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No. 1229
19-1342

ORIGINAL

In The
Supreme Court of the United States

LEE MULCAHY, PhD, pro se

Petitioner,

v.

ASPEN SKI COMPANY ("Skico")

Respondent.

On Petition for Writ of Certiorari
To The Colorado Court of Appeals

PETITION FOR REHEARING

LEE MULCAHY, Ph.D., Pro Se
53 Forge
Aspen, CO 81611
(970)429-8797
leemulcahyphd@gmail.com

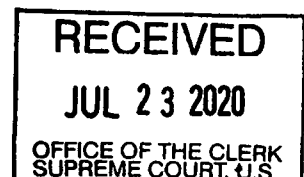
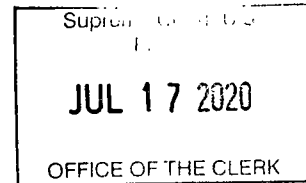


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PETITION FOR REHEARING

Pursuant to Sup. Ct. R. 44.2, Lee Mulcahy respectfully petitions this Court for an order granting rehearing and vacating the Court's June 22, 2020, order denying certiorari, and disposing of this case by granting the petition for certiorari, vacating the judgment, and remanding to the Aspen Pitkin County district court for further consideration.

As grounds for this petition for rehearing, petitioner states the following:

This is the story of power and influence of billionaires on our judicial system. Aspen Skiing ("Skico") is owned by the powerful billionaire Lester Crown family that entertain Supreme Court justices in their homes and tweet out pictures.

The prohibition against chilling free speech derived from the prohibition against retaliation. The hurdles faced by the employee who is fired because of protected speech are not invisible to the employee who is deciding whether to speak up. An employee who considers whether to blow the whistle on their employer for unlawful conduct or to advocate unionization among her coworkers, but who fears he/she may lose her job or be banned from riding ski and bike lifts in national forest with no readily available means of redress, is likely to be deterred

from speaking. Notwithstanding the formal prohibition of retaliation against certain kinds of speech, we should expect reasonable employees to be "chilled" from speaking freely when it may put their jobs at risk or worse. (*Bradford v. Textile Workers of America, AFL-CIO*, 563 F.2d 1138 (4th Cir. 1977); *Holder v. City of Allentown*, 987 F.2d 188 (3rd Cir. 1993); *Ridpath v. Board of Governor's Marshall Univ.*, 447 F.3d 292 (4th Cir. 2006))

Accordingly, *Pro Se* petitioner respectfully requests that this Court grant my Petition for Rehearing or in the alternative, that an order be entered for a ski-off between petitioner and/or his fiancée Ms. Cox with billionaire Jim Crown, owner of Aspen Skiing and weapons maker General Dynamics on the Montezuma Basin glacier outside Aspen up Castle Creek.

Relevant facts

1. Skico is owned by Chicago billionaire Lester Crown who controls one of America's largest fortunes. The New York Times writes:

"On the face of it, the issue seemed less than monumental: the Pentagon was seeking to revoke a businessman's top-secret security clearance. The significance lay in the nature of the evidence, the financial and political stakes involved and the identity of the accused: 61-year-old Lester Crown, head

of the billionaire Chicago family that controls America's largest defense contractor, the General Dynamics Corporation. Among those who appeared or offered affidavits in his behalf: Three former Secretaries of State, two former Secretaries of Defense, and former Secretaries of Treasury and Commerce. Henry Kissinger praised Crown's 'extraordinary probity.' Robert McNamara had 'every confidence in his integrity.' David Packard, co-founder of the Hewlett-Packard Company and head of a Presidential commission that had just recommended sweeping changes in the organization of the Defense Department, vouched for his 'trustworthiness.'"

2. Consequently, it has been very difficult to obtain legal counsel. No one wants to take this case on even with a paid retainer. No one wants to tackle this family. The last bastion of a free society is the ability to criticize our masters.

3. The billionaire Crowns have destroyed me legally. My family is being evicted from the home we built over five years and have never been late on taxes. I have nothing to lose. Dubbed the "Elvis of cultural theory" and "the most dangerous philosopher in the West," researcher at the Department of Philosophy of

the University of Ljubljana Faculty of Arts, International Director of the Birkbeck Institute for the Humanities of the University of London., and also Global Eminent Scholar at Kyung Hee University in Seoul, Slavoj Zizek stated: "In politics, we have authentic enemies. Everyone should not be respected in politics and so on. Politics is a real struggle of life and death."

4. This Court has the power to let the parties resolve our disputes in a ski off a la "Aspen Extreme," legally. Trial by ski off has never been explicitly banned or restricted as a right in the United States.

