

No. 19-6285

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IN THE SUPREME COURT OF THE UNITED STATES

LINH THI MINH TRAN
Petitioner on Writ of Certiorari,

Vs.

STAN THE HOT WATER MAN
Petitioner on Writ of Certiorari,

Supreme Court, U.S.
FILED
JUL 15 2019
OFFICE OF THE CLERK

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
04/18/2019 BY MARTHA L. WALTERS, CHIEF JUSTICE OREGON
SUPREME COURT.

Oregon Supreme Court Case Number: S066380
Oregon Court of Appeals Case Number: A165790
Clackamas County Circuit Court Case Number: 16CV19058

**Petitioner on Writ of Certiorari Linh Thi Minh Tran intend to file briefs on
the merits.**

07/16/2019

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PETITIONER ON WRIT OF CERTIORARI LINH THI MINH TRAN'S PETITION FOR WRIT OF CERTIORARI OF
OREGON SUPREME COURT'S ORDER DENYING RECONSIDERATION WAS ENTERED ON 04/18/2019.
Oregon Supreme Court Case: S066380, Oregon Court of Appeals Case: A165790, Multnomah County
Circuit Court Case: 16CV19058 | Linh Thi Minh Tran, Petitioner on writ of certiorari, 12542 SE Capella
court, Happy Valley, Oregon 97086 | Tel: 503-558-0886 | Email: minhlinhtrn@gmail.com | Page 1 of 40

**PETITION FOR WRIT OF CERTIORARI
LIST OF PARTIES**

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QUESTIONS PRESENTED ON PETITION FOR WRIT OF CERTIORARI

1. Did the trial court Multnomah County Circuit Court State of Oregon error in ruling that as a matter of law when there exists disputed genuine issue of material fact between the parties requiring a trial to resolve?
2. Did the trial court Multnomah County Circuit Court State of Oregon error in ruling that as a matter of law when in applying the law to the disputed facts, movant party Stan The Hot Water Man is not clearly entitled by law to judgment?
3. Did the trial court Multnomah County Circuit Court State of Oregon error in ruling that as a matter of law when defendant-Respondent Stan The Hot Water claims things, while Petitioner on writ of certiorari Linh Thi Minh Tran makes different claims?
4. Did the trial court Multnomah County Circuit Court State of Oregon error in ruling that as a matter of law when there is disagreement on important facts, summary judgment is not appropriate, and the case should go to trial where all witnesses are done under oath on the witness stand at trial?
5. Did the trial court Multnomah County Circuit Court State of Oregon error in ruling that as a matter of law when there is disagreement on important facts because Brent Philip Lackey's claims that he could charge excessive amount \$189.00 without a prior written agreement of Petitioner on writ of certiorari Linh Thi Minh Tran?
6. Did the trial court Multnomah County Circuit Court State of Oregon error in ruling that as a matter of law when there is disagreement on important facts because Brent Philip Lackey's claims that he could uninstall/take away/steal parts of petitioner on writ of certiorari Linh Thi Minh Tran's hot water heater without her prior written consent to

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allow him to do it but petitioner on writ of certiorari Linh Thi Minh Tran's disagreement and makes different claims?

7. Did the trial court Multnomah County Circuit Court State of Oregon error in ruling that as a matter of law when petitioner on writ of certiorari Linh Thi Minh Tran sues respondent on writ of certiorari Stan The Hot Water Man under the doctrine of respondeat superior, which provides that "an employer is vicariously liable for an employee's tortious conduct, including intentional torts, when the employee acts within the scope of employment."?
8. Did the trial court Multnomah County Circuit Court State of Oregon error in ruling that as matter of law when plaintiff-appellant makes claims that Brent Philip Lackey, employee of respondent on writ of certiorari Stan the Hot Water Man destroyed and damaged on petitioner on writ of certiorari Linh Thi Minh Tran's property hot water heater and gas furnace blower machine?
9. Did the trial court Multnomah County Circuit Court State of Oregon error in ruling that as matter of law when petitioner on writ of certiorari Linh Thi Minh Tran makes claims that Brent Philip Lackey, employee of defendant Stan the Hot Water Man did unlawfully and intentionally harass, annoy and recklessly create a risk of public inconvenience, annoyance and alarm by engage in fighting/violent, tumultuous and threatening behavior to petition on writ of certiorari Multnomah County Circuit Court State of Oregon error in ruling that as matter of law when petitioner on writ of certiorari Linh Thi Minh Tran makes claims that Defendant Stan the Hot Water Man was negligent in its hiring of Brent Philip Lackey when defendant Stan The Hot Water Man has full knowledge that Brent

Philip Lackey was convicted of harassment and disorderly conduct in Tillamook County but in opposition, Defendant Stan the Hot Water Man makes different claims that it would have continued to employ Brent Philip Lackey even he was convicted of harassment and disorderly because Brent Philip Lackey did unlawfully and intentionally harass, annoy and recklessly create a risk of public inconvenience, annoyance and alarm by engage in fighting/violent, tumultuous and threatening behavior and offensive physical contact another victim named Robert Browning on August 20, 2011 in Tillamook County State of Oregon?

10. Did the trial court Multnomah County Circuit Court State of Oregon error in ruling that as matter of law when petitioner on writ of certiorari Linh Thi Minh Tran makes claims that Brent Philip Lackey's conduct was "reprehensible and outrageous and in total disregard" of the homeowner's legal rights when he has full knowledge that petitioner on writ of certiorari Linh Thi Minh Tran is legal owner of property located at address 12542 SE Capella court, Happy Valley, Oregon 97086. Brent Philip Lackey did serious risks and dangerous because he could uninstall parts of petitioner on writ of certiorari Linh Thi Minh Tran's hot water heater without her written consent and when gas was leaking, and the gas blower machine was fired/burned results created risk dangerous maybe threatened petitioner on writ of certiorari Linh Thi Minh Tran's life and destroyed her property?

