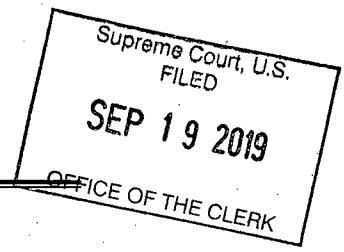


No. 19-395



In the
Supreme Court of the United States

CHRISTINA ALESSIO,

Petitioner,

v.

UNITED AIRLINES, INC.,

Respondent.

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

PETITION FOR WRIT OF CERTIORARI

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SEPTEMBER 19, 2019

SUPREME COURT PRESS

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QUESTIONS PRESENTED

Introduction: With great respect this case is about Life, Liberty and the pursuit for Righteousness at 30,000 feet.

Federal Law Fact: Federal Rule of Law 49 U.S.C. § 5124, forbids harmful materials onboard the Aircraft.

National/Global Significant Fact: The Respondent approves the use of "Chemical Substance Products" *inside* the Aircraft Cabin for cleaning and air-freshening, with no oversight providing verification and certification with an Official Government Document "Certificate of Compliance" that the Respondent, in fact, is following the Rule of Law.

THE PETITIONER RESPECTFULLY PRESENTS
THE FOLLOWING QUESTIONS:

1. Does the Rule of Law apply to the Respondent?
2. Is the Respondent in compliance with the statutes?
3. With respect, can the Petitioners Brief have merit to be granted when, the Federal Question above, to this case was never answered by the Lower Courts?
4. With respect, can the Petitioners Brief have merit to be granted when, the Wrong Law was applied by the Lower Courts?

Wrong Law: Americans with Disabilities Act (ADA)

ORDER 6/24/2019

JUDGMENT ENTRY 11/20/2018

MEMORANDUM OPINION AND ORDER 11/20/2018

MEMORANDUM OPINION AND ORDER 2/15/2018

Note: The Correct Law for respectful judicial review is **Federal Law 49 U.S.C. § 5124**.

5. With respect, can “STRICKEN” Evidence at App.119a-196a, based on the Wrong Law applied by the Lower Courts, have merit to grant the Petitioners Brief, to review the EVIDENCE, applying the Correct Law: Federal Law 49 U.S.C. § 5124?
6. With respect, can missing COMPLAINT Docket information, communicated and reproduced at App. 94a-100a, from a Government Agency regarding an unanswered Federal Question, have merit for granting a Petition?
7. With respect, do you believe products used to clean and air-freshen the Aircraft Cabin should be transparent, no secrets, with complete list of ingredients made available, for a better Air-Quality Environment?
8. With respect, can exposure to **Chemical Cleaning and Chemical Air-Freshening Products** used inside the Aircraft Cabin approved by the Respondent, with no Federal Government Oversight to Indoor Air-Quality Standards, (other than “No Smoking”), have merit for granting a Petition?
9. With respect, can our United States of America 116th Congress, provide the Respondent with an Official Government Oversight Document: “**Certificate of Compliance**”, for the Global Air-Traveling Public, including a complete “**Product List with 100% of the Ingredients**”, made available for “**Safety and Health in the Aircraft Cabin**”? A respectful basic Civil and

Human "Right to Know", as well as "Need to Know" in this particular and unique environment.

10. With respect, can NATIONAL/GLOBAL SIGNIFICANCE have merit for granting a Petition?

LIST OF PROCEEDINGS

U.S. Court of Appeals for the Sixth Circuit

Case No. 18-4251

*Christina Alessio, Plaintiff-Appellant, v.
United Airlines, Inc., Defendant-Appellee.*

Date of Order: June 24, 2019

U.S. Federal District Court of Northern District of Ohio

Case No. 5:17-CV-01426-SL

*Christina Alessio, Plaintiff v.
United Airlines, Inc., Defendant.*

**Date of Order Striking Plaintiff Filings: November
15, 2017**

**Memorandum Opinion and Order Granting Motion to
Dismiss: February 15, 2018**

**Date of Memorandum Opinion Granting Motion to
Dismiss Amended Complaint and Entry of Judgment:
November 20, 2018.**

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Federal Rule of Law 49 U.S.C. § 5124, Forbids Harmful Materials Onboard the Aircraft.	
2. Two EEOC Letters Respectfully Submitted with Complaint Are " <u>Missing</u> " from Docket Text #1, Attachment #5:	
U.S. Federal District Court of Northern District of Ohio, Civil Docket for Case #: 5:17-cv-01426-SL, Filed 7/7/2017.	
"DISMISSAL AND NOTICE OF RIGHTS" Letter Dated: April 18, 2017, (Original Letter 1 Page). <u>EEOC was unable to certify Respondent is in compliance with the statutes, (App.94a-96a).</u>	

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“EEOC: FOIA” Letter Dated: June 2, 2017, (Original Letter 3 Pages). EEOC redacted information, fearful of public scrutiny, (App.97a-100a).

