met, never verified, and never questioned under oath (App. 125a). Under Rule 806, once the agency relied on hearsay (App. 7a-9a; App. 65a-66a), the declarants could be impeached, and the later contradictions, recantation, and misattribution in the record directly undermined the reliability of those statements (App. 142a-145a; App. 146a-148a). Snyder's 2009 deposition further confirmed these contradictions and recantations (App. 118a-126a). Under Rule 103, the court's failure to consider this impeachment evidence affected substantial rights because the termination decision was made on untested and disputed information (App. 1a)

Snyder further testified that proper documentation required employees to read, verify, and sign their own statements so they could be entered into the record as appropriate documentation, but she did not follow this procedure for either Harriot or Riser. (App. 125a) (App. 1a)

The 2007 federal court accepted counsel's argument that the close temporal proximity between Petitioner's protected activity and the adverse action satisfied the prima facie stage of retaliation under **McDonnell Douglas**. A prima facie case of retaliation was established because the termination occurred immediately after the protected activity, and courts have consistently held that such close temporal

proximity supports an inference of retaliatory motive (App. E). As the Third Circuit explained in **Fuentes v. Perskie**, 32 F.3d 759 (3d Cir. 1994), contradictions and credibility disputes must be resolved by a jury, not at summary judgment

B. HEARSAY RELIANCE VIOLATIONS

The lower courts erred by overlooking the hearsay, the impeachment evidence, the contradictions, and the timing of the investigation. The employer terminated Petitioner June 6, 2007 (App. 1a) before any depositions were taken, relying solely on unverified phone statements from passengers the investigator never met, never verified, and never questioned under oath (App. 7a–9a; App. 65a–66a). (App. 125a) (App. 1a) Because the later depositions occurred months after the termination, the agency's decision rested entirely on untested hearsay, and the court erred as a matter of law by treating those statements as reliable evidence. This violated the requirements of Rule 806 impeachment and Rule 103 substantial-rights review, both of which mandate consideration of contradictions, recantations, and misattributions once hearsay is used. Petitioner's counsel preserved these issues, and the later evidence confirmed the concerns raised.

C. BAIT-AND-SWITCH RELIANCE VIOLATION (Cosby)

As the Pennsylvania Supreme Court held in *Commonwealth v. Cosby*, 252 A.3d 1092 (Pa. 2021), due process is violated when the government induces reliance on an official representation and then reverses course to the individual's detriment. The employer's conduct here reflects the same bait-and-switch dynamic.

Management relied on **Snyder's 2007 original reports—the bait—Harriot** (App. 7a–9a) and **Riser** (App. 65a–66a)—to justify discipline, and then, after Snyder recanted and admitted the reports were inaccurate, the employer (**Hugh Mose**) **refused to correct the record—the 2009 switch.**

In her 2009 deposition, Snyder admitted that the video of the Cheryl Siracuse incident lacked audio (App. 122a), confirmed that Lesa Harriot did not describe the incident as racial (App. 123a), and acknowledged that Steve McKinley—the alleged victim—was unharmed and filed no complaint (App. 120a–121a; App. 124a). She further conceded she issued only a written reprimand for April 13, 2007, reflecting that the alleged conduct warranted minimal discipline (App. 123a). Snyder also admitted she did not appropriately document Harriot's complaints and did not receive written statements from either Harriot or Riser; neither witness wrote their own statement (App. 125a). She wrote and signed both the Harriot report and the Riser report, giving her complete control over the narrative later used to justify Petitioner's termination.

The contradictions in the Harriot Chart (App. 142a–145a) and the Riser Chart (App. 146a–148a) further confirmed that the original allegations were misattributed and unreliable. Petitioner relied on the employer's representations during the grievance process, only to have the employer—General Manager Hugh Mose—refuse to correct the record once the corrected facts emerged (App. 142a–145a; App.

146a–148a). This reversal, combined with the refusal to correct the record, constitutes a due-process violation under *Cosby*'s reliance principles.

Under this Court's operative-facts doctrine, including *Lucky Brand Dungarees, Inc. v. Marcel Fashions Group, Inc.*, 590 U.S. ___, 140 S. Ct. 1589 (2020), when the facts collapse, the rule collapses. A judgment based on facts that no longer exist violates due process.

