No. 20-1331

SUPREME COURT OF THE UNITED STATES

Arthur J. Clemens Jr.,

Petitioner

Vs.

Tom Balanoff
Laura Garza
Nancy Cross
Local One, Service Employees International Union

Respondents

On Petition for Writ of Certiorari to
the United States Court of Appeals
for the Eighth Circuit

PETITION FOR WRIT OF CERTIORARI

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I. QUESTIONS PRESENTED

1. Should 29 USC 481(c) be declared Unconstitutional by the Supreme Court and the case remanded to the Eighth Circuit or the Trial Court with instructions to take steps to transform Local One, SEIU from being an authoritarian dictatorship with sham elections into a democratic institution with fair elections?

2. Did the Court of Appeals err by failing to appoint a Class Counsel to represent the financial interests of the rank and file members of Defendant Local One, SEIU, pursuant to 29 USC 501 and argue on behalf of insuring the 1st Amendment Freedom of Assembly Rights of the 50,000 rank and file members of Defendant Local One, SEIU, and 15 million members of Unions nationwide, and the 14th Amendment Equal Protection rights of candidates for Union office, including the Petitioner, in keeping with **Rule 23, FRCivP** and in the spirit of **Gideon v. Wainwright, 372 U.S. 335**?

3. Is the Eighth Circuit Court of Appeals responsible for enforcing the ethical standards required of the Eighth Circuit by the Supreme Court in the case of **In Re Snyder, 472 U.S. 634** in this case?

4. Has the Eighth Circuit failed to require the Trial Court to meet the standards set by the Supreme Court in the cases of **Celotex Corp. v. Catrett, 477 U.S. 317** and **United States v. El Paso Natural Gas Co., 376 U.S. 651** when granting Summary

Judgment to the Respondents in the First and 11th Causes of Action of the Petitioner's Amended Complaint?

5. Has the Eighth Circuit allowed the "exhaustion of remedies" defense to be used to justify acts that are a violation of Federal and Missouri State criminal statutes, and/or otherwise expanded the "exhaustion of remedies" defense beyond reasonable limits?

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Arthur J. Clemens Jr., a member in good standing of Local One, Service Employees International Union for over 13 years, as pro se Petitioner respectfully seeks a writ of certiorari to review the judgment of the United States Court of Appeals for the Eighth Circuit.

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VI. JURISDICTION

The Eighth Circuit entered judgment on August 24, 2020 and denied rehearing and motion for hearing en banc on Oct 20, 2020 and issued a Mandate on November 3, 2020. The Supreme Court extended this petition's deadline for filing

to 150 days by a March 19, 2020 Blanket Order. The Court has jurisdiction under 28 U.S.C. §1254(1).

VII. STATEMENT OF THE CASE

This suit was filed on September 8, 2017, as Case # 4:17-cv-2381 in The US District Court of the Eastern District of Missouri. The case was filed by authority of USC 28-2201, USC 28-2202, Amendments 1 and 14 of the United States Constitution, USC 29-411through 29-501, Rule 23 of the Federal Rules of Civil Procedure, USC 42-1983, and other pertinent laws, cases and precedents. The Petitioner filed an Amended Complaint on April 30, 2018. The Trial Court did not issue a final ruling until September 23, 2019, although all necessary pleadings were filed by January 11, 2019. Trial Court ruling was against the Petitioner. (See Appendix E.) Petitioner alleged in his emergency motion to appoint an interim Class Attorney in this case filed on November 27, 2017, that the Financial Malpractice of the named Defendants was (and still is) costing the dues payers an estimated five thousand dollars a day in spending that has absolutely no benefit to the rank and file membership. (See OLMS LM-2 Reports, 2015-2019#)

Petitioner filed motions for reconsideration that were denied on Oct 29, 2019. (Appendix F)

The case was appealed on December 2, 2019 to the Eighth Circuit Court of Appeals and assigned Case #19-3554. The Court of Appeals denied motions for

of the belief that rank and file members of union locals worked together so they could communicate with each other at work or membership meetings. Members of Congress did not foresee Union Locals merging to create Regionals while still classifying themselves as Locals. Local One, SEIU has membership meetings once every three months in 11 different locations on the same day (Appendix H), and no meetings at all during the pandemic, starting in June of 2020, even though there was an election of officers scheduled for August of 2020. It is not possible for the rank and file membership to have vigorous debate on any issue pertaining to Local One business pursuant to **United Steelworkers v. Sadlowski, 457 U.S. 102** since the members from different cities and States have no way to communicate with each other. Meetings were attended by only a very small percentage of the membership. Rank and file members generally work in small groups at job sites.