Both EEOC Letters were also respectfully submitted to the United States Court of Appeals for the Sixth Circuit held with Appellants Brief for judicial review and request for verification/certification of compliance with the Rule of Law. Still unanswered and unresolved, both EEOC Letters are respectfully being submitted with Petitioner’s Brief, for thoughtful judicial review.

3. Docket #1 is understood as construed: With respect, Clerical Error: “Charges of Discrimination” documents (App.76a-93a), were submitted under and into “Docket #1, Attachment #5, Exhibit D—EEOC Letters,” (PageID #:13-22).

Correction: “Docket #1, Attachment #5, Exhibit D—EEOC Letters”, should be the Petitioner’s two EEOC Letters, respectfully submitted, though both are missing from COMPLAINT, Filed 7/7/2017.

4. Docket #11 states:

Filed 8/21/2017

STRICKEN 11/15/2017: Supplement to 1 Complaint, Attachment #5, Exhibit D—EEOC Letters, filed by Christina Alessio. (Attachments: #1) Letter to Equal Employment Opportunity Commission). (DJJ) (Entered: 08/21/2017)

5. Docket #11 Clarification:

PageID #:130-134 is a letter the Petitioner wrote to the EEOC and not Exhibit D, EEOC Letters

TABLE OF AUTHORITIES—Continued

Written to the Petitioner and Missing on the Docket Text #1, Attachment #5.

6. U.S. Federal District Court of Northern District of Ohio Docket Text: #1, Attachment #5, Exhibit D—EEOC Letters: (Original Letters 4 Pages, *missing* altogether)

7. U.S. Federal District Court of Northern District of Ohio Docket Text: #36, (4 Pages, *missing* altogether), PageID #:273-276.



PETITION FOR A WRIT OF CERTIORARI

May the United States Supreme Court Be Pleased
with the Petitioner's Brief.

YOUR HONOR and with great respect, this case
is about Life, Liberty and the pursuit for Righteousness
at 30,000 feet.

Let the Rule of Law and Facts of this Case, be respectfully submitted in order for a clear judicial review of the Lower Courts Judgment. The Correct Rule of Law applied should be Federal Law 49 U.S.C. § 5124, which forbids hazardous materials aboard the Aircraft. With respect, all must follow the law.



OPINIONS BELOW

Petitioner is respectfully seeking review of the following opinions and order:

The Opinion of the United States Court of Appeals for the Sixth Circuit, dated June 24, 2019 is included below at App.1a. The Entry of Judgment and Memorandum Opinion and Order of the District Court of Northern District of Ohio Dismissing the AMENDED COMPLAINT, dated November 20, 2018, are included below at App.7a, 8a. The Memorandum Opinion and Order of the District Court of Northern District of Ohio Dismissing the original COMPLAINT, dated February 15, 2018, is included below at App.15a. These opinions and orders have not been designated for publication.

Note: There is important Docket information "STRICKEN" Evidence from originating Case No.: 5:17-CV-01426-SL. The Stricken Evidence has been reproduced in the appendix at App.119a-196a.

With respect, the Lower Courts applied the Wrong Law — the Americans with Disabilities Act (ADA). With respect, this case is not about the Americans with Disabilities Act (ADA), and providing an accommodation for one.

With respect, the Lower Courts should be directed to apply the Correct Law — Federal Law 49 U.S.C. § 5124.

Respectfully, to the best of the Petitioners understanding and knowledge, the United States Constitution, Article V, in simple terms heard with respect: "An attack against one is an attack against all."

Respectfully, this case is not about one but about all in this unique and particular environment, the Aircraft Cabin. With respect, this case is about a conflict of law regarding compliance with the statutes: Federal Law 49 U.S.C. § 5124, and the Respondent's use of "Chemical Substance Products" for Cleaning and Air-Freshening inside the Aircraft Cabin. Respectfully, Respondent has approved the use of "Chemical Substance Products" with no Government Oversight, providing verification and certification with a "Certificate of Compliance" Document.

