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No 21-6639

In The

Supreme Court of the United States

Jacqueline m Giebell, Petitioner

V

Heartland Dublin Nursing Facility, Respondents

On Petition For A Writ Of Certiorari

To The United States Court Of Appeals

For The Sixth Circuit

**PETITION FOR WRIT OF CERTIORARI**

*Court Copy  
Petition  
& Appendix*

Jacqueline m Giebell, Pro Se

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December 10, 2021

**ORIGINAL**

Questions Presented

- 1 Was trespassing Ms. Giebell from the Heartland of Dublin Nursing Facility a violation of Federal Law, and the NHRA. Was it Retaliation?
- 2 Does the difference of opinion between the circuits concerning the NHRA, give Ms. Giebell a fair opportunity to plead her case?
- 3 Can Ms. Giebell's criminal complaints of Title 18 U.S. 1510, and 1513, be addressed under Ohio's RC Statute 2307.60?
- 4 Did Heartland obstruct justice in the investigation, brought by Ms. Giebell, who reported the abuse of Mr. Wu.?

List of Parties

Jacqueline m. Giebell, Pro Se, Petitioner

Heartland Dublin Nursing Facility, Respondent

Council for Heartland as follows,

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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 is unpublished.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 B 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 is unpublished.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[ ] is unpublished.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[ ] is unpublished.

In the matter of the case, Giebell vs Heartland Dublin Nursing Center, there has been nothing published, and has been not recommended for publishing, by Judges Moore, White, and Thapar.

The Sixth Circuit Court of Appeals entered a descision on this case, Giebell vs Heartland Dublin Nursing Facility, on July 28, 2021, the date of the judgement. A timely request for En Banc was denied on Sept. 13, 2021. Jurisdiction of this court is invoked under 28 U.S. C.1254 (1).

Constitutional and Statutory Provisions

Constitutional

1<sup>st</sup> amendment---referenced on page 19, and 23

3<sup>rd</sup> amendment—referenced on page 19.

Statutory

Ohio RC 2307.60 –referenced on page 1, 20, 21, 22, and 27

Ohio RC 2921.03—referenced on page 22

## STATEMENT OF THE CASE

In Ms. Giebell's statement of the Case, you will hear 3 main issues of importance. 1st one is her struggle to have access to Nursing Home resident Shis Kin Wu. 2nd one is Ms. Giebell's efforts to protect Mr. Wu. And 3rd, is the retaliation and obstruction of justice, by Heartland, after ms. Giebell's reported the abuse of Mr. Wu.

(Pages 9-17 in the petition go into detail as such.)

## Statement of the Case

The following is a statement of the case by caregiver/witness, Jacqueline m. Giebell, pro se, in forma pauperis. In Ms. Giebell's statement of the case, you will hear 3 main issues of importance. First one is her struggle to have access to nursing home resident, Shis-kin Wu, thereafter called just Mr. Wu. The second was the efforts made by Ms. Giebell to protect Mr. Wu. And lastly, the retaliation and obstruction of justice by Heartland, after Ms. Giebell reported Mr. Wu's abuse.

Ms. Giebell began caring for said patient, Mr. Wu, in Virginia, on Tuesday Nov. 29, 2016. She took care of Mr. Wu for approximately 5 weeks, and then Mr. Wu went back to Ohio. Ms. Giebell was asked to go and care for him there, but was unable to do so. On arriving at his house, Mr. Wu fell, and was placed in the Heartland of Dublin Nursing Facility, on January 13, 2017. Ms. Giebell visited Mr. Wu in March of 2017 at the Heartland of Dublin facility. Keui Wu (ex wife , power of attorney,) text her calling her Mr. Wu's friend.

On May 12, 2017, Ms. Giebell started caring for Mr. Wu in Virginia, again. She worked 2 hrs a day, 4 days a week, then on June 12, started working everyday. After finding Mr. Wu on the floor several times, Ms. Giebell increased her hours, working 5 hours a day, for the same rate of pay, because it was necessary to protect Mr. Wu. In total Ms. Giebell worked 203 hours for free to protect Mr. Wu.

