

No. _____

22-7782

IN THE SUPREME COURT OF THE UNITED STATES

STEPHANIE MORGAN,
Petitioner,

vs.

PRIME WIMBLEDON SPE, LLC, et al.,
Respondents,

Supreme Court, U.S.
FILED
JUN 05 2023
OFFICE OF THE CLERK

On Petition For Writ Of Certiorari To

Oregon Supreme Court, Case No. S069744

PETITION FOR WRIT OF CERTIORARI

Stephanie Morgan
PO Box 86612
Portland, Oregon 97286

(503) 969-3133
morgalyanie@icloud.com

QUESTIONS PRESENTED

Like millions of other Americans, petitioner's normal daily living activities were interrupted and suspended when COVID-19 shutdowns spread across the nation. Also like millions of other Americans, petitioner made her home in an apartment building. The questions presented is: Whether COVID-19 shutdowns, along with proof of a Mental Health Disability and Reasonable Accommodations on file with the landlord, allow the tenant privacy, and bar the landlord from discriminating against a tenant's mental health disability and reasonable accommodation, and disallow the landlord from entry, during a Mental Health Psychology Tele-Health appointment, which the landlord was properly notified of prior to posting of the maintenance notice which led to the eviction, for purposes under the authority of the United States Code's Housing Protections, U.S. Dept. of Health and Human Services, Americans with Disabilities Act, Violence Against Women Act, Center For Disease Control guidelines, Housing Urban Development guidelines, and Privacy Act, including all laws governing right to privacy, and the Fourteenth Amendment to the Constitution, purposes.

LIST OF PARTIES

Stephanie Morgan, Petitioner, Pro Se, PO Box 86612, Portland, Oregon 97286

Prime Wimbledon SPE, LLC, and Wimbledon Square Apartments, Respondents, Marcel Gesmundo, attorney for Respondents, OSB#113961, PO Box 8441, Portland, Oregon 97207

RELATED PROCEEDINGS

Multnomah County Circuit Court No. 21LT02536
Court of Appeals No. A176581
Oregon Supreme Court No. S069744

IN THE SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner, Stephanie Morgan, respectfully petitions the United States Supreme Court for a writ of certiorari to review the judgment of the Oregon Supreme Court.

JURISDICTION

The date on which the highest state court decided my case was March 6, 2023, and it was Affirmed Without Opinion. A copy of that decision appears as Appendix A. Copies of all other judgments orders from the lower Oregon courts appear as Appendix B, C, D, etc, respectively.

The jurisdiction of this Court is invoked under 28 U.S.C. §1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The U.S. Dept of Health and Human Services (HHS.gov) dictate guidelines regarding tele-health conductivity, and they state that during COVID-19 nationwide public health emergency, "Providers should always use private locations and patients should not receive tele-health services in public or semi-public setting, absent patient consent or exigent circumstances. The Dept of Housing Urban Development (HUD.gov) posted guidelines on their website for landlords to conduct video inspections rather than in-person inspections, and to make an effort to defer maintenance inspections and repairs to a day the tenant is available and/or the apartment is readily available to the maintenance staff. American Disability Act (ADA.gov) Section 504 is a perfect

protection for this. Also, 42 U.S.C. §14043e-II and 42 U.S.C. §3604(f)(3)(B) are other protections that govern over this.

STATEMENT OF THE CASE

The main question presented by this case is whether during the Covid-19 Pandemic mandated shutdown and stay-at-home orders, should tenants under ORS 90.322 have latitude to reschedule and dictate other reasonable times of entry to schedule around tele-health appointments, and zoom meetings for educational classes? Legislative history shows no one was prepared for the Covid-19 Pandemic. This appeal is regarding Discrimination, Retaliation, Reasonable Accommodations, and Petitioner's right to exercise allowable entry times under ORS 90.322, American Disability Act, and Violence Against Women Act, ignored by the plaintiff landlord. Petitioner relies on the evidence submitted by both plaintiffs and Petitioner, and the exhibits admitted by the lower court, undisputedly proving Petitioner understood ORS 90.322, and properly exercised Oregon tenant's medical reasonable accommodation rights, and rights during Covid-19 mandated shutdown to post reasonable times of entry. Evidence submitted and entered in lower trial court record:

1. Reasonable Accommodations Petitioners exhibits 101, 102, 104, 110.
2. Building Code Violations Petitioners exhibit 111.
3. Entry Notices Plaintiffs exhibits 6, 9.
4. Correspondence regarding maintenance needed, reminder of reasonable accommodations, entry times Plaintiffs exhibits 2, 4, 7, 10, 11.

REASONS FOR GRANTING THE PETITION

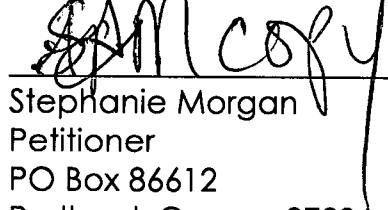
This case is ideal to address the presented question in an unprecedented time of COVID-19 shutdowns and a boom of Mental Health Disabilities. Mental health awareness is a healthcare issue in this nation, and is also a social justice issue in this nation. As Americans, we have a right to access treatment for our mental health disabilities, and when access to mental resources are blocked it can cause a major issue, and breakdown in our society. Mental health awareness and resources needed to be in full-tilt and increased during the COVID-19 shutdowns, when medical facilities shut their office doors and many Americans were confined to do their business from home. The COVID-19 Emergency was just lifted January 2023 by the United States Government, so this is a recent and important issue. Many Americans were forced into participating in tele-health communication. Even though an American is living in an apartment, where the landlord has the right of entry, during Mental Health Tele-health appointment conducted at home, the tenant should have the right to privacy and have the option for the landlord to return at a later date. Many Americans are homeless due to landlords finding an advantage to take, where the tenant has no resource to help them out of. The landlord was aware of my mental health disability and purposely aggravated it and refused to extend the protective rights, and reasonable accommodation, any United State citizen suffering from a mental health disability is entitled to. The Fourteenth Amendment grants

United State's Citizens the right to live with their mental health disability without infringement from a landlord or a governing state. Ignoring there was a mental health tele-health appointment being conducted, and the reasonable accommodations on file, were how the landlord infringed on my rights as a tenant. The Fourteenth Amendment clearly states, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State 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.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted this 5th day of June, 2023.


Stephanie Morgan
Petitioner
PO Box 86612
Portland, Oregon 97286
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morgalyanie@icloud.com