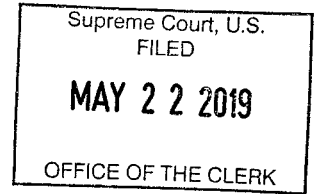


No. 18-9500

ORIGINAL



IN THE
SUPREME COURT OF THE UNITED STATES

LINH THI MINH TRAN
PETITIONER ON WRIT OF CERTIORARI,

VS.

TRI-COUNTY METROPOLITAN TRANSIT DISTRICT OF OREGON
RESPONDENT ON WRIT OF CERTIORARI.

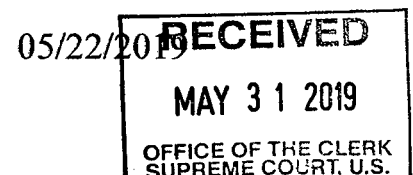
PETITIONER ON WRIT OF CERTIORARI LINH THI MINH TRAN'S
PETITION FOR WRIT OF CERTIORARI OF OREGON SUPREME
COURT'S DECISION ORDER DENYING RECONSIDERATION WAS
ENTERED ON 02/22/2019 BY MARTHA L. WALTERS, CHIEF JUSTICE
OREGON SUPREME COURT.

OREGON SUPREME COURT CASE NUMBER: S066268

OREGON COURT OF APPEALS CASE NUMBER: A164182

MULTNOMAH COUNTY CIRCUIT COURT CASE NUMBER: 15CV30342

Petitioner on Writ of Certiorari intend to file briefs on the merits.



PETITIONER ON WRIT OF CERTIORARI LINH THI MINH TRAN'S PETITION FOR WRIT OF CERTIORARI
OREGON SUPRME COURT CASE NUMBER: S066268, OREGON COURT OF APPEALS CASE NUMBER:
A164182, MULTNOMAH COUNTY CIRCUIT COURT CASE NUMBER: 15CV30342. Linh Thi Minh Tran,
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IN THE SUPREME COURT OF THE STATE OF OREGON

PETITION FOR WRIT OF CERTIORARI

LISTS OF PARTIES

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QUESTIONS PRESENTED ON PETITION FOR WRIT OF CERTIORARI

Questions presented on appeal

1. Did the Oregon Court of Appeal's decision and trial court Multnomah County Circuit Court's decision erred in ruling the General Judgment in favor of Respondent on Writ of Certiorari Tri-County Metropolitan Transit District of Oregon(TriMet) on construing or applying the law although Petitioner on Writ of Certiorari Linh Thi Minh Tran addressed legal issues already argued in the parties' briefs, parties' written submissions, and sufficient evidences including video cameras, audio, declarations, pictures, diagram, deposition, petitioner Linh Thi Minh Tran's medical history records to determine that she is suffering physical health injuries and brain damages by TriMet's employee bus driver Chris Trapp's mentally under the influence of medicals, alcohol, drugs, and controlled substances that caused detrimental effect on his perceptions and hindered his ability to drive the bus under proper control and his physical incapable of driving the bus at the time of the bus accident occurred on November 11, 2013?
2. The Oregon Court of Appeals' decision and Trial Court's decision erred in construing or applying the law when TriMet bus driver Chris Trapp

breached TriMet's highest degree carrier duty of care to TriMet's bus passenger Linh Thi Minh Tran and TriMet's bus driver failure to exercise that duty of care, and that the breach caused Petitioner Linh Thi Minh Tran's suffers physical health injuries and brain damages on 11/11/2013?

3. The Oregon Court of Appeals' decision and Trial Court's decision erred in construing or applying the law when the bus TriMet driver Chris Trapp was mentally under the influence of medicals, alcohol, drugs, and controlled substances that caused detrimental effect on his perceptions and hindered his ability to drive the bus under proper control and his physical incapable of driving the bus at the time of the bus accident occurred on November 11, 2013 and Respondent on Writ of Certiorari TriMet admitted before the Trial Court that TriMet did not conduct any screening test of controlled substances or alcohol for the bus driver before gave him to operate bus on 11/11/2013?
4. The Oregon Court of Appeals' decision and Trial Court's decision erred in construing or applying the law when the record contains facts that create a plausible inference that the TriMet bus driver Chris Trapp and TriMet's supervisor Jerry Zornado' statements were not true, General

Judgment and Supplemental Judgment granted in favor of respondent

TriMet was inappropriate?

5. The Oregon Court of Appeals' decision and Trial Court's decision erred in construing or applying the law when there are still genuine issues as to material facts still exist, and if based upon the trial court record files there were still objectively reasonable juror could return a verdict for the adverse party on the matter that is the subject of the motion for summary judgment pursuant to ORCP 47C?
6. Is this case or questions presented on petition for writ of certiorari have importance and must require decision by the Supreme Court of the United States?

TABLE OF CONTENTS

Statement of the Case.....	19
Summary of argument.....	20
Assignment of Error.....	23
Standard of Review.....	23
Preservation of Error.....	24
ARGUMENT.....	25

1. Trial Court Multnomah County Circuit Court and Oregon Court of Appeals made errors legal in ruling General Judgment of Dismissal in favor of Respondent on Writ of Certiorari Tri-County Metropolitan Transit District of Oregon without review all evidences and without take all reasonable inferences that may be drawn therefrom in the light most favorable to Petitioner on Writ of Certiorari Linh Thi Minh Tran...25
2. If the record contains facts that create a plausible inference that a person's statements about his or her conduct are not true, A General Judgment of Dismissal of Plaintiff Linh Thi Minh Tran's Complaint was not appropriate and violation United States Law.....29
3. The white phantom vehicle was not existent in this case.....34
4. The white phantom vehicle did not involve in the bus accident occurred on 11/11/2013.....36
5. There are sufficient evidences on trial court files to determine that the TriMet bus driver Chris Trapp's actions including applied brake suddenly very hard was unreasonable because TriMet bus driver Chris Trapp's physical and mental were under influence of alcohol, drugs, medicines, controlled substances, sickness, too tired, and too sleepy while he was driving the bus on 11/11/2013 caused Petitioner on Writ of Certiorari Linh Thi Minh Tran's head quickly bumped/strucked very hard on the gold metal handrail behind the driver seat and the bus vehicle was almost overturning or rolled or crashed on the road at SE 82nd Avenue & SE Causey, Portland, Oregon results Petitioner Linh Thi Minh Tran's physical health suffers injuries and brain severe damages.....37

6. Petitioner on Writ of Certiorari Linh Thi Minh Tran’s Medical Evidence.....	41
7. Plaintiff-Appellant Linh Thi Minh Tran’s proof of lost income as results of the incident.....	43
CONCLUSION.....	44

INDEX TO APPENDICES

APPENDIX A

Oregon Court of Appeals' Appellate Judgment

APPENDIX B

Oregon Court of Appeals' denying reconsideration

APPENDIX C

Oregon Court of Appeal's Order affirmed with Trial Court granted general judgment in favor of Defendant-Respondent TriMet and against Plaintiff-Appellant-Petitioner Linh Thi Minh Tran's claims

APPENDIX D

Transcript of hearing on May 23, 2017

APPENDIX E

DVDs from video bus camera of TriMet

APPENDIX F

Oregon DMV driver license of Petitioner on Writ of Certiorari Linh Thi Minh Tran

APPENDIX G

TriMet's requested subpoenas of plaintiff-appellant Linh Thi Minh Tran's medical history record since November 2013 up until present

APPENDIX H

Trial Court docket summary sheets

APPENDIX K

Order granted on 02/07/2017 of trial court judge Henry Breithaupt for plaintiff-appellant Linh Thi Minh Tran's additional submission declaration of Linh Thi Minh Tran part 1-part 6 are received as part of her Response to TriMet's Motion for Summary Judgment

APPENDIX L

Order Granted general judgment on 02/07/2017 of trial court Judge Henry Breithaupt in favor of Defendant-Respondent TriMet and against Plaintiff-Appellant-Petitioner Linh Thi Minh Tran's claims

APPENDIX M

Petitioner Linh Thi Minh Tran's medical history records

APPENDIX N

MATERIALS AND PICTURE RELATED TO BUS ACCIDENT ON NOVEMBER 11, 2013

APPENDIX O

MEDICAL EVIDENCE OF PLAINTIFF-APPELLANT LINH THI MINH TRAN.