On July 11, Ms. Giebell heard slapping noises coming from Mr. Wu's window, while she was coming to work that day. She went back into the yard to try to see into the

window, but could not. When she went inside she saw Mr. Wu sitting on the bed, and his son Jen Wu squatted in front of him. Soon after, Ms. Giebell observed a dark purple bruise on the left side facing Mr. Wu , on his stomach. Ms. Giebell worked for weeks to heal up the bruise and noticed that after awhile, the bruise had healed and left 'healed up marks' remaining on the outside. Then in August, 2017, Ms. Giebell also observed the same marks on Mr. Wu, except this time the marks were on BOTH sides of his stomach. Then Ms. Giebell decided to report the marks to her Boss, Jen Wu. 3 days later, Jen Wu informed Ms. Giebell that Mr. Wu would be going back to Ohio, and on Sept 20, 2017, Mr. Wu went back to Ohio, was placed in the Heartland of Dublin Nursing Facility sometime after that. Ms.Giebell did not interfere because she believed that Mr. Wu would be safe in Ohio.

Ms. Giebell visited Mr. Wu on Oct. 31 and Nov 1<sup>st</sup>, 2017, at the Heartland of Dublin Nursing Facility, taking videos of him speaking English. She was also able to come back and visit him on January 14-16, 2018. On the last day of the visit, Jan. 16, 2018, before Ms. Giebell left, Mr. Wu exposed the left side facing (his right) and Ms. Giebell observed the same identical bruise on him, as she saw in Virginia. Fearing the Wu family had some sort of surveilence device, Ms. Giebell tried hard not to react, upon seeing the bruise, and thought if they were going to hit him in Virginia, AND the nursing home, the ONLY safe place for Mr. Wu to be would be in her care, 24 hrs a day in Virginia. Because Keui Wu, who visited the nursing home frequently, had admitted to her on Jan. 15, the day before, that she was getting

tired, Ms. Giebell believed that it was possible that Mr. Wu would be coming back to Virginia, soon, and left without reporting the issue.

Upon returning to Virginia on Jan. 18, 2018, Ms. Giebell spoke to Jen Wu about bringing Mr. Wu back to Virginia. At that time, Jen Wu agreed with Ms. Giebell.

But Mr. Wu did not come back to Virginia, and when Ms. Giebell returned to visit him in March 2018, Keui Wu did not meet with her, or tell her anything regarding whether or not Mr. Wu would be returning to Virginia.

Near the end of April of 2018, Mr. Wu's phone became disabled, and it became very hard to call and check on him. During her visit in March, Ms. Giebell befriended another resident across the hall from Mr. Wu, who had taken a special interest in him. She was able to help her to answer Mr. Wu's room phone. She also said that one time the nurses answered Mr. Wu's phone for him, that Keui Wu took it away.

When Ms. Giebell called Mr. Wu in May, 2018, he started crying and Ms. Giebell decided to make an unannounced visit. Upon arriving, Ms. Giebell found Mr. Wu in poor condition. He had fluid in his lungs, and his strong hand, (right one) was weak and drooping down. When Ms. Giebell complained to the nurses, soon after Keui Wu showed up and became angry. As a result of this, Ms. Giebell had to meet with the head nurse. On this visit, Ms. Giebell also brought a phone to leave with the person across the hall, so they could help Ms. Giebell talk to Mr. Wu, but that was short lived because Mr. Wu was transferred downstairs the next day.

At first Heartland's staff was helpful to help Mr. Wu answer the phone, but eventually Keui Wu became angry again and tried to cut off Ms. Giebell's visits and phone calls. On June 15, 2018, Ms. Giebell spoke with administrator Cody Brown, who let Ms. Giebell have her visiting rights. During this phone call, Ms. Giebell reported to him that Mr. Wu was likely being abused by a family member. It is unknown if Keui Wu was present during this phone call. Cody Brown did not believe Ms. Giebell's abuse allegations, and did nothing.