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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:

1. Order Denying Reconsideration of Oregon Supreme Court was filed on 04/18/2019 by Martha L. Walters, Chief Justice Oregon Supreme Court. Oregon Supreme Court Case number: S066368, Case Name: Linh Thi Minh Tran vs. Stan the Hot Water Man.
2. Order Denying Review of Oregon Supreme Court was filed on 02/22/2019 by Martha L. Walters, Chief Justice Oregon Supreme Court. Oregon Supreme Court Case number: S066368, Case Name: Linh Thi Minh Tran vs. Stan the Hot Water Man.
3. Order Denying Reconsideration by Rex Armstrong, Presiding Judge Oregon Court of Appeals was entered on 11/14/2018. Oregon Court of Appeals Case Number: A165790, Case Name: Linh Thi Minh Tran vs. Stan the Hot Water Man.
4. Order allowing attorney fees in part of Oregon Court of Appeals was filed on 12/17/2018 by Bronson D. James, Judge Oregon Court of Appeals.
5. Judgment Affirmed without opinion of Oregon Court of Appeals was filed on October 10, 2018 before Armstrong, Presiding Judge, and Tookey, Judge, and Shorr, Judge. Oregon Court of Appeals Case Number: A165790, Case Name: Linh Thi Minh Tran vs. Stan the Hot Water Man.
6. Appellate Judgment and Supplemental Judgment of Oregon Court of Appeals was entered on July 15, 2019 before Armstrong, Presiding Judge, Tookey, Judge, and Shorr, Judge
7. General Judgment of Dismissal of Plaintiff Linh Thi Minh Tran's Complaint of Multnomah County Circuit Court State of Oregon was filed on 11/17/2017 by Circuit Pro Temp Court Judge James Huegli. Multnomah County Circuit Court Case Name: Linh Thi Minh Tran vs. Stan the Hot Water Man, Case Number: 16CV19058.

JURISDICTION

For Cases from Oregon State Courts:

- The date on which the highest Oregon State Court decided my case was 04/18/2019. A copy of that decision appears at Appendix A.
- The jurisdiction of this Court is invoked under 28 U.S.C. 1257(a).

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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. ORS 19.010(1)
2. ORCP 47C
3. ORS 166.065
4. ORS 166.025
5. ORS 164.055
6. ORS 164.015
7. ORS 164.243

STATEMENT OF THE CASE

Nature of the action and relief sought

This is action against Respondent on Writ of Certiorari Stan The Hot Water Man for negligent hiring and negligence for respondeat superior liability for its employee's Brent Philip Lackey's wrongful, unlawfully acted, recklessly create risk, dangerous, fire, burn of petitioner on writ of certiorari Linh Thi Minh Tran's house, annoyance and alarm by engage in physical fighting/violent, tumultuous and threatening behavior to petitioner on writ of certiorari Linh Thi Minh Tran on December 23, 2015 while Brent Philip Lackey was Stan the Hot Water Man's employee's job duties making service calls and repairing water heater. Petitioner on writ of certiorari Linh Thi Minh Tran alleged that Brent Philip Lackey had excessive charged \$189 without prior written agreement with petitioner on writ of certiorari Linh Thi Minh Tran, assaulted of petitioner on writ of certiorari Linh Thi Minh Tran, trespass onto Petitioner on writ of certiorari Linh Thi Minh Tran's property located at address 12542 SE Capella court, Happy Valley, Oregon 97086, took away/stole parts on petitioner on writ of certiorari Linh Thi Minh Tran's hot water heater without petitioner on writ of certiorari Linh Thi Minh Tran's written consent authorize, and damage petitioner on writ of certiorari Linh Thi Minh Tran's property results caused gas leak, burned, and fired to petitioner on writ of certiorari's gas furnace blower machine, destroyed petitioner on writ of certiorari Linh Thi Minh Tran's property, and destroyed petitioner on writ of certiorari Linh Thi Minh Tran's dignity, physical health, and mental health suffers injury and damages. Brent Philip Lackey had already filed a false police report against petitioner on writ of certiorari Linh Thi Minh Tran purposefully prosecuted her to the criminal charges against petitioner on writ of certiorari Linh Thi Minh Tran on October 2, 2017. The trial

court Multnomah County Circuit Court erred in granting respondent on writ of certiorari Stan The Hot Water Man's general judgment of dismissal and against all petitioner on writ of certiorari Linh Thi Minh Tran's claims on 11/17/2017. **petitioner on writ of certiorari Linh Thi Minh Tran seeks reversal of the trial court Multnomah County Circuit Court was entered on 11.17/2017 a general judgment of dismissal of plaintiff Linh Thi Minh Tran's claims in favor of respondent on writ of certiorari Stan the Hot Water Man.**

Effective date for appellate purposes

The General Judgment of Dismissal Plaintiff Linh Thi Minh Tran's complaint of Multnomah County Circuit Court was signed on 11/17/2017 and was entered 11/29/2017. Plaintiff Linh Thi Minh Tran's Amended Notice of Appeal was served and filed on December 4, 2017.

SUMMARY OF ARGUMENT

Petitioner on writ of certiorari Linh Thi Minh Tran submitted to the trial court Multnomah County Circuit Court State of Oregon all sufficient evidences from the beginning in support for petitioner on writ of certiorari Linh Thi Minh Tran's claims against Stan The Hot Water Man for negligent hiring and negligence for respondeat superior liability for its employee's Brent Philip Lackey's wrongful, unlawfully acted, recklessly create risk, dangerous, fire, burn of petitioner on writ of certiorari Linh Thi Minh Tran's house, annoyance and alarm by engage in physical fighting/violent, tumultuous and threatening behavior to petitioner on writ of certiorari Linh Thi Minh Tran on December 23, 2015 while Brent Philip Lackey was Stan the Hot Water Man's employee's job duties making service calls and repairing water heater. Mr. Brent Philip Lackey, an employee of Stan the Hot Water Man.

Petitioner on writ of certiorari Linh Thi Minh Tran submitted to the trial court all sufficient evidences from the beginning in support for petitioner on reconsideration Linh Thi Minh Tran's claim against respondent on writ of certiorari Stan the Hot Water Man for negligence hiring Brent Philip Lackey who had prior bad crime convicted in Tillamook County State of Oregon
Case Name: State of Oregon vs. Brent Philip Lackey, Case Number: 11-6277.

Petitioner on writ of certiorari Linh Thi Minh Tran submitted to the trial court Multnomah County Circuit Court all sufficient evidences from the beginning in support for petitioner on writ of certiorari Linh Thi Minh Tran's claim trespass against Brent Philip Lackey, an employee of Stan the Hot Water Man.

Petitioner on writ of certiorari Linh Thi Minh Tran submitted to the trial court Multnomah County Circuit Court all sufficient evidences from the beginning in support for petitioner on writ of certiorari Linh Thi Minh Tran's claim trespass to chattels against Mr. Brent Philip Lackey, an employee of Stan the Hot Water Man.

