

No: 23A374

Supreme Court, U.S.  
FILED  
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Linked to USSC No. [23A158], Ext.  
and Simultaneous Link to Certiorari, [ ]

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IN THE  
*Supreme Court of the United States*

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*Gina Russomanno,*

**Petitioner**

~against~

*Sunovion Pharmaceuticals, Inc. (now named  
Sumitomo Pharma America, Inc.), and IQVIA, Inc.*

**Respondent(s)**

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**On Application to Individual Justices, (Rules 22/23);  
to the United States Court of Appeals for the Third  
Circuit**

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**APPLICATION TO INDIVIDUAL JUSTICES  
Per Justice Samuel Alito**

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**Gina Russomanno  
Pro Se Petitioner  
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SUPREME COURT, U.S.

Case No. [ ]; Linked to Certiorari [ <sup>23-5822</sup> ], and to Extension [23A158]

**STATEMENT OF APPLICATION**

Pro Se Petitioner, Gina Russomanno, makes this Application to Individual Justice, Samuel Alito, 3<sup>rd</sup> Circuit Supreme Court Justice, who has the *discretionary and supervisory power to grant relief* sought in this Case, from the **Third Circuit Court of Appeals**, Case No. [23-8013], as it *pertains, in Link*, to USSC Certiorari Case, [ <sup>23-5822</sup> ]; entered this US Supreme Court, simultaneously, under an extension, until November 6, 2023.

Petitioner sought a Stay on the Third Circuit Court of Appeals Case [23-8013], motion entered June 1, 2023, and denied on July 25, 2023; Petitioner enters this USSC Application to Individual Justices per Rules 22 and 23 to Suspend judgement and Stay Case [23-8013].

Petitioner files *this* appeal to Individual Justice Samuel Alito, Third Circuit Justice, from this Third Circuit Court of Appeals case, arising from NJ District Court of the Third Circuit, with *no other alternative form for remedy or relief*.

Case No. [ ]; Linked to Certiorari [ ], and to Extension [23A158]  
Petitioner has also simultaneously filed a Writ of  
Certiorari, *herein this Court* Case No. [23-5822].

Plaintiff appealed directly to the Court of Appeals for  
the Third Circuit Case No. [23-8013], by F.R.A.P Rule  
5(a)(1)-(3): Petition for Permission to Appeal, and per FRCP  
Rule 60(b)(6), Rule 60(d)(1), and Rule 54(b).

(1) To request permission to appeal when an appeal  
is within the court of appeals' discretion, a party must  
file a petition with the circuit clerk and serve it on all  
other parties to the district-court action.

(3) If a party cannot petition for appeal unless the  
district court first enters an order granting  
permission to do so or stating that the necessary  
conditions are met, the district court may amend its  
order, either on its own or in response to a party's  
motion, to include the required permission or  
statement. In that event, the time to petition runs  
from entry of the amended order.

Plaintiff requested permission to appeal, DCNJ Case  
No. [3:19-cv-05945], ***Whereby***, the Decision Opinion [Dkt  
61, 62] was "***absent adequate remedy of law.***" Pro Se  
Plaintiff was "never provided 'Any Provisional Form' of the  
Mandate Law Standard in 'Curative Remedy for  
Amendment' upon a Rule 12(b)(6) Dismissal Action, per

Case No. [ ]; Linked to Certiorari [ ], and to Extension [23A158] [*Phillips v. Allegheny*]; and *multiple* other standard case law, to support.

That “*absence of adequate remedy of law*” in the Opinion-Decision at [Dkt. 61 & 62] of DCNJ, case [3:19-cv-05945], is an ‘*indisputable element*’ in “*abuse of discretion*.” Thereby, the judgement is *manifestly unconscionable* and the judgement is *void*. *See*: [Barrett, 840 F.2d at 1263 (*citing* 11 C. Wright & A. Miller, Fed. Practice and Procedure § 2868 at 238 (1973)); et.al.

The Mandate for “Curative Remedy Action,” upon a “Rule 12(b)(6) Dismissal Action” is a “***Binding Authority***” for these Courts to ***must provide***.

***Thereby***, **1.** There is a “reasonable probability” that four Justices will grant certiorari, or agree to review the merits of the case; **2.** that there is a “fair prospect” that a majority of the Court will conclude upon review that the decision below on the merits was erroneous; **3.** that irreparable harm will result from the denial of the stay; **4.** finally, the Circuit Justice may find it appropriate to balance

Case No. [ ]; Linked to Certiorari [ ], and to Extension [23A158] the equities, exploring the relative harms to the applicant and respondent, as well as the interests of the public at large.