On Ms. Giebell's July visit, she noticed 'healed up marks' on BOTH sides of Mr. Wu's stomach. It had been last august 2017, since Ms. Giebell had seen marks on the right side facing, Mr. Wu. So the abuse was ongoing. Also during the July visit, Ms. Giebell noticed that Mr. Wu's condition had greatly improved, and his good hand was back to normal. On this trip, Ms. Giebell brought a Verizon phone for Mr. Wu to keep in his pocket, since Keui Wu had brought a different one and placed it on the desk which was hard for Mr. Wu to reach. Keui Wu didn't like it and after about a week, turned off the phone and put it in a drawer. Ms. Giebell asked the nurses to turn it back on, but they didn't.

After Ms. Giebell left in July, she was accused of stealing a book that belonged to Mr. Wu's room mate. When Ms. Giebell complained to the corporate office they made excuses and said they didn't do it. Ms. Giebell contacted Cody Brown's boss Jason Hohlefelder, about the book incident, and about the abuse of Mr. Wu. As Mr. Hohlefelder was going on vacation, he was unable to address Ms. Giebell's concerns until after he came back, the end of July.

During the time he was gone, it became so awful to get ahold of Mr. Wu., Ms. Giebell feared he was being drugged. This was because she spoke to a nurse who answered Mr. Wu's phone that told her that Mr. Wu was sleeping so soundly, that she could not even shake him awake. Being familiar with Mr. Wu's sleeping habits, as his caregiver, Ms. Giebell had personal knowledge that Mr. Wu NEVER slept that hard before. Ms. Giebell decided to make a complaint with the Ohio Dept. of Health.

Ms. Giebell also called numerous volunteer people, etc, to see if someone would help her talk to Mr. Wu everyday. Ms. Giebell finally found a witness to go in to the facility, but said witness was turned away by the nursing staff, with the excuse that Mr. Wu's family didn't want any visitors. By this time, Ms. Giebell started to make plans to move to Ohio. Things were getting so out of controll and Ms. Giebell could do very little from 6 hours away.

On July 30, Ms. Giebell spoke to Mr. Jason Hohlefelder, who said he was going to take care of the issue. Ms. Giebell spoke to Mr. Wu on July 31<sup>st</sup>, and he was in good spirits, however, when Ms. Giebell called Mr. Wu on Aug. 1st, he seemed out of breath, and shouted 'no' at someone in the room, when he answered the phone, and there appeared to be a struggle. Mr. Wu was fighting to answer his own phone.

The next day Ms. Giebell found out that Mr. Wu's family was sitting in his room, preventing him from answering his phone. She became angry and called the Dublin Police, who told her about the Aug. 1<sup>st</sup> police report. Ms. Giebell could not get it until the next day, August 3<sup>rd</sup>. After receiving the 1<sup>st</sup> police report, Ms. Giebell

spoke to several officers in the Dublin police dept., including Sgt. Krayer, who agreed to reopen the case on Mr. Wu. Ms. Giebell attempted to document the abuse in Virginia with the town police, but was not allowed. Ms. Giebell also spoke to Jason Hohlefelder who claimed he didn't know anything about the Aug. 1<sup>st</sup> police report. He said he would call the administrator and straighten things out. Also agreed to speak to the police on behalf of Ms. Giebell, concerning visiting rights and phone calls. According to Mr. Hohlefelder, and the police, this was arranged, however after Ms. Giebell had the problem with the telecommunications complaint, the police claimed the arrangement was only for visits and not phone calls, which was a lie.

