

20-375

IN THE SUPREME COURT OF THE UNITED STATES

E. Edward Zimmerman

Petitioner

v.

The United States Government

Supreme Court, U.S.
FILED

JUL 31 2020

OFFICE OF THE CLERK

In the United States District Court for the Middle District of Pennsylvania

Case No.: 3:20 CV-01253

The Borough of Doylestown

In the United States District Court for The Eastern District of Pennsylvania

Case No. 3:20-CV-01407

Respondents

**Petition for an Extra Ordinary Writ of Mandamus or in the
Alternative an Extra Ordinary Writ of Prohibition**

E. Edward Zimmerman
PO Box 1077
Effort, PA 18330

William Bar, Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

David J. Freed, United States Attorney
The US Attorney's Office for The Middle District of Pennsylvania
William J. Nealon Federal Building and Courthouse
235 N. Washington Avenue, Suite 311
Scranton, PA 18503

William M. McSwain, United States Attorney
U.S. Attorney's Office
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106

Gregory David, Civil Chief
U.S. Attorney's Office
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106

Noel Francisco, Solicitor General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Rufus A. Jennings, Esquire
The Borough of Doylestown
Deasey Mahoney & Valentini
1601 Market Street, Suite 3400
Philadelphia, PA 19103-2301

Tom Wolf, Governor
The Commonwealth of Pennsylvania
Office of the Governor
508 Main Capitol Building
Harrisburg, PA 17120

Josh Shapiro, Attorney General
The Commonwealth of Pennsylvania
Pennsylvania Office of the Attorney General
Strawberry Square
Harrisburg, PA 17120

QUESTIONS IN LAW PRESENTED FOR REVIEW¹

Are “terms and conditions of employment and working conditions” as defined by The National Labor Relations Act (NLRA), subject matter left to Petitioner and Petitioner’s Employees?

Or,

Are “terms and conditions of employment and working conditions” as defined by The National Labor Relations Act, subject matter left to Federal and State Government?

¹ The question at bar is a question “In Law” and is not a question “In Equity”.

LIST OF PARTIES

[X] All parties appear in the caption of the case on the cover page.

[] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

TABLE OF CONTENTS

QUESTION PRESENTED FOR REVIEW	iii
LIST OF PARTIES	iv
TABLE OF CONTENTS	iv
TABLE OF AUTHORITIES	iv - v
PRIOR OPINIONS	v
JURISDICTION	v
STATUTES AND RULES	vi
STATEMENT OF THE CASE	1 - 2
CONCLUSION	2 - 3

TABLE OF AUTHORITIES

- 1) Every landmark decision, The Supreme Court of The United States (The Supreme Court) has heretofore issued.

- 2) Every Federal and State decision junior to The Supreme Court's landmark decisions.
- 3) Building Construction Trades Council v. Associated Builders (1993) No. 91-261, Argued: December 9, 1992, Decided: March 8, 1993
- 4) National Federation of Independent Business v. Sebelius, 567 U.S. 519 (2012)
- 5) The Declaration of Independence
- 6) The Constitution of The United States of America

PRIOR OPINIONS

- 1) Building Construction Trades Council v. Associated Builders (1993), No. 91-261, Argued: December 9, 1992 Decided: March 8, 1993.
- 2) National Federation of Independent Business v. Sebelius, 567 U.S. 519 (2012).

JURISDICTION

This Court is the only Court having constitutional authority, by and through the supremacy clause, to speak for the supremacy of the constitution as the supreme law of the land and bind the Executive, Congressional and Judicial forms of federal and state government, as well as, Petitioner to the answer in law to the question in law proffered.

Additionally this Court has original and appellant jurisdiction to all cases, in Law and Equity pursuant to the authorities and jurisdiction conferred by Article Three, Section Two of The Constitution, the authorities conferred by 28 U.S.C. §1651 (a) and (b), as well as, the authorities conferred by, 28 U. S. C. § 2403 (a) and (b).

STATUTES AND RULES

- 1) The National Labor Relations Act (NLRA or The Act).
- 2) The Borough of Doylestown Responsible Contractor Ordinance (RCO).
- 3) Davis-Bacon and Related Acts,
- 4) Pennsylvania Minimum Prevailing Wage Rates Act No. 442 of 1961, P.L. 987, Amended by Act 342 of 1963, P.L. 653
- 5) Pennsylvania Prevailing Wage Act, Act of Aug. 15, 1961, P.L. 987, No. 442 Cl. 43.

STATEMENT OF THE CASE

Preamble

This could very well be the most significant “question in law” proffered before the Supreme Court of The United States (The Supreme Court) for its review and consideration since the enactment of The Constitution

The Instant Matter

The answer to, the question in law identified in this Writ, could serve to answer a question in law before The United States District Court for the Eastern District of Pennsylvania, in E. Edward Zimmermann vs. The Borough of Doylestown Case No.: 3:20 CV-01407, and answer a question in law before the United States District Court for the Middle District of Pennsylvania, in E. Edward Zimmermann vs. The United States Case No. Case No.: 3:20 CV-01253

In the Borough of Doylestown matter, the Boroughs Responsible Contractor Ordinance and The State of Pennsylvania’s Prevailing Wage statute calls into question federal vs. state constitutional authorities to regulate commerce. Additionally, the Doylestown Responsible Contractor Ordinances and the Project Labor Agreement (PLA) used in the Boston Harbor matter are in and of themselves exact copies of each other except using different words in that both are State government regulating commerce.

