

Supreme Court U.S.
FILED

06-253 AUG 3 - 2006

No. OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

ALFRED POWERS, et al.,
Petitioners,

v.

WELLS FARGO BANK, N.A., et al.,
Respondents.

**On Petition For A Writ of Certiorari To The
United States Court Of Appeals For The Ninth Circuit**

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

The petitioners' action is based upon the respondents' participation in a national and international Ponzi scheme and their violation of the Federal Racketeer Influenced and Corruption Organizations Act ("RICO") 18 U.S.C. §1961 et seq.

The petitioners' action is neither a "strike" class action nor is it based upon a sale of a nationally traded security.

The United States District Court Central District of California dismissed the petitioners' action against all of the respondents based upon the court's finding that the provisions of §1964(c) of the RICO Act as amended by the Private Securities Litigation Act of 1995 ("PSLRA") P.L.104-67 prohibited the petitioners RICO based action.

The United States Court of Appeals for the Ninth Circuit affirmed the District Court with the sole exception of the respondent Marty A. Munosato, whose dismissal was vacated and remanded, based upon said respondent's criminal conviction arising from the subject Ponzi scheme.

Although extensively briefed by the petitioners, both the District Court and the Court of Appeals failed to consider the clear legislative history of the PSLRA and the Congressional intended effect of said Act, in particular as regarding the amendment to §1964(c) of the RICO Act.

Two questions are presented:

1. Was it the intention of Congress in enacting the PSLRA which amended §1964 (c) of the RICO Act to prohibit a RICO based action which was not a "strike" type class action affecting a "nationally traded security"?
2. If the intention of Congress was contrary to the above stated question, did the District Court and the Court of Appeals err in dismissing the petitioners action which was not a "strike" type class action and did not affect a nationally traded security?

Supreme Court, U.S.
FILED

No.

06-231 AUG 1 2006

OFFICE OF THE CLERK

IN THE

Supreme Court of the United States

CITIZENS FINANCIAL SERVICES, FSB (FORMERLY
KNOWN AS CITIZENS FEDERAL SAVINGS AND LOAN
ASSOCIATION), PETITIONER

v.

UNITED STATES

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

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

Where this Court has clearly held that special rules not applicable to private contracts may not determine government liability, *United States v. Winstar Corp.*, 518 U.S. 839 (1996), and that special rules may not deny damages for that liability, *Mobil Oil Exploration & Producing Southeast, Inc. v. United States*, 530 U.S. 604 (2000), did the courts below err in applying a special rule to limit a subset of damages for lost profits – contrary to decisions of this Court, the Federal Circuit itself, other courts of appeals, state courts, the *Restatement* and leading treatises – to proof of “specific” lost opportunities?

Supreme Court, U.S.

06-253 FILED 2006

No. 06-OFFICE OF THE CLERK

IN THE

Supreme Court of the United States

STACY A. GIBSON,

Petitioner,

v.

ADA COUNTY, *et al*,

Respondents.

**ON PETITION FOR WRIT OF CERTIORARI TO
THE SUPREME COURT OF THE STATE OF IDAHO**

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

- I. Whether Petitioner, employed as a deputy sheriff with a public agency (Ada County), has a statutory right of action under the *Fair Labor Standards Act* (FLSA), 29 U.S.C. § 216(b), from the events stemming from the employer's violations of § 211(c) and § 207(k), FLSA, and Petitioner's refusal to resign her employment when threatened with statutory criminal prosecution, without probable cause.
- II. Whether Ada County was required to provide Petitioner due process in a "pre"-termination *Loudermill*¹ hearing prior to termination of that classified employment, when Petitioner's "hearing" occurred after termination from employment; whether the decision of an elected official (sheriff) to terminate Petitioner can stand as the "final" act, contrary to Petitioner's vested rights to engage due process protection under the County Merit System, the Federal Due Process Clause, existing Federal and Idaho law; and, whether Petitioner has a due process right under the 14th Amendment to the U. S. Constitution, and Article I, § 13 of the Idaho Constitution, to engage in an agency review process and judicial proceedings thereafter to address the lack of "good cause" when terminating her classified employment.
- III. Whether the former provisions of § 1-7G-1 through § 1-7G-3, Ada County Code, and the provisions contained in the County Commissioners' March 21, 2006 amendments to § 1-7G-1 through § 1-7G-3 (Ordinance No. 612), Ada County Code, comply with *Idaho Code*, § 31-714, the due process provisions of the Idaho Constitution and the Due Process Clause of the U.S. Constitution, or be regarded as repugnant to the U.S. Constitution for denying a classified employee the right to

¹ *Loudermill Board of Education v. Loudermill*, 470 U.S. 532, 105 S.Ct. 851.

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(12)

Questions Presented

participate in procedural due process, in light of the Idaho Supreme decision declaring Ada County Code, § 1-7G-3(O) “infirm” and “conflicts with the general laws of this State”.

IV. Whether Ada County committed an intentional concealment and perversion of truth (fraud) by failing to disclose to Idaho courts how Ada County Sheriff had misclassified Jail Technicians as exempt under 29 U.S.C. § 207(k) for many years, beginning 1993-1995 to the date beyond Petitioner’s duration of employment, and whether such intentional failure to disclose FLSA violations, was undertaken to avoid County liability and relief to Petitioner.