Petitioner on writ of certiorari Linh Thi Minh Tran submitted to the trial court all sufficient evidences from the beginning in support for petitioner on writ of certiorari Linh Thi Minh Tran's claims that Brent Philip Lackey, an employee of Stan the Hot Water Man acted unlawful and illegal to take/stole out parts of petitioner on writ of certiorari Linh Thi Minh Tran's property hot water heater in her house located at 12542 SE Capella court, Happy Valley, Oregon 97086 without petitioner on writ of certiorari Linh Thi Minh Tran's written consent to authorize him to uninstall parts. Although Brent Philip Lackey admitted into Brent Philip Lackey's declaration that he has full knowledge and understood that petitioner on writ of certiorari Linh Thi Minh Tran is legal owner right of property 12542 SE Capella court, Happy Valley, Oregon 97086 at

the first time he came to the property 12/23/2015 at 10:00 AM but Brent Philip Lackey's misconduct was "reprehensible and outrageous and in total disregard" of the petitioner on writ of certiorari Linh Thi Minh Tran's homeowner's legal rights.

Petitioner on writ of certiorari Linh Thi Minh Tran submitted to the trial court all sufficient evidences from the beginning in support for petitioner on writ of certiorari Linh Thi Minh Tran's claims that Mr. Brent Philip Lackey's misconduct was "reprehensible and outrageous and in total disregard" of petitioner on writ of certiorari's homeowner's legal rights property 12542 SE Capella court, Happy Valley, Oregon 97086 when Petitioner on writ of certiorari Linh Thi Minh Tran requested rent Philip Lackey stop immediately to take out some of parts of petitioner on writ of certiorari Linh Thi Minh Tran's hot water heater but Brent Philip Lackey ignored and disregard what petitioner on writ of certiorari Linh Thi Minh Tran's said instead Brent Philip Lackey still continue took out some parts from hot water heater without petitioner on writ of certiorari Linh Thi Minh Tran's writing consent or authorize for him to do it. Petitioner on writ of certiorari Linh Thi Minh Tran also requested Brent Philip Lackey immediately leave out of her house at that time on December 23, 2015 at 10:15 AM because Brent Philip Lackey was trying to destroy petitioner on writ of certiorari Linh Thi Minh Tran's property and Petitioner on writ of certiorari Linh Thi Minh Tran was not sure what Brent Philip Lackey was doing with her hot water heater and her properties gas furnace in her house? And more serious why petitioner on writ of certiorari Linh Thi Minh Tran heard a boom loud noise inside the gas furnace and smell the smoke burning odor gas leaking from the gas furnace in garage area. Petitioner on writ of certiorari Linh Thi Minh Tran told Brent Philip Lackey had to stop immediately any his dangerous activities and turned off the gas hot water and closed the gas valve but Brent Philip

Lackey ignored and he responded to petitioner on writ of certiorari Linh Thi Minh Tran that, “No, no, no, I could not leave here because I have to find parts and take them out to the hot water heater and then I stop.” Petitioner on writ of certiorari Linh Thi Minh Tran told Brent Philip Lackey that petitioner on writ of certiorari Linh Thi Minh Tran is the legal owner of property 12542 SE Capella court, Happy Valley, Oregon 97086 and Petitioner on writ of certiorari asked Brent Philip Lackey to stop immediately his dangerous actions by taking out the pilot flames ignitor and opening the gas valve results maybe cause on fire between the gas furnace and hot water. Because Brent Philip Lackey’s actions was very serious endanger and risks so that why petitioner raised her voice at that time “Don’t break my gas furnace and hot water heater” because it seemed to petitioner on writ of certiorari Linh Thi Minh Tran that it has gas burning smoke and burning in gas furnace blower machine and gas hot water heater. Brent Philip Lackey ignored, and he continued used his wrench to take out the parts of pilot flames and ignitor from petitioner on reconsideration Linh Thi Minh Tran’s hot water heater in total outrageous and disregard of petitioner on writ of certiorari Linh Thi Minh Tran’s homeowner’s legal rights. Although petitioner on writ of certiorari Linh Thi Minh Tran has vision deficit retinal detachment and blurry vision not able to see where Brent Philip Lackey was at that time, but petitioner on writ of certiorari Linh Thi Minh Tran tried to reach to gas furnace and hot water area to find a way to turn off the gas furnace and hot water heater for purpose to prevent the fire in her home. Unfortunately, Brent Philip Lackey who is 60 year-old-man, tall 5 feet 8, weight 170 pounds was strong enough to stand up and use the wrench in his hand to push on petitioner on writ of certiorari Linh Thi Minh Tran’s right shoulder and push petitioner on writ of certiorari

Linh Thi Minh Tran away and the wrench was still in Brent Philip Lackey's hands at that time as he testified to the trial court hearing at Clackamas County Circuit Court on 09/26/2017.

Petitioner on writ of certiorari Linh Thi Minh Tran submitted to the trial court Multnomah County Circuit Court from the beginning all sufficient evidences from ABC Heating Company Writing in receipts in support for petitioner on writ of certiorari Linh Thi Minh Tran's claims against Brent Philip Lackey, employee of respondent on writ of certiorari Stan the Hot Water Man destroyed and damaged on petitioner on writ of certiorari Linh Thi Minh Tran's property hot water heater and gas furnace blower machine by setting up high limit caused the blower motor burnt out costed \$500 for repair and replace and if petitioner on writ of certiorari Linh Thi Minh Tran could not prevent Brent Philip Lackey was doing risks and dangerous in gas hot water heater and gas furnace, it may be fired and burned the whole house and dead occurred.

Petitioner on writ of certiorari Linh Thi Minh Tran submitted to the trial court on 06/26-27/2017 all sufficient evidences include DVD video records in support for appellant's claims that Brent Philip Lackey, an employee of defendant Stan the Hot Water Man did unlawfully and intentionally harass, annoy and recklessly create a risk of public inconvenience, annoyance and alarm by engage in fighting/violent, tumultuous and threatening behavior to petitioner on writ of certiorari Linh Thi Minh Tran on December 23, 2015 at 12542 SE Capella court, Happy Valley, Oregon 97086.

Petitioner on writ of certiorari Linh Thi Minh Tran submitted to the trial court all sufficient evidences in support for petitioner's claims that Respondent on writ of certiorari Stan the Hot Water Man was negligent in its hiring of Brent Philip Lackey when respondent on writ of certiorari Stan The Hot Water Man has full knowledge that Brent Philip Lackey was convicted

of harassment and disorderly conduct in Tillamook County and Respondent on writ of certiorari Stan the Hot Water Man claims that it would have continued to employ Brent Philip Lackey even he was convicted of harassment and disorderly because it does not care for its customer's life-threaten.

