

IN THE SUPREME COURT OF THE UNITED STATES

Bernice Rutland, Petitioner

V

Robinson Property Group, L.L.C.;

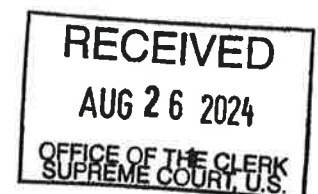
Cynthia Janie Scott, Respondents

**MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF
CERTIORARI PURSUANT TO RULE 13(5)**

To THE HONORABLE SAMUEL A. ALITO, JR., ASSOCIATE JUSTICE AND CIRCUIT
JUSTICE FOR THE FIFTH CIRCUIT:

Pursuant to 28 U.S.C. § 2101 (c) and Rule 13, and Rule 29 (1)(2) of the Rules of this Court. Applicant, Bernice Rutland, Pro Se, respectfully request a 60-day extension of time, to and including October 25, 2024, within which to file a Writ of Certiorari to review the judgement of the United States Court of Appeals for the Fifth Circuit in this case. The Fifth Circuits unpublished opinion was filed on April 15, 2024, Exhibit "A" and, with two timely extensions, a timely request for a Petition for Rehearing was filed on May 13, 2024 and denied on May 28, 2024, Exhibit "B", without an opinion. Unless extended, the time to file a petition for a Writ of Certiorari will expire on August 26, 2024. This Court has jurisdiction over the judgement under 28 U.S.C. § 1254(1).

This case presents one of national importance and significance because it conflicts with well-established rules and principles of summary judgement. The decision in this case conflicts with this Court and other Federal Courts. Stare decisis is a fundamental legal principle, clearly established law.



This case began when appellant, Bernice Rutland, went with her sister-in-law to the Horseshoe Casino/Robinson Properties, L.L.C., located in Robinsonville, MS. While at the casino Bernice Rutland, while sitting on a stool playing slots was abruptly struck by a Motorized Scooter/Wheelchair from behind and slung her several feet behind her and never even saw the hit coming, injuring her left leg and hit on her thigh of right leg. The Scooter/Wheelchair was driven by another patron of the Horseshoe Casino. The other Patron, Cynthia Scott, is now deceased. However, before she deceased, she sent a letter to the 5th Circuit explaining she rented the Motorized Scooter from Horseshoe Casino/Robinson Properties, and it malfunctioned. Letter is in the record on appeal. Horseshoe Casino/Robinson Properties denied it was their Motorized Scooter and admitted they did not try to stop the person on the Scooter. The record will show Robinson Properties has from the beginning denied it was their property and denied renting the Scooter to the other patron. Robinson Properties filed a motion for summary judgement after discovery concluded on May 1, 2023. In Robinson Properties motion for summary Judgement, Robinson stated, it relies on the following exhibits in support of its motion for summary judgement.” Defendants submitted five (5) exhibits; However, Robinson never made any statements or arguments in summary judgement about these five (5) exhibits or named any witnesses which were to support those documents. These five (5) exhibits had nothing to do with Bernice Rutland’s evidence, other than the incident report. Robinson Properties never argued those exhibits that the DME Company owned the equipment to the judge in summary judgement, instead only argued that the non-moving party could not prove her case and she used only a scintilla of evidence. Ironically, Robinson Properties Motion for Summary Judgement only listed a scintilla of evidence against the non-moving party and was granted summary judgment by the Magistrate Judge in the United States District Court for the Northern District of

Mississippi Oxford Division and affirmed on appeal. This ruling conflicts with this Court's ruling on Summary Judgement. Celotex Corp. v. Catrett, 477 U.S. 317, 333 (1986). "A defendant cannot get summary judgment through a conclusory assertion that the plaintiff does not have evidence to support the complaint. Instead, the defendant must show the absence of evidence in the discovery record." However, Robinson Properties could not have shown the absence of evidence in the discovery record since they chose not to do any discovery or depositions on Bernice Rutland or any of her three (3) witnesses that was provided in the record, or refer to a partial video of the incident obtained through discovery from Robinson Properties prior attorney, never asked for any medical records or pictures that their employee took or pictures Bernice Rutland took. When the second attorney made an appearance in this case on July 5, 2022, discovery was still open until May 1, 2023, at no time did Robinson Properties, during that period ask Bernice Rutland for any medical records, pictures, or set deposition or ask any discovery questions.