On August 6, Ms. Giebell received a call from an officer traves, telling her that a complaint had been filed. This was the telecommunications complaint filed as a result of the officer's suggestion, when Heartland tried to trespass Ms. Giebell from the facility on Aug. 1<sup>st</sup>. This complaint was filed by Kevin Wu. ( Recently Ms. Giebell received a copy of said complaint. The complaint places the incorrect last name of Ms. Giebell, calling her Jackie Deboit. )

When Ms. Giebell did not hear back from officer traves as promised, she called him. He told her that if she called Mr. Wu, that she would be charged with a crime. Ms. Giebell asked officer traves for some sort of proof of the 'verbal warning', and was told that she couldn't have one. She then asked him what could be done to get out of the warning. He then taunted her and said she would NEVER get out of it.

Ms. Giebell wrote letters, including to officer's traves superior officer, trying to get out of the warning. On august 18, 2018, Ms. Giebell visited Mr. Wu at the Heartland of Dublin Facility. Mr. Wu's family showed up and harassed her. Ms. Giebell found out from them that Mr. Wu had been signed up into hospice.

After she got back home, she called the chief of police concerning the warning. Eventually she was contacted by another officer acting under authority of the chief, that dismissed the warning given to her by officer traves. However, there were stipulations attatched. The officer said if Mr. Wu was declared incompetent, that Ms. Giebell's visitation rights might change. That seemed inappropriate considering the copy of the complete, Aug. 1<sup>st</sup> police report, that Ms. Giebell obtained, said Mr. Wu had a bims of 6, and said he WAS competent.

There was also a 2<sup>nd</sup> police report issued. It mentions the incompetent issue. During the course of this police report, Heartland told lies to the police concerning Ms. Giebell's work record, claiming that Mr. Wu was at their facility during the whole summer of 2017, that Ms. Giebell ,was caring for him in Virginia. Thereby attempting to discredit Ms. Giebell as a witness. In addition to this, Heartland called the marks on Mr. Wu, 'skin discolourations', attempting to downplay Mr. Wu's abuse, as well. Also a nurse is on record, as saying there were no injuries visible on Mr. Wu, on July 31<sup>st</sup>, yet when the police took the photos on aug. 6, there were evidence of many injuries to Mr. Wu, so Ms. Giebell reported her to the Nursing Board. Ms. Giebell believes Heartland did these things to obstruct justice.

According to the FOIA papers of the ohio dept of health surveys that Ms. Giebell received, Mr. Wu fell on Aug. 22, and was taken to the hospital for stitches.

Sometime later, Mr. Wu returned to the Heartland of Dublin Facility. According to the surveys, patient No. 10, believed to be Mr. Wu, was not on Hospice when he came back to the facility. Sometime later, and the same weekend Ms. Giebell got out of the false detainment by the police, Mr. Wu was mysteriously placed back on hospice, and immediately began to die, and was dead around midnight the next day. It is important to note that an ombudsman person was scheduled to meet with Mr. Wu , the day after he died.

After the death of Mr. Wu, Ms. Giebell filed many complaints, including 2 more with the Ohio Dept of Health. Also the medical board, administration board, and the nursing board, etc. Also spoke to 2 different U. S attorneys. Ms. Giebell was unable to find anyone to help her concerning the unfortunate events described in the last several pages. So Ms. Giebell brings suit against Heartland of Dublin Nursing Facility, in her own behalf.

Ms. Giebell also asked repeatedly for a pro bono attorney, so she could represent the wrongs done against Mr.Wu.

In the U.S District Court, Ms. Giebell paid the 400.00 fee and received 2 judges on the docket. One of which, never spoke or gave opinion. According to Ms. Giebell pro se manual, Her Honor Kimberly Jolson, was to issue a report and recommendation and then Ms. Giebell was to have 15 days to respond. On doing research on Her Honor Kimberly Jolson, Ms. Giebell discovered that she spent extensive time doing

pro-bono work. Ms. Giebell feels that she would have given her the pro bono attorney she asked for, considering her background. She feels she did not get the assistance from the 2 judges she paid for.

