

OCT 27 2021

OFFICE OF THE CLERK

NO. 21-5361

In The Supreme Court of The United States

EDUARDO FLORES

Petitioner

Vs.

Sharp Grossmont Hospital 1 to 5

Respondents

ON PETITION FOR WRIT OF CERTIORARI TO THE CALIFORNIA
COURT OF APPEAL, FOURTH APPELLATE DISTRICT

PETITION FOR REHEARING UNDER RULE 44

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ORIGINAL

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TABLE OF AUTHORITIES

CASES:

1. See fox, supra 35 Cal.4th atpp. 807-808.....4
2. Tennessee V. Lane 124 s. ct. 1978, 1993, (2004).....4
3. Boddie V. Connecticut 401 U.S 371, 379(1971).....4

APPENDICES:

The evidence attached to this petition was not previously presented due to intervening circumstances because the lawyer that was helping me with the petition advised me not to present any evidence.

- 1). Emergency department assessment sheet Sharp Grossmont Hospital Page 3 of 6 Anny Coberly RN at 6/25/2008 time 16:54 review results (completation not documented) the catherization never was documented.
- 2). Emergency department assessment sheet Sharp Grossmont Hospital Page 4 of 6 time 15:26 06/25/2008 supporting documentation Anny Coberly RN ordering an E.K.G physician: Kobernic MD, Marc.
- 3). Rhythm report Kaiser La Mesa E.K.G 25 June, 2008 time 13:24 diagram shows the heart attack.
- 4). Final additional statements by defense attorney Frank Higle at the hearing on 02/09/2021.
- 5).From Eduardo Flores 2/23/2021 MR 08/2021 10:44am from Patrick Higle. (emails)

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In The Supreme Court of The United States

NO. 21-5361

Eduardo Flores - PETITIONER
(Your Name)

Vs.

Sharp Grossmont Hospital 1 to 5 - RESPONDENT(S)

PETITION FOR REHEARING

Pursuant to rule 44 on this court, the petitioner hereby, respectfully petition for rehearing case before a full nine member court.

This case involves a challenge by Respondent concealment, fraud and retention of medical records an assault and battery. I signed a paper refusing a surgery and they sent me to another hospital against my will. Sharp Grossmont Hospital assessment sheet emergency department Wednesday – June 25, 2008 page 4 of 6 supporting documentation, Anny Coberly RN, and Marc Kobernick MD order time 15:26 E.K.G on page 3 of 6 time 16:54 Anny Coberly RN. Review results (completion not documented) the catherization never was documented California Civil Code Section 1710.

QUESTION PRESENTED (Rule 14.1(a))

Whether the Superior Court of the State of California, San Diego County, and the California court of appeal, fourth appellate District violated the 14th amendment if the United States Constitution and American with disabilities act of 1990 by failing to provide Mr. Flores, a disabled self-represented litigant with meaningful accommodation an equal access to the court.

STATEMENT OF CASE

On June 25, 2008, petitioner went to the Kaiser emergency room in La Mesa, CA., in which they did an E.K.G. cardiogram. (I CT 033 - 037). They told the petitioner he was having a heart attack and Dr. Birnbaum sent him to the SHARP Grossmont Hospital emergency room. Once there, they did an E.K.G., catheterization exam as well as other exams so they can see petitioner heart's condition. (I CT 017-018). After a few minutes of being in there, a doctor came in with some papers for petitioner to sign and he told petitioner he was going to do a surgery. Petitioner asked him what kind of surgery and he said he was going to open up petitioner chest and perform open heart surgery. Petitioner refused the surgery. I've gone to the hospital on many occasions to ask for the report of the E.K.G, catheterization, and the final Doctor's report but they have been denied to me.

JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a). The decision of the California Court of Appeal for which petitioner seeks review was issued on February 17, 2021. The decision of the California Court of Appeal on Petitioner's request for rehearing was issued on March 4, 2021. The California Supreme Court order denying petitioner's timely petition for discretionary review was filed on May 12, 2021. This petition is filed within 90 days of the California Supreme Court's denial of discretionary review, under Rules 13.1 and 29.2 of this Court.

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED

United states Constitution, Amendment 14 provides, in relevant part: No state . . . shall 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.

NECESSITY FOR REVIEW

Anny Coberly RN, working

Respondents in the Emergency Department. Violated the California law Penal code 471.5. she was as an assistant for Dr. Kobernick in the ER department 6.25.2008 in the respondent's facility under the responsibility of Dr. Marc Kobernick. 16.CCR. 1399.530.(a)(4), (b) for the physician assistant of the doctor shall deemed a proved by the board and, the physician Coberly RN had to have consulted with Dr. Kobernick from the surgery 16.CCR-1399.540.(d). the orders given on tasks performed by a physician assistant shall be considered the same as If they have been given and performed by the supervision of the physician. 16. CCR-1399.541. physician assistant may act as a first or second assistant in surgery under the supervision of a supervising physician. 16.CCR-1399.541(i)(1),(2) My medical records were denied to me year 2011, 2012, 2014.

