

Docket Number. _____

IN THE SUPREME COURT OF THE
UNITED STATES

LEWIS WILLIAMSON, Pro Se

PETITIONER

V.

MOREHEAD STATE UNIVERSITY /

COMMONWEALTH OF KENTUCKY

RESPONDANTS

PETITION FOR WRIT OF CERTIORARI 28 U. S. C. §

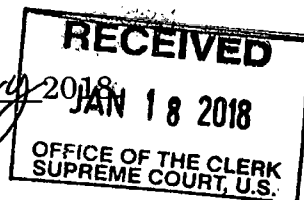
1257(a) via Kentucky Supreme Court: (2017-SC-000093 denial of review 12-07-2017)

RESPONDANT: MOREHEAD STATE UNIVERSITY and COMMONWEALTH OF
KENTUCKY **Attorney of Record Respondents:** Hon: Kevin Weaver, at Sturgill,
Turner et al PLLC, 333 W. Vine Street, Suite 1400, Lexington, Kentucky 40507

PETITIONER: Pro Se: LEWIS ALLEN WILLIAMSON . Post Office Box 64,
DELANO, TN 37325 roadrash482002@yahoo.com 423-244-4243 I hereby certify
that this document does not exceed the 40 page limit for a writ of certiorari and that
the information in this writ request is true to the best of my knowledge and ability.

Lewis Williamson Pro Se:

This 12th day of January 2018



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PETITIONER: Pro Se: LEWIS ALLEN WILLIAMSON . Post Office Box 64,

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COURT THAT LAST RULED ON MERITS:

Kentucky Appeals Court Number 2015-CA-001767. Affirmed Rowan County

KY Circuit (**16-CI-90186**) dismissal via venue. KY Supreme court refused review on

12-07-2017 (2017-SC-00093). (Constitutional issues ignored).

QUESTION(S) PRESENTED:

1. Does the Commonwealth of Kentucky have “Sovereign Immunity”

granted it from the U. S. Constitution; and does that supposed “Sovereign

Immunity” allow it to exempt itself from citizen Constitutional guarantees? (IE: Right to trial by jury (above \$20), right to redress of wrongs, right to due process, right to life and liberty, right to property and others).

2. Is “Sovereign Immunity”, whether common or statute law, limited to core “governmental functions and persons” or can it be extended via a “Midas Touch” concept to any agent the state may acquire or associate with so that the “immunized” agencies acquire a “titular nobility” nature to the discrimination of the common citizen?

3. Did the Commonwealth of Kentucky waive supposed “sovereign immunity” via KRS 342.610 (4) Sentences 1&2 via allowance of suits “of any amount” against employers after a finding in Workers Claims of “intentionality” on the Commonwealth as “employer” of petitioner through it’s appointed agent, Morehead State University (MSU)? Is the Commonwealth an “employer” under the statute?

KRS: 342.610 (4)1,2 “If injury or death results to an employee through the deliberate intention of his or her employer to produce such injury or death, the employee or the employee's dependent as herein defined shall receive the amount provided in this chapter in a lump sum to be used, if desired, to prosecute the employer. The dependents may bring suit against the employer for any amount they desire.” (Bold highlights inserted by petitioner).

4. Does the Commonwealth of Kentucky violate due process and discriminate against asbestos victims by casting their claims before a politically appointed Administrative Law Venue of “Kentucky Board of Claims” (KBC)(Now KCC) where dismissal is a forgone conclusion via a two year statute of limitations? Asbestos has 10 to 40 years latency in most cases (Five to Seven in Petitioner’s case.). KBC (also KCC) has no mechanism to handle asbestos claims at all; therefore is it simply a modern day “droit du seigneur” for the abuse of victims?

Sub-Question A: Since the board of claims is limited to “proximate negligence” claims ONLY, does not petitioner’s claim revert to Rowan Circuit Court since the original complaint is for “negligent” AND “intentional” actions by the employer or intentional negligence not “proximate negligence”? (See above the limitation on type of damages to \$200,000 in KRS 44.070(1) Line 13 would also disqualify the KY Board of Claims as the proper venue of a claim of “any amount” via KRS 342.610.

