

September 11, 2021

Hon. Scott S. Harris  
Clerk of Court  
Supreme Court of the United States  
1 First Street, NE  
Washington, DC 20543

Dear Mr. Harris:

On September 11th at 5pm I received a copy of letter (*Exhibit A*) dated for September 7th, 2021 addressed to you from Jason Boren of Ballard Spahr, LLP in regards to Rusk v. Fidelity Brokerage Services, No. 21-5331 entitled "***Request for Extension of Time to Respond to Petition for Writ of Certiorari***". Mr Boren's letter at the end states that he believes he has good faith cause to unduly delay due to what he claims as 'requesting counsel is not currently a member of the Bar of this Court and acknowledges any brief in opposition must be filed by a member of the Bar of this Court.

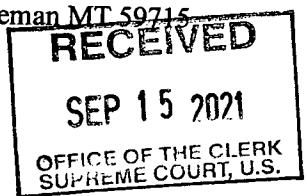
I am writing you to demand that you deny this request for the following reasons and because such request of Jason Boren's is in fact brought in bad faith:

1. Jason Boren has been in receipt of ECF notifications on this case since its beginning in 12/2015. (*Exhibit B*)
2. On December 13, 2019 at 12:25 PM Rusk emailed Mr Boren stating "Bytheway, again: who will be litigating against me in the US-SC and/or who shall I send pleadings to going forward? If you won't be barred in the US SC in time. (Still haven't received a response on this, perhaps your firm is working on getting you registered)." (*Exhibit C*)

Because Mr. Boren was notified of Rusk's intent to file this US-SC Petition almost two years ago, his request must be **DENIED** forthwith as it is brought in **BAD FAITH**.

Sincerely,  
Zachary R. E. Rusk

Zachary R. E. Rusk | 435-557-1570 | [zachrusk5@gmail.com](mailto:zachrusk5@gmail.com) | 211 N 10th Ave Bozeman MT 59715  
[www.linkedin.com/in/zachrusk](http://www.linkedin.com/in/zachrusk) | [www.facebook.com/zrusk1](http://www.facebook.com/zrusk1)



# EXHIBIT A

# Ballard Spahr

LLP

One Utah Center, Suite 800  
201 South Main Street  
Salt Lake City, UT 84111-2221  
TEL 801.531.3000  
FAX 801.531.3001  
[www.ballardspahr.com](http://www.ballardspahr.com)

Jason D. Boren  
Direct: 801.517.6827  
Fax: 801.531.3001  
[borenj@ballardspahr.com](mailto:borenj@ballardspahr.com)

September 7, 2021

Hon. Scott S. Harris  
Clerk of the Court  
Supreme Court of the United States  
1 First Street, NE  
Washington, DC 20543

*Rusk v. Fidelity Brokerage Services, No. 21-5331*  
Request For Extension of Time to Respond to Petition for Writ of Certiorari

Dear Mr. Harris:

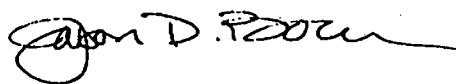
I am counsel for Respondent Fidelity Brokerage Service ("Fidelity") in the above-captioned matter. Petitioners' petition for writ of certiorari was placed on the docket August 11, 2021. Per Rule 15.3 of the Rules of the Supreme Court of the United States, Fidelity's response, if any, is due September 10, 2021. Fidelity hereby respectfully requests that its time to file a response to the petition for writ of certiorari in this case be extended by 30 days to October 11, 2021.

This is Fidelity's first request for an extension of time to file a response. Good cause exists for the requested extension. Petitioner Rusk's petition purports to present six questions for resolution by this Court, several of which were not raised below, and attached as an appendix nearly 500 pages of material. Fidelity requires the requested time to evaluate Mr. Rusk's petition and the associated material to determine what, if any, response would assist this Court in addressing Mr. Rusk's petition and to prepare a response that Fidelity determines would be most helpful to the Court.

*For the foregoing reasons, Fidelity respectfully request that the time for filing a response to the petition for writ of certiorari in this matter be extended by 30 days, to and including October 11, 2021.*

*Requesting counsel is not currently a member of the Bar of this Court and acknowledges that any brief in opposition must be filed by a member of the Bar of this Court.*

Sincerely,



Jason D. Boren

JDB/lb

September 7, 2021  
Page 2

cc: Petitioner Zachary Rusk  
211 N 10th Ave  
Bozeman MT 59715

# **EXHIBIT B**

**From:** utd\_enotice@utd.uscourts.gov  
**Subject:** Activity in Case 2:15-cv-00853-RJS Rusk v. Fidelity Brokerage Services Notice of Filing  
**Date:** July 26, 2021 at 10:08 AM  
**To:** ecf\_notice@utd.uscourts.gov



This is an automatic e-mail message generated by the CM/ECF system. If you need assistance, call the Help Desk at (801)524-6100.

