

THE SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D.C. 20543-0001

THERESA A. LOGAN

PLAINTIFF

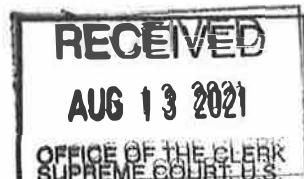
v.

TOWN OF WINDSOR, NEW YORK
NEW YORK MUNICIPAL RECIPROCAL INSURANCE COMPANY
ROBERT BRINKS SNOWPLOW TRUCK DRIVER
GREGG STORY WINGMAN FOR SNOWPLOW BLADE

PETITION FOR REHEARING

THERESA A. LOGAN, PRO SE
50 WILLIAMS ROAD
WINDSOR, NEW YORK 13865
607-655-1853

ATTORNEYS O'BRIEN AND BOUMAN
COUGHLIN & GERHART LLP
99 CORPORATE DRIVE
BINGHAMTON, NEW YORK 13904



Plaintiff, Mrs. Theresa A. Logan states, “after patiently waiting for almost 2 years and finally having 2 major surgeries she had to endure due to the injuries she sustained at the hands of defendants Robert Brinks and Gregg Story while they were operating a 50 thousand pound 20 ton snowplow truck, on the day in question“.

Plaintiffs main concern has been the “statue of her case”, that has been dragged out by the lower courts for over 4 years once she had to go Pro Se. Plaintiff decided to go to the clerks office in the Supreme Court in Binghamton, NY. She spoke with the clerk briefly there. Shortly after that, plaintiff received a letter from the clerks office, page 4.

Plaintiff attended the deposition on May 15, 2015. And on that day plaintiffs former attorney was dismissed from her case and from the courtroom by the Judge. As plaintiff has stated several times, she tried to seek counsel but no one would represent her, this is why she is pro se.

“Plaintiff also states and certifies that the grounds in this brief are other substantial grounds not previously presented to the court“.

After taking over her case pro se plaintiff, Mrs. Logan ran into issue after issue with the defendants attorneys. For instance when plaintiff first submitted her first brief/complaint to the Courts, she followed protocol as

far as the courts stated by submitting a 40 page brief for her complaint.

However, the photo submitted, on page 5, Shows attorney O'Brien submitted to Mrs. Logan over 500 pages, most or 2/3 is redacted.

After plaintiff submitted her first complaint, vandalism was done to her husbands car page 6-7. Plaintiff submitted a letter to the Judge also page 8 and 9. This incident is similar to the incident with snowplow drivers did on February 2021, those pictures submitted to this court already, when they placed snow in front of the Logans driveway, after she submitted documents to this court.

Attorney O'Brien then stated to the courts that "the plaintiff keeps submitting different documents". Plaintiff states, " she has no idea what he is talking about". Plaintiff reached out again to attorney O'Brien page 8-9 to speak about some kind of settlement. Plaintiff got no response from him.

Then the towns insurance adjuster gave the plaintiff a call, page 10. Mr. Heeran Persaud submitted insurance documents to the Court in regards to Plaintiffs case, stating, "Town has a limit of \$1,000,000.00 bodily injury, page 11. Another 5 months passed.

Attorneys O'Brien still pulling his shenanigans, with the courts, page 12 , "Demanding for a Trial by Jury". This request for trial by jury was

exactly what Mrs. Logan was hoping for, however, it never came to fruition.

Mrs. Logan was on meds including, Diazepam, ranitidine, hydromorphone (injection) cefazolin (injection) Tylenol (acetaminophen) and oxycodone, cymbalta. At home medical equipment and medication, pages 13, 14 and 15.

Plaintiff was working for over 2 years wearing a back and neck brace taking meds and doing physical therapy at home, not knowing how badly injured she was until an MRI was performed.

Plaintiff is seeking, Justice, Compensatory and Punitive Damages, Pain and Suffering, Defamation of Character, Emotional Distress, Loss of Job, Loss of Income.

I, Theresa A. Logan hereby certify that the petition for rehearing is
THERESA A. LOGAN

presented in good faith and not for delay. August 8, 2021

THE SUPREME COURT OF THE UNITED STATES

WASHINGTON, D.C. 20543-0001

Theresa A. Logan

Petitioner

No: 20-7819

V.

