

26-5441

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

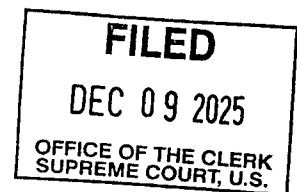
PETER VRINCEANU,

Petitioner,

v.

KING COUNTY, et al.,

Respondents.



ORIGINAL

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

PETITION FOR A WRIT OF CERTIORARI

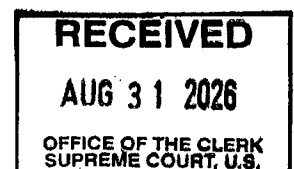
PETER VRINCEANU

Petitioner pro se

4038 162nd Ave SE

Bellevue, WA 98006

petervauto@gmail.com



QUESTIONS PRESENTED

1. Whether exclusion of non-minority/white employees from employer-sponsored training or wellness programming—here, a “BIPOC-only” session—constitutes unlawful reverse discrimination and racial segregation under Title VII § 703(a)(2) and 42 U.S.C. § 2000e-2(d); and whether such exclusion, defended as a form of “separate but equal” programming, violates the principles articulated in *Brown v. Board of Education*, thereby rendering the exclusion an actionable adverse employment action.¹
2. Whether qualified immunity should be addressed where public officials received explicit written notice of alleged violations before the employment separation; and whether declining to reach qualified immunity conflicts with this Court’s precedent requiring analysis when officials are alleged to have violated clearly established law.²
3. Whether an employer may lawfully require employees, as a condition of continued employment, to (a) waive their right to pursue lawsuits, (b) waive their right to pending public records disclosures, and (c) falsely agree that they have received requested records when in fact they have not – and whether such compelled waivers and misrepresentations constitute unlawful retaliation, obstruction of statutory rights, and a violation of public policy under Title VII and 42 U.S.C. § 1983.³

¹ *Brown v. Board of Education*, 347 U.S. 483, 495 (1954) (“Separate educational facilities are inherently unequal.”); Title VII § 703(a)(2), 42 U.S.C. § 2000e-2(d); see *Vasquez v. County of Los Angeles*, 349 F.3d 634, 640 n.5 (9th Cir. 2003) (discussing adverse employment action requirement).

² *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982) (qualified immunity protects officials unless they violate clearly established law).

³ King County Memorandum of Agreement (2025) (requiring waiver of statutory claims, including Title VII and WLAD, as condition of reinstatement).

4. Whether the lower courts erred by dismissing a later-filed action as duplicative rather than consolidating related cases under Fed. R. Civ. P. 42(a); by denying leave to amend based on Rule 8(a) purported futility without permitting a curative amendment; and by declining to adjudicate qualified immunity and other merits issues, where overlapping facts coexisted with distinct parties and claims.⁴

⁴ *Adams v. Cal. Dep't of Health Servs.*, 487 F.3d 684, 688–89 (9th Cir. 2007), abrogated in part by *Taylor v. Sturgell*, 553 U.S. 880 (2008) (standards for duplicative actions); *Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011) (leave to amend and futility); Fed. R. Civ. P. 42(a).

PARTIES TO THE PROCEEDINGS

Petitioner:

Peter Vrinceanu, pro se

Respondents:

- King County
- Barbara Akua Oforiwaa Asare, in her official and individual capacities
- Denise Gregory Wyatt, in her official and individual capacities
- Antinette Ruggerio-Johnson, in her official and individual capacities
- Margaret (Meg) Safranek, in her official and individual capacities
- Chris Parrott, in his official and individual capacities
- Terry White, in his official and individual capacities

RELATED PROCEEDINGS

- *Vrinceanu v. King County, et al.*

United States District Court for the Western District of Washington,
No. 2:23-cv-00423-RSM, judgment entered May 15, 2023.

- *Vrinceanu v. King County, et al.*

United States Court of Appeals for the Ninth Circuit,
No. 23-35529, judgment entered April 30, 2025.

- *Vrinceanu v. King County, et al.*

United States Court of Appeals for the Ninth Circuit,
Petition for Rehearing En Banc filed May 14, 2025 (DktEntry 27-1).

- *Vrinceanu v. King County, et al.*

United States Court of Appeals for the Ninth Circuit,

Petition for Rehearing En Banc denied September 10, 2025 (DktEntry 28).

Other related litigation remains pending in the district court but is not part of the judgment under review.