APPENDIX P

EMPLOYMENT AND UNEMPLOYMENT OF PLAINTIFF-APPELLANT LINH THI MINH TRAN BEFORE THE TRIMET BUS ACCIDENT OCCURRED ON 11/11/2013.

APPENDIX Q

EVIDENCES RELATED TO EDUCATION OF PETITIONER ON WRIT OF CERTIORARI LINH THI MINH TRAN INCLUDE THE CERTIFICATE OF GRADUATE AT UNIVERSITY OF SCIENCE IN VIET NAM, HIGH SCHOOL, MIDDLE SCHOOL, AND PRIMARY SCHOOL IN VIET NAM, AND STUDENT AT OREGON HEALTH SCIENCE UNIVERSITY,

PETITIONER ON WRIT OF CERTIORARI LINH THI MINH TRAN'S PETITION FOR WRIT OF CERTIORARI OREGON SUPRME COURT CASE NUMBER: S066268, OREGON COURT OF APPEALS CASE NUMBER: A164182, MULTNOMAH COUNTY CIRCUIT COURT CASE NUMBER: 15CV30342. Linh Thi Minh Tran, Petitioner pro se, 12542 SE Capella court, Happy Valley, Oregon 97086 | Tel: 503-558-0886 | Email: minhlinhtrn@gmail.com | Page 9 of 51

PORTLAND STATE UNIVERSITY, UNIVERSITY OF PORTLAND, AND
PORTLAND COMMUNITY COLLEGE.

APPENDIX R

EVIDENCES RELATED TO MEDICAL EVIDENCE OF PETITIONER ON
WRIT OF CERTIORARI LINH THI MINH TRAN BEFORE THE TRIMET
BUS ACCIDENT OCCURRED

APPENDIX S

EVIDENCE RELATED TO MEDICATIONS PRESCRIPTIONS OF
PETITIONER ON WRIT OF CERTIORARI LINH THI MINH TRAN PART
1, 2, 3, AND 4

APPENDIX T

MEDICAL EVIDENCES OF PETITIONER ON WRIT OF CERTIORARI
LINH THI MINH TRAN.

APPENDIX U

ORDER DENYING TRIMET'S MOTION TO STRIKE UNTIMELY,
IRRELEVANT & CUMULATIVE MATTER FROM PLAINTIFF'S
RESPONSE TO MSJ, AND DENYING TRIMET'S OBJECTION AND
MOTON TO STRIKE ADDITIONAL UNTIMELY, IRRELEVANT AND
CUMULATIVE MATTER FROM PLAINTIFF'S FURTHER RESPONSE TO
TRIMET'S MSJ.

APPENDIX V

NOTICE OF OPPORTUNITY TO OBJECT ORDER GRANTING TRIMET'S
ORCP 21E MOTION TO STRIKE.

APPENDIX W

DECLARATIONS OF LINH THI MINH TRAN.

PETITIONER ON WRIT OF CERTIORARI LINH THI MINH TRAN'S PETITION FOR WRIT OF CERTIORARI
OREGON SUPRME COURT CASE NUMBER: S066268, OREGON COURT OF APPEALS CASE NUMBER:
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APPENDIX X

DECLARATION OF GREGORY E. SKILLMAN IN SUPPORT OF
TRIMET'S MOTION FOR SUMMARY JUDGMENT.

APPENDIX Y

PICTURES FROM TRIMET VIDEO CAMERA ON BOARD DATED
NOVEMBER 11, 2013 WHEN THE BUS ACCIDENT OCCURED.

APPENDIX Z

TriMet's Video camera record on board on November 11, 2013

Video camera record on board on November 11, 2013

**Video images MRI brain scan test of Plaintiff-Appellant Linh Thi Minh
Tran at Providence Hospital Center Portland Oregon on March 2014.**

**Video images MRI brain scan test of Plaintiff-Appellant Linh Thi Minh
Tran at Portland Adventist Hospital Medical Center**

TABLE OF AUTHORITIES CITED

CASES

<i>Schiele v. Montes</i> , 218 P. 3d 141, 231 Or. App. 43, 48 (2009).....	23
<i>Jones v. General Motors Corp.</i> , 325 Or 404, 408, 939 P2d 608 (1977).....	23
<i>Robinson v. Lamb’s Wilsonville Thriftway</i> , Or 453, 456, 31 P.31d 421 (2001).12	
<i>Zygar v. Johnson</i> , 169 Or App 638, 646, 10 P3d 326 (2000).....	24
<i>Kalgaard v. Lindo Mar Adventure Club, Ltd.</i> , 147 Or App 61, 67, 934 P2d 637, 640 (1997).....	24
<i>Babler Brothers v. Pac Intermountain</i> , 244 Or 459, 467, 415 P.2d 735 (1996).....	24
<i>Hansen v. Anderson</i> , 113 Or App 216, 218, 831 P2d 717 (1992).....	
<i>Stringer v. Car Data Systems, Inc.</i> , 314 Or 576, 584, 841 P2d 1183 (1992).....	

STATUTES

ORCP 47C.....	23,28
Oregon Constitution Article I, Section 10.....	28
U.S Fifth Amendment Constitution.....	28
U.S Fourteenth Amendment Constitution.....	28

IN THE SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS and Jurisdiction BELOW

[X] For cases from **Oregon State Courts:**

The Order Denying Reconsideration of Oregon Supreme Court was entered on 02/22/2019, Case Name: LINH THI MINH TRAN VS. TRI-COUNTY METROPOLITAN TRANSIT DISTRICT OF OREGON (TRIMET), Case Number: S066268 by Martha L. Walters, Chief Justice Supreme Court. Appendix A to the petition for writ of certiorari.

The Order Denying Review of Oregon Supreme Court was entered on 12/27/2018, Case Name: LINH THI MINH TRAN VS. TRI-COUNTY METROPOLITAN TRANSIT DISTRICT OF OREGON (TRIMET), Case Number: S066268 by Martha L. Walters, Chief Justice Supreme Court. Appendix B to the petition for writ of certiorari.

