

Supreme Court, U.S.
FILED
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No. 23-7785

SUPREME COURT OF THE UNITED STATES

Jared Pierce Sanchez,

Petitioner,

v.

Brown University, Lifespan Corporation, Care New

England Health System,

Respondents.

On Petition for Writ of Certiorari to the United States

Court of Appeals for the First Circuit

SUPPLEMENTAL BRIEF FOR PETITIONER

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3. INTRODUCTION

Petitioner, Jared Pierce Sanchez, submits this supplemental brief to address the procedural abuses prolonging his irreparable harm and to assert that Brown University, Lifespan Corporation (“Lifespan”), and Care New England Health System (“CNE”) should be considered as state actors. These entities collaboratively provide education and federally reimbursed healthcare services through the Warren Alpert Medical School of Brown University. Respondents’ collective actions, underpinned by federal funding and significant state involvement, infringe upon Constitutional protections, necessitating urgent judicial intervention. Mr. Sanchez provided evidence to the lower courts of Lifespan’s CEO’s admission of their “public” hospitals and close integration with state health goals. Specifically, Respondents, in their roles as state actors through the Rhode Island Life Sciences Hub’s governmental functions, execute discrimination in employment, education, and accommodation against religious workers.

Additionally, the misuse of procedural rules by Respondents’ collective and unified actions attempted to preclude the Plaintiff’s ability to amend his complaint, though the Petitioner timely submitted a fully briefed Amended Complaint within the permitted 20-days after serving summons to the Respondents on October 2nd, 2023.

4. SUMMARY OF ARGUMENT

Under Rule 15.8, parties may submit supplemental briefs to highlight new cases, legislation, or other intervening matters that were not available at the time of the last filing (Petition filed June 12, 2024). In light of this rule, recent decisions relevant to the issues presented in this case are provided below for this Court's consideration. These new cases offer significant insights into the evolving legal landscape, particularly regarding religious accommodations, procedural fairness, and the protection of individual rights under the Constitution and federal law.

As this Court reviews its 2024-2025 docket, the Petitioner respectfully urges it to ensure clarity and consistency in upholding citizens' fundamental rights as established under the Constitution and federal statutes. The recent decisions presented below emphasize the necessity of judicial oversight in safeguarding these rights, especially within federally funded institutions.

5. ARGUMENT

I. Abuse of Rule 12(b)(6) in Precluding Amendment

The Respondents' actions in filing a Rule 12(b)(6) motion to dismiss before formal service was effected reflect a procedural strategy aimed at preventing Mr. Sanchez from amending his complaint and denying him the opportunity to present his case fully. This tactic is consistent with issues addressed in recent

cases, where courts have emphasized the importance of allowing plaintiffs to amend complaints to ensure fairness and justice.

For instance, in *Najean Lucky v. Landmark Medical of Michigan*, the Sixth Circuit reversed a district court's dismissal under Rule 12(b)(6), emphasizing the necessity of taking the plaintiff's allegations as true and permitting the claims to proceed when they present a plausible case of discrimination. Similarly, in *Anysa Spencer v. Blue Cross Blue Shield of Michigan*, the court granted the plaintiff leave to amend her complaint and denied the defendant's Rule 12(c) motion as moot, recognizing the significance of allowing amendments to address substantial claims. Additionally, *Maria Guillen Parrish v. Shriners Hospitals for Children* involved the court partially granting and partially denying a defendant's motion to dismiss under Rule 12(b)(6), acknowledging that the plaintiff had sufficiently pleaded her claims under Title VII.

These cases underscore the judiciary's recognition of the plaintiff's need for opportunity to amend a complaint. Respondents' actions in this case, aimed at shortening the period to amend the complaint, undermine the principles of fairness and due process. This Court should view the Respondents' actions in the District Court as an attempt to evade accountability under Fed. R. Civ. P. 15(a)(1)(A) "Amending as a Matter of Course. A party may amend its pleading once as a matter of course within: (A) 21 days after serving it [...]"

