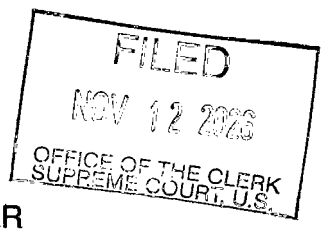
No. 26-6189

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



Johnny Bedgood, Jr. — PETITIONER
(Your Name)

vs.

Waste Management, Inc. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Eleventh Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Johnny Bedgood, Jr.
(Your Name)

442 Oldenberg St Sw
(Address)

Palm Bay, FL. 32908
(City, State, Zip Code)

321-831-8626
(Phone Number)

QUESTIONS PRESENTED

1. Whether, under 42 U.S.C. § 12112(b)(5)(A), an employee must make a new, specific request for additional accommodation when the employer already knows of the employee's disability and need for accommodation and is participating in an ongoing medical-leave and return-to-work process, or whether existing knowledge and contextual communications may suffice to trigger the employer's continuing accommodation obligations.

2. Whether Federal Rule of Civil Procedure 56 permits a court to treat an employer's disputed account of medical-leave expiration, return-to-work authorization, and attendance-related termination as established, despite contemporaneous medical and leave-administration records supporting contrary reasonable inferences, consistent with *Tolan v. Cotton*, 572 U.S. 650 (2014), and *Reeves v. Sanderson Plumbing Products, Inc.*, 530 U.S. 133 (2000).

3. Whether Federal Rules of Civil Procedure 26, 37, and 56 permit a district court to grant summary judgment on an independently dispositive employer-identity determination by relying on a corporate declaration first introduced after discovery closed, without adequately addressing disclosure compliance, the plaintiff's opportunity to challenge the declaration, and genuinely disputed evidence of corporate employment control, where the plaintiff contested that determination and the court of appeals affirmed on alternative grounds without expressly resolving the employer-identity issue.

4. Whether the Fifth Amendment's guarantee of a meaningful opportunity to be heard is implicated when a federal court of appeals affirms summary judgment based on disputed characterizations of medical-leave and return-to-work records, and subsequently denies rehearing after the appellant specifically identifies overlooked material evidence and Rule 56 objections.

List of Parties

Petitioner Johnny Bedgood, Jr. was the plaintiff in the United States District Court for the Middle District of Florida and appellant in the United States Court of Appeals for the Eleventh Circuit.

Respondent Waste Management, Inc. was the named defendant and appellee.

Respondent maintained in the proceedings below that Waste Management Inc. of Florida, an affiliated entity. That issue is addressed in the Statement of the Case and Reasons for Granting the Petition.

Related Cases

- *Bedgood v. Waste Management, Inc.*, No. 6:22-cv-01449-CEM-NWH, United States District Court for the Middle District of Florida. Final judgment entered July 9, 2025.
- *Bedgood v. Waste Management, Inc.*, No. 25-12372, United States Court of Appeals for the Eleventh Circuit. Judgment affirming the district court. June 22, 2026.
- *Bedgood v. Waste Management, Inc.*, No. 25-12372, United States Court of Appeals for the Eleventh Circuit. Rehearing denied August 13, 2026.

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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[■] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A 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 courts**:

The opinion of the highest state court to review the merits 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 _____ 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 June 6, 2026.

[ ] 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: August 13, 2026, and a copy of the order denying rehearing appears at Appendix C.

[ ] 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. §1254(1).

[ ] For cases from **state courts:**

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

[ ] A timely petition for rehearing was thereafter denied 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. § 1257(a).

Constitutional and Statutory Provisions Involved

The constitutional provisions, statutes, and regulations relevant to the questions presented are identified below. The pertinent statutory and regulatory text is reproduced verbatim in Appendix D, pursuant to Supreme Court Rule 14.1(f).

Americans with Disabilities Act

42 U.S.C. § 12111(5), (9) — See Appendix D, at A-7.

42 U.S.C. § 12112(a), (b)(5)(A) — See Appendix D, at A-8.

29 C.F.R. § 1630.2(o)(3) — See Appendix D, at A-8.

Family and Medical Leave Act

29 U.S.C. § 2614(a)(1), (3)–(4) — See Appendix D, at A-8 through A-9.

29 U.S.C. § 2615(a)(1) — See Appendix D, at A-9.

29 C.F.R. §§ 825.300(d)–(e), 825.312(a), (d)–(e), 825.313(d), and 825.702 — See Appendix D, at A-10 through A-17.

United States Constitution

U.S. Const. amend. V, Due Process Clause — See Appendix D, at A-17.

Federal Rules of Civil Procedure

Fed. R. Civ. P. 26(a)(1)(A)(i)–(ii), 26(e)(1), 37(c)(1), and 56(a), (c)(1), (c)(4), (d) — See Appendix D, at A-18 through A-20.

INTRODUCTION

This petition presents an important question concerning the operation of the Americans with Disabilities Act (ADA), the Family and Medical Leave Act (FMLA), and Federal Rule of Civil Procedure 56 when an employer directs an employee into a medical-leave and return-to-work process, possesses information concerning unresolved medical limitations, subsequently terminates the employee for attendance violations during an approved FMLA medical leave, and the district court grants summary judgment in favor of the employer despite disputed material evidence concerning those circumstances.

This case also presents the question whether an employer that has already initiated and administered an accommodation process may defeat an ADA claim by asserting that the employee failed to submit an additional, specifically worded accommodation request, despite medical records, ongoing communications with the employer's designated leave administrator, and the absence of the medical clearance required by the employer's own procedures due to Department of Transportation (DOT) regulations when a commercial driver has untreated obstructive sleep apnea.

