

No.: 20-5068

**SUPREME COURT OF THE UNITED STATES**

**Li Qin**  
Petitioner  
vs.  
Barbara Kong Brown et al.  
Respondents

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**On Petition for a Writ of Certiorari to  
Ninth Circuit Court of United States**

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**PETITION FOR THE REHEARING**

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Petitioner in pro per  
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Hawthorne, CA 90250  
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**SUPREME COURT, U.S.**

## **PETITION FOR REHEARING**

Petitioner Li Qin in pro per brings [Petition for Rehearing] to the court decision on Oct 5, 2020: "*The Court today entered the following order in the above-entitled case: The petition for a writ of certiorari is denied.*" signed by Scott S. Harris, Clerk, pursuant to US Supreme Court rule 44.1. *Any petition for the rehearing of any judgment or decision of the Court on merits shall be filed within 25 days after entry of the judgment or decision.*

### **Reasons for Granting the Petition**

The Court regularly deny a petition for a writ of certiorari per Rule 16. 1. *After considering the documents distributed under Rule 15, the Court will enter an appropriate order. The order may be a summary disposition on the merits.*

Unusually, I got the denial notice signed by the court clerk, as exactly predicated by opposed counsel Stephen E. Norris, a former clerk of Justice Ruth Bader Ginsburg who alleged he has powerful influence over this Court. He intimidated to block my [Petition] before Justices can see it, if I refused to accept his offer to settle this case. My [Petition] deem not be reviewed by Justices on distribution conference scheduled on Sep 29, 2020 at all. My [Petition for Rehearing] shall be granted for a due process. I was not notified with any deficiency in format or in filing procedure, therefore my petition shall be reviewed by Justice on its merits.

### **Case No. 20-5068**

Dec 18, 2014, without an informed consent, Defendant's 2 obstetricians, performed a C-section and left an incision hernia on my stomach when they were vigorously chitchatting of their family affair and exchanging their cuisine art, while I was dying on the table by an overdose anesthesia performed by a nurse instead of anesthetist. (**Appendices I**)

Oct 24, 2014, Defendant's manager terminated my husband Sun's employment and my health insurance in retaliation to his notice of obstetrician's

negligence and his request for FMLA leave to take care me during the hernia repair surgery scheduled on Nov 3<sup>rd</sup>, 2014. Kaiser cancelled the surgery and dumped me into Med-Cal. (**Appendices II**)

On Dec 18, 2014, the malpractice case was presented to Arbitration.

June 1, 2015, I underwent an unsuccessful incision hernia repair surgery at a local hospital, complicated by the chronic small bowel obstruction. I currently can only ingest liquid or half liquid food and need continue medical care for the acute attack from CSBO. (**Appendices III**)

Defendant's counsels John S. Simonson, Matthew A. Bisbee and the neutral arbitrator Barbara Kong Brown had exchange **989 conspiratorial emails** on Subject: *Qin v. Kaiser*. They were talking about how to dismiss my case in very detail. Barbara coached those counsels to forge out some excuses for her to dismiss my claim. (**Appendices IV**)

Simonson forged out a fake DFA (demand for arbitration) in which I only claim the misdiagnosis of the fracture of my left femur as a bursitis for 4 months, instead of claim of the injury caused by the fracture in my genuine DFA. He alleged that my claim of misdiagnosis was barred by the statute of limitation.

By concealment of my repair surgery record and medical record after Nov 2014, Simonson misled its expert witness, Dr. John Wachtel, make a biased report: "*Defendant did not cause any injury, damage or pain to plaintiff, and the incision hernia would heal by itself.*"

Bisbee forged out an excuse that I had evaded one of his hundred questions during the 7 hours torturing deposition, he enforced me admit Kaiser had gotten an "informed consent" before C-section. I honestly answered his questions more than 50 times that I never see it.

Bisbee forged out another excuse "*absence of report of expert witness in my claim*". Even my expert witness Dr. David Priver proffered his report on Nov 13, 2015 and on Jan 31, 2016 he reprinted and represented his report plus his confirmation that he would testify on the final hearing scheduled on Feb 2, 2016. (**Appendices V**) Disregard all fact and evidences presented, arbitrator Barbara granted all their frauds and perjuries, dismissed my claim under color of law.

## **Appeal on 6<sup>th</sup> Court of Appeal of California**

Hundreds conspiratorial emails unearthed in investigation, but 3 Justices made their judicial lies: *“The record does contain several emails between Kaiser’s attorney and the arbitrator, but the messages predating the arbitrator’s decision relate only to scheduling various hearing.”*

*“Even if true that: -- Kaiser didn’t obtain her informed consent as required by law before permitting a surgical procedure, and that surgery caused serious injuries to Qin to undergo a repair surgery. “and her deposition was “torturing and oppressive” – “But since an arbitration award is the production of a private arrangement, not state action, arbitration proceeding do not implicate the right to due process.” Under undue influence, 3 Justices evaded their jurisdiction rendered by California CCP 1286.2: Corruptive Arbitration*

### **The Process on Federal Courts**

I filed my complaint on Federal District Court and appealed on Ninth Circuit Court pursuant to 42 U.S. Code 1983 & 1985, but the judges dismissed it per *Rooker-Feldman* doctrine and indicated that only US supreme court have jurisdiction over State Supreme Court.

