

12/18

No. 18-7584

ORIGINAL

FILED  
DEC 19 2018  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Pamela Anne Marberry PETITIONER  
(Your Name)

vs.

Lech Cole — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of California  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Pamela Marberry  
(Your Name)

1110 Birch Dr.  
(Address)

Porterville, Ca 93257  
(City, State, Zip Code)

559-793-2925  
(Phone Number)

RECEIVED  
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SUPREME COURT, U.S.

Pamela Markery  
12-18-18 (1A)

## Question Presented

If an injured worker has an open award and a specialist says the injured worker needs surgery or a specific treatment how and why can EKHS OR DENY said treatment?

Dr. Baker said I could have T.P. injections in my neck for a 100% work related injury. IF I met the criteria of 50% relief for up to 6 weeks. I exceeded that due to the fact I got 75% relief for almost 8 weeks. But yet even though I have an open award as I am constantly reminded by my ex-attorney,

Leah Cole, every thing is deemed medically unnecessary.

Why?? Why do injured workers have to live in constant pain from head to toe and fight for every thing that would help give them pain relief? Why is this allowed to happen? Dr. Baker also said in 2010 I may need back surgery. Why when Dr. Moelleken a Dr. that performs surgery on the spine requested Posterior Spinal Fusion it was deemed lack of Medical Necessity??

## Questions Presented (12-12-18)

- ① Why do injured workers have to suffer needlessly due to lack of care, medication and treatment?
- ② Why is a specialist's request for treatment denied because of being "Medically Unnecessary" by a Dr. of family practice who has no business making that decision? But it is OK'd by W.C. and is upheld for 12 months!
- ③ Why are employees allowed to work in unsafe conditions/environments and when that employee gets hurt they are gotten rid of and no one cares?
- ④ Why are injured workers screwed over by W.C., why does no one step in and investigate complaints of wrong doing by W.C.? Are people afraid of W.C.?
- ⑤ Fraud is Fraud, a lie is a lie, a cover-up is a cover-up. No matter who does it, it is wrong. Why is it allowed to continue?
- ⑥ Why have the Greedy Bastards at W.C. been allowed to tell Dis. that they must stop treating a patient? That is outrageous treatment of an injured worker and that is a gross misuse of power and authority and it needs to stop. Why has this not been stopped?
- ⑦ How can an attorney in all good conscience take a client, Promise to help them and then six mos. later lie, conceal, falsify dates and information all to screw her own client?

## Questions Presented (2)

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- ⑧ How can an injured worker contest something if it is hidden from them?
- ⑨ Why should an injured worker become a pawn in a bureaucratic nightmare?
- ⑩ Why should their treatment be controlled by bureaucratic stipulations and not for medical reasons?
- ⑪ Why should their plea for help be prevented by the State Supreme Courts because of their mishandling of the case by not communicating with each other?
- ⑫ Why and how was Senate Bill 863 allowed to pass restricting and denying T.P. injection to severely injured workers with head, neck and shoulders injuries? I will tell you why! It saves w.c. money and gets more injured workers less treatment for work related injuries.
- ⑬ Why is a State Hospital / Developmental Center allowed to let workers / employees work alone in unsafe working environments knowing full well that workers should 'NOT' be alone with 20+ clients at a time?
- ⑭ Why are additional employees brought in to work during licensing or when the facility wants to make a good impression? But all other times from 1989 on we had to work severely under staffed in unsafe working conditions. It was unethical by the State of CA. to allow employees to work under those conditions. How did they get away with this?
- ⑮ Why must an injured worker (years after their injuries) have to seek psychiatric treatment for depression from

IV

Pamela Markberry

# Questions Presented 12-12-18 (3)

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- (16) trying to cope and deal with all of their constant, chronic and severe pain from all of their work related injuries?
- (17) Why does no one want to listen to them or help them?
- (18) Why is the injured worker the liar?
- (19) Why would a person fire an attorney in 2016? Then turn around & hire them back in 2017? Does not make sense.