Petitioner worked in a safety-sensitive commercial-driving position. Following a July 20, 2020 incident, Respondent removed him from driving duties, directed him to obtain a pulmonology evaluation, and placed him in a medical-leave process administered by Sedgwick Claims Management Services, Inc. ("Sedgwick"), Respondent's designated third-party administrator. Petitioner was diagnosed with sleep apnea on August 25, 2020, and was prescribed positive airway pressure therapy (D.Ct. App. Vol. 2, Tab 9, Dkt 53 p.176-177).

Respondent designated Sedgwick to administer its FMLA and medical-leave process and adopted the return-to-work procedures communicated through Sedgwick, including the requirement that Petitioner obtain treating-physician return-to-work certification before undergoing the employer-directed fitness-for-duty examination.The treating-physician certification and the fitness-for-duty examination were sequential requirements under Respondent's established policy.

Under 29 C.F.R. § 825.312, an employer may require fitness-for-duty certification as a condition of restoration from FMLA leave when the regulatory requirements, including applicable notice requirements, are satisfied. Where the employer has established and communicated such requirements, the distinction between a treating-physician certification (medical clearance to return to work), and an employer-directed fitness-for-duty process (DOT medical recertification) becomes material to determining whether the employee was required and medically authorized to return to work.

The administrative and medical records establish the following matters relevant to the legal questions presented.

First, Sedgwick's September 10, 2020 records documented that Petitioner's treating pulmonary office was attempting to resolve an insurance denial involving CPAP therapy that the treating physician had ordered for Petitioner's sleep-apnea treatment. These communications demonstrate that Sedgwick had information concerning Petitioner's prescribed treatment and the obstacle preventing him from obtaining it at that time (D.Ct. App. Vol. 2, Tab 8, Dkt 53 p.132).

Second, the September 29, 2020 medical documentation identified Petitioner's continuing sleep-apnea condition, noted that further testing was pending for proper management, and expressly stated: "If sleepy/poor sleep at night recommend no driving for now." This documentation was not an unconditional treating-physician certification releasing Petitioner to resume commercial driving without restriction or to return to work (D. Ct. App. Vol. 3, Tab 16, Dkt 72-1 p. 133).

Third, Petitioner's FMLA leave was approved through October 16, 2020 (D. Ct. App. Vol. 1, Tab 8, Dkt 53 p. 50-57 and p. 56-59). Respondent terminated Petitioner on October 8, 2020, based upon the pretext of a 3 day no call no show for failure to return to work on October 5, 6, and 7 (D. Ct. App. Vol. 2, Tab 14, p. 79-80).

Petitioner maintains that he had complied with the medical-leave process established by Respondent and administered through Sedgwick. October 14, 2020, Sedgwick sent out communications stating the Petitioner had until October 29, 2020 to extend his FMLA leave which was approved on October 19, 2020 (D. Ct. App. Vol. 1, Tab 8, Dkt 53 p. 56-59). The

medical and administrative communications were already part of the ongoing process initiated by Respondent.

The relevant issue is whether Respondent could treat that process as completed and require Petitioner to return to work despite the approved FMLA leave period and the absence of the treating-physician return-to-work certification required to return work.

Fourth, the October 15, 2020 pulmonology assessment expressly stated that Petitioner would be able to return to work once he had completed treatment for obstructive sleep apnea. That medical assessment further documented the continuing treatment issue (D. Ct. App. Vol. 2, Tab 8, Dkt 53 p. 179-180).

Fifth, Sedgwick's October 21, 2020 correspondence confirmed that Petitioner's FMLA entitlement had been exhausted effective October 16, 2020, and that administrative medical leave had been approved through November 29, 2020, with the leave matter remaining open (D. Ct. App. Vol. 1, Tab 8, Dkt 53 p. 50-51).

This correspondence is significant because it distinguishes the statutory FMLA period from the subsequent administrative medical-leave period. It also demonstrates that the leave administrator's records did not identify September 30 as the date Petitioner's FMLA entitlement ended nor was Petitioner medically cleared to return to work.

The governing legal distinction is fundamental.

The FMLA provides eligible employees with qualifying medical-leave rights under 29 U.S.C. § 2612 and applicable restoration protections under § 2614. Section 2615 prohibits specified interference with the exercise of FMLA rights. The implementing regulations, including 29 C.F.R. §§ 825.300, 825.312, and 825.313, govern notice, fitness-for-duty certification, and consequences associated with required certifications.

The dispute concerns whether Respondent's asserted ground for termination can be sustained as a matter of law when the designated leave administrator's records reflected continuing approved medical leave and the required return-to-work process remained disputed.

The Eleventh Circuit affirmed summary judgment on the premise that Respondent had accommodated Petitioner's medical needs throughout the relevant period and that Petitioner had not made another specific request for accommodation.

That reasoning fails to address the central legal significance of an accommodation process already initiated by the employer FMLA, the medical information already communicated to its designated administrator Sedgwick, and the employer's own established requirements for medical clearance.

Petitioner submits that the ADA does not permit courts to disregard an employer's existing knowledge and ongoing accommodation process merely because an employee did not repeat a request in a particular form. The employer's knowledge, the communications already exchanged, and the applicable return-to-work requirements must be evaluated under the governing ADA standards.

The decision also presents an important question under Federal Rule of Civil Procedure 56. At summary judgment, courts must examine the evidence in the light most favorable to the nonmoving party and may not resolve genuine disputes of material fact in favor of the movant. See Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986); Tolan v. Cotton, 572 U.S. 650 (2014).

Petitioner maintains that the district court and Eleventh Circuit failed to give adequate effect to the material distinctions among the DOT recertification, treating-physician documentation, and Sedgwick's approved medical-leave records.