In 1959, there were state laws on the books for the purpose of rigging elections, such as poll taxes and literacy test laws, which have since been negated by Supreme Court rulings or federal legislation which has been upheld by Supreme Court rulings.

The Petitioner and all other rank and file members of Local One, SEIU have no Freedom of Assembly rights whatsoever regarding union business, and the root cause of the problem is **29 USC 481(c)**. As a result, Local One, SEIU elections are

a complete fraud and a sham, and all Local-wide officers are always elected by acclamation. The only elections that are actually held are membership meeting votes to amend the Local One Constitution and Bylaws. Respondent Balanoff has been in office as President since 1999 and has consolidated his authoritarian control of the Local by arranging for the merger with Local 50 of St. Louis in 2004, and other Locals into Local One. Members also cannot communicate with each other to express their concerns about how the Local is being run or organize inter-city opposition to the incumbent slate of officers.

The Respondents in cooperation with the Department of Labor, OLMS also clearly acted under the color of the authority of **29 USC 481(c)** to violate the 14th Amendment right of the Petitioner to Equal Protection of the Law of the Petitioner in the 2017 Election for President of Local One, SEIU and other elections and membership meeting votes to Amend the Local One, SEIU Constitution and Bylaws. Petitioner filed exhibits* in both the Trial Court and the Eighth Circuit showing that Respondent Balanoff regularly uses the email addresses of members to send emails described as newsletters stating his position on union business and current events, and the Local uses the email addresses of members to sell products unrelated to Union business, while the Petitioner as a candidate for President Balanoff's office is not allowed access to the same email list that Respondent Balanoff uses so that the Petitioner can state his position to the members as to how

Local officers and employees get large pay raises every year# which are paid for in part by increasing the dues of the membership, or otherwise state Petitioner's platform for office to the members, and these policies are carried out under the color of the authority of **29 USC 481(c)**.

Although a Federal Statute was not struck down in the **Harper v. Virginia Bd. of Elections, 383 U.S. 663**, the same logic regarding the denial to the Petitioner of the 14th Amendment Right of Equal Protection used by the Supreme Court in declaring said poll tax law Unconstitutional applies to this case.

There are 15 million union members nationwide who are affected by this law. Often union locals copy **29 USC 481(c)** into their Constitutions, and sometimes they even make additions that make it even more difficult for rank and file members to challenge incumbents. For example, the Constitution and Bylaws of Teamsters Local 600 in St. Louis states:

> *Section 14.03. Every candidate shall have the right, once within thirty (30) days prior to the date of election in which he is a candidate, to inspect the list containing the names and last known addresses of the members of this organization who are subject to a collective bargaining agreement requiring membership in this Union as a condition of employment. The list shall be maintained at the principal office of the Union.* ***But candidates must give the Union office reasonable advance notice of their desire to inspect, may inspect only during reasonable hours designated for that purpose, must refrain from copying all or any part of the list, and must refrain during their inspection from making written notations concerning the list.***

There are several Supreme Court rulings which have declared federal statutes to be Unconstitutional for violating the First Amendment rights of citizens, or clauses of federal statutes, to include **US vs Playboy Entertainment Group, Inc.**, **529 U.S. 803**, **Thompson v. Western States Medical Center, 535 U.S. 357**, **Reno v. ACLU, 521 U.S. 844**, and **Legal Services Corp vs. Valezquez, et al., 531 US 533**.

There have also been State Statutes that have been declared Unconstitutional by the Supreme Court that were on the books in 1959 such as poll taxes and literacy tests which helped members of Congress who voted for the passage of said clause get elected which have since been declared Unconstitutional in **Harper**, or were superseded by Federal Law that was upheld by the Supreme Court in **Oregon v. Mitchell, 400 US 112**.

Petitioner filed a timely **FRCivP Rule 5.1** Motion in the Trial Court, who denied the motion (Appendix D) and ordered the Petitioner to amend his complaint to include pleadings to have the statute declared Unconstitutional. Petitioner notified the Attorney General of his motion but the Attorney General did not respond. The Trial Court refused his responsibility under **Rule 5.1** to notify the Attorney General of the motion. Defense Counsel wrote Petitioner a letter threatening to cause the Petitioner financial harm under the terms of **FRCivP Rule 11(c)(2)** if Petitioner did not withdraw the Rule 5.1 motion, and probably charged

the dues payers a great deal of money for this work, and Petitioner refused to withdraw said motion. Trial Court then ruled against the Petitioner's Constitutional Arguments in his Amended Complaint, and ruled against a motion for Reconsideration. (Appendixes E and F) Petitioner then raised the issue in the Eighth Circuit without success. (Appendixes A and B) Clerk of the Appeals Court wrote a letter to the Attorney General (Appendix C) pursuant to Rule 44, FRAP, but there was no response by the Attorney General.

