No. 21-1568

ORIGINAL

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SUPREME COURT, U.S.

In The

Supreme Court of the United States

AUSTIN ROGER CARTER,

Petitioner,

v.

GENESIS ALKALI, LLC; GENESIS ENERGY L.P.;
CODY J. PARKER; FRED VON AHRENS;
EDWARD T. FLYNN AND KRISTEN O. JESULAITIS,

Respondents.

On Petition For Writ Of Certiorari
To The United States Court Of Appeals
For The Tenth Circuit

PETITION FOR WRIT OF CERTIORARI

AUSTIN ROGER CARTER
Pro Se Petitioner
96 Mt. Hwy. 2 E.
Whitehall, Montana 59759
(307) 705-2159
austinrcarter@hotmail.com

QUESTIONS PRESENTED

Petitioner Austin Roger Carter, proceeding *pro se*, motioned the Wyoming Tenth Circuit District Court to Disqualify Counsel based on the Rules of Professional Conduct and his prior attorney-client relationship with the defendant's counsel, which was denied. Petitioner appealed the Order Denying that motion to the Tenth Circuit Court of Appeals. The District Court did not recognize the properly taken appeal and proceeded with hearings and ex parte Orders that directly dealt with the subject matter of the pending appeal, including a protective order presumably shielding the attorneys from future entry of information about that relationship.

The Questions Presented are:

Whether Petitioner's Fifth and Fourteenth Amendments of the Constitution and related rights of Due Process were violated by the Wyoming Tenth Circuit Court when they proceeded with hearings and Orders that were of the same subject matter rightfully on appeal in the United States Court of Appeals for the Tenth Circuit.

Whether an appeal, taken as a right in a Federal Court of Appeals, stays all proceedings in a case.

Whether Orders produced during an appeal are valid and enforceable when an appeal has been properly taken.

Whether time eliminates an attorney-client privilege and the established relationship as described by the ABA "Rules of Professional Conduct," therefore rendering those privileges worthless and not appealable.

PARTIES TO THE PROCEEDING

Petitioner Austin Roger Carter is the plaintiff and Petitioner in the district court and court of appeals proceedings. Respondents are named in the caption.

DIRECTLY RELATED PROCEEDINGS

Austin Roger Carter v. Genesis Alkali, LLC, et al., No. 22-8009, United States Court of Appeals for the Tenth Circuit Judgment entered February 10, 2022.

Austin Roger Carter v. Genesis Alkali, LLC, et al., No. 22-8009, United States Court of Appeals for the Tenth Circuit Judgment entered March 17, 2022.

Austin Roger Carter v. Genesis Alkali, LLC, Genesis Energy L.P., Cody J. Parker, Kristen O. Jesulaitis and Terry Harding, Case No. 20-CV-216-SWS. District of Wyoming. Judgment entered January 4, 2022.

Austin Roger Carter v. Genesis Alkali, LLC, Genesis Energy L.P., Cody J. Parker, Kristen O. Jesulaitis and Terry Harding, Case No. 20-CV-216-SWS. District of Wyoming. Judgment entered February 8, 2022.

Austin Roger Carter v. Genesis Alkali, LLC, Genesis Energy L.P., Cody J. Parker, Kristen O. Jesulaitis and Terry Harding, Case No. 20-CV-216-SWS. District of Wyoming. Judgment entered February 9, 2022.

DIRECTLY RELATED PROCEEDINGS – Continued

Austin Roger Carter v. Genesis Alkali, LLC, Genesis Energy L.P., Cody J. Parker, Kristen O. Jesulaitis and Terry Harding, Case No. 20-CV-216-SWS. District of Wyoming. Judgment entered March 8, 2022.

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Petitioner Austin Roger Carter respectfully requests the issuance of a writ of certiorari to review the judgment of the United States Court of Appeals for the Tenth Circuit.

OPINIONS BELOW

The decision of the United States Court of Appeals for the Tenth Circuit is published and is reproduced here at App. 1-3. The relevant orders of the United States District Court for the District of Wyoming are reproduced here at App. 6-63.

JURISDICTION

The Tenth Circuit entered final judgment on March 17, 2022. *See* Pet. App. 1-3. This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1).

