EXTENSION OF TIME REQUEST FOR A PETITION FOR WRIT OF CERTIORARI

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

DOUGLAS WALTER GREENE

Applicant,

v.

IPA/UPS SYSTEM BOARD OF ADJUSTMENT; UNITED PARCEL SERVICE CO.; INDEPENDENT PILOTS ASSOCIATION

INDEPENDENT PILOTS ASSOCIATION; ROBERT TRAVIS, in his capacity as President of the Independent Pilots Association; ERICK GERDES, in his capacity as Vice President of the Independent Pilots Association; THOMAS KALFAS, in his capacity as Secretary of the Independent Pilots Association; BILL CASON, in his capacity as Treasurer of the Independent Pilots Association; HARRY TREFES, in his capacity as At Large Representative of the Independent Pilots Association

FROST BROWN TODD, LLC; MARK FRANCIS SOMMER; TONY C. COLEMAN

Respondents,

APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

Directed to the Honorable Elena Kagan Associate Justice of the Supreme Court of the United States and Circuit Justice for the United States Court of Appeals for the Sixth Circuit

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To the Honorable Elena Kagan, as Circuit Justice for the United States Court of Appeals for the Sixth Circuit:

Under 28 USC § 2101(c) and this Court's Rules 13.5, 22, and 30.3, Applicant Douglas Walter Greene, request an extension of sixty (60) days to file Petition for Writ of Certiorari in the identified consolidated case. The Applicant petition will be asking this Court to review judgment of the United States Court of Appeals for the Sixth Circuit in the cited appeal, that was not recommended for publication, a copy of which is attached (App. A). In support of this application, Applicant states:

1. The Sixth Circuit issued its opinion on 4 December 2017, and it denied a timely petition for rehearing en banc on 13 April 2018 (App. B). Without an extension, the Petition for a Writ of Certiorari would be due on 12 July 2018. With the requested extension, the petition would be due on 10 September 2018. In accordance with Supreme Court Rules, this application is being filed 10 days prior to that due date.
2. This Court's jurisdiction is invoked under 28 USC § 1254 (1), 28 USC § 1651(a), and 28 USC § 2403(a) raising a constitutional question.

There are important questions that were determined adversely by the lower courts that are of National importance because a precedent setting Decision has been made based on known fraud ignored by the lower courts. The following briefly summarizes the validity of constitutional amendments and statutes involved as the writ of certiorari indeed presents a substantial question of national importance that will identify points of law and fact overlooked and misapprehended by the lower court.

These overlooked and misapprehended points of law and fact demonstrates a circuit split and conflict with the stare decisis precedent Rules of Law established by the United States Supreme Court in which the Appellant's Constitutional Rights have been violated of which these concerns apply here.

First, **the application for certiorari would not be frivolous and it is serious candidate to be reviewed by the Supreme Court** because of multiple grounds to be raised in the application which merit the attention of the Supreme Court as follows:

1. **Captain Douglas Greene has *NEVER* even been afforded an *appearance in front of a trial court* with or *without* a jury** so as in accordance with FRCP Rule 52(a)(6) to be given due regard to the trial court's opportunity to judge the witnesses' credibility.
2. **Greene asserted his Rule 38. Right to a Jury Trial Demand** to only be denied. This Constitutional right has been unlawfully denied despite filing a motion for a **Rule 38 Jury Trial Demand** which is a basic Right that has been determined in just one of many United States Supreme Court Decisions as in TEAMSTERS v. TERRY in which JUSTICE MARSHALL delivered the opinion of the Court stating:

"This case presents the question whether an employee who seeks relief in the form of backpay for a union's alleged breach of its duty of fair representation has a right to trial by jury. We hold that the Seventh Amendment entitles such a plaintiff to a jury trial."

These proceedings have presented more than a mere *"scintilla"* of sufficient evidence favoring the nonmoving party for a jury verdict for that party showing countless disputes in Material Facts. The District & Appellate Courts violated **FRCP Rule 56 Summary Judgment** by Granting/Affirming Defendant's Motions for Summary Judgment given the record shows findings of fact in both oral & documentary evidence of material facts in dispute unlawfully set aside by the District/Appellate Courts:

"The right to a jury trial is fundamental in our judicial system, and that the right is one obviously immovable limitation on the legal discretion of the court to set aside a verdict, since the constitutional right of trial by jury includes the right to have issues of fact as to which there is room for a reasonable difference of opinion among fair-minded men passed upon by the jury and not by the court." *(Michael Tomick v. United Parcel Service et al., Superior Court of Connecticut. CV064008944, Decided: October 28, 2010).*

3. **The Appellate Court's panel decision conflicts with a decision of the United States Supreme Court** in Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986). Wherein the U.S. Supreme Court held:

"The Court of Appeals did not apply the correct standard in reviewing the District Court's grant of summary judgment. Pp. 477 U. S. 247-257.