ASSIGNMENT OF ERROR

Preservation of Error

Petitioner on writ of certiorari Linh Thi Minh Tran assign the trial court Multnomah County Circuit Court erred granting General Judgment of Dismissal in favor of respondent on writ of certiorari Stan the Hot Water Man and against all of Petitioner on writ of certiorari Linh Thi Minh Tran's claims. Respondent on writ of certiorari Stan the Hot Water Man moved to motion summary judgment to dismiss plaintiff Linh Thi Minh Tran's claims. Petitioner on writ of certiorari Linh Thi Minh Tran preserved Respondent on writ of certiorari Stan the Hot Water Man was not appropriate for summary judgment by petitioner on writ of certiorari Linh Thi Minh Tran submitted to trial court her deposition of Linh Thi Minh Tran in support of petitioner on writ of certiorari Linh Thi Minh Tran in opposing to respondent on writ of certiorari Stan the Hot Water Man's motion summary judgment. In addition, petitioner on writ of certiorari Linh Thi Minh Tran submitted to trial court petitioner on writ of certiorari Linh Thi Minh Tran's opposing and objection to trial court Multnomah County Circuit Court State of Oregon's decision granting in favor of respondent on writ of certiorari Stan the Hot Water Man's motion summary judgment. The trial court Multnomah County Circuit Court granted the respondent on writ of certiorari Stan the Hot Water Man's motion summary judgment, as reflected in the

general judgment of dismissal. Plaintiff Linh Thi Minh Tran filed Notice of Appeal to Oregon Court of Appeal.

The trial court Multnomah County Circuit Court granted the general judgment of dismissal in favor of defendant Stan the Hot Water Man was error in significant issue of law about the use or effect of rule of trial court procedure ORCP 47C. Motion for summary judgment; the error of trial court is the legal issue of Oregon State law, and this case is the same or related issue was ruled by the Oregon Supreme Court. The Oregon Court of Appeals's decision appears to be error results in a serious or irreversible injustice or in a distortion or misapplication of a legal principle.

ARGUMENTS

A. BRENT PHILIP LACKEY EMPLOYEE OF STAN THE HOT WATER MAN DID NOT HAVE ANY SUFFICIENT EVIDENCE TO CLAIM PETITIONER ON WRIT OF CERTIORARI LINH THI MINH TRAN OF HARASSMENT ON 12/23/2015 AT PETITIONER ON WRIT OF CERTIORARI LINH THI MINH TRAN'S HOUSE LOCATED AT 12542 SE CAPELLA COURT, HAPPY VALLEY, OREGON 97086.

Q Good morning, Mr. Lackey

A Where do you currently work?

A company called Stan The Hot Water Man.

Q And What are you duties there?

A I'm a repair technician servicing hot water heater. I used to replace. But I'm aging. I just do service work not for them.

Q And what was the purpose of the visit to defendant's home?

A They had no hot water

Q And was that the first time you'd been there?

A yes, sir.

Q Okay. Now, after she was placed under arrest, did you go back to the house?

A I was asked one of the officers if we could reinstall or put that part back in—I had it about halfway disconnected—so that the other tenants would have hot water, and I agreed to. He—he escorted me and I—I reinstalled the part. And I made sure that he watched.

A. I went out and got a gas detector we call a sniffer, and I went over the two gas connections that I made, the burner tube and the pilot tube, to make sure that there was no gas leak whatsoever. And then I left.

Q Okay. And when you were going there you had no idea what the exact problem was you'd encounter with the heater—

A Correct. Correct.

Q --Correct?

Q Okay. So, you show up at the house and go into the through large garage door and examine the hot water heater, correct?

A Yes. Correct?

Q And you determined in your examination that the thermocouple needed to be replaced—

A Correct.

Q Correct?

B. Did you then give any kind of written estimate or invoice at that point to Ms. Tran saying is how much this will cost?

A No.

Q And it's true, isn't it, that the only time you submitted a bill for payment was after you installed the thermocouple?

A Correct.

Q Okay.

Based on the Brent Philip Lackey testified at the hearing trial in Clackamas County Court, plaintiff State of Oregon lack of merit to file complaint against defendant Linh Thi Minh Tran Clackamas County Circuit Court Case Name: State of Oregon vs. Linh Thi Minh Tran, Clackamas County Circuit Court Case Number: 16CR03390, Oregon Court of Appeals Case Number: A166004, Oregon Supreme Court Case Number: S066461 because Brent Philip Lackey testified that he took the part from defendant Linh Thi Minh Tran's hot water heater results the gas hot water heater was leaking, and the gas furnace was burning blow machine very dangerous and very risk and fire. In addition, Brent Philip Lackey did not give defendant Linh Thi Minh Tran any of written estimate or invoice how much the cost of the part he would replace or repair hot water heater prior he did the job therefore, this evidence determine Brent Philip Lackey's character has very bad behavior and very risk dangerous.

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In any event, plaintiff State of Oregon's in that case arguments lack merit. It argues, into its answering brief, "she dug her fingernails into his hand, scratching him." but it was only Brent Philip Lackey's thought and imaging in his mind not truth in evidence because there was no evidence DNA of defendant Linh Thi Minh Tran's information fingernails in and there was no witness at that trial court Clackamas County Circuit Court hearing testify for Brent Philip Lackey's statements to determine that Linh Thi Minh Tran push or dug her nail into Brent Philip Lackey's hand instead all the stories made by Brent Philip Lackey in his imaging because he very hate defendant Linh Thi Minh Tran. In addition, Here, there was truth evidence of crimes that Brent Philip Lackey had convicted in 2011 based on Complaint and Judgment in Tillamook County Circuit Court State of Oregon about evidence other crimes against Brent Philip Lackey had been convicted from other crimes in Circuit Court Tillamook County, State of Oregon, Case Name: State of Oregon vs. Brent Philip Lackey, DOB# 07/29/57, Case Number: 11-6277 in that on September 12, 2011, State of Oregon filed complaint **against Brent Philip Lackey, Date of Birth: 07/29/57 two counts: Count 1: HARASSMENT on or about August 20, 2011, in Tillammook County, State of Oregon, Brent Philip Lackey is accused by Complaint of the crime of Harassment (ORS 166.065 a Class B Misdemeanor to proceed as a violation) Brent Philip Lackey, on or about August 20, 2011, in Tillamook County, State of Oregon did unlawfully and intentionally harass and annoy Robert Browning, by Robert Browning to offensive physical contact, Count 2: DISORDERLY CONDUCT IN THE SECOND DEGREE (ORS 166.025 a Class B Misdemeanor to proceed as a violation) committed that Brent Philip Lackey on or about August 20, 2011, in Tillamook County, State of Oregon, did unlawfully and recklessly create a risk of public inconvenience, annoyance and alarm**

