
In The
Supreme Court of the United States

DOUGLAS WALTER GREENE,

Petitioner,

v.

IPA/UPS SYSTEM BOARD OF ADJUSTMENT;
UNITED PARCEL SERVICE CO.;
INDEPENDENT PILOTS ASSOCIATION,

INDEPENDENT PILOTS ASSOCIATION;
ROBERT TRAVIS, in his capacity as President of the
Independent Pilots Association; ERICK GERDES, in his
capacity as Vice President of the Independent Pilots
Association; THOMAS KALFAS, in his capacity as
Secretary of the Independent Pilots Association;
BILL CASON, in his capacity as Treasurer of the
Independent Pilots Association; HARRY TREFES,
in his capacity as At Large Representative of
the Independent Pilots Association,

FROST BROWN TODD, LLC;
MARK FRANCIS SOMMER; and TONY C. COLEMAN,

Respondents.

**On Petition For A Writ Of Certiorari
To The United States Court Of Appeals
For The Sixth Circuit**

**REPLY BRIEF IN SUPPORT OF
PETITION FOR A WRIT OF CERTIORARI**

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ARGUMENT

Petition shows Sixth Circuit's Decision in this triad case overlooked and misapprehended points of law and fact establishing a circuit split and conflict with stare decisis precedent Rules of Law established by the United States Supreme Court in which Appellant's Constitutional Rights have been violated of which these concerns of National importance apply here. RICO Act fraud committed with Frost Brown Todd (FBT) choreographing acts of workplace violence and retaliation on behalf of UPS and their Company-controlled Union, Independent Pilots Association (IPA) against their own clients seen as a threat to solidarity of the IPA. Dark Money influences have filibustered basic rights to access justice ensuring this case never sees daylight of a jury trial:

1. **22-Year Veteran, Captain Douglas Greene has NEVER been afforded an appearance in front of a trial court with or without a jury** so as in accordance with FRCP Rule 52(a)(6) to be given due regard to the trial court's opportunity to judge known perjured witnesses' credibility.
2. **Greene asserted his Rule 38 Right to a Jury Trial Demand** to only be denied at all costs by UPS/FBT/IPA's undue monetary and political influences. Constitutional rights have been unlawfully denied despite filing a motion for a **Rule 38 Jury Trial Demand** which is a basic Right that's been determined in just one of many United States Supreme Court Decisions as in *TEAMSTERS v.*

TERRY in which JUSTICE MARSHALL delivered the opinion of the Court stating:

“This case presents the question whether an employee who seeks relief in the form of back-pay for a union’s alleged breach of its duty of fair representation has a right to trial by jury. We hold that the Seventh Amendment entitles such a plaintiff to a jury trial.”

3. **Captain Greene’s findings of fact in the record establish beyond reasonable doubt countless Material Facts in Dispute.** District/Appellate Courts exceeded their jurisdiction abandoning Rule of Law of **FRCP Rule 56 Summary Judgment** Granting/Affirming Summary Judgment with blatant Material Facts in Dispute.
4. **Captain Greene claimed his rights under FRCP Rule 60 Relief from a Judgment or Order.** Record shows beyond reasonable doubt under Rule 60(b)(3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party unlawfully ignored by District/Appellate Courts.

I. QUESTION PRESENTED

1. May District/Appellate Courts knowingly/purposely render Decisions based on overwhelming fraud in the record as its foundation. While denying an American citizen their Fifth, Seventh, & Fourteenth Amendment rights to due process and a jury trial with thousands of Material Facts in Dispute?
2. Is it within jurisdiction of the District/Appellate courts to abandon the rule of law by unlawfully

setting aside findings of fact and denying Petitioner's rights to challenge/question credibility of known perjured witnesses, while never being afforded opportunity to be heard in a trial court? Answer is emphatically no!!

II. SIXTH CIRCUIT DECISION MUST BE RECONCILED WITH *ROWLANDS*

Rowlands v. United Parcel Service, Inc., No. 17-3281 (7th Cir. 2018), another very similar case of UPS workplace violence/retaliation against employees with same FBT players farming out UPS representation to Quarles and Brady.

In *Rowlands*, Seventh Circuit established clear circuit split from Sixth Circuit pertaining to adhering to Rule of Law in FRCP Rule 56 Summary Judgment when Material facts are in Dispute. Seventh Circuit cited at least four times that given a conflict on material issues, a trial is necessary:

“In the end a jury might not credit [Rowlands’] evidence and could accept [UPS’] explanations. But given the conflict on material issues, a trial is necessary.” Ortiz, 834 F.3d at 766. . . . REVERSED and REMANDED.

