

19-5156

No. 19-143

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

JUL 02 2019

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

THERESA A. LOGAN — PETITIONER  
(Your Name)

TOWN OF WINDSOR, N.Y. vs.  
NEW YORK-RECIPROCAL INS. COMPANY  
ROBERT BRINKS-TRUCK DRIVER  
GREG STORY-WINGMAN — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE) NEW YORK

PETITION FOR WRIT OF CERTIORARI

THERESA A. LOGAN  
(Your Name)

50 Williams Road  
(Address)

WINDSOR, NEW YORK 13865  
(City, State, Zip Code)

607-655-1853  
(Phone Number)

QUESTION(S) PRESENTED

1. WHY HAS ATTORNEY JAMES O'BRIEN BEEN ALLOWED TO CARRY THIS CASE PAST THE STATUE, AND NOW HE'S COMPLAINING ABOUT IT?
2. WHY WAS MR. O'BRIEN ALLOWED TO FILE A MOTION FOR TRIAL BY JURY BUT NOTHING EVER CAME OF IT?
3. WHY IS MR. O'BRIEN ALLOWED TO MAKE A MEDICAL DIAGNOSIS, STATING PETROVER "HAS BONE DEGENERATION AND SUFFERING FROM ARTERITIS"?
4. WHY IS MR. O'BRIEN ALLOWED TO DEFINE PETROVER CHARACTER?
5. BEEN LIVING AT HER HOME FOR 3 YEARS, AND SHE'S SUBMITTING DIFFERENT DOCUMENTS WHY DID MR. STORY AND MR. BRICKS STATE "THE SPEED LIMIT IS 55 MPH, WHEN THE SIGNS SAY 30 MPH, DURING THE VIDEO DEPOSITION"?
6. WHY DID BOTH RESPONDENTS STATE THERE WAS ONLY 3 INCHES OF SNOW, WHEN THERE WAS A SNOW STORM THE DAY BEFORE? AND THAT MR. STORY O'BRIEN'S ATTORNEY REFUSED TO SUBMIT DOCUMENTS TO SHOW IF MR. STORY O'BRIEN HAS ANY OUTSTANDING TRAFFIC VIOLATIONS?
8. WHY HAS MR. O'BRIEN ALLOWED TO TAMPER, ALTER AND ERASE THREE FOURTHS OF CITY, STATE AND GOVERNMENT COURTS BY THE PETITIONER? (REDACTION)
9. WHY HAVE RESPONDENTS CONTINUE TO CHANGE THEIR TESTIMONY AND LIE WAS PARKED, WHICH DIRECTION THEY WERE DRIVING, AND HOW FAST THEY WERE DRIVING?
10. ON THE DAY IN QUESTION, WHY WERE THEY NEGLIGENCELY DRIVING, WHY DID MR. STORY AND MR. BRICKS LEAVE THE SCENE OF AN ACCIDENT? WHY DID MR. STORY AND MR. BRICK RETURN TO THE SCENE ONLY TO POINT, LAUGH AND WAVE TO MAKE FUN OF THE PETROVER OBITIM, KNOW KNOW AS THE PETROVER LOGAN?
12. AT THE FIRST VIDEO DEPOSITION WHERE THE PETROVER LOGAN WAS BEING REPRESENTED BY ATTORNEY ERIC GRIFFIN OF ROAD AND BEASTMAINS LAW FIRM MR. STORY AND MR. BRICKS LITIGATED AT LEAST 3 TIMES SO WHY IN AND THEIR TESTIMONY HAS CHANGED AT LEAST 3 TIMES SO WHY ARE THEY ALLOWED TO OBSTRUCT JUSTICE?"
13. WHY ARE SNOW PLOW TRUCKS EXEMPT FROM THE RULES OF VEHICLE TRAFFIC LAWS
14. WHY DO RESIDENTS HAVE LITTLE TO NO RECOURSE IF SNOW PLOW TRUCKS STRIKE A VEHICLE OR KILL A PEDESTRIAN?
15. WHY DOES THE LAW FAVOR THESE TRUCKS IN CRASHES?
16. TOWN OF WINDSOR, NEW YORK PAID FOR THE PETROVER LOGAN'S 2 MAJOR SURGERIES SO WHY WOULD THE TOWN OF WINDSOR PAY FOR PHYSICAL THERAPY, 10 THOUSAND DOLLAR BALANCE ON WINDSOR BILLS, LOST WAGES, PAIN AND SUFFERING?

## LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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THIS QUESTION ?

OTHER

N/A

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 \_\_\_\_\_ 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 \_\_\_\_\_ 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.

## 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 APRIL 26, 2019  
A copy of that decision appears at Appendix \_\_\_\_\_.

☐ 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).

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**



## STATEMENT OF THE CASE

- ① PETITIONER LEFT her home AT 6:00 AM Monday morning MARCH 7, 2011 headed for her CAR PARKED on her PROPERTY NEXT to Williams road, on her way to WORK.
- ② THERE HAD BEEN A SNOW STORM MARCH 6, 2011. WE LIVE NEAR the top of a hill and got close to 12 inches of SNOW.
- ③ PETITIONER had just ABOUT FINISHED CLEARING THE SNOW OFF HER CAR WHEN SHE HEARD AND SAW THE SNOW PLOW TRUCK DRIVING AT A FAST RATE OF SPEED ON THE OPPOSITE SIDE OF THE ROAD WHILE PLOWING THE SNOW.
- ④ THE TRUCK SPED <sup>DOWN</sup> THE ROAD ABOUT 1 1/2 BLOCKS TURNED AROUND AND AT A HIGH RATE OF SPEED MR. STORY AND MR. BRINKS WITH 3 FOOT BLADE DOWN CAME SPEEDING TOWARDS THERESA (ONCE she realized they were not going to stop she turned he back) to keep from getting hit in the face.
- ⑤ SNOW, ROCKSALT AND GRAVEL HIT THERESA FROM HER NECK DOWN TO HER THIGHS, PLUMMETING HER BODY.
- ⑥ NOT KNOWING HOW SEVERE HER INJURIES WERE SHE RECEIVED CORTISONE INJECTIONS UNTIL FINALLY AN MRI WAS DONE AND <sup>IN 2014</sup> 2 MAJOR SURGERIES PERFORMED. PETITIONER, TO DATE STILL "HAS NOT" RECEIVED PHYSICAL THERAPY.
- ⑦ AFTER OVER 40 YEARS IN THE MEDICAL FIELD THERESA HAD TO RESIGN FROM HER JOB IN THE OPERATING ROOM.
- ⑧ MR. BRINKS AND MR. STORY PROVE BACK 15 MINUTES LATER AND THEY BOTH LAUGHED AT ME.

**The Complaint of Mrs. Theresa A. Logan, (Pro Se)**

**Respectfully shows “False Accusations” and “Grievous Bodily**

**Harm” and with proof, as follows;**

Mrs. Theresa A. Logan herein, resides at 50 Williams Road, Windsor New York. I’ve lived at this address for 12 years. I have worked in the medical field for over 40 years, the last 20 of those years I’ve worked in the operating room, surgery, as a Certified Surgical Technologist.

I relocated and moved back to New York State from Arizona, on June 11, 2007. The last 5 of those 20 years, I was hired on January 7, 2008, appendix-A pg.1, and I started working at Our Lady Of Lourdes Hospital located in Binghamton, New York. My work hours were 7:00 am until 5:00pm. Appendix A-pg.1. I was forced to resign from my job at Lourdes Hospital on February 6, 2013 due to assault and injuries I sustained on March 7, 2011, Appendix A-pg.2, at the hands of Mr. Gregg Story and Mr. Robert Brinks while they were driving and operating a snowplow truck, on The Day In Question.

**THE DAY IN QUESTION**

On Sunday, March 6, 2011 Appendix A pg-3, there was a severe winter snow storm that dropped approximately 1 foot of snow where I live. On

Monday, March 7, 2011, (Day in Question) snow fell early that morning at about 18 more inches, Appendix A pg. 4. At approximately 6:00 am I left my home, to go to work as I had done hundreds of times before. I walked up my driveway to my car, which was “parked on my property“, in front of my driveway, next to Williams Road“ Appendix A pg.-5. As do other neighbors who also live in this neighborhood, Appendix A pg.-6, due to heavy snowfall. I live in the Rural Area, in the Town of Windsor at the top of the hill, where there is always an abundance of deep snow yearly.

