

DOCKET NO. 21-7886

IN THE  
SUPREME COURT OF THE UNITED STATES

Leona and James Stack - Petitioner(s)

vs.

Menard, Inc. - Respondant(s)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT – CHICAGO, IL

Case No. 21-1628: (Decided Nov. 29, 2021)

Leona and James Stack, Plaintiffs/Appellants (*pro se*)

v.

Menard, Inc., Defendants/Appellees

*cert. denied* - (By order of October 3, 2022)

**PETITION FOR REHEARING**

On this 27th day of October, 2022, and pursuant to the October 3<sup>rd</sup>, 2022 letter received from Scott S. Harris, Clerk, wherein he writes, "The petition for a writ of certiorari is denied", petitioner Leona Stack, *et vir* respectfully submits the above.

(As a matter of clarification , this petition has been drafted by Leona's husband , and co-petitioner *pro se*, James Stack. - Leona Stack currently has been diagnosed with Alzheimers Disease and suffers from short term memory loss. Her neurological diagnosis, while not expressly bring related to the injuries that she suffered on Nov. 7, 2018 at the local Menard, Inc.store, follows bouts of depression, loss of confidence, her self-esteem shaken, stemming from the fact that she has to date been unable to provide evidence in defense of the contention by the defendant insurance company statement investigative service, "that your client (Leona Stack) is barred from recovery". - Leona's affliction worsens with the passage of time. It

intervenes with her struggle to attain a full measure of "due process". Also, it hastens the necessity to proceed in a manner which will assure her that she is able to seek redress for both herself, and for loss of spousal services by husband, James, without further delay).

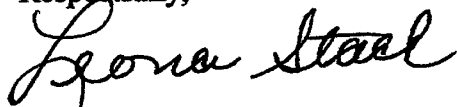
No new evidence has come to light which has an impact on what the "Question(s) Presented" were in our previous Petition For a Writ Of Certiorari dated May 11, 2022 and docketed with the Court as No. 21-7886. - Nor, has any opinion been rendered by an appellate court to the original Plaintiffs-Appellants-Petitioners *pro se*, Leona and James Stack, that changes their (our) contention that our constitutional rights to "due process" have been deprived. Deprivation of "property, without due process of law" is repugnant to the Fourteenth Amendment of The Constitution of The United States of America (Section 1). It is now for the Petitioners to explain what they consider to be "property" while needlessly not expanding upon "Questions (1) thru (4)" pertaining to the decisions made by **United States Court of Appeals For The Seventh Circuit** (Case No. 21-1628).

Petitioners *pro se*, Leona and James Stack, consider their "property" to be any award of damages sought either by settlement, or trial by jury, for the physical injuries caused by the negligence of Menard, Inc. to protect their customer, and punitive damages for the mental anguish and depression suffered throughout the preliminary legal steps and three year battle within the various courts of law. - We have been shuttled through the courts primarily through the defensive maneuvering and questionable ethics of Menard, Inc. attorneys; claims representatives refusal to provide investigative information; poor (mostly sans) legal representation; and, suspiciously biased judges. While not once being able to present our evidence or the results of Menard, Inc. negligence to a jury of peers, or for competent mediation or arbitration, we are steadfast in our belief that justice will eventually be served.

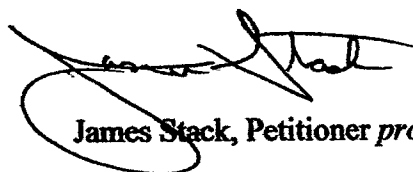
We stand now before a "court of last resort" in sincere belief that our petition for rehearing is being presented in good faith and not for delay. The damning statements, "I have finished my investigation: I have found negligence on both parties. That I found your client greater at fault. That the state of Indiana is comparative negligence and your client is barred from recovery", found in the November 26, 2018 letter from Gallagher Bassett, Inc. Investigative Services received by our former attorney may also prove to be damning for the defendant, Menard, Inc. Through this date, Leona and James Stack have been denied their "'due process" constitutional right to present the "grounds" for prosecution of any portion of the defendant's "comparative negligence".

We pray that this saga of ours is deserving of a review (rehearing) and that nearly four years of potential blissful retirement has not been taken from us in vain. Should another "denial" be forthcoming, we hope it is more deserving of the explanation of whatever "fine point of law" it was which "did us in" than just another terse nine word "denial" letter.

Respectfully,



Leona Stack, Petitioner *pro se*



James Stack, Petitioner *pro se*

att: Certification of Counsel letter of December 27, 2022