

No. 19-5156

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SUPREME COURT, U.S.

In the Supreme Court of the United States

Theresa A. Logan,

Petitioner

v.

Town of Windsor,

New York Municipal Reciprocal Insurance Co.

Mr. Robert Brinks and Mr. Gregg Story

Respondents

Petitioners Brief , Petition for Rehearing
For a Writ of Certiorari

Mrs. Theresa A. Logan, Pro Se
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Petitioner: "would like to thank the Court for receiving her "Petition for Rehearing", she'd also like to thank the Courts for their help and direction in previous petitions.

Opinions Below

Vehicle & Traffic Law for New York State s1103 (b)

New York State as well as other states in the United States Law, permits snowplows to violate just about every rule of the road contained in the New York "Vehicle & Traffic Law, "EXCEPT" for drunk driving when plowing on public roads. However, that is a fact.

The Only Exception to the "Grant Of Immunity Provided to Snowplow Truck Operators by Vehicle & Traffic Law For New York State s1103(b), is When the Conduct of the Snowplow Truck Operators is Judged to be A "RECKLESS DISREGARD"!

Whereas "NEGLIGENCE" is generally defined as Failing To Exercise Reasonable Care, Under The Circumstance.

"RECKLESS DISREGARD", Is A Deliberate Decision To Ignore A Likely Harm".

In Massachusetts, reported by Faraci Lange, December 15, 2016, when a young women was walking from her job at one store down the street to another store and was hit by a snowplow truck. After spending several days in the hospital in intensive care, her family decided to donate her organs. The family sued and won their case.

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Questions Presented

During the “First Video Deposition“, in the Courtroom, located in Binghamton, New York, the Justice, She was on the big screen television in the Courtroom. The Petitioner, Mrs. Theresa A. Logan, Eric Logan her husband, Attorney Eric Gruber, representing Mrs. Logan at that time (who now resides in Florida, an associate of Attorney Benjamin at that time), the stenographer, defendants, Robert Brinks, snowplow truck driver, Gregg Story, wingman in charge of snowplow truck blades and their Attorney James O’Brien.

Why did both defendants state during the video deposition, “petitioner was parked in the road”. Robert Brinks and Gregg Story during the video deposition, also stated, “The speed limit is 55 MPH”, and that “there was only 3-4 inches of snow on the ground”. Also the defendants were not using their flashing lights on their truck, while pushing snow, gravel and spraying rock salt. Judge Lebous, Supreme Court Binghamton, New York, stated, “they could of at least raised the 3 foot by 12 foot blades before they passed Mrs. Logan“.

Why did the defendants leave the scene of the incident, without checking to see if petitioner was alright after plummeting her body from her neck down to her thighs, with snow, rock salt and gravel? Why does Attorney

O'Brien continue to state, "the petitioner only resided at her home 6 months"?. Why did defendants after 5-10 minutes or so, drive back to the scene, point, laugh and make fun of what they had just done to Mrs. Logan?

At that time, Town of Windsor Supervisor Randy Williams and 3 other gentlemen from the towns committee, met with Mrs. Logan for about 30 minutes, after she left he doctor and had x-rays done. Why did Town Supervisor Randy Williams and 3 other gentlemen who shook Mrs. Logans hand and agreed that "the Towns Insurance would take care of any medical bills or out of pocket expenses she might incur. Mr. Williams ask Mrs. Logan to send him a detailed email of the day in question, and she did.

However, Petitioner wonders, why the defendants, attorney O'Brien has tried to cover up for the defendants behavior by stating untruths about the petitioner as well, causing a tremendous hold up in this case. Why during each deposition the defendants testimony has changed? Petitioner has requested a polygraph test several times, however, there has been no response. Why did Attorney O'Brien also state, "petitioner was submitting different complaints and or motions to the Courts". Why did Attorney O'Brien "Demand a trial by Jury", however, it never came to fruition!

