18-3336

In the Supreme Court of the United States

Kathleen Betts, Petitioner Pro Se

v.

United Airlines, Respondents

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

To the Honorable Justice Brett Kavanaugh of the United States Court of Appeals for the Seventh Circuit:

Petitioner Kathleen Betts requests an extension of time to file her Petition for Writ of Certiorari. The petitioner requests a sixty day extension with a due date of October 31, 2019. An Order dated June 17, 2019 states that Judgment was entered by this Court on June 3, 2019, and the appellant has 90 days from the entry of that judgment to file a petition for a writ of certiorari with the Supreme Court. The original due date as computed using 90 days would be Serptember 1, 2019. This application is being filed 18 days ahead of deadline.

The following papers are attached with this application:

An EEOC Complaint filed April 10, 2017, A Request to Vacate an Arbitration Decision filed April 10, 2017, an order appointing counsel on 7/10/17, a docket entry filed July 27, 2017 which stayed discovery indefinitely, Opinion and Order filed September

28, 2018, A Judgment filed September 28, 2018, Plaintiff's Notice of Appeal filed October 29, 2018, Notice of Docketing filed October 30, 2018, Appellant's Jurisdictional Statement filed November 28, 2018, Rule to Show Cause Discharged as per appellant dated November 30, 2018, Order filed Feb 13, 2019 directing appellant to attempt to utilize CR 10(b) to give pertinent e*xculpatory* discovery to the lower court judge as she had been blocked from doing so by her appointed counsel throughout all proceedings in the lower court, Lower Court docket entry dated April 10, 2019 preventing the exculpatory discovery materials from being recognized by the lower court, April 15, 2019 denial of appellant's motions for clarification, April 24, 2019 Non-Precedental Disposition Affirmed, May 30, 2019 order denying panel rehearing, June 17, 2019 denying appellant's motion to stay the mandate.

This plaintiff/appellant is an honorably discharged Naval Officer who was designated as a Naval Aviator and flew aircraft throughout her Navy Career. Upon leaving the military she was employed by the Federal Aviation Administration as an Aviation Safety Inspector for a major U.S. Airline, to wit: United-Continental Holdings.

In addition to her employment as an inspector for the Federal Government, she also is rated as a Captain on several airline passenger jets, to include the Boeing 737 series of aircraft. This licensed pilot has never had her pilot certificate suspended or revoked. She flies on the same certificate she was issued in 1989. In 2016, after recovering from sick leave, this petitioner asked United to restate her to her prior position or in the alternative to place her in a position under the American with Disabilities Act. The petitioner is on disability for a hematology condition that can be accommodated.

However, throughout this lawsuit United contends via arbitration testimony, hearings in front of the lower court judge (which the petitioner was not invited to attend) and through various pleadings that this petitioner had her pilot license revoked after blowing a .01 reading on a breathalyzer.

United, later in the course of the lawsuit claimed the petitioner also failed a breathalyzer at another juncture but cannot produce any evidence or witnesses as to when that could have happened. United was trying to bolster its case as their evidence used at arbitration was extremely weak.

The arbitration hearing, which occurred in Chicago on July 12. 2016 was rife with fraud. Airline Pilots Association, this petitioner's collective bargaining unit refused to represent but then voted for this petitioner's retention in a 2-1 vote. United's witness could not answer dozens of questions put forth to her by the grievant. The arbitrator answered questions for the witness in order to achieve answers United would have wanted. The petitioner was not allowed to pick the arbitrator, United picked her for the grievant.

United's sole witness was a hearsay witness who claimed United was relying on one business record as the sole basis of this petitioner's termination. The business record in question, if it even qualifies as a business record, was a piece of paper which had a scribbled .01 BAC result written upon it. Other BAC results were listed on the same page, but were crossed out repeatedly as to make the readings illegible without forensic analysis. The supervisor of the breathalyzer test was a social worker from Florida named Sharon Berry.