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- (20) an injured worker is diagnosed with PTSD due to all of their head & neck injuries from being attacked. Why is it still so difficult for them to get treated even when they have an open award??
- (21) Why is every ~~every~~ request for medical treatment met with a denial and "Not medically necessary," when treatment had been proven helpful in the past?
- (22) Why is a permanent and stationary condition for an injured worker at a CH. State Hospital / Developmental Center allowed to continue <sup>working</sup> well over 1 1/2 years and then that employee gets terminated because they are too hurt to work any more due to all of their accumulated injuries?
- (23) Why is CH run like a Mafia or Nazi State by Workers Comp? W.C. controls everything and Drs. are afraid to go against them so the injured workers are left with nothing!

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### List of Parties

1. Leah Cole - P.O. Box 391 Fresno CA, 93708-0391
2. State Fund - P.O. Box 3171 Susan City, 94585617
3. State o CA. / Dept. of Developmental Services  
P.O. Box 944202  
Sac. CA. P.O. Box 94244-2020

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12-12-18  
Pamela Marberry

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from federal courts:

The opinion of the United States court of appeals appears at Appendix \_\_\_\_\_ to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

☒ For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is

- ☒ reported at C# Supreme Court \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

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**JURISDICTION**

☐ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was \_\_\_\_\_.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from state courts:

The date on which the highest state court decided my case was 9-20-2018.  
A copy of that decision appears at Appendix C.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).



XL

Pamela Marberry

6-29-18

12-18-18

## Constitution

This is the United States of America. And as Americans we should be able to expect our employer to ensure all workers a safe working environment. Our safety and well being on the job is just as important as our work ethics and professionalism on that job. There should be adequate employees at all times to enable all employees to be worry free on their job. Safety on the job is not a luxury it is a right of all workers. To knowingly go against this right goes against the Constitution of the United States of America.

When an employee is injured on their job due to their rights being neglected that goes against everything the Constitution stands for.

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When an employee is injured on the job due to lack of staffing, let go from their job because they are too hurt to work anymore and then have to fight their employer's insurance company and a crooked attorney that definitely goes against the Constitution of the U.S. A. 12/18/18  
Pamela Marberry 6-30-18

XII.

Pamela Markberry  
12-18-18

(1A)

### Statement of the Case

Those of us with head, neck and shoulder injuries suffered from work related trauma caused by assaultive and aggressive developmentally disabled people attacking us repeatedly due to a shortage of staff are taken advantage of every day all over the country by crooked attorneys colluding with the greedy Bastards at Workers Comp. No one is there to help us. No one is there to speak up for us. We need help. Everyone is afraid to speak out against W.C., Please Supreme Court help us all. Please put a stop to lying attorneys colluding with W.C., and most of all workers comp needs to be held accountable for their actions when an injured worker is repeatedly injured in the same way time and time again causing permanent disability.

And yes I most completely and utterly understand my chances of my case being heard by the Supreme Court are close to "0" but I feel it is important that I try for us all.

Thank You  
Pamela Markberry  
12-18-18

XII

12-18-18  
Pamela Markberry 6-28-18

(15)

## Statement of the Case

I can barely write this today. I know I am supposed to do this ASAP and I am trying my best. I can't think due to severe pain. I can't concentrate due to severe pain. It is taking me an extremely long time to complete this Statement and everything else because of my severe headaches are causing me to draw a blank on spelling and I have to look almost everything up in the dictionary to spell them correctly. I was never like this before I received my head and neck injury.

I was repeatedly injured on the job by assaulting & aggressive clients because I was working in an unsafe working environment with the State of CA at Porterville State Hospital.

From 1983 to 1993 I worked on F-15 Program 6. We did daily containments. Every day someone would blow-up and they would have to be put in containment. It was physically demanding on every part of our body. Every day we would be hit in the face, head butted in the face or constantly separate fighting clients. We were tugging, pulling, separating and intervening between clients constantly. That was our job on a daily basis. If you were on the floor at any time this is what you were doing.

On 12-13-93 I was told by Betty Davis I had to medically retire because I was too hurt to remain on duty. I could not be accommodated in another position because not only did I have a back injury but I had

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6-28-18

Pamela Marberry (2)

### Statement of the Case

a neck injury too, therefore I could not be accommodated.