The fact that certain communications postdated termination does not eliminate the significance of the earlier medical leave records. Rather, the documents must be evaluated according to their dates, purposes, recipients, and evidentiary significance without conflating the different processes they describe.

Petitioner further contends that the Eleventh Circuit's presentation of the record substantially favored Respondent's characterization of the medical-leave process while failing to address any of the Petitioner's competing arguments and documentary evidence. Petitioner challenges that treatment under the requirements governing appellate review of summary judgment.

This petition therefore seeks review of the legal standards governing an employer's existing accommodation process and employer-required return-to-work clearance, and the obligation of federal courts to evaluate disputed medical and administrative records under Rule 56.

STATEMENT OF THE CASE

Petitioner began working in March 2018 as a residential route driver for Waste Management. The position involved operating a commercial vehicle and performing safety-sensitive duties.

In July 2020, an incident involving drowsiness while operating a commercial vehicle prompted the employer to remove Petitioner from active driving duties pending medical evaluation.

On or about July 27, 2020, Petitioner was placed on administrative medical leave and directed to pursue medical-leave documentation through Sedgwick.

Respondent's involvement extended beyond knowledge of Petitioner's suspected medical condition. Following the July 20, 2020 incident, Respondent directed Petitioner to undergo a pulmonology evaluation to rule out sleep apnea and directed him into the medical-leave process administered by Sedgwick. Sedgwick established return-to-work requirements, including treating-physician certification before an employer-directed fitness-for-duty examination. (App. Vol. 1, Tab 8, Dkt 53-2 p. 95-96)

An August 3, 2020 pulmonology evaluation addressed Petitioner's fatigue and the need to investigate possible obstructive sleep apnea. The September 10, 2020 Sedgwick records are particularly significant.The entry documented a call to Dr. Nelson's pulmonary office concerning an extension of Petitioner's leave. The entry recorded that the physician was attempting to obtain treatment, that insurance had denied CPAP therapy, and that the physician ordered for the Petitioner needed that treatment (D.Ct. App. Vol. 2, Tab 8, Dkt 53 p.132). The records therefore bear directly on whether the employer's existing accommodation process supplied meaningful notice of Petitioner's continuing limitations and need for medical treatment. It also undermines any categorical assumption that the employer's knowledge of Petitioner's medical needs ended when a previously anticipated leave date approached.

A September 29, 2020 medical note stated:

> "Mr. Bedgood has mixed sleep apnea, pending test for proper management. If sleepy/poor sleep at night recommend no driving for now."

(App. Vol. 2, Tab 14, p.132)

This documentation did not release Petitioner to return to commercial driving. Rather, it identified an unresolved sleep disorder, noted that further evaluation was pending, and recommended against driving for the time being.

Petitioner provided this medical documentation to his supervisor in connection with his continuing medical leave. Petitioner maintains that the note served as medical support for his need to remain away from driving duties while the prescribed treatment and necessary evaluation remained unresolved. The note's conditional driving restriction was relevant to his ongoing need for accommodation; it was not an unconditional authorization to resume work. That same day, Petitioner's supervisor telephoned him and expressly acknowledged that she understood the document was not a medical clearance authorizing his return to work.

Petitioner contends that Respondent, acting through its Human Resources personnel and supervisor, improperly circumvented its designated FMLA administrator, Sedgwick, by independently interpreting a treating physician's medical note as authorization for Petitioner to return to work. Neither the Human Resources representative nor the supervisor was a licensed medical professional qualified to make an independent medical determination concerning Petitioner's fitness to resume operating a commercial motor vehicle or to return to work.

The treating physician's medical note was intended to be submitted to Sedgwick for review and processing in accordance with the established medical-leave and return-to-work procedures. Rather than forwarding the medical documentation to Sedgwick for proper evaluation and administration, Respondent's Human Resources personnel and supervisor intervened in that process, independently interpreted the note, and treated it as authorization for Petitioner to resume his commercial driving duties.

By bypassing Sedgwick and substituting their own interpretation of the physician's documentation for the established medical-certification process, Respondent's personnel interfered with the proper administration of Petitioner's FMLA. Their unilateral determination disregarded Petitioner's continuing medical restrictions and the absence of the treating-physician return-to-work certification Petitioner maintains was required under Sedgwick's procedures.

Petitioner submits that Respondent's Human Resources personnel and supervisor had no authority to substitute their own medical interpretation for the certification required under the applicable return-to-work procedures or to treat Petitioner's FMLA leave as terminated merely because they independently concluded that he was fit to resume commercial driving duties.

These records raise questions about the administrative status of Petitioner's leave, the information exchanged between the employer and its administrator, and the reasonableness of treating September 30 as the definitive end of all relevant medical-leave accommodation.Those questions required consideration under the governing summary-judgment standard.

Respondent maintained that Petitioner was scheduled to return on October 2, 2020, that he failed to attend assigned shifts, and that subsequent absences violated the employer's attendance policy.

Respondent identified an October 8, 2020 termination decision based on attendance violations. Petitioner disputed the legal significance of that explanation in light of the medical-leave process, his continuing treatment, and the contested return-to-work documentation.Petitioner also relied on communications surrounding the termination notification, in which he asserted that he remained on federally protected FMLA medical leave, had not received the required medical clearance to return to work, and continued to exercise his statutory rights and job protections under the Family and Medical Leave Act.

The employer's attendance rationale is a legitimate subject for consideration. Where the record permits competing reasonable inferences concerning the employer's knowledge of an unresolved accommodation process, the status of medical leave, and the existence or sufficiency of return-to-work authorization, a court must apply Rule 56 without resolving those inferences against the nonmoving party.