by engage in fighting/violent, tumultuous and threatening behavior. On January 27, 2012, **Brent Philip Lackey has been convicted of two counts: Count 1: Harassment and Count 2: Disorderly Conduct in the Second Degree.** From this judgment in Tillamook County Court State of Oregon to demonstrate to the Court about Brent Philip Lackey's bad character behavior in the past and present because here again in this case, Brent Philip Lackey continue has wrongs or acts unlawfully and intentionally harass, physical violence, risks, dangerous, and annoy petitioner on writ of certiorari Linh Thi Minh Tran. Brent Philip Lackey was offensive physical contact petitioner on writ of certiorari by he used the wrench to push petitioner on writ of certiorari Linh Thi Minh Tran away while petitioner on writ of certiorari Linh Thi Minh Tran must turn the gas shut-off valve to OFF to avoid damage and fire to her house results it might be fired and dead occur. Brent Philip Lackey's acted created a risk of dangerous, annoyance and threatening behavior to petitioner on writ of certiorari Linh Thi Minh Tran on 12/23/2015 at petitioner on writ of certiorari Linh Thi Minh Tran's property located at address: 12542 SE Capella court, Happy Valley, Oregon 97086. Brent Philip Lackey used to be convicted crime because he had bad habit risks, dangerous, immoral, unethical, intend physical violence, made bad faith telling not true and not correct in 2011 at Tillamook County State of Oregon with many witnesses to tell to the Tillamook court about Brent Philip Lackey's intend physical violence and risks and dangerous to persons around him and his bad behavior repeated again on 12/23/2015 at petitioner on writ of certiorari Linh Thi Minh Tran's property 12542 SE Capella court, Happy Valley, Oregon 97086. Brent Philip Lackey again made bad faith when he told the trial court not true and not correct statements about harassment by he made all stories about harass by his own imaging, drawing, and thinking in his mind and because Brent Philip Lackey did not want he

would be charged for violence crime again and he was very hate petitioner on writ of certiorari
Linh Thi Minh Tran for purposes Brent Philip Lackey wanted petitioner on writ of certiorari
Linh Thi Minh Tran has big trouble as he said to petitioner on writ of certiorari before he made a
phone call to police Happy Valley, Oregon on 12/23/2015 at 10:15AM.

In any event, Respondent on writ of certiorari Stan the Hot Water Man and Brent Philip
Lackey's arguments lack merit. For example Brent Philip Lackey said "she dug her fingernails
into his hand, scratching him." but it is only Brent Philip Lackey's thought and imaging in his
mind or his statements not true because there was no evidence DNA of petitioner on writ of
certiorari Linh Thi Minh Tran's information fingernails in trial court record files and there was
no witness at trial hearing to testify for Brent Philip Lackey that petitioner on writ of certiorari
push or dug her nail into Brent Philip Lackey's hand instead all the stories made by Brent Philip
Lackey because he very hate petitioner on reconsideration Linh Thi Minh Tran. More important,
here, based upon Amended Judgment on 10/02/2017 was signed and entered by Circuit Court
Judge Robert D. Herndon, Case file date: 01/20/2015, the person has convicted criminal State
Identification No (SID) 21488183OR. It is not petitioner on writ of certiorari Linh Thi Minh
Tran because petitioner on writ of certiorari Linh Thi Minh Tran has Oregon driver license #
5985892OR.

State v. King, 307 Or 332, 768 P2d 391 (1974), describes the standard an
appellate court uses when reviewing the sufficiency of evidence for conviction. The Oregon
Supreme Court stated:

"[T]he question is whether, after viewing the evidence in the light most
favorable to the state, any rational trier of fact could have found the essential
elements of the crime beyond a reasonable doubt. *State v. Harris*, 288 Or 703,

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721, 609 P2d 798 (1980). It is not proper for us to hold that there is a reasonable doubt because of conflicts in the evidence. After a verdict of guilty, such conflicts must be treated as if they had been decided in the state's favor. After the conflicts have been so decided, we must take such decided facts together with those facts about which there is no conflict and determine whether the inferences that may be drawn from them are sufficient to allow the jury to find defendant's guilty beyond a reasonable doubt. Our decision is not whether we believe defendant is guilty beyond a reasonable doubt, but whether the evidence is sufficient for a jury to so find. *State v. Krummacher*, 269 Or 127, 137-38, 523 P2d 1009 (1974)."

307 Or at 339.

Here, there was evidence of crimes that Brent Philip Lackey has convicted in 2011 in Tillamook County Circuit Court, State of Oregon about evidence other crimes against Brent Philip Lackey has been convicted from other crimes in Circuit Court Tillamook County, State of Oregon, Case Name: State of Oregon vs. Brent Philip Lackey, DOB# 07/29/57, Case Number: 11-6277 in that on September 12, 2011,

Here again in this case, Brent Philip Lackey continue has wrongs or acts unlawfully and intentionally harass, physical violence, risks, dangerous, and annoy petitioner Linh Thi Minh Tran to offensive physical contact her by he used the wrench to push petitioner Linh Thi Minh Tran away while petitioner Linh Thi Minh Tran must turn the gas shut-off valve to OFF to avoid damage and fire to Appellant Linh Thi Minh Tran's gas furnace and hot water heater systems and to her house results it might be fired and dead area while Brent Philip Lackey's acted created a risk of inconvenience, annoyance and threatening behavior to petitioner Linh Thi Minh Tran on 12/23/2015 at petitioner Linh Thi Minh Tran's property located at address: 12542 SE Capella court, Happy Valley, Oregon 97086. Brent Philip Lackey used to be convicted crime because he had bad habit risks, dangerous, immoral, unethical, intend physical violence, made bad faith telling not true and not correct in 2011 at Tillamook County State of Oregon with many

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witnesses to tell to the Tillamook court about Brent Philip Lackey's intend physical violence and risks and dangerous to persons around him this case in Tillamook County Circuit Court prior what happened on that date 12/23/2015 at petitioner Linh Thi Minh Tran's property 12542 SE Capella court, Happy Valley, Oregon 97086. Brent Philip Lackey again made bad faith when he told the trial court not true and not correct statements about harassment by he made all stories about harass by his own imaging, drawing, and thinking in his mind and because Brent Philip Lackey was very hate petitioner Linh Thi Minh Tran for purposes Brent Philip Lackey wanted petitioner has big trouble as he said to petitioner before he made a phone call to police Happy Valley, Oregon on 12/23/2015 at 10:15AM.

B. Respondent on writ of certiorari Stan the Hot Water Man shall responsible for the all wrongful, risks, and dangerous acted were committed of Brent Philip Lackey on December 23, 2015 at 10:00-11 a.m at Petitioner on writ of certiorari Linh Thi Minh Tran's property address 12542 SE Capella court, Happy Valley, Oregon 97086 within the scope and course of his employment and at the direction of his employer Stan The Hot Water Man.