The Appellate Judgment and Supplemental Judgment of Oregon Court of Appeals was entered on May 09, 2019, Case Name: LINH THI MINH TRAN VS. TRI-COUNTY METROPOLITAN TRANSIT DISTRICT OF OREGON (TRIMET), Case Number: A164182 by Armstrong, Presiding Judge, Tookey,

PETITIONER ON WRIT OF CERTIORARI LINH THI MINH TRAN'S PETITION FOR WRIT OF CERTIORARI OREGON SUPRME COURT CASE NUMBER: S066268, OREGON COURT OF APPEALS CASE NUMBER: A164182, MULTNOMAH COUNTY CIRCUIT COURT CASE NUMBER: 15CV30342. Linh Thi Minh Tran, Petitioner pro se, 12542 SE Capella court, Happy Valley, Oregon 97086 | Tel: 503-558-0886 | Email: minhlinhtrn@gmail.com | Page 13 of 51

Judge, and Shorr, Judge of the Oregon Court of Appeals. Appendix C to the petition for writ of certiorari.

The Order Denying Reconsideration of Oregon Court of Appeals was entered on 08/27/2018, Case Name: LINH THI MINH TRAN VS. TRI-COUNTY METROPOLITAN TRANSIT DISTRICT OF OREGON (TRIMET), Case Number: A164182 by Rex Armstrong, Presiding Judge Oregon Court of Appeals. Appendix D to the petition for writ of certiorari.

The Judgment Affirmed Without Opinion and Costs allowed in favor of defendant-respondent Tri-County Metropolitan Transit District of Oregon, payable by Petitioner on Writ of Certiorari Linh Thi Minh Tran of Oregon Court of Appeals' decision was entered on July 05, 2018, Case Name: LINH THI MINH TRAN VS. TRI-COUNTY METROPOLITAN TRANSIT DISTRICT OF OREGON (TRIMET), Case Number: A164182 in the Oregon Court of Appeals was issued on 12/13/2017 by Armstrong, Presiding Judge, and Tookey, Judge, and Shorr, Judge of Oregon Court of Appeals. Appendix E to the petition for writ of certiorari.

The General Judgment of Trial Court Multnomah County Circuit Court State of Oregon was entered on 02/07/2017 in favor of defendant Tri-County Metropolitan Transit District of Oregon (TriMet) by Henry Brethaupt, Judge,

Case Name: LINH THI MINH TRAN VS. TRI-COUNTY

METROPOLITAN TRANSIT DISTRICT OF OREGON (TRIMET), Case

Number: 15CV30242. Appendix F to the petition for writ of certiorari.

The Order Granting TriMet's Motion for Summary Judgment as to all Plaintiff Linh Thi Minh Tran's Claims was entered on 02/07/2017 by Henry Brethaupt, Judge, Case Name: LINH THI MINH TRAN VS. TRI-COUNTY METROPOLITAN TRANSIT DISTRICT OF OREGON (TRIMET), Case Number: 15CV30242. Appendix G to the petition for writ of certiorari.

The Order 1) denying TriMet's Motion for Strike untimely, irrelevant & cumulative matter from Plaintiff Linh Thi Minh Tran's Response to MSJ and 2) Denying TriMet's Objection & Motion to strike additional untimely, irrelevant & cumulative matter from Plaintiff Linh Thi Minh Tran's further response to TriMet's MSJ. Was entered on 02/07/2017 by Henry Brethaupt, Judge, Case Name: LINH THI MINH TRAN VS. TRI-COUNTY METROPOLITAN TRANSIT DISTRICT OF OREGON (TRIMET), Case Number: 15CV30242. Appendix H to the petition for writ of certiorari.

The Supplemental Judgment and money award were entered in favor of defendant Tri-County Metropolitan and against plaintiff Linh Thi Minh Tran was entered on 02/24/2017 of Trial Court Multnomah County Circuit Court

by Circuit Court Judge Angel Lopez. Appendix K to the petition for writ of certiorari.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Oregon Constitutional Article I, Section 10:

Section 10. Administration of justice. No court shall be secret, but justice shall be administered, openly and without purchase, completely and without delay, and every man shall have remedy by due course of law for injury done him in his person, property, or reputation.—

Trial Court Judge Henry C. Breithaupt's decision appears to be wrong on the issue of law include the violation of constitutionality of Oregon, Article I, Section 10; violation of U.S Fifth and Fourteenth Amendment Constitutions, violation of the use or effect of a rule of trial court procedure ORCP 47C results in serious misapplication of a legal principle and Plaintiff-Appellant Linh Thi Minh Tran's physical health or her life is serious affected because this TriMet bus accident caused plaintiff-appellant's suffers injuries and damages in physical and mental health issues.

STATEMENT OF THE CASE

STATEMENT OF THE CASE

Nature of the action and relief sought

This is an action of Petitioner on writ of certiorari Linh Thi Minh Tran against Respondent on writ of certiorari Tri-County Metropolitan Transit District of Oregon (TriMet) for Petitioner Linh Thi Minh Tran's claims physical health is suffering injuries and severe brain damages caused by bus TriMet driver's Chris Trapp's breached TriMet's highest degree carrier duty of care to Petitioner Linh Thi Minh Tran, and because Chris Trapp breach his duty caused Petitioner Linh Thi Minh Tran is suffering injuries and severe brain damages. Petitioner Linh Thi Minh Tran requested for relief demanded compensation damages and injuries from Respondent on Writ of Certiorari TriMet in the amount of monies: \$880,000.00 (Eight hundred eighty thousand dollars) plus accrued and accruing interest, costs, and fees against defendant-respondent Tri-County Metropolitan Transit District of Oregon (TriMet). The trial court Multnomah County Circuit Court erred in construing and applying the law in ruling General Judgment and supplemental judgment in favor of defendant-respondent on writ of certiorari Tri-County Metropolitan Transit District of Oregon and against plaintiff- Petitioner on writ of certiorari Linh

Thi Minh Tran on all of plaintiff Linh Thi Minh Tran's claims because Petitioner Linh Thi Minh Tran addressed legal issues already argued in the parties' opening, response, and reply brief and written parties' submissions to trial court Multnomah County Circuit Court, Oregon Court of Appeals, and Oregon Supreme Court including sufficient evidence such as: Declarations of Linh Thi Minh Tran, deposition of Linh Thi Minh Tran, video cameras and audio on TriMet bus on 11/11/2013, pictures, diagram, declarations of Gregory E. Skillman, and TriMet bus driver Chris Trapp in TriMet's Motion for Summary Judgment and TriMet's response to Plaintiff-Appellant Linh Thi Minh Tran's Opening brief. Petitioner Linh Thi Minh Tran seeks this Court reversal decision of trial court Multnomah County Circuit Court State of Oregon's General Judgment and supplemental judgment were entered on 02/07/2017 by Henry Breithaupt, Judge.

Summary of argument

Mr. Gregory E. Skillman, counsel for Defendant-Respondent Tri-County Metropolitan Transit District of Oregon (TriMet) verified to Plaintiff-Appellant Linh Thi Minh Tran that he was personal delivery USB thumb drive of video camera on board bus 72 regarding bus accident occurred on 11/11/2013 to Multnomah County Circuit Court Judge Karin J. Immergut.

Petitioner on writ of certiorari Linh Thi Minh Tran appeared at the hearing on 12/02/2016 before Judge Karin J. Immergut at Multnomah County Circuit Court, and Gregory E. Skillman presented for defendant-respondent on writ of certiorari TriMet appeared on that date, Judge Karin's assistant showed the video cameras on bus TriMet dated 11/11/2013 when the bus accident occurred on that date for the both of parties during that hearing.