Greene's Material Facts in Dispute are exponentially greater than Rowlands case, yet Rowlands has been finally given her Constitutional right to a jury trial schedule for 4-days commencing on 18 April 2019. Why is Greene, a highly-decorated, 22-year Veteran,

being denied Equal Justice Under Law afforded *Rowlands?*

III. JUSTICE KAVANAUGH, "DUE PROCESS MEANS LISTENING TO BOTH SIDES"

Newly confirmed Supreme Court Justice, Brett Kavanaugh stated during Senate Judiciary confirmation proceedings:

"My family and my name have been totally and permanently destroyed by vicious and false additional accusations . . . this has destroyed my family and my good name. A good name built up through decades of very hard work and Public Service at the highest levels of the American Government."

Judge Kavanaugh stated, "*Due Process means listening to both sides,*" he continued to say his lengthy history of Public Service deserves better. I feel Judge Kavanaugh's pain, as I also have over 22-years history of very hard work and service as a Veteran, my good name was built up through decades of Military Service and devotion preserving the safety and security of the airline industry. Like Judge Kavanaugh, Captain Greene has been a victim of vicious and false accusations for over 5-Years that's totally and permanently destroyed my family and good name. Like Judge Kavanaugh all Americans are entitled "*Due Process listening to both sides,*" but Captain Greene has yet to be heard in a court of law, denied even an Oral Argument, question is WHY? District/Appellate Courts know the

reason is because Dark Money Benefactors (IPA/UPS) have been allowed to commit fraud and they don't have a case.

District/Appellate courts and IPA/UPS know Greene has voluminous amounts of evidence in the record which when presented to an unbiased jury ends this RICO Act fraud in favor of Greene.

IV. IPA'S FAILED DFR RESPONSE & IPA/UPS'S WAIVER OF RESPONSE GREENE'S PETITION TO VACATE IS OVERT ADMISSION OF GUILT

Lack of response by IPA/UPS pertaining to Greene's allegations clearly establishes they've no valid defense as grounds to deny Greene receiving his Constitutional right to a jury trial. It also appears the Supreme Court may be far enough outside UPS/IPA sphere of McConnell's influence, that they enjoyed in the District/Appellate Courts, but aren't willing to deceive the Supreme Court given known fraud (audio files, transcripts, depositions, E-Mails, etc.) in the record of perjury committed at the hands of IPA/UPS working together in targeting Greene's career and reputation. IPA/UPS is utilizing Middleton-Reutlinger Response to deflect their guilt with hopes the Supreme Court will overlook the finality rule and IPA BREACHING their Duty of Fair Representation (DFR). This case is a layered series of Title 18 USC crimes committed by UPS/IPA being cloaked around FBT and certain

compromised members of District/Appellate Courts guilty of blatant RICO Act fraud.

V. RESPONDENTS FALSELY ALLEGE GREENE DOESN'T "APPEAR" TO CHALLENGE UNDERLYING (ALLEGED) FACTS

Respondents' fragile Opposition attempts to deflect focus off the fulcrum of RICO Act fraud affecting these triad cases by subliminally repeating over and over again false facts of which the record shows to be untrue further establishing countless Material Facts in Dispute warranting a jury trial for this triad case action. This is simply another Respondent attempt to deceive the Supreme Court and cover up the thousands of *Material Facts in Dispute* in the RICO Act fraud of these triad cases before this Court, hence Opposition saying it "APPEARS." Greene expressly challenged all underlying facts of these cases with great conviction too many times to count.

The record shows beyond reasonable doubt the thousands of *Material Facts in Dispute* of which fraud & perjury were the baseline by all Respondents which was unlawfully sustained by the District/Appellate Courts.

Greene won't focus the remainder of this Reply defending false facts versus enclosing Petitioner Reply notes in the Appendix to memorialize the fraudulent Opposition statements against actual Petitioner findings of fact in the record thus far unlawfully set aside by District/Appellate Courts. Greene's facts indict

FBT/UPS/IPA and crony capitalism, it's these facts Respondents try concealing from the Supreme Court with the cover of deception. This case isn't about a pair of authorized grooming scissors found during a loss prevention exit screening at the *completion* of Greene's flight walking to the parking lot. The aforementioned is a tactical distraction that's just one of countless gross misstatements of the truth that won't be entertained any longer.