Based on Declaration of Brent Philip Lackey submitted to the trial court on September 15, 2016, Brent Philip Lackey said that: "I am an employee of Stan the Hot Water Man (the "Company"). Part of my job duties for the Company include making service calls to client homes and repairing water heaters. Ms. Tran called the Company to schedule a repair for her water heater. The Company assigned the matter to me. On December 22, 2015, I called Linh Thi Minh Tran ("Ms. Tran") to set up an appointment to fix her water heater. **I arranged to fix her water heater on December 23, 2015. I arrived at Ms. Tran's home on December 23, 2015, located at 12542 SE Capella court, Happy Valley, Oregon, at approximately 10:00 a.m.**" From Brent Philip Lackey declaration, petitioner on writ of certiorari was able to determine that

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(1)Brent Philip Lackey is employee of Stan the Hot Water Man and (2) the company assigned the job to him to fix petitioner on writ of certiorari Linh Thi Minh Tran's hot water heater and (3) Brent Philip Lackey has full knowledge that petitioner on writ of certiorari Linh Thi Minh Tran is legal owner of property located at address: 12542 SE Capella court, Happy Valley, Oregon 97086.

Based on Respondent on writ of certiorari Stan the Hot Water Man's answer, affirmative defenses and counterclaims submitted to trial court on July 5, 2016 in which Defendant Stan the Hot Water Man said: "Stan the Hot Water Man admits that Mr. Lackey visited 12542 SE Capella Court, Happy Valley, Oregon (the "property") on December 23, 2015, in response to a request for service at that address." From this paragraph, petitioner on writ of certiorari Linh Thi Minh Tran was able to determine there is an employer-employee relationship exists between employer Stan the Hot Water Man and employee Brent Philip Lackey, therefore, the doctrine of respondeat superior allows the law to hold an employer Stan the Hot Water responsible for the acts of an employee Brent Philip Lackey. Also, Stan the Hot Water admitted that Brent Philip Lackey visited 12542 SE Capella Court, Happy Valley, Oregon on December 23, 2015, in response to a request for service hot water heater at that address, **therefore, it is a matter of law to hold defendant Stan the Hot Water Man responsible for the all wrongful, risks, and dangerous acts were committed of Brent Philip Lackey on December 23, 2015 at 10:00 a.m at plaintiff Linh Thi Minh Tran's property address 12542 SE Capella court, Happy Valley, Oregon 97086 within the scope and course of his employment and at the direction of his employer Stan The Hot Water Man. Petitioner on writ of certiorari Linh Thi Minh Tran has never known Brent Philip Lackey before the incident occurred on December 23, 2015.** And Brent

Philip Lackey admitted he has never known petitioner Linh Thi Minh Tran before December 23, 2015.

Brent Philip Lackey admitted that he bent down to start to disconnect the parts of hot water heater without petitioner on writ of certiorari Linh Thi Minh Tran's written consent and agreement for him to uninstall the parts from her hot water heater and then Brent Philip Lackey left the hot water heater opening and leaking or not functioning properly while the gas furnace was blowing and fire then high-limit results the blower motor was burnt out and fired and starter windings were burnt out based on the test of technician named Dimitri's writing on receipt of ABC heater and cooling company. Because Brent Philip Lackey acted very dangerous, so Petitioner on writ of certiorari Linh Thi Minh Tran must turn the gas shut-off valve to OFF to avoid damage and fire. Unfortunately, at that time Brent Philip Lackey used wrench to push petitioner on writ of certiorari Linh Thi Minh Tran away results caused the blower motor and starter windings of gas furnace were burnt out and fired caused the house did not have heat in few days and the costs to repair the gas furnace blower motor was \$485.00 and petitioner on writ of certiorari Linh Thi Minh Tran's suffers physical injuries, damages, and her life-threatened and her mental health has serious anxiety problems.

Pursuant ORS 164.055, the victim Brent Philip Lackey committed the crime of theft in the first degree as defined in ORS 164.015 ("Theft" described) because Brent Philip Lackey admitted that although he was aware that petitioner on writ of certiorari Linh Thi Minh Tran is legal owner of property 12542 SE Capella court, Happy Valley, Oregon 97086 and hot water heater in her garage is belong of petitioner on writ of certiorari Linh Thi Minh Tran but Brent Philip Lackey took/stole out the parts from petitioner on writ of certiorari Linh Thi Minh Tran's

hot water heater located at 12542 SE Capella court, Happy Valley, Oregon 97086 without writing consent authorize of petitioner on writ of certiorari Linh Thi Minh Tran. Therefore, Brent Philip Lackey committed the crime of theft in the first degree as defined in ORS 164.015 (“Theft” described).

Although Petition on writ of certiorari Linh Thi Minh Tran did not allow Brent Philip Lackey remains unlawfully in her house on December 23, 2015 but Brent Philip Lackey still stayed there in garage to take away the parts of petitioner on writ of certiorari Linh Thi Minh Tran’s hot water heater without written approval of Petitioner on writ of certiorari Linh Thi Minh Tran’s homeowner legal rights of property 12542 SE Capella court, Happy Valley, Oregon 97086. Therefore, Brent Philip Lackey committed criminal trespass in the second degree ORS 164.243 and theft of first degree.

Brent Philip Lackey admitted that he disconnected petitioner on writ of certiorari Linh Thi Minh Tran’s hot water heater by he took/stole out two parts of hot water heater were thermocouple and the pilot tube without writing consent authorize of petitioner on writ of certiorari Linh Thi Minh Tran who is legal owner of property 12542 SE Capella court, Happy Valley, Oregon 97086. Also, Brent Philip Lackey admitted that one of the police officers asked him to reinstall parts of hot water heater that he took away. Police Officer Christensen admitted that he asked Brent Philip Lackey reinstalled the parts that Brent Philip Lackey took away from petitioner on writ of certiorari Linh Thi Minh Tran’s hot water heater so other residents in the house have hot water to use. More important, Brent Philip Lackey admitted because he took out the two parts of hot water heater caused the gas leak and dangerous in garage of property 12542 SE Capella court, Happy Valley, Oregon 97086 so that why after he came back to the house

according to police officer asked him, he got a gas detector sniffer and the two gas connections, the main burner tube and the pilot tube to make sure there was no gas leak whatsoever. *See transcript court records case no: A166004.*

In *Bollaert v. Witter*, 101 Or App 654, 658, 792 P2d 465 (1990). Assault is defined as “an intentional attempt to do violence to the person of another coupled with present ability to carry the intention into effect.” Here, according to video records, audio, and youtube links that petitioner on writ of certiorari Linh Thi Minh Tran submitted to Multnomah County Circuit Court on 06/27/2017 and served to Marjorie Elken, Attorney of defendant-respondent Stan the Hot Water Man according to order of Multnomah County Circuit Court Judge James Bronson, The videos and audios to determine Brent Philip Lackey, employee of defendant Stan did unlawfully intentional attempt to do violence, created a risk of inconvenient in petitioner on writ of certiorari Linh Thi Minh Tran’s property at 12542 SE Capella court, Happy Valley, Oregon 97086 by Brent Philip Lackey did fighting/violent, tumultuous, risks, dangerous, assault, destroyed and stole parts of petitioner on writ of certiorari Linh Thi Minh Tran’s hot water heater and threatening behavior to petitioner on writ of certiorari Linh Thi Minh Tran as results petitioner on writ of certiorari Linh Thi Minh Tran was risk of injury and damages and the house was almost burned and fired at that time.