There are sufficient evidences to determine that the TriMet's bus driver Chris Trapp failed to meet the applicable standard of care for TriMet's passenger Linh Thi Minh Tran and Tri-County Metropolitan Transit District of Oregon breached of duty of care to TriMet's passenger Linh Thi Minh Tran of "the highest degree of care and skill practicable for it to exercise or operating public transportation,". It is not appropriate by law for the trial court Multnomah County Circuit Court in ruling of summary judgment, general judgment, and supplemental judgment and money award in favor of respondent on writ of certiorari Tri-County Metropolitan Transit District of Oregon (TriMet) to against on all Plaintiff Linh Thi Minh Tran's claims.

There are sufficient evidences to determine that the statements in the court record of defendant-respondent Tri-County Metropolitan Transit District of Oregon contains facts and statements about the bus driver Chris Trapp and

TriMet supervisor Zerry Zornado's conducts were not true, therefore the trial court Multnomah County Circuit Court erred in ruling summary judgment, general judgment, and supplemental judgment and money award in favor of defendant-respondent Tri-County Metropolitan Transit District of Oregon is inappropriate.

There are sufficient medical evidences of Plaintiff- Petitioner on writ of certiorari Linh Thi Minh Tran to determine that she is suffering injuries and damages from the bus accident occurred on November 11, 2013.

Defendant-Respondent on writ of certiorari Tri-County Metropolitan Transit District of Oregon gave false statements and not true statements into Defendant TriMet's Motion for Summary Judgment about the facts of Plaintiff- Petitioner on writ of certiorari Linh Thi Minh Tran's employee at Portland State University. Therefore, the trial court Multnomah County Circuit Court erred by law in ruling summary judgment, General Judgment, and Supplemental Judgment and Money Award in favor of defendant-respondent on writ of certiorari Tri-County Metropolitan Transit District of Oregon.

Under the disputed facts of record, objectively reasonable juror could return a verdict in favor of plaintiff as to any of plaintiff's claims. Thus, the Summary Judgment, General Judgment, and Supplemental Judgment and

Money Award in favor of Defendant-Respondent Tri-County Metropolitan Transit District of Oregon (TriMet) were issued in error as a matter of law and must be reversed and Plaintiff- Petitioner on writ of certiorari Linh Thi Minh Tran is entitled to recover the compensation damages and injuries in the amount of \$880,000.00 from Defendant-Respondent on writ of certiorari Tri-County Metropolitan Transit District of Oregon (TriMet).

ASSIGNMENT OF ERROR

Standard of Review

The trial court Multnomah County Circuit Court entertaining General Judgment of Dismissal must review all evidence and take all reasonable inferences that may be drawn therefrom in the light most favorable to Appellants. This Court is also required to view the evidence in the light most favorable to Appellants. *Schiele v. Montes*, 218 P. 3d 141, 231 Or. App. 43, 48 (2009) (reversing motion to dismiss treated as a motion for summary judgment and citing ORCP 47C and *Jones v. General Motors Corp.*, 325 Or 404, 408, 939 P2d 608 (1977).

If the record contains facts that create a plausible inference that a person's statements about his or her conduct are not true, summary judgment is

inappropriate. *Kalgaard v. Lindo Mar Adventure Club, Ltd.*, 147 Or App 61, 67, 934 P2d 637, 640 (1997).

“[a] material fact is one that, under applicable law, might affect the outcome of a case.” *Zygar v. Johnson*, 169 Or App 638, 646, 10 P3d 326 (2000).

Where an error of law is shown to have influenced the court trying a case without a jury, reversal is necessary. *Babler Brothers v. Pac Intermountain*, 244 Or 459, 467, 415 P.2d 735 (1996).

Preservation of Error

The trial court erred by law in ruling a general judgment in favor of defendant TriMet and against Plaintiff Linh Thi Minh Tran on all of plaintiff Linh Thi Minh Tran's claims. These errors of the trial court Multnomah County Circuit Court were errors significant issue of law include: the constitutionality of statute, the use or effect of rule of trial court procedure, and the legal issue are issue of state law results in serious or irreversible injustice or in distortion or misapplication of legal principle. Petitioner on writ of certiorari Linh Thi Minh Tran preserved error of trial court Multnomah County Circuit Court by she filed to trial court formal response, sur-reply, and objections in

opposition to Defendant-Respondent Tri-County Metropolitan Transit District of Oregon (TriMet)'s Motion for Summary Judgment.

ARGUMENT

1. **Trial Court Multnomah County Circuit Court erred by law in ruling General Judgment of Dismissal in favor of Defendant-Respondent on writ of certiorari Tri-County Metropolitan Transit District of Oregon without review all evidence and without take all reasonable inferences that may be drawn therefrom in the light most favorable to Plaintiff-Petitioner on writ of certiorari Linh Thi Minh Tran.**

Trial Court judge Henry C. Breithaupt has never reviewed all evidences, including parties' written submissions, declarations, materials DVD, and audio records since 11/09/2015 up until 01/26/2017 on the trial court files that determine the actions of the TriMet's driver Chris Trapp were unreasonable in this case. therefore, trial court made errors legal ruling General Judgment of Dismissal in favor of Defendant-Respondent on writ of certiorari Tri-County Metropolitan Transit District of Oregon results in serious misapplication of a legal principle and Plaintiff-Petitioner on writ of certiorari Linh Thi Minh Tran's life is serious affected.

According to Transcript Record in this matter, page 52, line number 5-11, trial court judge Henry C. Breithaupt said to plaintiff-petitioner on writ Linh Thi Minh Tran that: "And you have given me lots of paper. I'm holding

up a box which contains the copies of things you've submitted. So, I want you to take me—If you say that you have evidence that the driver acted unreasonably, I want you to take me to the particular page in this material, page or pages, that you rely on for that conclusion.” Also, page 54, line number 11-14, trial judge Breithaupt said: “Excuse me. Excuse me. You’ve given me a box full of material. You need to help me by telling me which document that is attached to.”

According to Transcript Record, page 65- 66, line number 1-3 and 1-9, trial court judge Breithaupt said: “What—Just a moment. What video recorded by the plaintiff are you talking about? When—when did you submit what I’m going to call your video? You say you—you say that you, Ms. Tran, I’m going to—because now we have a caption that’s even different. Ms. Tran, you said you have your own video of this accident, and you say that you provided that video to the court. Is that correct?”

According to Transcript Record, page 78, line number 16-21, trial court judge Breithaupt said: “All right. First of all, I’m going to give this—What do you call this? A thumb drives? MR. Skillman: Thumb drive. The Court: I’m going to give that back. Your TriMet’s motion is granted.”

Based on Transcript Record from page 60, 61, 62, 63, and 64, there are evidences to determine that trial court judge Henry C. Breithaupt is inconsistent or confused in ruling on the issue in this case because he has never reviewed parties' written submissions including declarations submitted to the trial court, the pleadings and papers on file in this matter, and materials DVD and audio record that he should review all those evidences before the hearing dated on 01/26/2017 on Defendant-Respondent on writ of certiorari Tri-County Metropolitan Transit District of Oregon's Motion for Summary Judgment.