I was in severe pain at that time. The severe pain started in 1989 right after the whiplash injury. I would feel better with treatment but the slightest incident would bring pain again.

I went to Leah Cole's office in Feb. 1994 for the first time seeking help in fighting W.C. because my injuries were cumulative and I had lost my job but W.C. was trying to claim my injury was from simply doing desk work. That first meeting in Leah Cole's office I was told I had an excellent case and Cole/Fisher would be happy to take me as a client. I had taken them all of the injury and incident reports that I had kept over the years showing how each assault had occurred and what had happened so they knew how badly I was hurt.

I did not go back to Leah Cole's office until 8-1-94. There had been no correspondence between her office and myself before that time.

Her letters are dated before 8-1-94. That is ridiculous. It is an insult and a slap in the face to all injured workers. But yet I never received any letters until well after 8-1-94.

I did not find out until

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Pamela Markery 6-28-18  
(3)

### Statement of the Case

July 15, 2016 that Leah Cole's office had committed fraud. They had submitted a settlement in my case for \$10,750.00 without my knowledge. The money is NOT the issue here, the settlement without my knowledge and consent is the issue. The lies and all of the attempts to cover them up is the issue and it is atrocious. This is an extremely serious matter for anyone that has been severely injured on the job and then terminated due to their injuries and then to add insult to injury get screwed over by an attorney who they went to for help.

It is simply unbelievable that this is allowed to happen in this day and age.

It is unconstitutional for a man or woman to give their all to an employer and then when they get hurt on the job as a result of their hard work and dedication to their job they are screwed over by their employer, their employer's insurance & the attorney they went to for help all because they are Greedy and don't give a damn about the injured worker.

This is the Statement of the Case.

It has been very difficult for me to write this letter. I am very angry. I have severe pain going down my right arm to my fingers making it hard

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Statement of the Case

for me to grasp the pin because of pain in my arm, hand & fingers due to nerve damage in my neck.

Trust me and believe me

I did not sign that document to settle my case on 8-1-94, A poor old dog would have more sense than that.

I knew I was in bad shape, I knew when a person has injury after injury it will take quite some time to heal, if ever. I knew from being in severe pain from my headaches and neck pain all the time it would almost take a miracle to recover so I could perhaps go back to work at a later time.

Pamela Markberry  
6-28-18 12-18-18

I have added several new pieces of evidence that may bolster my statement of the case.

Also on 8-1-94 I was in so much pain from head, neck & shoulder injury that I told the Voc. Rehab. person Julie Evers that I wanted to go home but she said I couldn't do that I had to make my mind up that day as to what I wanted to be trained for. I told her I couldn't make that decision that day due to all the terrible pain I was in. all I want to do was go home. She kept telling me "no". So I finally got so pissed at her, I told her for her to make that decision for me. She then tells me she can't do that. So finally I agreed on a computer course.

12-18-18 Pamela Markberry

### Statement of the Case

This may come as a shock to many of you but I have only had a smart phone for a few months. That is why I said early on I had to look a lot of words up to make sure they were spelled right. The times I was in clinic and working with the Dr. on duty you had to be very responsible to follow Dr's orders and to pass out client medication and treatment. Plus you had to write Dr's orders for that day for PM & ROC Shift. Call the H.S.S. to set up lab work on time, and give shots as needed, make sure all outdated meds & equipment are taken care of appropriately. No matter what job I did, I did it to the best of my ability. That is why I am so pissed about being hurt the way I was and then being taken advantage of also by my attorney and Workers Comp. No person, man or woman, should ever have to go through this, ever. Much less for for 24 years of pain. My neck is killing me for having to bend it down so much to write. My back is killing me for having to sit so much to write this. PTSD is not a Veterans matter. It happens to people who were attacked / assaulted such as I and others at State Hospitals / Developmental Centers all over the U.S.A. It is time people were held accountable.