B. STATEMENT IN SUPPORT OF QUESTION 2.

Gideon v. Wainwright, 372 U.S. 335 established that the Supreme Court does not always ignore the pleas of pro se litigants, and also that there is a time when the Supreme Court will address the inequities of the legal system by appointing an attorney of the calibre of Abe Fortas to represent the best interests of those whose Constitutional rights have been systematically violated or are otherwise exploited. This is particularly true when an important Constitutional question is presented to the Supreme Court for review. Hopefully, the Supreme Court will issue guidelines in this case that will improve how our federal court system determines when it is time to appoint a class attorney. Petitioner argues that at the very least, rank and file membership could have expected dues refunds and restoration of funds to the Local One Treasury in a manner similar to **Albemarle Paper Co. v. Moody, 422 U.S. 405**, and in keeping with 29 USC 501. Petitioner also argues that the

Petitioner is a dues paying rank and file member of Local One, SEIU, who is representative of the class of all rank and file members of the Local, and is also representative of the subclass of everyone he works with who are charged the same dues as Petitioner, and are denied their First Amendment rights in a manner similar to the denial of the Petitioner's rights, thus satisfying the requirements of **FRCivP Rule 23** set forth in **Swanson vs. UNIVERSITY OF HAWAII PROFESSIONAL ASSEMBLY, et al, 212 F.R.D. 574.** Petitioner argues that the ruling of the Eighth Circuit in this case regarding denial of the appointment of Class Counsel has sanctioned and allowed the trial court to depart so far from the usual and acceptable course of judicial proceedings as to require the supervision of the Supreme Court, in keeping with **Supreme Court Rule 10(a).**

Dues paying members of Local One working with the Petitioner signed a petition asking the Trial Court to appoint an attorney to represent them in this case and asking the Trial Court not to allow the Local to pay dues money to an attorney to argue against their best interests. Said Petition was filed for them with the Trial Court by the Petitioner, and this petition was ignored by the Trial Court and the Eighth Circuit in a manner that was contrary to a Federal Judge's Oath of Office, **28 USC 453**.

Petitioner filed motions to appoint Class Attorney in the Trial Court, and raised the issue in the Eighth Circuit. Petitioner also raised the issue of the financial

malpractice of the named Defendants affecting the membership in the Trial Court and the Eighth Circuit. The Trial Court denied Class Status for this case and the Eighth Circuit ignored the issue.

C. STATEMENT IN SUPPORT OF QUESTION 3

In Re Snyder, 472 U.S. 634 clearly states that the Supreme Court has mandated that the Eighth Circuit is responsible for enforcing the ethical standards of states within their jurisdiction, to include requiring attorneys practicing before the Eighth Circuit to produce time logs and billing statements when there is a question of ethical violations that the records can shed light on. The record shows that Defense Counsel's law firm was paid over $200,000 for work from October of 2017 to Dec 31, 2019, as verified by Local One, SEIU's OLMS LM-2 Reports# for 2017-2019, not including work done in 2020 by said Defense Counsel, (These records will be available around April 10, 2021#) and that these increased payments began shortly after the Petitioner filed this suit. All legal fees were paid to the firm of Schuchat, Cook and Werner from the Local One, SEIU Treasury, and not by the named Respondents as verified by the Interrogatory Answer of Respondent Balanoff.* There were pleadings filed by Defense Counsel that were extremely petty and irrelevant to the substantive issues of the case. Said pleadings were filed primarily for the purpose of inflating legal fees paid solely by the dues payers of the Local without their knowledge (except for the Petitioner who is a

dues payer), thus violating **RULE 4-1.8** of the Missouri Canon of Ethics, which states in part:

Comment-----Person Paying for a Lawyer's Services

> [11].....*Because third-party payers frequently have interests that differ from those of the client, including interests in* ***minimizing the amount spent on the representation*** *and in learning how the representation is progressing, lawyers are prohibited from accepting or continuing such representations unless the lawyer determines that there will be no interference with the lawyer's independent professional judgment and there is informed consent from the client.* .....