The hearing for TriMet's Motion for Summary Judgment was scheduled only 20-30 minutes not enough time for Plaintiff-Petitioner on writ of certiorari Linh Thi Minh Tran to tell the trial court judge Breithaupt the particular page and page or pages when the documentations and declarations on court file in this matter are over thousands of pages. More important, trial court judge Henry C. Breithaupt has never reviewed the video on bus board 72 and audio record on ambulance AMR dated 11/11/2013 of Plaintiff-Petitioner on writ of certiorari Linh Thi Minh Tran submitted to the trial court on February 29, 2016 or the thumb drive video camera on board bus 72 dated 11/11/2013 of Defendant-Respondent Tri-County Metropolitan Transit District of Oregon instead, trial court judge Breithaupt only listened and followed all directions

from Mr. Gregory Skillman, Attorney of Defendant-Respondent on writ of certiorari TriMet and quickly granted motion for summary judgment in favor of Respondent TriMet. Trial Court Judge Henry C. Breithaupt's decision appears to be wrong on the issue of law include the violation of constitutionality of Oregon, Article I, Section 10; violation of U.S Fifth and Fourteenth Amendment Constitutions, violation of the use or effect of a rule of trial court procedure ORCP 47C results in serious misapplication of a legal principle and Plaintiff-Petitioner on writ of certiorari Linh Thi Minh Tran's physical health or her life is serious affected because this TriMet bus accident caused plaintiff-appellant's suffers injuries and damages in physical and mental health issues.

Based on Standard of Review Oregon State Court Cases and foregoing reasons above, Thus, The General Judgment of Dismissal decision of trial court Multnomah County Circuit Court in favor of Defendant-Respondent on writ of certiorari Tri-County Metropolitan Transit District of Oregon was issued in error by law and it must be reversed.

2. If the record contains facts that create a plausible inference that a person's statements about his or her conduct are not true, summary judgment is not appropriate.

There are sufficient evidences in Oregon State courts' files to determine that Defendant-Respondent on writ of certiorari Tri-County Metropolitan Transit District of Oregon (TriMet)'s statements were not true, therefore summary judgment was granted in favor of TriMet is not appropriate.

According to document: TriMet's Answer and Affirmative Defenses to Second Amended Complaint & Counterclaim which Defendant-Respondent TriMet has already submitted to trial court on July 20, 2016, on page 3, paragraph 8 in which it said that: "As TriMet's bus proceeded north in the right-hand "Bus Only" lane on SE 82nd Avenue toward the entrance to the Clackamas Square parking lot" This statement of Respondent on writ of certiorari TriMet indicated that at the time of bus accident occurred on November 11, 2013, TriMet's bus driver was driving north in the right-hand "Bus Only" lane on SE 82nd Avenue & SE Causey Avenue toward the entrance to the Clackamas Square parking lot but later, Defendant-Respondent on writ of certiorari TriMet told completely different story into TriMet's Motion for Summary Judgment has been submitted to trial court on November 28, 2016 and TriMet's Answer brief has been submitted to Oregon Court of Appeals on

December 15, 2017 that the bus accident on November 11, 2013 occurred on the curb near the 82nd and Boyer.

Based on Google Map, the distance from SE 82nd Avenue & SE Causey Avenue to SE 82nd Avenue & SE Boyer, Portland, Oregon is very far approximate over 2000 foot = 700 meters=1 mile. See Declaration part 1, page 51-56 of Linh Thi Minh Tran has been submitted to the trial court on 01/05/2017.

According to Declaration of Gregory E. Skillman, attorney for defendant-respondent on writ of certiorari TriMet Exhibit SER-24-25 in that the bus driver Chris Trapp indicated in drawing that the bus was driving north in the right-hand "Bus Only" lane on SE 82nd Avenue and SE Causey Avenue toward the entrance to the Clackamas Square parking lot. However, in opposition with the bus driver Chris Trap's drawing SER 25, according to SER 21-22, Operator's Report, the bus driver Chris Trapp's writing report indicated that the location of incident on SE 82nd at Boyer—city Portland. There is no entrance of the Winco/Clackamas Town Center parking lot on SE 82nd Avenue at Boyer—city of Portland, therefore no white phantom vehicle was existed in this accident.

One more evidence to show Respondent on writ of certiorari TriMet's statements were not true, based on page 21 into TriMet's answer brief, Respondent TriMet indicated that **"By that same time, Camera 4 shows that the bus has stopped, and the white car has disappeared into the parking lot. SER 10"** but on page 5 into TriMet's answer brief, Respondent TriMet indicated that: "After executing the hard stop, the operator pulled the bus over to the curb on the 82nd and Boyer bus stop and asked if his passengers were okay." There is no entrance of the Winco/Clackamas Town Center parking lot on SE 82nd at Boyer

There was untrue story because it is completely different story from TriMet's statements about where is exactly location which the bus has stopped completely when the white phantom car cut in front of bus vehicle caused bus accident occurred on 11/11/2013 results the TriMet bus driver Chris Trapp has to apply very hard brake to stop the bus completely? The story from TriMet is completely different and change all times about the accident, the white phantom car, the location where the bus has stopped completely, and the reason why the TriMet bus Chris Trapp has applied brake very hard to stop the bus completely? Respondent on writ of certiorari TriMet's statements or story were always not true when it indicated on page 21 in TriMet's answer brief that the

bus has stopped to the curb at Clackamas Square Entrance on SE 82nd at SE Causey—city Portland but on page 5 into TriMet’s answer brief, Respondent TriMet indicated that the TriMet bus driver Chris Trapp pulled the bus over to the curb on SE 82nd at Boyer.

From these evidences above, Plaintiff-Petitioner on writ of certiorari Linh Thi Minh Tran can able determine that the bus camera photograph and pictures of Respondent on writ of certiorari TriMet submitted to the court about the white phantom car were inaccurate or falsified and Defendant-Respondent on writ of certiorari Tri-County Metropolitan Transit District of Oregon attempted to tell completely different story and Respondent on writ of certiorari TriMet’s statements were not true for purpose to mislead the court to avoid all its liability on bus accident occurred on 11/11/2013. TriMet’s bad faith conducts are considered irresponsible, immoral behavior, and serious killer.

In addition, Respondent on writ of certiorari TriMet’s statements were not true into TriMet’s motion for summary judgment submitted to the trial court Multnomah County Circuit Court on page 19 about plaintiff-petitioner on writ of certiorari Linh Thi Minh Tran was discharged from PSU for misconduct connected with her work on June 9, 2009 but according to declaration of Linh

Thi Minh Tran part 3, page 3-9, there was no discharged plaintiff- Petitioner on writ of certiorari Linh Thi Minh Tran from Portland State University Library for misconduct with her work. Therefore, TriMet's motion summary judgment statements were not true. It is not appropriate to grant for TriMet's summary judgment when TriMet's statements were not true.

Because the trial court judge Henry C. Breithaupt has never reviewed evidences including the parties' written submissions, declarations, deposition of Linh Thi Minh Tran, materials DVD cameras , and audio records submitted to the Court and the pleadings and papers on Oregon State courts' files in this matter instead the trial court judge Breithaupt only listened and followed all directions from Gregory E. Skillman, Attorney of Defendant-Respondent on writ of certiorari TriMet during the hearing for TriMet's Motion Summary Judgment, therefore the trial court Judge Henry Breithaupt erred present significant issue of law in ruling general judgment in favor of TriMet results Plaintiff-Petitioner on writ of certiorari Linh Thi Minh Tran was affected by the error decision of the trial court in the case when Petitioner on writ of certiorari Linh Thi Minh Tran is suffering physical health injuries and severe brain damages.