*KRS 44.070(1) “A Board of Claims, composed of the members of the Crime Victims Compensation Board as hereinafter provided, is created and vested with full power and authority to investigate, hear proof, and to compensate persons for damages sustained to either person or property as a **proximate result of negligence on the part of the Commonwealth.**” (bold added). Note: After petitioner filed a brief showing the KY Board of Claims to be in real essence a legal gas chamber, enforcing “Droit du seigneur” upon KY asbestos victims, the governor “restructured” it into the Kentucky Claims Commission”.*

5. Is it true as stated by Justice Gorsuch in his confirmation hearing, (day 3 of his hearings (@ around min 30) before the Senate”) **“We the People are Sovereign”**, not any group (including governmental groups), and it is the little guy who the Supreme Court must protect, for the large groups and companies who have very sufficient resources to protect themselves” (or essence)? Can a lesser entity be “sovereignly immune” from a greater?

Sub-Question A: Is “Sovereign” immunity unlike “Diplomatic” immunity empowered with a legal “Midas touch” so that any business entity a state associates with (such as Universities) now have the right to “Sovereign Immunity”. MSU collects fees, tuition, makes loans, gives grants, runs numerous retail outlets and levees tuition on out of state students in complete contradiction of the “normal school” KY Constitutional restriction.

6. Does the Pennsylvania State Appeals court decision recently allowing of a suit against the State for a teacher’s exposure to asbestos for damages in excess of the Workers’s Claims allowance, much like *Lewis Williamson vs MSU case*, indicate that sovereign immunity is not a defense against asbestos victims.? *Jan. 25 (John F. Geier, executor of the estate of Marianne M. Geier and John F. Geier v. Board of Public Education of the School District of Pittsburgh v. American Art Clay Company Inc., et al., No. 625 C.D. 2016, Pa. Cmwlth.).* ? Post 1938, Common law had not been a basis for recovery for Pennsylvania workers suffering from occupational diseases such as asbestos. That

changed recently when the Pennsylvania Supreme Court issued *Tooev v. AK Steel Corp.*, 81 A.3d 851 (Pa. 2013). It found that injured workers whose diseases fell outside the 300-week limit on workers' compensation claims could pursue a common-law remedy. Thus, Tooev apparently reinstated common law, and the employer would have a duty to the decedent as an employee and business invitee, the court said. The allegations assert a claim that BPE acted with negligence in the care, custody or control of its property, the court said.

LIST OF PARTIES

PETITIONER: LEWIS ALLEN WILLIAMSON pro se. PO Box 64, Delano, TN 37325

RESPONDANTS: MOREHEAD STATE UNIVERSITY, and

COMMONWEALTH OF KENTUCKY, Hon: Kevin Weaver, at Sturgill, Turner et al PLLC, 333 W.Vine Street, Suite 1400, Lexington, Kentucky 40507 {x} All parties appear in the caption of the case on the cover page.

TABLE OF CONTENTS:

Styling, Parties, Merits Ruling, Questions Presented	Page 1
Questions Presented (continued)	Pages 2-5
List Parties, Table Contents, Opinions	Page 5-6
Jurisdiction, Constitutional and Statute Provisions	Page 6
Constitutional and Statute Provisions (cont.) Statement/Case	Page 7
Statement/Case (cont.) Reasons to Grant Writ	Page 8

Reasons to Grant Writ (cont.)

Pages 9-10

Conclusion

Pages 10-11

INDEX TO APPENDICES: (Under Separate Cover and Tabbed)

APPENDIX A: Dismissal via KRS 44.070(1) Hon. W. Lane of Rowan County KY Circuit Court.

APPENDIX B: Copy of Concurring merits decision from KY Appeals Ct. (Note: Constitutional issues not addressed.) affirming 44.070(1) dismissal.

APPENDIX C: KY Supreme Court review denied.

APPENDIX D: Order by ALJ Judge Otto Wolff

OPINIONS BELOW:

Petitioner relies primarily on the clear text of the US and Kentucky constitutions to interpret themselves. Petitioner has limited legal resources and thus will not be submitting long lists of cases and opinions. He believes an ounce of common sense is worth a ton of legal research!