In *Schmidt v. Archdiocese of Portland in Oregon*, 235 Or App 516, 520-21, 234 P3d 990 (2010). “*an employer is vicariously liable for an employee’s tortious conduct, including intentional torts, when the employee acts within the scope of employment.*” Under doctrine of respondeat superior, an employee is acting in the course and scope of their employment if: “(1) *The act occurred substantially within the time and space limits authorized by the employment;*

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(2) the employee was motivated, at least partially, by a purpose to serve the employer; and (3) the act is of a kind which the employee was hired to perform.” Here, based upon defendant Stan the Hot Water Man’s answer, affirmative defenses and counterclaims which defendant Stan the Hot Water man filed to trial court on July 5, 2016 in which defendant Stan the Hot Water Man admitted that Brent Philip Lackey is one of Stan the Hot Water Man’s employees. Respondent on writ of certiorari Stan the Hot Water Man also admitted that The Company Stan The Hot Water Man assigned Brent Philip Lackey to fix hot water heater at plaintiff Linh Thi Minh Tran’s home on December 23, 2015 at 10:00 a.m, located at 12542 SE Capella court, Happy Valley, Oregon 97086. Respondent on writ of certiorari Stan the Hot Water Man admitted Brent Philip Lackey arrived at plaintiff Linh Thi Minh Tran’s property on December 23, 2015, at approximately 10:00 AM within the time and space authorized by his employment. Brent Philip Lackey used his tools wrench, hammer, and knife to destroy and took out parts of petitioner on writ of certiorari Linh Thi Minh Tran’s hot water heater and set up high limiting blower machine of gas furnace, stole/took out the parts and materials of hot water heater without any consent or knowledge of petitioner on writ of certiorari Linh Thi Minh Tran. Brent Philip Lackey’s misconduct was not only reprehensible and outrageous and in total disregard of petitioner on writ of certiorari Linh Thi Minh Tran’s owner rights of property. In addition, Brent Philip Lackey did unlawfully assault, fighting/violent, created a risk of resident inconvenience in petitioner on writ of certiorari Linh Thi Minh Tran’s house by Brent Philip Lackey did set up high limiting as results gas furnace blower machine was fired and burned out and gas leaked, annoyance, tumultuous and threatening behavior to petitioner on writ of certiorari Linh Thi Minh Tran caused petitioner on writ of certiorari Linh Thi Minh Tran suffered physical health endanger and

mental damage as results of actions unlawful and violent of Brent Philip Lackey on December 23, 2015 at approximately 10:00-11:00 am.

In *Chesterman v. Barmon*, 82 Or App 1, 4, 727 P2d 130, 131 (1986), aff'd and rem'd, 305 Or 439 (1988) (citing *Brennen v. City of Eugene*, 285 Or 401, 405, 591 P2d 719 (1979)). In the employment context, "an employer whose employees come into contact with members of the public during their employment is responsible for exercising a duty of reasonable care in the selection...of its employees." *Id.* In *Chesterman*, the court went on to state: "Liability is for negligence placing an employee **with known dangerous propensities, or dangerous propensities which could have been discovered by a reasonable investigation**, in a position where it is foreseeable that he could injure the plaintiff in the course of the work. The duty to use reasonable care in hiring or retaining employees arises because it is foreseeable that the employee, in carrying out his employment, may pose an unreasonable risk of injury to others." Indeed, defendant Stan The Hot Water Man owed a duty of reasonable care in the selection of its employees and if respondent on review Stan the Hot Water Man was negligence in its hiring or carrying out its employment, may pose an unreasonable risk of injury to petitioner on writ of certiorari Linh Thi Minh Tran. Here in this case, respondent on writ of certiorari Stan the Hot Water Man admitted in declaration of Michael Spicer that it breached of duty of reasonable care in its hiring Brent Philip Lackey because it was not aware of any issues in Brent Philip Lackey's background or Brent Philip Lackey's criminal history records or Brent Philip Lackey's mental health issues and because of its negligence created a risk of injury, annoyance, and fighting/violent, tumultuous, and threatening behavior as results plaintiff Linh Thi Minh Tran was risk of injury and damages. Indeed, Brent Philip Lackey's violent and threatening behavior

was the cause in fact of severe injury and damages to petitioner on writ of certiorari Linh Thi Minh Tran.

Petitioner on writ of certiorari Linh Thi Minh Tran has evidence by the technician of ABD Heating and Cooling's writing on the receipt on December 2015 and 01/04/2016 that: "Gas No Heat, Furnace would fire because high limiting set up. Found the blower motor burnt out." And another piece of paper he wrote: "Furnace was high limiting, found fan not blowing, not starter, windings were burnt out." There is no doubt that Brent Philip Lackey attempted to destroy gas furnace by he did set up high limiting gas furnace blower machine caused blower machine of gas furnace was burnt out and fired on December 23, 2015.

Brent Philip Lackey admitted he took out/ stole the parts and materials from hot water heater of petitioner on writ of certiorari Linh Thi Minh Tran's property without consent or authorization of petitioner on writ of certiorari Linh Thi Minh Tran and without petitioner on writ of certiorari Linh Thi Minh Tran's knowledge and he destroyed gas furnace by setting it high limit as result it burned out /fired and Brent Philip Lackey disregard of petitioner on writ of certiorari Linh Thi Minh Tran's owner rights. Brent Philip Lackey also admitted that upon request of the police, he reassembled back the parts of hot water heater but police is not owner of property 12542 SE Capella court, Happy Valley, Oregon 97086 that why petitioner on writ of certiorari Linh Thi Minh Tran has reason to claim that Brent Philip Lackey stole and unlawful took out the parts from petitioner on writ of certiorari Linh Thi Minh Tran's hot water heater.

