

MAY 21 2022

OFFICE OF THE CLERK

No. 22-5120

IN THE
SUPREME COURT OF THE UNITED STATES

Glendrick Gardner — PETITIONER
(Your Name)

vs.

Lexington Fayette Urban County
Gov. et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of APPEALS (For the Sixth Circuit)
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Glendrick Gardner
(Your Name)

610 Bishop Drive
(Address)

Lexington, Ky 40505
(City, State, Zip Code)

(859) 522-5275
(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

① How much does LFUCG owe Mr. Gardner?

Work Injuries and Pain & Suffering

Questions Presented

LFUCG reported Mr. Gardner's work injury Dec 21, 2015 and May 23, 2016 to Risk Management (Insurance Company) Jan 2016.

LFUCG ordered LFUCG (Waste Management) to admit Mr. Gardner into Baptist Health under LFUCG name, but the address of the Police Department.

Baptist Health prior to Mr. Gardner leaving the Hospital with Active Program Manager Russell Scott. Mr. Gardner's non-appearing witness at the Unemployment Hearing.

① Who do Mr. Gardner report a Workers Compensation claim to?

② Why do Mr. Gardner have to go through a third party source to get Workers Comp?
Risk Management

③ Do LFUCG always get away with mistreating their employees on the job?

Federal Government doesn't see any wrongs in Government Ps. 143

actions.

What happens because Mr Gardner never been compensated for his injuries?

ARE The Courts aware that to settle this claim it starts back to Dec 21, 2015?

The claim starts from the TTD reports LFUCG (Waste Management) 243,981.68. Plus the damages caused by Mr Gardner's former Attorney James Howes, LFUCG, Risk Managements Lori Rigdon and Lori Daniels (LFUCG and Risk Managements Attorney). LFUCG hired an attorney to prolong their negligence in order to keep from paying Mr. Gardner Risk Management and LFUCG can falsify documents knowing that Mr. Gardner was rushed to the ER over 30 times appealed Mr. Gardner's TTD Benefits to Workers Comp 3 years after Mr. Gardner was injured.

The 3 years Former Att. James Howes for Mr. Gardner, LFUCG and Risk Management was strategizing to Workers Comp. Mr. Gardner should have received TTD Benefits. Instead of living 6 years without income.

The Courts below used every trick they can to get LFUCG out of trouble. Time Barred is the "Courts Below" best excuse. Although the world is going through a national pandemic and Government shutdowns and Mr. Gardner has submitted all motions on time Mr. Gardner was hospitalized Nov 2020 when Mr. Gardner first filed to Federal Court, Mr. Gardner has 21 days to file motions after Hospitalization for a week.

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[X] 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:

Former Att. James Howes (Glendrick Gardner; Pro Se Plaintiff)
Att. Lori Daniels represents LFUCG (Government Building) ^{Jeremy Hobbs (Human Resource)}
Waste Management employees: Willie Kay Lewis, Russell Scott,
William Jones.
Att. Lori Daniels represents Risk Management Case Manager
Lori Rigdon.

RELATED CASES

(Whitney Gardner, 30) KYDSTHA proposed
Penalty

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION	

INDEX TO APPENDICES

APPENDIX A	UNITED STATES COURT OF APPEALS Pg. 1-6
APPENDIX B	UNITED STATES EASTERN DISTRICT OF KENTUCKY (LEXINGTON) Pg. 7-15
APPENDIX C	U.S. DISTRICT COURT EASTERN DISTRICT OF KENTUCKY Pg. 16-50
APPENDIX D	UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT Pg. 51-52
APPENDIX E	Proof: LEXINGTON Fayette URBAN County Gov. violated Plaintiff's Glendrick Gardner right under 42 U.S.C. § 1983 Pg. 53-75.
APPENDIX F	Proof: LEXINGTON FAYETTE URBAN County Gov. Continued to violate Mr. Gardner's rights under the UNITED STATES CONSTITUTION. Mr. Gardner is a reimbursed employee, pg. 67-69, TTD Benefits Pg. 70-75. LFUGG owes Mr. Gardner TTD's to date. Once Plaintiff's Attorney received TTD's fraudulent done by Risk Management dated back to 1989, July 24, 2017, LFUGG, Risk Management hired Attorney Lori Daniels

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

APPENDIX C Pg. 16 - 50

Explains in detail pages 18-35. Mr. Gardner's original filing. Pages 36-41 explains why Mr. Gardner responded to an order by a U.S. District Court Judge.

STATUTES AND RULES 42 U.S.C § 1983 Allows people to sue the government for Civil Rights Violations.

- ① LFUCG and Risk Management (LFUCG's Insurance Company) violated Mr. Gardner's Constitutional rights "under the Color law" by allowing LFUCG (Waste Management) to document Mr. Gardner's work incident in the name of another Government Agencies Name.
- ② LFUCG and Risk Management hired a Attorney, Lori Daniels not only to protect the Defendants, but keep LFUCG from having to Pay Mr. Gardner for work incident.