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

**US District Court Electronic Case Filing System**

**District of Utah**

**Notice of Electronic Filing**

The following transaction was entered on 7/26/2021 at 10:08 AM MDT and filed on 7/23/2021

**Case Name:** Rusk v. Fidelity Brokerage Services

**Case Number:** 2:15-cv-00853-RJS

**Filer:** Zachary R. E. Rusk

**WARNING: CASE CLOSED on 04/30/2019**

**Document Number:** 311

**Docket Text:**

**NOTICE OF FILING of Petition for a Writ of Certiorari to US Supreme Court filed by Plaintiff Zachary R. E. Rusk. (Attachments: # (1) FedEx receipt, # (2) FedEx email receipt)(jwt)**

**2:15-cv-00853-RJS Notice has been electronically mailed to:**

Jason D. Boren borenj@ballardspahr.com, LitDocket\_West@ballardspahr.com, brownlj@ballardspahr.com, maddenen@ballardspahr.com, saltlakedocketclerk@ballardspahr.com

Zachary R. E. Rusk zachrusk5@gmail.com

**2:15-cv-00853-RJS Notice has been delivered by other means to:**

The following document(s) are associated with this transaction:

**Document description:** Main Document

**Original filename:** n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1060034973 [Date=7/26/2021] [FileNumber=4861703-0] [99f4fb27918e97ca77bd55678b2f56d416d8b58f068f5f81af40af05fe91b338c5fa41f6edbd168d5de61d6c61a23ed01a56f2c1dd9f462c9f9f734a2eda71]]

**Document description:** FedEx receipt

**Original filename:** n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1060034973 [Date=7/26/2021] [FileNumber=4861703-1] [99aa109a94babcef9c7b9e5936c2b24cef809940a117dad729a58f4c085edab1b0c1b79bd22e949cebf5b2a0326ea9c2e13af061b675d00fe2a6c701f7d9154]]

**Document description:** FedEx email receipt

**Original filename:** n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1060034973 [Date=7/26/2021] [FileNumber=4861703-2] [7e09edc31b0bc1a54e591a6ab52cbb6c3c817757ed3b3af01f06ea6764f427e2270f97a352f3cd86b67d43c8ffef5ffb34d11e8edc905d1b8f6b1209f423d38]]

**From:** utd\_enotice@utd.uscourts.gov  
**Subject:** Activity in Case 2:15-cv-00853-RJS Rusk v. Fidelity Brokerage Services Sealed Document  
**Date:** July 26, 2021 at 10:11 AM  
**To:** ecf\_notice@utd.uscourts.gov



This is an automatic e-mail message generated by the CM/ECF system. If you need assistance, call the Help Desk at (801)524-6100.

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

**US District Court Electronic Case Filing System**

**District of Utah**

**Notice of Electronic Filing**

The following transaction was entered on 7/26/2021 at 10:10 AM MDT and filed on 7/23/2021

**Case Name:** Rusk v. Fidelity Brokerage Services

**Case Number:** 2:15-cv-00853-RJS

**Filer:** Zachary R. E. Rusk

**WARNING: CASE CLOSED on 04/30/2019**

**Document Number:** 312

**Docket Text:**

**\*\*SEALED DOCUMENT\*\* Motion for Leave to Proceed In Forma Pauperis to US Supreme Court re [311] Notice of Filing filed by Plaintiff Zachary R. E. Rusk. (jwt)**

**2:15-cv-00853-RJS Notice has been electronically mailed to:**

Jason D. Boren borenj@ballardspahr.com, LitDocket\_West@ballardspahr.com, brownlj@ballardspahr.com, maddenen@ballardspahr.com, saitlakedocketclerk@ballardspahr.com

Zachary R. E. Rusk zachrusk5@gmail.com

**2:15-cv-00853-RJS Notice has been delivered by other means to:**

The following document(s) are associated with this transaction:

**Document description:** Main Document

**Original filename:** n/a

**Electronic document Stamp:**

[STAMP dceefStamp\_ID=1060034973 [Date=7/26/2021] [FileNumber=4881721-0  
] [7b59691e4a0b712616bc69aa3198e7f2b43545b9c93855776bd41e4c1c041202196  
715ab54df23ef10b4843ea8afaef856aa6428c157bb06748db31938536719]]

**From:** utd\_enotice@utd.uscourts.gov  
**Subject:** Activity in Case 2:15-cv-00853-RJS Rusk v. Fidelity Brokerage Services Lodged Document  
**Date:** August 2, 2021 at 9:08 AM  
**To:** ecf\_notice@utd.uscourts.gov



This is an automatic e-mail message generated by the CM/ECF system. If you need assistance, call the Help Desk at (801)524-6100.