STATUTES AND CONSTITUTIONAL PROVISIONS INVOLVED

The text of the Fifth and Fourteenth Amendments of the United States Constitution. The Fifth states that citizens cannot be "deprived of life, liberty, or property, without due process of law" and the Fourteenth "nor shall any State deprive any person of life, liberty, or

property, without due process of law"; both portions of both Amendments are relevant to this case.

STATEMENT OF THE CASE

This lawsuit originated with a complaint under Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002,18 U.S.C. § 1514A ("SOX"). Dodd-Frank Wall Street Reform and Consumer Protection Act, Dodd-Frank Acts 922 (Section 922 of Dodd-Frank), as well as Wyoming defamation laws, filed and entered November 25, 2020. Prior to filing in the district court Petitioner tried to resolve the issue through the Department of Labor and the Occupational Safety and Health Administration as required until it was released from them for going beyond the 180 days without resolution. The case has been ongoing in the Wyoming Tenth District Court since that time until Petitioner filed on October 7, 2021 to Disqualify the attorneys in the case based on the established attorney-client privilege after their personal presentation to him of a Protective Order for him to waive his rights to this relationship.

REASONS FOR GRANTING THE PETITION

I. Whether Petitioner's Fifth and Fourteenth Amendments of the Constitution and related rights of Due Process were violated by the Wyoming Tenth Circuit Court when they proceeded with hearings and Orders that of the same subject matter rightfully on appeal in the United States Court Of Appeals for the Tenth Circuit.

The Wyoming Tenth Circuit Court brought forth an important Federal Question that conflicts with the Fifth and Fourteenth Amendments of the United States Constitution, when they proceeded with hearings and orders while Petitioner's appeal was still pending in the United States Court of Appeals for the Tenth District. Petitioner argues that this action was a manifest injustice to him and that this rogue court has shown no respect to the Constitution, to the Laws of the United States or to its citizens and has thereby eviscerated the trust in Judicial System. Petitioner believes that this Court can restore the faith and trust of the citizens of the United States by examining the lower courts Rules and the errors that accompany this situation. It is a direct Constitutional problem when a court takes away from a Plaintiff or Defendant their rights to due process and flagrantly ignores the Laws and Rules that are established in this Country. Petitioner thinks that this might be acceptable to someone in a third World country under a dictatorship, but it should never occur in this great Nation. This is a Nation that others look to for guidance on such issues and

rely on our actions and adherence to our Constitution so as to make a life better in their own World.

While the record clearly shows what has occurred for Petitioner in this Wyoming case, it is best to give a clear timeline of events that will be beneficial to understanding the timeline and will explain why Petitioner believes his right to due process, guaranteed under the First and Fourteenth Amendments to the Constitution have been violated and how the manifest injustice that occurred in this Perversion of Justice can be corrected.

On February 8, 2022, at a time not before 6:00 PM MST (although stamped 4:07 PM) Judge Skavdahl entered the "Order on Motion for Reconsideration and Upholding Magistrates Judge's Order Denying Plaintiff's Motion to Disqualify Counsel" (ECF 71, App. 19), and as a Right of Appeal of Petitioner/Plaintiff at 10:09 PM on February 8, 2022 (stamped 8:09 AM on the 9th of February, ECF 72) the Clerk of Courts entered into the record Petitioner's "Notice of Appeal." At 9:00 AM a telephonic hearing was held and as stated above: Judge Rankin advised, something close to the effect of "I know it has been appealed and I don't care if it has been appealed, the Appeals Court will send it back and we are proceeding with this hearing, it's ripe," which is a mindset that both judges maintain, nonetheless Judge Rankin overruled the Appeal and made the decision to proceed with the case, and in doing so prejudiced the case against Petitioner and delivered the manifest injustice. Judge Rankin confirmed his application of manifest injustice on Petitioner by continuing with filing of other Orders that were in the most part

