06-180 JUL 27 2006

No. 06-

IN THE

Supreme Court of the United States

RATIONIS ENTERPRISES INC. OF PANAMA, *et al.*,

Petitioners,

v.

HYUNDAI MIPO DOCKYARD CO., LTD., *et al.*,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED FOR REVIEW

This matter involves a maritime disaster causing massive damages to numerous parties domiciled in the United States and around the world ("Petitioners") when an ocean-going containership broke in half on a transatlantic voyage en route to the United States due to negligent lengthening of the vessel by a Korean shipyard. Applying United States general maritime law, the United States District Court for the Southern District of New York entered judgment holding the Korean shipyard liable for Petitioners' losses. The United States Court of Appeals for the Second Circuit ("Panel") reversed the District Court's judgment on choice-of-law grounds, finding that Korean law governed Petitioners' claims.

Rather than remand the action to the District Court for adjudication of all Korean-law issues, including the threshold issue of whether the claims were time-barred under Korean law, the Panel in its decision, *sua sponte*, summarily ruled Petitioners' claims time-barred and dismissed the action. After Petitioners sought rehearing to show *inter alia* that the time-bar ruling nullified Korean law by disregarding controlling decisions of the Korean Supreme Court, the Panel denied rehearing, without explanation, in a one-sentence order. As a result, the Panel acted as a court of first instance to decide *sua sponte* a controlling question of Korean law and then by denying rehearing effectively denied an appeal from its own time-bar ruling. This fundamentally unfair and erroneous result presents the following questions for review:

No. 06-181

IN THE SUPREME COURT OF THE UNITED STATES

SALLIE N. PEELER,
Petitioner,
v.
MCI, INC., AND MCI WORLDCOM NETWORK SERVICES, INC.,
Respondents.

On Petition For A Writ Of Certiorari To The United States Court of Appeals For the Seventh Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether a landowner may be divested of property rights without compensation by a trespasser's discharge in bankruptcy?

PARTIES TO THE PROCEEDING

Pursuant to Rule 14(1)(b), the following list identifies all parties appearing here and before the United States Court of Appeals for the Seventh Circuit.

Petitioner here and appellant below, Sallie N. Peeler, in her individual capacity as a landowner in Carmel, Marion County, Indiana; respondents here and appellees below, MCI, Inc., formerly known as MCI WorldCom, Inc., and MCI WorldCom Network Services, Inc.

CORPORATE DISCLOSURE STATEMENT

Pursuant to Rules 14(1)(b) and 29.6, Petitioner states she is an individual and is not a corporation.

In the Supreme Court of the United States

IN RE RYAN EDWARD BENNETT, DECEASED,
AND
KRISTI S. BENNETT,

Petitioner,

v.

MARC E. BENNETT, ROBERT L. STEENROD JR,
SPECIAL ADMINISTRATOR OF THE ESTATE OF
RYAN EDWARD BENNETT, DECEASED,

Respondents.

**ON PETITION FOR WRIT OF CERTIORARI
TO THE COLORADO COURT OF APPEALS**

PETITION FOR WRIT OF CERTIORARI

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Question Presented

Whether the lower courts in this case exceeded their jurisdictional authority when they adjudicated a time barred, nonjusticiable dispute based on the recommendations and actions of two state officials acting in this case and whether such adjudication caused an impermissible violation of substantive and procedural due process of law and denial of the equal protection of the law guaranteed to Petitioner in these circumstances under the 14th Amendment.

No. _____ 06-183 AUG 2 - 2006

In The

Supreme Court of the United States

ESTATE OF JOSEPHINE COSIO, et al.,

Petitioners,

v.

DENNIS F. ALVAREZ, et al.,

Respondents.

On Petition For Writ Of Certiorari To The Eleventh Circuit Court Of Appeals

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether a mentally handicapped citizen is part of a "class" as defined and afforded protection under 42 U.S.C. § 1985(3)?

2. Whether the lower courts wrongfully dismissed a cognizable legal cause of action pursuant to 42 U.S.C. § 1985?

No. 06-

IN THE

Supreme Court of the United States

ROBERTA A. DELSON, PH.D,

Petitioner,

v.

MARIA CINO,
Acting Secretary of the Department of Transportation,
an executive agency of the federal government,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

The Second Circuit in *Delson v. Mineta*, 2005 WL 1712856 (2d Cir. 2005), overlooks the clear language of the ADA and its legislative history, disregards EEOC's published guidelines, and conflicts with the Seventh, Eighth, Ninth and Tenth Circuit Courts of Appeal that recognize a cause of action under the ADA for the unauthorized breach of an employee's medical privacy by unlawful inquiries outside strict exceptions. *Delson* presents this conflict although the Second Circuit had recognized a cause of action for medical privacy in *Conroy v. New York State Department of Correctional Services*, 333 F.3d 88 (2d Cir. 2003) before *Delson*.

The conflict presented by *Delson* promotes confusion and disharmony among the federal courts charged with administering the remedies available to individuals with disabilities. By exercising jurisdiction in this case, this Court can eliminate the conflict presented by the Second Circuit regarding the limits imposed on access to confidential medical data, as well as provide rationality, certainty and uniformity to this area of medical inquiries. Review should also be granted because this case involves questions of exceptional importance that impact on the nation's goals to assure individuals with disabilities self-reliance, economic self-sufficiency, and equal opportunity to participate in and contribute to society.

Seven questions are presented:

1. Does the ADA recognize a private cause of action against an employer for an unlawful medical inquiry outside strict exceptions?

2. May an employee hold back medical information where the employer refuses to treat the information as confidential medical records consistent with the ADA?

3. Is an employee's failure to respond to a request for medical information excused by unlawful inquiries requiring disclosure that is too broad or more intrusive than necessary?

