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NO. 18A 865

Supreme Court, U.S.
FEB 25

FEB 25 2019

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

VERONICA W. OGUNSULA
Petitioner

vs.

STAFFING NOW, INC.
Respondent

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT
OF APPEALS FOR THE DISTRICT OF COLUMBIA

APPLICATION FOR EXTENSION OF TIME
TO FILE A PETITION FOR WRIT OF CERTIORARI

TO THE CHIEF JUSTICE
JOHN G. ROBERTS, JR.

FEBRUARY 25, 2019

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To the Honorable John G. Roberts, Jr., Chief Justice of the United
3 States Supreme Court and Circuit Justice for the District of Columbia Circuit:
4

5 The Petitioner, Veronica W. Ogunsula, a United States citizen and
6 resident of the State of Maryland, proceeding Pro Se, respectfully moves that the
7 time within which she may file the Petition For Writ of Certiorari to review the
8 judgment of the U.S. Court of Appeals for the District of Columbia Circuit affirming
9 the U.S. District Court's Judgment be extended. The U.S. Appeals Court's
10 Judgment was entered on the 10th day of August and the Appellant Petition for
11 Rehearing was denied on the 3rd day of December, 2018. A copy of the opinion of the
12 Court of Appeals is attached as well as the Orders denying the Rehearing and
13 Rehearing En Banc. The Case No. 17-7150 is captioned:
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Veronica Ogunsula, Plaintiff-Appellant

vs.

Staffing Now, Inc., Defendant-Appellee

21 The Petitioner requests that the time to file be extended from the 4th day of March,
22
23 2019, for a period of 45 days up to and including Thursday, April 18, 2019.
24 Jurisdiction of this Court is invoked under 28 U.S.C. § 1254.

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I.

This case is a federal employment discrimination case which involves allegations of discrimination based on race, national origin, and age under Title VII of the 1964 Civil Rights Act and Age Discrimination in Employment Act by the Respondent, Staffing Now, Inc. The U.S District Court for the District of Columbia ruled in favor of the respondent's Motion for Summary Judgment which prompted an appeal to the United States Court of Appeals for the District of Columbia as referenced above.

Central to the questions being presented to the Supreme Court involves the application of the framework related to the Supreme Court's precedent setting employment case, McDonnell Douglas vs. Green, as it relates to an employer and an industry whose hiring processes, practices and the nature of their workforce, based on factual situations, differ from the hiring processes typically found in other human resources department and the permanent staffing industry at large. However, these practices are subject to federal employment discrimination laws. Given that these practices are not exempt to non-discrimination laws, discovery in discrimination cases in this industry, as in other industries, is therefore important and essential for all parties.

An industry association, American Staffing Association, stated that the temporary staffing industry employs about 3.2 million individuals a year and these companies hire more than 15 million temporary and contract employees during the

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course of the year. This part of the workforce has nearly doubled in the last several years. In comparison, the total U.S. workforce consists approximately a total 128 million individuals. A ruling by this Court could affect up to approximately 12% of the U.S. workforce. These employees and individuals deserve a discrimination-free work environment and opportunity to earn an honest living.

The unique practices of the temporary staffing industry/companies should be taken into account in a review of a case that applies the McDonnell Douglas framework. The Supreme Court was aware that different factual situations in Title VII case could affect how the *prima facie* proof was applied and stated as much in the case and Footnote 13 endeavoring to provide guidance that supported some flexibility in the application of the framework.

This decision was reviewed by a special two-judge panel. A Motion of Judicial Recusal was submitted involving one of the justices of the panel. That Motion was denied. This court will be asked to review that decision.

III.

An extension of time of 45 days with which to file a Petition for Writ of Certiorari is requested for the following reasons:

As previously stated, on December 3rd, the Special Panel of the U.S. Appeals Court for the District of Columbia filed their decision on the Rehearing. On December 10th, the Petitioner filed a Request To Stay The Mandate of the U.S. Appeals Court for the District of Columbia pending a filing of a Petition For A Writ

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of Certiorari to the Supreme Court. The respondent file a response of December 19, 2018. On December 22, 2018, the Petitioner suffered a catastrophic computer failure of her only and primary working laptop. After several futile attempts to restore the computer during the Holiday season, she purchased parts for a non-working spare laptop, however it suffered a similar fate after using the same connection to the internet she had used for her primary laptop. Petitioner believes she was the victim of intentional hacker. During this time she had little to no access to her case files, research and documents. In mid-January she was able to restore her spare PC and some of the files related to this case. In late January she finally received repair parts and new hardware for her primary PC and restore most of the files.

(A) This Application for extension is being requested to allow the petitioner to complete her Petition as well as seek counsel/advice related to her Petition.

(B) No prejudice will result to any party from the requested extension.

(C) The Appellee's Counsel was contacted via email on the morning of February 25, 2019 to ascertain their support or opposition to this Application For An Extension To File. However, no response was received by the time this Application was submitted to the Court.

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Wherefore, petitioner respectfully requests that an order be issued extending the time for filing a Petition For Writ of Certiorari up to and including April 18, 2019. Further, the petitioner also requests that this Court extend to her the capability to file her documents electronically. This was a privilege extended to the Petitioner in both the District Court and Appeals Court.

Dated this 25th day of February 2019

Respectfully submitted,

Veronica W. Ogunṣula, Pro Se