

25-5692 ORIGINAL
No. 25-5692 ORIGINAL

Supreme Court, U.S.
FILED
JUN 28 2025
OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Pete Szmurlo — PETITIONER
(Your Name)

vs.
TK Elevator Corp, et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

the United States Court of Appeals for the Seventh Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Pete Szmurlo
(Your Name)

7951 Calumet Avenue #1142
(Address)

Munster, Indiana 46321
(City, State, Zip Code)

(219)544-1724
(Phone Number)

QUESTION(S) PRESENTED

1. Whether a temporary restraining order (TRO) exceeding 14 days becomes a de facto preliminary injunction requiring immediate appellate review under *Sampson v. Murray*.
2. Whether the district court's misclassifying of a long-term injunction as a TRO to avoid appellate review violates due process and the Anti-Injunction Act and Federal Rule of Civil Procedure 65, depriving Plaintiff of his right to an appeal.
3. Whether the defendants' selective disclosure of privileged information in administrative proceedings triggered a subject matter waiver under IL/Federal Rule of Evidence 502, barring their LMRA preemption defense.
4. Whether federal courts lack subject-matter jurisdiction over state-law claims removed via sham LMRA preemption defense, violating Caterpillar's well pleaded complaint rule, Garmon preemption pending NLRB investigation, and Glacier Northwest for IIED outside of personality disputes or personal damage or property, licenses, state employee files, and public records.
5. Whether Glacier Northwest bars preemption of state law claims involving criminal misconduct (eavesdropping, IPRRA fraud).
6. Whether fraudulent removal void ab initio deprives federal courts of jurisdiction to enjoin state law claims.
7. Whether mailing delays causing missed deadlines constitute "good cause" to reinstate an appeal when IFP status cures procedural defects.

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

1. TK Elevator Corporation
2. IUEC 2 -International Union of Elevator Constructors Loca
3. NEIEP- National Elevator Industry Educational Program
4. JAC - Joint Apprenticeship Committee of Chicago
5. KONE Elevator Corporation
6. Schindler Elevator Corporation
7. Otis Elevator Company

RELATED CASES

Pete Szmurlo V. TK Elevator, et al. 2024L009451 Cook County Illinois
Judgement entered 4/4/2025.

NLRB Charges 13-CA-333203/333534
open. No Final Judgement to merits yet.

Pete Szmurlo V. TK Elevator Corp., et al. 2025L006063 Cook County Illir
Judgement entered 8/27/2025.

Szmurlo V. TK Elevator, et al. OSHA 301053843 USDOL/OALJ SOX
ALJ review pending

In Re Pete Szmurlo, 25-1461 Mandamus in Real Interest
Denied

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A page 2 to the petition and is

[] reported at _____; or,
[x] has been designated for publication but is not yet reported; or,
[] is unpublished.

B page 3

The opinion of the United States district court appears at Appendix _____ to the petition and is

[] reported at _____; or,
[x] has been designated for publication but is not yet reported; or,
[] is unpublished.

[] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

JURISDICTION

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 3/7/2025

[] No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 4/2/2025, and a copy of the order denying rehearing appears at Appendix C page 8

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[] For cases from **state courts**:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

[] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1st, 2nd, 4th, 5th, 6th, 7th, 8th, thru 14th amendments:

Federal Question Jurisdiction NLRB/LMRA/ERISA

IFP/Transcript 753

Article III

Felony Criminal Law of Illinois, Illinois Eavesdropping I

Illinois Personnel Records Review Act IPRRA

Illinois Hate Crimes Disability Intimidation / Harassment

Defamation, Defamation Per Se

IIED Intentional Infliction of Emotional Distress

Perjury

Invasion of Privacy

Whistleblower

STATEMENT OF THE CASE

1. State Court Origin: Filed in Cook County Circuit Court (IL) for state-law defamation, IPRRA, and eavesdropping claims.
2. Fraudulent Removal: Respondents removed to federal court using sham LMRA defenses despite no federal claims (Caterpillar), SMJ waivers under Rule 502 "no grievance filed", & 5 out of 7 Defendant's fraudulently joined removed.
3. TRO/Injunction Denials: 11/21/24: District Court denied TRO despite admitting unfamiliarity with Illinois law (ECF No. 65, 66, 67). 3/19/25: Denied renewed PI/TRO after Seventh Circuit dismissed appeal (ECF No. 130), extending harm.
4. Seventh Circuit Dismissal: Appeal dismissed for unpaid fees (3/7/25 Order, ECF No. 12) despite mail delays, CCCC fee waiver, and IFP requests. 7CA's 12/2024 notice lost in transit. Petitioner's filings to 7CA similarly lost.
5. IFP Cure: District Court granted IFP and transcript at government expense on 6/25/2025 (docket [178], [180]), curing fee defect and enabling appeal.

The Court's dismissal relied on precedent holding that denials of temporary restraining orders (TROs) are not appealable under 28 U.S.C. § 1292(a)(1). However, this case presents unique circumstances warranting reconsideration. Practical Equivalence to a PI: The TRO sought to restrain Defendants from disseminating defamatory statements and private communications, relief that extends beyond immediate, short-term harm. Courts have recognized that TROs function as de facto preliminary injunctions when they impose lasting consequences. *Sampson v. Murray*, 415 U.S. 61, 86-88 (1974). Here, the D.C.'s denial effectively terminated Appellant's ability to prevent irreparable reputational and emotional harm, akin to a final denial of injunctive relief. Jurisdictional Overlook: D.C. conflated Appellant's request for injunctive relief with procedural defects. The jurisdictional memorandum fails to address whether the TRO's denial qualifies as a "final decision" under *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541 (1949), given its irreversible impact on Appellant's rights.