1. *Jan. 25 (John F. Geier, executor of the estate of Marianne M. Geier and John F. Geier v. Board of Public Education of the School District of Pittsburgh v. American Art Clay Company Inc., et al., No. 625 C.D. 2016, Pa. Cmwlth.).*

2. *Tooev v. AK Steel Corp., 81 A.3d 851 (Pa. 2013),*

JURISDICTION

The jurisdiction of this court is invoked under 28 U. S. C. § 1257(a) via **Kentucky Supreme Court:** (2017-SC-000093 denial of review 12-07-2017) **Kentucky Court of Appeals** (2015-CA-001767 opinion affirming 2-3-2017) **Rowan Circuit Court:** (15-CI-90186 Judgement dismissing 10-27-2015) and the power of the US SUPREME COURT to review all cases from the state court system as primary, appellant and supreme court.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

US Federal Constitution:

1. **Absence of state sovereign immunity clause.**
2. **Preamble: “*promote the general welfare*”** Killing without compensation.
3. **Section 9. “No bill of Attainder”.** KRS 44.070 is in essence a death sentence without trial or redress via KY Board (Commission) of claims.
4. **Section 9: “*No...Emolument*”.** Midas touch immunity confers an illegal gift on those not legally entitled.
5. **Amendment 5:** “*nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation*”. Infecting and killing via asbestos takes life and health without compensation.
6. **Amendment 7:** “*...value in controversy shall exceed twenty dollars; the right of trial by jury shall be preserved*”. KY Claims assignment forbids trial by jury.
7. **Amendment 13:** “*Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist*

within the United States.” Midas touch “sovereign immunity” will inevitably financially enslave the un-immune population to privileged.

8. **Amendment 14:** *“nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”* BOC (KCC) assignment does all the above.

KENTUCKY STATUTES :

1. KRS 342.610(4) Allows petitioner to sue for “any amount” as he pleases.
2. KRS 44.070(1) Violates State and Federal Constitutional guarantees by “executing” rather than trying claims. By prohibiting access while sacrificing “trial by jury” it violates KY Constitution Section 14 and US Constitution Amendment 7 becoming in essence a “court for sale” which requires payment of Constitutional freedoms before access is allowed.

STATEMENT OF THE CASE:

Petitioner was employed by Respondent as work-study (about 1999 to 2002) while in school and as Multi-Media Lab Coordinator in the MSU Department of Nursing (2004-2007) as employee after graduating. He alleges that the Respondent negligently and intentionally assigned him employment, housing, classrooms and visitor events in buildings containing asbestos materials and thus intentionally exposed him to asbestos as employee, student, tenant and visitor. A workers claims Dr has twice diagnosed asbestos disease in the Petitioner and assigned responsibility for those injuries to MSU. Workers Claims Judge Otto Wolff denied a motion to dismiss the claim after Petitioner filed this personal injury claim. The

dismissal motion alleged both election of remedy and jurisdiction of the board of claims as grounds to dismiss the workers claims action. The state alleges that this claim cannot be pursued also before a jury due to sovereign immunity but Petitioner alleges that MSU is a business and “Midis Touch” Sovereign immunity as extended in this instance violates numerous constitutional guarantees, and he is exempt in any case due to KY Board of Claims (Ky Claims Commission) being a non due process option and the state immunity wavier via intentionality exemption finding of Judge Wolfe in Workers Claims which entitles him to file for “any amount” “as if this chapter had not been passed” and that can only be done before a jury. KRS 342.610(4).

REASONS FOR GRANTING THE WRIT:

- 1. Allowing the Commonwealth of Kentucky to enshrine a “Midas touch” value on Sovereign Immunity would serve to remove numerous US Constitutional freedoms from citizens.** Just think if a diplomatic immunity recipient could convey that immunity upon his agents, what chaos would ensure! This court must forestalled Kentucky from stretching the blanket of “sovereign immunity”, or this nation will not long endure! A cursory reading of the Declaration of Independence will verify that just such actions by Britain incited the American Revolution. Will history repeat?
- 2. Allowing the Commonwealth of Kentucky to remove the basic freedoms via “Midas Touch” Sovereign Immunity seeks to invalidate the citizen rights in the Federal Constitution, thus being treason in the opinion of the**

