

No. 19-8724

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Supreme Court, U.S.
FILED

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR REHEARING

Michael Garry

Petitioner

CONCLUSION

v

American Standard Trane U.S. Inc. "et al". Respondents

CERTIFICATE OF GOOD FAITH

On Petition for a Writ of Certiorari in Forma
Pauperis to the Supreme Court of Wisconsin

(Name of Court that last ruled on the case)

(1) The National Association of Attorneys General (NAAG)

Petition For Rehearing under This Courts Rule 44.2

(3) U.S. Chamber of Commerce

(4) The Bank Policy Institute

(5) International Consortium of Investigative Journalists (ICIJ)

(6) "Chief Justice Taff in Hearing Before the House Committee on the

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Cases

(2) United States v. Ohio Power Co., 353 U.S. 98, 99

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- (1). The National Association of Attorneys General (NAAG)
- (2) The U.S. Treasury Department
- (3) U.S. Chamber of Commerce
- (4) The Bank Policy Institute,
- (5) International Consortium of Investigated Journalists (ICIJ)
- (6) " Chief Justice Taft in Hearing Before the House Committee on the
Judiciary, 67th Cong., 2d Sess. 2 (1922). See also Cardozo,
Selected Writings 153 (1947)."

Cases

- (1) Kennedy v. Louisiana, 554 U.S. 407 (2008)
- (2) United States v. Ohio Power Co., 353 U.S. 98, 99

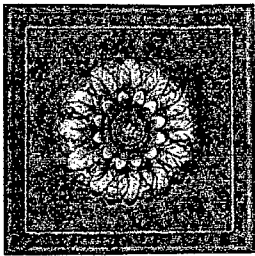
- (3) Hertz Corp. v. Friend, 559 U.S. 77 (2010)
- (4) The Securities Exchange Act of 1934 Release No. 88679 / April 17, 2020. FCPA. SEC v. Eni, S.p.A., No. 10-cv-2414 (S.D Tex)
- (5) Department of Justice U.S. Attorney's Office Southern District of New York. Manhattan U.S. Attorney Announces Agreement With Ernst & Young LLP To Pay \$123 Million To Resolve Federal Tax Shelter Fraud Investigation in Switzerland. Friday, March 1, 2013
- (6) Cognizant v us security exchange commission 02- 15 -2019, The New Jersey-based technology company agreed to pay \$25 million to settle violations of the anti-bribery, internal accounting controls, and record keeping provisions.

Statutes

- (1) 14th Amendment
- (2) Securities Exchange Act of 1934, Release No. 88679 / April 17, 2020,
- (3) Foreign Corrupt Practices Act (FCPA) 17 CFR § 240.15c1-2 15(c)(1) of the Act (section 2, 52 Stat. 1075; 15 U.S.C. 78o(c)(1),
- (4) Department of Justice Corporate Prosecution Guidance JM 9-28. 1100); Collateral Consequences,

Rules

- SUP. CT 44.2
- SUP. CT. 38 - 5 (a) (b)
- SUP. CT. 15.8
- SUP. CT. 29



Search documents in this case:

Search

No. 19-8724

Title: **Michael Garry, Petitioner
v.
Trane Company**

Docketed: June 17, 2020

Lower Ct: Supreme Court of Wisconsin

Case Numbers: (2002AP99)

Decision Date: March 11, 2020

DATE	PROCEEDINGS AND ORDERS
Jun 11 2020	Petition for a writ of certiorari and motion for leave to proceed in forma pauperis filed. (Response due July 17, 2020) Motion for Leave to Proceed in Forma Pauperis Appendix Proof of Service Petition
Jul 30 2020	DISTRIBUTED for Conference of 9/29/2020.
Oct 05 2020	Petition DENIED.

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Party name: Michael Garry		

Rehearing for a Writ in Certiorari under rule 44.2 of the Supreme Court of the U.S.A.

The Petitioner Michael Garry respectfully asks this Court to grant a rehearing of this Court's October 5, 2020 order, pursuant to Rule 44.2 of this Court, Re Michael Garry V Trane Company, No. 19-8724.

This corrected petition for a rehearing calls the Court's attention to recent developments, since the denial of certiorari, that affect the Petitioner's question presented and may affect the Court's consideration of this case.

The Petitioner filed a Supplementary Brief under Rule 15.8 on July 20, 2020 pertaining to intervening matters, not known to the Petitioner at the time of his last filing, pertaining to newly discovered documents, Federal Rules and Supreme Court case precedents as recent as April 17, 2020, FCPA. SEC. v Eni, S.P.A. No. 10-cv-2414 (S.D.Tex July 20, 2010).

A commercial carrier, as under Rule 29, confirmed delivery to the Court and the Clerks office confirmed receipt, however the Supplementary Brief failed to be listed on the Docket Search Proceedings and Orders Certificate. See Attached

If the Conference for September 29, 2020 were not made aware or did not receive this Supplementary Brief, it would have deprived Petitioner of procedural due process in regards Rule 15.8 and the 14th amendment

This supplementary brief was submitted in calling attention to cases and other intervening matters, not known to the Petitioner at the time of his last filing, pertaining to the Securities Exchange Act of 1934, Release No. 88679 / April 17, 2020, Foreign Corrupt Practices Act (FCPA) which also outlines required accounting transparency guidelines.

The FCPA is jointly enforced by the Department of Justice (DOJ) and the Securities and Exchange Commission (SEC), which apply criminal and civil penalties.

Under 17 CFR § 240.15c1-2 - Fraud and misrepresentation, (a) The term manipulative, deceptive, or other fraudulent device or contrivance, as used in section 15(c)(1) of the Act (section 2, 52 Stat. 1075; 15 U.S.C. 78o(c)(1)), is hereby defined to include any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

See Case :- The Securities Exchange Act of 1934 Release No. 88679 / April 17, 2020. FCPA. SEC v. Eni, S.p.A., No. 10-cv-2414 (S.D. Tex. July 20, 2010).

