

Docket Number: 23-5100

IN THE
SUPREME COURT OF THE UNITED STATES

VASSIL MARINOV,
PETITIONER
v.
UNITED AUTO WORKERS,
and
FCA US, LLC,
RESPONDENTS.

**ON PETITION FOR WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT**

**RESPONDENT UNITED AUTO WORKERS’
RESPONSE IN OPPOSITION TO THE PETITION FOR WRIT OF CERTIORARI**

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QUESTION PRESENTED FOR REVIEW

Whether the District Court had the discretion to dismiss the Petitioner’s case as a sanction after the Petitioner “frivolously relitigated adverse rulings – despite increasingly severe warnings, filing restrictions, and fines designed to deter that behavior.” *Marinov v. United Auto Workers* and *Marinov v. FCA US, LLC*, Case Nos. 21-2797, 21-2798, 21-2799 (7th Cir. Mar. 13, 2003).

LIST OF PARTIES TO THE PROCEEDING

1. Vassil Marinov, Petitioner
2. FCA US, LLC, Defendant
3. United Auto Workers, Defendant

ORDERS AT ISSUE

Respondent, United Auto Workers, contends that the following orders are at issue in this case:

1. United States Court of Appeals for the Seventh Circuit Case Nos. 21-2797, 21-798, 21-799, March 13, 2023, Order Affirming the District Courts' Orders.
2. United States District Court for the Northern District of Indiana, Dkt. 4:18-cv-0059, Order dismissing the Petitioner's Case on September 3, 2021 [Dkt. 218].
3. United States District Court for the Northern District of Indiana, Dkt. 4:18-cv-0056, Order dismissing the Petitioner's Case on September 3, 2021 [Dkt. 190].

STATEMENT OF JURISDICTION

This Court has jurisdiction of the Petition under Article III of the United States Constitution.

STATUTES AND RULES INVOLVED

At issue is the Court's inherent authority to order the sanction of dismissal.

STATEMENT OF THE CASE

The Petitioner violated multiple court orders regarding discovery management and made repeated frivolous filings challenging the Court's management of the case. The Court warned him that he could face the dismissal of his case for these violations. His violations persisted. His case was dismissed as a sanction for these violations. This case involved a fact-specific application of the Federal Rules of Civil Procedure pursuant to the discretion of the district court. The Petition for Certiorari should be denied.

ARGUMENT

At issue in this case is solely the Petitioner's conduct and repeated decisions to flout Court orders intended to deter him from frivolous filings. Importantly, the Petitioner does not dispute

that he violated multiple court orders, but instead argues that forcing him to comply with the orders of the district court violated his right to religious freedom. This case is not about dues deductions, religious discrimination, the right to counsel in a civil matter, or the discovery responses produced by the Defendants. It is simply about the Petitioner's refusal to follow court orders. Certiorari should be denied on that basis.

The Petitioner has not established or even attempted to establish any compelling reason for this Court's review of the decision below. There is no conflict of law between circuits or between state courts on an important federal question and there is no important question of federal law at issue.

Defendant United Auto Workers does challenge, for the record, the following contentions of the Petitioner:

1. That he had dues unlawfully deducted from his paycheck.
2. That all documents responsive to his discovery requests were not produced in connection with discovery.
3. That counsel for the United Auto Workers misrepresented in the discovery process whether the United Auto Workers had certain records regarding the Petitioner.

Furthermore, the record of Petitioner's multiple motions at the district court, his arguments to the Seventh Circuit, and his petition to this Court make clear that the Petitioner has always fully understood at every level the issues in this case, but that he simply is unwilling to accept an adverse ruling without recourse to multiple frivolous filings. The Petitioner's two basic misapprehensions are first, that he is entitled to an attorney in a civil case, and second, that the International Union of the United Auto Workers, one of the Defendants in this case, must have records related to his membership at one of its local unions in Kokomo.

The district court addressed both contentions fully in its Orders in the case. In fact, in its March 27, 2020 Order on Petitioner's multiple discovery requests, the Court explicitly directed the Petitioner, step-by-step, in how to obtain information he was seeking but that the UAW contended was more readily available from other parties: "Marinov can obtain documents from Local 685 and Fiat Chrysler Automotive by filing a motion for the Court to issue a subpoena, explaining what documents he needs and who he needs them from. If the motion is granted, the Court will issue a form subpoena to Marinov, which he can fill out and serve on the person he wants documents from." Dkt. 4:18-cv-00059, #73 at 5-6, (N.D. Ind. March 27, 2020). Marinov failed to do so. As for whether the Petitioner is capable of litigating the case himself, as the Seventh Circuit noted, Marinov's "flyspecking of the court's orders shows a nuanced understanding of (and refusal to accept) their contents." Seventh Cir. Op. at 5.

The issues that the Petitioner raises before this Court are simply ones he presented repeatedly in the District Court and the Seventh Circuit. The Petitioner does not establish an error of law or fact; he simply refuses to accept those courts' rulings on both issues. The district court, affirmed by the Seventh Circuit Court of Appeals, was well within its power to dismiss his case. Under Supreme Court Rule 10, review is not appropriate.

CONCLUSION

Petitioner's petition for a writ of certiorari should be denied.

Respectfully submitted,
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