This court is the last defense line to protect US judicial integrity. Even my cases are not capital ones, but my fragile health condition is deteriorated by multiple injuries day by day. I know all civil rights were inscribed in our constitution, but I wish I can feel before I die.

The judgements of trial courts and the opinion of court of appeal of California are not merely contrary to the facts, but also raise the constitutional question which shall not be evaded: *“nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”*

### **CONCLUSION**

Petitioner Li Qin respectfully request that this court grant her [Petition for Rehearing] and order full brief and argument on the merits of this case.

Respectfully submitted

Petitioner Li Qin in pro per

Oct 21, 2020.

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## **Appendices of Petition for Rehearing**

## Appendix I

## MRI Report of Qin's Incision Hernia

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## **Appendices of Petition for Rehearing**

## Appendix II

### (1) Verification of Treatment

## **(2) Termination Letter**

**The Permanente Medical Group, Inc.**

SURGERY CLINIC, 286

710 Lawrence Expy

Santa Clara CA 95051-5173

Dept: 408-851-2000

Main: 408-851-1000

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September 25, 2014

Li Qin  
660 Harvard Ave #43  
Santa Clara CA 95051

To whom this may concern:

My husband, Zhixun Sun, will need  
to help patient with child care during  
her post-surgical recovery.

This is to certify that Li Qin is scheduled for surgery on 11/3/14. Four weeks is typically  
necessary for post-op recovery. An official Verification of Treatment (VOT) will be  
given when patient shows for surgery.

Sincerely,

  
JIMMY CHE-MING HWANG MD



1/213 383 5154  
DISCIPLINARY ACTION

Date: October 22, 2014

To: Zhixun, (Samuel) Sun, EEID: 00525415

From: Melanie Londono, Manager  
Patricia McKenna, AMGA

**Subject: Termination**

This is your letter of termination from the Department of Cardiology at the Santa Clara Medical Center, as an Echo Sonographer, this is a result of your inappropriate behavior and related failure to follow Management instructions on Oct 1, 8 and 9, 2014, respectively. Management has previously expressed concerns with regard to your unacceptable performance and a no call, no show absence. You were issued independent Suspensions, respectively, for those issues as follows:

10/07/2013 – Suspension for unacceptable job performance *issue date? have or did decide?*  
09/27/2014 – Suspension for unauthorized no call no show absence

On October 1, 2014, you attended a Meet and Greet with 13 other employees of the CV Service line. You arrived late, but, along with your colleagues, were offered the opportunity to participate in an exchange where department employees could share what you liked about being a Kaiser employee and what you thought could make your day to day experience within your department more enjoyable. You stated you liked working at Kaiser because they pay the most. You then proceeded to share negative experiences you had with Hospital Nurses that coincidentally resulted in disciplinary action against you. AMGA Pat McKenna immediately addressed you and advised you to please stop speaking about this personal issue. She said these issues are confidential and should not be discussed in this forum. I repeated the original questions, giving you the benefit of the doubt, but you continued talking about other personal matters involving your negative interactions with Hospital Nurses. Pat McKenna interjected two more times for you to stop, saying you could not discuss your confidential issues in this forum. I finally said it was time to let the other employees leave and told you to stay and talk one on one with me to discuss your issues. You left the area. You were placed on paid Administrative Leave pending the results of investigation of this latest incident.

We met on October 7, 2014 with your Union Representatives present. The Union requested we allow a department HBS translator, Julie Hsu, from the Cardiology department, to attend the meeting so they were more assured you understood Management concerns and instructions. Julie attended and provided translation of Management's concerns about your behaviors on October 1, 2014. During the interview, you acknowledged understanding the questions, but continued to express your dissatisfaction of the Nurses questioning your rough handling of patients and other work habits (use of gel in the patient's room). On occasion you even interrupted Ms. Hsu, responding to Management and the Union in English. You maintained a confrontational, contentious demeanor throughout the interview. You were advised you would remain on Administrative Leave, pending investigation. You were advised you were not to be in the work area during this time of leave. The only reasons for you to be in the facility, until authorized by Management, was for medical appointments for you or a family member or, like any other Kaiser Member, for business in the Pharmacy. You were reminded that you were expected to be available to meet during your normal scheduled hours. You acknowledged



## DISCIPLINARY ACTION

understanding. You then asked if you could go to LA. Management repeated the expectation to be available to meet during your normal scheduled hours while you were on paid leave. Your Union representative advised you to stay in town and be available until the investigation was concluded.

On 10/8/2014, it was brought to management's attention that you made a visit to Department 348 and during this visit you turned in a VOT for being the caretaker of your wife beginning 11/3/2014. It was also reported to me that you sequestered a Physician to discuss your personnel matters.

On 10/9/2014, you again visited the department meeting with Julie Hsu, the HBS translator and Charlotte Anderson. *Who?*

Sam, your actions were defiant of instructions given to you by Management with regard to your status on paid administrative leave pending results of the investigation.