4. Is an employer's refusal to consider accommodations that are obvious for the employee's known disability and the employer's reliance on impermissible inquiries to justify this decision an unlawful discriminatory practice?

5. Once a finding on the issue of unlawful inquiry has been made, is the question of reasonable accommodation a separate one that should be considered and resolved in the assessment of damages?

6. Once a finding on the issue of unlawful inquiry has been made, must the employer bear the cost of its "lost opportunity" to determine whether, with reasonable accommodations, the employee could have remained otherwise qualified for the position?

7. Or, in the alternative, once a finding on the issue of unlawful inquiry has been made, does the burden shift to the employer to plead and prove that no reasonable accommodation exists that would render the employee an otherwise qualified individual for the position?

No.

IN THE

Supreme Court of the United States

JILL COTTRILL; MARY COMBS, PETITIONERS

v.

MFA, INCORPORATED, DOING BUSINESS AS MFA AGRI-SERVICES, INC., A MISSOURI CORPORATION,

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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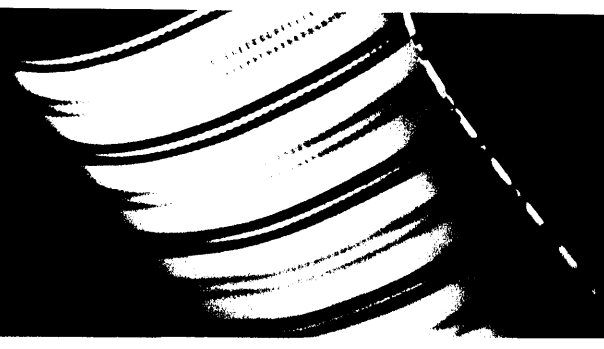
QUESTION PRESENTED

Whether a sufficient question of fact is presented to avoid the granting of a summary judgment motion on the subjectively offensive requirement of a claim for hostile work environment brought pursuant to the Civil Rights Act of 1964, given the totality of the circumstances test, where a supervisor peeped on the Plaintiffs over a number of years in the restroom and placed foreign substances on the toilet causing the Plaintiffs to break out in rashes, when the plaintiffs were initially unaware of the supervisor's actions, but where one of the Plaintiffs, after discovery of the peephole, was coerced by management into using the restroom knowing the supervisor was peeping on her, in order for the management to videotape said peeping.



In the Supreme Court of the United States

USX CORPORATION,

Petitioner,

v.

LIBERTY MUTUAL INSURANCE COMPANY,

Respondent.

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

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED FOR REVIEW

Erie Railroad Co. v. Tompkins mandates that "[e]xcept in matters governed by the Federal Constitution or by Acts of Congress, the law to be applied in any case is the law of the State." However, neither Erie, nor any subsequent decision of this Court, provides adequate guidance as to how state law is to be ascertained when it is unsettled or has not been addressed by the highest state court. As a result, it has been empirically established that state law is all too frequently ignored and that the "... federal common law survives despite its formal interment in the Erie decision".[1] The questions are:

1. Whether the Supreme Court of the United States should implement a presumption in favor of certifying substantial unanswered questions of state law to assure that the respect for judicial federalism, that Erie sought to achieve, is effectuated?

2. Whether the judgment of the Court of Appeals should be vacated, and the issue of state law the Court of Appeals found to be unanswered certified to the Supreme Court of Pennsylvania?

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[1] William M. Landes & Richard A. Posner, Legal Change, Judicial Behavior, and The Diversity Jurisdiction, 9 J. Legal Stud. 367, 375 (1980).

No. 06-

IN THE

Supreme Court of the United States

WILSON W. WILSON, appearing in his capacity as the curator of the interdict, CHRISTEL W. FONTENOT,

Petitioner,

v.

STATE FARM FIRE AND CASUALTY COMPANY,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

Whether the finding of fact by the District Court–that defendant respondent State Farm Fire and Casualty Company failed to carry its burden of proof that plaintiff/petitioner, the interdict Christel W. Fontenot started (set) the fire on July 17, 1995, which totally destroyed (demolished) the family home, the community property owned by petitioner and her husband Martin M. Fontenot, Jr., who on Friday immediately next preceding Monday, July 17, 1995, the date of the arson-caused fire occurred, had removed his personal possession and the personal possession of his boys, except that he forgot his gun and the guns of the boys which were in the closet, but remembering to return to the house on Sunday, July 16, 1995, next preceding the date of the arson-caused fire and remove them from the house before going (taking off) with the boys for Houston, Texas, after first filing for a [D]ivorce in the Family Court of East Baton Rouge Parish, Louisiana, with special/specific instruction to the Sheriff that the Petition for Divorce be served on his wife the interdict Christel W. Fontenot immediately following the filing of the divorce petition with the Clerk of Court, or as soon as practicable thereafter; and then made arrangements with a friendly neighbor to care for his horse while he is away in Houston, Texas and expressing to others the self-fulfilling prophecy that he "would not be surprised that Christel burn the house down when once the Petition for Divorce is served upon her – was maintainable and not manifest error; and the judgment of the District Court should not have been reversed by the Court of Appeals, Fifth Circuit.

No. _____ 06-18[illegible] - 2006

In The

Supreme Court of the United States

RACHAEL NELSON,
N/K/A RACHAEL MARSH,

Petitioner,

v.

BLAIN NELSON,

Respondent.

On Petition For Writ Of Certiorari To The Court Of Appeals Of The State Of Kansas

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

Is a waiver of the parental preference doctrine by a parent binding when the parent is coerced or under duress, or when the minor children do not consent to the waiver?

When a parent is told that social services will file a child in need of care case unless her children are placed with a third party and she waives her parental preference rights, does coercion and duress exist which would void any such waiver of the parental preference doctrine by the parent?