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Pamela Marberry 12-18-18  
6-25-18

(1A)

## Reasons for Granting the Petition

I submitted all papers that was asked of me on time and I received no reply to them in 2017.

Then in 2018 I am sent a reply from CA Supreme Court saying that I am too late in my accusation of Leah Cole, that it should have been in by 7-24-17!!

Why & how did Leah Cole get her accusation on time in CA by 7-24-17 but the CA Supreme Court did not? Where are the (3) copies I sent to S.F. State Court and the (1) copy I sent to L.A. State Court? They were all sent on the same day from the U.S. post office in Porterville, CA.

Pamela Marberry  
6-25-18

I have worked way too hard and worried way too much trying to complete all forms in 2017 for me not to mail important documents to all parties.

Pamela Marberry  
6-25-18

What I sent in 2017 was what I was told to send. I was told to send three to S.F. & one to L.A. and one to Leah Cole and that is exactly what I did.

Pamela Marberry  
6-25-18  
12-18-18



## Reasons for granting the writ

1. Leah Cole has been my attorney since 1994. No one has their signature on any legal documents except Kristen D. Siemens who happens to have worked with Leah Cole in Leah Cole's office for several years. I would have preferred to have Ms. Siemens be my attorney because when she showed up at my expedited hearing on 9-1-16 she herself was surprised and shocked to see and learn that the blank document I had signed was filled in with handwriting that I had never seen before. When I told her I did not discuss (with anyone) a settlement agreement to settle or an arrangement to settle with W.C. that day on 8-1-94. Ms. Siemens said we could go talk to the judge that had made the ruling and explain to him the serious situation in this matter. I told Ms. Siemens I couldn't stay any longer because I was hurting and I was in a lot of pain, I was very tired and I had a hour drive back to my home. I told her it would not matter anyway because the judge had already made his determination in this matter and I was just in too much pain and could not continue to fight. Afterwards whenever I called Leah Cole's office to speak to Ms. Siemens no one would let me talk to her. I was told they would

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Reasons for granting the Writ  
Pass my request to speak to Mrs. Siemens  
on to Leah Cole, this was done repeatedly  
so finally in 12/2016 I gave up trying  
to get in touch with Mrs. Siemens.

2. Leah Cole has lied to me, deceived me,  
mislead me on every issue and has  
concealed facts about this misconduct  
repeatedly for 24 years. I never would  
have found this out if I had not thought  
"Enough is Enough" in 2016 and filed  
an expedited hearing. I feel I must have  
some sort of brain injury that is causing  
me to not think clearly because I don't think  
anyone else would have tolerated or  
abused Ms. Cole, her office staff or anyone  
associated with her and my case to  
mis-handle it for as long as they have.  
They have truly committed and "deliberately"  
did so, committed fraud. Why?? In God's  
name why delude & mislead me? Why all  
of the misleading B.S.? Help me please  
understand her reason to hide true and  
accurate facts in order to alter and  
falsify legal documents so as to  
deceive me.

3. I sent all required documents as I was  
requested to do to all parties involved.  
They were sent to L.A. State Bar, S.F. State  
Bar and to Leah Cole on 7/24/14. Leah  
Cole received hers because I received a

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## Reason for granting Writs.

letter from her in Aug. 2017 wanting to know why I felt she had committed fraud!! Leah Cole's accusation was sent the same time, same day as S.F. State Court and L.A. State Court but Leah Cole is the only one I heard from in reference to my accusation. I did not hear from S.F. nor L.A. State Bar. I did not enquire or ask about further investigation of my accusation until 2018. I thought S.F. or L.A., one of the State Bars would contact me eventually and tell me what else I needed to do. NO!! That did not happen. I contacted S.F. State Supreme Court in 2018, asking about what else I was supposed to do in regards to my case. I was told to contact L.A. State Bar. So I did and I was told by the clerk at L.A. State Bar that my case was closed because it was past the (5) year period, I told him "No" that can't be, I had already sent papers showing Leah Cole was still my attorney and she had in fact committed fraud and then tried to cover it up. He said, "Nope, we don't show any of that here. Your case is closed!!" So I am freaking out asking who I can call to get this straightened out!! I was given Curtis H. Iaccum's #. I tried calling him numerous times but there was no answer and he never returned my calls. I am tired and I hurt. My neck is killing me & giving me severe headaches, I will continue on

## Reasons for granting the Writ.

Cont. from 6-22-18 - So I called L.A.

