



No. 18-1559

Supreme Court of the  
United States

---

Velma Brooks,  
Petitioner

—v.—

Industrial Claim Appeal office, and  
David R. Bennett  
Respondents

---

ON PETITION FOR A WRIT OF  
CERTIORARI TO THE COLORADO  
SUPREME COURT

---

PETITION FOR A WRIT OF  
CERTIORARI

---

Velma Brooks  
12808 E. Pacific Dr. #301  
Aurora, CO 80014  
(303) 695-9268

---

# I

## QUESTIONS PRESENTED

Colorado refuse to seek the truth in my case, by overlooking the evident and documents presented to them. This case was consisted with numerous of errs by the state law. There where falsify, contradicting, misleading and conspiracy in this case.

“If the lower court had presented the truth, in the beginning of this case it wouldn’t had went this far in court. The ICOA stated the ALJ err in his report and misapplied the burden of prove in his application. The Court Appeals overlooked the evident also. And the Colorado Supreme Court denied the case.

1. Why did it take eight days after my injuries, before seem by a worker’s comp. doctor? By the state law that’s a errs.
2. How long does it take to validate the true in a case?
3. How long a person should suffer before justice is done?
4. How can anyone falsify information on a legal document and the judges let it pass thought the court system?
5. Was there enough conspiracy noticed in this case?
6. Was there enough evident weigh to be proven?
7. Do you feel there’s no justification for rights?
8. Did the surgeon doctor provide enough evident in his report to prove these injuries did occur from the fall at work?

9. Why was my case denied?
10. How can your attorney know the (DIME) examiner and still send you to them, that's conspiracy?

II

LIST OF PARTIES

Judge: PALJ DeMARINO

ADMINISTRATIVE LJ GLEN GOLDMAN

ICAP JUDGES: BRANDEE DEFALCON-GALVIN

DAVID G. KROLL

COLORADO COURTS OF APPEALS

JUDGE: MARQUEZ LOEB, CJ

KAPERKE, J CASE no. 2018CA273

COLORADO SUPREME COURT

JUDGE: EN BANC CASE no.18SC794

Colorado Supreme Court

2 East 14th Avenue

Denver, Co 80203

Office of Attorney General

Human Resource Section

1300 Broadway, 6th Floor

Denver, CO 80203

Riten & Lyon Law Firm/David R. Bennett

999 18th St. Suite 3100

Denver, CO 80202

## TABLE OF CONTENTS

	PAGE
QUESTIONS PRESENTED.....	i
LISTS OF PARTIES.....	ii
TABLE OF CONTENTS.....	iii
TABLE OF AUTHORITIES.....	iv
OPINIONS BELOW.....	2
STATEMENT OF JURISDICTION.....	2
CONSTITUTIONAL AND STAUTORY PROVISIONS INVOLVED.....	3
STATEMENTS OF THE CASE .....	3
REASONS FOR GRANTING THE WRIT .....	11
CONCLUSION.....	16
A. The State action denied violated the State Law Supremacy Clause.....	
B. The State action, affirmed violated in conspiracy due to my rights of the law.....	
C. Constitutional and Statutory Provisions Court Action.....	

## IV

### TABLES OF AUTHORITIES CITED

#### CASE;

#### PAGE(S)

Johnson v. Industrial Claim Office 973 P.2d (Colo.1986).....	511
Lemming v. ICAO 62 P3d 1015,(Colo. App.1988).....	511
F.R Orr Construction v. Rinta 717, P2d 965 (Colo. 1985).....	511
Ackerman v. Hilton's Mech. Men 914 P2d 524, 527 28 (Colo. App. 1996).....	511
Halliburton Services v. Miller 720 P2d 571 (Colo.1986).....	511

#### STATUTES AND RULES

28 U.S.C. § 1651.....	2, 3
28 U.S.C. § 1254.....	1, 2
18 U.S.C. § 371.....	2, 14
28 U. S.C. § 1257.....	1
28 U. S.C. § 1251.....	1

**Rules and Regulations  
PAGE(S)**

U.S. Sup.Ct. Rule 10 (b).....	2
-------------------------------	---

**Constitutional Provisions**

United States Constitution Amendment XIV,	
---	--

Section 1.....	2
----------------	---

United States Constitution Article VI	
---------------------------------------	--

Section 1.....	2
----------------	---

United States Constitution	
----------------------------	--

Supremacy Clause.....	
-----------------------	--

12	
----	--

**Treatises**

Arthur Larson on Worker's Comp.	
---------------------------------	--

(2 <sup>nd</sup> ed. 2000).....	
---------------------------------	--

**PETITION FOR A WRIT OF CERTIORARI**

Petitioner Velma Brooks respectfully petition for writ of certiorari to review the judgment of the Supreme Court of Colorado in this case.