With respect, all onboard are disabled with no accommodation from exposure to "Chemical Substance Products", used inside the Aircraft Cabin and approved by the Respondent. With great respect, Rule of Law

forbids hazard materials onboard the Aircraft. AMENDED COMPLAINT was filed 3/9/2018 (Docket #27, PageID #:234-241) (App.53a-65a), applying the Correct Law. Respectfully, in search for answers.



JURISDICTION

The Opinion of the United States Court of Appeals for the Sixth Circuit was entered on June 24, 2019. This Court has jurisdiction under 28 U.S.C. § 1254(1).



CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

49 U.S. Code § 5124

A person knowingly violating section 5104(b) or willfully or recklessly violating this chapter or a regulation, order, special permit, or approval issued under this chapter shall be fined under title 18, imprisoned for not more than 5 years, or both; except that the maximum amount of imprisonment shall be 10 years in any case in which the violation involves the release of a hazardous material that results in death or bodily injury to any person.

(b) **Knowing Violations.**—For purposes of this section—

(1) a person acts knowingly when—

- (A) the person has actual knowledge of the facts giving rise to the violation; or
- (B) a reasonable person acting in the circumstances and exercising reasonable care would have that knowledge; and
- (2) knowledge of the existence of a statutory provision, or a regulation or a requirement required by the Secretary, is not an element of an offense under this section.
- (c) **Willful Violations.**—For purposes of this section, a person acts willfully when—
 - (1) the person has knowledge of the facts giving rise to the violation; and
 - (2) the person has knowledge that the conduct was unlawful.
- (d) **Reckless Violations.**—

For purposes of this section, a person acts recklessly when the person displays a deliberate indifference or conscious disregard to the consequences of that person's conduct.

As respectfully understood, a person knowingly violating, and/or willfully, recklessly violating this chapter, regulation or order shall be fined \$250,000 and/or prison 5 years; in any case which involves a violation or the release of hazardous materials that results in death or bodily injury to any person. The person has knowledge of the facts to the violation.

- The person acts willfully to the violation with the knowledge of the facts.

- The person has knowledge that the conduct is unlawful.
- The person acts recklessly and displays deliberate disregard to the consequences of that person's conduct.

YOUR HONOR and with great respect, Please note for the record:

Federal Law 49 U.S.C. § 5124 is placarded in the terminal at every podium/gate before you board Respondents Aircraft. For example, at the Cleveland Hopkins International Airport the placard states in part:

“Advice to passengers

Federal law forbids the carriage of hazardous materials aboard aircraft in your luggage or on your person.”

“It's the law: you must declare your hazardous materials to the airline or air package carrier. A violation of the Federal Hazardous Materials Regulations (49 CFR Parts 171-180) can result in 5 years imprisonment and penalties of \$250,000 or more (49 U.S.C. § 5124).”

UNITED STATES CONSTITUTION:

To Protect the People.

STATEMENT OF THE CASE

A. Introduction

As respectfully understood, the Writ of Certiorari granted may be upon the Petition after Order and Judgment, applying the Wrong Law. With respect, the Wrong Law applied by the Lower Courts — the Americans with Disabilities Act (ADA).

With respect, the Correct Law is 49 U.S.C. § 5124, whereby the Federal Question was never answered as to whether or not the Respondent is in compliance with the statutes.

With great respect, the Global Air-Traveling Public has a Civil and Human Right for safe and transparent Air-Quality with respect to the Respondents approval use of “Chemical Substance Products” inside the Aircraft Cabin for Cleaning and Air-Freshening.

Respectfully, the Global Air-Traveling Public has a “Right to Know” and “Need to Know”, with full disclosure and transparency of all Aircraft Cabin Products, because Human Health is just as important as our Safety. With respect, Air-Quality 100% matters.

B. Underlying Issue: Chemical Substance Cleaning and Chemical Substance Air-Freshening Products Used Inside the Aircraft Cabin.

1. In 2014, a “Hazard Communication Module”, was provided by Respondent, and required by all Flight Attendants to acknowledge, or not qualified to fly.

2. Respondent approves and willfully uses Chemical Cleaning and Chemical Air-Freshening Products inside the Aircraft Cabin, with no Official Government Oversight Document providing a “**Certificate of Compliance**”, Certifying and Verifying the Respondent is follow the Rule of Law.