For reference, Lifespan's counsel motioned for dismissal (9/7/2023) 6 days before summons service (9/13/2023) and later denied summons service (10/2/23) due to Ordered dismissal from the case (10/4/23) 2 days later. Lifespan's dismissal arrived 14 days after the Honorable Judge John J. McConnell, Jr. was reassigned for all further proceedings following the Honorable Judge William E. Smith's (9/20/2023) recusal.

II. US Navy SEALs 1-26 v. Biden

The ruling in *US Navy SEALs 1-26 v. Biden* by the U.S. District Court for the Northern District of Texas addressed the clash between federal mandates and religious freedom. The court found that the COVID-19 vaccine mandate imposed on military personnel infringed upon their religious rights under the Religious Freedom Restoration Act (RFRA) and the First Amendment, as it failed to provide adequate religious exemptions.

US Navy SEALs 1-26 v. Biden's precedent applies to Mr. Sanchez's case by emphasizing the need to accommodate sincere religious beliefs in federally funded institutions. Like the Navy SEALs, Mr. Sanchez, a third-year medical student, must not be denied continuation in his program solely based on his religious beliefs. Despite meeting state requirements concerning healthcare worker immunization since March 2022, Mr. Sanchez has categorically been denied continuation in his program. Accordingly, federally funded programs must uphold

religious freedom or risk violating Title VII of the Civil Rights Act of 1964 and avoid using faith as a proxy for discrimination based on racial or ancestral origin, as explained within Mr. Sanchez's Amended Complaint's Title II & VI claims.

III. Benton v. BlueCross BlueShield of Tennessee, Inc.

In *Benton v. BlueCross BlueShield of Tennessee, Inc.*, the court dealt with the procedural failings in handling religious accommodation requests amid a national COVID-19 vaccine mandate. Tanja Benton, a biostatistical research scientist, was terminated by BlueCross BlueShield of Tennessee (BCBST) after refusing the COVID-19 vaccine on the grounds of her religious beliefs regarding the use of fetal cell lines in vaccine development. BCBST denied her request for a religious accommodation and subsequently dismissed her. The court determined that BCBST had failed to properly consider her religious exemption, ultimately awarding Benton \$687,000 in back pay and damages for wrongful termination.

This case bears significant relevance to Mr. Sanchez's situation, as it highlights the mismanagement of religious accommodation requests during the Public Health Emergency. Like Benton, Mr. Sanchez was dismissed for refusing the COVID-19 vaccine based on his sincerely held religious beliefs. Both cases reflect a troubling pattern of disregarding sincere religious objections, opting for blanket denials without considering individual circumstances.

In Mr. Sanchez's case, the situation is further complicated by Brown University's initial grant of a religious exemption, which was later undermined by the institution's discriminatory actions. This violation of Mr. Sanchez's rights not only breaches Brown University's contractual obligations to its students but also raises serious concerns about the institution's commitment to diversity and inclusion. Despite promoting itself as a champion of diversity, Brown University's treatment of Mr. Sanchez—a Christian Puerto Rican-New Yorker—reveals a pattern of systemic discrimination and harassment with his forced absence or involuntary withdrawal from the university.

Denied his Seventh Amendment rights by the Respondents and the Rhode Island District Court, Mr. Sanchez now turns to the Supreme Court. He prays that the Honorable Justices and diligent legal scholars recognize the clearly stated claims for which relief need be granted in his civil suit, on petition for writ of certiorari after the First Circuit's ruling on 1 of his 5 claims.

IV. Desmarais v. Granholm et al

The principles of procedural fairness are brought to the forefront in *Desmarais v. Granholm et al*. The court allowed this case to survive the motion to dismiss on the grounds that Desmarais plausibly pleaded his counts of religious discrimination and failure to accommodate his administratively deprioritized religious beliefs.

In the context of Mr. Sanchez's case, the premature dismissal of his religious discrimination claims without adequate judicial review stands in disparate contrast to the precedent under *Desmarais*.

V. Hellwig v. County of Saratoga et al

Hellwig v. County of Saratoga et al reinforces the judiciary's duty to ensure that cases involving discrimination are thoroughly examined before any summary judgments are made. The court's decision to deny summary judgment in this case acknowledged that genuine issues of material fact needed to be resolved through a complete trial.

Just as in *Hellwig*, Mr. Sanchez's situation calls for a careful and detailed judicial review to ensure that his rights are not unjustly dismissed without the due process he is entitled to.