I began to clear the snow from around my car. Front, back and on the drivers side. My driveway has an incline Appendix A pg-5, so I wouldn't be on the passenger side of the car as stated by the defendants because I would have fallen down the incline. I then, started to clear the snow off my car. I had just about finished and I walked to the front of my car, as I was almost done, to clear the snow off my windshield. I was just about finished clearing off the snow, when suddenly I heard the engine of the snow plow truck on the opposite side of Williams Road, across from where I was standing.

I looked up too see the truck traveling at a high rate of speed, possible 40-45 miles per hour as they drove past me. During video deposition The

defendants state, "they have flashing lights on the truck". However, the lights weren't flashing that day and most days when they are plowing up here. Appendix B pg-1. Both defendants state, "speed limit is "55 MPH" in the Video Deposition", however The Town of Windsor's speed limit is "30 miles per hour" Appendix B pg-2. I continued to clean off my car, when suddenly I heard the engine of the truck again.

I looked down the road to see the truck yet again, this time the truck was on the same side of the road as I, coming straight towards me at a fast rate of speed. I thought maybe they would slow down and or at least allow me to leave, however, the truck speeded up. The Defendants Could of, "At Least Raised The Truck Blade", as stated by Judge Ferris Lebous in his "Decision and Order" in Supreme Court in 2015 Binghamton, New York in favor of the me.

Once I realized Mr. Robert Brinks driver of the snow plow truck and Mr. Gregg Story, snowplow truck wingman were not going to allow me to leave safely, I held onto my shovel and the hood of her car and turned my back so I wouldn't get hit in my face. At that point, with Mr. Brinks' reckless and negligent driving of the 60,000 pound/20 ton snowplow truck, filled with rock salt, and Mr. Story's negligent and reckless handling and

operation of the 3 foot by 12 foot metal snow blade (approximately, perhaps larger), in the down position, they drove past me at a fast rate of speed.

“Snow, Rock Salt and Gravel Plummeted My Body”. Hitting me on the back of my neck, too mid thighs. Mr. Brinks and Mr. Story drove off quickly, leaving the scene of the incident, never stopping or even looking back to see if I was ok. Knocking the breath out of me on impact! I was in shock and disoriented! I began to shiver, and cry, trying not to panic as I shoveled the snow, rock salt and gravel from around my feet and legs. Shivering, in tears and in total panic at what had just happened to me.

The Defendants had also covered my car with about 2 feet of snow. Not imagining what this type of blunt force trauma would do to the human body. Appendix B pg-4 and 4a. My cell phone and keys were in my car and the cars engine was running, my car, buried in snow. Appendix B pg. 3. After digging my legs and feet out of the snow, I walked around to the drivers side door to clear off the snow, once again, so I could get inside my car where it was warm.

“I Was In Shock“. After a few minutes or so, I noticed I had snow, rock salt and gravel in my pockets. At that point, I was some what confused and

even more disoriented. I couldn't understand why they would do this to me. I took my cell phone and called my job to let them know I would be late for surgery, thinking I was ok. After warming up in my car, and trying to calm myself down, I got out of my car and began to clear the rest of the snow off my vehicle, a second time. At that point, I was in disbelief. Confused, and scared at what had just happened.

Suddenly, maybe 5-10 minutes or so later, as I was trying to finish clearing the rest of the snow from my car, (for the second time) I heard the engine of the snowplow truck, yet again! Thinking to myself it couldn't be them again they just clear both sides of Williams Road. I began to shake in fear for her life. I looked up into the cab of the truck only to see Mr. Brinks and Mr. Story, driving slowly past me on the opposite side of the road.

As I turned looked up again, I pointed at the defendants and stated "How Dare You"! The defendants drove past me slowly and intentionally, pointing, waving, laughing and taunting me as if what they had just done, was a joke and very funny to them.

I rushed to get back into my car, (still buried halfway in snow after the defendants second pass). My tires were smoking as "I put my car in reverse and then drive" 3 or 4 times, trying to get out of the snow to leave my

property for “fear of my life”, and that they would turn around at the end of Williams Road and come at me again.

I drove off from my property and headed to my job, in tears, shaking scared and very confused. I was suppose to be at work and swipe in, on or before 7:00 a.m. Appendix A pg-1. It was almost 8:30 a.m. when I swiped in at my job Monday, March 7, 2011. I spoke with the “charge nurse” that morning about the incident and I was put on “light duty” in the “out patient department“.