The U.S. District Court did not side with Ms. Giebell's case and dismissed it with prejudice. Also the first judge, Her Honor Sarah D. Morrison, completely left out the 1<sup>st</sup> police report and the fact Ms. Giebell was trespassing from the Heartland facility, when conveying the facts of the case.

On appeal, the judge panel said that Ms. Giebell had a cause of action, yet affirmed the case because of the NHRA.

Ms. Giebell brings suit to the U.S. Supreme Court, specifically because the fact different circuits interpret the Federal Nursing Home Reform Act, differently, could be helpful in saving her case, and obtaining the Writ of Certiorari.

In addition to this, there is an Ohio Statute that allows Ms. Giebell to voice her criminal complaints of retaliation, and obstruction of justice, in a viable civil suit.

This will be discussed in the next section.

## REASONS FOR GRANTING THE PETITION

1. Ms Giebell believes the trespass of herself from the Heartland of Dublin Nursing Facility was against the NTHRA & federal law. Jalowy vs The Friendly Home says that to trespass Someone after abuse reports are filed, constitutes retaliation.

42 U.S. Code 1395 i-3 is the section where the Nursing Home visits & phone calls are. And specifically under the privacy section. The judge panel spoke of the 3rd Amendment to the Constitution, and says an injury was an invasion of a legally protected interest. So invasion of privacy, applies in this case.

Due to the trespass, Ms. Giebell lost her phone rights. She believes this was a violation of her 1st amendment, constitutional rights.

(Over)

## Reasons for Granting Relief

Ms. Giebell respectfully asks the Justices to review the following reasons why Ms. Giebell believes she should receive the Writ of Certiorari.

Ms. Giebell believes that when Heartland tried to trespass her from the facility, it was a violation of Federal law. According to the 1<sup>st</sup> police report, Appendix D, Heartland claims the reasons for trespassing Ms. Giebell was because Keui Wu didn't want her there. According to 42 CFR, 483.10 Resident's Rights part 6, if the nursing facility believes that the power of attorney is not acting in the best interest of the patient, they are to report it. Heartland did not report it, even though they had cause to do so, because Ms. Giebell had told them that it was likely that Mr. Wu was being abused by a family member. Also in the 2<sup>nd</sup> police report, Appendix E, administrator Cody Brown told the police that it was Mr. Wu's wishes to have Ms. Giebell as a visitor. So by cutting off the visits, they violated Mr. Wu's rights under federal law to have which people he wants as visitors. And knowingly disregarded the aforementioned regulations.

On top of these violations, going against Mr. Wu's wishes was also a violation of the NHRA. So when they attempted to remove Ms. Giebell as a visitor, they violated Federal law.

Ms. Giebell submits case Jalowy vs The Friendly Home, a Rhode Island appeals case, in which it was decided that to trespass someone from a facility, after they made abuse reports, constitutes retaliation.

Under the NHRA, Ms. Giebell had a right to visit Mr. Wu. 42 U.S code 1395 i-3, in Ms. Giebell's complaint, the part of the NHRA that is over visits and phone calls, can be found under the privacy section. In the Judges opinion of the appeals court, they speak of the article 3 of the constitution and refer to an injury as being an invasion of a legally protected interest. (Appendix A ) Since visits and phone calls can be found under the privacy section of the NHRA, it could be said that by ignoring these rights, Heartland violated both Ms. Giebell's and Mr. Wu's right, by invading their privacy.

Furthermore, Ms. Giebell believes that the loss of her phone rights, violated her 1<sup>st</sup> amendment right to freedom of speech. And this was a direct consequence of the attempted trespass.

Lastly, Ms. Giebell believes that Heartland's efforts to separate her and Mr. Wu, were willful and malicious in nature. Especially in light of the fact Ms. Giebell reported his abuse by a family member, and Heartland purposely sided with a member of that family. In Ms. Giebell's opinion, this makes Heartland an accessory. And Heartland also acted repeatedly to 'cover up' the abuse, ignore it, and tell lies to mislead the police.