VI. Malone v. Legacy Health

The decision in *Malone v. Legacy Health* underscores the necessity of providing a full and fair hearing for discrimination claims. In denying the defendant's motion for summary judgment, the court acknowledged that the plaintiff's allegations of religious discrimination required further examination and could not be dismissed outright. For Mr. Sanchez, this principle is particularly relevant.

Petitioner's claims of religious discrimination at Brown University, Lifespan, and CNE, after the government: compelled these private entities to act and operated jointly with

Respondents for the Covid-19 public health emergency, require judicial evaluation.

VII. McCune et al v. Asante Rouge Regional Medical Center, LLC et al

In *McCune et al v. Asante Rouge Regional Medical Center, LLC et al*, the court highlighted the importance of nuanced judicial discretion, allowing one plaintiff's claims to proceed while dismissing another's. This approach reflects the need for a careful and individualized assessment of each case's merits. Just as in *McCune*, Mr. Sanchez's case requires a detailed judicial examination to ensure that his rights are fully protected, and that any decision is based on a thorough understanding of the facts.

VIII. Najean Lucky v. Landmark Medical of Michigan

The Sixth Circuit's reversal of a Rule 12(b)(6) dismissal in *Najean Lucky v. Landmark Medical of Michigan* underscores the judiciary's responsibility to ensure that discrimination claims are given proper consideration. The court recognized that the plaintiff's allegations, if proven, could constitute a violation of her rights and therefore warranted a full hearing. Mr. Sanchez's claims of religious discrimination, stemming from the denial of his exemption requests by Lifespan and CNE similarly merit full judicial review. The court's decision in *Najean Lucky* serves as a reminder that such claims should not be dismissed without a comprehensive evaluation of their merits.

IX. Parrish et al v. Shriners Hospitals for Children

Parrish et al v. Shriners Hospitals for Children provides a clear example of the judiciary's role in upholding the protections afforded under Title VII. In this case, the court recognized that the plaintiffs' claims of religious discrimination were sufficiently substantial to warrant further judicial inquiry, thereby denying the motion to dismiss in part. The decision to deny all religious exemption requests, despite the violations of Title VII against all CNE and Lifespan employees and workers, demands that the court provide a thorough examination of his claims.

X. Pollard v. United States Postal Service

The decision in *Pollard v. United States Postal Service* to allow the plaintiff to amend his complaint highlights the importance of ensuring that plaintiffs are given the opportunity to correct any deficiencies in their claims. Mr. Sanchez's initial claims of religious discrimination were dismissed without the benefit of a full judicial review, and the court's decision in *Pollard* supports the argument that Mr. Sanchez should have been given the chance to refine and pursue his claims in court.

XI. Spencer v. Blue Cross Blue Shield of Michigan

In *Spencer v. Blue Cross Blue Shield of Michigan*, the court underscored the importance of addressing substantial claims through amendment rather than dismissal, granting the plaintiff leave to amend her complaint. This decision emphasizes

the judiciary's commitment to ensuring that plaintiffs are not unfairly deprived of their opportunity to present a complete case. Mr. Sanchez's claims of religious discrimination must similarly be given the opportunity for a full hearing.

XII. Stephen Davis v. Orange County

Finally, the court's ruling in *Stephen Davis v. Orange County* to vacate and remand the district court's dismissal under Rule 12(b)(6) underscores the necessity of allowing plaintiffs to amend their complaints and have their claims thoroughly evaluated. This remand is like that ordered under *Brad Amos v. Lampo Group, LLC* which recognized religious discrimination.

The cases referenced above demonstrate that the Respondents failed to meaningfully evaluate Mr. Sanchez's deeply held religious beliefs, opting instead for blanket denials without adequately considering his specific situation, which involved both religious convictions and compliance with state laws. His allegations warranted full judicial scrutiny before any dismissal could be justified, especially given the significant legal questions raised by the refusal to accommodate his religious beliefs. This lack of reasonable accommodations, particularly in federally funded programs, calls for careful judicial consideration to determine whether his rights under federal law were violated, underscoring the need for a nuanced approach to such cases.