**C. Proceedings in the U.S. Federal District Court,
Case No. 5:17-CV-01426-SL.**

1. COMPLAINT—

Filed: 7/7/2017

Docket: #1 (PageID #:1-7)
(App.66a-75a)

Note: The “Charges of Discrimination” were written by Petitioner and part of COMPLAINT, however, were misplaced and put in Exhibit D—EEOC Letters, Docket #1, Attachment #5, PageID#:13-22.

2. COMPLAINT—

Filed: 7/7/2017

Docket: #1, Attachment #5,
Exhibit D—“EEOC Letters” (are missing).

Respectfully, First missing EEOC Letter: “DISMISSAL AND NOTICE OF RIGHTS” dated April 18, 2017, whereby the EEOC was unable to certify the Respondent is in compliance with the statutes. Respectfully letter is being provided for thoughtful judicial review, (App.94a-96a).

Respectfully, Second missing EEOC Letter: Freedom of Information Act (“FOIA”) dated June 2, 2017, communicating redacted information withheld, due

to fear of public scrutiny, is also respectfully being provided for thoughtful judicial review, (App.97a-100a).

3. COMPLAINT—

Filed: 7/7/2017

Docket: #1, Attachment #6
Exhibit E—Emails

U.S. Ohio Senator's Office (PageID #: 23)
(App.101a-102a)

U.S. Congresswoman (PageID #:24-25)
(App.103a-104a)

Association of Flight Attendants
(PageID #:26)
(App.105a)

Respondent (PageID #:27)
(App.106a-107a)

Association of Flight Attendants
(PageID #:28)
(App.108a-109a)

4. COMPLAINT—

Filed: 7/7/2017

Docket: #1, Attachment #7
Exhibit F—Letters

U.S. Ohio Senator's Office (PageID #:29)
(App.110a-111a)

FAA (PageID #: 30)
(App.112a-113a)

OSHA (PageID #:31-32)
(App.114a-116a)

5. COMPLAINT—**Filed: 7/7/2017****Docket: #1, Attachment #10****Health and Wages Overview (PageID #:58)****(App.117a-118a)**

Significant difference in Health and Wages when subjected or not subjected to “Chemical Substance Products” in the Aircraft Cabin.

6. ORDER—**Filed: 11/15/2017****Docket: #25****(PageID #:217-218)****(App.45a)**

“STRICKEN” Evidence by the Lower Court, respectfully, applying the Wrong Law.

“STRICKEN” Dockets:

11 Filed: 8/21/2017 (PageID #: 130-134)
(App.119a-126a)

14 Filed: 8/29/2017 (PageID #:144-153)
(App.127a-138a)

16 Filed 9/14/2017 (PageID #:157-159)
(App. 139a-142a)

17 Filed: 9/18/2017 (PageID #:160-169)
(App.143a-153a)

19 Filed: 9/26/2017 (PageID #:175-184)
(App.154a-165a)

20 Filed: 10/17/2017 (PageID #:185-193)
(App.166a-176a)

21 Filed: 10/25/2017 (PageID #:194-199)
(App.177a-186a)

22 Filed: 11/3/2017 (PageID #:200-206)
(App.187a-196a)

23 Filed: 11/13/2017 (PageID #:207-208)

Respectfully providing the available published books with the Public Court Report Records.

(App.197a-300a, 301a-435a)

7. MEMORANDUM AND ORDER—

Filed: 2/15/2018

Docket: #26 (PageID #: 219-233)
(App.15a-31a)

AMENDED COMPLAINT to be filed within 30 days. Lower Court entered Judgment in Respondents favor, respectfully, applying the Wrong Law: American's with Disabilities Act (ADA).

8. AMENDED COMPLAINT—

Filed: 3/9/2018

Docket: #27 (PageID #:234-241)
(App.53a-65a)

AMENDED COMPLAINT is not about just one, but about all in this environment. United States Constitution, Article V — In respectful terms: “An attack against one is attack against all.”

No Private Cause of Action Under Title 49, is an ideal opportunity for transparency and new legislation by the 116th Congress, sincerely encouraged, “To Protect the People”: Respectfully in this case, the Global Air-Traveling Public's Health and Safety.

9. MEMORANDUM AND ORDER—

Filed: 11/20/2018

Docket: #31 (PageID #:258-263)
(App.8a-14a)

Lower Court entered Judgment in Respondent's favor, respectfully, applying the Wrong Law: American's with Disabilities Act (ADA). Respondents motion to dismiss is granted, case is closed.