3. The white phantom vehicle was not existent in this case

There was evidence in Oregon State Courts' files to determine that the white phantom vehicle was not existent in the bus accident occurred on 11/11/2013.

According to Declaration of Linh Thi Minh Tran part number 1, exhibit 1 page 7 which has been submitted to the trial court on 01/05/2017, there was letter of Defendant-Respondent on writ of certiorari TriMet dated February 18, 2014 in which Susan Gammel, investigator of TriMet indicated in letter sent to petitioner Linh Thi Minh Tran that: "Our investigation, which included review of the bus video, reveals that another vehicle is at fault for this incident. The at-fault vehicle did not stay at the scene and there was no identifying information that was able to be gathered on the vehicle."

According to the transcript record in court file, page 55-56, line number 15-18 and line number 4-12:

MS. Tran: I did provide a letter from the Tri-Met investigator on February 18, 2014. The name of the investigator is Susan Gammel.

The Court: Okay. Wait just a moment. Mr. Skillman, are you aware of what letter Ms. Linh is referring to?

MR. Skillman: Your Honor, after the incident occurred, Susan Gammel, GAMELL, I believe, investigated the TriMet investigated the accident.

From this sufficient evidence, Gregory Skillman, Attorney of Defendant-Respondent on writ of certiorari TriMet certified with the trial court judge Henry Breithaupt that a person named Susan Gammel who sent the letter to petitioner Linh Thi Minh Tran on February 18, 2014 which was attached into declaration of Linh Thi Minh Tran part 1 exhibit 1 page 7 is investigator of TriMet and this person investigated the bus accident occurred on November 11, 2013. Therefore, the statements of Susan Gammell into letter dated 02/18/2014 were true and correct. Since the at-fault vehicle white phantom did not stay at the scene of the bus video and there was no identifying information that was able to be gathered on the vehicle. These evidences determine that the TriMet's bus driver Chris Trapp's statements about his conduct were not true, therefore, the trial court Multnomah County Circuit Court Judge Henry Breithaupt erred by law in ruling motion summary judgment in favor of Defendant-Respondent on writ of certiorari Tri-County Metropolitan Transit District of Oregon. Thus, General Judgment of Dismissal plaintiff Linh Thi Minh Tran's claims of Trial Court Multnomah County Circuit Court in favor of Defendant-Respondent on writ of certiorari Tri-County Metropolitan Transit District of Oregon was error and it should be reversed.

4. The white phantom vehicle did not involve in the bus accident occurred on 11/11/2013

Based on SER 21-26 that is attached as Excerpt of Record into Defendant Respondent on writ of certiorari TriMet's answer brief, the TriMet's bus driver Chris Trapp's drawing and writing in that he indicated that the white phantom vehicle number 2 was the same level on another left lane and the same speed 25mph-30mph with the TriMet's bus vehicle number 1. Also, the TriMet's bus driver Chris Trapp's drawing did not show the white phantom vehicle number 2 was cutting or crossing in front of the TriMet's bus vehicle number 1 instead the drawing of bus driver Chris Trapp has been showed the white phantom vehicle was on another left lane and the same level and same speed with bus vehicle. If at that time the white phantom suddenly turned right into the Bus Only lane or crossing in front of the bus and entering the Winco parking lot, the front of TriMet's bus vehicle 1 has already hit very hard on the right of white phantom vehicle number 2 but why Respondent TriMet indicated on page 21 into TriMet's answer brief that the white car has disappeared into the parking lot and there was no damage in front of TriMet bus vehicle. Therefore, this is evidence for plaintiff-petitioner on writ of certiorari Linh Thi Minh Tran to determine that the TriMet bus camera photographs about white phantom car and the statements of TriMet were inaccurate or falsified.

- 5. There are sufficient evidences on Oregon State Courts' files to determine that the TriMet bus driver Chris Trapp's had mental problem during driving the bus on 11/11/2013 including applied brake suddenly very hard was unreasonable because his physical and mental were under influence of alcohol, drugs, medicines, sickness, too tired, and too sleepy while driving the bus on 11/11/2013 caused plaintiff-Petitioner on writ of certiorari Linh Thi Minh Tran's head quickly bumped/strucked very hard on the gold metal handrail behind the bus driver seat and the bus vehicle was almost overturning or rolled or crashed on the road at SE 82nd Avenue & SE Boyer, Portland, Oregon results plaintiff-appellant-Petitioner Linh Thi Minh Tran's physical health suffers injuries and brain damages**

Plaintiff-Appellant-Petitioner Linh Thi Minh Tran indicated very clearly into her opening brief in this matter has submitted to Oregon Court of Appeals from page 16 up until page 26 that the TriMet bus driver Chris Trapp's serious danger actions including suddenly applied brake very hard was unreasonable because his physical and mental were under influence of alcohol, drugs, medicines, the state of being ill/sickness, too tired, and too sleepy while driving the TriMet bus vehicle on 11/11/2013 caused the bus was almost rolled or overturning or crash on the street at SE 82nd Avenue & SE Boyer Avenue, Portland, Oregon and plaintiff-petitioner on writ of certiorari Linh Thi Minh Tran's head quickly bumped and strucked and hit very hard on the gold metal handrail behind the bus driver seat results plaintiff-Petitioner on writ of

certiorari Linh Thi Minh Tran's physical health has suffers injuries, severe brain damages, and vision deficit up until present.

All allegations and statements of plaintiff-petitioner on writ of certiorari Linh Thi Minh Tran into her opening brief from page 16-26 related to TriMet bus driver Chris Trap are true, correct to the best of appellant-petitioner on writ of certiorari Linh Thi Minh Tran's knowledge and belief, and plaintiff-petitioner on writ of certiorari Linh Thi Minh Tran understand her statements are made for use as evidence in court is subject to penalty for perjury.

According to transcript record on court file, the hearing was held on Monday, May 23, 2016 at 1:44pm before the Honorable Angel Lopez, page 15, line number 4-18.

The Court: Now, we move to page 6. With regard to page 6, I—I note that the very last sentence that you—you state as a failure on Tri-Met's part, failure to conduct a screening test about the bus and Max driver's percentage of alcohol of effect by medicine, drugs, prior to authorizing the operator to drive a bus. What is Tri-Met's position on that sentence?

MR. Skillman: Your Honor, the operator wasn't taken for a test. It was not—

The Court: He was?

MR. Skillman: He was not taken for a screen test.

The Court: Okay,

MR. Skillman: There was no contact with any other vehicle, so in that circumstance they're not drug tested. If there was an accident, they would have.