There are other ethical violations by members of the Legal Profession in this case or related to this case besides those of Defense Counsel.

Petitioner filed motions to require Defense Counsel to produce time logs and billing statements plus other pleadings related to ethical violations in the Trial Court, and raised the issues again in the Eighth Circuit, plus additional issues related to ethical violations, but these pleadings have been ignored in the Trial Court and Eighth Circuit rulings.

*Petitioner filed Interrogatory Questions and Answers given by the named Respondents, and numerous documents too voluminous to file on paper, plus pictures and a video as exhibits on a flash drive with the Trial Court, which was later loaned to the Eighth Circuit, in addition to numerous exhibits filed on paper with the Trial Court in keeping with the Supreme Court standard of **Celotex**.

D. STATEMENT IN SUPPORT OF QUESTION 4.

An important issue raised by the Petitioner in the First and Eleventh Causes of Action the Plaintiff's Amended Complaint in this case was the claim that Defendant Local One, SEIU raised the dues of the Plaintiff in 2016 and again in

2017 without a valid election pursuant to 29 USC 411(a)(3)A. Defendants took the position and basically dictated to the Court that there was a valid election pursuant to Article XXVI of the Local One Constitution and Bylaws which reads:

ARTICLE XXVI AMENDMENTS

> *Section 1. This Constitution and By Laws shall be amended by submitting the proposed amendment(s) to the Local Executive Board. The Executive Board shall vote on whether to recommend approval of the proposed amendment(s) to the membership and the decision of the Executive Board shall be communicated to the membership. Such proposed amendment or amendments shall be presented to the membership at the regularly scheduled membership meetings.* ***The Secretary-Treasurer shall give reasonable notice and submit the proposed amendment(s) to the membership prior to the next regular or special membership meetings at which the amendment(s) shall be considered and voted on. Such notice shall be by the Local Union Newsletter, regular mail or other lawful means. A majority vote of the members in good standing present at all the membership meetings in each city combined shall be required to adopt any amendment(s) to the Constitution. The ballots from each meeting shall be saved*** *and votes from each meeting shall be collected to determine if a majority of members local-wide voted to adopt the proposed amendments. No amendment shall be valid or effective until approved by the International Union. Section 2. The Local Executive Board shall have the authority to call special membership meetings at its discretion to deal with amendments proposed under this Article. Section 3. The Local Executive Board, at the direction of the President, shall be empowered to add seats on the Executive Board (including Vice-President positions) due to mergers or other situations involving the local's growth into new areas or jurisdictions. Any proposed increase in the number of seats shall first be read at a Local Executive Board meeting and then voted at the following Local Executive Board meeting. A vote of two-thirds (2/3) of the Executive Board as a whole is needed to approve such a change.*

Said election allegedly took place in September of 2012 that allowed Local One, SEIU to raise the dues of the Petitioner and all of his co-workers starting in 2016,

again in 2017 and at any time Respondents pleased after that. Petitioner filed pay records as exhibits at least one month from each year to show when dues were raised, plus pictures from the worksite break room showing notices of dues being raised in 2016 and 2017. Respondents failed to produce for the record any copies of any alleged notices of said September 2012 election that were allegedly sent by mail to the 47,000 members including the Petitioner. Respondents failed to produce a copy of a written referendum that was allegedly voted on which is supposed to be included in the notice according to said Article XXVI. Respondents failed to produce a list of the members who allegedly voted in said election, even though said lists are generally kept. No rank and file member testified or was deposed stating that he or she voted in 2012 to have his or her dues raised in 2016, again in 2017, and any time thereafter. The Respondents failed to file any evidence that the 47,000 members were provided with any financial statement justifying the need for a dues increase. The only testimony given regarding said alleged election from a person paying dues came from the Petitioner at deposition, and Petitioner stated that he did not observe the election first-hand, did not attend the election, did not received a notice stating the exact nature of the referendum to be voted on, had no Freedom of Assembly rights to argue against raising dues or regarding any other issues, but did hear a rumor that there would be an election. This hearsay evidence was considered proof by the Trial Court that a

valid election took place. Petitioner also testified that he observed first-hand how the vote count was rigged in a 2017 membership meeting vote, and filed a video exhibit showing how Petitioner was barred from videotaping the vote count.* The named Defendants refused to answer Interrogatory questions* about how a member voicing his or her opposition to a proposal being voted on at a membership meeting on can be heard in 11 different meeting locations at the same time (See Appendix H), in keeping with the standards set by the Supreme Court in **United Steelworkers v. Sadlowski, 457 U.S. 102**. Trial Court granted summary judgment to the Defendants, and the ruling was upheld by the Eighth Circuit.