Recently, the 7<sup>th</sup> circuit reversed a decision in Talevski vs Health and Hospital Corp, (20-1664) regarding the NHRA being meant as a right to a private action. The suit was brought under 42 U.S code 1983, civil action for Deprivation of Rights. Apparently, also the 3<sup>rd</sup> and the 9 th circuits have also upheld rights under the NHRA . The 7<sup>th</sup> circuit is only one circuit away from Ms. Giebell's 6<sup>th</sup> circuit. The

case Talevski vs Health and Hospital Corp., is a great victory for advocates of the NHRA. ( Rehearing was denied on Aug. 25, 2021).

In Ms. Giebell's case, she filed under 360 personal injury, in which Negligence cases can be found. This is because of Federal case Ange Davis vs The Golden Living Centers, brought in Federal Court, U.S District Court , middle of Georgia. They ruled that violations of the NHRA could be sued under Negligence per Se claims. This case also is especially relevant because of it's descision that it is the duty of the nursing facility to protect their patients.

Ms. Giebell also is an advocate of the NHRA. She strongly believes it is of utmost importance for the elderly to have the rights honored, that are given to them. Likewise Ms. Giebell especially believes that if a nursing facility doesn't follow the rules, that they should be held accountable for their actions.

Ms. Giebell believes her criminal complaints of 18 U.S. 1510, and 1513, are viable and can be addressed under Ohio's Revised Code's Statute 2307.60.

In the Federal Case Buddenburg vs Weisdack, (18-3674) Buddenburg brought claims of Retaliation, and other complaints against Weisdack. Buddenburg prevailed and Weisdack brought appeal to the 6 circuit court of appeals, where the case was affirmed. 2 of Ms. Giebell's panel judges, Her Honor Karen Moore, and Her Honor Helene White, also presided over the Buddenburg case. According to the Ohio Supreme Court, conviction is not necessary to bring a civil suit. ( July 29, 2020).

In Ms. Giebell's case, the 3 panel judges claimed she could not bring her criminal complaints against Heartland, yet 2 of the judges had knowledge that under Ohio law, Ms. Giebell COULD bring those complaints under RC 2307.60. they had the knowledge because they affirmed the case Buddenburg vs Weisdack.

In Ms. Giebell's first lesson of law, in Feb. 1994, she was stopped by an officer for driving in the left lane while out of state and searching for a tanning salon located on the left side of the road. Upon arriving at court to defend the ticket, she was told that the Judge was pulled away on an emergency and that everyone's case was being decided by the prosecuting attorney, who lined everyone up in the hallway, to wait their turn. When Ms. Giebell's turn came, she explained that she was in the left lane because she was going to turn left and looking for the tanning place. To her surprise, the person in charge said, 'well let's look up this offense, and see what it says'. Surprisingly, he said 'look this says that there is an exception to this failure to keep right, if you are making a left turn', and dismissed the case. It was then that Ms. Giebell realized she liked the law, and that it could be helpful.

The important thing is that the prosecuting attorney did not just rule, he tried to help. He sought out the knowledge that helped Ms. Giebell's case.

Likewise Ms. Giebell believes that Her Honor Karen Moore, and Her Honor Helene White, should have been forthcoming about the Buddenburg vs Weisdack case, and the knowledge of the ohio statute 2307.60, which allows criminal complaints to be filed in the state of ohio, where Ms. Giebell's case originated.

Ohio statute 2307.60, also says that if a person commits a crime against you, that they are liable to you for your legal costs for the remainder of the case. Ms. Giebell asked repeatedly for a pro bono attorney to be assigned to her case, so that she might bring attention to the wrongs done to Mr. Wu. But according to this statute, Ms. Giebell is entitled to have a regular attorney whose fees are to be billed to Heartland. She asks if her request for Writ of Certiorari be found favorable, that this be taken into consideration.

Likewise, Ms. Giebell assigns this as ERROR and requests the Justices take Ohio Statute 2307.60 into consideration, when reviewing her request for Writ of Certiorari.