The Colorado court refuse to seek the truth in this case. The lower court ALJ overlooked all documents and falsify information in his final report. The Court of Appeal agreed with ALJ final report. The Colorado Supreme Court denied my case.

App. B.,

The court violated my constitution rights, by allowing falsify, misleading information in court. Also, overlooking my evident and documents presented to the court. The Court Appeal affirmed it, without investigating my case by the state law.

## **OPINIONS BELOW**

The overlooked evident documents the Supreme Court of Colorado is appended hereto as Appendix A.

The overlooked evident of opinion the Court of Appeal of the State of Colorado Division III is attached as Appendix B

## **STATEMENT OF JURISDICTION**

On January 14, 2019, the Supreme Court of Colorado entered its order denying review of the decision by the Colorado Court of Appeal affirming the judgment. The jurisdiction of this Court is pursuant to 28 U. S.C 125.

## **CONSTITUTION AND STATUTORY PROVISIONS INVOLVED**

The United States Constitution, Article VI, clause 2, provided in pertinent part that “the laws of the Land; and judges in every states shall be bound thereby “App.C, at 29a.

## **STATEMENT OF THE CASE**

I, Velma Brooks a sixty year old female was employed with the Aurora Public School as a substitute teacher. On January 14, 2016 I got off work walking on school parking lot, slipped and fell on some ice. While falling I strength both arms out to keep from hitting my head on the ground. I landed on my right knee with both arms holding me up. After, returning home two hours later I was in severe pain all over my body. My husband took me

to E.R. and ex-ray done. The next morning I notify the school I worked at and spoke with the school secretary. I told her of the incident happen January 14, 2016. She fax me an accident report to fill out.

After filling out the incident report I faxed it back to her on January 15, 2016. The school secretary, stated to me that, someone from worker's comp. insurance company will be contacting me. The worker's comp. insurance company did not approve me for treatments, until eight days after my injuries.

My first worker's comp. visit was in January 22, 2016. The second visit was in February 2016 with Dr. Lugliani (worker's comp. Dr.). I asked Dr. Lugliani March 2016, could he order a MRI of my shoulders. He stated 'quote I can't. I asked him why he 'quote I just can't do it and walk out of his office. He kept requesting more treatment for me A.S.A.P.

In February 2016 he requested treatments for acute pain on bilateral shoulders, back, right knee. My first visit I noted it on the body diagram and unlined shoulders. The worker's comp. Dr. wanted to rule my shoulders injuries out.

He refuses to order a MRI of my shoulders when I asked him too. Dr. Lugilani released me on May 25, 2016 without further evaluating my shoulder issues. Dr. Lugilani stated in his discharge report May 25, 2016. There's no specific diagnosis for my bilateral shoulder pain. But, he never request a MRI of my shoulders. How can he make a statement diagnosis without further evaluating my shoulders issues? In June 2016 my primary physician ordered a MRI of both shoulders. When the test was completed, my former attorney email the results to Dr. Lugilani. When Dr. Lugiani received the result, he wrote a letter to my former attorney in August 10, 2016 and stated, I had not reached my maximum medical improvement and I did substained a work-related injury. I was never put back into worker's comp. By December 2016 my former attorney email and stated

Dr. Lugiani had backtrack and changed his diagnosis that I had reached my maximum medical improvement. This is .....Contradicting. This case was consisted of falsifying, contradicting, misleading, and conspiracy. When my former attorney put in the Motion June 2017 to not represent me as a client, I had a court date August 10, 2017. I tried to call other attorneys. No attorneys in the **STATE OF COLORADO** would take my case. All of the stated they were on the board with my former attorney and it wouldn't be in their best interest. This was very sad for trying to recover after surgery in May 2017 on left shoulder and on strong medication trying to cover all appeals in a timely manner. The administrative ALJ did not read or look at any of my evident or documents. ALJ stated in his **FINAL** report I got rid of my attorney. If the ALJ had read

my file, he would have seem my former attorney filed a **Motion** June 2017. The motion was filed where the ALJ is an employee, how did he miss it in my files? Also, the stated in his **FINAL** report I went out of the worker's comp. area and had surgery. Again, if the ALJ had read my file or looked at the documents, it stated I was released