what pertained to Petitioner's appeal. To some it may look like coincidence that a late-night Order (ECF 71, and App. 19) be entered on the eve of a hearing but make no mistake it was concerted and Petitioner was expecting that this would occur, thus his appeal on the same evening. The temperament of both judges and their penchant to retain the attorneys in the case was obvious and quite frankly the hearing that the appeal and subsequent Orders did not stop was also predictable (ECF 75, App. 33). This Order was confirmation of Judge Rankin and Chief Judge Skavdahl's departure from the law, apparent conspiracy, high-handed mindset, and penchant to rape Petitioner of his constitutional rights, and whereas Defendant's counsel supported these judge's in carrying out the hearing, also knowing of the appeal, so they could assist in delivering the manifest injustice to Petitioner. These same attorneys assisted the Judges with a later filed "Motion for Protective Order" on February 17, 2022 (ECF 77, 79, App. 48), the same document that started the motion to disqualify (ECF 53) and the same that was appealed by Petitioner (ECF 72), it was a clear demonstration of the ongoing conspiracy between attorneys of the Littler Mendelson, Davis & Cannon attorneys, and these Judges.

The unfortunate result of Judges violating a litigants Constitution Rights is that it instils hubris in those that are in opposition and encourages them to further their efforts, with the endorsement of the judges. In a letter dated June 2, 2022 from the Littler group who have continued the efforts to engage

Petitioner in the case and have him nullify this pleading to the court. In the request letter you can feel that they have the backing of the Judges writing: "via this letter we are formally requesting a date to take your deposition. We are available August 3, 4, or 5, 2022 and we intend to take your deposition at the Courthouse in Wyoming. Please let us know which date works best for you. If we do not hear from you by June 15, 2022 regarding one of these dates, we will unilaterally schedule your deposition for one of those three days." And "If you fail to meet this deadline, we will seek relief from the Court related to your failure to comply with your discovery obligations." Essentially these attorneys know that the Court will back them and continue their gifting of the attorneys the ability to move forward without any fear of repercussions of participating in the taking of Petitioner's rights. The letter comes as no surprise to Petitioner as he has faced this type of highhanded tactics throughout his dealings with both the judges in this case, the attorneys for Littler, Davis and Canon and the attorneys for Genesis. These same elements were present when Kristen Jesulaitis advised Petitioner to sign the Separation Agreement for Genesis, when Earl "Chip" Jones of Littler, under the guise of representing Petitioner to help preserve his job at Genesis presented Petitioner with a Tolling Agreement to sign so they could continue a sham investigation, when Mr. Jones became ill and engaged Petitioner with Kelley Edwards who thereafter furthered the efforts to get Petitioner to sign the Tolling Agreement just days before the deadline for Petitioner to file with DOL and OSHA for the SOX claim. When Kevin

Griffith voiced in a phone conference with Judge Rankin that "He better get an attorney." meaning Petitioner, when Judge Rankin advised in post appeal hearing, "I don't care if you have filed an Appeal, this case is ripe, and we are proceeding with this case," or his later comment that, "just let me know if you need me to mediate this" in his proud moment after assisting the defendants attorneys in stripping Petitioner of his rights of due process by proceeding with hearings while it was under appeal. It is said that the Supreme Court does not want to hear emotional briefs, but only wanting to hear the laws. Well, Petitioner believes that the First and Fourteenth Amendments were written by the Forefathers of this Country specifically for these kinds of injustices. Petitioner believes that he deserves to enjoy these rights like all Americans. The People of the United States deserve to have this direct Constitutional issue heard, the errors of the lower courts corrected and by examining the Court Rules as they apply to the Constitution. Petitioner asserts that his Constitutional Rights were violated.

II. Whether an appeal, taken as a right in a Federal Court of Appeals, stays all proceedings in a case.

Immediately after the "Order on Motion for Reconsideration and Upholding Magistrates Judge's Order Denying Plaintiff's Motion to Disqualify Counsel" (ECF 71, App. 19), The Tenth judicial district of Wyoming under the direction of Magistrate Judge Rankin and Chief Judge Skavdahl, and the Defendants