OTHER As noted by the Appellate Court, "Punitive damages may be awarded under 42 U.S.C § 1983 when the defendant's conduct is shown to be motivated by evil motive or intent, or when it involves reckless or callous indifference to the federally protected rights of others."

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 C & D to the petition and is

☐ reported at pgs. 16 to 52; 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 E 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.

JURISDICTION

☐ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was March 09, 2022.

☐ 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 the foregoing reasons, we AFFIRM the judgment of the district court. We Deny Gardner's motion to "grant immunities"

☐ For cases from state courts:

The date on which the highest state court decided my case was Feb 2017.
A copy of that decision appears at Appendix F.

☐ 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).

Mr. Gardner is a reimbursing employee.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

CONSTITUTIONAL AND STATUTORY PROVISIONS

Section 1983 does not provide civil rights; it is a means to enforce civil rights that already exist.

Jeremy Hobbs (Government Building
HR Rep. 200 E. Main St Lexington, Ky)

Willie Kay Lewis (Former Program Manager)
Waste Management 475 BYRD THURMAN
Lexington, Ky

Russell Scott (Active Program Manager)
Waste Management 475 BYRD THURMAN
Lexington, Ky

William Jones (Yard Waste Supervisor)
Waste Management 475 BYRD THURMAN

Risk Management Insurance Company
Case Manager: Lori Ridson
P.O. Box 22989
Louisville, Ky 40214
ph # (502) 326-5900.

CONSTITUTIONAL AND STATUTORY PROVISION

LFUCG, et al deprived Mr. Gardner of Life with Life - long work injuries suffered in the hands of LFUCG, et al.

Risk Management Insurance Company
Case Manager: Lori Rigdon

① Miss Guided Mr. Gardner and made the decision whether to report Mr. Gardner's claim to Workers' Compensation. Dismissed Mr. Gardner Claim Aug 2016 without any concern of Mr. Gardner's Injuries, Dec 21, 2015 or May 23, 2016.

② Risk Managements Lori Rigdon hired Att. Lori Daniels for the Insurance Company and LFUCG to clean-up the mess Case Manager Lori Rigdon created. Released TTB report to Mr. Gardner's former Att James Howes.

③ From July 2017 to Current LFUCG, et al, Lori Rigdon / Att Lori Daniels and

CONSTITUTIONAL AND STATUTORY PROVISION

James Howes is also guilty of violating Mr. Gardner's Constitutional Rights. Mr. Gardner has suffered also in the hands of Att. Lori Daniels and Former Att James Howes because over the years of using a strategy of Worker Compensation depositions, Holding Documents pass due date knew Mr. Gardner's medical Conditions were getting worse due to not getting the proper medical care needed. The Attorney's for both parties intention was to serve and protect LFUGG, et al, Risk Management and dispose Mr. Gardner's work claim.

★ Mr. Gardner is entitled to Compensatory Damages: Out-of-Pocket losses, Medical Bills, Impairment of Reputation, Personal Humiliation, Lost or Diminished Earnings, Financial, Psychological or Physical Injuries caused by Wrongful Conduct.

★ Mr. Gardner is entitled to Punitive Damages legal recompense that guilty Defendants committing a wrong or offense is ordered to pay on top of Compensatory Damages.

STATEMENT OF THE CASE

The factual allegations of Plaintiff, Mr. Gardner's complaint clearly relate to two work-related injuries suffered by Mr. Gardner. Medical treatment for those injuries and work restriction orders from Baptist Health, LFUCG (Waste Managements) Company Hospital for injured employees. In addition, Mr. Gardner's complaint requested the Lower Courts "review actual paperwork" (referring to information provided to Mr. Gardner's employer, the Risk Management Department (employers insurance) and a Worker's Compensation Administrative Law Judge, as well as various medical and employment records.) To determine "the severity of Mr. Gardner's conditions," not as to whether Mr. Gardner is entitled to "workers compensation" or not.

LFUCG violated Mr. Gardner's Fourth Admendment by preponderance of evidence, "proving that the act of the Defendants deprived the Plaintiff (Mr. Gardner) of particular rights under the UNITED STATES CONSTITUTION."

[LFUCG and the Defendants, et al. "intentionally" acted with a conscious objective and engaged in conduct that caused serious harm to Mr. Gardner.]

① Dec 21, 2015 LFUCG (Waste Management) admitted Mr. Gardner into Baptist Health ER under LFUCG (150 E. Main St) the Police Department.
pg. 53

② May 23, 2016 LFUCG (Waste Management) admitted Mr. Gardner into Baptist Health ER for the second work incident. Mr. Gardner was on work restrictions and again was admitted under LFUCG (150 E. main St) the Police Depart-

ment. (Pg. 55)

③ Oct 3, 2016 LFUCG issued a Family Medical Leave in the name of the Corrections. (Pg. 61)

LFUCG on Oct 29, 2016 (Pg. 62)

LFUCG Human Resource (Janet Davis) denied Mr. Gardner's FMLA.