In **Celotex,** the Supreme Court ruled that facts sufficient to support the moving party's claim must be entered into the record in order to sustain a valid Summary Judgment in favor of the moving party, and this was not done. In **El Paso Natural Gas** the Supreme Court rejected the determination of facts dictated to the Court by Defense Counsel, and there was no Court Hearing in this case pursuant to **Rule 52, FRCivP** which allowed the Petitioner to present his case, testify, and question the named Defendants, and question or depose a rebuttal witness pursuant to **US vs. Grintjes, 237 F. 3d 876**.

Petitioner raised the issue of the Trial Court's variance with **Rule 52, FRCivP**, and the **Celotex** and **El Paso** standards set by the Supreme Court, but the Eighth Circuit ruled against the Petitioner.

E. STATEMENT IN SUPPORT OF QUESTION 5

In the Third and Eleventh Causes of Action of the Petitioner's Amended Complaint with the Trial Court, the Respondent alleged with supporting documentation* that the Local charged dues to the Plaintiff and those he worked with in excess of those prescribed by the Local's schedules for dues collection contained in Appendix B of the Local One, SEIU Constitution and Bylaws and that these excessive dues were not approved by any election*. Trial Court ruled and the Eighth Circuit confirmed for Summary Judgment in favor of the Defendant-Appellees, on the basis that the Plaintiff failed to exhaust alleged remedies. Petitioner argues that the ruling of the Eighth Circuit in this case regarding "exhaustion of remedies" has sanctioned and allowed the trial court to depart far from the usual and acceptable course of judicial proceedings as to require the supervision of the Supreme Court pursuant to **Supreme Court Rule 10 (a)** regarding the use of the defense of "Exhaustion of Remedies", and the Petitioner argues that 29 USC 411(b) applies regarding Article X of the Local One, SEIU Constitution and Bylaws, which copies 29 USC 481(c) almost word for word:

> *Section 6. Each eligible candidate for office shall have a right once within thirty (30) days prior to any election in which he or she is a candidate to inspect a list containing the names and last known addresses of all members of the Local Union. Such inspection must be made in the presence of the Secretary-Treasurer or Secretary-Treasurer's designee.*

"Inspection" does not include being able to make a copy of the list. Also a person is not allowed to see the list and memorize 50,000 names and addresses within an hour or two when trying to qualify to be on the ballot, which makes it impossible for a rank and file member to gather 800 signatures in order to see the list. Article X of the Local One Constitution and Bylaws states as follows:

> *No member shall be eligible for nomination as a candidate for election to any office, including at-large members of the Local Executive Board, unless such nomination is supported by a petition signed by a minimum of 2% of the members of the Union in good standing for all officer positions (President, Secretary-Treasurer, Vice-presidents, and the Recording Secretary) and At-Large Executive Board members. Effective September, 2011, for Executive Board members from each specific city, the petition needs to be supported by 100 signatures of members or 2% of the membership from that specific city, whichever is more.*

Two percent of the Local-wide membership is approximately 800 signatures. The standard for this case should be **Hummel vs. Brennan 469 F. Supp 1180.**

Petitioner argues that he and the proposed class and subclass has a claim for relief similar to that in **Hummel** and in **Albemarle Paper Co. v. Moody, 422 U.S. 405**. Petitioner argues that the Eighth Circuit's ruling is an expansion of the "exhaustion of remedies" established case law to include protecting the Respondents from being held in violation of criminal law, particularly **18 USC 1951(b)(2)** and **Missouri Statutes 570.030.**

Additionally, since Question 1 is a challenge to the Constitutionality of a Federal Statute, and Respondents acted under the color of the authority of said statute to

violate the First Amendment Rights of the Petitioner, which are also described in 29 USC 411(a)2, that the Local One Constitution is not a valid legal authority in keeping with 29 USC 411(b), and therefore the entire concept of "exhaustion of remedies" is not a valid legal concept whenever a union local constitution is used to preserve an authoritarian dictatorship, in violation of the spirit of **Sadlowski**.

Petitioner cited precedents along with testimony and exhibits listing his numerous attempts to secure nonexistent remedies prior to filing suit with the Trial Court and raised the issue with the Eighth Circuit to no avail. Precedents included **SIMMONS v. AVISCO, LOCAL 713, TEXTILE WORKERS UNION 350 F.2d 1012** and **Amalgamated Clothing Workers of America Rank and File committee et al., Appellants, v. Amalgamated Clothing Workers of America, Philadelphia, Jointboard et al, 473 F.2d 1303** These precedents were not referred to or discussed in the Eighth Circuit's opinion.