5. Captured local judge Chris Seldin and Skico's absurdity have been met with my own absurdity. Mr. Crown can choose any of the many Chicago, Denver or Aspen attorneys of the three separate firms he has chosen simultaneously to employ during the course of this lawsuit as his stand-in in the ski off, including the husband of the current assistant attorney of the City of Aspen or even Ed Ramey, the free speech expert teaching at the University of Colorado, to stand in for him.

OPEN LETTER TO SUPREME COURT JUSTICES

From Petitioner Lee Mulcahy

STATE OF COLORADO

COUNTY OF PITKIN, Town of Aspen

Lee Mulcahy writes:

Dear Supreme Court Justices,

I am grateful for many, many things. I am especially grateful to have an 84 year old "pistol" as a mom who gave me a backbone. I am also grateful to have met a beautiful Montana girl in Kenya eight years ago on my family's first mission to do a water well led by my late Father. Mama Sandy just got back from doing 3 more water wells at public schools in Kenya. Both my late Dad and I were Eagle Scouts and we have volunteered thousands of hours in our community. Our Sheriff believes that the ban is not American and my current eviction is "a witch-hunt." As an artist, my paintings are in and have been shown in museums in both Berlin and Nairobi and galleries all over the world including Aspen, Carbondale, Prague and Beijing. I am not an attorney.

Before I initiated this lawsuit, I challenged Mike Kaplan, Skico's CEO to this ski-off:

Dear Mike,

Despite our differences, we both love the community our town creates. Although I have to ROFL when the local dukes and countesses line up to pay 10K to meet barefoot Michelle Obama at the castle General Dynamics built four blocks

from my house. Rome in the 4th Quarter or Versailles?

These days our politicians are just boring blowhards; whereas, our Revolutionary forefathers deeply respected a good fight. One of the more famous duels back in the day occurred when Vice President Burr fatally wounded former Secretary of Treasury Hamilton in a High Noon shootout.

Taking inspiration from the Roger Marolt/Aspen Times and Lo Semple/Aspen Daily News current challenge: Why not a Mulcahy/Kaplan flip-off at the base of Aspen? Set up bleachers & the whole town could come...you'll need to use the Little Nell suite above Ajax Tavern as a VIP section for your crowd. Cheerleaders?—would

Paula (Crown) bring pom-poms and go all Dallas Cowboys for you?

It'll be hilarious: CEO vs. peon; big money vs. white trash; Chicago North Shore vs. Fort Worth, Texas; Audi driving Master of the Skico Universe vs. pick-up driving Skico whistleblower; Aspen Institute green "limousine liberal" vs. "Don't tread on me" NRA/Tea Party occupier; Castle Creek free market Denver University MBA vs. Burlingame public housing union organizing Sorbonne-attending PhD; Ski vs. snowboard; 1% vs. 99%.

How 'bout a moguls contest on AH's Scarlett's instead of all this legal stuff we'll go through next? Man to man. The Old Guard of Aspen would love it and so in line with our local history. But if I win, Skico has to pay more than \$9.25/hr. You call a "living wage" here and ... I get my job back. Full disclosure: I was freestyle aerial certified. But I'll even flip on a snowboard and you can use those skis Roger Marolt pokes fun of you about.

These protests all over the world have the same message: Hey, 1%! Be fair and treat us with dignity.

And that's the paradox of the public space, everyone may kind of know something unpleasant, but once someone says it, it changes everything. Therefore, I cannot resist:

Paula Crown, graduate candidate at the Art Institute of Chicago, is on President Obama's arts council. Michelle has lunch at Paula's palace. General Dynamics and JP Morgan Chase are very prosperous.

What was that Dan Sheridan song Paula had banned? "Big Money Ruins Everything"?
28th amendment to get the money out of politics anyone?

So back to skiing, Mike, are you in?

Mike never accepted. My 84 year old mother, known locally as Mama Sandy, challenged Lester Crown to a cross country ski off. Likewise, Lester never responded. Lester Crown admitted to bribing politicians. Additionally, my beautiful fiancée sent this letter to Jim Crown, Lester's billionaire son who runs Aspen Skiing and who has a second or fifth(?) home four blocks from my self-built home:

Dear Jim,

I am grateful for the fantastic life I've had and the extraordinary Aspen ski slopes on the public lands that you lease. As my boyfriend Lee Mulcahy writes: "Why not a Jim Crown/Shawn Cox ski off at the base of Aspen now? Cheerleaders? Would your wife Paula bring pom-poms and go all Dallas Cowboys for you? It'll be hilarious: billionaire vs. bartender; man vs. woman; owner of Aspen Ski & General Dynamics vs. peon; elite Chicago North Shore vs. podunk Montana; Gulfstream flying Master of the Universe vs. convertible driving blonde bombshell; President of Aspen Institute vs. Wild West free spirited Libertarian; "limousine liberal" Democrat vs. NRA "Don't tread on me" tea friend partier; Obama's self-proclaimed "best friend" vs. Trump's biggest cheerleader; Deep State vs. the

little people. Or how about a ski moguls contest on Aspen Highlands Scarlett's instead of all this legal stuff?"