On the 3<sup>rd</sup> page of the appellees brief, they admit that Heartland 'temporarily' restricted the visits and phone calls of Ms. Giebell. Yet it was the police that actually enforced that. So by admitting this, it would appear that Heartland is saying that they had the power to enforce this themselves. And in Ms. Giebell's opinion it would appear that both Heartland and the Dublin Police Dept were in some sort of conspiracy together against Ms. Giebell. As a witness, Ms. Giebell had specific rights in the state of Ohio. RC 2921.03 specifically forbids any threats against a witness and says it's a 3<sup>rd</sup> class felony.

In Ms. Giebell's suit against Heartland, she sued under 18 U. S. Code 1510, obstructions of investigations. This section refers to bribery. How else would Heartland have controlled the police department? Under Title 18, section 241, Conspiracy against Rights, it says that it is unlawful for 2 or more persons to

conspire to injure, oppress, threaten, or intimidate any person in the free exercise of any right secured to him by the constitution or laws of the United States.

So by obstructing Ms. Giebell's rights to see and call Mr. Wu, this violated her 1<sup>st</sup> amendment rights to freedom of speech, and also violated U.S. laws in the NHRA. But this section goes further to say that if the guilty party causes death, they can be further punished.

In the 2<sup>nd</sup> police report, appendix E , Heartland lies to the police claiming that Mr. Wu was at their facility the whole time Ms. Giebell was caring for him in Virginia. Also tells a 2<sup>nd</sup> lie to the police that says that he went back to Virginia in Oct. 2017. Ms. Giebell visited Mr. Wu on hallowenn 2017, at the Heartland Facility, so she knows that's incorrect. Heartland also told a 3<sup>rd</sup> lie by saying Mr. Wu didn't speak English. Ms. Giebell has videos of him speaking English, taken on Oct. 31, 2017 at the Heartland Facility.

In addition to this, Heartland's employee told the police that the marks on Mr. Wu were 'skin discolorations', and claim there were no injuries to Mr. Wu. When the police took pictures a week later, there were signs of many healed up injuries to Mr. Wu. (Appendix F ) So the nurse lied, and Ms. Giebell reported her to the Nursing Board.

Also, in the foia papers obtained by Ms. Giebell, of the odh surveys, a Heartland Nurse Practitioner, is on record calling the marks on Mr. Wu, 'old age marks'.

So Heartland's employees told lies and obstructed justice to the police throughout the entire investigation.

Lastly, Ms. Giebell believes Heartland signed Mr. Wu up into hospice as an obstruction of justice to the investigation. Mr. Wu was not signed up into hospice until Aug. 5, according to the odh reports obtained by Ms. Giebell, from foia. Aug. 5<sup>th</sup> was BEFORE the 2<sup>nd</sup> police investigation started. And at that point, Heartland knew they had been caught with respect to the first investigation, had a 'plan b' which involved signing Mr. Wu up into hospice.

Eventually Mr. Wu fell, and returned not on hospice. But according to the odh papers obtained by foia, was mysteriously placed back on hospice, the same weekend Ms. Giebell got out of the police detainment, and began immediately to die. In Ms. Giebell's opinion, Heartland caused the death of Mr. Wu. Ms Giebell also believes that Heartland has knowledge about Mr. Wu's abuse, they are withholding. Ms. Giebell brings this complaint against Heartland for its many offenses of obstruction of justice, which has a 6 year statute of limitations in Ohio.

Ms. Giebell has been caring for the elderly since she was 15 years old in 1985. She is a true caregiver at heart, and takes her patients seriously. Ms. Giebell had 3 mentors for Eldery Care. 1<sup>st</sup> one was a 6 foot tall Nurse, and whose motto was everything must be done for the patients. Next, a tall, quiet lady whose presence was neat and complete order. 3<sup>rd</sup>, was a lady who had a small rest home in her house. She was tough and comical at times and her patients loved her. Ms. Giebell valued all their influences in her life.

