

No. \_\_\_\_\_

In the  
Supreme Court of the United States

Sergei Vinkov,  
Petitioner,

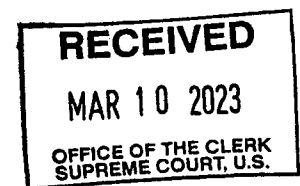
v.

Brotherhood Mutual Insurance Company, an Indiana corporation,  
Respondent

**APPLICATION TO**  
**ASSOCIATE JUSTICE ELENA KAGAN**  
**TO FILE A PETITION FOR WRIT OF CERTIORARI**  
**IN EXCESS OF WORD LIMIT**  
to the United States Court of Appeals for the Ninth Circuit

(No. 21-55857)

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## QUESTIONS PRESENTED

1) Has the United States Court of Appeals for the Ninth Circuit (9th Circuit) correctly determined the jurisdictional power of the federal court over equitable claims and denial of affirmative relief for a *pro se* party in duty-to-defend proceedings on the directly related pending state action under Article III requirements and jurisdictional statutes of US Congress?

2) Whether Insurer properly obtained a judgment in the federal court against a *pro se* volunteer director of the religious tax-exempt corporation from the pending state proceedings in the light of the U.S. Constitution (Article III, First Amendment, Due Process Laws) and Acts of U.S. Congress, especially under 26 U.S.C. § 7428 and 28 U.S.C. § 2283?

## APPLICATION TO FILE PETITION IN EXCESS OF WORD LIMIT

Pursuant to 28 U.S.C. § 2101(f), Sup. Ct. Rule 22, and 33, Sergei Vinkov ("Applicant") submits his application to Associate Justice Hon. Elena Kagan for relief in the form to leave to submit a petition for writ of certiorari in excess of words limits from 9,000 words up to 13,000 words calculated in Microsoft Office Professional Plus 2019 (Word) software. Applicant expects to file a petition for a writ of certiorari to review the order of the 9th Circuit before or on Tuesday, April 25, 2023, according to 28 U.S.C. § 1254(1). Enlargement of the word limits is necessary to supply the premises with citations of the records from the courts of the lower jurisdiction, indicating essential authorities, and assigning errors of law in support of arguments to grant a review (Proposed Table of Contents is attached as Exhibit 1).

In support of a good cause appearing, the Applicant alleges the following:

1. Enlargement is necessary to fulfill a Petitioner's obligation "to present with accuracy, brevity, and clarity whatever is essential to a ready and adequate understanding of the points requiring consideration" *Sup. Ct. R. 14*. As it was shown early, Petitioner has discovered numerous errors in law and judicial debates on Article III jurisprudence, the approaches of calculation of diversity amounts, the scope of power of the federal courts to intervene the parallel the pending state proceedings, fairness of the judicial process and ethical conduct of parties (See Application No. 22A718 for stay addressed to Justice Alito and referred to the Court, pending, distributed for Conference of 3/3/2023 is denied on 3/06/2023, *Vinkov v BMIC*). So, in the course to preclude waiver and forfeiture of arguments on the following briefing on the merits, the

extensions of word limits are needed to cover numerous errors and split of authorities on the controversy involved in this case. Accordingly, the volume of mistakes requires extending the word limitation.


2. This case is a perfect vehicle to overrule the *Lemon test* (*Lemon v. Kurtzman*, 403 U.S. 602), which Petitioner relied on during the litigation, and lower courts declined to apply it, allowing to adjudicate the scope of religious duties and approved the examination the scope of religious beliefs like in the Salem witch trials (1693). However, the overruling *Lemon test* is not the primary question in the upcoming petition. Still, instead, it is a sub-question. It is necessary to resolve the main questions in the upcoming filing embedded in Article III jurisprudence, wherein equity is mixed with common law claims.

3. Allegations of compliance of the lower court officers (including attorneys for Insurer) with provisions of ethical codes and federal, state statutes form an integral part of the petition. Thus, mandatory citation of the numerous statutes and description of the scope of claimed violations demand enlargement of the size of the petition.

### CONCLUSION

Applicant asks permission to submit an oversized petition for certiorari with an excess of words limits from 9,000 words up to 13,000 words before or on Tuesday, April 25, 2023.

Respectfully submitted,

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March 6, 2023.

## **Exhibit 1. Proposed Table of Contents**

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