attorneys proceeded with this Petitioner's case, even though it was at the time in front of the Court of Appeals (ECF 75 and 77). The Court continued with hearings and orders, contrary to Petitioner's rights under the Rules of appeals, Rules 3 and 4 F.R.A.P., and 28 U.S. Code § 1291. In the case of *Richardson-Merrell, Inc. v. Koller*, 472 U.S. 424 (1985), where the "Respondent appealed the disqualification to the Court of Appeals, "which stayed all proceedings" in the District Court pending the outcome of the appeal." In Petitioner's case, that was properly appealed, Magistrate Judge Rankin, in what appeared to be a conspiracy with the Defendants attorneys and the other judge, overrode the appeal and proceeded with the case, which could only be construed as malfeasance, delivering manifest injustice and unconstitutional acts to Petitioner. An important question for those American Citizens who rely on the Laws, Rules, and Precedent cases for information about how the court system works and as it related to their Constitutional Rights. Petitioner advised the Judge that he had appealed the order prior to the onset of a hearing that was conducted the following morning after Petitioner filed his Notice of Appeal, Magistrate Rankin advised (as best I can recall, but may not be verbatim) that "[I] know it has been appealed and I don't care if it has been appealed, the Appeals Court will send it back and we are proceeding with this hearing, as the case is ripe"], an announcement that certainly was very discouraging as it was certain that my rights were immediately taken away at a moment's notice, an immediate manifest injustice. Nonetheless, Judge Rankin overruled the Court of

Appeals and made the decision to proceed with the hearing regardless, and in doing so prejudiced the case against Petitioner. Petitioner argues that Judges Rankin and Skavdahl had plotted the event whereas Judge Skavdahl would enter his order at the eleventh hour, and Judge Rankin would proceed with the hearing to deliver manifest injustice to Petitioner by moving forward in a surprise hearing that overruled the appeal and proceeded to force a hearing and later orders on Petitioner, without due process.

This event can only be characterized as a Kangaroo Court, since Petitioner argues that this proceeding/ hearing was conducted after the notice of appeal, and with Magistrate Judge Rankin having full knowledge that is was properly filed under Rule 3 and 4 of F.R.A.P. and thereafter the Judge still proceeded with the support of the Defense attorneys, which shows that both the Judge and attorneys were wanting to push this unethical and illegal hearing along to conceal all that had transpired in that court. Petitioner understands that an appeal when taken is an "Appeal as of Right" as indicated in the Federal Rules of Appellate Procedure, except in Petitioner case, apparently. Petitioner, as well as every citizen, would like to have the definition of when Judges gets to make the call to take away this right, it should require this action to be defined. Is this some secret power bestowed on certain judges or does an appeal put a stay on a case as in many cases that I could find including *Richardson-Merrell, Inc. v. Koller*, 472 U.S. 424 (1985), states that it does, or is this only afforded to individuals that are not Pro Se. During the

Petitioner's hearing he also had to endure heckling, exuberance, and lauding expressions from the attorneys, and judge, as they endorsed the Judge's decision proceed with the hearing. Note: these attorneys were specifically named in the "Motion to Disqualify Counsel" (ECF 53), along with the document requesting Petitioner to waive his rights of confidentiality and were specifically what was appealed to the Court of Appeals. Petitioner is certain that this activity would also violate the ABA Rules and shows that the attorneys in the case are complicit in their delivering Petitioner manifest injustices. As mentioned above Judge Rankin ruled from the bench and forced the very subject and documents under appeal as presented in the "Motion to Disqualify Counsel" (ECF 53, page 19, exhibit C), a document Petitioner argues is a waiver of his confidential information that he had shared under attorney-client privilege with Kristen Jesulaitis and attorneys for Littler Mendelson and Davis and Canon. Petitioner argues that this amounts to conduct that is prejudicial to the administration of justice and a show of malfeasance and far different than anything presented to the court that Petitioner could find. Petitioner argues that this hearing was a display by Judge Rankin, Judge Skavdahl and the Court projecting onto the Court of Appeals, with the support of the Defense attorneys, that they are incapable handling this case due to the conflicts of interest, and with deliberate intent of administering manifest injustice to Petitioner. Further displaying that the Wyoming 10th Circuit cannot separate itself from the intertwined political relationships and inseparable influences from the Defendants'

attorneys and other political influences as evidenced by Mr. Carter's submissions to the Court. The Wyoming Judicial system is unable to act judiciously in this case as related to the attorneys involved. Even in light of the prior attorney-client relationship that Petitioner has presented to the court that exposed fraud, nor can they act accordingly when presented with the fact that the Defendant's and their attorneys have committed perjury through fraudulent documents submitted to the court in the form of "Declarations," and in addition the courts have been provided facts as to the attorney-client relationship that is clearly established between Petitioner and Defendant Kristen Jesulaitis, whom perjured herself to this court, yet they have discounted everything that Petitioner has presented to conceal the matter. The Judges intentions here were to silence Mr. Carter on the issue and force the issue into a hearing where they could dispose of the evidence of the attorney-client privilege, the fraud on the court, and the Courts relationship with the attorney and lobbyists for Genesis, Judge Freudenthal's husband and the former Governor of Wyoming David Freudenthal, other politicians, and Judges with conflicts of interests in the form of a relationship with Davis & Cannon, the judge that also wanted a "waiver" so that she, Freudenthal, could preside over the case. All of the above named are assisting in concert, and collusion, to help Genesis entities in their efforts to deprive Mr. Carter of justice and due process.