(a) Summary judgment will not lie if the dispute about a material fact is "genuine," that is, if the evidence is such that a reasonable jury could return a verdict for the nonmoving party. At the summary judgment stage, the trial judge's function is not himself to weigh the evidence and Page 477 U. S. 243 determine the truth of the matter, but to determine whether there is a genuine issue for trial. There is no such issue unless there is sufficient evidence favoring the nonmoving party for a jury to return a verdict for that party. In essence, the inquiry is whether the evidence presents a sufficient disagreement to require submission to a jury, or whether it is so one-sided that one party must prevail as a matter of law. Pp. 477 U. S. 247-252.

(b) A trial court ruling on a motion for summary judgment in a case such as this must be guided by the New York Times "clear and convincing" evidentiary standard in determining whether a genuine issue of actual malice exists, that is, whether the evidence is such that a reasonable jury might find that actual malice had been shown with convincing clarity. Pp. 477 U. S. 252-256."

In *Hines v. Anchor Motor Freight,* the U.S. Supreme Court held:

"The finality provision has sufficient force to surmount occasional instances of mistake. But it is quite another matter to suggest that erroneous arbitration decisions must stand even though the employee's representation by the union has been dishonest, in bad faith, or discriminatory; for in that event error and injustice of the grossest sort would multiply. The contractual system would then cease to qualify as an adequate mechanism to secure individual redress for damaging failure of the employer to abide by the contract. Congress has put its blessing on private dispute settlement arrangements provided in collective agreements, but it was anticipated, we are sure, that the contractual machinery would operate within some minimum levels of integrity. In our view, enforcement of the finality provision where the arbitrator has erred is conditioned upon the union's having satisfied its statutory duty fairly to represent the employee in connection with the arbitration proceedings. Wrongfully discharged employees would be left without jobs and without a fair opportunity to secure an adequate remedy."

4. **Rule 52.(a)(5) & (6): Findings and Conclusion by the Court**

(5) Questioning the Evidentiary Support. A party may later question the sufficiency of the evidence supporting the findings, whether or not the party requested findings, objected to them, or moved for partial findings.

The District Court refused to answer Greene's demands for Evidentiary Support of false findings that were based on known fraud of which the record proves ***"Beyond Reasonable Doubt,"*** but was unlawfully set aside by the District & Appellate Courts.

(6) Setting Aside the Findings of fact and giving no trial court opportunity to judge the witnesses' credibility.

5. **Questions of national importance affecting federal rights to due process and a Duty of Fair Representation (DFR),** include but are not limited to.... the court not vacating an arbitration decision even though it possesses evidence that the arbitration decision was a product of fraud. The court not finding a **BREACH of Duty of Fair Representation** when a union allows more than 6,000 pages of documents to be dumped in violation of the Collective Bargaining Agreement days before arbitration. This is important not only for UPS Pilots but for all union members nationwide. It is a very dangerous precedent that both the District & Appellate Courts have in their possession enough evidence to determine that UPS is forcing pilots with DUI and substance abuse problems to write false statements used to target unwanted pilots attempting to do their job in enforcing the Safety & Security of the airline industry by something as simple as calling in sick or fatigued.

(1) If allowed to stand, this case will encourage other unions to violate stare decisis precedent of the Supreme Court - Union owes ***"duty to exercise fairly the power conferred upon it on . . . without hostile discrimination"*** against bargaining unit members (Steele v. Louisville & Nashville R.R., 323 U.S. 192 (1944))

(2) These triad cases afford an opportunity to properly distinguish bad faith representation from arbitrary representation. The latter, by definition, requires a final product of bargaining to prove breach of DFR. DFR obligation **"applies to all union activity"** involving all duties as exclusive collective bargaining:

- contract negotiations/settlement.
- contract administration.
- processing/handling/settlement of grievances (not violating the CBA by unlawfully putting grievances at abeyance).
- all other activities involving IPA's representative role.

ALPA v. O'Neill, 499 U.S. 65, 78 (1991). The former does not. *Amalgamated Motor Coach Emp. v. Lockridge*, 403 U.S. 274, 301 (1974).

