

SUMPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

OCTOBER 6, 2022

Originating Court Case No:

Frances Hines

23 Westminster Avenue

Roxbury, MA 02119

9TH Cir. Case No 11-55919

D.D. No 811-CV 00416-JVS-FM0

US District Court for

Central California, Santa ANA

Ref: Motion to direct the clerk to
file an out-of-time petition to
review my case.

Dear Clerk:

Now Comes the Petitioner Frances Hines who is Pro-Se. She moves she be allowed to file her petition for review of the decision of the United States Court Appeal for 9th Circuit. I am petitioning to direct the clerk to file the petition out-of-time to review my case/re-open the reference case above.

Frances Hines

Signature

October 6, 2022

Date

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

JULY 19, 2022

Frances Hines
23 Westminster Avenue
Roxbury, MA 02119

9th Cir. Case No 11-55919
Originating Court Case No:
D.D. No.8:11-cv 00416-JVS-FM0
US District Court for
Central California, Santa ANA

Ref: Motion to direct the clerk to file
an out of time petition to review my
case

Dear Clerk:

Now Comes the Petitioner Frances Hines who is Pro-Se. She moves she be allowed to file her petition for review of the decision of the United States Court Appeal for the 9th Circuit. I am petitioning to direct the clerk to file the petition out of time to review my case /re-open the reference case above.

As reason the petitioner state the following:

The case was dismissed in error. It should not have been dismissed .Point of facts were overlooked, Conflict of Interest , Fraudulent concealment, Breach of Contract. Plaintiff is permanently disable because of a Toyota defect vehicle .

In 2005-There was no knowledge of Toyota Sudden Unintended acceleration(SUA) market until 2009. Toyota thought I had knowledge of their SUA problems in 2005 but I did not have Knowledge from 2005 through 2008. knowledge came available in 2009 after the statue of Limitation ran. Enclosed

2005, Toyota engineer Robert Landis wrote a letter to my attorney J.A. that there was no defect in the vehicle. Letter enclosed.

My 2005 Toyota Camry accelerated at a high rate of speed. I am left permanently disabled. facial thigh and leg scars ,walking impairment.

Toyota did not disclose the defect in their vehicle which caused "SUA" problems. Due to the defect in my Toyota Camry. I was knocked unconscious and the airbag deployed. I suffered a fractured neck and fractured leg. I was out of work for 6 months due to the accident.

Appelle will not be prejudiced by the allowance of this motion. The Appellant had no knowledge of Toyota Motor Sales Incorporated "SUA" problems until 2009. Therefore the statue is toll until 2009. I filed a claim against Toyota Motor Sales Inc.,

In Superior Court in Boston, MA 2011, Section 12 , I included fraudulent concealment in the complaint. Under fraudulent concealment the statute is toll until knowledge becomes available to the person it is entitled to.

Enclosures:

Also, I delayed filing because I was threatened by USC Appeal in 2014 that if I file any more documents without the right back work the court would fine me. Therefore I was afraid to file. They closed the case in 2014.

My insurance Company Commerce Insurance (Now Mapfre Insurance blamed and Surcharged me for the accident. , because they did not have knowledge of the defect. I dispute Toyota's argument that Appellant had knowledge of a defect in 2005. Because I reported the accident to NHTSA. It is just not true. I reported the accident to the National Highway Traffic and Safety Administrator(NHTSA) because I took Driver Education in High School over 40 years ago. And in the hand book it states you are required by law to report accidents to NHTSA. So they can tell where they occur most and try to prevent them. Also I stated in the NHTSA report that nothing was found.(defect) in my 2005 Toyota Camry. Letter Enclosed. Therefore my Attorney J.A. did not pursue a claim against Toyota because of the Fraudulent letter stating no defect in my vehicle. Toyota breach their contract.

The Appellant suffered damages over a quarter of a million dollars in damages. Plaintiff is permanently disabled with walking impairment because of Toyota's defect "SUA" vehicle. I have a disable handicap placard.

In 2022 knowledge came available to Plaintiff that she could file an out-of-time petition to have her case reviewed by the Supreme Court in Washington D.C. because it was dismissed in error, point of fact overlooked, fraudulent concealment and deceptive fraud letter. Enclosed

11. In 2005 Plaintiff Attorney J.A. filed a lawsuit against O.J. Car Wash because the accident occurred at the car wash. In 2010, the case was dismissed and finding the car wash was not negligent. The Car wash attorney blamed Toyota at fault.

In 2011 Toyota moved the case to California because they are citizens of California.

Plaintiff requested that the case be transferred back to the Superior Court in Boston, where Plaintiff resides. The Defendant/Toyota Motor Inc Corporate regularly does and solicits business and derives substantial revenue from sales render in Boston, and Plaintiff requested that case be transferred back to Boston MA and the defendant be accountable for their unlawful wrongdoing in Boston. As Plaintiff resides in the Commonwealth of MA suffolk County Plaintiff has claims for violations of the Rehabilitation Act of 1973 (29 U.S.C.A. s791), the American with Disabilities act 142 U.S.C.A. s 12101) MGL C 151B(4) and breach of contract my due process amendment 5, 14 was violated.