I worked Tuesday, March 8, 2011, in excruciating pain, however, by Wednesday morning March 9, 2011, I was in so much pain and distress from my neck to my lower back. I had to be relieved from my job in the operating room. I was told by my supervisor Marge Cinti, that I should contact my primary care doctor immediately so I could be seen immediately. I swiped out and left work that morning, a little before noon and headed to my doctors office. My primary care physician was in surgery. I was seen by the physicians assistant, Joseph Brunt. I had X-rays done and I was sent home with pain medicines Appendix B pg-8, along with a note to my job, Stating “I should remain off of work until the following week.

While finishing up my x-rays, I received a call from the Town of

Windsor's Supervisors office and I was asked to meet with Randy Williams, (Town of Windsor Supervisor at that time) after my appointment at the doctors office. I met with Town of Windsor Supervisor Randy Williams and 3 other gentlemen on the towns committee at 4 p.m. Wednesday March 9, 2011 for approximately 1 hour. The 3 gentlemen along with Mr. Williams shook my hand after the meeting was over, and they "guaranteed me that the towns, "New York Municipal Reciprocal Insurance Company" Which carries a \$1,000,000.00 policy for bodily injury, Appendix C pg.-7 would take care of any medical bills or out of pocket expenses I might incur.

Mr. Williams also asked me, before leaving, to please type up a letter in regards to, "The Day In Question", and to email it to him, and I did.

Appendix B pg.-5 and pg-6.

I was fitted for a back brace and cervical collar Appendix B pg.-7 that I wore daily, even to work, however, I removed my cervical collar before entering into the "sterile operating room" to work. I have also suffered hair loss from the constant wearing of the cervical collar, around my neck.

After several weeks on my job, in chronic pain, I applied for, (FMLA) Family Medical Leave of Absence. I was only allowed "90 Days", per my



signed contract with my job. With the “Right to Terminate Law” in New York State, I was not allowed “180 days” or I would have been terminated from my job. I did physical therapy, at Pullanos Physical Therapy, for a few sessions. I then started doing my physical therapy “at home”, Appendix B-pg.8, with equipment provided by Pullanos, RS Medical, Rehab Supply, and Dr. Steven Jacobs.

Town of Windsor Supervisor Randy Williams and the Towns Insurance company, New York Municipal Reciprocal, didn’t keep their word in paying for my physical therapy appointments after both surgeries. I couldn’t afford, the weekly bill or transportation to the facilities, to continue my healing from the surgeries. After my 90 days were up, I had to return to work, still in Excruciating pain. After working a couple of weeks, I checked with my jobs medical insurance to see if they would cover me getting an MRI, to check on my injuries to try and understand why I was still in so much pain. My jobs response at that time was, “unfortunately my injuries aren’t job related”, so they couldn’t cover the MRI bill. While still in excruciating pain I continued to work.

I then spoke with, Neuro/Orthopedic Surgeon Dr. Eric Seybold, who

also worked at Lourdes Hospital in Binghamton, New York to see if he could help to relieve my chronic pain. I found out medical insurance would cover me to receive cortisone injections in my lower spine and upper neck areas while under x-ray. When those injections stopped working, months and months later, I had another surgical procedure done called an “ablation“. Unfortunately, for me, that procedure was also short lived.

As healthy as I have always been I finally realized my pain wasn't going away and I wasn't healing, or getting better and I felt I needed to seek, serious medical attention immediately. By then over one year had passed since the incident with the snow plow truck. The injections, the ablation, the medication and the physical therapy, at home wasn't working.

I wasn't doing any better. In fear of possibly causing mistakes at my job, or injuring myself, I resigned from my job, on February 6, 2013

Appendix A Pg.-2 in order to seek much needed medical attention. My medical insurance expired at Lourdes Hospital at the end of February 2013.

I was on a waiting list for almost 6 months before I became eligible and put on my husbands medical insurance. Then, I had to wait several more months for an appointment before seeing, Neurosurgeon, Doctor Steven Jacobs located in Middletown New York, where my new insurance was

located, 2 hours away from our home. After Doctor Steven Jacobs ordered an MRI for me, I met with him. The doctor stated, “how have you been working in this condition” Appendix C pg-1.

