

20-6956
No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Hazel Denise Stuart PETITIONER
(Your Name)

vs.
Erickson Living Communities RESPONDENT(S)

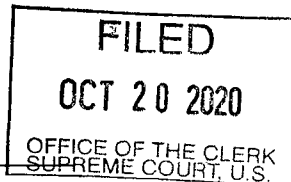
ORIGINAL

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Tenth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Hazel Denise Stuart
(Your Name)



100 Lost Springs Lane SW
(Address)

Atlanta, GA. 30331
(City, State, Zip Code)

470-774-2090
(Phone Number)

QUESTION(S) PRESENTED

1. When Erickson Living Communities suspended me for nine days to investigate intentionally false accusations of elderly abuse and found no grounds to support these allegations; why wasn't I allowed to return to work and compensated for all unpaid wages versus termination on June 02, 2017.
2. Vanessa Stollheimer received no disciplinary action for Patient neglect on the Memory Care Unit that resulted in death.
3. Jill Tuttle received no disciplinary action concerning a physically assault on April 28, 2017.
4. Justin Bierber (Memory Care Unit Team Lead) received no disciplinary action upon witnessing a physical assault and failed to report it.
5. No disciplinary actions were taken against Sandra Schneider when she failed to report neglect, abuse or inappropriate behavior regarding care of a resident promptly.

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:

RELATED CASES

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 A 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[] is unpublished.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[] is unpublished.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.

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JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was July 21, 2020.

☒ 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 _____.
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).

STATEMENT OF THE CASE

Hazel Denise Stuart
100 Lost Springs Lane SW
Atlanta, Georgia, 30331
470-774-2090(home)
720-284-1248(mobile)
December 23, 2020

To: The Supreme Court of the United States,

In December of 2016, I was hired as a CNA/QMAP at Erickson Living Communities (Windcrest), for the Memory Care Unit on the 4th floor at the Mill Vista Lodge; Highland Ranch, Colorado. During the new hire orientation, I was informed of the Company's expectations along with access to print the Employee Handbook.

In March 2017, I received My first and only Employee Performance Evaluation from the Memory Care Unit Manager, Nicole Gates. My overall performance was good, perfect attendance, amiable team player, and a committed employee who worked consistently 40 hours + weekly, due to short staff. I was appointed by the Activities Director, Kelsey Ruocco. to accompany the residents on various Scenic Drive outings. I will escort the ambulatory and non-ambulatory residents outside for short walking ventures and take pictures during happy moments. **(See Exhibits 2-13).**

In March, around 10:25pm, a male resident was left outside on the patio in the dark while the assigned CNA, Vanessa Stollheimer(Hispanic female) sat on the Eastside on her cell phone texting, looking at pictures, and refused to remove him from roaming around in the dark. When I voiced concerns of him being outside in the dark, she continued texting without looking up and stated, "he's okay." The resident was found in the common sunroom area, during shift change around 10:50 pm on the Westside. After the two staff members heard a sound and turned around to see where the sound was coming from, they found the resident lying in his blood with blood on his head. A huge glass vase that sit in the common sunroom area on the floor by the exit door was broken up. Several days later the evening staff was told that the patient died, and his neck was broken in several places. The Erickson Living Communities "Compliance Plan" was disregarded. **(See the attached Brain Injury Occurrence Report from Wind Crest).** The report states "Assisted Living Resident-ALR ONLY). The male resident was on the Memory Care Unit, 4th floor.

On April 28, 2017, I was assaulted by Jill Tuttle (Hispanic female) in the presence of the assigned Memory Care lead person, Justin Bierber. Afterward, I reported the assault via email to my Manager and to the Human Resource Manager, Dona Rubo. The Erickson Living Communities "The Erickson Living Values" was disregarded. Additionally, I experienced harassment from Jill Tuttle, disparate treatment from Nicole Gates, and I was compelled to work in a hostile environment. **(See Exhibit 1).**

On May 23rd. I experience emotional abuse from Kaycee Galgia (white female), followed by my refusal to disclose HIPPA information concerning a resident on the Unit. Darneisha White witnessed and documented the incident in a statement. (**See Exhibit 14-15**). Upon my return to work, May 25th, I was summoned to a meeting with the Director of Continuing Care, Adam Dickson, and Human Resources Manager, Don Rubo. Adam adamantly informed me with a conviction tone of three reasons for my nine days suspension:

1. I refused to give a resident coffee until she ate her food.
2. I removed a resident saved meal from the oven to eat it, and when I was confronted by another employee, my response was "I don't care because I am hungry."
3. I walked up behind a resident as she was walking down the hall toward her room, grabbed her by the neck and pushed her down to the ground.

My response to these false allegations were:

1. I haven't denied a resident food until she drinks her coffee, but I have witness other co-workers, one specifically, Brianna Rodriguez saying that to different resident.
2. Once the residents are served, the aides are required to dine with the residents (by the Manager).
3. Lord help me, that never happened.

Nine days later, Adam terminated me over the phone.

REASONS FOR GRANTING THE PETITION

I am dissatisfied with how my case was handled by the Federal District Court and the Tenth Circuit Court of Appeals. I am asking the Supreme Court of the United States to please grant a writ of Certiorari and review my case.

Thank you

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Hazel Denise Stuart

Date: 12/23/2020