This lack of a stay in the case is unconstitutional and does not afford Petitioner due process under the

law. Please clarify for the American people if a stay is put on a case if it goes under appeal.

III. Whether Orders produced during an appeal are valid and enforceable when an appeal has been properly taken.

Stated under both the Fifth and Fourteenth amendments to the U.S. Constitution, that neither the Federal government nor State government may deprive any person "of life, liberty, or property without due process of law" and prohibits actions that deprive citizens of their due process. It is undisputed that Petitioner, Austin Roger Carter, filed a motion to Disqualify the Attorney's in the case due to his prior attorney-client relationship with attorney's representing the Respondents of the case. That the Magistrate Judge entered an Order Denying the motion to Disqualify, and Petitioner motioned the Court to Reconsider. That the Chief Judge in the case put out an Order Denying the Motion to Reconsider and Upholding the Magistrate Judges Order. That Petitioner thereafter properly and timely appealed those orders to the United States Court of Appeals for the Tenth Circuit. Then immediately after Petitioner filed his appeal the Wyoming U.S. District Court forced a hearing dealing specifically with the contents of his appeal producing an Initial Pretrial Order (ECF 75, App. 33) which forced the issues that were on appeal. Petitioner is not left to wonder why these judges forced the hearing and subsequent orders, the were specifically trying to hush him from exposing their bias and prejudice and the

relationships that they themselves had established with lobbyist, and corporate influences. They had to force Petitioner into the hearing so they could rush order through the system to forever silence Petitioner. In the Order Granting Defendants Motion for Protective Order [77] (ECF 78, App. 48) Judge Rankin stated, "Defendants indicated in their Motion that Plaintiff refused to agree to the Protective Order. Because Defendants filed their Motion for Protective Order on February 17, 2022, any response was due on or before March 3, 2022, pursuant to Local Rule 7.1(b)(1)(B). However, no response has been lodged as of the filing of this Order. The Local Rules further provide that "[t]he Court may, in its discretion, consider the failure of a responding party to file a response within the fourteen (14) day time limit, or such other time limit as the Court may direct, as a confession of the motion." U.S.D.C.L.R. 7.1(b)(1)(B). The Court will, therefore, deem the failure to respond by Plaintiff as a confession thereof. NOW, THEREFORE, IT IS ORDERED Defendants' Motion for Protective Order [ECF 77] is GRANTED and the proposed Protective Order shall be entered forthwith." (ECF 78, App. 48). So, Petitioner and the common citizen is left without a choice under this circumstance. If this court or any court can force through hearings and orders that are directly dealing with the subject matter that is under appeal, then what is the point of continuing a case. If this is the end result of any case then there is no justice in our system, no due process, not even any validity to the Constitution or its Amendments, this is lawlessness with entropy. This kind of corrosion will end not only

Sarbanes-Oxley, but any other case where corporations can have such influence on the courts, or possibly a situation where a citizen has been wronged and the Judges have been similarly influenced knowing full well that they cannot be touched and that they have the power to deny and frustrate the litigant of their choosing at will. If a Judge is so confident that an appeal will be rejected back, why would you force hearings and orders instead of letting the process play through and have hearings after it has run its Constitutional course of due process? Why the urgency to force things through unless there is something to hide, some payback owed, some external influences that requires payback? This is manifest injustice and perversion to the core. In Petitioner's view this is a manifesting of corruption manifest injustice, perversion of justice and influencing that cannot be ignored.