Attorney Gregory E. Skillman for Defendant-Respondent on writ of certiorari Tri-County Metropolitan Transit District of Oregon certified before Honorable Angel Lopez that the TriMet's bus driver Chris Trapp was not taken for screening test or TriMet's failure to conduct a screening test about the bus and Max driver's percentage of alcohol of effect by alcohol, medicine, drugs, controlled substances before to authorizing the bus driver Chris Trapp to drive a vehicle bus November 11, 2013 and because TriMet did not conduct screening test about alcohol or controlled substance of the bus driver Chris Trapp caused bus accident occurred on 11/11/2013 when the bus driver Chris Trapp drove the bus with his physical and mental were under influence of alcohol, drugs, medicines, the state of being ill/sickness, too tired, and too sleepy while driving the TriMet bus vehicle on 11/11/2013 caused the bus was almost rolled or overturning or crash on the street at SE 82nd Avenue & SE Boyer Avenue, Portland, Oregon and plaintiff-petitioner on writ of certiorari Linh Thi Minh Tran's head quickly bumped and strucked and hit very hard on the gold metal handrail behind the bus driver seat results plaintiff-Petitioner on

writ of certiorari Linh Thi Minh Tran's physical health has suffers injuries, severe brain damages, and vision deficit up until present.

Therefore, Plaintiff-Petitioner on writ of certiorari Linh Thi Minh Tran's statements were true and correct when she indicated that the TriMet bus driver Chris Trapp had serious danger activities including suddenly applied brake very hard was unreasonable because his physical and mental were under influence of alcohol, drugs, medicines, the state of being ill/sickness, too tired, and too sleepy while driving the TriMet bus vehicle caused the bus was almost rolled, overturning, and crash on the street at SE 82nd Avenue & SE Boyer Avenue, Portland, Oregon results plaintiff-petitioner on writ of certiorari Linh Thi Minh Tran's head quickly bumped and strucked and hit very hard on the gold metal handrail behind the bus driver seat results plaintiff-petitioner on writ of certiorari Linh Thi Minh Tran's physical health has suffers injuries, severe brain damages, and vision deficit.

Although plaintiff-petitioner on writ of certiorari Linh Thi Minh Tran showed to TriMet bus driver Chris Trapp, bus TriMet supervisor Zonardo, and AMR staffs on 11/11/2013 her Oregon DMV driver license to verify her full name is Linh Thi Minh Tran but do not know why the bus driver Chris Trapp was still said the passenger named Minh Tran. It was very clear that the TriMet

bus driver Trapp has mental issue or he was confused at that date 11/11/2013 when the bus accident occurred.

6. Plaintiff-Petitioner on writ of certiorari Linh Thi Minh Tran's

Medical Evidences

Plaintiff-Petitioner on writ of certiorari Linh Thi Minh Tran had already submitted to trial court from 01/05/2017-01/15/2017 declaration of Linh Thi Minh Tran part 2-part 6 all medical and prescriptions treatment evidences related bus accident occurred on November 11, 2013 results plaintiff-Petitioner on writ of certiorari Linh Thi Minh Tran has suffers physical health injuries, severe brain damages, and vision deficit from 11/11/2013 up until present. All special doctors, family doctor, Ophthalmology, Neurology, X-Ray, MRI, Eye, and Epic Imaging doctors at Kaiser Permanent Emergency, Providence Hospital in Portland, Portland Adventist Hospital, Eye Health NW, Epic Imaging, Golden Dawn Clinic have already indicated that because the TriMet's bus accident occurred on 11/11/2013 caused results plaintiff-Petitioner on writ of certiorari Linh Thi Minh Tran's head bumped and hit very hard on metal gold handrail on TriMet bus results MRI brain Scan tests results of petitioner on writ of certiorari Linh Thi Minh Tran's severe brain damages with demyelinating, microvascular multifocal large stroke measured 0.5cm and

1 cm, tortuosity of thoracic aorta, severe lumbar spinal cord injuries, uncontrolled severe high blood pressure, shortness of breathing, chest pain, and vision deficit disorder. See Plaintiff- Appellant Linh Thi Minh Tran's opening brief page 26-39 and exhibit 2 is declaration of Linh Thi Minh Tran part 2 submitted to trial court Multnomah County Circuit Court on 01/05/2017.

Besides, Defendant-Respondent on writ of certiorari TriMet had already received all medical history certified reports of plaintiff-petitioner on writ of certiorari Linh Thi Minh Tran by TriMet sent many medical subpoenas requested from Providence Hospital in Portland, Oregon; Portland Adventist Hospital; Epic Imaging's results, MRI brain scan test results from Providence and Portland Adventist Hospital, Eye Health NW, NW Ophthalmology; Golden Dawn Clinic, Kaiser Permanent Sunnyside Hospital; American Medical Response (AMR); Clackamas County Medical Clinic; and Neurology. More important, trial court Judge Henry C. Breithaupt denied motion to strike and objection of TriMet instead granted for plaintiff-petitioner on writ of certiorari Linh Thi Minh Tran adding additional declaration of evidences submissions are received in support of her Response to TriMet's Motion for Summary Judgment including 6 parts of declaration of Linh Thi Minh Tran and trial court entered this order on 02/07/2017.

7. Plaintiff-Appellant-petitioner Linh Thi Minh Tran's proof of lost income as results of the incident.

Plaintiff- petitioner on writ of certiorari Linh Thi Minh Tran had already submitted to trial court from 01/05/2017-01/16/2017 all evidences including declaration of Linh Thi Minh Tran from part 1-part 6 in support of Plaintiff-petitioner on writ of certiorari Linh Thi Minh Tran's Response to TriMet's Motion for Summary Judgment; plaintiff-petitioner on writ of certiorari Linh Thi Minh Tran's medical and prescriptions treatment; plaintiff- petitioner on writ of certiorari Linh Thi Minh Tran's bachelor degrees and her education from primary, high school in Viet Nam, BS degree in Vietnam Science University, Oregon Health Science University, University of Portland, Portland State University, and Portland Community College since 1996-2010; her employee income since 1994-2010. Therefore, Plaintiff- petitioner on writ of certiorari Linh Thi Minh Tran had already provided all proof of evidences her lost income and her lost bright future professional nursing degrees to trial court Oregon State Courts.

Based on the sufficient evidences in the Oregon State Courts trial court files, Plaintiff-Petitioner on writ of certiorari Linh Thi Minh Tran's Opening Brief and Reply Brief, and the pleading papers, parties' written submission,

PETITIONER ON WRIT OF CERTIORARI LINH THI MINH TRAN'S PETITION FOR WRIT OF CERTIORARI OREGON SUPRME COURT CASE NUMBER: S066268, OREGON COURT OF APPEALS CASE NUMBER: A164182, MULTNOMAH COUNTY CIRCUIT COURT CASE NUMBER: 15CV30342. Linh Thi Minh Tran, Petitioner pro se, 12542 SE Capella court, Happy Valley, Oregon 97086 | Tel: 503-558-0886 | Email: minhlinhtrn@gmail.com | Page 42 of 51

deposition, declarations, materials include video cameras, YouTube links, and audio, exhibits in files, and transcript of records to determine that there are many disagreements or disputed facts still exists in this case. When there were many disagreements on important facts still exists in this matter, the way that is resolved is by the parties testifying at jury trial hearing, not at summary judgment. Therefore, trial court Multnomah County Circuit Court erred by law in ruling General Judgment of Dismissal of plaintiff Linh Thi Minh Tran's claims in favor of defendant-respondent on writ of certiorari TriMet, therefore, Plaintiff-Petitioner on writ of certiorari Linh Thi Minh Tran respectfully requests Supreme Court of the United States grants for Plaintiff-Petitioner on writ of certiorari Linh Thi Minh Tran's petition for writ of certiorari and this case should be reversed and remanded to the trial court to proceed to jury trial hearing.