V. Whether the Idaho Supreme Court suppressed due process when denying Petitions For Writ of Certiorari and Mandamus, and engaged in a process of sidestepping issues presented by Petitioner, entering conclusions of law contrary to existing federal authority, and pursuing what appears a “result oriented” focus to insulate the agency from liability.

VI. Whether the cause of action in Petitioner’s Title 42 U.S.C. § 1983 action begins to accrue upon the occurrence of the “last overt act” for purposes of applying the statute of limitations for conduct undertaken by Ada County.

Supreme Court, U.S.
FILED

06-234 AUG 14 2006

No. OFFICE OF THE CLERK

IN THE
Supreme Court of the United States

INFORMATION SYSTEMS & NETWORKS CORPORATION,
PETITIONER

v.

UNITED STATES

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

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Does the decision below denying petitioner the right to be reimbursed for the state income taxes it paid as a result of performing its contract with the government subvert the purposes of the Federal Acquisition Regulations, the Small Business Act, public policy and Congress' intent that government not penalize through its reimbursement scheme those who elect to organize themselves as a Subchapter S corporation?

2. Does the decision below run afoul of the policies of Congress and the Executive Branch which foster the robust participation of small businesses generally and Subchapter S corporations in particular in the Nation's commerce, including the federal government's procurement of goods and services from vendors such as the petitioner?

3. Is the constitutional guaranty of the equal protection of the laws undermined by the decision below which applies the Federal Acquisition Regulations differently for no reason rooted in law to those like the petitioner who as a small business elects to organize itself as a Subchapter S corporation?

Supreme Court U.S.

06 - 235 AUG 14 2006

No. OFFICE OF THE CLERK

In the Supreme Court of the United States

CITY OF GETTYSBURG, SOUTH DAKOTA,
Petitioner,

v.

UNITED STATES,
Respondent.

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

PETITION FOR A WRIT OF CERTIORARI

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August 14, 2006

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QUESTION PRESENTED

Whether this Court should exercise its supervisory authority to require that federal courts of appeals articulate some explanation or rationale for the disposition of appeals taken as a matter of statutory right.

SUPREME COURT

06-236757-2008

OFFICE OF THE CLERK
No. _____

In the Supreme Court of the United States

Oscar Manuel Garcia y Garcia, Petitioner

v.

United States of America, Respondent.

**On Petition for a Writ of Certiorari to the U.S.
Court of Appeals for the 11th Circuit**

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether Article 1 § 8 of the United States Constitution permits Congress under the Maritime Drug Law Enforcement Act to punish any transgression committed on the high seas by a foreign national on a foreign vessel.

Supreme Court U.S.
FILED

No. 06-25731-1 - 2006

In The OFFICE OF THE CLERK
Supreme Court of the United States

—◆—
MALCOLM W. PRINZING,

Petitioner,

v.

GRACE STABELL SCHWAB,

Respondent.

—◆—
**On Petition For A Writ Of Certiorari
To The State Of Minnesota,
Court Of Appeals**

—◆—
PETITION FOR A WRIT OF CERTIORARI
—◆—

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QUESTION PRESENTED

In a public figure defamation, can a party be found liable where the party publishes his opinion regarding facts which are subject to more than one reasonable interpretation when the record is devoid of evidence of knowledge of the alleged falsity of the statement or evidence that the statement was made with reckless disregard of the truth?

Supreme Court of the United States

No. 06-238 - 2006

OFFICE OF THE CLERK

IN THE

Supreme Court of the United States

WESTLANDS WATER DISTRICT,
Petitioner,

v.

STATE WATER RESOURCES CONTROL BOARD,
Respondent.

**On Petition for Writ of Certiorari to the
California Court of Appeal
Third Appellate District**

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

I.

What showing must the federal government make to establish that federal environmental statutes mandate operation of a federal water project in a manner that causes injury to water users who take water pursuant to a federal contract and state water rights—injury that is otherwise prohibited by state water law?

(i)

Supreme Court, U.S.
FILED

No. 06-239 AUG 15 2006

OFFICE OF THE CLERK
In the
Supreme Court of the United States

JOHN HANSL,

Petitioner,

v.

THE UNITED STATES OF AMERICA,

Respondent.

On 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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QUESTIONS PRESENTED

1. Whether the language of §14(a) of the Refugee Relief Act of 1953 ("RRA"), which barred the grant of a visa to persons who "personally advocated or assisted in persecution because of race, religion, or national origin," created a *per se* bar for a former concentration camp guard, when the State Department applied immigration policy in 1955 to such applicants to mean that they must have "personally participated" in atrocities before being ineligible for a visa.
2. Whether the process established by this Court in *Fedorenko v. United States* requires that statements of consular officials who administered the RRA be considered by a court that is conducting statutory interpretation of the RRA, thereby resolving an apparent conflict in principle between the circuits on an issue of statutory interpretation.
3. Whether the Government's withholding of exculpatory evidence, later produced as an acknowledgment of error, resulted in erroneous statutory interpretation and violation of the Due Process Clause of the Fifth Amendment.