My MRI showed, compressed and herniated disc’s pressing against my spinal cord, due to “Blunt Force Trauma“, which is attributed to the Snow rock salt and Gravel that hit me on the day in question.

The first surgery finally scheduled for me, was on March 12, 2014. A Cervical Fusion, plates and screws, and cadaver bones. The second surgery on May 28, 2014, lumbar spine decompression, pedicle screws. I have a 6.5 inch scar on my lower back and a 2.5 inch scar on the right side of my neck Appendix B pg.-4 and B pg.-4a.

Town of Windsor Insurance Company, at first stated, They weren’t responsible for what their employees had done, however, they eventually paid for the two major surgeries I had to endure. I have not had physical therapy, because the Towns Insurance Company, has refused to pay, and my 2 surgeries were 5 years ago. I have not been able to afford the cost of physical therapy, however, that is a part of recovery after any major surgery.

I have been in chronic pain from an “Atrophy/Stiff Muscle” in my lower back and neck, from lack of physical therapy after 2major surgeries.

I am currently and haven't been on any pain medicine for over 4 years, however, the Cymbalta I was taking, its side effects, has caused, short and long term memory loss. I found myself going into depression. It helped to have regular office visits with, NYS Licensed Psychologist William H. Conner, P.H.D. Binghamton, New York, who diagnosed me with "PTSD", Appendix C pg-2. I'm doing somewhat better.

Almost 1 year after my surgeries, my husband and I were wondering what was going on with the lawsuit that was filed by my former Attorney Ronald Benjamin. This is the same attorney who after over 4 years hadn't done very much with my case and the few times I and my husband tried to communicate with him he was very rude, insulting and would hang up the telephone during our conversation. The only attorney with his law firm, Attorney Eric Gruber, who can vouch for what I'm saying (who now resides in Florida), was their for my first Video deposition in downtown Binghamton, New York, where Mr. Brinks and Mr. Story as well as attorney O'Brien were not being truthful, several times while under oath.

In March 2015, my husband and I went to the clerks office at the Supreme Court, Binghamton New York. I spoke with Mr. Rick Blythe, Broome County Clerk, who directed me to the computer to look up my case.

Mr. Blythe stating “the documents in your case are voluminous” and not easier to understand, Appendix C pg.-3. I then made note of the fact that there was a scheduled deposition for May 15, 2015 at 9:30 am in the Supreme Court in Binghamton.

Attorney Benjamin once again neglected to inform me, about this court hearing. My husband, I and our Pastor showed up at 9 am that morning. Attorney Benjamin didn’t even acknowledge our presence in the courtroom. The judge called us to the lectern and then to the Judges chambers. After asking me a few questions and speaking briefly with me about attorney Benjamin, the Judge dismissed attorney Benjamin and his associate from my case, and the courtroom. I have spoken with over 20 attorneys, Appendix C pg.-4, asking for representation, however, no one will help me. This is the only reason I took over my case Pro-Se.

After taking over my case, when I received my first Brief/Complaint from Attorney O’Brien, it totaled approximately 1,500-2000 pages. The clerk was right when he called it voluminous. I even submitted those documents to the Court of Appeals in Albany, New York. I and my husband called and asked Attorney Benjamin if I could please have my files shortly after Judge Ferris Lebus dismissed him from my case but Attorney

Benjamin stated "I'm not giving you anything" and he refused to release documents to me, and hung up the telephone yet again. Therefore, some dated documents, I don't have.

Attorney O'Brien, "Demanded a trial by Jury" March 21, 2016 On March 22, 2016 Judge Lebous seem to grant the request. Appendix C pg.-5 and 6. I was looking forward and had no objections, however, (nothing ever came of this frivolous request). I even asked for a polygraph test.

I had an out of town emergency. My brother was having a heart and kidney transplant in California. (2 Letter submitted to the Court from my Brother and myself apologizing for the lateness of filing the Complaint. (Appendix C pg.-8))

My husband called me while I was in California to let her know The Towns Insurance Company, wanted to speak with me. I called Mr. Heeran Persaud, he asked me where I was at. I then tried on at least 3 occasions to discuss settlement with Attorney O'Brien, and Mr. Persaud settling for as low as \$90,000 dollars. They would not negotiate with me, other than saying "we will give you \$40,000 take it or leave it. I tried to explain to them at that time that I still have over \$10,000.00 in outstanding medical bills not to mention I lost my job. My savings is depleting.