The Fifth Amendment is known as "due process," or the requirement that the government cannot deprive a person of their freedom without going through the Court System.

LFUCG clearly conspired with Risk Management and allowed its insurance company to dismiss Mr. Gardner's work injury Dec 21, 2015.

(Pg. 60) Risk Management clearly states Workers Compensation will not be notified.

LFUCG as the Organizer for the Defendants and Risk Management to dispose Mr. Gardner's Dec 21, 2015 and May 23, 2016 work incidents

violated Mr. Gardner's Sixth Amendment right to public trial and jury requirements contained in The Sixth Amendment's First Clause are essential elements of "due process." An integral part of the clause and the rights it seeks to protect is impartiality.

Lexington Fayette Urban County Government and Risk Management for Two years Strategized Mr. Gardner out of 243,981.68 dollars with no concern of Mr. Gardner's health, (damage caused by LFUCG (HR) Jeremy Hobbs and Waste Management's Willie Kay Lewis, Russell Scott and William Jones) to Workers' Compensation.

① LFUCG never reported a work incident for Mr. Gardner. LFUCG denies Mr. Gardner's work incident ever happened.

Workers Comp ALT excepted this type of Conduct from LFUCG. Now six years later Federal Judges are admitting that two work injuries occurred, but LFUCG doesn't owe Mr. Gardner any compensation for work injuries. Mr. Gardner knows that the Sixth Amendment is not applicable to the States by the Amendment terms, the Courts has come to protect all the rights guaranteed in the Sixth Amendment against state abridgment through the Due Process Clause of the Fourteenth Amendment.

In reference to the 8th Amendment The United States Supreme Court has expressly rejected the notion that Section 1983 "Cruel and Usual Punishment authorizes an award of compensatory damages based on the fact-finder's assessment of the value or importance of the substantive constitutional

right which has been violated. Rather, the key inquiry is what injuries did the Plaintiff suffer as a result of the Constitutional deprivation and how can the plaintiff be compensated.

As in tort law, Compensatory damages may include but are not limited to:

- Out-of-Pocket losses;
- Medical Bills
- Impairment of Reputation, Personal Humiliation;
- Lost or Diminished earnings;
- Financial, Psychological, or Physical Injuries caused by the Wrongful Conduct.

Compensary Damages are grounded in "Concrete" and Hon. Joseph Hood and Hon. Danny Reeves agreed that Mr. Gardner's evidence is the truth.

REASONS FOR GRANTING THE PETITION

Mr. Gardner's reason for Petition is to receive retirement from former employer "Lexington Fayette Urban County Gov" (Waste Management). Mr. Gardner was injured in the hands of Waste Management, (475 BYRD THURMAN) Lex, Ky.

LFUCG had 15 days to appeal to the Unemployment Insurance Commission and did not.

Risk Management (LFUCG's Insurance Company in "Statement of The Case", Case Manager: Lori Rigdon Risk Management fraudulently done Mr. Gardner's retirement.

Related Cases: Whitney Gardner; KIOSTHA proposed a 7,000 penalty.

Glendrick Gardner's case written up by Risk Management's Case Manager TTD's in Retirement days is either 24,000 a month or a year, LFUCG and Risk Management who hired Attorney Lori Daniels should clarify and

REASON FOR GRANTING THE PETITION

Pay out what is owed to Mr. Gardner.

If Ms Whitney Gardner receives \$3500 a week, It Balances to 14,000 a month.

Mr. Gardner divides 24,000 a month into 4 weeks. Mr Gardner was awarded 6,000 a week Since Dec 21, 2015.

Mr. Gardner's medication is 50,000 every ten months (Does not include medical ER, Specialist or Ambulance expenses.

This order was copy to: LFUCC (Government Building) and Glendrick Gardner.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Blair G. G.

Date: May 16 2022

CONCLUSION

Five years after Mr Gardner's work injury, a female was injured while working on the garbage truck under the control of the Defendants. Consequently, that employee a 30 year old female, fell off the garbage truck and later died. It appears that the Kentucky Courts have been Jealousy playing with the lives of past and present employees with the juggling of KRS Statues relating to workers' compensation even if Mr Gardner has correctly interpreted solid Statutes. Mr Gardner ask the Supreme Court to grant petition and reverse the "Lower Courts" decision in this case. For the protection of present and future employees who work on the garbage truck in this City, Under the control of the "Lexington (ky) - Fayette URBAN County Government ("LFUCG").

The petition for a writ of Certiorari should be granted. Respectfully Submitted,
Blondine Gardner Date June 2, 2022