

September 11, 2021

Hon. Scott S. Harris
Clerk of Court
Supreme Court of the United States
1 First Street, NE
Washington, CD 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 | 211 N 10th Ave Bozeman MT 59715
www.linkedin.com/in/zachrusk | www.facebook.com/zrusk1

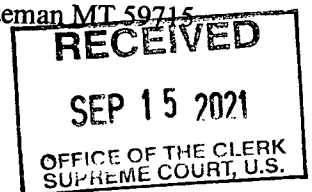


EXHIBIT A

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

Jason D. Boren
Direct: 801.517.6827
Fax: 801.531.3001
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:

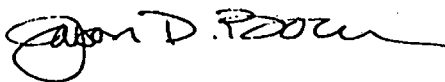
I am counsel for Respondent Fidelity Brokerage Service ("Fidelity") in the above-captioned matter. Petitioners' petition for writ of certiorari was placed on the docket August 11, 2021. Per Rule 15.3 of the Rules of the Supreme Court of the United States, Fidelity's response, if any, is due September 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, 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=7/26/2021] [FileNumber=4861703-0]
] [99f4fbc27918e97ca77bd55678b2f56d416d8b58f068f5f81af40af05fe91b338c5
fa41f6edbd168d5de61d6c61a23ed01a56f2c1dd9f462c9f9734a2eda71]]

Document description: FedEx receipt

Original filename: n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1060034973 [Date=7/26/2021] [FileNumber=4861703-1]
] [99aa109a94babcef9c7b9e5936c2b24cef809940a117dad729a58f4c085edab1b0c
1b79bd22e949cebfe5b2a0326ea9c2e13af061b675d00fe2a6c701f7d9154]]

Document description: FedEx email receipt

Original filename: n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1060034973 [Date=7/26/2021] [FileNumber=4861703-2]
] [7e09edc31b0bc1a54e591a6ab52cbba6c3c817757ed3b3af01f06ea6764f427e227
0f97a352f3cd86b67d43c8ffef5ffb34d11e8edc905d1b8f6b1209f423d38]]

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,
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=7/26/2021] [FileNumber=4861721-0
] [7b59691e4a0b7f26f6bc69aa3198e7f2b43545b9c93855776bd41e4c1c041202196
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, 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=4867714-0]
[34899377a5f11227f69ca396f74bf9ef4209701caeb4328319afef572fb75c8b845c
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]
[4a32105c5340f7f285b6dd749412f74fe080ee05db7b6495a5f153fd332b395dc7bf
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
160b9a6ed52df09f6679abcc0fa50f9acddb193dc3b81dcb940600b971c2]]

Document description: Tracking 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]
] [2bee593640b2b5cfd9d1d5ea0d5067ef0c5a98ad6c477eb15541a825a795f27319d
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.