Sam, your behaviors on 10/1/2014 were inappropriate, unprofessional and unacceptable. You also did not follow the instructions of Management, which represents insubordinate behavior. In addition, while on paid Administrative Leave, you again did not comply with instructions of Management. Your continued display of unprofessional and unacceptable behavior can no longer be tolerated. Based upon your position in the progressive disciplinary process and your inappropriate and unacceptable behaviors, as indicated above, your employment with the Permanente Medical Group is being terminated effective immediately. You are ineligible for Rehire with the Permanente Medical Group based on your unsatisfactory job performance.

**Signing this document only indicates receipt and not agreement.**

Melanie Londono, Manager

Date

Zhixun (Samuel) Sun, EEID: 00525415

Date

Union Representative (If Applicable)

Date

Cc: Ron Rich, HRC  
HRSC (877-477-2329 Fax)  
Union

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## **Appendices of Petition for Rehearing**

### Appendix III

## Operation Report of Incision Hernia Repair

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## **Appendices of Petition for Rehearing**

## Appendices IV

## 989 Conspiratorial Emails and 5 Sample Emails

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## **Appendices of Petition for Rehearing**

## Appendices V

**(1) Expert Witness Declaration**

## (2) Confirmation of Planned Testimony at the Arbitration Hearing

**In the Matter of the Arbitration of Li Qin, Claimant v Kaiser Foundation Hospitals, et al, Respondent**

Arbitration # 13284

**Expert Witness Declaration**

**Report of David M. Priver, MD, FACOG**  
**Date November 3, 2015**

I am an Obstetrician/Gynecologist retained by the claimant to review her medical records for the purpose of determining whether or not she was injured by the respondents as a result of the provision of medical care which did not meet appropriate standards.

I hereby certify that I am qualified to provide such an opinion by virtue of having the following qualifications:

1. Certification and re-certification by the American Board of Obstetrics & Gynecology
2. Approximately 45 years of experience in providing care to patients in this field in the settings of an office practice and both hospitals and clinics
3. More than 15 years of experience serving as an expert medical witness.
4. Having reviewed more than 180 cases in which medical malpractice was alleged to have occurred.
5. Having given testimony involving such cases at more than 35 depositions.
6. Having given testimony involving such cases in more than 10 courtroom trials.

My opinion is based upon review of medical records of Li Qin from the Kaiser Permanente Medical Center of Santa Clara, California as regards an admission date of December 18, 2013.

**Case summary**

The claimant was a 50 y/o G5 P2 Ab2 Asian female who underwent a repeat Cesarian section at Kaiser Permanente Medical Center of Santa Clara, California on December 18, 2013. The procedure was electively scheduled at approximately 38 weeks gestation because she had had two prior Cesarian deliveries, one of which occurred at 24 weeks gestation and was felt to have likely involved a classical uterine incision which is known to be at substantial risk of rupture during labor. The records of this earlier procedure were apparently not available to her current caregivers. A healthy term male infant was delivered.

On the day following the birth of the baby, the claimant noticed a sudden incisional pain accompanied by a "bulging" at the upper end of the vertical abdominal incision. This became progressively more uncomfortable over subsequent weeks. A consultation with a general surgeon was performed on February 24, 2014. Incorporating a CT scan, it was concluded that an incarcerated hernia existed which contained omental tissue. The patient was advised to keep the matter under observation. She did so for several months. She reported at a visit on September 25, 2014 that the area remained painful. She was scheduled for surgical repair on 10/16, but needed to delay this procedure so as to have family members available to assist her during recovery. She was rescheduled for November 3, 2014, but the case could not go forward as her medical insurance had been terminated.

Her care was subsequently transferred to General Surgeon Steven Bae who performed a successful incisional hernia repair on June 1, 2015.

### Analysis of claimant's allegation

The fact that an incisional hernia appeared essentially immediately following surgery leads to the conclusion that, more likely than not, the fascial incision was not properly repaired. It is reasonable to assume that either the closure did not incorporate the upper extent of the incision or that the suturing was not accompanied by adequate ligation of tissue due to faulty knot tying. Such a scenario constitutes substandard surgical care. For this reason, it is my carefully considered opinion that the claimant's allegation of substandard care resulting in significant injury is meritorious.

I hereby emphasize that this opinion is based upon information which has been provided to me by the claimant and her husband. I reserve the right to modify this opinion in the event that additional information is brought to my attention.

I further submit that I have no personal acquaintance with the claimant, her husband, or any of the providers who provided care to this patient. I, therefore, deny any and all potential conflicts of interest in this process.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Respectfully submitted,



David M. Priver, MD

- 1-31-2016

Confirmation of Planned Testimony at the Arbitration Hearing of Li Qin v  
Kaiser Foundation

I, David M. Priver, MD, FACOG, hereby confirm that I am willing and prepared to provide expert witness testimony at the Arbitration Hearing to be scheduled and conducted on the matter of patient Li Qin v Kaiser Hospitals and its physician employees.

Date: January 31, 2016

Signature: David M. Priver, MD