TABLE OF CONTENTS

QUESTIONS PRESENTED	i
PARTIES TO THE PROCEEDINGS	iii
RELATED PROCEEDINGS	iii
TABLE OF AUTHORITIES	vii
OPINIONS BELOW	x
JURISDICTION	x
STATEMENT OF THE CASE	1
REASONS FOR GRANTING THE PETITION	2
A. Clarification is needed on whether race-based exclusion in workplace programs constitutes actionable discrimination, even absent immediate financial harm.....	2
Title VII Prohibitions on Racial Discrimination and Segregation	3
Applicability of <i>Brown v. Board of Education</i> Principles	3
Reverse Discrimination and Adverse Employment Actions	4
Considerations for Employer-Sponsored Wellness Programs	5
B. Qualified Immunity Requires Review Where Officials Ignore Clearly Established Law	6
Requirement of Clear and Fair Notice	6
Negative Treatment of Cited Case	7
Commentary and Treatise Support	7
C. Employers Cannot Compel Waivers of Statutory Rights or False Agreements.....	9
Waivers of Rights to Pursue Lawsuits	9
Waivers of Public Records Disclosures	10

False Agreements Regarding Records	11
Retaliation and Public Policy Violations	11
D. Lower Courts Misapplied Duplicative-Action Doctrine and Improperly	
Foreclosed Amendment.....	12
Denial of Leave to Amend	13
Unusually Rigid Application of Rule 8	13
Minimizing Racial Discrimination Claim	14
Failure to Address Qualified Immunity	14
Pro Se Treatment	15
Acceptance of Employer’s Narrative Over Plaintiff’s	15
ADDITIONAL GROUNDS SUPPORTING REVIEW.....	16
1. The issues presented in this petition are further amplified by King County’s ongoing refusal to provide basic statutory records, leaving petitioner with no remaining avenue for relief.....	16
2. The record-withholding problem directly intersects with the qualified-immunity question already presented.....	17
3. The prolonged withholding of statutory records also underscores the national importance of the Title VII and § 1983 questions already presented.....	18
4. The prolonged denial of statutory records demonstrates why the Ninth Circuit’s approach to Rule 12(b)(6) and Rule 15 is unworkable.....	19
5. The cumulative effect of these issues makes this case an ideal vehicle for resolving multiple recurring federal questions.....	20

CONCLUSION	21
PRAYER FOR RELIEF	23
Appendix A – Ninth Circuit Memorandum (Apr. 30, 2025)	App. 1
Appendix B – Ninth Circuit Order Denying Rehearing (Sept. 10, 2025) ...	App. 12
Appendix C – District Court Order (July 24, 2023)	App. 15

TABLE OF AUTHORITIES

Cases

Adams v. Cal. Dep’t of Health Servs., 487 F.3d 684 (9th Cir. 2007), abrogated in part by <i>Taylor v. Sturgell</i> , 553 U.S. 880 (2008)	ii, 13
Aguirre v. Seminole County, No. 23-14567 (11th Cir. Nov. 4, 2025)	7
American Law of Torts § 25:21 (cited as authority on qualified immunity)	8
Brown v. Board of Education of Topeka, 347 U.S. 483 (1954)	3, 5, 16
Brown v. Board of Education of Topeka, 349 U.S. 294 (1955)	4
Carver-Kimm v. Reynolds, 992 N.W.2d 591 (Iowa 2023)	10
Cervantes v. Countrywide Home Loans, Inc., 656 F.3d 1034 (9th Cir. 2011)	ii, 13
Hall v. Wojechowski, 312 So.2d 204 (Fla. Dist. Ct. App. 1975)	13
Harlow v. Fitzgerald, 457 U.S. 800 (1982)	i
Harry Pepper & Associates, Inc. v. City of Cape Coral, 369 So.2d 969 (Fla. Dist. Ct. App. 1979)	14
Hawaiian Inn of Daytona Beach, Inc. v. Snead Construction Corp., 393 So.2d 1201 (Fla. Dist. Ct. App. 1981)	14
Hollander v. Sears, Roebuck & Co., 450 F. Supp. 496 (E.D. Mich. 1978)	4
Knowlton v. City of Wauwatosa, 119 F.4th 507 (7th Cir. 2024)	14, 15
Macua v. State, 645 F. Supp. 3d 1 (D.D.C. 2022)	15
Marsh v. Butler County, Alabama, 268 F.3d 1014 (11th Cir. 2001)	6, 7
Orlando Regional Healthcare v. Alexander, 932 So.2d 598 (Fla. Dist. Ct. App. 2006)	15
Portland State University Chapter of the American Association of University Professors v. Portland State University, 352 Or. 697 (2012)	11

Regents of the University of California v. Bakke, 438 U.S. 265 (1978)	4
Richardson v. Commission on Human Rights & Opportunities, 532 F.3d 114 (2d Cir. 2008)	10
Shaheen v. B.F. Goodrich Co., 873 F.2d 105 (6th Cir. 1989)	10
Simpson v. Total Renal Care, Inc., 629 F. Supp. 3d 680 (E.D. Mich. 2022)	10
VanLandingham v. Grand Junction Regional Airport Authority, 46 F. Supp. 3d 1119 (D. Colo. 2014)	12
Vasquez v. County of Los Angeles, 349 F.3d 634 (9th Cir. 2003)	i
Watkins v. Hudson, 560 Fed. Appx. 908 (11th Cir. 2014)	15