## **VIDEO DEPOSITION, BINGHAMTON, NEW YORK**

In December 2011, in a Courtroom in Binghamton New York, Madame Justice, Stenographer, Theresa A. Logan, my husband, Eric Logan, and at that time I was being represented by Attorney Eric Gruber (an associate of Attorney Ronald Benjamin). Also Attorney James P. O'Brien Representing the, Town of Windsor employees, Robert Brinks snowplow truck driver, Gregg Story wingman/operator of trucks snowplow blades and New York Municipal Reciprocal insurance Company.

We were all Sworn In. Questions were asked by the Justice, and we all had an opportunity to respond to the questions. On that day, in my opinion, during the Deposition and in Complaints filed and submitted by Attorney O'Brien and sent to me and on several Occasions "sent to me late", via regular mail, not certified, Mr. Brinks, Mr. Story, and Attorney O'Brien are not being truthful their Testimonies and depositions, in regards to the "Day in Question" have changed multiple times. I have submitted multiple documents, and photos to the Courts to prove so.

### **Mr. Robert Brinks and Mr. Gregg Story state under oath:**

Here are some of the "untrue statements", in the Video Deposition and in other complaints and deposition submitted to the courts by attorney

O'Brien, in regards to "the day in question". "There was only 4 inches of snow, she was parked in the road, incident happened at 7:00 a.m., she was parked in her driveway, she was standing on the passengers side of her car, the road where she lives, has lots of curves, their Flashing lights were on". In the Video Deposition, defendants also state, the Towns of Windsor's Speed Limit is 55MPH". It's 30 MPH. Appendix B pg.-2

**Attorney James P. O'Brien states:**

On the "Day in Question", March 7, 2011. "Theresa Only Resided at her home for 6 Months when incident occurred, (not true, I moved in my home June 7, 2007 and started my job at Lourdes Hospital in Binghamton, NY January 1, 2008 as stated earlier) he goes on to state, Theresa's Brief/Complaints, submitted to the Courts, are Different with Each Motion she has submitted, she's doing her own plumbing and home improvements (my house was a new build at that time). Attorney O'Brien has made up a diagnosis about me, for the courts stating, Theresa has Bone Degeneration and Arthritis", this too is also stated in court documents and depositions. (I didn't have bone degeneration then, and I don't have it now).

Attorney O'Brien, has purposely left Defendants, Mr. Brinks and Mr. Story names out of this lawsuit when he submits his Complaints, as if I was



alone and at fault for what transpired on "The Day in Question" Attorney O'Brien refused and or ignored request to give any ask for information to Me or the Courts, in regards to a background check on Mr. Brinks, and Mr. Story. Attorney O'Brien was asked on at least 2-3 occasions if these individual had any, Driving Violations, Speeding Tickets, Fatigued Driving, are they on Medication, Why did they leave the scene, he never responded to me or the Courts in regards to these questions.

I, while still working at Our Lady Of Lourdes Hospital, and before resigning from my Job, February 6, 2013, was making hourly wages of \$17.42 per hour. \$33,446.40 PER YEAR ANNUAL INCOME (Not including: "on-call and over time"). \$167,230.00 = Grand Total for 5 years without pay. (it has now been 6 years) I have all but "depleted" my:

#### RETIREMENT SAVINGS

|   |              |
|---|--------------|
| A. Fidelity Investments-401K            | \$ 6,600.00  |
| B. Ascension Health/Transamerica- 401-A | \$ 5,901.37  |
| C. Diversified - 403-B                  | \$ 8,981.78  |
|   | <hr/>        |
|   | \$ 21,483.15 |

Current Total Balance as of May 31, 2019 +2,642.17

#### CASH OUT OF POCKET, FOR MEDICAL BILLS "PAID IN FULL"

|                                 |           |
|---------------------------------|-----------|
| Pullano Physical therapy (paid) | \$ 724.00 |
| Putnam Hospital 16              | \$41.16   |

|                         |           |
|-------------------------|-----------|
| Putnum Hospital         | \$ 27.64  |
| Lourdes Hospital        | \$ 100.00 |
| Lourdes Hospital        | \$ 50.00  |
| Rite Aid Pharmacy       | \$ 34.24  |
| Rite Aid Pharmacy       | \$ 148.24 |
| Hudson Valley Radiology | \$ 47.08  |
| Hudson Valley Radiology | \$ 31.16  |
| Hudson Valley Radiology | \$ 77.08  |
| Tek Collect             | \$ 35.44  |