Petitioner. Political powers in KY have already announced their intention to change the state constitution via a convention. Petitioner is hereby warning this court that the real intent is to subjugate the citizenry so that their very lives are forfeit to the pleasure of the state. Just as Satan Opined at Job 2:4 *"Skin for skin. A man will give everything that he has for his life"*. The right to kill without recompense thus assured, voting becomes a futile exercise because the sitting power has such pervasive influence. Rich influencers of political figures intend to have Kentucky withdraw from this union via the Kentucky and Virginia Resolutions. This case is the pivot point that decides if that succession and the horrible consequences of war from it will proceed or not!

3. The Petitioner is entitled to sue for not only his work injuries; but his student, tenant and visitor injuries. The Petitioner's "Property" (Article 5 Bill of rights) includes his health and life. The Commonwealth's arbitrary taking and legal "gassing" of asbestos claims violates all rules of justice and fairness.

4. The State waived any supposed "sovereign immunity" claim via both the Workers Claims "kangaroo" court effort but also via KRS 342.610(4).

5. If the Commonwealth of Kentucky and other states are allowed to murder, attempt murder, infect and sicken their citizens with asbestos via intentional pretended stupidity and then claim "Sovereign Immunity"; courts of this land are placed in the position of suborning "perversion of justice" and "conspiracy to commit murder".

CONCLUSION:

Sovereign Immunity as exercised in this case does not exist under the US

Constitution and its common law interpretation must bow to citizen rights (such as trial by jury) under said Constitution. The Petitioner is thus entitled to pursue his claim unhindered in Rowan Circuit Court and the state via injunction ordered to cease hindrance.

The Petitioner is inconsequential; being simply the latest example of the poor, unprivileged, huddled and unwashed masses who petition this court in their thousands. He will without doubt die of the disease foisted upon him by the Commonwealth of Kentucky and fade into history, but the infections in their thousands will continue until some rich and powerful relative or loved one is infected and a “signal event” occurs. Do we forget about all the children now sitting in those classrooms?

Freedom has a long and chequered history; from the Bible’s admonitions to cherish slaves and women, to English lords legally disemboweling serfs to warm their feet in their entrails, to lords requiring “Droit du seigneur” as legal female abuse (via exercise of *rex non potest peccare*), to the Magna Carta, to the American Declaration of Independence and the US Constitution, to the abolition of slavery, to the issue of “*rex non potest peccare*” limitation at issue here. Petitioner does not have the power or advantage of those lords to forward this current Magna Carta. He has *only* you nine justices. If you serve to limit this immense stretching of the blanket of sovereign immunity now occurring in Kentucky, this court may well go down in history as one of those signal events of history in enforcing the “Handmaids Magna Carta” as provided for in this great Constitution. You, dear justices have the chance to say to the proud waves of governmental extension as the creator said to the waves of the sea, “*And I said, ”You may come this far, and no farther; Here is where*

your proud waves will stop?” Job 38:11 (Bible). Will you say “stop”, to governmental assumption of citizen rights?

TABLE OF AUTHORITIES CITED

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Kentucky Laws and Statutes

8. KRS 342.610(4) Allows petitioner to sue for “any amount” as he pleases. This court should grant that relief since the KY Appeals Court ignored petitioner’s Constitutional arguments.
9. KRS 44.070(1) Violates State and Federal Constitutional guarantees by “executing” rather than trying claims.

CASES PAGE NUMBER

Page 4: *Jan. 25 (John F. Geier, executor of the estate of Marianne M. Geier and John F. Geier v. Board of Public Education of the School District of Pittsburgh v. American Art Clay Company Inc., et al., No. 625 C.D. 2016, Pa. Cmwlth.).*

Page 5: *Tooev v. AK Steel Corp., 81 A.3d 851 (Pa. 2013),*

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STATUTES AND RULES

Kentucky Laws and Statutes

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- 2 .KRS 44.070(1) Violates State and Federal Constitutional guarantees by “executing” rather than trying claims.

Set to my hand and signed this 12th day of January 2018, Signature:
Lewis Williamson Lewis Williamson, Pro Se