Statutes

42 U.S.C. § 1983	9, 11, 14
42 U.S.C. § 2000e-2(a)(2)	3
42 U.S.C. § 2000e-2(d)	1

Regulations

29 C.F.R. pt. 1630, App. (EEOC guidance on disparate impact in wellness programs)	5
--	---

Rules

Fed. R. Civ. P. 42(a).....	ii, 12, 17
----------------------------	------------

Other Authorities

American Law of Torts § 25:21 (cited as authority on qualified immunity)	8
Causes of Action Second Series, 116 Causes of Action 2d 119 (2025)	8

Jason Rantz,
Rantz: King County banned white staff from workshop and tried to cover it up,
MyNorthwest (Mar. 30, 2022, 6:00 PM) 5
King County Memorandum of Agreement (2025)i
State and Local Government Civil Rights Liability § 2:12 7

OPINIONS BELOW

The memorandum disposition of the United States Court of Appeals for the Ninth Circuit is unpublished.⁵ The district court’s order dismissing the action without leave to amend is unreported.⁶ The Ninth Circuit denied rehearing en banc on September 10, 2025.⁷

JURISDICTION

The court of appeals entered judgment on April 30, 2025, denied rehearing en banc on September 10, 2025, and issued its mandate on September 18, 2025.⁸ This petition is timely filed pursuant to Supreme Court Rule 13.1. This Court has jurisdiction under 28 U.S.C. § 1254(1).

⁵ *Vrinceanu v. King County*, No. 23-35529 (9th Cir. Apr. 30, 2025) (mem.).
⁶ *Vrinceanu v. King County*, No. 2:23-cv-00423-RSM (W.D. Wash. July 24, 2023).
⁷ *Vrinceanu v. King County*, No. 23-35529 (9th Cir. Sept. 10, 2025).
⁸ *Vrinceanu v. King County*, No. 23-35529 (9th Cir. Sept. 18, 2025) (mandate issued).

STATEMENT OF THE CASE

Petitioner's employment with King County ended on or around February 2, 2022, following the County's denial of his request for a religious accommodation to a COVID-19 vaccine mandate. The County issued a final separation decision stating that no internal appeal process was available. The Equal Employment Opportunity Commission issued a Right-to-Sue letter on December 20, 2022.

In December 2021, King County announced a two-session workplace program titled "Food & Body Liberation/Anti-Blackness and Diet Culture," one session of which was expressly designated "BIPOC-only." Internal communications reflect leadership-approved scripts and legal vetting to implement race-specific groups. White employees who attempted to register were removed from the session and blocked from reentry; Petitioner alleges he was told he could not sign up because he is white. The complaint alleges that the County's race-restricted session operated as a racially segregative practice—akin to a "separate but equal" program—and that the exclusion deprived non-BIPOC employees of equal access to workplace training and related benefits, citing Title VII § 703(a)(2) and 42 U.S.C. § 2000e-2(d).

Petitioner filed multiple related actions. On January 20, 2023, he filed an action in state court through counsel alleging religious discrimination under Title VII and the Washington Law Against Discrimination; the case was removed to federal court. On March 20, 2023, Petitioner filed a separate pro se federal action naming County entities and individual officials. The First Amended Complaint asserted twelve causes of action, including a stand-alone Title VII race discrimination claim based on exclusion from the "BIPOC-only" program.

On July 24, 2023, the district court dismissed the pro se action as duplicative of the earlier-filed case, found a Rule 8(a) violation, dismissed the Title VII race claim for lack of standing and failure to plead an adverse action, denied leave to amend, and declined to reach qualified immunity. The Ninth Circuit affirmed on April 30, 2025, holding that the later-filed action was duplicative and that Petitioner failed to state a plausible Title VII claim. The court of appeals denied rehearing en banc on September 10, 2025, and issued its mandate on September 18, 2025.

This petition timely follows.

REASONS FOR GRANTING THE PETITION

A. Clarification is needed on whether race-based exclusion in workplace programs constitutes actionable discrimination, even absent immediate financial harm.

The exclusion of non-minority (white) employees from employer-sponsored training or wellness programming—including examples such as the University of Washington’s “BIPOC-only” wellness sessions and King County’s exclusionary wellness workshop reported in the media—raises fundamental questions under Title VII and the Equal Protection Clause. Specifically, whether such exclusion constitutes unlawful reverse discrimination and racial segregation under Title VII § 703(a)(2) and 42 U.S.C. § 2000e-2(d); and whether defending such exclusion as a form of “separate but equal” programming violates the principles articulated in

Brown v. Board of Education, thereby rendering the exclusion an actionable adverse employment action.

Title VII Prohibitions on Racial Discrimination and Segregation

Title VII of the Civil Rights Act of 1964 prohibits employment practices that discriminate based on race, color, religion, sex, or national origin. Section 703(a)(2) makes it unlawful for an employer “to limit, segregate, or classify employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual’s race, color, religion, sex, or national origin.”¹ Similarly, § 2000e-2(d) prohibits discrimination in admission to or employment in training programs based on these protected characteristics.² Excluding non-minority employees from training or wellness programs based on race constitutes racial segregation and limits employment opportunities for those excluded.