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

**US District Court Electronic Case Filing System**

**District of Utah**

**Notice of Electronic Filing**

The following transaction was entered on 8/2/2021 at 9:08 AM MDT and filed on 7/31/2021

**Case Name:** Rusk v. Fidelity Brokerage Services

**Case Number:** 2:15-cv-00853-RJS

**Filer:**

**WARNING: CASE CLOSED on 04/30/2019**

**Document Number:** 314

**Docket Text:**

**DOCUMENTS LODGED** consisting of Email from Plaintiff with copies of Petition for a Writ of Certiorari, letter, orders, and tracking receipt.

**Note:** attached document lodged for reference purposes only; no response required unless specifically ordered by the court. (Attachments: # (1) Petition for a Writ of Certiorari, # (2) Letter and orders from Supreme Court, # (3) Tracking Receipt)(jwt)

**2:15-cv-00853-RJS Notice has been electronically mailed to:**

Jason D. Boren borenj@ballardspahr.com, LitDocket\_West@ballardspahr.com, brownlj@ballardspahr.com, maddenen@ballardspahr.com, saltlakedocketclerk@ballardspahr.com

Zachary R. E. Rusk zachrusk5@gmail.com

**2:15-cv-00853-RJS Notice has been delivered by other means to:**

The following document(s) are associated with this transaction:

**Document description:** Main Document

**Original filename:** n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1060034973 [Date=8/2/2021] [FileNumber=4867714-0]  
[34899377a5f11227f69ca396f74bf9ef4209701caeb4328319afe572fb75c8b845c  
9bb5c3037a767b51316a06e4dd75fb84224e6d2abe8b1d45e3956a2d91b7]]

**Document description:** Petition for a Writ of Certiorari

**Original filename:** n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1060034973 [Date=8/2/2021] [FileNumber=4867714-1]  
[4a32105c5340f7285b6dd749412f74fe080ee05db7b6495a5f153fd332b395dc7bf  
0d6ca041f97458154d8e13e357243c37240ac8f7836a43b4374a68aefa55]]

**Document description:** Letter and orders from Supreme Court

**Original filename:** n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1060034973 [Date=8/2/2021] [FileNumber=4867714-2]  
[942684e0506a16a7721f929b9901ff3a0bc573c7db69515f86a8faa8cb6f113b2c9e  
160b9a6ed52df09f6679abcc0fa50f9accdcb193dc3b81dcb940600b971c2]]

**Document description:** Trackingt Receipt

**Original filename:** n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1060034973 [Date=8/2/2021] [FileNumber=4867714-3]  
[ba1f1b3cdf5b6adaa1718218e403c91eae4a161a6f420dbe66232f00adec13b65863  
c271dda3616813bcdcfad1d1c61ba97dd1929153a96c3c7ba65b2365d0d]]

**From:** utd\_enotice@utd.uscourts.gov  
**Subject:** Activity in Case 2:15-cv-00853-RJS Rusk v. Fidelity Brokerage Services Lodged Document  
**Date:** August 2, 2021 at 9:11 AM  
**To:** ecf\_notice@utd.uscourts.gov



This is an automatic e-mail message generated by the CM/ECF system. If you need assistance, call the Help Desk at (801)524-6100.

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

**US District Court Electronic Case Filing System**

**District of Utah**

**Notice of Electronic Filing**

The following transaction was entered on 8/2/2021 at 9:11 AM MDT and filed on 7/31/2021

**Case Name:** Rusk v. Fidelity Brokerage Services

**Case Number:** 2:15-cv-00853-RJS

**Filer:**

**WARNING: CASE CLOSED on 04/30/2019**

**Document Number:** 315

**Docket Text:**

**\*\* SEALED DOCUMENT \*\* DOCUMENTS LODGED** consisting of Motion for Leave to Proceed In Forma Pauperis in the Supreme Court of the United States. (NOTE: motion copy was received in the same email as [314]Lodged Document.)

Note: attached document lodged for reference purposes only; no response required unless specifically ordered by the court. (jwt)

**2:15-cv-00853-RJS Notice has been electronically mailed to:**

Jason D. Boren borenj@ballardspahr.com, LitDocket\_West@ballardspahr.com, brownlj@ballardspahr.com, madden@ballardspahr.com, saltlakedocketclerk@ballardspahr.com

Zachary R. E. Rusk zachrusk5@gmail.com

**2:15-cv-00853-RJS Notice has been delivered by other means to:**

The following document(s) are associated with this transaction:

**Document description:** Main Document

**Original filename:** n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1060034973 [Date=8/2/2021] [FileNumber=4867733-0]  
[80d07c04efb5c664aa79b5e6e5e27b684cb5a636b8f5adbbfe9ab6c842316a25537c  
53a5b40f72ad5e428d2b730b7ebf424060491e8428d9d6cbeb96f14ecc6c]]

**From:** utd\_enotice@utd.uscourts.gov  
**Subject:** Activity in Case 2:15-cv-00853-RJS Rusk v. Fidelity Brokerage Services USCA Letter Supreme Court Writ of Certiorari  
**Date:** August 13, 2021 at 8:02 AM  
**To:** ecf\_notice@utd.uscourts.gov



This is an automatic e-mail message generated by the CM/ECF system. If you need assistance, call the Help Desk at (801)524-6100.