6. APPLICATION TO RESPONDENTS

A. Brown University

The Warren Alpert Medical School of Brown University is deeply embedded in Rhode Island's public health system as the State's only medical school. The university's collaboration with state-funded hospitals, such as those under Lifespan and CNE, supports its role as a state actor, for which judicial scrutiny must be applied. The medical school trains future healthcare providers who serve in hospitals integral to the state's healthcare network, often under government-funded programs. Brown University's involvement in public health policy, especially during the COVID-19 pandemic, where it received substantial federal funding to support state health initiatives, further establishes its function as a state actor.

Brown University's Warren Alpert Medical School with Lifespan (publicly rebrand as "Brown Health"), and CNE collaborate closely, contracted under quasi-public agencies during the COVID-19 pandemic, with state officials to implement public health directives with impunity. Moreover, Rhode Island's novel Life Sciences Hub is a "public corporation" that is enshrined with "[t]he exercise by the hub of the powers conferred by [Chapter 99, The Rhode Island Life Science Hub Act, R.I. Gen. Laws § 23-99-4] shall be considered to be the performance of an essential governmental function" since September 1st, 2023. With Brown University, Lifespan, CNE, and the Warren Alpert Medical School holding multiple board

positions within this public corporation, the Respondents, operating as private entities but performing public functions, must be recognized as state actors and subjected to Constitutional scrutiny.

Without this Court's intervention, these entities will continue to act with governmental impunity, forsaking civil liberties and perpetuating discrimination. Their integration into Rhode Island's public healthcare infrastructure reinforces their responsibility to uphold Constitutional standards. Brown University's significant involvement in the state's healthcare system, alongside its control over most professionals and students within Respondents' hospitals and the state, solidifies its status as a state actor. The Respondents' entanglement with state responsibilities necessitates adherence to Constitutional protections, including safeguarding religious freedoms.

B. Lifespan Corporation

Rhode Island Hospital, a flagship institution of Lifespan, operates the State's only Level 1 Trauma Center and provides critical healthcare services as a primary teaching hospital for the Warren Alpert Medical School. It plays an essential role in public health, particularly during the COVID-19 pandemic, where it received substantial federal funding to support state health initiatives. This function, combined with its educational mandate and public funding, establishes Rhode Island Hospital as a state actor. Similarly, The Miriam Hospital, also a public

hospital under Lifespan, functions as a community hospital providing specialized services that align with state health goals, further reinforcing Lifespan's role as a state actor.

C. Care New England Health System

Women & Infants Hospital, under CNE, serves as the State's leading provider of neonatal and maternal care, operating as a key partner in state health initiatives. It receives federal reimbursements for services and participates in state-funded health programs, establishing its role as a state actor. Kent Hospital, another entity of CNE, serves the community by providing emergency services and educational opportunities for medical students.

The involvement of these institutions in Health Equity Zones and their collaboration with state health departments and policymakers further entrench their role as integral components of the state's public health apparatus.

D. Timeliness of Response

The timeliness of Respondents' responses is critical, especially given the procedural delays that have compounded harm to Mr. Sanchez. An appendix has been provided to document the timeline and correspondence related to these proceedings, supporting Mr. Sanchez's pleads for timely judicial intervention (see Appendix A).

7. REQUEST FOR JUDICIAL ACTION

Petitioner respectfully moves this Court to consider the merits of Mr. Sanchez's case and order certified records from both the Rhode Island District Court (1:23-00343-JJM-PAS) and the First Circuit Court of Appeals (23-1983). The review of motioned sanctions and rectification of procedural injustices are crucial to address the continued irreparable harm suffered by Mr. Sanchez and similarly situated individuals. Petitioner prays for this Court to acknowledge the state actor status of the Respondents in consideration of the circumstances which led to his filed Appeal.

8. CONCLUSION

In contrast to the Orders from District Court meeting appeal, other Federal courts have consistently underscored the importance of allowing plaintiffs to amend their complaints to ensure justice is served, as seen in several recent decisions. The Respondents' actions in dismissing Mr. Sanchez's claims without proper consideration have not only disregarded the sincerity of his religious beliefs but have also set a troubling precedent for how religious accommodations are handled.