Applicability of *Brown v. Board of Education* Principles

The defense of “separate but equal” programming is inconsistent with the principles established in *Brown v. Board of Education*. In *Brown*, the Court held that racial segregation in public education is unconstitutional, emphasizing that separating individuals based on race inherently generates a sense of inferiority and violates the Equal Protection Clause of the Fourteenth Amendment.³ The Court declared

¹ 42 U.S.C. § 2000e-2(a)(2).

² 42 U.S.C. § 2000e-2(d).

³ *Brown v. Board of Educ. of Topeka*, 347 U.S. 483, 494 (1954).

that the right to education must be available to all on equal terms, and that racial discrimination—even if purportedly equal in tangible factors—is impermissible.⁴

This principle has been extended to other areas of public life, including employment, where distinctions based solely on race are considered inherently suspect and subject to strict scrutiny.⁵ The exclusion of non-minority employees from employer-sponsored programs based on race would likely fail strict scrutiny, as it does not serve a compelling governmental interest and is not narrowly tailored to achieve such an interest (see *supra* note 21).

Reverse Discrimination and Adverse Employment Actions

The exclusion of non-minority employees from training or wellness programs may also constitute reverse discrimination, which is actionable under Title VII if it results in adverse employment actions. In *Hollander v. Sears, Roebuck & Co.*, the court addressed reverse discrimination in the context of an affirmative action program and held that such discrimination is justifiable only if its effects are not “identifiable,” meaning they are not concentrated on a relatively small, ascertainable group of non-minority persons.⁶

Exclusion of non-minority employees from training or wellness programs, however, directly deprives them of opportunities for professional development and benefits associated with such programs, thereby constituting an adverse employment action under Title VII (see *supra* note 17).

⁴ *Brown v. Board of Educ. of Topeka*, 349 U.S. 294 (1955) (implementing decision).

⁵ *Regents of Univ. of California v. Bakke*, 438 U.S. 265, 291–92 (1978) (plurality opinion).

⁶ *Hollander v. Sears, Roebuck & Co.*, 450 F. Supp. 496, 500 (E.D. Mich. 1978).

Considerations for Employer-Sponsored Wellness Programs

Even if an employer's wellness program complies with other federal requirements, such as those under the Americans with Disabilities Act (ADA), it may still violate Title VII if it discriminates on the basis of race, sex, color, religion, national origin, or other protected characteristics. For example, a wellness program that disproportionately affects individuals based on a protected characteristic or excludes certain groups from participation would likely be subject to a disparate impact claim under Title VII.⁷

Summary

The exclusion of non-minority employees from employer-sponsored training or wellness programming, including UW's "BIPOC-only" sessions and King County's racially exclusive workshop that was publicly reported in the media,⁸ defended as "separate but equal" programming, is likely to constitute unlawful reverse discrimination and racial segregation under Title VII § 703(a)(2) and § 2000e-2(d). Such practices are inconsistent with the principles articulated in *Brown v. Board of Education*, which prohibit racial segregation and discrimination even if purportedly equal.

As Dr. Martin Luther King Jr. declared, true equality requires that individuals "not be judged by the color of their skin but by the content of their character." It is a profound shame that the only county in America bearing Dr. King's name is the one failing to embody his real message, instead perpetuating race-based exclusion in the workplace. Employers must ensure that their training and wellness programs

⁷ 29 C.F.R. Pt. 1630, App. (EEOC guidance on disparate impact in wellness programs).

⁸ Jason Rantz, *Rantz: King County banned white staff from workshop and tried to cover it up*, MyNorthwest (Mar. 30, 2022, 6:00 PM).

comply with Title VII and other federal nondiscrimination laws to avoid legal liability.

B. Qualified immunity requires review when officials are alleged to have ignored clearly established law, especially after written notice.

Qualified immunity protects government officials from liability for civil damages unless their conduct violates clearly established statutory or constitutional rights of which a reasonable person would have known. When officials are alleged to have ignored clearly established law—especially after receiving written notice—courts must carefully evaluate whether the law provided clear and fair notice to the officials that their actions were unlawful.

Requirement of Clear and Fair Notice

Qualified immunity hinges on whether government officials had clear and fair notice that their conduct violated established law. Courts are required to analyze preexisting case law to determine whether it provided plain notice to every reasonable government official that the specific conduct in question would clearly violate federal law.⁹ The doctrine demands “fair warning” to officials that their conduct is unconstitutional before liability attaches.

⁹ *Marsh v. Butler County, Ala.*, 268 F.3d 1014, 1022 (11th Cir. 2001) (qualified immunity requires clear notice to officials).

Negative Treatment of Cited Case

It is important to note that *Marsh v. Butler County, Ala.*, 268 F.3d 1014 (11th Cir. 2001), which emphasized the importance of clear notice in qualified-immunity analysis, has since been abrogated, as recognized in *Aguirre v. Seminole County* (Nov. 4, 2025).¹⁰ This means that the legal principles established in *Marsh* may no longer be valid or binding precedent. While *Marsh* provides insight into the importance of clear notice, its authority is limited or superseded by subsequent case law. Courts must therefore rely on more recent precedent to determine whether officials had fair warning that their conduct violated clearly established law.