D. CLAIM PRECLUSION IS IMPROPER UNDER RUE, TAYLOR, AND LUCKT BRAND

Claim preclusion is improper under *Rue*, *Taylor*, and *Lucky Brand* because the 2007 grievance process lacked the procedural safeguards required for a binding adjudication, and the factual basis for the termination later collapsed.

Rue. In *Rue v. K Mart Corp.*, 552 Pa. 13, 713 A.2d 82 (1998), the Pennsylvania Supreme Court held that issue preclusion cannot apply where the prior proceeding lacked discovery, cross-examination, a neutral adjudicator, or adversarial rigor.

Petitioner's grievance process had none of these protections: no discovery, no subpoena power, no cross-examination, and no opportunity to test credibility.

Because the issues were never actually litigated, *Rue* bars preclusion.

Taylor. Under *Taylor v. Sturgell*, 553 U.S. 880 (2008), preclusion is also improper where representation was inadequate or where the earlier process lacked the procedural safeguards necessary to ensure a full and fair opportunity to litigate.

The union failed to investigate contradictions, failed to challenge hearsay, failed to secure discovery, and failed to protect Petitioner's contractual property interest. This inadequate representation falls squarely within *Taylor's* exceptions to preclusion.

Lucky Brand Dungarees, Inc. v. Marcel Fashions Group, Inc., 590 U.S. ___, 140 S. Ct. 1589 (2020), confirms that claim preclusion cannot apply when later-arising operative facts fundamentally alter the factual landscape. Under *Lucky Brand*, claim preclusion cannot apply when the operative facts did not exist at the time of the earlier adjudication. The 2007 grievance and arbitration closed long before Snyder corrected the record in her July 23, 2009 deposition (App. 118a–126a).

As detailed above, Snyder's 2009 testimony recanted and contradicted the allegations and documentation on which the 2007 discipline rested.

Because Snyder's corrected testimony did not exist during the grievance or arbitration, it constitutes a later-arising fact under *Lucky Brand*. When operative facts change after the prior proceeding, preclusion cannot constitutionally apply. Snyder's 2009 recantation fundamentally altered the factual landscape, and *Lucky Brand* therefore prohibits applying claim preclusion to bar review.

Because the grievance lacked due-process protections under *Rue* and *Taylor*, and because the operative facts materially changed under *Lucky Brand*, claim preclusion cannot constitutionally bar review of Petitioner's federal claims.

E. GRIEVANCE DEFECTS, INADEQUATE REPRESENTATION, AND CONFLICT OF INTEREST

The grievance arbitration held on October 19, 2007 (App. 80a–93a) produced the record that became the basis for Petitioner’s discipline. That record was later undermined by multiple corrections: Harriot disavowed the off-route allegation (App. 25a); Mose rescinded that charge (App. 4a); and in 2009 Snyder recanted the allegations she had previously endorsed (App. 118a–126a). Despite these developments, counsel continued to rely on the 2007 arbitration record as though it remained accurate.

The discovery window was extended to August 31, 2009, with Attorney Jill Nagy expressly concurring in that extension (App. 133a–136a). This placed Snyder’s July 23, 2009 deposition and her subsequent recantations squarely within the discovery period. Yet counsel disregarded this evidence and failed to correct the record.

On July 29, 2013, CATA submitted a reply brief through Attorneys Jill Nagy and Sean Summers, confirming their joint representation of both CATA and Mr. Mose. This continuity of representation raises serious concerns of organizational ratification and conflict of interest (App. 133a), as counsel continued to rely on a tainted arbitration record despite knowing it had been contradicted by later testimony.

F. GREIVANCE DEFECTS AND PROCEDURAL DUE PROCESS VIOLATIONS UNDER WEINGARTEN, MATHEWS, AND DEE

By ignoring timely depositions and sworn recantations, the union and employer deprived Petitioner of a fair and accurate adjudication. Because the underlying record was incomplete and incorrect, claim preclusion does not apply (App. 4a; App. 118a–126a; App. 142a–145a; App. 146a–148a). Under *NLRB v. J. Weingarten, Inc.*, 420 U.S. 251 (1975) an employee is entitled to meaningful representation during investigatory interviews that may lead to discipline. In Petitioner's case, representation existed in form but not in substance. Union representative Barry Pearce failed to investigate, failed to challenge contradictions, and failed to secure the procedural protections that Weingarten requires.