Employer-Identity Determination at Summary Judgment

In March 2025, Respondent sought summary judgment on the ground that Waste Management, Inc. (WMI) was a holding company without employees and Waste Management Inc. of Florida (WMFL) was Petitioner's sole employer. Respondent supported this position with a corporate declaration from Courtney Tippey, first introducing both the declarant and the declaration after the close of discovery simultaneously with the Motion for Summary Judgment. The declaration was signed and dated after the close of discovery. No proof of evidence was sent with declaration to identify WMFL was the sole employer.

Petitioner expressly contested this argument in his March 10, 2025 opposition, Docket 76, Section IV. He disputed the assertion that WMFL was his sole employer, challenged the sufficiency of Tippey's declaration, and identified conflicting evidence concerning corporate employment control.

The district court concluded that Petitioner lacked sufficient evidence to establish WMI's employer status and held, in Docket 84, page 12, footnote 3, that this determination independently warranted summary judgment. The court also addressed the ADA merits, referring to Petitioner's pro se status and defense counsel's protection of WMFL's interests.

Petitioner challenges whether the court properly applied Rule 56 to the contested declaration and the conflicting evidence identified in his opposition. Defense counsel's protection of WMFL's interests did not itself establish that WMFL was Petitioner's sole employer or resolve the disputed question of WMI's employment control. Petitioner maintains that his objections required evaluation under the governing summary-judgment standard before employer identity could be resolved as a matter of law.

The district court entered summary judgment for Respondent on Petitioner's ADA claims. The district court also concluded that Respondent Waste Management, Inc. was not Petitioner's actual employer, identifying Waste Management Inc. of Florida as the employing entity and treating the employer-identity issue as an independently sufficient basis for judgment. The district court alternatively considered the ADA merits. See (Petition Appendix B)

The Eleventh Circuit affirmed on the ADA merits without expressly deciding the employer-identity issue. The panel stated that the employer had accommodated Petitioner's medical needs from the outset and concluded that the evidence did not support a reasonable inference that the termination resulted from Petitioner's sleep apnea rather than attendance violations.

In addressing failure to accommodate, the panel relied on the absence of evidence that Petitioner made a specific demand for additional medical leave before termination, citing *Gaston v. Bellingrath Gardens & Home, Inc.*, 167 F.3d 1361 (11th Cir. 1999). The panel also affirmed denial of leave to amend for FMLA. Petitioner sought rehearing, which was denied August 13, 2026. This petition follows.

REASONS FOR GRANTING THE PETITION

I. Circuit Courts Differ on Accommodation Notice

The Eleventh Circuit's specific-demand rule can operate differently from the contextual approaches employed by other circuits

The ADA requires reasonable accommodations for known limitations of qualified individuals with disabilities, absent undue hardship.

42 U.S.C. § 12112(b)(5)(A).

The statute speaks of known limitations. It does not expressly prescribe a particular form of words, a mandatory written request, or a requirement that an employee renew a request each time an ongoing accommodation process encounters a new medical or administrative development.

In *Gaston v. Bellingrath Gardens & Home, Inc.*, 167 F.3d 1361, 1363–64 (11th Cir. 1999), the Eleventh Circuit required a specific demand for accommodation to trigger the employer's duty. The panel invoked that precedent in rejecting Petitioner's failure-to-accommodate claim because it found no specific request for additional medical leave leading up to termination. The difficulty arises when this formulation is applied to an employer already administering medical leave,

receiving treatment information, and coordinating return-to-work requirements. In that setting, a rule requiring a newly articulated demand can yield a materially different analysis from the approaches taken by other courts of appeals.

In *Humphrey v. Memorial Hospitals Ass'n*, 239 F.3d 1128 (9th Cir. 2001), the Ninth Circuit considered an employer's obligation after an initial accommodation did not adequately address an employee's disability-related difficulties. The court recognized that the duty to accommodate is continuing and that an employer's responsibilities are not necessarily exhausted by one accommodation effort. The Ninth Circuit also recognized that leave for medical treatment may constitute a reasonable accommodation where it would enable an employee to perform essential job functions upon returning.

The significance of *Humphrey* is not that an employee is entitled to indefinite leave, but that an employer's prior accommodation does not automatically extinguish its obligation to consider continuing reasonable accommodation.

Here, Respondent had already initiated Petitioner's medical-leave and return-to-work process. Sedgwick's September records documented unresolved treatment, and the September 29 medical note reflected continuing medical restrictions. Petitioner provided that note to his supervisor, who acknowledged before termination that it was not a return-to-work clearance. Petitioner's FMLA leave remained approved through October 16, 2020, with no treating-physician clearance or documentation terminating that approved leave before Respondent discharged him on October 8 for alleged attendance violations.

Under *Humphrey*'s continuing-duty framework, these circumstances required consideration of Respondent's existing knowledge, the ongoing accommodation process, and the medical documentation already communicated, rather than treating the absence of another specifically worded accommodation request as dispositive.

In *Taylor v. Phoenixville School District*, 184 F.3d 296 (3d Cir. 1999), the Third Circuit explained that accommodation notice must be assessed contextually. The employer must have sufficient information concerning the disability and the desire for assistance, but an employee need not necessarily identify a precise accommodation or use specialized legal terminology. The

adequacy of notice depends in part on information already available to the employer.That principle is particularly important when the employer itself has directed an employee into a medical-leave system and receives information through the administrator managing the accommodation. The employer's knowledge included the reason for his removal from driving, the medical evaluations, the existing leave process, and documented obstacles to obtaining prescribed treatment.

The Third Circuit's contextual approach gives legal significance to those facts in determining whether the employer had adequate notice of the need for continued assistance.

