

**SUPREME COURT OF THE UNITED STATES  
USA - Washington, D.C. 20543**

**Case: 18-12751**

**TABLE OF CONTENTS**

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This Case Is an Excellent Vehicle for Resolving the Issue **ATS** Statute of Limitation

**01. PETITION FOR WRIT OF CERTIORARI**

Under 28 U.S. CODE § 1350 – ATS / ATCA – Aliens Tort Claim Act

**02. MOTION FOR RECONSIDERATION – GA - Appellation Court 11th Circuit**

**03. JUDGMENT FOR RECONSIDERATION - Rehearing Denied 01/16/2019**

**04. JUDGMENT OF THE CASE - Case: 18-12751 - Date Filed 12/10/2018**

**05. APPEAL - 35./18 + 38./18 + 39. Error / page 19** (all ATS legal issues asked)

**06. APPENDIX NR. 1. – UBS Bank Switzerland v. Giuliano Wildhaber (Plaintiff)**

**07. APPENDIX NR. 2 – Giuliano Wildhaber v. EFV et al (time limitation interrupt)**

**08. APPENDIX NR. 3. – Service of Court Documents - E-Filed 10/11/2017 AM**

**09. APPENDIX NR. 4. – Filing # 63671617 - E-Filed 11/06/2017 - 05:38:21 AM**

**10. CERTIFICATE OF INTERESTED PERSONS AND CORPORATIONS**

Disclosure Statement - the List with 86x Swiss Persons and Swiss Corporations

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**SUPREME COURT OF THE UNITED STATES  
USA - Washington, D.C. 20543**

**GIULIANO STEFANO GIOVANNI WILDHABER** *pro se*

CH-9606 Bütschwil / SG, P.O. Box 118 (Switzerland)

Plaintiff-Appellant.

**PETITION FOR WRIT OF CERTIORARI  
DIRECT APPEAL + FEDERAL QUESTION  
COMPLAINT – CIVIL ACTION**

vs.

**1. EFV - EIDGENÖSSISCHE FINANZVERWALTUNG** – (1st Guarantor):

CH-3003 Bern / BE, Bundesgasse 3 (Switzerland)

On behalf of: Elisabeth Kopp et al (former 1989 Federal Council Leader)

and

**2. EBK – EIDGENÖSSISCHE BANKEN-KOMMISSION** - (2nd Guarantor):

(former 1989-2009 name)

**FINMA – EIDGENÖSSISCHE FINANZMARKTAUFSICHT** (new name)

CH-3003 Bern / BE, Laupenstrasse 27 (Switzerland)

On behalf of: Kurt Hauri et. al (former 1989 EBK-President)

Defendants-Appellees.

\_\_\_\_\_ /

UNDER: 28 U.S. CODE § 1350 – ALIEN’S ACTION FOR TORT

**1. Sovereign v. 2. Sovereign**

**SUPREME COURT OF THE UNITED STATES  
USA - Washington, D.C. 20543**

**This Case Is an Excellent Vehicle for Resolving that Issue.**

**The special facts and procedural posture of this case render it ideal for resolving whether the ATS allows liability under a 100% valid kept, foreign (Switzerland) Statute of Limitation.** This judgment will become a **landmark decision** for the future ATS jurisdiction because there is no precedent. It will be very important for courts or other judicial bodies use when deciding later cases with similar issues or facts.

**PETITION FOR WRIT OF CERTIORARI**

**Briefs should be submitted only on these points.** See Supreme Court Rule 45. I request that this case will be reviewed in **this very important and special ATS-Jurisdiction & -Points**, where Plaintiff is particularly concerned with the following issue or issues:

**VERDICT**

a) The district court did not err in granting the defendants' motions to dismiss because Wildhaber failed to file his complaint within the ten-year limitations period. Wildhaber's claim arose in October 1989. So Wildhaber had until October 1999 to file a timely complaint. But he filed his complaint in November 2017, more than 18 years outside of the ATS' limitations period.

**SUPREME COURT OF THE UNITED STATES  
USA - Washington, D.C. 20543**

b) And Wildhaber waived that argument because he did not present it to the district court = *Done online (e-filing) at the Broward County Court = With the Complaint !* That was a disregard of my existing evidences and a misjudgment.

**ATS with a 100% Percent Extraterritorial Nature**

*1. The Alien Tort Statute (ATS) is a United States law that allows only NON-U.S. Citizens to file lawsuits in U.S. federal courts for certain Violations of International law in his Homeland. The ATS foresaw that the plaintiff must be a foreigner. So ATS logically include to respect also the foreign rules in Switzerland for time limitation. The terms « alien », « treaties » and « law of nations » used in the ATS provided clear indications of the « one hundred percent extraterritorial nature » of the law in the foreign state, since everything must have happened exterritorial. **This then also applies logically to the (100% respected) statute of limitations in Switzerland.***

**Limitation Period 100% legal interrupted in Switzerland**

**2. In Switzerland according Art. 790 § 1 ZGB, the base load is not subject to any statute of limitations, which also applies to claims for which a mortgage pledge is registered, according to « Equality of Law », Art. 8, § 1 BV: I clearly present all this Facts & Proofs already to the District Court in the complaint in advance.**

SUPREME COURT OF THE UNITED STATES  
USA - Washington, D.C. 20543

In addition, the Swiss statute of limitations was formally iuristically correctly interrupted by UBS Switzerland AG v. Giuliano Wildhaber May 27, 2016 (**Appendix Nr. 1.**) also asserted after almost 28 years (Unterbrechung der Verjährung = Interruption of the limitation period). Plaintiff still owes UBS 1.06 Mio CHF in full ! Then I also interrupted the Swiss time limitation by Giuliano Wildhaber v. EFV et al 12.21.2016 (**Appendix Nr. 2.**) = see legal equality = The real « casus belli » to sue « EFV et al » in time under ATS.