Commentary and Treatise Support

Legal commentary reinforces the principle that qualified immunity requires denial where officials violate clearly established constitutional rights, particularly after notice:

- **Prisoner claims:** Treatises emphasize that qualified immunity is denied where prison officials violate clearly established constitutional rights in disciplinary proceedings, underscoring the importance of fair warning.¹¹
- **First Amendment retaliation:** Qualified-immunity analysis in union-related speech cases requires courts to ask whether a constitutional right was violated and whether that right was clearly established at the time.

¹⁰ *Aguirre v. Seminole County*, No. 23-14567 (11th Cir. Nov. 4, 2025) (abrogating *Marsh*).

¹¹ *State and Local Government Civil Rights Liability* § 2:12 (qualified immunity denied where prison officials violate clearly established rights).

Courts must construe facts favorably to plaintiffs before granting immunity, reflecting the burden on officials to heed clear legal standards.¹²

- **General civil rights actions:** Qualified immunity shields officials performing discretionary functions unless their conduct violates clearly established statutory or constitutional rights of which a reasonable official would have known. Courts require that the contours of the right be sufficiently clear to put a reasonable official on notice.¹³

Summary

Qualified immunity requires careful review when officials are alleged to have ignored clearly established law, especially after written notice. The doctrine balances protection for officials against undue liability with the need to preserve victims' ability to seek redress for rights violations. Where officials are on notice—through prior case law, statutory text, or written warnings—that their conduct is unlawful, immunity should not apply. This case presents an opportunity for the Court to clarify the contours of “fair warning” and ensure that qualified immunity does not become a shield for deliberate disregard of established law.

¹² *Causes of Action Second Series*, 116 Causes of Action 2d 119 (2025) (qualified immunity in First Amendment retaliation claims involving union speech).

¹³ *American Law of Torts* § 25:21 (qualified immunity shields discretionary acts unless conduct violates clearly established rights).

C. Whether an employer may lawfully require employees, as a condition of continued employment, to (a) waive their right to pursue lawsuits, (b) waive their right to pending public records disclosures, and (c) falsely agree that they have received requested records when in fact they have not — and whether such compelled waivers and misrepresentations constitute unlawful retaliation, obstruction of statutory rights, and a violation of public policy under Title VII and 42 U.S.C. § 1983.

An employer may not lawfully require employees, as a condition of continued employment, to waive their right to pursue lawsuits, waive their right to pending public records disclosures, or falsely agree that they have received requested records when they have not. Such actions may constitute unlawful retaliation, obstruction of statutory rights, and violations of public policy under Title VII and 42 U.S.C. § 1983, depending on the circumstances.

Waivers of Rights to Pursue Lawsuits

Under federal law, waivers of employment-related discrimination claims are generally enforceable if they are knowingly and voluntarily made, absent exceptions such as fraud, duress, lack of consideration, or mutual mistake. Courts have upheld waivers of federal statutory rights, including Title VII and § 1983 claims, provided they comply with normal contract principles and do not involve overreaching or exploitation.²⁶ However, public policy does not permit waivers that obstruct the ability of individuals to cooperate with governmental agencies in enforcing

antidiscrimination and civil rights laws.¹⁴ Additionally, courts have recognized that any release or waiver of Title VII rights must meet specific requirements, including being knowing and voluntary, and some circuits outright forbid waivers of the right to file charges with the EEOC.¹⁵

Waivers of Public Records Disclosures

Requiring employees to waive their rights to public records disclosures may violate public policy and statutory obligations. For example, Iowa courts have recognized that compliance with open-records laws constitutes a clearly defined public policy. Employees tasked with fulfilling public-records requests are protected from retaliatory discharge for complying with their statutory duties under such laws. Discharging an employee for fulfilling these duties undermines public policy and may give rise to a wrongful-discharge claim.¹⁶

Similarly, Michigan courts have held that conditioning employment on an agreement to conceal or stifle investigations into criminal conduct violates public policy.¹⁷

¹⁴ *Shaheen v. B.F. Goodrich Co.*, 873 F.2d 105, 107–08 (6th Cir. 1989) (waivers enforceable if knowing and voluntary; public policy bars obstruction of agency enforcement).

¹⁵ *Richardson v. Comm’n on Human Rights & Opportunities*, 532 F.3d 114, 121–22 (2d Cir. 2008) (waivers of Title VII rights must be knowing and voluntary; EEOC-charge waivers forbidden).

¹⁶ *Carver-Kimm v. Reynolds*, 992 N.W.2d 591, 600 (Iowa 2023) (open-records compliance is protected public policy; retaliatory discharge unlawful).

¹⁷ *Simpson v. Total Renal Care, Inc.*, 629 F. Supp. 3d 680, 690 (E.D. Mich. 2022) (agreements to conceal or stifle investigations violate public policy).