In *Kowitz v. Trinity Health*, 839 F.3d 742 (8th Cir. 2016), the Eighth Circuit reversed summary judgment where an employee's communications concerning medical restrictions and inability to complete a work requirement could reasonably be understood as a request for accommodation. The court evaluated the communications in light of the employer's existing knowledge of the employee's medical condition and restrictions. *Kowitz* did not eliminate the requirement that an employee communicate a need for accommodation. It held that a reasonable jury could find the communications sufficient in context. That distinction matters here.

Sedgwick's September 9 and 10, 2020 records documented Petitioner's request for extended medical leave, unresolved physician-prescribed treatment, and the insurance denial of CPAP therapy. On September 29, Petitioner provided his supervisor with a medical note reflecting continuing sleep-apnea concerns and a conditional recommendation against driving. His supervisor acknowledged that the note was not a return-to-work clearance. With FMLA leave approved through October 16 and no treating-physician return-to-work certification obtained, these circumstances raised a material question whether Respondent already possessed sufficient notice of Petitioner's continuing need for accommodation. The Eleventh Circuit's reliance on the absence of another specific accommodation request failed to meaningfully address that question.

In *Brady v. Wal-Mart Stores, Inc.*, 531 F.3d 127 (2d Cir. 2008), the Second Circuit recognized that an express accommodation request is not invariably required when an employer knows or reasonably should know of an employee's disability and resulting need for accommodation. Similarly, in *Bultemeyer v. Fort Wayne Community Schools*, 100 F.3d 1281 (7th Cir. 1996), the

Seventh Circuit emphasized that accommodation communications must be evaluated in context and that employers have responsibilities within the interactive process.

Although these decisions arose under different circumstances, they reflect context-sensitive approaches to accommodation notice that consider an employer's existing knowledge and participation in the accommodation process rather than treating the absence of a new, specifically worded request as invariably dispositive.

Here, Respondent initiated Petitioner's medical-leave process, received documentation of unresolved treatment and continuing medical restrictions, and was informed through Petitioner's supervisor that the September 29 medical note was not a return-to-work clearance. Nevertheless, the Eleventh Circuit affirmed summary judgment in substantial part because Petitioner had not made another specific request for additional leave before termination.

The approaches reflected in *Humphrey*, *Taylor*, and *Kowitz* would place greater emphasis on these existing communications and the unresolved return-to-work process when evaluating whether Respondent's accommodation obligations remained engaged. Petitioner contends that they illustrate a materially different approach to evaluating accommodation notice that warrants this Court's review.

The question merits this Court's review because an employee's federal accommodation rights should not turn on materially different legal treatment of the same existing employer knowledge and medical-leave communications solely because the case arises in a different circuit.

This Court should clarify whether the ADA requires an employee to submit a renewed, specific accommodation request when the employer already possesses substantial knowledge of the employee's medical limitations, has received communications documenting the continuing need for accommodation, and has initiated a medical-leave and return-to-work process that remains unresolved. The question is whether an employer's existing knowledge and ongoing participation in that process can satisfy the ADA's notice requirement without an additional formal request.

II. The Decision Raises an Important Rule 56 Question Concerning Competing Medical and Administrative Evidence

Summary Judgment Does Not Permit Courts to Resolve Genuine Factual Disputes in Favor of the Moving Party

This Court has consistently held that summary judgment requires consideration of the evidence as a whole, with reasonable inferences drawn in favor of the nonmoving party. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986); *Reeves v. Sanderson Plumbing Products, Inc.*, 530 U.S. 133 (2000). In *Tolan v. Cotton*, 572 U.S. 650 (2014), this Court reaffirmed that courts may not resolve genuine factual disputes or disregard reasonable inferences favorable to the nonmovant.

These principles apply when an employer asserts an attendance-based justification for termination and the employee presents medical and administrative evidence disputing the circumstances underlying that justification.

The panel emphasized Respondent's account that Petitioner had received medical leave, was directed to return to work, and was subsequently terminated for attendance violations. However, the record contained material evidence requiring consideration under Rule 56:

1. September 9–10 Sedgwick records documenting a leave-extension request, continued physician involvement, and an insurance denial preventing prescribed CPAP treatment.
2. September 29 medical documentation reflecting unresolved sleep apnea and a conditional recommendation no driving. Petitioner's supervisor received the note and acknowledged before termination that it was not a return-to-work clearance.
3. Approved FMLA leave through October 16, 2020, encompassing the October 5–7 absences Respondent cited as grounds for Petitioner's October 8 termination.
4. October 15 treating-physician assessment, stating that Petitioner could return to work once treatment for obstructive sleep apnea was completed.
5. Subsequent Sedgwick correspondence documenting the transition from exhausted FMLA entitlement to administrative medical leave through November 29, 2020, and the continued handling of Petitioner's leave matter.

The panel's reliance on the absence of a renewed accommodation request and Respondent's attendance justification failed to address material documentary evidence establishing Petitioner's federally protected FMLA leave, untreated obstructive sleep apnea, prior safety-related driving incident, continuing medical restrictions, and lack of treating-physician clearance. Requiring a commercial driver with untreated sleep apnea, a documented incident involving daytime drowsiness, and an existing medical restriction against driving to resume operating a commercial motor vehicle presents a foreseeable and serious safety risk to the general public. Federal motor carrier safety regulations, including 49 C.F.R. §§ 391.41 and 392.3, establish medical qualification and safe-operation requirements that cannot be displaced by an employer's attendance policy. Respondent's unilateral interpretation of Petitioner's medical documentation as return-to-work clearance, without completing the required medical-certification process, raised material questions concerning public safety, interference with protected medical leave, and whether the subsequent three-day no-call/no-show justification was pretextual.