VI. FULCRUM OF RICO ACT FRAUD AFFECTING THESE TRIAD CASES

Imagine if you had power, through political appointments, to protect your clients from legal prosecution of US code violations. Imagine if your firm, connected through a web of politicians where synergy exists protecting politicians, judges, clerks, State bar ethics administrators and others coexisting to help hide crime being compensated by money, power and position advancement. Surely Corporations would flock to such protection. This is the case in Greene's triad case actions of RICO Act fraud now before the Supreme Court.

Respondents are professional chorus of enablers passing off fraudulent stories to misalign the accuser's character. Respondents (corrupted attorneys), during time of engagement, want to frustrate the accuser and paint a picture of irrational behavior, fostered by influence they have as part of systemic corruption permeated by Kentucky origin of undue influences in

District/Appellate Courts. This influence is developed by politicians mocking the thought of term limits.

The defense, who controls the perceived safety mechanisms of our Governmental regulatory agencies (i.e. DOJ, FBI, DOL, DOT), sacred institutions of Justice including State Bar Associations. Who takes marching orders from DOJ or FBI when it comes to investigations, attempting to isolate cases as small state violations, sometimes using statute of limitations and appearances that evidence is being reviewed, where willful blindness is commonplace. Regulators from labor unions, IRS, FDIC, SEC have all stayed away, only getting involved when biased DOJ representatives, who have known ties to FBT and who choose not to recuse themselves, violating more laws, are allowed to bully their way to protect each other. Greene's case runs in parallel with similar patterns found with unethical activities mentioned in Weyland's case conclusively exposing systemic corruption of RICO Act fraud allowing people like David Heitzman, Jay Hillenbrand, a large NMTC developer escape justice. Where Robert Webb of FBT was instrumental in setting up Weyland and his sister by lies that included failure to disclose secretly active and contemporaneous relationships of other clients against each other as with StockYards Bank and NMTC Developer who has committed other acts of fraudulent activity. FBT Attorneys, Webb & Coleman were assigned minions of FBT CEO and KY Bar board member John Crockett tasked to ignore evidence and contemporaneous conflicted representations. Crockett appears having spearheaded RICO Act

deception in both cases of Weyland and Greene. FBT Attorney, Tony Coleman was tasked by Crocket with contemporaneous representation of UPS undermining Greene's career despite Greene being an existing FBT client.

VII. FIFTH AMENDMENT & RULE OF LAW IS BEING IGNORED

"Justice is Blind," our constitution guarantees no one shall be denied Life, Liberty, or Property without Due Process of Law. What if those who participate in the Judicial System corrupt the purity of this guaranteed promise. Greene's case isn't the first uncovering corruption by U.S. Officials. The Supreme Court has the opportunity to allow for transparency in this case. Allegations by Respondents have been a pattern of deception and collusion from the beginning.

Harvard Law School Professor Alan Dershowitz shares with his students a strategy for successfully defending cases. If facts are on your side, Dershowitz says, pound the facts into the table. If law is on your side, pound the law into the table. If neither facts nor law, are on your side, pound the table. Dershowitz points out techniques to use when you don't have a fact-based defense. However this pales in comparison to advantages FBT, and Middleton-Reutlinger have by rigging the overall system. The indignant arrogance of these corrupted regional law firms is manifested by their confidence in the fact that their power and Dark Money influence affords them that luxury.

Defense of the Respondent's Opposition chooses to base their first argument as clear misrepresentations of facts calling into question Captain Greene's unwavering integrity. Following this feeble attempt to steer the Supreme Court into not reviewing this case, they attempt to avoid a similar case, again involving both Middleton-Reutlinger and FBT along with members of the Ky Bar Association responsible for ethics oversight. Exposing facts of identical tactics and behavior surrounding Greene & Weyland cases establishes the power and influence within the KY District and Sixth Circuit Appellate Courts to illegally protect FBT clients and pollute the judicial process. To include in Weyland's case, the compromised local Department of Justice office fails to recuse themselves when clear evidence is shown along with requests of recusal.

VIII. FBT'S PATTERN OF RICO ACT FRAUD IS ESTABLISHED

FBT's pattern of RICO Act fraud is established with irrefutable evidence showing similar patterns with Weyland's attempt exposing illegal activities by David Heintzman, Chairman of Stock Yards Bank and Trust who aided and abetted unlawful misrepresentation of collateral during Financial Crisis of 2008.