**Town of Windsor, New York
Robert Brinks and Gregg Story
New York Reciprocal Insurance Company**

Respondents

Petitioner's Brief for Rehearing

With Compelling Reasons relevant of Courts decision

For "Denial" of "Petitioners Writ of Certiorari"

**Theresa A. Logan Pro Se
50 Williams Road
Windsor, New York 13865
607-655-1853**

**Attorneys Thomas Bouman and O'Brien
For Defendants, Robert Brinks and Gregg Story
Coughlin & Gerhart LLP
99 Corporate Drive Binghamton, New York 13904
Or P.O. Box 2039 Binghamton, New York 13902-2039**

Plaintiff, Mrs. Logan states, “she would like to take a moment and thank the Judges and the Court once again for their time“. I, the Plaintiff am asking for Justice, Punitive damages, compensation for the permanent injuries she has suffered and will continue to suffer for the rest of her life“.

Mrs. Logan would like to respond to the Judges decision for the “denial” of her request for “ Writ Of Certiorari”, however she is not sure of how to respond to the Judges decision, because she was informed by the clerks office, that the Court does not have to tell her why they made the decision of “Denial“ .

Mrs. Logan doesn’t quite understand what the Judges want her to reply too and how can she reply to a “Denial” without documents from the Court to see what proof she is lacking in after submitting to the Court a 20 page typed brief and 20 pages of “Overwhelming Evidence“. This includes photos and letters from her doctors as well.

After speaking with a representative in the clerks office and following protocol in submitting her documents for a Rehearing she was told the Court will make a decision in about 6 weeks. Mrs. Logan considering and giving time for pandemic, she still didn’t receive a response from the Court for 4 months. This is the same issue with the “Lower Courts” with the

Courts holding unto her case from 4 to 6 months only to send a “Denial” without any explanation.

Mrs. Logan states, “what about the statue”, this has not been her fault. What about her “rights as a citizen of the United States of America. The First Amendment. Why are her rights being ignored? However, the defendants and their attorneys, can perjure themselves, mislead the Courts and get away with it.

Mrs. Logan has spoken with several new attorneys in the area where she lives and they are willing to help her even with the “statue” for her case. However, they state they need documents from the Judges decision so they can respond to the “Denial” of Mrs. Logan’s “Writ of Certiorari”.

Mrs. Logan states, “why aren’t we talking about the defendants behavior on the day in question. It appears that the attorneys and the defendants are the ones in charge of the Courts decisions. Plaintiff has submitted the same documents, to every Court in New York State, and those courts have held up the plaintiffs case for over 4 years.

A friend referred Mrs. Logan to the Federal Court in Binghamton New York. After looking at Mrs. Logan’s case, her case was sent to the Federal Court in Syracuse, New York. Mrs. Logan almost immediately was granted

“In Forma Pauperis” by Magistrate Justice Peebles.

The Federal Court informed Mrs. Logan that Federal Courts limit was seventy five thousand dollars. She informed the Court that she has always been willing to negotiate, with the defendants attorneys even though her original attorney ask for two hundred and nine thousand dollars and to date she has lost wages totaling over two hundred sixty four thousand dollars not including overtime or being on call.

Mrs. Logan did speak with the Town of Windsors insurance company New York Municipal Reciprocal Insurance Company. The adjuster Heeran Persaud. She told him at that time that she would except ninety thousand dollars. She also called the attorney for the defendants and left a message with their secretary. Neither the insurance adjuster or the attorneys for the defendants never returned her calls or got back to her to this day.

The Federal Court referred Mrs. Logan too Thurgood Marshall Court in New York City. After waiting, several more months pasted. Mrs. Logan received a document from Thurgood Marshall Court for a 5 minute telephone conference. She pleaded her case for those five minutes, and then it was time for Attorney Bouman to respond for the defense. Attorney Bouman spoke for maybe 40 seconds, stating “I don’t think the defendants

perjured themselves. That was his defense for Mr. Brinks and Mr. Story.

Attorney Bouman also documented and stated to the Court that Mrs. Logan was a transient, living on the streets, had nowhere to go and New York State gave her a place to live. Once attorney Bouman saw the documents that shows Mrs. Logan paid cash for her property and that he wasn't truthful, he has now disappeared after that statement. He also stated, "in 2019 Mrs. Logan sued the Town of Windsor ". Also not true.