These were some of the disputed facts in Appellant, Bernice Rutland claims.

1. Who owned the Motorized Wheelchair/Scooter that was rented to Ms. Cynthia Scott.
2. Did Robinson Properties owe Ms. Rutland a duty of care to be protected from unseen hazards pursuant to premises liability laws in Mississippi for invitees. Whether signs should have been posted at specific designated areas for a 400 pound Motorized Scooter to be driven around and crowded enclosed building with mostly pedestrians, and making sure the patron was not served alcoholic drinks while driving a motorized vehicle around hundreds of pedestrians.
3. Whether Robinson fail to disclose the proper witness, Ms. Christine Cook, instead of Pamela Cook for depositions? Case law , if the record disclosed that the **moving party** had overlooked a witness who would provide relevant testimony for the nonmoving party at trial, the court **could not** find that the moving party had discharged its initial burden of production unless the moving party sought to demonstrate the inadequacy of this witness testimony. Absent such a demonstration, summary judgment would **have to be denied** on the ground that the moving party had failed to meet its burden of production under FRCP [Rule 56](#)."

Bernice Rutland did depositions and two (2) employees both answered questions that there were no signs in the Casino and no warnings of Motorized vehicles in operation in the area, this makes it easy for a user to rent the Motorized Scooter enter a crowded casino and just drive it anywhere, even a place where a reasonably careful person could get hurt by being struck from behind.

This case is not about money, it is about what is right or wrong and whether just one single person, Pro Se, deserves to have case laws applied to them in the same way as others. Case law determines if you should even bring a case to court and should apply to everyone. While Robinson Properties states in its Concise Statement of the Case, "While Robinson itself was established in 2005, the company has been deeply involved in the Mississippi economy since Horseshoe Casino opened in 1995. At Horseshoe Casino alone, Robinson employees approximately 1,200 workers. The venue itself consists of 1,023 gaming machines, along with 78 table games and 24 poker games. The attached hotel boasts more than 500 rooms and 300 suites." This statement has nothing to do with making a place Hazzard Free for invitees. Bernice Rutland has not been able to find another case that has to do with the responsibility of the owner of the motorized wheelchair/Scooter.

Appellant believes Good Cause exists for an extension, Bernice Rutland is Pro Se, but not by choice. This case was dropped on her, with no previous notice, by her attorney of record around 4:00pm the evening before the Appeal was due on the next day, November 7, 2023. I have two (2) other cases pending that the same attorney started and quit the cases without notice. Bernice M. Rutland v Regions Bank Case MS COA No. 2022-CA-00720 and Bernice Rutland v Todd C. Stewart 2023-720 Arkansas. Bernice has continued all three (3) cases and has completed every motion or reply and appeal and has never been late on any of these cases. However, I have three

(3) pending cases. This case and the one from Arkansas have been going on at the same time and now need an extension to complete the Writ of Certiorari and will have to file and work on an appeal in Arkansas within the same time limit.

For the foregoing reasons, Appellant, Bernice Rutland, prays for the Motion For 60-day Extension of Time through and including October 25, 2024, be granted to file her Writ of Certiorari.

Respectfully Submitted

Bernice Rutland, Pro Se

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CERTIFICATE OF SERVICE

I, Bernice Rutland, do hereby certify that I have e-mailed a copy of this motion on, August 20, 2024, to the following:

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Bernice Rutland, Pro Se

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