During her years of elderly care, Ms. Giebell has had several patients, men and women, but her men patients have been like a 'gift from God'. She has had 3 main men patients in her life.

1<sup>st</sup> one was named Jack. (1989) He had a black trench coat, and a cane. He would call to Ms. Giebell and she would say 'what do you need?', and he would say, 'I need you'. Jack was a quiet man who disliked too much talking, or 'yacking', as he put it.

In his farming days, his grand kids would help him in the fields. As a reward they received 1 hour of free talking. Ms. Giebell worked for him when she was a waitress at Mr. Wu's son's restaurant.

Next, was a man patient named John. 1998-2001. John had a 'heart of gold'. A kind, generous man who loved earnheart #3, and his big yellow Cadillac. On trips to Ohio, he would have 4 big guys carry him up the stairs to his favorite bar, wheel chair and all, then bought them all drinks. On trips home to see his kids, he always insisted

on having everyone a carton of their favorite cigarettes. He didn't like pizza, but didn't mind buying it for Ms. Giebell and his dog. Ms. Giebell cared for John and saw him take his last breath. She also took care of his dog and got him after John died.

Ms. Giebell also took care of said dog for 6 months bedfast after his back legs gave out, and also saw that dog take his last breath, 11 years later.

Ms. Giebell's last man patient was Mr. Shis-kin Wu. Mr. Wu was a quiet man who loved to 'dance' with his walker. On days he felt well, he would show off his walking skills. He loved to eat good Chinese food, and loved Ms. Giebell's foot massage's. He loved being at the restaurant with his son, Jen. Mr. Wu was a Great Cook, who owned a restaurant for years, and whose receipe gave Ms. Giebell employment and was used in Jen Wu's restaurant where Ms. Giebell had worked as a waitress.

Caring for Mr. Wu was a special experience because he was her 2<sup>nd</sup> chance to work for the people at the restaurant she had known for years. He was like the President of the United States. No amount of money could replace him, OR the time Ms. Giebell has lost with the people at the restaurant. Ms. Giebell put her whole heart and soul into protecting him, even working 203 hours for free to keep him safe.

Mr Wu left Virginia on a beautiful fall day in September. Ms. Giebell kissed him goodbye, on the cheek, and told him she would see him soon.

Now, imagine a different scenario. It's once again September, a black hearse pulls up. They place a small, once lively man, now lifeless inside. It's Mr. Wu. The hearse goes over the West Virginia mountains. Mr. Wu is finally coming back to Virginia.

What is waiting for him? A delicious Chinese meal, a warm foot massage? No a cold, empty grave awaits.

It's raining, when Ms. Giebell pulls into the cemetery. She sees a concrete angel in the distance, and thinks it looks out of place and creepy. Oh God, where is he, she thinks. Please God help me find him. At last, Mr. Wu's grave. Ms. Giebell looks down into it, and thinks of what will not be, then looks up into heaven, and says, Thank you Lord for this last year.

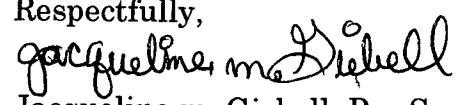
Mr Wu was a lively man who had a lot more life to live. He didn't deserve what happened to him. Neither did Ms. Giebell.

Heartland violated Ms. Giebell's constitutional and federal rights. They caused her to be separated from Mr. Wu, and unable to protect him. Heartland had the duty to protect Mr. Wu, yet negligently sided with his family, when someone in that family was likely, a perpetrator , and had been reported to Heartland as such.

Heartland retaliated against Ms. Giebell and told lies to the police against her, and to obstruct justice.

Ohio RC 2307.60, allows Ms. Giebell to bring her federal criminal complaints in a viable action against Heartland. Ms. Giebell humbly requests the Justices GRANT her the Writ of Centiorari.

December 10, 2021

Respectfully,  
  
Jacqueline m. Giebell, Pro Se