The hospital confirmed that Mr. Flores had EKG done, but Mr. Flores medical documents were never confirmed., Assessment sheet, Emergency Department, Wednesday June 25, 2008. Page 4 of 6 Times 15:26. Supporting documentation, Anny Coberly RN and Marc Kobernick Physician ordered EKG. On page 3 of 4 times 16:54 report review result (Completion not documented) It shows an assessment that an EKG was performed but never given to Mr. Flores. Those records were retained and made false statements (California Civil Code 1710.,)

Respondents has to take responsibility for the damage it's employees caused me on causing fraud and retaining my medical records of my refused surgery in June 25,2008 EKG and catheterization report. 16.CCR-1399.571.(a)(2) so this doesn't continue to happen with other people and be held responsible amongst its community. 16.CCR-1399.571.(a)(6). Anny Coberly RN, was in charge of doing the physical exams and makes diagnosis and assessments. There from; initiative review and services treatment EKG 42 U.S.C.§12101(a)(5), (b)(1)(2012) Catherization report (completetion not documented) time 16:54 page 3 of 6. 16.CCR-1399.571.(a)(1)

REASONS FOR GRANTING THE PETITION

Accommodating a person's disability is required by federal and state law. The American with Disabilities Act (hereinafter "ADA") require that people with disabilities be afforded equal access to government buildings and services. 42 U.S.C. § 12101(b)(1)(2012). Because access to the judicial process is a fundamental right, the United States Supreme Court has held that Title II of the ADA is constitutionally valid. In *Tennessee v. Lane*, the Court held that "Title II unquestionably is valid...as it applies to the class of cases implicating the accessibility of judicial services [.]". 124 S.Ct. 1978, 1993 (2004). The Court observed that the "duty to accommodate is perfectly consistent with the well-established due process principle that 'within the limits of practicability, a State must afford to all individuals a meaningful opportunity to be heard' in its courts." *Id.* at 1994 (quoting *Boddie v. Connecticut*, 401 U.S. 371, 379 (1971)) (emphasis added).

The respondent has misleading and inaccurate statements throughout the Courts of San Diego CA, with his fraudulent case Civil codes 1710. The Misstatements are in regard to Mr. Flores injuries flowing from the Respondents negligence. Respondent is attempting to paint a convoluted story of petitioners claim in attempt to make sure the Court understands, the petitioner position and need for this Court to grant a remand to the trial court.

STATEMENT OF APPEALABILITY

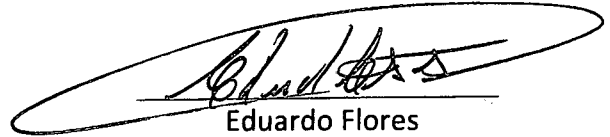
Entry of Judgement of dismissal after the trial court sustain a demurrer without leave to amend is appealable under Code of Civil Procedure section 904.1(a)(1)

Petitioner again asks this court to decide whether the statutory period of limitation applied to his case under the facts presented by petitioner in his Complaint, and new facts learned, provide that he has pleaded sufficient facts to state a claim and that the statute of limitations for actions for his injuries can be tolled.

CONCLUSION

Petitioner Eduardo Flores Respectfully prays for a rehearing and reversal of the order on the October 4, 2021 denying petitioner for writ of certiorari to the Supreme Court of the United States.

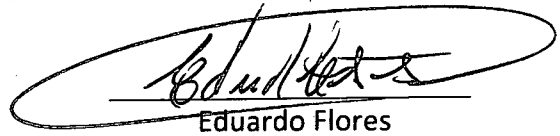
Wed, NOV 10
Date


Eduardo Flores

CERTIFICATE OF PETITIONER

I certify that the foregoing petition is presented in good faith and not for delay and is restricted to the grounds specified in the Supreme Court 44.6

Wed, NOV 10
Date

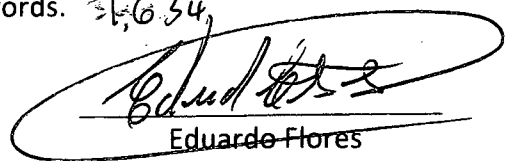

Eduardo Flores

EDUARDO FLORES

CERTIFICATE OF COMPLIANCE

I certify the petitioner for rehearing complies with the type – volume limitation set forth in Rule 33 of the Rules of the Supreme Court. The petitioner's petition for rehearing uses a proportional type face and 12 point front and contains words. 3,634,

Wed, NOV 10
Date


Eduardo Flores

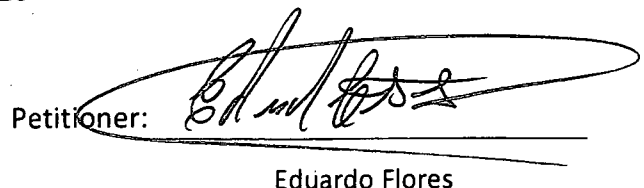
EDUARDO FLORES

1128 Lemon Ave, El Cajon

CA, 92020

Date: Wed NOV 10

Petitioner:


Eduardo Flores