This case presents an important federal question concerning the intersection of the ADA, FMLA, federal commercial motor vehicle safety requirements, and Rule 56. Petitioner contends that the panel's decision effectively permitted Respondent to disregard documented medical restrictions and the continuing leave-administration process, then penalize Petitioner for failing to report for commercial driving duties on October 5, 6, and 7, 2020, despite evidence identifying October 16, 2020, as the FMLA exhaustion date and then transitioned over to administrative medical leave until November 29, 2020. By failing to evaluate the public safety implications and reconcile these competing records in Petitioner's favor, the panel improperly resolved genuine disputes of material fact contrary to Rule 56 and *Tolan v. Cotton*, 572 U.S. 650 (2014). An employer's attendance policy cannot supersede federal medical qualification requirements, extinguish statutory leave protections, or justify requiring a medically restricted commercial driver to place the traveling public at risk.

III. The Employer-Identity Determination

The District Court Resolved a Contested Employer-Identity Issue Through a Post-Discovery Declaration

On March 4th of 2025, Respondent sought summary judgment based on the corporate distinction, relying in part on a declaration executed by Courtney Tippey on February 28, 2025, first introduced after the close of discovery on January 31, 2025. See District Court Scheduling Order Docket 32.

Petitioner expressly challenged the declaration and Respondent's employer-identity assertions in his March 10, 2025 opposition, Docket 76, Section IV. Respondent's declaration is a self-serving statement without any supporting evidence.

Petitioner submits that the district court's acceptance of Respondent Waste Management Inc.'s declaration, signed, dated, and submitted after the close of discovery the judgment resulted in substantial procedural prejudice and unequal treatment of the parties. See District Court Docket 72 Exhibit 2. The timing of the declaration was critical because it deprived Petitioner of the opportunity to investigate and challenge Respondent's assertions concerning employer identity through discovery. Had Respondent timely disclosed the declaration, Petitioner could have presented his employment offer letter and benefits package including any other discoverable documents as contradictory documentary evidence challenging Respondent's denial of employer status. By relying on Respondent's post-discovery declaration to grant summary judgment, despite Respondent's failure to disclose the declarant and the information contained therein as required by Federal Rule of Civil Procedure 26(a) and (e), the district court failed to enforce the exclusionary provisions of Rule 37(c)(1). The declaration's execution date, which followed the close of discovery, placed the district court on notice of a potential disclosure violation requiring examination under Rules 26 and 37 before the declaration could be relied upon. Rather than determining whether Respondent's failure to disclose the witness and information was substantially justified or harmless, the district court relied upon the disputed declaration to resolve the employer-identity issue against Petitioner, notwithstanding Petitioner's objection to the nondisclosure.

Petitioner disputed employer identity and sought judicial notice of employer-issued documents stating employer's name Waste Management, Inc., employer EIN, employer's phone number, and employer's address. The Eleventh Circuit denied the judicial-notice motion as moot and affirmed on the ADA merits without expressly resolving employer identity or appellate preservation.

Because the district court expressly treated its employer-identity determination as an independent and sufficient ground for summary judgment, Petitioner challenges that determination in addition to the erroneous disposition of his ADA claims. Petitioner respectfully requests that this Court review the procedural prejudice arising from Respondent's post-discovery declaration and the Eleventh Circuit's failure to expressly address that issue. Petitioner seeks vacatur of the appellate judgment and remands for reconsideration of the disputed employer-identity determination and ADA claims under the governing summary-judgment standards, with a meaningful opportunity to challenge Respondent's assertions and present competent opposing evidence.

IV. The Panel's One-Sided Adjudication and Failure to Consider Material Record Evidence

Petitioner respectfully submits that the Eleventh Circuit's opinion reflects a troubling imbalance in its treatment of the parties' competing positions. Although the panel recounted and credited Respondent Waste Management's explanations concerning Petitioner's medical leave, return-to-work status, alleged attendance violations, and termination, the opinion did not meaningfully articulate or engage with the principal arguments Petitioner advanced in its opposition.

Petitioner identified specific documentary evidence from Respondent's own designated leave administrator, Sedgwick Claims Management Services, Inc., contradicting material premises underlying Respondent's defense. Rather than substantively reconciling those materials with Respondent's account, the panel's opinion presented the disputed employment events predominantly through Respondent's characterization.

The resulting concern is that the opinion gives the appearance of accepting the represented corporate party's narrative while leaving the pro se appellant's principal record-supported arguments substantially unanswered. The objection is narrower and more consequential: where a

court affirms summary judgment, it must apply the governing legal standard to material evidence favorable to the nonmoving party, rather than resolve genuinely disputed matters through the moving party's preferred account.

See *Tolan v. Cotton*, 572 U.S. 650, 656–57 (2014); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986).

The panel's opinion failed to meaningfully address any of Petitioner's principal arguments or the material documentary evidence supporting them. Not a single piece of the documentary evidence Petitioner specifically identified, nor any of his substantive arguments challenging Respondent's account, was acknowledged or addressed in the panel's judgment. Petitioner disputed Respondent's assertions concerning the expiration of his approved medical leave, his alleged clearance to return to work, his continuing medical restrictions, and the justification for his termination. Despite these disputes being expressly raised and supported by record citations in Petitioner's appellate submissions, the panel adopted Respondent's account without explaining why Petitioner's contrary evidence did not establish genuine disputes of material fact. Petitioner submits that this omission raises a serious question concerning whether the panel properly discharged its obligation under Federal Rule of Civil Procedure 56 to evaluate material evidence and draw reasonable inferences in favor of the nonmoving party. Respondent failed to produce competent evidence establishing that Petitioner had been medically cleared to return to work before his termination. Nevertheless, the court of appeals accepted Respondent's unsupported assertions without requiring evidentiary support under Federal Rule of Civil Procedure 56, thereby resolving a disputed material fact against Petitioner at summary judgment.