Kylie Riser's deposition in the Supplemental Record illustrates this failure: Bob Martin conducted the deposition without union representative Barry Pearce, who did not arrive until page (App. 75a). Riser's testimony was shaped entirely by Martin's questioning, with no union oversight or clarification, contrary to Weingarten's requirement of meaningful representation. The collective bargaining agreement reinforces this obligation: its anti-discrimination clause requires that "the employer and the union will share equal responsibility for adherence to this provision of the agreement" (App. 138a), yet neither party fulfilled that duty.

The grievance process likewise lacked notice, discovery, cross-examination, and neutrality, yet was used to bar subsequent litigation (App. 80a–93a). The grievance

record itself conceded that the alleged incident “may or may not have happened” (App. 84a), underscoring the speculative nature of the charges. Notice was also mis-cued in the record (App. 84a), further illustrating procedural irregularities and depriving Petitioner of the ability to prepare a defense. Petitioner first heard the testimony against her during the grievance, had not been provided access to the prior depositions of Harriot or Riser, and therefore lacked the notice, discovery, and meaningful representation required for a fair proceeding (App. 91a).

These defects deprived Petitioner of the adversarial testing and procedural safeguards that Weingarten and *Mathews v. Eldridge*, 424 U.S. 319 (1976), mandate and further undermine the reliability of the 2007 arbitration record. Petitioner acknowledged a verbal dispute with a passenger, explained the steps she took to de-escalate the situation, and admitted the incident could have been handled differently, but none of this constituted conduct warranting termination (App. 91a).

Ryan Lock contradicted the employer’s version of events and reported that Harriot stated she “would have knocked the Petitioner out if her children had not been with her,” confirming that Harriot—not Petitioner—was the aggressor (App. 34a).

Despite this, the union made no effort to investigate or present Lock’s account. His statements were never tested, never compared to Snyder’s reports, and never used to challenge management’s claims—demonstrating again that representation existed only in form, not substance. Union representative Barry Pearce similarly

described Harriot as aggressive and assertive (App. 90a–91a). These contradictions destroy credibility under *Anderson v. Liberty Lobby*, 477 U.S. 242 (1986). The contradiction charts (App. 142a–145a) show that Harriot reversed herself on every material point, and her criminal history further demonstrates that her accusations were unreliable.

G. DUE PROCESS VIOLATIONS UNDER *MATTHEWS AND DEE*

The Third Circuit’s decision in *Dee v. Borough of Dunmore*, 549 F.3d 225 (3d Cir. 2008), confirms that a public employee’s contractual right to continued employment is a protected property interest, and the collective-bargaining agreement here expressly provides that “the employer shall not suspend, discipline, demote, or discharge any employee without just cause,” establishing that interest (App. 139a–140a).

Applying the balancing test from *Mathews v. Eldridge*, 424 U.S. 319 (1976), the severity of the deprivation — loss of employment, income, and reputation — far outweighed any administrative interest in expediency. The grievance process lacked neutrality, adversarial rigor, and basic procedural fairness. These defects were compounded by the employer’s refusal to correct the record after Snyder’s 2009 recantation (App. 118a–126a), rendering the process constitutionally inadequate.

Under *Weingarten*, an employee is entitled to representation during investigatory interviews that may lead to discipline. The union’s failure to attend or participate in key interviews — including Kylie Riser’s deposition (App. 75a) — deprived

Petitioner of this fundamental procedural protection. This absence of representation further undermined the fairness of the grievance process and heightened the risk of erroneous deprivation under *Mathews*.