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

**US District Court Electronic Case Filing System**

**District of Utah**

**Notice of Electronic Filing**

The following transaction was entered on 8/13/2021 at 8:02 AM MDT and filed on 8/13/2021

**Case Name:** Rusk v. Fidelity Brokerage Services

**Case Number:** 2:15-cv-00853-RJS

**Filer:**

**WARNING: CASE CLOSED on 04/30/2019**

**Document Number:** 316

**Docket Text:**

Letter from US Supreme Court re: Notice of Petition for Writ of Certiorari re [300] Notice of Appeal,.  
Supreme Court Case Number 21-5331. (jrj)

**2:15-cv-00853-RJS Notice has been electronically mailed to:**

Jason D. Boren borenj@ballardspahr.com, LitDocket\_West@ballardspahr.com, brownlj@ballardspahr.com,  
madden@ballardspahr.com, saltlakedocketclerk@ballardspahr.com

Zachary R. E. Rusk zachrusk5@gmail.com

**2:15-cv-00853-RJS Notice has been delivered by other means to:**

The following document(s) are associated with this transaction:

**Document description:** Main Document

**Original filename:** n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1060034973 [Date=8/13/2021] [FileNumber=4880135-0  
] [2bee593640b2b5cf9d1d5ea0d5067ef0c5a98ad6c477eb15541a825a795f27319d  
53f693ce134560398f9ad262f2fe1217a5442ff2101cb0e9329e8e36b6adf]]

# **EXHIBIT C**

**From:** Zach Rusk zachrusk5@gmail.com  
**Subject:** Re: USPS® Item Delivered 9505513006289339480376  
**Date:** December 13, 2019 at 12:25 PM  
**To:** Jason D. Boren borenj@ballardspahr.com  
**Bcc:** zachrusk5@gmail.com



Bytheway, again: who will be litigating against me in the US-SC and/or who shall I send pleadings to going forward? If you won't be barred in the US SC in time. (Still haven't received a response on this, perhaps your firm is working on getting you registered).

Also. Since your client doesn't have a leg to stand on, and given the seriousness of the issues presented, plus the affects this case could yield for many, among a number of other reasons, be sure to let me know if your client gets serious about settlement sooner than later. If not, no worries at all. In any event, I'm super excited. While hoping it wouldn't have to get here, been waiting for this for a long time. I think the US-SC has been too...

Best of luck..

ZR

On Dec 13, 2019, at 9:10 AM, Zach Rusk <zachrusk5@gmail.com> wrote:

Jason, called the US SC. Spoke with an analyst. He said that the US SC petition was received. They're still processing it because the analyst has been out this week.

Bytheway, my OSHA complaint is looking great. Should have an order on it shortly.

Thanks-

ZR

Begin forwarded message:

**From:** auto-reply@usps.com  
**Date:** December 13, 2019 at 9:07:10 AM MST  
**To:** zachrusk5@gmail.com  
**Subject:** USPS® Item Delivered 9505513006289339480376



Hello ,

Your item was delivered at 9:00 am on December 9, 2019 in WASHINGTON, DC 20543.

Tracking Number: 9505513006289339480376

**Delivered**



## Tracking & Delivery Options

### My Account

Visit [USPS Tracking](#)® to check the most up-to-date status of your package. Sign up for [Informed Delivery](#)® to digitally preview the address side of your incoming letter-sized mail and manage your packages scheduled to arrive soon! To update how frequently you receive emails from USPS, log in to your [USPS.com](#) account.

Want regular updates on your package? [Set up text alerts](#).

#### INFORMED DELIVERY®

Sign up to view your mail  
online or via email.



Download USPS Mobile®



---

[USPS.com](#) | [Privacy Policy](#) | [Customer Service](#) | [FAQs](#)

Delivery date and time depends on origin, destination and Post Office™ acceptance time and is subject to change.  
Delivery options are subject to restrictions and may not be available for your item.

This is an automated email; please do not reply to this message. This message is for the designated recipient only and may contain privileged, proprietary, or otherwise private information. If you have received it in error, please delete. Any other use of the email by you is prohibited.

Copyright © 2017. All rights reserved.