Statement of Facts

Petitioner, has submitted the same documents, photos, and other evidence to the Courts to show her testimony and facts are true, that she was severely injured after snowplow truck driver Robert Brinks and blade operator/wingman Gregg Story were operating a 50 thousand pound/20 ton snowplow truck, recklessly speeding down Williams road between 40-45 MPH on the day in question, with the blade down.

At that time, Mrs. Logan had resided at her home for 3.5 years. The speed limit in the Town of Windsor is 30 MPH, the snow on that day was approximately 18 inches. Petitioner, at that time had parked on her property, in front of her driveway, next to Williams road. As do most neighbors, mainly because of the deep snow that comes our way because of where we are located, at the top of the hill in the Rural area.

There had been a severe snow storm the day before and the morning of the incident. After working at her job in the operating room, on the weekends, and her days off, she would take pain medication, also taking limited physical therapy, while in severe pain and discomfort over a year and not being able to get an MRI through her job because she was told “the accident wasn’t job related”. Mrs. Logan was also granted 90 days of (FMLA), family medical leave of absence, that was short lived.

The petitioner was forced to resign from her job February 6, 2013 so she could seek the medical attention she needed because the pain wouldn’t stop.

At that point her health insurance was discontinued. Again, Mrs. Logan waiting several months to get on her husbands health insurance. Once on her husbands insurance, she had to wait several months before getting an appointment with Neurosurgeon Dr. Jacobs, located in Middletown and Fishkill, New York. Several weeks later An MRI was done. A week later Mrs. Logan was told by her Neurosurgeon, "how have you been working under these conditions, you have, compressed and herniated discs, pressing against your spinal cord". ("more than likely due too blunt force trauma").

Surgery was done in March 2014. Mrs. Logans first surgery was her neck, a cervical fusion C4-5 thru C5-6 cadaver bones, plates an screws. In May 2014, Mrs. Logan had lower back surgery, L-5 and Sacrum -1, with pedicle screws.

After taking several months to heal from her surgeries. Mrs. Logan and her husband went to the Supreme Court in Binghamton New York. Mrs. Logan found out about the deposition scheduled for May 15, 2015. Mrs. Logan, Eric Logan and her Pastor Vonda Fossit, showed up in Courtroom for the hearing, with Judge Ferris Lebous presiding. Attorney Benjamin didn't even acknowledge us in the Courtroom.

The Judge called both parties up to the lecterns. Judge Lebous ask both parties to join him in his chambers. Mrs. Logan, Eric Logan, Attorney Benjamin, with his associate, the stenographer and attorney O'Brien. After Judge Lebous ask Mrs. Logan several questions about Attorney Benjamin

and Mrs. Logan replied "she didn't appreciate how her attorney would speak to her and how he would hang up the telephone when she would ask about her case, seeing it had been almost 4 years.

At that point Judge Lebous ask, "Mrs. Logan if she would like for attorney Benjamin to continue to represent her?" Mrs. Logan Stated, "no".

Judge Lebous turned towards Attorney Benjamin and his associate and stated "you are dismissed from this case and dismissed from the Courtroom".

Mrs. Logan, spoke with over 20 attorneys about representation but to no avail. This is when the petitioner took over her case pro se, so it wouldn't be dismissed while looking for an attorney. Mrs. Logan, for the first time submitted her complaint to the Supreme Court in Binghamton, New York to Judge Ferris Lebous.

The Judge dismissed her case without prejudice. Unfortunately, at that time Mrs. Logan didn't understand the Judges ruling.

Mrs. Logan spoke with the clerks office, she told them her case had been dismissed. She was directed to go to the Appeals Court in Albany, NY. Mrs. Logan submitted documents to the Court twice, both times her case was dismissed. The clerks office of that Court then directed Mrs. Logan to the Appeals Appellate Court in Albany, where she submitted her complaint 2 more times, only to be dismissed again, In 2017.