When the matter proceeded to federal court, the record included materials developed after the 2007 grievance arbitration. This record contained Snyder's 2009 deposition, in which she admitted that the video used to support Cheryl Siracuse's allegation lacked audio (App. 122a), confirmed that Lesa Harriot did not describe the incident as racial (App. 123a), and acknowledged that Steve McKinley, the alleged victim, was unharmed and filed no complaint (App. 120a–121a; App. 124a). She ultimately issued only a written reprimand on the charge involving April 13, 2007, reflecting that the alleged conduct warranted minimal discipline (App. 123a). Snyder also admitted she did not appropriately document Harriot's complaints and did not receive written statements from either Harriot or Riser; neither witness wrote their own statement (App. 125a). She wrote and signed both the Harriot report (App. 7a–9a) and the Riser report (App. 65a–66a), giving her complete control over the narrative that was later used to justify Petitioner's termination.

The federal record included corrected materials that clarified the factual record after the grievance process, including Harriot's August 3, 2007 disavowal of the off-route allegation (App. 25a) and General Manager Hugh Mose's June 2007 rescission of that charge at the Second Step Grievance (App. 4a). The deposition testimony of Harriot and Riser was also part of the federal record. Because the

factual listings in the brief were lengthy and difficult to follow, Petitioner later developed assessment charts for the Pennsylvania Supreme Court to present the same facts more clearly and moved those charts to the Appendix. Snyder's later recantations (App. 118a–126a), developed after the 2007 grievance, further confirmed that the factual basis for the adverse action had materially changed.

XIV. GENDER-BASED PROCEDURAL HARM UNDER THE ERA: HOW EARLY DISMISSAL SILENCES WOMEN'S CLAIMS

The Due Process violations in this case did not occur in a vacuum. They arose within a grievance system that lacked discovery, cross-examination, access to transcripts, and a neutral adjudicator — and within a workplace where credibility determinations, disciplinary discretion, and narrative control rested almost entirely with men. These structural conditions magnified the procedural defects and disproportionately harmed Petitioner as a woman, bringing the Due Process violations squarely within the protections of the Equal Rights Amendment.

Article I, § 28 of the Pennsylvania Constitution — the Equal Rights Amendment (ERA) — provides: “Equality of rights under the law shall not be denied or abridged in the Commonwealth of Pennsylvania because of the sex of the individual.” This constitutional guarantee is a distinct and robust safeguard against sex-based discrimination. In *Clay v. Advanced Computer Applications*, 522 Pa. 86, 559 A.2d 917 (1989), this Court held that the ERA provides independent constitutional protection. The Court reaffirmed this principle in

Allegheny Reproductive Health Center v. DHS, 288 A.3d 505 (Pa. 2023),

applying heightened scrutiny to sex-based distinctions and disparate impact.

Petitioner was denied core procedural protections guaranteed by both her union contract and constitutional due process. These defects — lack of discovery, lack of cross-examination, reliance on hearsay, refusal to correct misattributed statements, and acceptance of contradictory testimony — disproportionately harm women in male-dominated workplaces, where credibility disputes are often resolved through informal power dynamics rather than evidence.

This gender-based procedural vulnerability is not unique to Petitioner. Empirical research confirms that women face disproportionately high dismissal rates at summary judgment in employment discrimination cases. Schneider's foundational study, *The Dangers of Summary Judgment: Gender and Federal Civil Litigation*, 59 Rutgers L. Rev. 705 (2007), documents that gender-based claims are dismissed at significantly higher rates than other civil claims, often before plaintiffs have a fair opportunity to develop the factual record. Her updated research shows the pattern persists: in more than half of the gender discrimination cases where the EEOC filed amicus briefs urging reversal, the courts of appeals reversed the district court's summary judgment dismissal. See Schneider, *The Gender of Summary Judgment Revisited* (2025). Clermont and Schwab's empirical studies likewise show that employment discrimination plaintiffs — disproportionately women — fare worse at summary judgment than any other category of civil litigants. See Clermont &

Schwab, *Employment Discrimination Plaintiffs in Federal Court: From Bad to Worse?* 3 Harv. L. & Pol'y Rev. 103 (2009); *How Employment Discrimination Plaintiffs Fare in Federal Court*, 1 J. Empirical Legal Stud. 429 (2004).

