

06-90 JUL 18 2006

No. OFFICE OF THE CLERK

IN THE
Supreme Court of the United States

DAVID H. CAIN,
Petitioner,

v.

HONORABLE TIMOTHY FORSHEY, Judge for the City of
Scottsdale Municipal Court, Deborah Robberson, City
Attorney for the City of Scottsdale, HONORABLE MICHAEL D.
JONES, Judge for the Superior Court of the State of Arizona,
in and for the County of Maricopa; STATE OF ARIZONA as the
Real Party in Interest, COURT OF APPEALS-DIVISION ONE for
the State of Arizona, and the ARIZONA SUPREME COURT.
Respondents.

**On Petition for a Writ of Certiorari from the
Arizona Supreme Court**

PETITION FOR A WRIT OF CERTIORARI

MARK R. JEWETT *
THE LAW OFFICES OF
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Counsel for Petitioner

* Counsel of Record

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QUESTION PRESENTED

Whether due process rights were violated by the Court's acceptance of jurisdiction and presumption of guilt exercised by the issuance of a photographic radar ticket by a computer without review or involvement from any human despite the Arizona Revised Statute requiring review and certification by an officer.

(i)

FILED

No. _____ 06-91 MAY 17 2006

IN THE OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES

DIETRICH & ASSOCIATES, P.L.C.,
PETITIONER

v

CAROLYN ROGERS,
GEOFFREY FIEGER, and
FIEGER, FIEGER, KENNEY & JOHNSON, P.C.,
RESPONDENTS

ON PETITION FOR WRIT OF CERTIORARI TO
THE MICHIGAN SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

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**Counsel of record*

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QUESTION PRESENTED

- I. Whether the Michigan Court of Appeals' conclusion that the doctrine of res judicata barred Petitioner's suit was inconsistent with Petitioner's fundamental federal right of due process pursuant to the Fourteenth Amendment; this extreme application of res judicata was inappropriate because Petitioner's suit was independent from the prior litigation?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page. The parties to this petition are:

- Dietrich & Associates, PLC, Petitioner
- Carolyn Rogers, Respondent
- Geoffrey Fieger, Respondent
- Fieger, Fieger, Kenney & Johnson, P.C., Respondent

CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 29.6, Petitioner states as follows:

Petitioner is not a corporation that has issued shares to the public, nor is it a parent corporation, a subsidiary or affiliate of corporations that have done so.

FILED

06-93 JUL 18 2006

No. OFFICE OF THE CLERK

IN THE
Supreme Court of the United States

KATHY M. HANCOCK,
Petitioner,

v.

DEPARTMENT OF THE INTERIOR,
Respondents.

**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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* Counsel of Record

July 18, 2006

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THE QUESTIONS PRESENTED FOR REVIEW

Whether the Court of Appeals for the Federal Circuit has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure from the Merit System Protection Board (hereinafter "MSPB"), as to call for an exercise of the Supreme Court's supervisory powers in all of the following respects:

- i. Whether, under the circumstances of this case, the Administrative Judge's ("AJ's") wholesale exclusion of the overwhelming majority of Dr. Hancock's proposed witnesses is such an egregious breach of her procedural due process rights such as to require the Supreme Court to act?
- ii. Whether the AJ's end-of-hearing denial of any rebuttal testimony by Dr. Hancock's witnesses is such an egregious breach of Dr. Hancock's procedural due process rights such as to require the Supreme Court to act?
- iii. Whether the Court of Appeals' clear restatement of Dr. Hancock's procedural due process issues during oral argument obliged the Court of Appeals to address those issues in a written Opinion?
- iv. Under the circumstances of this case, whether the Court of Appeals' invoking of Federal Circuit Rule 36 amounts to avoiding or neglecting the Court of Appeals' responsibility to provide a reasonable basis for its ultimate decision?
- v. Whether, under the circumstances of this case, Dr. Hancock's right of appeal is effectively undermined when she is left in a position of having to speculate or guess the basis for the Court's judgment?
- vi. Whether the government's numerous misstatements of fact to the Court of Appeals in oral argument and in their brief are so egregious as to call for an exercise the Supreme Court's supervisory powers?

FILED

No. 06- 06 -94 JUL 18 2006

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

FULLER-AUSTIN INSULATION COMPANY, f/b/o
FULLER-AUSTIN ASBESTOS SETTLEMENT TRUST,

Petitioner,

v.

HIGHLANDS INSURANCE COMPANY, *et al.*,

Respondents.

**On Petition For A Writ Of Certiorari
To The California Court Of Appeal,
Second Appellate District, Division Two**

**PETITION FOR A WRIT OF CERTIORARI
AND APPENDIX VOLUME I, Pages 1 to 121**

CHARLES J. COOPER*
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**Counsel of Record*

Counsel for Petitioner

[Additional Counsel Listed On Inside Cover]

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QUESTION PRESENTED

Section 524(g) of the Bankruptcy Code is Congress' lone response thus far to the Nation's asbestos litigation crisis. It authorizes the creation of asbestos trusts to pay the claims of present and future claimants injured by exposure to the asbestos products of the bankrupt defendant. Such trusts are funded by the assets of the bankrupt defendant, often (as in this case) including the proceeds of general liability insurance policies. In order to ensure the equitable treatment of all asbestos victims (whose injuries often take many years to manifest themselves), Section 524(g) requires such trusts to treat present and future claimants alike. Accordingly, when such a trust's total projected liabilities exceed its anticipated assets, the trust must discount the payments otherwise owing to present beneficiaries in order to ensure that the trust will have sufficient assets to pay allowed claims of future claimants in like amounts. The California court below, expressly rejecting the reasoning of the Seventh Circuit, held that a trust's adherence to Section 524(g) effectively limited the liability insurers' coverage obligation to the discounted amounts paid to claimants by the trust (rather than the allowed value of the asbestos victims' claims). The question presented is:

Does Section 524(g) preclude reduction of the amount of insurance monies otherwise due and owing to an asbestos trust because the trust has discounted payouts to present claimants in order to preserve available assets for future claimants?