A former co-worker told Mrs. Logan about the Federal Court located in Binghamton, NY. The Federal Court told Mrs. Logan at that time to "submit

her complaint". Receiving the booklet from the Federal Court, on how to set up her case, following protocol, the documents and evidence will show, Mrs. Logan typed her complaint and after she submitted her complaint to the Federal Court she was told to "wait until the Judge had the chance to read over the complaint and make his decision, before she mailed a copy to the defendants Attorney".

Mrs. Logan submitted her complaint a total of 3 times to the Federal Court. After the third time submitting her complaint, a decision was made and a copy was send to defendants attorney, certified mail.

Mrs. Logan was given Docket # 19-143, that stated, "Federal Court had, after her third submitting of her complaints, had made Their decision.

Trial Judge: David E. Peebles Magistrate Justice, Syracuse, New York and Trial Judge: Glenn T. Suddaby of Binghamton, New York, decided, Appeal From: NDNY (SYRACUSE) Fee Status: IFP Granted.

Mrs. Logan was directed to submit her case to the United State Court of Appeals for Second Circuit 40 Foley Square New York City. Complaint was submitted. Shortly after submitting her complaint she received a letter in the mail from the Second Circuit Court dismissing her claim yet again.

Mrs. Logan again, called and spoke with a gentleman in the clerks office, and she was told by the clerk that "they don't have pro bono attorneys and they couldn't help her". Petitioner was then told to, "summit your complaint and documents to the Supreme Court in Washington DC", and as

always send a copy of her complaint, certified mail to defendants attorney O'Brien, and she did. I spoke with Mrs. Nesbitt in the clerks office, in the Supreme Court of the United States Washington, DC and she has been very helpful.

Argument

Reasons for "not denying the petition for rehearing" with compelling reasons!

This case, has been delayed by the defendants and Attorney James P. O'Brien, for over the past 4 years since the Petitioner took over this case, Pro Se, after the Judge dismissed her former attorney.

Mrs. Logan had spoken several times with the insurance supervisor, Mr. Heenan Persaud who is with New York Municipal Reciprocal Insurance Company, representing the Town of Windsor. They discussed the original amount of the lawsuit and Mrs. Logan was willing to discuss the amount of the lawsuit down from the original amount of 209 thousand dollars, to \$90 thousand dollars, or what the Court deems fair.

Petitioner did not here from Mr. Persaud again. Mrs. Logan also called on several occasions, and tried to reach out to the Towns of Windsor Attorney, James O'Brien, in order to try and come to some kind of settlement. However, he never returned her calls either.

Jurisdiction

If granted, so as not to waste anymore of the Courts time, Petitioner agrees and looks forward to have her case heard in New York State.

The CONSTITUTION of the UNITED STATES OF AMERICA

AMENDMENTS TO THE CONSTITUTION

AMENDMENT I

Freedom of Religion, Speech, and the press; Rights of Assembly and Petition

AMENDMENT VI

Rights to a Fair Trial

AMENDMENT VII

Rights in Civil Cases

AMENDMENT XIV

Civil Rights (Section 1)

Conclusion

Petitioner has not been able to receive the benefits and rights of these Laws based on the Constitution. Petitioner would also like to state "if at all possible, having her case heard and settled in New York State would work just fine for her". Also, petitioner would like to state that there is an epidemic of snowplow truck accidents in the United States on a yearly basis, innocent people/pedestrians and their family members are maimed and or killed and little to nothing is being done about it. In the petitioners opinion, something needs to be done.

**For the reasons stated above the Petitioner Respectfully ask the Court to
Grant the Petitioner "Petition for Rehearing". Thank You.**

October 23, 2019

Sincerely and Respectfully



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Sworn Before me this 23rd Day of October 2019
Letitia Cieri

Letitia Marie Cieri
01CI6281673
Notary Public, State of New York
Qualified in Tioga County
My commission expires MAY 13th, 2021