VIII. REASONS FOR GRANTING THE WRIT

QUESTION 1. Union membership as a percentage of the workforce in the United States has declined from around 30% in 1959 to 10% today, and the percentage of the private workforce is down to 7%. If the Supreme Court strikes down 29 USC 481(c) as Unconstitutional, and orders the lower courts to require union locals to provide the contact information of rank and file members to challengers running for union office so they would have a fair chance to win union elections, in a

manner similar to the way public elections in most or all states are run, (See **Missouri Statutes 115.157**) (The Local also does not allow absentee ballots in membership meeting vote elections for people who are working when the meeting takes place.), the resulting reinstatement of democracy to the union movement will cause a gradual increase in union membership to such levels as Iceland, where union membership is approximately 90 per cent of the work force, since dues would be greatly lowered, and a much higher percentage of dues would go for benefits, instead of lining the pockets of professional union leaders and their cronies who can never be removed from office. High salaries and other perks enjoyed by union leadership are basically cannibalizing the union movement, including contributing to causing State Legislatures to pass "right to work" laws, (OLMS LM-2 Reports# are online and can be read by Supreme Court Justices to confirm how Local One dues are spent.) when modern technology makes it very possible for people who actually work for a living to run their own unions with the aid of the internet, assistance from an attorney with expertise in contract law, an accountant and an IT professional, and devote a much higher percentage of union dues to pensions, healthcare, and other benefits, while reducing dues to the point where union membership becomes attractive to the entire workforce. Blocking the path of this reform is **29 USC 481(c)**, passed long before the internet was invented.

There are ample precedents for striking down Federal Statutes that violate the First Amendment rights of citizens.

Additionally, since the top 80 richest people in the world own more assets than the bottom 80% of the people of the world, the stability of democracy in the United States in the future is dependent on making union membership attractive to those who work for a living, including insuring that unions are democratic in nature instead of being autocratic dictatorships who serve the elite power structure, in keeping with Michel's Iron Law of Oligarchy, and the Law of Concentration of Wealth first formulated by Marx.

QUESTION 2. This case gives the Supreme Court the opportunity to address the inequities of the legal system in a manner similar to **Gideon**. In this case there are 50,000 workers being exploited financially and are having their First Amendment rights violated by a few officers and around 200 Local employees who never do physical work and live in ease and luxury, and yet the Courts will not appoint an attorney to represent the 50,000 workers who often do work that most people will not do, and struggle to feed their families under the constant threat of losing their jobs unless they go along with every dues increase their leaders demand of them. Additionally, there are 15 million union members nationwide who face an uphill battle should they choose to run for union office because an archaic Unconstitutional federal law which contradicts state public election laws gives an

enormous advantage to incumbents, and rank and file members of Local One and 15 million union members nationwide need to be represented by an outstanding attorney who will represent their interests and argue before the Supreme Court. The Petitioner further argues that in this case the dues payers of Local One are the sole source of payments for legal fees to defend the named Respondents who direct the activities of the Local that the Petitioner is complaining about, although the rank and file membership is completely unaware that their dues are being used in this manner, and this situation is as unfair as any situation facing the legal profession today.

QUESTION 3. The Supreme Court has an opportunity in this case to demonstrate that the enforcement of ethical standards it has in the past mandated of the Eighth Circuit is more important than the false image that the Legal Profession hopes to present to the public in this case by making rulings in favor of their fellow legal profession members so that the case does not attract any publicity.

QUESTION 4. The Supreme Court has an opportunity in this case to demonstrate that cases will be determined by facts and law, instead of by Defense Counsel dictating the facts to the Court.

QUESTION 5. The Supreme Court has an opportunity to determine that there should be reasonable limits to the Defense of "exhaustion of remedies", and that the authority of the Local One, SEIU Constitution, which has never been approved

by the majority of the membership since its merger with Local 50 of St. Louis in 2004*, does not supersede the authority of the United States Constitution, Federal and State Statutes, particularly **29 USC 411(b)**, and relevant precedents.

CONCLUSION

In order to answer the five questions presented to the Court for review, any one of which is sufficient, Petitioner respectfully requests that this Court issue a writ of certiorari to review the judgment of the Eighth Circuit Court of Appeals.

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