Petitioner respectfully submits that the opinion's predominantly one-sided presentation of the dispute, combined with its failure to expressly reconcile material documentary evidence supporting Petitioner's position, raises a serious question concerning the integrity of the summary-judgment review conducted below. Petitioner therefore requests that this Court grant certiorari, vacate the judgment below, and remand for reconsideration consistent with the requirement that all reasonable inferences from genuinely disputed material evidence be drawn in favor of the nonmoving party.

A. The statutory character of approved FMLA leave and the asserted September 29 clearance require careful treatment under Rule 56

Petitioner objects to the panel's description of Respondent as having accommodated his medical needs "at every juncture" insofar as that description treats legally protected leave as a discretionary favor rather than recognizing the statutory framework governing qualifying FMLA leave. The Family and Medical Leave Act protects qualifying leave and, subject to statutory limitations and applicable certification requirements, provides restoration rights. See 29 U.S.C. §§ 2614(a), 2615(a)(1). Those protections are not created merely by an employer's generosity.

Petitioner maintains that Sedgwick's records identified FMLA leave through October 16, 2020, despite Respondent's asserted October 2 return date and October 8 termination decision. He also identifies a subsequent administrative medical-leave status extending through November 29, 2020.

Petitioner further disputes any characterization of the September 29 medical note as an unconditional clearance ending protected leave. That note discussed mixed sleep apnea, pending management, and recommended no driving. A DOT certification obtained thereafter and a fitness-for-duty certification under the employer's applicable FMLA return-to-work procedures are not identical. See 29 U.S.C. § 2614(a)(4); 29 C.F.R. § 825.312. Whether a certification was required, what notice was given, and what certification was supplied depend on the actual record.

The statutory status of the leave, the date and terms of any return-to-work clearance, and the employer's knowledge of unresolved treatment were material context for the ADA and Rule 56 questions actually decided. A court may not simply treat a disputed characterization as undisputed where properly submitted evidence permits a contrary material inference.

B. The Appellate Proceedings Raise a Serious Question Concerning the Meaningful Opportunity to Be Heard

Petitioner respectfully submits that the procedural fairness concerns presented here arose from the court of appeals' own disposition of this case. Petitioner could not have anticipated, before issuance of the panel opinion, that the court would characterize his medical leave as ending September 30, 2020, without addressing the documentary evidence of FMLA approval through

October 16, 2020, or the separate communications concerning continuing medical restrictions. The opinion did not expressly find that a physician cleared Petitioner on September 29; rather, it described leave as running from July 27 to September 30 and stated that Petitioner was "slated to return." (Petition Appendix A).

Petitioner sought rehearing and specifically identified the documentary evidence that he contended the panel had overlooked (Court of Appeals Docket 28). His rehearing petition challenged the panel's treatment of his leave status, the absence of medical clearance, and the inference that his absences were unrelated to his disability. The court of appeals denied panel rehearing and rehearing en banc without a substantive explanation addressing those objections. The August 13, 2026 order states that no active judge requested an en banc poll and denies panel rehearing. (Petition Appendix C)

Petitioner submits that the sequence of proceedings raises a substantial concern regarding the meaningful opportunity to be heard where material documentary evidence was specifically identified, its legal significance was challenged, and the judgment remained undisturbed.

The communications at issue were not confined to a single request. First, Petitioner's treating physician communicated with Sedgwick, the employer-designated leave administrator, concerning treatment and the need for additional time; Sedgwick communicated leave status to employer personnel. Second, Petitioner separately provided a September 29, 2020 physician note to his supervisor, documenting unresolved evaluation and driving restrictions. These are distinct channels of potential notice, and the precise dates, recipients, and contents of each communication must be established by the cited district-court record.

Petitioner therefore requests review of whether the appellate court's application of Rule 56 adequately protected the procedural safeguards applicable to a litigant opposing summary judgment, including the requirement that material evidence and reasonable inferences be evaluated in the nonmoving party's favor. The Fifth Amendment question is raised as a separate, preservation-sensitive issue. The rehearing petition expressly raised the underlying Rule 56 objections.

V. The questions presented are recurring and important beyond this case

The questions presented extend far beyond Petitioner's individual employment dispute. They concern the intersection of federal disability protections, employer-administered medical leave, medical fitness-for-duty determinations, and the safety of the traveling public. These questions arise repeatedly across industries in which employees perform safety-sensitive duties, including commercial transportation, aviation, healthcare, public transportation, and industrial operations.

The consequences of improperly treating an employee as medically cleared to resume safety-sensitive duties extend beyond the employment relationship. They may place coworkers, passengers, motorists, pedestrians, and the general public at risk. Federal disability protections must be administered consistently with legitimate safety requirements, rather than through unilateral assumptions about an employee's medical condition or ability to return to work.

Medical-leave and return-to-work processes frequently involve multiple participants, including employees, supervisors, human-resources representatives, third-party leave administrators, treating physicians, occupational-health providers, and insurers. These participants may possess different information at different times. Treatment may be delayed by insurance authorization, medical testing, equipment availability, or unresolved fitness-for-duty assessments. In these circumstances, the employer's knowledge cannot reasonably be evaluated without considering the medical documentation and communications generated through its established leave and accommodation procedures.

This case illustrates the serious consequences of disregarding that documentation. Petitioner, a commercial motor vehicle operator, was placed on medical leave following a safety-related incident and subsequently diagnosed with obstructive sleep apnea. Petitioner maintains that his treating physician had not authorized him to resume commercial driving or return to work and that the employer's designated leave administrator, Sedgwick, continued to administer his medical leave. Nevertheless, Respondent allegedly treated Petitioner as available to return to work and subsequently terminated his employment for absences occurring during a period Petitioner contends remained protected by approved medical leave.