Defamation per se, IIED, perjury, eavesdropping are horrific. This case, though, turns not on the merits of their claims for remediation, but on the narrow question of where those claims should be litigated. The D.C. erred in rejecting the Plaintiff's argument that the court lacked SMJ. See *Shatsky v. PALESTINE LIBERATION ORGANIZATION* 17-7168 (April 14, 2020). "Determining the finality of the district court's judgment does not end our jurisdictional inquiry. The Palestinian Defendants argue that the grant of summary judgment can be affirmed on the ground that the district court lacked personal jurisdiction over them. That question of personal jurisdiction must be resolved "before reaching the merits[.]" *Kapla* 896 F.3d at 511." D.C. determined he didn't know Illinois eavesdropping law or IPRRA, a clear error of law that harms court-goers including Plaintiff. The D.C. never had jurisdiction because it belongs to CCCC general jurisdiction, and therefore couldn't have concluded a fair hearing on the matters. The D.C. denied the injunction again, unreasonably delaying IPRRA and IEA and Hate Crimes Relief, 3/19/25 and manifestly usurping the power of 7th circuit dismissal 3/7, the Judge Tharp 3/19/25 ruling that the Permanent injunction is denied again without due process. Both the final dismissal, and the 3/19/25 dismissal, are appealable because both twin TRO's function as a preliminary injunction.

REASONS FOR GRANTING THE PETITION

Gag orders generally. A. Twin TRO Denials Function As Preliminary Injunction B. Federal Courts Lack Subject-matter Jurisdiction C. IFP Cures Defects; Mail Delays Establish Good Cause D. Irreparable Harm Demands Relief. Ongoing defamation, illegal surveillance, and destruction of IL personnel record review act files under Illinois law. Invasion of privacy and eavesdropping are common law 4th amendment violations, grave rights abuse unchecked by FISA Judge says he "never heard of the Illinois Eavesdropping Law." State anti-SLAPP protection nullified by federal delays, Tharp also says "can't sue for defamation" F. 502 disclosures at OSHA and subject matter waiver IL 502 disclosure at CCHR. Complaint alleged actual malice, perjury, and at pleading stage defeated privilege. By sham removal of complaint under federal question, Defendant's admitted to the conduct when they raised a subsequent MTD. Clear manifest error by Judge's and Defendant's own admissions, a TRO is appealable if it's an injunction. Lack of subject matter jurisdiction is abuse. D.C. has no jurisdiction, and ECF No. 65 missing from the record. 66 and 67, are covering something up, with knowledge of Injunction rule 65 entered on record, me and the public lost. Petitioner emphasized Office of the Att'y Gen. of Tex. v. Paxton, F.4th 188 (5th Cir. 2021), which held that a TRO denial may be appealable if it resolves substantive rights with "serious, perhaps irreparable consequences." Here, the District Court's refusal to restrain defamatory statements directly implicates Appellant's livelihood and mental health, meeting this heightened standard. Appellant requested unsealing ECF 65, and for clarification in subsequent denials of statutorily injunctive relief for state law claims, a limited remand to permit the District Court to convert the TRO denial into a preliminary injunction ruling, thereby creating an appealable order under § 1292(a)(1). See re Forty-Eight Insulations, 115 F.3d 1294, 1300 (7th Cir. 1997) (courts may recharacterize orders to reflect their true substance). The injunction was denied and docketed as TRO, needlessly prolonged ministerial injunctive relief via "under advisement" continuance entered from 11/21/24 to 4/4/24 dismissal, but a manifest error shows the fact on the record, twin, 6 month TRO is a permanent injunction and a preliminary TRO, which defeats the Court's opinion of no errors found. The Defendant's admit, if it's a preliminary injunction or permanent for more than 14 days, it's not a TRO, and it's a manifest error of law and fact to deny a TRO that functions as an injunction. This is a simple burden to meet, in the proper jurisdiction CCCC. The TRO functioned as a PI, as the district court shielded their orders from review, unlawfully hid from public and Plaintiff ECF 65 for injunction rule 65, and abused PI/TRO Procedures in hearing 11/21/24, denying transcript and IFP until 6/2

"(This order seeks to restrain the harm and suffering from injurious false light statements ... for the window from July 2023; and seeks to restrain Defendants Private Communications Pursuant to Illinois Eavesdropping Law; and any other relief shall be promptly filed in the clerk's office and entered in the record.)" All have changed their stories so many times, "they took more positions than a gymnast on a trampoline." D's latest caused injury continuing Counts I,II,III via public statements at CCHR under IL 502 to City of Chicago correlating to their previous sworn oath of material facts as true and correct to their knowledge as 9/19/23 OSHA R. 502 position statement. "Plaintiff does not motion to restrain Defendant's first amendment but to quit publishing false statements about Plaintiff July 2023". This shows the scope of PI/TRO is limited to narrowly tailored expectations and results from those it applies to, and permanent injunction of IPRRA and IEA. Glacier Northwest doesn't preempt "property damage" or "damages to truck licenses". Circuit Split, ILNDallows removal against Caterpillar & Glacie against public policy IIED. Removal statute void each count. Law of case is a personality dispute not CBA against union and respondent superior. Worker appears nationwide, on deeply rooted local interest. 250 years no defamation law - de facto state law. De facto injunction of 6 months exceeding 2-14 days.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Pete Szmurlo

Date: September 13, 2025

A handwritten signature in black ink, appearing to read "Pete Szmurlo", is positioned to the right of the typed name and date.