It is likely more than Four Justices will find that the **Dismissal Action in the DCNJ [3:19-cv-05945], [Dkt. 61] cannot “officially stand;” wherein**, there is an *‘indisputable element’* in “*abuse of discretion*” by the “*absence of adequate remedy of law.*”

The Dismissal-Opinion *does not demonstrate “any statement provisions whatsoever* in providing plaintiff curative remedy on a Rule 12(b)(6) Dismissal; (wherein specifically, to the Rule 12(b)(6) Dismissal portion, of the Uniform-Opinion with a Remand-Reconsideration). The Rule 12(b)(6) dismissal action is found on **Page 10, III. Motion to Dismiss**, and does not include any *reason statements*, wherein, pertaining to amendment actions for this case and plaintiff.

Case No. [ ]; Linked to Certiorari [ ], and to Extension [23A158]  
The Third Circuit Court of Appeals was issued a Stay  
by Plaintiff to suspend judgement action for this Case No.  
[23-8013], [Dkt.9], 6/1/2023; which was denied on 7/25/2023.

Per plaintiff's appeal testimony, (Case No. [23-8013]),  
permission to appeal, these "DCNJ "Case(s) Judgement  
Orders [3:19-cv-05945] and [3:20-cv-12336]" (wherein,  
the subsequent case, [3:20-cv-12336], was *incorrectly*  
*premised* upon the *incorrect res judicata dismissal of the*  
*first, initial case* DCNJ [3:19-cv-05945], [Dkt. 61]), are all  
"incorrect."

Thus, the absence of "adequate remedy of law" per the  
first case, [3:19-cv-05945], [Dkt. 61], is an '*indisputable*  
*element*' in "abuse of discretion," and thereby, is  
Extraordinary, Exceptional Circumstance, for due relief  
in void judgement, as a matter of law.

Dear Justice Alito, as you are not only a United States  
Supreme Court Justice, and Justice for the Third Circuit (to  
which *this Case arises*), but you are also a Lifetime

Case No. [ ]; Linked to Certiorari [ ], and to Extension [23A158]  
Resident of the State of New Jersey, from which District  
Court these Cases have arisen.

*That said*, the Mandate Standard Laws, *in particular*,  
The Case Law from the **Third Circuits (2008)**, “[*Phillips*  
*v. County of Alleghany: 515 F3d 224 (3<sup>rd</sup> Cir. 2008)*], is to  
you, very likely, *exceptionally familiar, through and through*.

*Wherein*, such Case Law is *also further supported* by  
numerous other Case Law in Standard of the same,  
“*Binding Authority*” for these Federal Courts. *See*: [*Shane*  
*v. Fauver*]; [*Grayson v. Mayview*]; [*Borelli v. City of*  
*Reading*]; [*Alston v. Parker*]; [*Batoff v. State Farm Ins.*]; et.  
al., numerous other cases.

I believe you became Honorable Justice because you  
*Believe in Truth*, and too, *Aim to Set that Truth*. I believe if  
you please take the necessary, *appropriate time*, to *Simply*  
*Dissect* the Opinion-Dismissal, DCNJ Case [3:19-cv-  
*05945]* at [*Dkt. 61*], you will be able to *clearly see* these  
Courts have *wrongly acted thereto render* *Incorrect*  
*Judgements upon my Cases*.

Case No. [ ]; Linked to Certiorari [ ], and to Extension [23A158]  
The “*absence of adequate remedy of law*” upon a Rule  
12(b)(6) dismissal is an ‘*indisputable element*’ in “*abuse of*  
*discretion.*” [Barrett, 840 F.2d at 1263 (citing 11 C. Wright &  
A. Miller, Fed. Practice and Procedure § 2868 at 238 (1973)].  
Thereby, the Judgement for DCNJ Case No. [3:19-cv-05945]  
is “**void as a matter of law,**” and thus, requires due  
permission to appeal. **See:** [Holstein v. City of Chicago, 803  
F.Supp. 205, reconsideration denied 149 F.R.D. 147,  
**affirmed 29 F.3d** 1145 (N.D, III 1992)]; [Hobbs v. U.S.  
Office of Personnel Management, 485 F.Supp. 456 (M.D. Fla,  
1980)]; [U.S.C.A Const. Amend. 5- Triad Energy Corp. v.  
McNell 110 F.R.D. 382 (S.D.N.Y. 1986)]; [Eckel v. MacNeal,  
628 N.E. 2d 741 (III App. Dist. 1993)]; [Loyd v. Director,  
Dept. of Public Safety, 480 So. 2d 577 (Ala Civ. App. 1985)];  
[In re Estate of Wells, 983, P. 2d 279, (Kan. App. 1999)];  
[U.S.C.A Const. Amends. 5, 14 Matter of Marriage of  
Hampshire, 869 P.2d 58 (Kan. 1997)]; [U.S.C.A Const.  
Amend 5, Hays v, Louisiana Dock Co., 452 n.e.2D 1383 (III.  
App. 5 Dist. 1983)]; [Henderson v. Henderson, 59 S.E. 2d