May 25, 2016 from worker's comp. I was not under the insurance. Dr.Primack (pain management Dr.) I only visit him twice, April and May of 2016. Dr. Primack falsify information in his reports. He stated a MRI was ordered for Thor/spine and the result turn out negative. The MRI was denied by the insurance company May 2016. I wrote this information in all the appeals report. The judges just looked over the documents presented to this issues. I presented a copy of the referral from the Health Image and it show that the MRI was denied May 2016. I was told by my former attorney no one knew Dr. Fall (DIME Exam.) after the DIME was completed my attorney stated he beat her twice in court. He stated it to my husband and I. We were told one of the scenario happen in court. So, if my attorney did not know Dr. Fall, how did he beat her twice in court, this is

CONSPIRACY? I'm aware my former attorney brother is a worker's comp. judge in Colorado. I feel this case should be investigated. I'm the one who suffer one year and a half before surgery was done on both shoulders. My insurance the STATE OF COLORADO had to pay for these two surgeries. Overall, there were many errs made and law broken in the STATE LAW. This case had lots of cover up. I pray the UNITED STATES SUPREME COURT listens to the court TAPE and look at all the evident and documents.

Thanks



Velma Brooks

## REASON FOR GRANTING THE PETITION

The reasons for Granting this Petition is there were errors and broken laws in this case. The lower courts erroneous, when the ALJ overlooked the worker's comp, insurance did not approve me to see a doctor until eight days after my injuries. By the **STATE LAW** I shouldn't had to wait that many days, before seem by worker's comp. Dr. The ALJ error when he falsify in his **FINAL** report, I got rid of my attorney.

The MOTION was filed in the administration building where he is employee, how did he miss it in my file? The Industrial Claim Appeal Office stated in their report the ALJ misapplied the burden of proof when he ruled I didn't overcome the DIME.

Also, the ICOA stated ALJ had an incorrect application of proof to constitute harmless error.

Include, the judges stated "We may not interfere

with ALJ credibility determinations except in the extreme circumstance where the evidence credited is so overwhelming rebutted by hard certain evidence that the ALJ err as a matter of the law in crediting it". My case was overlooked, and I'm the one who suffer for three years with two shoulders surgery. The Court Appeals didn't look at any evidence or documents I presented to them. The worker's comp. doctor contradicted himself. He stated May 25, 2016 in his report there no specific diagnosis for shoulders pain, but he release me anyway with no restriction. My primary physician order an MRI for me June 2016. When the result where in my attorney fax the result to Dr. Lulgiani. He responded back to my attorney in a letter August 10, 2016 stating I did have a work-related injury on January 14, 2016. Dr. Lulgiani refuse to order the MRI himself, because he

knew my shoulders were injury. I couldn't sleep at night moving from one end of the bed to the other end from having serve pain. Finally, I had surgery on left surgery May 25, 2017 and right shoulder November 2017. As, I stated on the court tape on October 2016 how these doctors had me suffer for one year and a half before surgery was done.

Dr. Lugilani, contradicted himself by stating one thing and changing back and forward within four months later of each statement he made. Dr. Primack(Pain management) falsify information in his report and stated an MRI was done and it turned out negative. The test was never done, insurance denied the referral. By the STATE LAW no one can falsify on a legal document and submitted it in court.

My case had many errs due to falsify, contradicting, misleading and conspiracy. The wrong address was given to the Court by my former attorney when he filed a MOTION June2017. I had to write a letter to the administrative court, giving them my correct address, so they could contact me. The law was broken again when my former attorney knew Dr. Fall (Examiner), but he sent me to her for the test. By the STATE LAW no lawyer, doctors shouldn't

have any contact with the (DIME EXAMINER), that's conspiracy. If my former attorney did not know Dr. Fall, how did he beat her in court? Also, my former attorney brother is a worker's comp. judge in Denver. Overall, I did have a work-related injuries on January 14, 2016. In medical records the ALJ. Court Appeals never stated I had any surgery. If I did not injury my shoulders January 14, 2016, what point of time did it happen? In all my appeal I have been consisted. There were so many errs, broken laws done in this case that it needs to be investigated.

## CONCLUSION

I did substain a work-related injuries on January 14, 2016. The ALJ and the COURT Appeals refuse to see errs, broken laws and conspiracy in this case. The evident and documents I presented to them where overlooked. This case consisted of falsify, contradicting, misleading and conspiracy. By the STATE LAW all their information should be discredited by the law. Overall, I was treated like a criminal. I'm the one who suffer in pain for one year and a half, before surgery was done. O pray the UNITED STATE SUPREME COURT investigate and get the truth and justice for me.

Dated June 17, 2019

**THE PETITION FOR A WRIT OF CERTIORARI  
SHOULD BE GRANTED.**

Respectfully Submitted

---

*Velma Brooks*

Date: 6/17/2019