

No. 18-5802

IN THE SUPREME COURT OF THE UNITED STATES

JOHN DOE, PETITIONER

VS.

KAWeah DELTA HOSPITAL, et al.

FILED
NOV 21 2018

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SUPREME COURT, U.S.

*ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT*

PETITION FOR REHEARING

John Doe, Petitioner, In Pro Se
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Pursuant to Rule 44 of this Court, Petitioner, John Doe, In Pro Se, hereby respectfully petitions for a rehearing of this case by the Honorable Justices of the Supreme Court of the United States of America. Regardless of your decision, thank you for your service to our country.

1. This case seems relatively simple to a hair dresser. I cannot dazzle you with the breadth and depth of my legal intellect however. in my District Court opposition to Summary Judgment, I laid out facts and case law to

demonstrate that there was a disputed material fact relative to the Statute of Limitations. In my deposition where I was so nervous without an attorney to help, I was sweating bullets, I stipulated that it was on or about the end of 2005 when I realized that Ms. Breseman, an employee of Kaweah Delta Hospital ("Kaweah"), had violated the Confidentiality of Medical Information Act ("MIA") regarding my HIV status by telling others which damaged my hair dressing business. Even though Ms. Breseman had signed a Declaration of Confidentiality, the opposing attorneys stated the MIA did not apply to her as she was not professionally licensed or a provider of health care services. Yet she was employed by a provider of health care services and then why have her and all other employees sign the Declaration of Confidentiality if it does not apply. It was my contention that all of KAWEAH'S employees, licensed or not, are liable for the MIA because KAWEAH is a health care provider.

2. This issue is important in that the MIA has a longer statute of limitations and would have made their statute of limitations argument which apparently prevailed, moot. In Breseman's P&A for summary judgment put

together by the defense attorneys and discussed by me in my opposition, which is attached to the Writ, she stated, “By the end of 2005, Plaintiff knew that Ms. Breseman allegedly made statements to others regarding his medical condition and that his business had been damaged allegedly by those statements. Therefore, his Section 1983 claim accrued by the end of 2005. Pursuant to CCP § 335.1, he had until the end of 2007 to file his claim.” This is from their P&A.

3. On October 10, 2007, two (2) documents were executed and served on KAWeah. They are Claim against a public entity (KAWeah) pursuant to California Tort Claims Act and a Notice of Intention to bring Action based on professional negligence. The denial of the Tort Claim was in December 2007. The complaint was filed on January 24, 2008. According to my understanding, the Notice Date of 10.10.2007, is the date to be used for calculating statute of limitation issues. And since October 10, 2007, was before the end of the year, I met the two years standard for the shorter of the statute of limitations and therefore the Summary Judgement should have been denied instead of sustained. That does not even take into

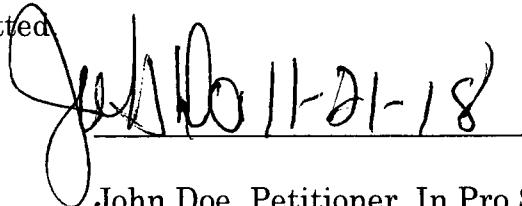
consideration the longer MIA statute which should have been the correct statute concerning limitation issues.

4. Then the 9th Circuit, basically just "rubber stamped" the District Court's ruling without discussion of the issues.

5. In the Writ, I attached the District Court's decision in which there was no discussion of whether or not the MIA applied, which includes a longer statute of limitations and no discussion of the facts relative to the two (2) year statute (knew end of 2005 and had until end of 2007).

6. For the above reasons, the petition for rehearing should be granted.

Respectfully submitted

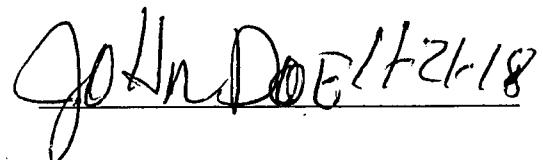
A handwritten signature in black ink, appearing to read "John Doe 11-21-18". The signature is fluid and cursive, with the date written in a slightly different, more formal hand below it.

John Doe, Petitioner, In Pro Se

CERTIFICATE OF COUNSEL

I hereby certify that this petition for rehearing

is presented in good faith and not for delay.

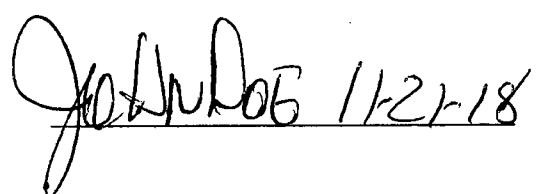


John Doe 11/21/18

John Doe, Petitioner, In Pro Se

I further certify that the word count from page 1-5 is 689

words.



John Doe 11/21/18

John Doe, Petitioner, In Pro Se

EXHIBIT "A"

No. _____

USCA9 CASE NO.16-16650

IN THE
SUPREME COURT OF THE UNITED STATES

JOHN DOE

— PETITIONER

(Your Name)

VS.

KAWeah DELTA HOSPITAL, et al. — RESPONDENT(S)

PROOF OF SERVICE

I, JOHN DOE

JULY 4 -, 2018, do swear or declare that on this date, served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

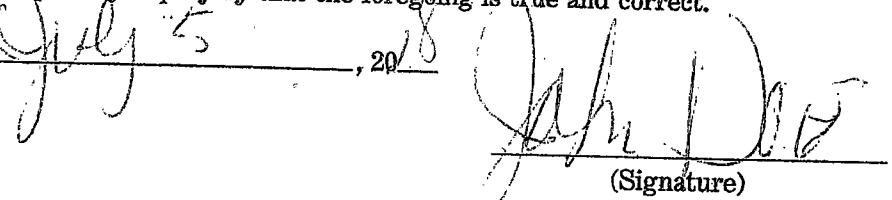
The names and addresses of those served are as follows:

Richard S.Salinas 7108 N.Fresno St,Suite 250 Fresno,ca 93720 Phone (559)438-2080

Carey Johnson 2540 West Shaw Lane #110,Fresno,ca 93711 Phone(559)840-8769

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 5, 2018


(Signature)

**Additional material
from this filing is
available in the
Clerk's Office.**