**US Federal Principles of Equitable Tolling**

3. Under these principles, the running of time under a given statute of limitation is deemed to have stopped for a period during which certain circumstances are present: Such considerations, arise under US Federal Principles of Equitable Tolling.

**ATS has No Explicit Statute of Limitations**

4. Come on, that ATS has no explicit statute of limitations. I heard the first time in my life about ATS in 2015 (Google). In such situations, courts apply the limitations periods provided by the jurisdiction not in which they sit, but unless ‘a rule from elsewhere e.g. under Swiss-law (e.g. where all happend) clearly provides a closer analogy than available state statutes, and when the practicalities of litigation make

**SUPREME COURT OF THE UNITED STATES  
USA - Washington, D.C. 20543**

*that rule a significantly more appropriate and also more logical = All these factors points towards borrowing the - Swiss Statute of Limitations - for the ATS (ATCA).*

**The Century-Crime is a 100% Proven Fact in My Case**

5. Wrong replay was a technical *pro se* mistake = after I presented all proofs at District Court = So nothing changed at facts & proofs. In International-law no limitations period exists for the prosecution of crimes against humanity. And the ATS-law is International-law + The crime is a 100% proven fact in my case + although every pre-trial discovery was banned + Mediator (Lawyer Lardin, Miami) + Mediation (deadline 11/30/2018) + the already fixed Trial Date April 26, 2019, R. 10-2, W. D. Ferguson Jr, 17-cv-62542-BB, 400 N. Miami, was later canceled.

**ATS should also be Governed by International-Law**

6. Because of all these reasons, it may validly be asked, if the basis of the claim under the ATS is a violation of International-law, why the limitations period should not also be governed by International-law. That's simple logic and legally justified.

**Resolving Cases on the Merits = The Highest Law-Maxim = Then already Won**

SUPREME COURT OF THE UNITED STATES  
USA - Washington, D.C. 20543

7. For certain limited categories of cases, the state supreme court still operates under mandatory review, usually with regard to cases involving the interpretation of the state constitution or capital punishment. But for the vast majority, the state supreme court possesses the discretion to grant certiorari (known as review in Latin).

**Three Unexplained Decisions Regarding the Legal Issues**

These cases usually pertain to issues which different appellate courts within its jurisdiction have decided differently, or highly controversial cases involving a completely new legal issue never seen in that state + important for the USA. I received 2x unexplained decisions by the US Court of Appeals for the 11th Circuit, and 1x unexplained decision at the Federal Court, Miami regarding the legal issues (that I have asked) in relation to the interpretation of International- e.g. ATS-Law.

**I presented 100% Evidences already at Broward County 17th Judicial Circuit**

8. In this e.g. ATS-Case I presented 100% evidences already at Broward County 17th Judicial Circuit with my complaint in advance (Appendix Nr. 3.: Filing # 63671617 E-Filed 11/06/2017 05:38:21 AM). That was legally sufficient to prove that the - Swiss Statute of Time Limitations - was 100% legal kept in Switzerland.

**SUPREME COURT OF THE UNITED STATES  
USA - Washington, D.C. 20543**

**Three Unexplained Decisions Regarding the Legal Issues**

9. The three times (1x Miami & 2x Atlanta) 100% unexplained decisions regarding - STATUTE OF TIME LIMITATION - under the ATS in this case presents the issue in as gripping a context as this Court is likely to see, look through: ***I have kept the Statute of Time Limitation in Switzerland.*** The ATS plaintiffs in Kiobel I obtained also a writ of certiorari from the United States Supreme Court. I/we was/were US-Fla. real estate investors and paid many years taxes in Florida (in record). This question of law in my case was not disputed. Because of all these reasons this Court should grant certiorari.

**CONCLUSION**

Parties who are not satisfied with the decision of a lower court must petition the U.S. Supreme Court to hear their case. The primary means to petition the court for review is to ask it to grant a writ of certiorari. This is a request that the Supreme Court order a lower court to send up the record of the case for review. The Court usually is not under any obligation to hear these cases, ***and it usually only does so if the case could have national significance, might harmonize conflicting decisions in the federal Circuit courts, and/or could have precedential value and if the state or appellation court decided a Constitutional issue.*** For the foregoing reasons (see the Sixth Amendment) the petition for a writ of certiorari can and should be granted.



**SUPREME COURT OF THE UNITED STATES  
USA - Washington, D.C. 20543**

**VERIFICATION AND CERTIFICATION**

I, **Giuliano Stefano Giovanni WILDHABER** born June 04, 1952, Swiss Citizen (from Flums at Lütisburg), 35x years married, both retired, 3x adult children, former 45 years self-employed businessman (20.-65.), declare that I found **12/17/2018 only by chance** the **12/10/2018 JUDGMENT** (by Google) and I authorize this filing.

Dated and executed on February 14, 2019

Respectfully submitted by,

**GIULIANO STEFANO GIOVANNI WILDHABER**

Plaintiff pro se (Counsel of Record)

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Phone: +41 76 690 12 13 + Email: [g.wildhaber@gmx.ch](mailto:g.wildhaber@gmx.ch)

Applicant's Signature : /s/ [Giuliano Wildhaber](#) (Swiss Sovereign)

CC: Counsel of Record - *Plaintiff*

**GIULIANO STEFANO GIOVANNI WILDHABER** *pro se*

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**SUPREME COURT OF THE UNITED STATES  
USA - Washington, D.C. 20543**

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