From all foregoing arguments and reasons above, Petitioner on writ of certiorari Linh Thi Minh Tran was able to determine that Respondent on writ of certiorari Stan Hot Water Man's employer of Brent Philip Lackey not only be held responsible for Brent Philip Lackey's acted

stole the parts of petitioner on writ of certiorari Linh Thi Minh Tran's hot water heater and Stan the Hot Water Man also shall responsible about Brent Philip Lackey did assault, harassment, created risks and danger, tumultuous and threatening behavior to petitioner on writ of certiorari Linh Thi Minh Tran and Stan the Hot Water Man shall responsible about Brent Philip Lackey destroyed and damaged petitioner on writ of certiorari Linh Thi Minh Tran's property, all Brent Philip Lackey's misconduct and violence behavior that occurred while he was on duty and in the scope of his employment Stan the Hot Water Man on December 23, 2015 at petitioner on writ of certiorari Linh Thi Minh Tran's property located address 12542 SE Capella Court, Happy Valley, Oregon 97086. Stan The Hot Water Man be held liable for carelessly or negligently hiring Brent Philip Lackey who has criminal history of harassment, annoyance, alarm by engage in fighting/violent, tumultuous and threatening behavior, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon in 2011 in Tillamook County State of Oregon, Case Name: State of Oregon vs. Brent Philip Lackey, Case Number: 11-6277. Again this employee Brent Philip Lackey of Stan the Hot Water Man did assault, harassment, created risks and danger, tumultuous and threatening behavior to petitioner on writ of certiorari Linh Thi Minh Tran results petitioner on writ of certiorari Linh Thi Minh Tran's physical health and petitioner on writ of certiorari Linh Thi Minh Tran's life was threatened and Brent Philip Lackey destroyed and damaged petitioner on writ of certiorari Linh Thi Minh Tran's property 12542 SE Capella court, Happy Valley, Oregon 97086 caused the house was almost fired and burned by gas leaking and gas furnace blower machine was fired, smoke, and burned and plaintiff-petitioner on writ of certiorari Linh Thi Minh Tran's physical health's suffer injuries and damaged and proceed for criminal conviction because police officers

Darryn J. Kuehl and Benjamin J. Toops and Brent Philip Lackey's misconduct behavior to plaintiff-petitioner on writ of certiorari Linh Thi Minh Tran.

REASONS FOR GRANTING PETITIONER ON WRIT OF CERTIORARI LINH THI MINH TRAN'S PETITION FOR WRIT OF CERTIORARI

Based on the foregoing reasons above, From all foregoing arguments and reasons above, Petitioner on writ of certiorari Linh Thi Minh Tran was able to determine that Respondent on writ of certiorari Stan Hot Water Man's employer of Brent Philip Lackey not only be held responsible for Brent Philip Lackey's acted stole the parts of petitioner on writ of certiorari Linh Thi Minh Tran's hot water heater and Stan the Hot Water Man also shall responsible about Brent Philip Lackey did assault, harassment, created risks and danger, tumultuous and threatening behavior to petitioner on writ of certiorari Linh Thi Minh Tran and Stan the Hot Water Man shall responsible about Brent Philip Lackey destroyed and damaged petitioner on writ of certiorari Linh Thi Minh Tran's property, all Brent Philip Lackey's misconduct and violence behavior that occurred while he was on duty and in the scope of his employment Stan the Hot Water Man on December 23, 2015 at petitioner on writ of certiorari Linh Thi Minh Tran's property located address 12542 SE Capella Court, Happy Valley, Oregon 97086. Stan The Hot Water Man be held liable for carelessly or negligently hiring Brent Philip Lackey who has criminal history of harassment, annoyance, alarm by engage in fighting/violent, tumultuous and threatening behavior, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon in 2011 in Tillamook County State of Oregon, Case Name: State of Oregon vs. Brent Philip Lackey, Case Number: 11-6277. Again this employee Brent Philip

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Lackey of Stan the Hot Water Man did assault, harassment, created risks and danger, tumultuous and threatening behavior to petitioner on writ of certiorari Linh Thi Minh Tran results petitioner on writ of certiorari Linh Thi Minh Tran's physical health and petitioner on writ of certiorari Linh Thi Minh Tran's life was threatened and Brent Philip Lackey destroyed and damaged petitioner on writ of certiorari Linh Thi Minh Tran's property 12542 SE Capella court, Happy Valley, Oregon 97086 caused the house was almost fired and burned by gas leaking and gas furnace blower machine was fired, smoke, and burned and plaintiff-petitioner on writ of certiorari Linh Thi Minh Tran's physical health's suffer injuries and damaged and proceed for criminal conviction because police officers Darryn J. Kuehl and Benjamin J. Toops and Brent Philip Lackey's misconduct behavior to plaintiff-petitioner on writ of certiorari Linh Thi Minh Tran. Thus, Respondent on writ of certiorari Stan The Hot Water Man shall responsible pay compensation damages in monies \$500,000.00 for petitioner on writ of certiorari Linh Thi Minh Tran.

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CONCLUSION

Based on the foregoing reasons above, the pleading papers, parties' written submission, deposition, declarations, materials include video cameras, YouTube links, and audio, exhibits in Oregon State Court's record files, Plaintiff-Appellant- Linh Thi Minh Tran's opening brief and reply brief in this matter in Oregon Court of Appeals's files and petition for review and reconsideration in Oregon Supreme Court to determine the trial court Multnomah County Circuit Court erred as matter of law in granting General Judgment of Dismissal in favor of defendant-respondent on writ of certiorari Stan the Hot Water Man and against all of Plaintiff- petitioner on writ of certiorari Linh Thi Minh Tran's claims. Thus, petitioner Linh Thi Minh Tran requests United States Supreme Court reviews this matter and grants for petitioner on writ of certiorari Linh Thi Minh Tran's petition for writ of certiorari and The Multnomah County Circuit Court Trial Court's General Judgment of Dismissal was entered on 11/17/2017 should be reversed. Petitioner on writ of certiorari is entitled to receive compensation damages in monies \$500,000.00 from respondent on writ of certiorari Stan the Hot Water Man in this matter.

Dated: 07/16/2019



Linh Thi Minh Tran
Plaintiff-Petitioner on reconsideration pro se
12542 SE Capella court,
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Tel: 503-558-0886
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No. _____

IN THE SUPREME COURT OF THE UNITED STATES

LINH THI MINH TRAN
Petitioner on Writ of Certiorari,

Vs.

STAN THE HOT WATER MAN
Petitioner 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
04/18/2019 BY MARTHA L. WALTERS, CHIEF JUSTICE OREGON
SUPREME COURT.

Certificate of filing

I, Linh Thi Minh Tran, petitioner on writ of certiorari declares that on 07/16/2019, 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. Stan The Hot Water Man, Oregon Supreme Court Case Number: S066368, Oregon Court of Appeals Case Number: A165790, Multnomah County Circuit Court Case Number: 16CV19058 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: 07/16/2019



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