Now attorney O'Brien has stepped back in again. Not to be redundant However, attorney O'Brien also stated several untruths, stating "Mrs. Logan has arthritis and bone degeneration" not true, she didn't have it then and she doesn't have it now. It's against the law to perjure yourself in Court.

Mrs. Logan states again, why are the defendants and their attorneys not being held responsible for their actions or their untrue statements in the Courts. She is the Victim/Pedestrian. Mrs. Logan could have been killed that day, instead she has been maimed for the rest of her life.

The statistics show 43 people are killed each year alone by the reckless driving of individuals like the defendants. New York State Law, s1103(b)-1105 states, "Whereas Negligence is Generally Defined as Failing to Exercise Reasonable Care, Under the Circumstances". It also states,

“Reckless Disregard Is A Deliberate Decision To Ignore A Likely Harm”.

Plaintiff realizes the big mistake she made by not dialing 911 after Mr. Brinks and Mr. Story left the scene of the incident on the day in question.

The plaintiff still can't understand why the Lower Courts, in New York State have been holding up her case for over 4.5 years. Especially after her former attorney who did little to nothing in regards to her case and he was Dismissed by the Judge.

When Mrs. Logan found out there was a deposition scheduled for May 15, 2015, she went to that scheduled deposition in Binghamton Court. Mrs. Logan's former attorney didn't even acknowledge her in the courtroom that day. After being called up to the lectern, the Judge ask all of us to come into the Judges chambers. The Judge asked Mrs. Logan several questions about her former attorney.

The Judge at that point and time, “dismissed” her former attorney from her case, and from the Courtroom in the Supreme Court in Binghamton, New York. At that point in her case, Mrs. Logan was still trying too recuperate from the 2 major surgeries she had. Called “Compressed and Herniated Disk Pressing against her Spinal Cord, due to blunt force trauma” Town of Windsor, stated at that time, “they were not responsible for the

behavior of their employees snowplow truck driver or wingman, Robert Brinks or Gregg Story“. However several months later the Town of Windsor, did pay for both of Mrs. Logan’s 2 major surgeries.

After speaking with over 20 plus attorneys, Mrs. Logan, as shown in the documents she submitted to the Courts, no one would take on her case to represent her. This is the only reason Mrs. Logan is Pro Se. Mrs. Logan, after her former attorney was dismissed from her case. has gone to every Court in New York State.

She can’t understand why the defendants behavior as well as “Perjury” coming not only from the defendants but from the defendants attorneys Bouman and O’Brien is not being dealt with by the Courts.

Perjury in Court to the plaintiffs knowledge is against the law. Why aren’t they being held accountable for this? All the overwhelming documents, evidence, and photos the plaintiff has submitted seem to have fallen on deaf ears. As shown in the photos and the 40 page brief/complaint, for Rehearing that was submitted to the Court by the plaintiff, before Feburary 8, 2021.

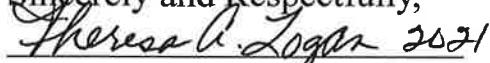
The driver and the wingman have now taken to thinking they can Bully Mrs. Logan and her husband by placing piles of snow during the winter

months this year in front of their driveway as shown in the photo submitted to the Court on February 8, 2021. As well as attorney Bouman, who sent Mrs. Logan a letter informing her that their law firm will present her with their Court cost if she doesn't, stop pursuing her case.

Mrs. Logan states "she was under the impression that decision was up to the Judge and not the attorneys decision". In the lower Courts when Mrs. Logan was being represented by attorney Eric Gruber before he left and moved to Florida, there is a Video Deposition where the defendants actually admitted to the Judge, "they were driving 55 miles per hour".

However, the only way to get that information, is through a granted "Writ of Certiorari". Mrs. Logan is being truthful about her overwhelming evidence she has submitted to the Courts. As Mrs. Logan sees no evidence to the contrary from the defendants attorneys Bouman and O'Brien.

The evidence Mrs. Logan has submitted along with the rest of the truth in this case, which she is asking the Court for, "Writ of Certiorari" Also for the court to know, several attorneys that she has spoken with are willing to help her with her case now. They stated "Due process of the Law. "Justice Delayed is Justice Denied".

Sincerely and Respectfully,

Mrs. Theresa A. Logan

**Additional material
from this filing is
available in the
Clerk's Office.**