

678  
No. 19A628

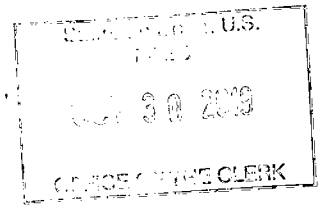
ORIGINAL

In The Supreme Court Of The United States

Lee Mulcahy, PhD, pro se

V.

Aspen Ski Company



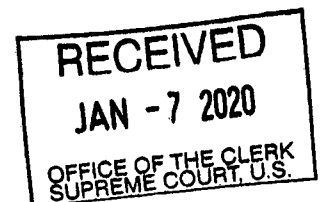
**APPLICATION FOR EXTENSION OF TIME FOR PETITION OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT**

**RULE 29.6 STATEMENT**

None of the petitioners is a nongovernmental corporation. None of the petitioners has a parent corporation or shares held by a publicly traded company. The Defendant, Aspen Skiing is a corporation.

TO THE HONORABLE SONIA SOTOMAYOR, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE TENTH CIRCUIT:

Pursuant to Supreme Court Rules 15, 22, 30 and 33.2, Petitioner Lee Mulcahy, *pro se*, respectfully requests a 60-day extension of time, up to and including March 16, 2020, to file a petition of certiorari on the merits to the United States Supreme Court in order to secure legal counsel. The Colorado Supreme Court denied my writ of certiorari on August 19, 2019. The jurisdiction of this Court was invoked under 28 U.S.C. § 1257(a), and the time to file a timely reply brief was extended until January 16, 2019 by Justice



Sotomoyer. This application is timely because it has been filed ten days prior to the date on which the time for filing the reply brief is to expire.

1. The question presented is whether the ban instituted by Aspen Skico on public lands while I was distributing a living wage union flyer violated my constitutional rights to free speech under the first amendment and Colorado's Constitution. (Attaching copies of Colorado Supreme Court, Colorado Court of Appeals, and District Court opinions as Appendix A)
2. Aspen, Colorado, is a town of 6788 residents. Aspen Skiing employs over 4000 people in the town of 6788.
3. I am an Eagle Scout and have volunteered thousands of hours for my community. Our Sheriff believes that the ban it is not American. 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.
4. The American people are no longer partners of government. We are subjects.
5. The American dream is disappearing as little people lose faith in our institutions and our justice system.
6. The politicization of our justice system continues unabated.
7. 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.

8. Some view this as my biggest mistake: I blew the whistle on Aspen Skiing's illegal labor policies. Aspen Skiing ("Skico") (owned by Chicago billionaire Lester Crown) was required by the National Labor Relations Board ("NLRB") to change their illegal laws and corporate structure. Subsequently, Skico and their sycophants have sought to make an example for anyone else attempting to make them obey state and federal labor laws. Their Vice President complained to the newspaper that the National Labor Relations Act was a tired "old law" that was not relevant to today's current conditions. It's still the law. The NLRB forced Skico to sign settlements with me in 2011. Why was speaking out a mistake? My neighbors say that in Aspen everyone knows that "you cannot criticize the Crown family" (nee Krinsky.) Why? Because the Crowns own General Dynamics. Lester Crown's bribery of public officials and continually getting caught lying about his involvement in this felony has been the subject of numerous articles in both the *Chicago Tribune* & *New York Times*. When I served this lawsuit by taping it onto Skico's door after they refused service by the Sheriff
9. 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, chairs 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.

10. Once Lester’s captured judge Chris Seldin was appointed 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’s beloved Institute lost. When you sue a powerful billionaire in America, expect to to be the defendant and 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 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.

11. Tribalism in humans run 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 we have 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.
12. 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 of over 2000 signatures to Aspen's city council and Judge Seldin.
13. 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."

14. To paraphrase Pulitzer Prize winning Glenn Greenwald: One of the principal institutions devoted to monitoring and checking abuse of state power is the political media. The theory of a 'fourth estate' is to ensure government transparency and provide a check on overreach. But that check is only effective if journalists act adversarially against those who wield political power. Instead, the Aspen Times has frequently abdicated this role, being subservient to the government's interests, even amplifying, rather than scrutinizing, its messages and carrying out its dirty work.

15. Chicago billionaire Lester Crown 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.'"

16. Consequently, it has been very difficult to obtain legal counsel. No one wants to take this case on even with a paid retainer. I am a peon taking on a powerful ruthless billionaire who entertains Supreme Court justices in his homes and tweets out their photos. No one wants to tackle this family. The last bastion of a free society is the ability to criticize our masters.

Accordingly, *Pro Se* petitioner respectfully prays that an order be entered extending the time to file a reply brief on the merits for 60 days, up to and including March 16, 2020, to obtain legal counsel for assistance in filing this petition.

Respectfully submitted,

Lee Mulcahy, *Pro Se*  
53 Forge Rd., Aspen CO 81611 970.429.8797  
January 2, 2020

### **CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of this extension placed in the United States mail, postage prepaid, and addressed to the following parties on January 2, 2020:

Tierney Lawrence LLC  
University of Colorado "Adjunct Faculty" Ed Ramey  
225 E. 16<sup>th</sup> Avenue, Suite 350  
Denver, CO 80203  
eramey@tierneylawrence.com  
(720) 242-7585  
(303) 949-7676 (cell)