So come on, Mr. Crown, Independence Pass is open June 1st for skiing. The "Old Guard" of Aspen would love it and it would be so community oriented. But if I win the ski off, the Mulcahys' get to keep the house they built.

Sincerely, Shawn Cox

1. The American people are no longer partners of the government. We are subjects.
2. The American dream is disappearing as little people lose faith in our institutions and our justice system.
3. The politicization of our justice system continues unabated.
4. America was born out of an act of treason. While many in Aspen may not agree with my libertarian politics or conservative anti-government beliefs, the freedom to dissent is one that we all should cherish. Whether you are an Occupy Wall Street protester or an anti-government Tea Partier in the mountains, your right to protest and live in peace deserves the respect of our government and all that live under it.
5. District Judge Chris Seldin admitted in court that he was a member of the Aspen Institute's Lester

Crown Society of Fellows for over a decade. Colorado's court of appeals wrote that "the judge was a member of the Society of Fellows of the Aspen Institute periodically over a fourteen-year (14) period...." Annual membership, which promises "access," begins at \$2500.00. To many Americans, an annual \$2500 donation by an assistant county attorney to an organization controlled by out of state billionaires for over a decade would indicate "bias." Not according to our justice system: It's just like the police. When the system investigates itself, nothing happens. Furthermore, Lester's son, Jim, is President of the Aspen Institute's board. Former President Obama describes Jim and his artist wife, Paula, as his "best friends." Several local judges declined to declare the flyer as "protected free speech" despite multiple requests. No one wants to cross the Crown. Why did the court sit on the case for years and multiple judges refuse to declare the flyer as "protected free speech?" Retaliation against protected free speech is illegal.

6. Once local politician Chris Seldin was appointed judge in Aspen by the Democratic governor, the Democratic machine that has held power for decades moved to have me evicted from the home my family built with our own hands. Previously, the Aspen Institute's attempted restraining order against me went to the Colorado Supreme Court and the Judge Seldin's beloved Aspen Institute lost. When you

sue a powerful billionaire in America, expect to be the defendant on allegedly unrelated lawsuits. Colorado's history on judicial rulings for labor activists has been well documented and frankly, sad. We are grateful to God and the community for their love and support, especially the Gorsuch's and Father John Hilton. Perhaps, local politician *cum* assistant Pitkin County attorney *cum* judge Chris Seldin believes that in the United States of America if you punish a whistleblower, you'll be rewarded. Phillip Taft and Phillip Ross, both scholars of American labor violence concluded that "there is no episode in American labor history in which violence was as systematically used by employers as in the Colorado labor war of 1903 and 1904." In these battles between labor (little people) and capital, between miners and mine owners, the state government with one exception sided with capital. And so it continues.

7. Tribalism in humans runs deep. My family volunteers our time and resources with our church providing clean water wells and humanitarian aid in Kenya where there are 42 tribes. Here in the United States, some state America has two main tribes: the Republicans and the Democrats. The Democrats control Aspen, its city council and board of county commissioners which have blocked all hearings, settlements and mediation. The Mulcahy's are Tea Party Republicans. The weaponized combination threatens the very liberty that Americans fought a

revolution to secure. American historian Gary Gerstle warns that the fracture between Democrats and Republicans over the proper reach of government constitutes an unbridgeable chasm and may portend to the nation's decline.

8. Out of state owner of Aspen Ski Lester Crown and his Judge Chris Seldin are Jewish. My family feels crucified by both. History shows tribalism is destructive. I would note that my family in the spirit of community put my Father's name on the first and second floors of the Jewish temple on Main Street of Aspen in the spirit of community. Both local rabbis signed our petition for a public hearing on the political eviction of our family from the home* we built ourselves. We presented over 2000 signatures to Aspen's city council and Judge Seldin. *We have never been late on taxes.

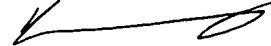
9. Justice Brandeis stated in his dissent in *Olmstead v. United States*:

"Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. If the government becomes a lawbreaker, it breeds contempt for the law; it invites every man to become a law unto himself; it invites anarchy."

CONCLUSION

For the foregoing reasons, petitioner Lee Mulcahy respectfully requests that this Court grant his Petition for Rehearing.

Respectfully submitted,



Lee Mulcahy, *Pro Se*

53 Forge Rd., Aspen CO 81611 970.429.8797

July 17, 2020

leemulcahyphd@gmail.com

CERTIFICATE OF PRO SE PETITIONER

I hereby certify that this petition for rehearing is presented in good faith and not for purposes of delay.



Lee Mulcahy, *Pro Se*