See:- Department of Justice U.S. Attorney's Office Southern District of New York. Manhattan U.S. Attorney Announces Agreement With Ernst & Young LLP To Pay \$123 Million To Resolve Federal Tax Shelter Fraud Investigation in Switzerland. Friday, March 1, 2013

See:- Cognizant v US Security Exchange Commission 02- 15 -2019, The New

Jersey-based technology company agreed to pay \$25 million to settle violations of the anti-bribery, internal accounting controls, and record keeping provisions. (2/15/19)

Under the Department of Justice Corporate Prosecution Guidance (JM 9-28.1100); Collateral Consequences, the Petitioner suffered as a result of the violation of these Rules, where JM 9-28.1100); states " including whether there is disproportionate harm to shareholders, pension holders, **employees**, and others not proven personally culpable, as well as impact on the public arising from the prosecution.

Under Collateral Consequences (JM 9-28.1100), the Petitioner has been prejudiced by the actions of his employer by denying him a Duty of Care.

The Petitioner contends that this case is one of First Impressions and very much in the interest of the public, the economic stability of the United States of America, and in the fight for Anti - Laundering Laws concerning the illegal use of Shell Companies.

At this very moment in time key bipartisan USA anti-laundering law concerning the illegal use of Shell Companies is before the Senate, which at the moment is gridlocked, and only held up because of the work load caused by the onset of the Covid 19 pandemic.

On June 30, 2020, The National Association of Attorneys General (NAAG) sent a bipartisan letter signed by 42 Attorneys Generals urging the U.S. Senate to pass **S. 2563**, Improving Laundering Laws and Increasing Comprehensive Information of Tracking of Criminal Activity in Shell Holdings (ILLICIT CASH Laws,

The U.S. Treasury Department, who are also supporting this bill, has identified as one of the nation's top vulnerabilities in the fight against money laundering, how Illicit proceeds enter the United States and U.S. Financial System.

These two organisations together with U.S. Chamber of Commerce and The Bank Policy Institute, an advocacy group that represents the U.S. biggest banks, are all supporting this bill.

In Kennedy v. Louisiana, 554 U.S. 407 (2008) this court considered (1) national consensus and (2) the Court's own independent judgment. To discern national consensus, the Court surveyed state law and observed that Louisiana is among a small minority of states—one of six—that has made child rape a capital crime.

The newly discovered documents admitted to this Court in the Petitioners Supplementary Brief, establishes that American Standard Trane Inc., who was the parent company of the Petitioners employer The Trane Company of Wisconsin, and Ingersol Rand, who bought American Standard Trane Inc., in 2007, had long been involved in using the same myriad of overseas shell companies.

The documents established that both American Standard Trane Inc., and Ingersol Rand were interlinked and controlled these secret TRANE SA and all the TRANE entities mentioned in the disclosed documents by the (ICIJ) and that this interaction was done in contrivance with the notorious law firm Mossack Fonseca.

Under the existing Securities Exchange Act of 1934, Foreign Corrupt Practices Act (FCPA) and Department of Justice Corporate Prosecution Guidance It clearly shows from the record that there was a deliberate attempt by the Respondents to resist discovery of undisputed undisclosed evidence, causing the Obstruction of Justice.

It also reveals an intentional act of jurisdictional manipulation to disenfranchise the Petitioner from any legal or jurisdictional recourse.

See :- The Federal Diversity Jurisdiction Statute 28 U. S. C. §1332(c)(1)
Hertz Corp. v. Friend, 559 U.S. 77 (2010) In the Opinion of Justice BREYER
" (iii) If the record reveals attempts at jurisdictional manipulation " Pp 18 - 19

The importance of uniformity of decisions is recognized in Rule 38 of the Rules of The Supreme Court of the United States. See particularly parts 5(a) and (b).
"The Supreme Court's function is for the purpose of expounding and stabilizing principles of law for the benefit of the people of the country, passing upon constitutional questions and other important questions of law for the public benefit. It is to preserve uniformity of decision among the intermediate courts of appeal.
" Chief Justice Taft in Hearing Before the House Committee on the Judiciary, 67th Cong., 2d Sess. 2 (1922). See also Cardozo, Selected Writings 153 (1947).

This case is therefore an exceptional one and the Court is bound to consider any change, either in fact or in law, which has supervened since the judgment under review was entered.

On the importance of uniformity of treatment, and in the Interest of Justice, the case United States v. Ohio Power Co., 353 U.S. 98, 99 (1957), wherein the Court Sua Sponte vacated an order more than six months after it was handed down so that the case "might be disposed of consistently with companion cases. . . . We have consistently ruled that the interest in finality of litigation must yield where the interests of justice would make unfair the strict application of our rules."

The plight of the Petitioner is as much contentious as any death row inmate, having just to survive, since his work related accident, a life and death struggle without any adequate health care or medical aid to sustain any quality of life.
Only ever being able to treat the symptoms and never the course of his injuries.

Conclusion

The Petitioner respectfully asks this Court in the interest of justice to reconsider a rehearing in his Writ for Certiorari.

Signed Michael Gary

Date October. 14, 2020

Certificate in Good Faith for a Rehearing For A Writ in Certiorari under Rule 44-2

I Michael Garry certifies that this certificate for a Petition for Rehearing from the denial of certiorari is presented in good faith and not for delay, and are the grounds which are limited to intervening circumstances of substantial or controlling effect, or other substantial grounds not previously presented.

I further declare under Rule 29 that this petition is presented in good Faith and not for delay

Signed Michael Garry

Dated October 14 2020