Case No. [ ]; Linked to Certiorari [ ], and to Extension [23A158] 227, (N.C. 1950)]; [*Jaffe and Asher v. Van Brunt*, S.D.N.Y. 1994. 158 F.R.D. 278]; [*Allcock v. Allcock*, 437 N.E. 2d 392 (III App. **3 Dist.** 1982)]; [*Orner v. Shalala* 30 **F.3d** 1307, (Colo. 1994)].

Further, *in following*, the Judgement for DCNJ Case No. [3:20-cv-12336] cannot either be upheld when rendered upon a res judicata dismissal from the incorrect judgement to Case No. [3:19-cv-05945]; wherein, such case was “*absent adequate remedy of law*” in curative amendment for a Rule 12(b)(6) dismissal action. *See*: [*Orner v. Shalala* 30 **F.3d** 1307, (Colo. 1994)].

**The 23-page Opinion-Decision from DCNJ [3:19-cv-05945], [Dkt. 61], (in material fact), never provided the Pro Se Plaintiff “any form of curative remedy upon a Rule 12(b)(6) Dismissal Action, and is “absent adequate remedy of law,”** which is an ‘*indisputable element*’ in “*abuse of discretion.*” Thereby, is ***Extraordinary, Exceptional Circumstance*** and requires due relief to the plaintiff.

To further note, In Reviewing Acts of Congress,

*(legislative bills, common law, and Constitutional rights),*

United States Supreme Court, Chief Justice, John G.

Roberts, has past *quoted* to the Senate:

“The Supreme Court has, throughout its history, on many occasions described the **deference** that is **due to legislative judgments**. Justice Holmes described assessing the constitutionality of an act of Congress as the **gravest duty that the Supreme Court is called upon to perform**. ... It's a principle that is easily stated and needs to be observed in practice, as well as in theory. Now, the Court, of course, **has the obligation**, and has been recognized since *Marbury v. Madison*, to **assess the constitutionality** of acts of Congress, and **when those acts are challenged**, it is the **obligation of the Court to say what the law is**. The **determination** of when **deference to** legislative policy **judgments goes too far** and **becomes**

Case No. [ ]; Linked to Certiorari [ ], and to Extension [23A158]  
abdication of the judicial responsibility, and  
when scrutiny of those judgments goes too far on  
the part of the judges and becomes what I think is  
properly called judicial activism, that is certainly  
the central dilemma of having an unelected, as you  
describe it correctly, undemocratic judiciary in a  
democratic republic. *As Past-Quoted by our now,*  
*Chief Justice John G. Roberts.*

*Thereby*, wherein, the Judgement-Opinion for  
DCNJ Case No. [3:19-cv-05945], [Dkt. 61], is INCORRECT  
and VOID, as a Matter of Law; *Whereby*, it demonstrates  
distinct “absence of an adequate remedy of law,” an  
“indisputable element” in “abuse of discretion,” the  
Judges of the NJ District Court, and the Third Circuit  
Court, have “gone too far” in their “deference,” for  
*correcting and upholding the common law, and plaintiff’s*  
*Constitutional rights*, while Motivated in a Prejudiced,  
“judicial activism.” Actions of which are clearly,  
Unconscionable. [*Barrett*, 840 F.2d at 1263 (*citing*11 C.

Case No. [ ]; Linked to Certiorari [ ], and to Extension [23A158] *Wright & A. Miller*, Fed. Practice and Procedure § 2868 at 238 (1973).

*As Noted above*, per USSC, **Chief Justice, John G. Roberts**, reference to Landmark Case, *Marbury v. Madison*, 5 U.S. 137 (1803), which established the principle of judicial review in the United States, to mean that American courts have the power to strike down laws and statutes that they find to violate the Constitution of the United States. As is likewise, Applicable to any **Incorrect Judicial ORDER** by a US District Court; **DCNJ [3:19-cv-05945], [Dkt. 61, 62], and thereby also, its Third Circuit Court of Appeals.**

In this knowledge, plaintiffs request for permission to appeal by direct appeal to the Third Circuit Court of Appeals, Case No. [23-8013], should be granted. Whereby, granting this Application (and simultaneous Certiorari).