Supreme Court, U.S.
FILED

No. _____ 06-95 37810 2006

OFFICE OF THE CLERK

In The
Supreme Court of the United States

—————◆—————
HORACE LITTLESUN,

Petitioner,

v.

UNITED STATES OF AMERICA,

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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QUESTION PRESENTED

1. Whether, at sentencing, it is appropriate to use testimonial hearsay concerning facts probative of the crime of conviction after *Crawford v. Washington*, 541 U.S. 36 (2004).

Supreme Court, U.S.

06-96 JUL 12 2006

No. 06-OFFICE OF THE CLERK

IN THE
Supreme Court of the United States

VICTOR VEROLA,

Petitioner,

v.

BRUCE H. COLTON, in his capacity as State Attorney
for the Nineteenth Judicial Circuit of Florida,

Respondent.

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

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

The Eleventh Circuit affirmed the district court's order finding that an order of the bankruptcy court determining restitution dischargeable was an error pursuant to 11 U.S.C. § 523(a)(7). The Eleventh Circuit and district court made this determination notwithstanding the fact that the restitution was ordered by the state court to pay for pecuniary loss and would not be paid "to and for the benefit of a governmental unit" as required by that statute. Although the facts of this case are not in dispute, questions relating to issues of federalism, the interpretation of the plain language of the bankruptcy code and of two conflicting opinions of this court have been implicated below. The Eleventh Circuit's opinion places itself in conflict with the plain language of the statute, engages in unauthorized judicial legislation, and conflicts with not only the portions of the opinion of this court in *Pennsylvania Department of Public Welfare v. Davenport*, 495 U.S. 552, 110 S. Ct. 2126, 109 L. Ed. 2d 588 (1990) that remain valid, but also with holdings of the Third and Seventh Circuits.¹

Four questions are presented:

1. Does the *Davenport* opinion overturn *Kelly v. Robinson*, 479 U.S. 36, 107 S. Ct. 353, 93 L. Ed. 2d 216 (1986) to the extent that (a) restitution orders are "debts" or "claims" as defined by the bankruptcy code that must be

1. It should be noted that there exists a conflict within the Third Circuit itself, which has ruled both that restitution orders are (*In re: Rashid*, 210 F.3d 201, 207 (3d Cir. 2000)) and are not (*In re: Thompson*, 418 F.3d 362, 368 (3d Cir. 2005)) dischargeable. The attempt by the *Thompson* court to reconcile this conflict also violates both the plain meaning of the statute and this court's opinion in *Davenport*.

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QUESTION PRESENTED

Do the federal courts lack authority, under the Separation of Powers, to enjoin federal prosecutors from breaching a binding contractual obligation "not to bring any criminal prosecution" against a company and its executives?

Supreme Court, U.S.

06-98 2006

OFFICE OF THE CLERK
No. _____

IN THE
Supreme Court of the United States

WIEN & MALKIN LLP, *et al.*,
Petitioners,

v.

HELMSLEY-SPEAR, INC.,
Respondent.

**On Petition for a Writ of Certiorari
to the Court of Appeals
of the State of New York**

PETITION FOR A WRIT OF CERTIORARI

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July 21, 2006

*Counsel for Wien & Malkin
LLP and Peter L. Malkin*

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QUESTION PRESENTED

Did the arbitration panel in this case act in manifest disregard of the law — such that, under the Federal Arbitration Act, its award should be vacated?

Supreme Court, U.S.
FILED

No. 06-99 JUL 17 2006

IN THE OFFICE OF THE CLERK

Supreme Court of the United States

ELIZABETH TURPIN, *Petitioner,*

versus

COMMONWEALTH OF KENTUCKY, *Respondent.*

**Petition for a Writ of Certiorari to the
Court of Appeals of Kentucky**

**PETITION FOR A WRIT OF CERTIORARI
With Appendix**

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QUESTIONS PRESENTED

1. Whether the courts below in denying petitioner's claims of ineffective assistance of counsel at her death penalty trial failed to use proper standards in violation of *Strickland v. Washington*, 466 U.S. 668 (1984), and its progeny, by, *inter alia*, accepting any reason articulated by trial counsel, without more, as reasonable "trial strategy" that immunized counsel's conduct from being ineffective assistance under the Sixth and Fourteenth Amendments?

2. Whether the failure of petitioner's counsel to conduct an adequate mitigation investigation or to present any mitigating evidence at the sentencing phase of her death penalty trial constituted ineffective assistance of counsel under the Sixth and Fourteenth Amendments, even though petitioner did not receive the death sentence, despite the jury's finding of an aggravating circumstance, but instead received Kentucky's then penultimate punishment of life imprisonment without benefit of parole eligibility for twenty-five years?

3. Whether petitioner was denied effective assistance of counsel under the Sixth and Fourteenth Amendments by the failure of her trial counsel to object to inadmissible evidence in both phases of her death penalty trial for murder?