Even Brown University, Lifespan, and CNE's hospitals and buildings within Rhode Island's public infrastructure as nuclear fallout shelters demand that Respondents be held to the same constitutional standards as state actors. Petitioner urges this Court to recognize Brown University, Lifespan, and CNE as state actors, ensuring compliance with Constitutional

protections under the First and Fourteenth Amendments and Titles II, VI, and VII of the Civil Rights Act.

This case, evidencing claims of religious discrimination by Respondents in concert with the Warren Alpert Medical School of Brown University, demands a remand for further proceedings. The Petitioner requests that the Supreme Court permit oral arguments and a trial by jury as guaranteed by the Seventh Amendment, allowing the merits of Mr. Sanchez's claims to be adjudicated. By doing so, the Court will affirm its commitment to protecting the fundamental rights of individuals unjustly targeted for their religious beliefs and uphold the principles of justice and equality under the law.

This case presents a crucial opportunity for the Court to reinforce that no entity is above the Constitution and that civil rights are vigorously protected.

Respectfully Submitted,

A handwritten signature in black ink that reads "Jared Pierce Sanchez". The signature is written in a cursive style with a large, sweeping flourish at the end.

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9. COMPLIANCE STATEMENT

This supplementary brief complies with all formatting requirements set forth by the Supreme Court Rules, including Rule 33.2. The brief contains 3,002 words, as counted by the word processing system used to prepare this document, printed onto 15 pages excluding the portions exempted by Rule 33.1(d).

I, Jared Pierce Sanchez, do declare that on this date, August 19th, 2024, as required by Supreme Court Rule 29 I have served the enclosed supplementary brief on each party to the above proceeding or that party's counsel, and on every other person required to be served, by email and by depositing an envelope containing the above document in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days. The names and addresses of those served are as follows: Mitchell R. Edwards, Hinckley, 100 Westminster Street, Suite 1500, Providence, RI 02903; Matthew H. Parker, 100 Westminster Street, Suite 710, Providence, RI 02903; James A. Musgrave, 10 Weybosset Street, Suite 800, Providence, RI 02903.

10. APPENDIX A

**Correspondence regarding petition for writ of certiorari and
returned waiver from only one of five attorneys for
Respondents.**

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<p>1. Article Addressed to:</p> <p>James Mosgrane Suite: 10 Weybosset St. 800 Providence, RI 02903</p>  <p>9590 9402 7597 2098 6995 22</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Collect on Delivery Restricted Delivery		<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™																
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<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																	
<p>2. Article Number (Transfer from service label)</p>	<p>PROVIDENCE, R.I. JUL 10 2024</p>																
<p>PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt</p>																	

W A I V E R

SUPREME COURT OF THE UNITED STATES

No. 23-7785

Jared Pierce Sanchez

(Petitioner)

Brown University, et al

V.

(Respondent)

I DO NOT INTEND TO FILE A RESPONSE to the petition for a writ of certiorari unless one is requested by the Court.

Please check the appropriate box:

- I am filing this waiver on behalf of all respondents.
- I only represent some respondents. I am filing this waiver on behalf of the following respondent(s):

Brown University

Please check the appropriate box:

- I am a member of the Bar of the Supreme Court of the United States. (Filing Instructions: File a signed Waiver in the Supreme Court Electronic Filing System. The system will prompt you to enter your appearance first.)
- I am not presently a member of the Bar of this Court. Should a response be requested, the response will be filed by a Bar member. (Filing Instructions: Mail the original signed form to: Supreme Court, Attn: Clerk's Office, 1 First Street, NE, Washington, D.C. 20543).

Signature:



Date:

7/23/20

(Type or print) Name John M. Wilusz

Mr. Ms. Mrs. Miss

Firm

Hinckley, Allen & Snyder LLP

Address

28 State Street

City & State

Boston, MA

Zip

02109

Phone

617-378-4137

Email

jwilusz@hinckleyallen.com

A copy of this form must be sent to petitioner's counsel or to petitioner if *pro se*. Please indicate below the name(s) of the recipient(s) of a copy of this form. No additional certificate of service or cover letter is required.

Jared Sanchez; Mitchell R. Edwards; James Musgrave; Matthew Parker

cc:

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