The central question is not whether an employee with a medical condition must be accommodated indefinitely or whether every medical restriction automatically prohibits employment. Rather, it is whether an employer may disregard material medical restrictions and information received through its established accommodation and leave processes, treat an employee as cleared to resume safety-sensitive duties, and then rely on the employee's failure to report for those duties as a legitimate basis for termination without adequately addressing the employee's existing medical circumstances.

That question is especially significant in commercial transportation. Federal Motor Carrier Safety Administration regulations recognize that a driver's medical fitness and ability to operate a commercial motor vehicle safely are matters of public concern. See 49 C.F.R. §§ 391.41(b)(5), 392.3. Section 392.3 specifically prohibits a driver from operating, and a motor carrier from requiring or permitting operation of, a commercial motor vehicle when the driver's ability or alertness is so impaired, or so likely to become impaired, through fatigue, illness, or another cause that operation would be unsafe.

Accordingly, the interaction between the ADA's reasonable-accommodation framework and federal transportation-safety obligations warrants careful judicial consideration. An employer's legitimate responsibility to protect public safety does not eliminate its obligation to evaluate accommodation requests under the ADA. Likewise, the ADA does not require an employer to permit an employee to perform duties that the employee cannot safely perform. The governing legal standards must account for both obligations.

The questions presented also implicate the legal significance of information already available to an employer through its designated leave administrator. A rule requiring an employee to submit a new, technically specific accommodation request without adequately considering existing medical communications, employer-directed leave, and ongoing return-to-work procedures risks elevating form over substance. Such an approach may permit an employer to disregard information already received through the very process it established to administer medical leave and evaluate an employee's return to work.

Conversely, recognizing the relevance of existing medical documentation does not impose an obligation to provide indefinite accommodation or excuse an employee from performing

essential job functions. It requires courts to examine whether the employer had sufficient notice of a disability-related need for accommodation and whether the parties' communications and conduct triggered obligations under the ADA.

The proper application of Federal Rule of Civil Procedure 56 presents an additional question of broader importance. Where the summary-judgment record contains disputed evidence concerning medical restrictions, employer knowledge, leave-administrator communications, and the circumstances surrounding termination, courts must evaluate that evidence under the standards governing summary judgment rather than resolve material factual disputes in favor of the moving employer. See *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986); *Tolan v. Cotton*, 572 U.S. 650 (2014).

The broader consequences of the panel's approach extend beyond Petitioner's individual case and raise serious concerns regarding the consistent and impartial administration of federal law. Petitioner submits that the panel's opinion recounted Respondent's explanations concerning his medical leave, alleged return-to-work clearance, attendance violations, and termination while failing to expressly address the specific documentary evidence and substantive arguments Petitioner presented to contradict those explanations. Not a single piece of the documentary evidence Petitioner specifically identified as contradicting Respondent's account was expressly examined, addressed, or reconciled in the panel's written opinion. This omission is particularly consequential because Petitioner's evidence included communications from Respondent's designated leave administrator concerning the duration of approved medical leave, continuing medical restrictions, and the circumstances surrounding his expected return to work.

The danger of this approach is that it permits an employer's disputed narrative to become the controlling account of events without a meaningful explanation or burden of proof of why the opposing parties' evidence does not create a genuine dispute of material fact. If courts affirm summary judgment by recounting only the moving parties' explanation while leaving material contrary evidence unaddressed, the safeguards established by Federal Rule of Civil Procedure 56 risk being reduced to a formality. Employees who present documentary evidence challenging a party's stated justification for termination may be denied the opportunity to have genuinely disputed material facts resolved through the appropriate judicial process. This concern is

especially significant where the employer possesses or controls employment records, human-resources communications, medical-leave documentation, and disciplinary records that may be central to establishing whether an adverse employment action was lawful.

The implications are particularly serious in disability-discrimination cases involving medical leave and safety-sensitive employment. When an employee presents evidence that approved leave remained in effect, medical restrictions had not been resolved, or a designated leave administrator continued to process medical documentation, a court's failure to meaningfully address that evidence may allow an employer's disputed assertion of return-to-work clearance to determine the outcome of litigation. Such an approach risks weakening the practical enforcement of the ADA and undermining the careful evaluation required when workplace decisions involve both employee rights and the safety of the public.

Although the panel's unpublished opinion is not binding precedent, its reasoning may nevertheless be cited as persuasive authority and may contribute to the repetition of similar errors in future cases. Petitioner therefore submits that the importance of Supreme Court review extends beyond correcting the alleged errors in this particular judgment. It concerns whether federal appellate courts may affirm summary judgment on an employer's disputed account without adequately demonstrating that the material evidence and reasonable inferences favorable to the nonmoving party were evaluated under the governing Rule 56 standard. Clarification of that obligation is important to preserving confidence in the impartial administration of justice and ensuring that federal employment protections remain meaningful for all litigants, including those proceeding without counsel.

The importance of these questions is magnified when an employer's asserted justification for termination depends upon whether an employee was medically authorized and expected to return to work. In such cases, failure to meaningfully consider the existing medical and leave documentation risks allowing disputed return-to-work assumptions to become the foundation for summary judgment, notwithstanding contrary evidence in the record.

This Court's guidance is necessary to clarify how existing employer knowledge, third-party leave administration, unresolved medical restrictions, and safety-sensitive job responsibilities interact under the ADA, and how courts must evaluate disputed evidence concerning those matters at

summary judgment. Petitioner respectfully submits that these recurring issues warrant this Court's review to promote consistent application of federal disability law, preserve the procedural safeguards governing summary judgment, and ensure that workplace accommodation and return-to-work decisions appropriately account for both employee rights and public safety.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Johnny Bedgood, Jr.

Date: November 10, 2026