10. JUDGMENT ENTRY—

Filed: 11/20/2018

Docket: #32 (PageID #:264)
(App.7a)

AMENDED COMPLAINT is dismissed and case is closed, respectfully, based on the Wrong Law: American's with Disabilities Act (ADA).

11. NOTICE TO APPEAL—

Filed: 12/18/2018

Docket: #35 (PageID # 270-271)
(App.51a-52a)

Requesting the Sixth Circuit Court of Appeals to review the Lower Courts Judgment, respectfully, applying the Correct Law: Federal Law 49 U.S.C. § 5124.

D. Proceedings in the United States Court of Appeals for the Sixth Circuit, Case No. 18-4251.

1. ORDER—

Filed: 6/24/2019

Docket: #15 (PageID #:1-5)
(App.1a-6a)

Respectful Order states: "Alessio attached several documents to her complaint, including two documents that she identified as 'EEOC' discrimination charges." (App.2a)

Respectful statement in the Order, is true.

With great respect and to be clear for the record, the two "EEOC Charges of Discrimination" written by Petitioner and respectfully submitted with COMPLAINT were not an Attachment. The Discrimination Charges were part of the actual COMPLAINT.

For 100% clarification, the "two documents" that have led me to Petition for a Writ of Certiorari to THE SUPREME COURT are identified as "EEOC Letters" (written by the EEOC), and are respectfully missing from COMPLAINT, Attachment #5, Exhibit D, where it is noted: "EEOC Letters".

Both missing EEOC Letters were written by the EEOC to the Petitioner. The two missing document EEOC Letters have been respectfully submitted with the Petitioner's Brief, for meaningful judicial review, (App.94a-100a).

2. STRICKEN EVIDENCE

With respect, Sixth Circuit AFFIRMS the District Court's Judgment (applying the Wrong Law) and also DENYS the motion to strike Petitioners appendices from the record as moot, (App.6a). Respectfully, the Petitioner's hope and prayer is with the once "STRICKEN" Evidence now made available (App. 119a-196a) for meaningful judicial review applying the Correct Law, there is opportunity for a complete

fair, right and just review, with merit, to grant a Writ of Certiorari.

3. WRONG LAW APPLIED BY THE LOWER COURTS

American's with Disabilities Act (ADA).

4. CORRECT LAW APPLIED TO THE PETITIONERS BRIEF:

Federal Law 49 U.S.C. § 5124.



REASONS FOR GRANTING THE PETITION

YOUR HONOR and with great respect, this case is sincerely about Principle and that all must follow the Rule of Law.

YOUR HONOR and with great respect, the Federal Question has never been answered to this case.

Respectfully, may every HONORABLE JUSTICE of the SUPREME COURT conclude that there is a significant loophole and conflict of law whereby the EEOC could not certify the Respondent is in compliance with the statutes. With respect, the Respondent is willfully approving the carriage and use of "Chemical Substance Products" inside the Aircraft Cabin with no Official Government Oversight Document, providing an available and transparent "Certificate of Compliance".

YOUR HONOR and with great respect, please consider a review of the Petitioner's Brief based on the Correct Law, Federal Law 49 U.S.C. § 5124. Let the facts, respectfully submitted, provide for a more fully informed fair, right and just ruling, which holds great NATIONAL/GLOBAL SIGNIFICANCE.

YOUR HONOR and with great respect, this case is sincerely about simple, basic Human Rights and the United States Constitution: "To Protect the People". Respectfully, this case is unique and needs sincere attention with thoughtful review for a resolution in protecting the Health and Safety of American Citizens and all People of the Global Air-Traveling Public, because respectfully, Air-Quality matters, especially and respectfully, at 30,000 feet.

YOUR HONOR and with great respect, Petitioner is giving an ideal opportunity for resolution, action and outcome, with new legislation, providing an Official Government Document "Certificate of Compliance" that in fact products used inside the Aircraft Cabin by the Respondent are 100% Safe and 100% Transparent for the Safety, Health, Dignity and Respect that the Global Air-Traveling Public deserves.

YOUR HONOR and with great respect, Petitioner wants to avoid further self-published books of Court Reported Public Record Hearings, that the Global Air-Traveling Public will have for knowledge (a preserved record), for the respectful truth be told.



CONCLUSION

For the foregoing reasons, in good conscience and in good faith, may The Supreme Court grant this respectful and meaningful Petition for a Writ of Certiorari.

Respectfully submitted,

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SEPTEMBER 19, 2019