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\$ 1,316.04

#### UN-PAID BILLS

|   |                    |
|---|--------------------|
| D. Pullano's Physical Therapy and Equipment<br>(Paid in Full) | pd.724.00          |
| E. Hudson Valley Radiologist                                  | 174.00             |
| F. Dr. Steven Jacobs-Bone Stimulator and<br>Inservice         | 3,000.00<br>500.00 |
| New York Neurosurgical, PLLC                                  | 545.74             |
| G. R S Medical- Therapy Equipment                             | 4,630.00           |
| H. Rehab Supply   | 262.80             |
| I. Lourdes Hospital   | 900.00             |

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\$9,441.34

#### SUMMARY

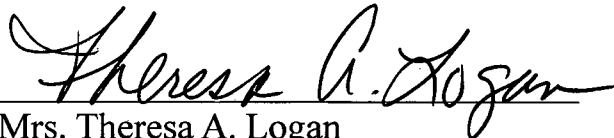
Attorney James P. O'Brien along with the defendants in my opinion have "Obstructed Justice, Told multiple Lies, appear to think, They Are Above The Law". I'm only asking for "Justice, Writ of Certiorari, Original Lawsuit for \$209,000.00, or what the "Judges Deem Fair", 6 months-1 year

of Physical Therapy. To be able to "Plead my case in Court". The Court Documents and Photos I've submitted to the Courts will show proof and overwhelming evidence that "I'm Telling the Truth".

Documents submitted to the following Courts:

1. Supreme Court in Binghamton, New York (twice)
2. Appeals Appellate Court, Albany, New York (twice)
3. Court Of Appeals, Albany, New York (twice)
4. Supreme Court, Washington D.C. (twice, including this complaint)
5. United States District Court For The Northern District Of New York (three times)

Sincerely and Respectfully,



Mrs. Theresa A. Logan

Pro Se

July , 2019

Sworn Before me on this 2<sup>nd</sup> day of July 2019

Letitia Cieri

Letitia Marie Cieri  
01C16281673  
Notary Public, State of New York  
Qualified in Tioga County  
My commission expires MAY 13th, 2021

## REASONS FOR GRANTING THE PETITION

- I'VE FOLLOWED PROTOCOL IN SUBMITTING MY BRIEFS AND OVERWHELMING EVIDENCE TO THE LOWER COURTS, HOWEVER. MY CASE HAS BEEN DENIED MULTIPLE TIMES.
- I HAVE NOT BEEN ALLOWED TO PLEA MY CASE IN ANY OF THE COURTS IN NEW YORK STATE.
- PETITIONER WOULD LIKE COMPENSATION FOR HER INJURIES.
- IT APPEARS AS THOUGH MR. STORY, MR. BRINKS THE TOWN OF WINDSOR, NEW YORK RECIPICAL INSURANCE AS WELL AS THEIR ATTORNEY ARE ALL BEING PROTECTED, FROM THE LAW WHEN THE PETITIONER, "THERESA LOGAN IS THE VICTIM".
- PETITIONER, IN THE 3.5 YEARS (INSTEAD OF SAVING) HAS JUST ABOUT DEPLETED HER 401-K DUE TO LOSS OF HER JOB.
- THE FACTS THAT HAVE COME OUT IN THIS CASE HAVE ONLY BEEN SPOKEN BY THE DRIVER AND THE WINGMAN OF A 20 TON TRUCK, MR. BRINKS AND MR. STORY, AND THEIR ATTORNEY MR. O'BRIEN ALONG WITH NEW YORK MUNICIPAL INSURANCE.
- WHEN DOES THE PETITIONER THERESA A. LOGAN GET A CHANCE TO SPEAK IN COURT?
- PETITIONER WOULD LIKE TO BE MADE WHOLE AND BE REINBURSED FOR <sup>LOST</sup> WAGES, LOSS OF JOB, PAIN AND SUFFERING, INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS, PHYSICAL THERAPY, UNPAID MEDICAL BILLS, CASH OUT OF POCKET 401-K

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Theresa A. Logan

Date: July 2, 2019