State Bar again explaining that I could not reach Mr. Glaccum and who else could I contact that could help me. I was told to call S.F. State Bar and ask for Donna Humm. I did, no answer, I left a message for her to please call me and then hung up.

I waited for a few days then I contacted the CA Supreme Court in S.F. I spoke with a female named Simone. She was very nice and helpful, Simone suggested I call Mr. James Chang and she gave me his #. I called Mr. Chang explaining that there must be some sort of problem because I had never received any correspondence from L.A. or S.F. State Bar about reconsideration of the decision to close my complaint. Mr. Chang proceeded to inform me that in no uncertain terms that "HE" indeed had sent me a letter informing me that my complaint was closed.

Mr. Chang would not let me get a word in to try and ask questions about the letter he had sent. He just kept saying it was closed. So I told him he was an "ASS" and hung up. Actually I think I said he was a "Pompous ASS" and hung up. He didn't have to be so rude to me I just wanted to understand and know what was going on. After that I called CA Supreme Court again and spoke with Simone she said I should talk to Mr. Robert R. Toy, Senior Deputy Clerk.

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Pamela Marberry

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## Reasons for granting writ

Mr. Toy was very nice and helpful. He told me to send "3" copies to S.F., "1" copy to L.A. State Court and "1" copy to Leah Cole. So I did. I was on the phone a lot to Mr. Toy because even though I take notes all the time and use a lot of Post it notes I still was confused as to what exactly was wanted from me. So I did my best and sent them in.

Then in Feb. 14<sup>th</sup> 2018, I received a letter from Mr. Toy informing me that if I was dissatisfied I could File in the C.A.

Supreme Court a verified accusation against my attorney. So I did, I sent "10" copies to CA Supreme Court, "3" copies on the General Counsel, State Bar of CA and "1" copy on the State Bar Court in L.A. CA.

so I did. And then I received a letter dated March 9, 2018 from J. Madaya, Deputy Clerk, that my accusation can't be processed and is returned as untimely.

I know what I have sent you is a big mess but I would really appreciate you taking the time to help me with my serious issue.

4. I can't possibly be the only person in CA that this has happened to.

5. This situation is detrimental to all injured workers when we are told what to do and how to do it and yet it not good enough, not correct or simply because the two State Bars do not share info. or contact

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XIII

I am a W. C. worker (6)

6-23-18

Reasons for granting the writ each other. So many irregularities, mistakes and oversights are conducted all the time I am sure just for the simple fact S.F. and L.A. State Bar don't keep in contact with each other. It should be made mandatory that the two State Bars must share all info. in these cases. If they can't, close both of them for non-compliance and make a new State Bar in Central C.A. where injured workers or anyone else that has a complaint against a crooked attorney will get professional, quality help and peace of mind.

6. Workers Camp. should never be able to tell or threaten a Dr. into dropping a patient. That is cruel & inhumane punishment that is given to injured workers that are already hurting from injuries received from their job. This happened to me in 2016. I went to visit my W.C. Dr. of 22 years and he told me he could not see me anymore. I was so upset and I asked him why? He said we have had this conversation before and slammed my chart closed and walked out of the room. The only conversation we ever had was that I should go to the news media and tell that W.C. are a bunch of Greedy Bastards. I asked him if I

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~~XIII~~

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Reasons for granting the writ  
would get into trouble for saying that  
and he laughed and said "no, because  
it was the truth." I swear to you  
everything I have written in these  
pages are true. W.C. won't cop to it,  
Leah Cole won't cop to it. Never the  
less I speak the truth, you may  
get me in court and I won't waver  
from one thing I have written on  
these pages.

Thank you so much  
Pamela Marberry

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~~XIV~~

Pamela Marberry  
12-18-18

#### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Pamela Marberry

Date: 12-12-2018