Are the Orders that were put forth dealing directly with the subject matter of the appeal and consequently the ex parte Orders granting all requests of the defendants and their attorneys while the appeal was still pending in the United States Court of Appeals for the Tenth Circuit valid? Petitioner is certain that this manifest injustice violated his Constitutional Rights, that this is a direct Constitutional problem that will negatively impact forthcoming cases in the United States and is an obvious perversion of justice. To not remedy this allows for no adequate remedies in future for civil cases, possibly criminal cases, and will erode confidence in the judicial system and the intent of the Constitution. Petitioner contends that if orders are

enforceable that are ramrodded through the system, then it undermines the appeals process and creates an entirely different problem for the judicial system. If the Orders while a case is under an appeal are valid, then the appeals process is not valid. If judges can be the deciding factor if an appeal is valid or not and put out orders dealing with the subject matter of the appeal while it is being appealed, then why have appeals courts or even any higher court. The citizens of Wyoming and all of the United States will benefit from this Court examining the lower Court Rules and correct this error that presents manifest injustices to its citizens. This examination of the lower courts and how the Rules and Laws are applied to citizens versus the individuals of the profession can provide some assurance that there is equal protection under the Law.

IV. Whether time eliminates an attorney-client privilege and the established relationship as described by the ABA "Rules of Professional Conduct," therefore rendering those privileges worthless and not appealable.

In the "Order Denying Plaintiff's Motion to Disqualify Counsel" [ECF 53], App. 6-18 citing "*Gates Rubber Co. v. Bando Chem. Indus.*, 855 F. Supp. 330, 334 (D. Colo. 1994) and the legal standard that details" Motions to disqualify are governed by two sources of authority. First, attorneys are bound by the local rules of the court in which they appear. Federal district courts usually adopt the Rules of Professional Conduct

of the states where they are situated. Second, because motions to disqualify counsel in federal proceedings are substantive motions affecting the rights of the parties, they are decided by applying standards developed under federal law. *In re American Airlines, Inc.*, 972 F.2d 605, 610 (5th Cir. 1992), cert. denied sub nom. *Northwest Airlines, Inc. v. American Airlines*, 122 L.Ed.2d 659, 113 S. Ct. 1262 (1993). Therefore, motions to disqualify are governed by the ethical rules announced by the national profession and considered "in light of the public interest and the litigants' rights." See *Dresser*, 972 F.2d at 543. And *Cole v. Ruidoso Mun. Schools*, 43 F.3d 1373, 1383 (10th Cir. 1994). In applying the above stated standard in *Cole*, the Tenth Circuit looked to New Mexico's rules of professional conduct and found that they were patterned off the ABA Model Rules. Id. at 1383. The court stated it believes the Model Rules "reflect the national standard to be used in ruling on disqualification motions." Id. Finally, the court compared the New Mexican rules to the ABA Model Rules and found they did not differ in any material way; therefore, case law applying ABA Model Rules is instructive. Id. at 1384. Petitioner understands that this means the paramount idea is that the attorneys must follow the ABA Model Rules that are adopted by most States and Federal District, as they should be. Petitioner agrees with those rules and especially the ones that detail that the rules are an until death do us part type of Rules, and not ones that have a time element that expires just because a judge decides that the relationship did not exist. The question this judge should have asked is why the attorneys were

so desperate to have Petitioner sign these waiver documents unless they were seeking to terminate their obligations to these rules so they could shield both their client and themselves from any attorney-client privilege information that would arise in the case. Then use that information against Petitioner or be able to keep that information away from a jury.

The Skavdahl Order "Order Denying Plaintiff's Motion for Reconsideration and Upholding Magistrate Judge's Order Denying Plaintiff's Motion to Disqualify Counsel" [App. 19] reinforces Petitioner's point that this Court misused the time element of the ABA Rules. Chief Judge Skavdahl downplays the relationship that Petitioner and the attorneys for the defendants had established prior to the case being filed with DOL/ OSHA. U.S. Court. Judge Skavdahl's sole standing was that Petitioner's motion was untimely, "To be clear, Plaintiff's original motion to disqualify (ECF 53) was untimely." (ECF 71). Petitioner could not find anywhere in the ABA "Rules of Professional Conduct" as to timing as it relates to terminating a Client-Lawyer Relationship and according to Rule 1.9: Duties to Former Clients it states that "(a) A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing." Suggesting that the relationship is valid until the time of death and not just when the District Court Chief Judge decides it has