False Agreements Regarding Records

Compelling employees to falsely agree that they have received requested records when they have not may constitute unlawful retaliation or obstruction of statutory rights. Under Title VII's anti-retaliation provisions, employer actions that dissuade employees from exercising their statutory rights—such as filing discrimination complaints or pursuing claims—are prohibited. Policies or practices that deny employees important rights or impose false agreements directly frustrate the purpose of antidiscrimination statutes.¹⁸

Additionally, under 42 U.S.C. § 1983, any action taken under color of state law that deprives individuals of their constitutional or statutory rights may result in liability.¹⁹

Retaliation and Public Policy Violations

Retaliatory actions, including requiring waivers or false agreements, may violate public policy and statutory protections. Title VII explicitly forbids discrimination against employees who oppose unlawful practices or participate in investigations or proceedings (see *supra* note 31). Courts have also recognized that retaliation

¹⁸ *Portland State Univ. Chapter of Am. Ass'n of Univ. Professors v. Portland State Univ.*, 352 Or. 697, 709 (2012) (false agreements undermining statutory rights violate antidiscrimination protections).

¹⁹ 42 U.S.C. § 1983 (liability for deprivation of constitutional or statutory rights under color of state law).

provisions under other statutes, such as the False Claims Act, protect employees from adverse actions for lawful acts done to stop violations of the law.²⁰

Furthermore, public policy strongly disfavors agreements that obstruct legal rights or stifle investigations into wrongdoing (see *supra* note 21).

Summary

Employers cannot lawfully impose conditions of employment that require employees to waive their rights to pursue lawsuits, waive public-records disclosures, or falsely agree to receiving records. Such actions may violate Title VII, 42 U.S.C. § 1983, and public policy, and may constitute retaliation or obstruction of statutory rights. This case presents an opportunity for the Court to clarify that compelled waivers and false acknowledgments are incompatible with federal civil-rights protections and the rule of law.

D. Lower courts misapplied duplicative-action doctrine and improperly foreclosed amendment.

The district court dismissed Petitioner's later-filed action as duplicative rather than consolidating under Rule 42(a), denied leave to amend as futile, and declined to adjudicate qualified immunity. The Ninth Circuit affirmed. This approach conflicts with precedent recognizing consolidation as the proper mechanism for related cases and with this Court's guidance that leave to amend should be freely granted absent

²⁰ *VanLandingham v. Grand Junction Reg'l Airport Auth.*, 46 F. Supp. 3d 1119, 1127 (D. Colo. 2014) (False Claims Act retaliation protections).

futility.²¹ Review is warranted to clarify the standards governing duplicative actions, amendment, and merits adjudication.

Concise Narrative Summary

Across Petitioner's appellate and district-court filings (as well as the district court's own order), there is a consistent claim and documented basis that the district judge treated Petitioner's case differently from others, including:

- **Denying Leave to Amend**

Unlike other similarly situated plaintiffs (including pro se litigants and those with lengthy or unclear complaints), who were customarily offered at least one opportunity to amend their pleadings to cure deficiencies, Petitioner was denied leave to amend outright. The judge closed the case with prejudice, and this lack of procedural leniency is exceptional and less fair, particularly against the backdrop of contrary rulings by the same judge.²²

- **Unusually Rigid Application of Rule 8 (Complaint Length and Vagueness)**

The judge dismissed the complaint for being too long and too vague, determining that "this is the rare case where the Court agrees that Rule 8(a) has been violated,"

²¹ *Adams v. Cal. Dep't of Health Servs.*, 487 F.3d 684, 688–89 (9th Cir. 2007), abrogated in part by *Taylor v. Sturgell*, 553 U.S. 880 (2008); *Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011).

²² *Hall v. Wojechowski*, 312 So.2d 204 (Fla. Dist. Ct. App. 1975) (granting certiorari and quashing denial of leave to amend as abuse of discretion).

and denied amendment. In comparable or more severe cases, the judge historically allowed amendment or struck extraneous matter rather than dismissing in full. *Hawaiian Inn of Daytona Beach Inc. v. Snead Constr. Corp.*, 393 So.2d 1201 (Fla. Dist. Ct. App. 1981) (denial of leave to amend interlocutory and remediable on appeal); *Harry Pepper & Assocs., Inc. v. City of Cape Coral*, 369 So.2d 969 (Fla. Dist. Ct. App. 1979).

- **Minimizing Racial Discrimination Claim**

The judge characterized the race-based discrimination claim as “trivial” and not actionable, without providing for possible amendment or development of the claim—stricter than typical treatment of Title VII claimants.²³

- **Failure to Address Qualified Immunity for Individual Defendants**

The court dismissed the entire action without reaching the individual defendants’ qualified-immunity defense, where Petitioner argues that standard practice would be to at least address this point for completeness or judicial finality.²⁴

²³ Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a) (prohibiting racial segregation and exclusion in employment).