Greene & Weyland experienced similar violations on multiple counts of Title 18 USC to include **18 U.S. Code § 371 - Conspiracy to commit offense or to defraud the United States** as a result of FBT's undue influence of our judicial process establishing RICO

Act criteria for criminal prosecution. Weyland's case revealed false collateral protecting bank exposure to a project which was issued an "*event of default*." The risk was greater if exposed, calling into question a programs legitimacy in economic expansion for the City of Louisville. Others protected include a prominent developer using New Market Tax Credits while giving credit to politicians for developer's success. FBT was the necessary glue in the middle of these illusive deals to hold these projects together.

Middleton-Reutlinger's Response suggests Greene's case has no merit and offensive to many principled judges in Western District of Kentucky. Middleton-Reutlinger suggestion can be proven false if Due Process was allowed. However, similar to the Weyland case and co-victim Mary Jean Gandolfo, all have been denied access to justice sequestered by FBT. In both cases, Greene & Weyland petitioned criminal complaints to relevant FBI field officials and their staff to only be shut down by local U.S. Attorney John E. Kuhn, Jr. in Weyland's case and current U.S. Attorney, Russell Coleman's undue influence is believed to have stymied Greene's criminal complaint as former FBI Special Agent and McConnell Chief of Staff. Both of these U.S. Attorneys have spent part of their careers with FBT, this fact warrants adherence to Title 28, Chapter I, Section 45.2 Code of Federal Regulations (CFR), titled "*Disqualification arising from personal or political relationship*."

It appears these individuals are above the law ignoring CFR's despite their subordinate Assistant U.S.

Attorney Jay Gilbert being shown evidence and questioned about conflicts of interest at a time where other law firms entangled Weyland in side cases to include a SLAPP lawsuit created by costs incurred by FBT previously representing Weyland like Greene illegally. FBT used these same tactics with their unlawful contemporaneous representation of UPS against Greene. Both Greene and Weyland cases were manipulated at every step, with blatant actions of Federal Crimes being committed. All attempts by Greene & Weyland to petition compromised Government regulatory agencies to include DOL, DOT, DOJ, FAA, FBI, FDIC, and OCC fell on willful deaf ears and have never followed up on to investigate existing clear and convincing evidence ignored by McConnell gatekeepers. Weyland's case was isolated in scope or in the case with the FDIC, kept only to a minimum of written correspondence until Jay Gilbert, who had conflicts of interest, was brought in to apparently steer the investigation.

FBT's connections and influence manipulated both cases providing cover and concealment for their more affluent clients. Like in Greene's case with District/Appellate Courts denying existence of overwhelming evidence in the record, Weyland provided evidence of written statements to include recordings verifying FBT Attorney, Robert Webb and Chris Burnside's steering away from their undisclosed FBT client Stock Yards Bank. When presented to the FBT controlled Kentucky Bar, they ruled against Weyland and Gandolfo, ignoring evidence and written statements.

Like Greene being denied a De Novo review by Appellate Court the influence of FBT blocked thorough investigation in Weyland's case as well ensuring all facts weren't shown versus a behind closed door investigations where purposeful blindness skewed justice.

This case is about squashing attempts to shed light on the underbelly of corruption, similar to the light I have been attempting to show within my case. The Supreme Court is in a tough position with this case. Given the fact that Senate Majority Leader has made no attempts to hide his aggressive and calculated desire to control the court cloaked in the name of conservatism. His blatant attempts to create government control by elite individuals and corporate donors. If the Court passes over this case they run the risk of being part of the problem, not the solution. However, if the court desires to disinfect by letting sunlight in as Judge Brandeis would suggest then the short-term ramifications would be harsh, but would clear the way for long-term justice and we as a nation would be closer to bringing the perception of what this country stands for and the reality more inline. Countless links to McConnell show connections to include Sixth Circuit Court Clerk Deborah Hunt, as a University of Kentucky alumni and McConnell minion. Sixth Circuit Clerk's Office itself appears to have sustained a coordinated effort shielding Judges from seeing the whole picture in an attempt to obstruct justice by not allowing this case Due Process promised to all citizens. As Judge Kavanaugh stated "*Due Process means listening to both sides*" and lengthy history of public

service deserves better for both Justice Kavanaugh and Captain Greene, retired USAF Veteran of 22-Years.

◆

CONCLUSION

For reasons set forth above, Captain Douglas Walter Greene and family urge the Court in accordance with Circuit Court split cases like *Rowlands v. United Parcel Service*, to provide Equal Justice Under Law in Granting petition to include summary reversal and remanding Decision below for full jury trial. Captain Greene requests an immediate change of venue outside McConnell's political sphere of influence to include Southern District of New York. In the alternative, Petitioner requests this Court to Grant the petition and schedule this case for full briefing and oral argument.

Respectfully submitted,

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