

No 19-8724

Supreme Court, U.S.  
FILED  
JUN 11 2020  
OFFICE OF THE CLERK

**IN THE  
SUPREME COURT OF THE UNITED STATES**

Michael Garry

Petitioner

v

American Standard Trane U.S. Inc. "et al". Respondents

---

On Petition for a Writ of Certiorari in Forma  
Pauperis to the Supreme Court Of Wisconsin

( Name of Court that last ruled on the case )

---

PETITION FOR A WRIT OF CERTIORARI IN FORMA PAUPERIS

---

Michael Garry  
28, Frigate Crescent  
Sun Valley  
Fish Hoek  
Cape Town 7975  
South Africa  
Email :—< mgarry@mweb.co.za>  
Tel :— 27 21 7854070

ORIGINAL

## Questions Presented

- (1) The Wisconsin Supreme Court was manifestly wrong in rejecting the Petitioner's Appeal for Review, when it failed to consider mitigating, newly discovered evidence.  
Such error was structural, instead of issuing a mandate immediately as required under Federal Rules of Appellate Procedure, Rule 41(d) (1) (2), it clearly contravened applicable rules of Appellate Procedure, when it dismissed the appeal as moot.

Should this Court issue a Writ of Certiorari, when The Wisconsin Supreme Court clearly contravened applicable Rules of Appellate Procedure and unjustifiably departed from ordinary judicial procedures, when extraordinary circumstances existed.

Should this court order the Wisconsin Supreme Court to issue a mandate to the Wisconsin Labour, Wisconsin Circuit and Appeals Courts to comply with this Court's authority, rules and precedents.

## List of Parties

[X] 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 judgement is the subject of this petition is as follows.

American Standard Trane US Inc.

1, Centennial Avenue  
101, Piscataway Township.  
NJ 08854-6820  
New Jersey  
Tel. 1732-652-7100

Ingersol Rand

800. E Beaty Street  
Davidson  
NC 28036  
Tel. 704-655-4000

Travelers Insurance

485, Lexington Avenue  
New York  
NY 10017  
Tel. 1-971-778-6000

Ernst & Young.

5, Times Square  
NY 10036  
New York  
Tel. 212 - 773 -3000

# TABLE OF CONTENT

Page

Opinions Below -----

Jurisdiction-----

Constitutional and Statutory Provisions Involved---

Statement of the Case----- 1-7

Reason for Granting Petition----- 7-14

Conclusion----- 14

## Index To Appendices

- Appendix (A) Order of the Supreme Court of Wisconsin Dated March 11, 2020
- Appendix (B) Order and decision of the Supreme Court of Wisconsin Dated April 5, 2018
- Appendix (C) Order and decision of Wisconsin Supreme Court. Dated May 28, 2002
- Appendix (D) Order of Wisconsin Appeals Court. Dated April 15, 2002
- Appendix (DD) Order of Wisconsin Appeals Court for Reconsideration Dated May 20, 2002
- Appendix (E) Order of State of Wisconsin Circuit Court for Reconsideration Dated Nov. 9, 2001

- Appendix (G) Decision of Wisconsin Labour & Industry Review Commission  
Dated August 21, 1996
- Appendix (H) Order of Wisconsin Labour & Industry Court to dismiss  
Dated March 29, 1996
- Appendix (I) Copy of Affidavit of Petitioner denying alleged Arabic Contract  
Dated February 6, 1995
- Appendix (J) Petitioner's Brief for Reconsideration to Appeal Court  
Dated April 28, 2002
- Appendix (K) Copy of Respondent's to Wisconsin Circuit Court  
Dated May 11, 2001
- Appendix (L) Copies of documents disclosed by (ICIJ) linking American  
Standard Inc. to the off shore entity TRANE SA  
Dated February 18, 2020
- Appendix (M) Copy of letter from Petitioner to Travelers Insurance filing  
American Contracts  
Dated March 11, 1993
- Appendix (N) and (NN) Copy of letters from Petitioner requesting all documents  
from from his file. Dated Dec. 1, 1993, and January 11, 1994
- Appendix (O) Copy of letter from Respondents with list of document from the  
Petitioner's personnel file. Dated May 3, 1994
- Appendix (P) Copy of Letter from Petitioner trial judge. objecting to admission of  
Alleged Arabic Contract by the Respond. Dated Dec. 9, 1994.
- Appendix (Q) Copy of letter from trial Judge accepting the Alleged Arabic Contract  
over Petitioner's head objection. Dated Jan. 26, 1995
- Appendix (R) Copy of Alleged Arabic Contract and Respondents un-credited  
translation Dated Dec. 9, 1994
- Appendix (S) Copy of letter from Trane of final settlement offer  
Dated Nov. 24, 1992
- Appendix (T) Copy of Respondents final Brief, with attached "Chain of Command"  
last page Dated March 9, 1995
- Appendix (U) Copy of Petitioner's brief Dated February 7, 1995
- Appendix (V) Copy of Swiss Commerce Register. Dated 1996 & 2014

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.