In **CONCLUSION**, Plaintiff *has demonstrated*, that the DCNJ Dismissal-Opinion [3:19-cv-05945], [Dkt, 61], was “*absent adequate remedy of law*,” which is an

Case No. [ ]; Linked to Certiorari [ ], and to Extension [23A158] ‘*indisputable element*’ in “**abuse of discretion**” on merits, and caused irreparable harm to plaintiff party, and *does not balance judicial equities for the plaintiff*, or public at large.

*Therefore, Dismissal-Opinion DCNJ [3:19-cv-05945], [Dkt. 61], cannot be “Justly Upheld,” and, per Standards, Matter of Law, “cannot be officially dismissed”.*

*Additionally, DCNJ, Subsequent Case, [3:20-cv-12336], can neither be Upheld; whereby, upon an *incorrect res judicata dismissal*, that extended from the *incorrect dismissal* per the initial Case, [3:19-cv-05945].*

**THEREIN**, Plaintiff respectfully requests, to Suspend judgement and Stay the Third Circuit Court of Appeals Case No. [23-8013], and this Application to Individual Justices, Justice Alito, per USSC Rules 22 AND 23, be Granted; and wherein, this Application will simultaneously, Link to USSC **Writ of Certiorari**-Case [ ]; thereby, also request, that Justices will Grant Certiorari for Third Circuit Court of Appeals, Case No. [23-8013].

Case No. [ ]; Linked to Certiorari [ ], and to Extension [23A158]

**CERTIFICATION**

I certify under penalty of perjury that the foregoing is true and correct.

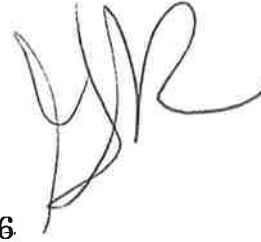
Respectfully Submitted,

/s/ Gina Russomanno

U.S. Notary Public, State of New Jersey;

Commission: #50148307; expires 1/14/2026

Date: October 5, 2023

A handwritten signature in black ink, appearing to be 'GR', written over the typed name and title of the notary.

**CERTIFICATE OF COMPLIANCE**

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

*Gina Russomanno,*

Petitioner

~against~

*Sunovion Pharmaceuticals, Inc. (now named Sumitomo  
Pharma America, Inc.), and IQV IA Inc.*

Respondent(s)

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As required by Supreme Court Rule 33.1(h), I certify that both, the Petitioners Petition for Writ of Certiorari, and simultaneous Application to Individual Justices, and have been prepared using Microsoft Word, Century Schoolbook, 12 pt. Type Space and contains 2613, and 1857 words, excluding the parts of the Reply that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: October 5, 2023

/s/Gina Russomanno  
*Pro Se Petitioner*



**STATEMENT OF NOTIFICATION OF SERVICE**

**Simultaneous: No.** \_\_\_\_\_ , and No. \_\_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES

GINA RUSSOMANNO – PETITIONER

VS.

SUNOVION PHARMACEUTICALS, INC. (now named SUMITOMO  
PHARMA AMERICA, INC.), AND IQVIA INC.

– RESPONDANT(S)

**PROOF OF SERVICE**

I, Gina Russomanno, do swear or declare that on this date, October  
2023, as required by Supreme Court Rule 29, I served the enclosed  
PETITIONERS *simultaneous* PETITIONs FOR WRIT OF CERTIORARI  
with APPENDIX; APPLICATION TO INDIVIDUAL JUSTICES; AND  
MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS on the  
below counsel for each party, by mailing copy of the above documents,  
properly addressed, for *3-day* delivery:

TO: Littler Mendelson, P.C.  
One Newark Center  
8<sup>th</sup> Floor  
Newark, NJ 07102  
Ivan Novich, Esq.

ATTORNEY FOR THE RESPONDANTS SUNOVION and SUMITOMO  
PHARMA AMERICA

TO: Duane Morris, LLP  
30 South 17<sup>th</sup> Street  
Philadelphia, PA 19103

Dana B. Klinges, Esq. and Robert Palumbos, Esq.  
ATTORNEYS FOR RESPONDANT IQVIA

I declare under penalty of perjury that the above is  
true and correct.

/S/Gina Russomanno  
Plaintiff Petitioner, Pro Se

Dated: October 5, 2023