Petitioner's EEOC charge indicates that she felt she was being retaliated against by United as she had won a jury verdict against them in 1999 in Oakland California (No. District of California, 1997). The EEOC- a matter of federal question- has not yet been acted on by the lower court or the seventh circuit. Yet it is still part of this suit.

In the 1997 case, which was heard by a jury, the jury found that United had altered petitioner's flight grades by crossing them out in the same manner which was done in the breathalyzer matter.

In the lower court, the court-appointed attorney worked

closely with United's counsel. Petitioner never met with counsel, nor the judge, nor would the seventh circuit allow for oral argument.

The attorney, Mr. Persoon, never sent any paperwork to this petitioner whatsoever: no attorney client agreements, no admissions, interrogatories nor pleadings. He was running the case by himself and for himself and United.

Discovery was stayed by the LC judge shortly after Persoon was appointed to assist this petitioner. In fact, there was no discovery. Persoon dropped Airline Pilots Association as a defendant without this defendant's permission and more than once he stated not to contact the Court. Petitioner sent him several packages of documents concerning petitioner's valid pilot licenses and letters from the FAA stating petitioner's license was valid and had been so since 1989.

Persoon dismissed himself from the case sometime in August 2018, approximately 6 weeks before the Final Judgment was rendered on September 28, 2018. Persoon nor the Court sent the plaintiff a copy of the order or judgment.

As previously stated, United used a hearsay witness at arbitration to testify for SHARON BERRY, While the case was in the seventh circuit, numerous documents produced by BERRY became known to the petitioner and she needed a way to have them submitted to the lower court as evidence to show that Berry has made it a habit to steal and/or falsify records. Therefore, the record used at the arbitration hearing should have been thrown out. That was United's only evidence. Petitioner would have prevailed at arbitration.

The documents were hacked by Sharon Berry out of Veterans Administration (VA) computers and proved that Sharon Berry illegally entered petitioner's medical record 16 times in a sixty day period during 2015 in order to disseminate them to third parties. At least one record has been known to have been retrieved and altered with diagnoses the petitioner does not have, such as stage 4 kidney disease and liver cancer. This matter is set for a jury trial in

Gulfport MS on July 6, 2020: case No: 1:18cv252 (the Southern District of Mississippi Southern Division).

The Seventh Circuit has cited, along with lower court Judge Durkin *Gallo v. Mayo Clinic Health System-Franciscan Medical Center.*, 907 F.3d 961, 964 (7th Cir. 2018). The Seventh Circuit claimed that Gallo neither presented the discovery to the Court nor did the Court consider her discovery at the time of their ruling.

This petitioner claims that there was no viable discovery in her case, as very shortly after her lawyer was appointed discovery was stayed indefinitely. She was never reappointed an attorney even though she had requested such several different times.

The Ninth Circuit allows for records to be supplemented in a Court of Appeal through three methods: the use of FRAP 10(b), FRE 201, as well as invoking the inherent equitable principles of the Courts of Appeals.

The petitioner believes that cases are fluid and must be able to maintain flexibility. It is often not the fault of an appellant that information comes to her at the later stages of a case.

{This petitioner believes that the Seventh Circuit has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure from a lower court, as to call for supervisory power}.

It would appear from the Seventh Circuit's Non-Precedental Ruling that the truthfulness of this petitioner's professional certificate has been put in question. Holding pilot certificates that allow one to exercise the privileges of those certificates should not be taken lightly by the Court. Anyone reading the Seventh Circuit's opinion would automatically presume that this petitioner violated the law and had her professional certificates immediately taken from her. That is not the case and for the record this petitioner wishes it to be known that she has not violated any public policy that would have caused her to have her pilot license rescinded. The FAA

gave this petitioner an additional flight rating to fly another airline transport jet in November 2017.

This petitioner believes it is necessary for her to have an extension of time in this instant case because non-party **SHARON BERRY** is also a non-party in case 1:18cv252, Southern District of Mississippi Southern Division. Discovery in that case is ongoing and the workload for this pro SE litigant is high.

Your consideration of this matter is greatly appreciated.

Date: August 14, 2019

Respectfully Submitted,

Kathleen Betts

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