The question in law raised in case no. 3:20-CV-01253 calls into question the proper use of Congresses Article One necessary and proper authorities, and the proper use of Congresses Article One regulation of commerce authorities as used and identified in the Affordable Health Care Act legislation.

RELIEF

- 1) Petitioner respectfully request a ruling in law or an opinion in law on the question at bar in the instant matter.
- 2) If the Court decides the question at bar and if the Court identifies terms and conditions of employment and working conditions as subject matter left to Petitioner, then Petitioner respectfully request a review in law de novo of, the Boston Harbor matter.
- 3) If the Court decides the question at bar and if the Court identifies terms and conditions of employment and working conditions as subject matter left to Petitioner, then Petitioner respectfully request a review in law de novo of the Affordable Health Care Act.
- 4) Lest anyone think Petitioners procedural errors are something other than errors, or Petitioners motives are anything but constitutional, kindly be held Petitioner waives all rights in law and equity in this matter and further waives any right to say anything further about this matter unless ordered otherwise by this Court.

Respectfully submitted,

E. Edward Zimmermann
08-25-2020

cc: William Bar, Attorney General
David J. Freed, United States Attorney
William M. McSwain, United States Attorney
Noel Francisco, Solicitor General
Solicitor, Doylestown Brough
Tom Wolf, Governor
Josh Shapiro, Attorney General

IN THE SUPREME COURT OF THE UNITED STATES

The Firm)	
Petitioner)	
)	
v.)	Case No.:
)	
The Borough of Doylestown)	
The Commonwealth of Pennsylvania)	
Respondents)	

CERTIFICATE OF SERVICE

I, E. Edward Zimmermann, representing myself, do hereby certify that on this the 25TH day of August 2020, I served a copy of the foregoing Extra Ordinary Writ of Mandamus or in the alternative an Extra Ordinary Writ of Prohibition on the opposing side by mailing a copy thereof to,

- 1) William Bar, Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001
- 2) David J. Freed, United States Attorney
The US Attorney's Office for The Middle District of Pennsylvania
William J. Nealon Federal Building and Courthouse
235 N. Washington Avenue, Suite 311
Scranton, PA 18503
- 3) William M. McSwain, United States Attorney
U.S. Attorney's Office
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106
- 4) Noel Francisco, Solicitor General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

- 5) Rufus A. Jennings, Esquire
The Borough of Doylestown
Deasey Mahoney & Valentini
1601 Market Street, Suite 3400
Philadelphia, PA 19103-2301
- 6) Tom Wolf, Governor
The Commonwealth of Pennsylvania
Office of the Governor
508 Main Capitol Building
Harrisburg, PA 17120
- 7) Josh Shapiro, Attorney General
The Commonwealth of Pennsylvania
Pennsylvania Office of the Attorney General
Strawberry Square
Harrisburg, PA 17120

Respectfully submitted,

E. Edward Zimmermann
08-25-2020

IN THE SUPREME COURT OF THE UNITED STATES

E. Edward Zimmermann)
Petitioner)
)
vs.) Case No.:
)
The Borough of Doylestown)
The State of Pennsylvania)
The United States Government)
Respondents)

MOTION FOR LEAVE TO FILE A PETITION FOR A WRIT OF MANDAMUS OR IN THE ALTERNATIVE A PETITION FOR A WRIT OF PROHIBITION

- 1) It is Petitioners position this matter is landmark.
- 2) The answer to the question this action raises could cause a significant change in the way all of government (federal and state) makes use of free market goods and services.
- 3) To the extent the instant matter raises new arguments to settled law, it may result in this Highly Honorable Court reversing itself.

For these reason Petitioner respectfully request this court grant this motion.

Respectfully Submitted,

E. Edward Zimmermann
08-25-2020

cc: William Bar, Attorney General, David J. Freed, United States Attorney
William M. McSwain, United States Attorney, Noel Francisco, Solicitor
General, Rufus A. Jennings, Esquire, Tom Wolf, Governor, Josh Shapiro,
Attorney General

IN THE SUPREME COURT OF THE UNITED STATES

The Firm)
Petitioner)
)
v.) Case No.:
)
The Borough of Doylestown)
The Commonwealth of Pennsylvania)
The United States Government)
Respondents)

CERTIFICATE OF SERVICE

I, E. Edward Zimmermann, representing myself, do hereby certify that on this the 25TH day of August 2020, I served a copy of the foregoing Motion for Leave to File an Extra Ordinary Writ of Mandamus or in the alternative an Extra Ordinary Writ of Prohibition on the opposing side by mailing a copy thereof to,

- 1) William Bar, Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001
- 2) David J. Freed, United States Attorney
The US Attorney's Office for The Middle District of Pennsylvania
William J. Nealon Federal Building and Courthouse
235 N. Washington Avenue, Suite 311
Scranton, PA 18503
- 3) William M. McSwain, United States Attorney
U.S. Attorney's Office
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106
- 4) Noel Francisco, Solicitor General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

- 5) Rufus A. Jennings, Esquire
The Borough of Doylestown
Deasey Mahoney & Valentini
1601 Market Street, Suite 3400
Philadelphia, PA 19103-2301
- 6) Tom Wolf, Governor
The Commonwealth of Pennsylvania
Office of the Governor
508 Main Capitol Building
Harrisburg, PA 17120
- 7) Josh Shapiro, Attorney General
The Commonwealth of Pennsylvania
Pennsylvania Office of the Attorney General
Strawberry Square
Harrisburg, PA 17120

Respectfully submitted,

E. Edward Zimmermann
08-25-2020