(3) The case law below represents at least 16 circuit court split cases of which United Parcel Service is a litigant in 6 out of the 16 given an undisputable reputation of Workplace Violence against their employees ignored by the District & Appellate Courts. A large number of other circuit court splits & conflicted U.S. Supreme Court decisions to include within the 6th Circuit itself:

BOBO v. UPS 6th Circuit 2012 Remand; RUSSELL v. UNITED PARCEL | 110 Ohio App.3d 95 (1996); ARNOLD v. Air Line Pilots Association, and John G. Schleder, Defendants-Appellees; BALOWSKI v. INTERNATIONAL | 372 F.2d 829 (1967); BIANCHI V. ROADWAY EXPRESS, INC.,; BOWEN v. UNITED STATES POSTAL SERVICE; See the 7th Circuit Hoffman Standard in *Hoffman v. Lonza, Inc.,; HAYDUK v. UNITED PARCEL SERVICE | 930 F.Supp. 584 (1996); Braxton v. United Parcel Service, Inc., 806 F. Supp. 537 (E.D. Pa. 1992); Tull v. United States, (full text) // 481 U.S. 412 (1987); Arnold v. Air Midwest Inc Ar Paquette Air Line Pilots Association, 10th Circuit (1996); MARGETTA v. PAM PAM CORPO | 501 F.2d 179 (1974); United Parcel Service, Inc. v. Mitchell,* **the Supreme Court dealt with an employee's suit charging his employer with wrongful discharge and his union with breach of its fair representation duty**; MUNIZ v. UNITED PARCEL SERVICE INC.; Olsen v. United Parcel Service, 892 F. 2d 1290 - Court of Appeals, 7th Circuit; RUZICKA v. GENERAL MOTORS | 528 F.2d 912 (1975); Thomas v. United Parcel Service, Inc. And Local 710, International Brotherhood of, 890 F.2d 909;

Third, **it is the Supreme Court's job to resolve questions of significant national importance and to make sure that the law is interpreted and applied consistently throughout the nation to include Standards of Review.** The District & Appellate Courts discriminated against a *Pro Se* litigant blatantly ignoring the Rule of Law in both Federal Rules of Civil/Appellant Procedures and not complying with a *De Novo Standard of Review* while giving complete deference to the District Court. The Appellate Court's Decisions of overwhelming Appellant denial show Appellant pleadings were not read and all of Applicant's countless findings of fact in both oral & documentary evidence submitted in the record were unlawfully set aside.

The Applicant has been an outgunned law firm of one forced overseas to mitigate my damages traveling to different cities across the world continuing to enforce the safety and security of the airline industry. My profession demands training over the next month in my field of expertise as an aviator to stay current & proficient between now and the current petition deadline of 12 July 2018. The Respondents UPS, IPA & FBT have the applicant at a gross disadvantage and plain and simple more time is mandatory. As stated by Sixth Circuit Court Judge, Griffin:

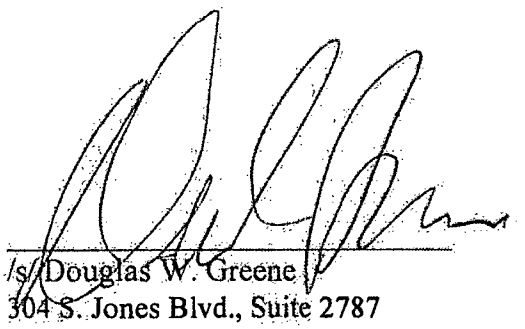
> **Indeed, "[t]he Framers [n]ever doubted the right of self-representation, or imagined that this right might be considered inferior [emphasis added] to right of assistance counsel." *Faretta v. Callifornia,* 422 U.S. 806, 832 (1975).**

In comparison, UPS has ***BILLIONS*** of dollars & have used their undue influence to ensure Applicant is disadvantaged and without the ability to maintain professional legal counsel.

> ***"[T]he ability to deny one's opponent the services of capable counsel is a potent weapon."*** *Manning v. Waring, Cox, James, Sklar & Allen, 849 F.2d 222, 224 (6th Cir. 1988)*

In addition, IPA has been embezzling pilot membership dues hiring outside counsel currently barraging the Applicant with additional vexatious litigation denying me the time needed for my Petition for Writ of Certiorari. UPS, FBT, & IPA have retained countless attorneys from multiple firms that are working full time around the clock while at the same time making it impossible for the Applicant to retain legal counsel. The ill health of the Applicant's partner has also weighted heavily on demanding time and attention to my partner's serious health concerns thereby mandating the need for the sixty (60) day extension until 10 September 2018.

Respectfully submitted,



Dated: June 29, 2018

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"INJUSTICE anywhere is a threat to JUSTICE everywhere."

Martin Luther King