been untimely. Further the Magistrate Judge states that "Plaintiff fails to establish the existence of an attorney-client relationship." (ECF 64) as if Petitioner is responsible for policing an attorney's adherence to their own oaths and rules. Thereafter the judges were requesting and requiring Petitioner to divulge what all he disclosed to the attorneys in his motion to have them disqualified or demonstrate he has established the attorney-client relationship, what an absurd statement and a requirement that would have Petitioner divulge the details of what he shared to the court record. What is shared in an attorney-client privileged exchange is entirely confidential until a waiver is obtained, and not by force of the court by way of an ex parte Order, as is the case here. A judge requesting that a Plaintiff or Defendant put personal and confidential information in a motion and thereafter have it displayed in the public record is ridiculous. Instead of following the ABA or Wyoming Rules, the attorneys in question participated in the manifest injustice during the appeal, by motioning the court for an Order that included the same Protective Order that prompted the motion to disqualify, Judge Rankin quickly converted this into an ex parte Order. This document was fashioned so that it would release them from any attorney-client privileged information in the form of that "Protective Order" quite contrary to "Rule 1.9" so they could meet the provisions of part (b)(2) which states "1.9(2) about whom the lawyer had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter; unless the former client gives informed consent, confirmed in writing." With the assistance of the

Judges, this Protective Order was a convenient way for them to gain the consent needed to end Petitioner's attorney-client privilege with them and therefore end his ability to bring that information before a jury. The only timing issue was that the Judges and these attorneys enjoyed. Just as the initial judge in the case had sought a waiver so that she could preside over this case as her husband was admittedly an attorney for Genesis Alkali. Petitioner asks this Court whether time eliminates an attorney-client privilege and the established relationship as described by the ABA "Rules of Professional Conduct," therefore rendering those privileges worthless and not appealable.

Chief Judge Skavdahl refusing to consider depositions that the Littler attorneys and Ms. Jesulaitis had provided the court to attempt to discredit Petitioner only validates that this had little to do with timing and everything to do with cronyism, political and a penchant to get Pro Se individuals out of the system and to reward the relationships of fellow attorneys. Skavdahl cited, "The Court similarly declines to address the merits of this factual issue. Nor will this Court infer from Ms. Jesulaitis' deposition that she has 'obviously perjured herself to the Court on these issues' imploring the Court to 'conclude she has lied' about the nature of her attorney client relationship." (ECF 71, App. 19-23). Where Petitioner provided the courts with work documents that clearly demonstrated the working attorney-client relationship between Kristen Jesulaitis and Petitioner which was contrary to her Declaration. Petitioner stated to the

Court of Appeals: "Mr. Carter advises that at least two of the Littler Mendelson attorneys will be "Material Witnesses" in the case, Kelley Edwards and Chip Jones. The two attorneys and Defendant Kristen Jesulaitis, who is also an attorney, that Petitioner had an attorney-client relationship with provided "Declarations" under the penalty of perjury (ECF 58-1 pages 1-2, ECF 58-2, pages 2-5, ECF 58-3, pages 2-4) that the district court failed to consider. The Judges in this case are using this case to redefine what is considered attorney-client privilege, both corporate and private, and the laws as they relate to appeals and ethics by continuing to force through expedited hearings and orders, conflicting with 28 U.S. Code § 1291 & 1292, even as this matter is before the Court of Appeals, also rewriting the Wyoming Rules of Professional Conduct 1.6, 1.7, 1.9, and 1.10, ABA Model Rules of Professional Conduct, and attempting to set precedent for the acceptance of fraudulent materials presented to the Court and other issues related." App. 3 response. The Order had little to do with timing and much to do with covering up material facts about corruption and external influences. Does time eliminate an attorney-client privilege and the established relationship as described by the ABA "Rules of Professional Conduct," therefore rendering those privileges worthless and not appealable.

Because the lower courts are not adhering to the Rules and Laws and because this writing presents

important Constitutional issues that should be addressed, this Court's review is warranted.

CONCLUSION

Mr. Austin Roger Carter respectfully requests that this Court issue a writ of certiorari.

Respectfully submitted,

AUSTIN ROGER CARTER
Pro Se Petitioner
96 Mt. Hwy. 2 E.
Whitehall, Montana 59759
(307) 705-2159
austincarter@hotmail.com

June 14, 2022