

No. 18-7584

In The
Supreme Court of the United States

PAMELA ANNE MARBERRY,

Petitioner,

vs.

LEAH COLE,

Respondent.

**On Petition For A Writ Of Certiorari
To The Supreme Court Of California**

PETITION FOR REHEARING

PAMELA MARBERRY
1110 Birch Dr.
Porterville, CA 93257
559-793-2925

TABLE OF CONTENTS

	Page
TABLE OF CONTENTS	i
TABLE OF AUTHORITIES	i
COMPELLING REASONS FOR REHEARING AND MERITS OF THE CASE	1
MERITS OF THE CASE	3
REASONS FOR GRANTING REHEARING.....	4
CONCLUSION	9
CERTIFICATE OF GOOD FAITH.....	10

TABLE OF AUTHORITIES

No Authorities cited.

COMPELLING REASONS FOR REHEARING AND MERITS OF THE CASE

No one can give an honest opinion if true and substantial facts are left out of reports and Dr. notes. Not even a judge.

I did not sign a legal document to settle my case in August 1, 1994.

Leah Cole's office was manipulative and deceptive of all W.C. rules and regulations that were necessary and appropriate in the public interest and for my protection from the State of CA working conditions, working under staffed getting hurt repeatedly and always being placed in the same situation time and time again. No one gave any regard for my safety or the other employees safety, our future or our well being at that time. No one cared, plain and simple.

This case is about someone that should have known better falsifying legal information at several different levels. Deliberately leaving out Dr's information and description of an injured worker's injuries is falsifying a legal document.

Settling a W.C. claim on five cases without the injured worker knowing about it is falsifying legal documents.

To post a document and have the client supposedly sign it is B.S.

Body Parts Injured

- 1) ADJ2549542 4/16/1989
 - A. Body Part: 100
 - B. Body Part: 200
 - C. Body Part: 450
- 2) ADJ931789 11/10/90
 - A. Body Part: 200
 - B. Body Part: 420
 - C. Body Part: 450
- 3) ADJ2118477 3/22/1991
 - A. Body Part: 999
 - B.
 - C.
- 4) ADJ1869476 4/12/1990
 1. Body Part: 200
 - 2.
 - 3.

I Pamela Marberry have suffered every day with back pain, neck pain, headaches, shoulder pain, and every one of them are work related. It could be a little bit of pain or a whole lot of pain it just depends. Nothing really sets it off. I am careful about what I do and how I do it.

Thank You for looking into this for me.

Pamela Marberry

5/26/2019

MERITS OF THE CASE

Workers Comp claims my head, neck, back and shoulder injuries are all due to desk work. That is hilarious. I worked the floor on F-15 for 11 years and I worked in clinic on F-15 doing paper work and giving medication only a few months. So no, desk work did not cause all of my work related injuries and for me to lose my job on 12-13-1993 and 12-13-1993 is not the date of injuries. That is the day I last worked at Porterville Developmental Center.

I was 43 years old, it was my birthday. 12-13-1993 is when I lost my job because I was too hurt with a neck and back injury. 43 is too young to be retired with injuries and not be fixed. I was in so much pain from head to toe sometimes I could barely stand the pain. W.C. did not fix me. I received T.P. injections which gave me 75% pain relief for close to 8 weeks which helped with my head pain, neck pain, shoulder pain and mid thoracic spine pain. It helped but it did not fix two injured shoulders, injured neck and an injured spine, all due to being attacked by assaultive and aggressive D.D. clients.

I have included several pieces of documents from different Drs. about my shoulder injuries at P.D.C. apparently Dr. Baker did not get any information on these injuries. Shame on W.C. Shame on Leah Cole!!



REASONS FOR GRANTING REHEARING

This request for rehearing is based on legal and factual documents that contain erroneous or deleted information regarding my medical information of all of my injuries at P.D.C.

Cervical Spinal Stenosis is an injury or trauma to the neck more than likely years after the trauma occurred. I received a 100% work related neck injury at P.D.C. caused by being assaulted by aggressive clients. To this day I still suffer severe neck pain and headaches.

Erroneous and deleted information could impact me for the rest of my life.

My Rights as a "*Person*" not just an injured employee have been grossly violated for years.

Whatever a QME or an AME says in their report is truth. NOT the injured worker, oh Hell no. We all lie, but the QME tells the truth without having all of the facts and injury reports to give an honest opinion.

What type of policies does W.C. have where an injured worker is affected negatively by their own unscrupulous employees for the rest of that injured worker's life??



Does W.C. get to pick and choose the QME or AME report that they like the best with no regard to the injured workers health or injuries?