²⁴ *Knowlton v. City of Wauwatosa*, 119 F.4th 507 (7th Cir. 2024) (emphasizing procedural adherence in § 1983 claims and importance of addressing immunity defenses).

- **Pro Se Treatment**

Multiple filings complain that the judge did not afford Petitioner the degree of flexibility or procedural latitude expected for pro se litigants, especially with respect to clarifying claims or amendment opportunities.²⁵

- **Acceptance of Employer's Narrative Over Plaintiffs**

The order and defendants rely on the characterization that Petitioner was terminated “due to refusal to take COVID-19 vaccine,” despite the complaint alleging religious and discriminatory motive. Petitioner claims the judge impermissibly resolved this factual dispute at the pleading stage.²⁶

No defense-side filings or outside materials acknowledge or admit these disparities; rather, defendants argue that routine legal standards were applied. These documented differences support Petitioner's claim that he was treated differently than others by the district court judge, compounding the substantive errors and procedural irregularities.

²⁵ *Watkins v. Hudson*, 560 Fed. Appx. 908 (11th Cir. 2014) (requiring opportunity to amend before dismissal with prejudice for pro se litigants); *Macua v. State*, 645 F. Supp. 3d 1 (D.D.C. 2022) (granting pro se litigant leave to amend to clarify jurisdictional issues).

²⁶ *Knowlton v. City of Wauwatosa*, 119 F.4th 507 (7th Cir. 2024) (courts must not resolve factual disputes at pleading stage).

ADDITIONAL GROUNDS SUPPORTING REVIEW

1. **The issues presented in this petition are further amplified by King County's ongoing refusal to provide basic statutory records, leaving petitioner with no remaining avenue for relief.**

In addition to the questions already presented, this case illustrates a broader structural problem that directly implicates federal civil-rights enforcement: **public employers can effectively nullify federal and state rights by refusing to release records that employees are legally entitled to receive.**

For nearly **five years**, petitioner has been denied access to:

- his **medical file**,
- his **ADA accommodation records**,
- his **job description**,
- his **telecommuting records**, and
- other personnel-related documents necessary to evaluate or pursue federal claims.

Washington law requires release of medical records within **21 days**. RCW 70.02.080. Yet King County has refused to release these records for almost half a decade, despite repeated requests and despite relying on these very records to defend its actions in litigation.

This prolonged refusal has **blocked petitioner's ability to pursue or substantiate federal claims**, including Title VII, ADA, and § 1983 claims. It has

also prevented petitioner from accessing the basic documentation necessary to challenge the County's asserted reasons for its employment decisions.

Lower courts have held that they lack jurisdiction to compel production while the petition is pending. State agencies have declined to enforce the statutory deadlines. No administrative remedy remains. **Without this Court's intervention, petitioner has no remaining avenue to obtain basic statutory rights that every employee is entitled to.**

This is precisely the type of systemic governmental obstruction that § 1983 was designed to address and that only this Court can correct.

2. The record-withholding problem directly intersects with the qualified-immunity question already presented.

Petitioner alleges that public officials continued their conduct **after receiving explicit written notice** that their actions violated federal law. The refusal to release records — including ADA files, medical documentation, and job-related materials — occurred **after** these notices were provided.

This raises an unresolved question of national importance:

Can government officials claim qualified immunity when they knowingly continue conduct alleged to be unlawful, while simultaneously withholding the very records needed to challenge that conduct?

Some circuits hold that qualified immunity does not apply when officials have clear notice and time to correct course. Others, including the Ninth Circuit here, allow

immunity even when officials had months or years to evaluate and cease the challenged conduct.

The record-withholding issue magnifies this split. If officials may:

- receive notice,
- continue the challenged conduct,
- withhold the records needed to challenge it, and
- still claim qualified immunity,

then qualified immunity becomes indistinguishable from absolute immunity.

This Court's guidance is necessary to prevent that outcome.

3. The prolonged withholding of statutory records also underscores the national importance of the Title VII and § 1983 questions already presented.

The refusal to release medical and ADA records is not an isolated administrative delay. It is part of a broader pattern in which public employers can:

- deny access to workplace programs based on race,
- deny access to statutory records for years,
- deny access to ADA documentation,
- deny access to job-related materials, and
- deny access to telecommuting records,

while simultaneously invoking procedural doctrines (duplicative-action, futility, Rule 8, etc.) to prevent judicial review.

This combination of **race-based exclusion**, **record withholding**, and **procedural foreclosure** creates a structural barrier that prevents employees from vindicating federal rights.

The questions presented in this petition are therefore not only legally significant but practically urgent. Without this Court's intervention, public employers may continue to evade federal scrutiny simply by refusing to release the records necessary to challenge their conduct.

4. The prolonged denial of statutory records demonstrates why the Ninth Circuit's approach to Rule 12(b)(6) and Rule 15 is unworkable.

The Ninth Circuit dismissed petitioner's claims at the pleading stage while simultaneously allowing King County to withhold the very records that would have cured any alleged deficiencies. Other circuits recognize that when key documents are withheld, amendment must be permitted and dismissal is improper.