CONCLUSION

For all foregoing arguments and reasons, and based on the parties' briefs and written submissions, including the opening brief, reply brief, declarations, exhibits, excerpt of records, photographs, DVDs and audio records submitted the Court, and based on the pleadings, transcripts, and papers on file in this matter, parties written submissions, Plaintiff-petitioner on writ of certiorari

Linh Thi Minh Tran respectfully requests Supreme Court of the United States grants in favor of Petitioner Linh Thi Minh Tran's petition for writ of certiorari and grants for petitioner on writ of certiorari Linh Thi Minh Tran is entitled to recover the compensation damages and injuries monies in amount of \$880,000.00 from defendant-respondent on writ of certiorari TriMet and reverses all the Oregon State Courts trial court's decisions issued a general judgment of dismissal plaintiff Linh Thi Minh Tran's Claims in favor of defendant-respondent on writ of certiorari Tri-County Metropolitan Transit District of Oregon (TriMet) and supplemental judgment and money award in favor of Defendant-Respondent TriMet against on all of petitioner Linh Thi Minh Tran's claims.

I, Linh Thi Minh Tran is Petitioner on writ of certiorari declares under penalty of perjury that the foregoing statements in my petition for writ of certiorari on the above-named caption are true and correct.

Dated: 05/22/2019

Linh Thi Minh Tran
Plaintiff-Petitioner on writ of certiorari pro se
12542 SE Capella court
Happy Valley, Oregon 97086
Tel: 503-558-0886
Email: minhlinhtrn@gmail.com

PETITIONER ON WRIT OF CERTIORARI LINH THI MINH TRAN'S PETITION FOR WRIT OF CERTIORARI OREGON SUPRME COURT CASE NUMBER: S066268, OREGON COURT OF APPEALS CASE NUMBER: A164182, MULTNOMAH COUNTY CIRCUIT COURT CASE NUMBER: 15CV30342. Linh Thi Minh Tran, Petitioner pro se, 12542 SE Capella court, Happy Valley, Oregon 97086 | Tel: 503-558-0886 | Email: minhlinhtrn@gmail.com | Page 44 of 51

Linh Thi Minh Tran respectfully requests Supreme Court of the United States grants in favor of Petitioner Linh Thi Minh Tran's petition for writ of certiorari and grants for petitioner on writ of certiorari Linh Thi Minh Tran is entitled to recover the compensation damages and injuries monies in amount of \$880,000.00 from defendant-respondent on writ of certiorari TriMet and reverses all the Oregon State Courts trial court's decisions issued a general judgment of dismissal plaintiff Linh Thi Minh Tran's Claims in favor of defendant-respondent on writ of certiorari Tri-County Metropolitan Transit District of Oregon (TriMet) and supplemental judgment and money award in favor of Defendant-Respondent TriMet against on all of petitioner Linh Thi Minh Tran's claims.

I, Linh Thi Minh Tran is Petitioner on writ of certiorari declares under penalty of perjury that the foregoing statements in my petition for writ of certiorari on the above-named caption are true and correct.

Dated: 05/22/2019



Linh Thi Minh Tran
Plaintiff-Petitioner on writ of certiorari pro se
12542 SE Capella court
Happy Valley, Oregon 97086
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minhlinhtrn@gmail.com | Page 44 of 48

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

LINH THI MINH TRAN
PETITIONER ON WRIT OF CERTIORARI,

VS.

TRI-COUNTY METROPOLITAN TRANSIT DISTRICT OF OREGON
RESPONDENT ON WRIT OF CERTIORARI.

PETITIONER ON WRIT OF CERTIORARI LINH THI MINH TRAN'S
PETITION FOR WRIT OF CERTIORARI OF OREGON SUPREME
COURT'S DECISION ORDER DENYING RECONSIDERATION WAS
ENTERED ON 02/22/2019 BY MARTHA L. WALTERS, CHIEF JUSTICE
OREGON SUPREME COURT.

OREGON SUPREME COURT CASE NUMBER: S066268

OREGON COURT OF APPEALS CASE NUMBER: A164182

MULTNOMAH COUNTY CIRCUIT COURT CASE NUMBER: 15CV30342

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minhlinhtrn@gmail.com | Page 46 of 51

Certificate of filing

I, Linh Thi Minh Tran, petitioner on writ of certiorari declares that on 05/22/2019, as requires by Supreme Court of United States Rule 39, I filed to The Supreme Court of the United States an original and 10 copies of the petition for a writ of certiorari in the Case Name: Linh Thi Minh Tran vs. Tri-County Metropolitan Transit District of Oregon, Oregon Supreme Court Case Number: S066268, Oregon Court of Appeals Case Number: A164182, Multnomah County Circuit Court Case Number: 15CV30342 prepared as required by Rule 33.2, together with an original and 10 copies of the motion for leave to proceed in forma pauperis. A copy of the motion shall precede and be attached to each copy of the petition.

The address of Supreme Court of The United States:

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
1 FIRST STREET, N.E.
WASHINGTON, DC. 20543-0001**

By the following method of filing:

**[X] BY UNITED STATE MAIL WITH TRACKING NUMBER OR
FED EXPRESS OR UPS WITH TRACKING NUMBER**

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

Executed on: 05/22/2019

Linh Thi Minh Tran
Petitioner on writ of certiorari pro se
12542 SE Capella court,
Happy Valley, Oregon 97086
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WASHINGTON, DC. 20543-0001**

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PROOF OF SERVICE

I, Linh Thi Minh Tran, Petitioner on writ of certiorari, declares that on 05/22/2019, as required by Supreme Court of the United States Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS AND PETITION FOR A WRIT OF CERTIORARI in the Case Name: Linh Thi Minh Tran vs. Tri-County Metropolitan Transit District of Oregon (TriMet), Oregon Supreme Court Case Number: S066268, Oregon Court of Appeals Case Number: A164182, Multnomah County Circuit Court Case Number: 15CV30342 on each party to the above-named case 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 with tracking number prepaid commercial carrier for delivery.

The names and addresses of those served are as follows:

Gregory E. Skillman
Attorney for Respondent on writ of certiorari
Tri-County Metropolitan Transit District of Oregon (TriMet)
1800 SW First Avenue, Suite# 300
Portland, Oregon 97201

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

Executed on 05/22/2019

Linh Thi Minh Tran
Petitioner on writ of certiorari pro se
12542 SE Capella court
Happy Valley, Oregon 97086
Tel: 503-558-0886
Email: minhlinhtrn@gmail.com

PROOF OF SERVICE

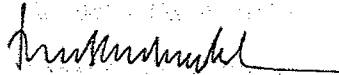
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The names and addresses of those served are as follows:

Gregory E. Skillman
Attorney for Respondent on writ of certiorari
Tri-County Metropolitan Transit District of Oregon (TriMet)
1800 SW First Avenue, Suite# 300
Portland, Oregon 97201

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PETITIONER ON WRIT OF CERTIORARI LINH THI MINH TRAN'S PETITION FOR WRIT OF CERTIORARI
OREGON SUPRME COURT CASE NUMBER: S066268, OREGON COURT OF APPEALS CASE NUMBER:
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