My work injuries were cumulative, head, neck, shoulders and back. But Dr. Baker said in his 2010 report that he didn't think my shoulder injuries were work related. Why didn't Dr. Baker get copies of all of my shoulder injuries? They are right there in almost every complaint when I went to see the on grounds Dr. for neck pain and back pain when unit did not follow Dr's orders of accommodations for *No Limited duty* of NO lifting over 15 lbs. NO MAB (no containments) no pushing, pulling or tugging dealing with clients. Yes I worked in the clinic when unit had extra help but when we were short of staff I had to work the floor by myself so I was doing exactly what Dr. Shakespear said NOT TO DO. Dr. Shakespear might as well of said put me on the MOON for a few weeks to improve would have been better.

There was only one time in ten years that limited duty was truly honored and that was on 7-9-1991 for repeated Cervical Myofascial Strain which was accumulative. I was to have NO contact with assaultive clients, so I was sent to Resource Center until 8-9-1991 and I was reevaluated by Dr. Shakespear.

9-16-1988

Occupational Injury

1. Rotar cuff injury – Left arm
2. Bicep tendinitis

May do desk work and/or feeding.
No lifting over 10 lbs. No raising of left arm above the waist.

9-26-1988 to 10-3-1988 Limited Duty

10/18/1988 Return to Full Duty

4-16-1989

Occupational Injury

Attacked causing sprain to neck

Sent home

5-3-1989 Return to full duty

But avoid altercations with clients for 1 month: This is *NOT* Full Duty because it is impossible to avoid all altercations. Especially if you are working alone.

6-7-1989

Occupational Injury

Neck and shoulder pain

Recurrent Pain past two days

Recurrent cervical & trapezius myofascitis.

PT sent home today

Separating, pulling, tugging of aggressive clients

Separating fighting clients caused pain and tenderness in shoulders and trapezius areas.

Desk work and/or clinic:

No pushing, pulling or tugging; 0-10 lbs. wt. lifting restrictions, *NO* escorting residents

10-5-1989

Occupational Injury

Knee strain & Bursitis

PT was intervening between altercation of clients and twisted left knee.

Crutches, Limited Duty

Desk work one week 10/5 to 10/12/1989

4-9-1990

Occupational injury
Reinjured left knee
Limited Duty, desk work only for one week, follow-up
4-16-1990

7-9-1991

Occupational injury
Cervical myofascial strain (repeated)
Accumulative
Limited Duty, NO pushing, pulling, or tugging. *No contact with assaultive clients from 7/9/91 to 8/9/91.*
This is the first time I was sent off the unit to get better from all of my injuries.

8-9-1991

Occupational injury
Dorsal Myofascitis
Return to regular duty
But NO assaultive clients; 4 hrs only on the unit and 4 hrs at the Resource Center from 8-9-1991 to 9-5-1991;
Unit could not accommodate – so I had to remain and do full duty due to staffing shortage.

8-16-1991

Occupational Injury
Cervical and Dorsal Myofascitis
No pushing, pulling, or tugging client
No escorting resistive clients from 8-16-1991 to 9-16-1991
Unit could not accommodate. We were too short of staff. So I remained on Unit and did full duty being alone in the Living Room from time to time with 20+ assaultive and aggressive clients pushing, pulling, tugging, escorting and separating on a daily basis.

1-6-1992

Occupational Injury
Dorsal & Cervical Myofascitis
Chronic; recurring soreness in upper back, neck and trapezius area.
Regular Duty – NO escorting resistive clients; NO pushing, pulling or tugging

9-8-92

Occupational Injury
Chronic neck and shoulder problem.
Chronic pain in neck and both shoulders.
Increased pain due to dealing with assaultive and aggressive clients fighting each other and staff.
Chronic right cervical and shoulder myalgia and strain. *Acute Recurrence*

1-24-1992

Occupational Injury
Chronic Dorsal and Cervical Myofascitis
Recurring soreness in upper back, neck, and trapezius area.
TENS UNIT PRN
NO ESCORTING RESISTIVE CLIENTS
Minimize pushing, pulling or tugging
Remained on floor doing regular duty.
There is no minimizing on F-15 you either do or don't plain and simple.



CONCLUSION

The petitioner respectfully requests the petition for rehearing be granted.

Respectfully submitted,

PAMELA MARBERRY

1110 Birch Dr.

Porterville, CA 93257

559-793-2925

CERTIFICATE OF GOOD FAITH

The undersigned hereby certifies that this Petition for Rehearing is restricted to the grounds specified in Rule 44.2 of the Rules of the Supreme Court and is presented in good faith and not for delay.

PAMELA MARBERRY
1110 Birch Dr.
Porterville, CA 93257
559-793-2925