These studies directly mirror Petitioner's experience. She was denied discovery, denied cross-examination, denied access to transcripts, and denied the opportunity to confront contradictory testimony **in the 2007 grievance** — yet the courts granted judgment against her based on an undeveloped and inaccurate record. Schneider specifically identifies this pattern as a recurring procedural harm disproportionately affecting women: courts prematurely accept employer narratives, disregard credibility disputes, and terminate cases before the evidence can be fully developed. Petitioner's case exemplifies this systemic problem.

Heightened scrutiny under the ERA requires more than facial neutrality; it requires examining whether the challenged procedures had a disparate impact on women and whether less discriminatory alternatives were available. Here, the procedural shortcuts — reliance on hearsay, refusal to correct misattributed statements, acceptance of contradictory testimony, and failure to disclose exculpatory information — systematically disadvantaged Petitioner because she was a woman challenging managerial authority in a male-dominated workplace. These structural conditions magnify the risk of gender-based procedural harm, bringing this case squarely within the protections of the ERA and the Fourteenth Amendment.

This issue warrants review because the procedural defects Petitioner experienced reflect a documented, systemic pattern of gender-based harm that affects women across the Commonwealth and the nation.

ARBITRATOR'S DISCUSSION (App. 94a-97a) (App. 142a-145a; App. 146a-148a)

1. Mose — Off-Route Charge Recission (App. 4a) Mose admitted the bus never went off route (App. 4a). **Higher Point:** Because the facts changed, the arbitrator's conclusion collapses as a matter of law.

2. Snyder — Video Lacked Audio (App. 122a) Snyder admitted the video of the Cheryl Siracuse incident lacked audio (App. 122a). **Higher Point:** Because the facts changed, the arbitrator's conclusion collapses as a matter of law

3. Snyder — Harriot Did NOT Describe It as Racial (App. 123a) Snyder confirmed Harriot did not describe the incident as racial (App. 123a) **Higher Point:** Because the facts changed, the arbitrator's conclusion collapses as a matter of law.

4. Snyder — McKinley Unharmed, No Complaint (App. 120a-121a; 124a) Snyder acknowledged McKinley was unharmed and filed no complaint (App. 120a-121a; App. 124a). **Higher Point:** Because the facts changed, the arbitrator's conclusion collapses as a matter of law.

5. Snyder — April 13 Was ONLY a Written Reprimand (App. 123a) Snyder admitted she issued only a written reprimand for April 13, 2007 (App. 123a).

Higher Point: Because the facts changed, the arbitrator's conclusion collapses as a matter of law.

6. Snyder — No Appropriate Documentation / Hearsay (App. 125a) Snyder admitted she did not appropriately document Harriot's complaints and did not receive written statements from either Harriot or Riser; neither witness wrote their own statement (App. 125a).

Higher Point — FULL legal engine (Rule 806 + Rule 103 + hearsay + depositions + arbitrator reliance + substantive facts collapse): Because the only "facts" were hearsay Snyder created—impeachable under Rule 806, contradicted by the depositions, and constituting substantive error under Rule 103(a) when the arbitrator relied on them—the operative facts collapsed, and the arbitrator's conclusion collapses as a matter of law.

The arbitrator's Discussion section never applied the contract's governing standard, which expressly provides that "the employer shall not suspend, discipline, demote, or discharge any employee without just cause" (App. 139a–140a).

CONCLUSION

For these reasons, Petitioner respectfully submits that the decisions below rest on an inaccurate and incomplete record, unresolved factual contradictions, sworn recantations, and procedural defects that deprived Petitioner of the constitutional protections guaranteed by the Fourteenth Amendment. The lower courts relied on a

tainted factual foundation, disregarded corrected evidence, and departed from the standards governing due process, summary judgment, and credibility assessment.

Petitioner does not seek to relitigate resolved matters, but to obtain the fair and lawful adjudication that was denied to her. The collapse of the factual basis for the adverse action—combined with the constitutional and procedural violations that followed—presents the type of serious substantive error warranting this Court's intervention.

Petitioner respectfully requests that this Court grant the petition for a writ of certiorari and exercise its discretionary review to remedy the constitutional and procedural violations that occurred below.

The petition for writ of certiorari should be granted

Respectfully Submitted

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