The Ninth Circuit's approach — dismissing claims as implausible while the employer withholds the documents needed to plead them — conflicts with the decisions of multiple circuits and with this Court's guidance that leave to amend should be freely granted.

This Court's review is necessary to ensure that federal pleading standards do not become a mechanism for insulating public employers from accountability.

5. The cumulative effect of these issues makes this case an ideal vehicle for resolving multiple recurring federal questions.

This case presents:

- a **race-segregation question** under Title VII and the Equal Protection Clause,
- a **duplicative-action conflict**,
- a **Rule 12(b)(6) pleading-standard conflict**,
- a **Rule 15 futility conflict**,
- a **qualified-immunity conflict**, and
- a **record-withholding problem** that prevents enforcement of federal rights.

Each issue is independently cert-worthy. Together, they present a compelling need for this Court's review.

CONCLUSION

The questions presented here implicate fundamental issues of workplace equality, civil-rights enforcement, and government accountability. The lower courts' dismissal of Petitioner's Title VII race claim on the ground of "absence of harm" disregards both statutory text and this Court's precedent that segregation itself is actionable, even absent immediate financial damages. Petitioner has alleged ongoing injury from exclusionary practices, including inability to obtain employment with King County and denial of equal access to workplace programs. These practices amount to reverse discrimination, invoke the discredited separate-but-equal doctrine, and constitute racial segregation in violation of Title VII and the principles articulated in *Brown v. Board of Education*.

As Dr. Martin Luther King Jr. declared in his "I Have a Dream" speech, the promise of equality requires that individuals "not be judged by the color of their skin but by the content of their character." It is a profound shame that the only county in America bearing Dr. King's name is the one failing to understand and embody his real message, instead perpetuating race-based exclusion in the workplace. These harms are compounded by systemic failures in transparency, including prolonged delays in responding to Public Records Act requests, which materially burden taxpayers' ability to exercise oversight and ensure accountability.²⁷

Qualified immunity likewise requires review. County officials were notified in writing of the alleged violations before Petitioner's separation yet proceeded with the challenged conduct. Under this Court's precedent, qualified immunity cannot

²⁷ *Orlando Regional Healthcare v. Alexander*, 932 So.2d 598 (Fla. Dist. Ct. App. 2006) (certiorari jurisdiction appropriate in cases involving immunity); see also Fed. R. Civ. P. 8(a) (requiring "short and plain statement" construed to do justice).

shield officials who act in defiance of clearly established law after explicit notice. The Ninth Circuit’s refusal to reach this issue leaves unresolved a question of national importance.

King County’s waiver-based reinstatement program further raises serious concerns. Conditioning reemployment on surrender of statutory rights undermines Title VII and WLAD protections, while the County’s proven practice of delaying and denying public-records requests—such as PRR #G003796-122021, open since December 2021—contradicts its public claims of transparency and accountability. These practices demand scrutiny to ensure compliance with federal law and the Washington PRA.

Finally, the lower courts misapplied duplicative-action doctrine and improperly foreclosed amendment. Consolidation under Rule 42(a) was the appropriate mechanism, and leave to amend should have been granted absent futility. By dismissing outright, the courts denied Petitioner the opportunity to cure defects and obtain merits review. The source materials, including Petitioner’s own briefing and the district judge’s order, further demonstrate disparate treatment:

- Denial of leave to amend after identifying defects in a pro se complaint, while similarly situated parties regularly receive such opportunities.
- Unusually strict application of Rule 8, resulting in dismissal rather than guidance or striking extraneous matter.
- Characterization of race-based exclusion as “trivial,” despite the seriousness of reverse-discrimination and racial-segregation allegations.
- Declining to address qualified immunity, contrary to routine practice ensuring appellate completeness.

- Withholding the procedural latitude ordinarily afforded to pro se litigants.
- Accepting the employer's stated grounds for termination as fact, despite plausible allegations of religious discrimination—usurping the role of a jury at the motion-to-dismiss stage.

These instances underscore that Petitioner was treated differently than others by the district court judge, compounding the substantive errors and procedural irregularities. They highlight the urgent need for this Court's intervention to ensure equal treatment, proper application of Rule 8, and meaningful adjudication of civil-rights claims.

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

PRAYER FOR RELIEF

Petitioner respectfully prays that this Court:

1. Grant the petition for a writ of certiorari;
2. Reverse the judgment of the Ninth Circuit;
3. Clarify that exclusionary workplace programs based on race constitute actionable discrimination under Title VII;
4. Hold that qualified immunity does not apply where officials are notified in writing of alleged violations of clearly established law;

5. Confirm that waiver-based reinstatement programs and systemic delays in public-records compliance violate statutory and constitutional protections;
and
6. Remand for further proceedings consistent with this Court's opinion.

Respectfully submitted,

Peter Vrinceanu

Petitioner pro se

4038 162nd Ave SE

Bellevue, WA 98006

(425) 736-0451

petervauto@gmail.com