WHEREFORE, the appellant prays that her Motion be granted and she be allowed to file her appeal.

Sincerely,

Frances Hines

Frances Hines

23 Westminster Avenue
Roxbury, MA 02119
(617)840-7341
franceshines22@yahoo.com

CERTIFICATION OF SERVICE

I, Frances Hines, certify that I gave notice to Appellee of this motion by mailing postage prepaid to the counsel of record.

James Miachel Campbell
20 City Square Suite 300
Boston MA 02129

Vincent Galvin
Bowman and Brooke LLP
1741 Technology Drive Suite 200
San Jose, CA 95110

July 20,, 2022
October 7, 2022

Frances Hines
Frances Hines

SUPREME COURT
Washington DC

July 01, 2022

9th Cir. Case No.11-55919
Originating Court Case No.:
D.D.No.8:11-cv 00416-JVS-FM0
US District Court for
Central California, Santa ANA

Frances Hines, Pro-Se

Appellant
Vs

Toyota Motor Sales
USA, Inc

Appellee(s)

Dear Clerk:

I, Frances HInes would like to file a motion to direct the Clerk to file an out of time Motion, Special Situation, Pursuant Rule 4, Rule 14, Article 1170, Breach of Contract 1170 of the civil code., M.G.L Chapter 260. Limitation of Actions. Section 12. Fraudulent concealment of Limitation. I was threatened by the USCA that if I filed any more petitions without the right paperwork the court would find me. Therefore being Pro-Se I was afraid to proceed further.
Facts :

I am asking this honorable court to pardon the lateness of my out of time motion to review my case, due to the fact that knowledge came available to me in 2022 , after the case was dismissed in 2014. I was informed I could file an out of time motion to review my case. In October 2004 I bought a brand new 2005 Toyota Camry. On June 4, 2005. I took the vehicle to the carwash.

Once I shifted the vehicle from neutral to drive with my foot on the brakes it accelerated into traffic at a high rate of speed. The airbag deployed and I was knocked unconscious, the vehicle then hit a school building. I was taken by Ambulance to Brigham and Women's Hospital Boston, MA. I suffered a fractured leg, neck and torn rotator cuff. I was out of work from June 6, through December 8, 2005. When I came home from Boston Center for Rehabilitation & Sub Acute Care in an ambulance. I was unable to walk due to Toyota's (SUA) defect. I had to use a wheelchair, walker, crutches and then a cane. I was treated by visiting nurses, Partners Home Care, Physical Therapist and Occupational Therapist. I believe my accident was a direct result of a Toyota Camry Sudden Unintended Accelerated (SUA) defect but there was no evidence to support it in 2005.

In fact Toyota's engineer, Robert Landis inspected my vehicle October 19, 2005 and said there was no defect.

Toyota argues that I had knowledge of a defect because I reported my accident and injuries to the "United States Department of Transportation Auto Safety Hotline". I reported my accident to the "United States Department of Transportation Auto Safety Hotline" because I took Driver's Education in High School over 40 years ago. In the Driver's Education Handbook by law you are required to report accidents to tell where they occur most so that National Highway Traffic Safety Administration (NHTSA) can try to prevent them, and on the vehicle owners questionnaire. I stated that the vehicle was inspected but nothing was found. (Defect) see enclosure. I mailed a certified demand letter to Toyota's Claim Manager Carol A. Hargrove. I am asking for compensation for my pain and suffering I sustained during my June 4, 2005 accident. It was denied. Please review her response letter dated December 1, 2010.

In 2009, information concerning defects in Toyota began appearing in the newspapers, television, radio and on the internet. In 2010 while doing research on 2005 Toyota Accelerator Camry's crashed cars. I found evidence that the 2005 Camry had a defect. The results were about 132,000 crashed 2005 Camry's. I stated in my Appellant's Informal Brief 2011, page 2. I had no knowledge of Toyota's wrongful doing and fraudulent concealment until 2009 when it came out in the media. I asked the USCA to toll the statute until 2012. Because knowledge became available. I was overlooked. I am disabled because of a Toyota SUA defect which they fraudulent conceal. According to a report, NHTSA rebuked and fined Toyota over \$1,000,000,000 Billions for their wrongful doing/conduct.

The U.S.D.C Court dismissed my case referenced above in 2011. The case was dismissed in error and points of facts were overlooked and biased. This is in violation of M.G.L. 151B Section 4, Paragraph 4 and with Title VII and ADA.

I appealed the case with the US Court of Appeal in 2011, and the USCA threatened that if I filed any more petitions without the right paperwork they would fine me. Therefore I was afraid to proceed further. I am disabled walking due to Toyota Motor Sales INC. My due process was violated. I believe I am entitled to relief. The USC. Appeal gave 3 reasons for an appeal. You only need one of the 3. Well points of facts were overlooked. Conflict of Interest, And the court dismissed my case in error stating I had knowledge of a defect which I didn't have, from 2005 - 2008 knowledge was not available until 2009. The statute of limitation had run.

A person in my situation with ADHD would not have known to request the Court to direct the clerk to file an out of time petition to review my case. In 2022, knowledge became available to me, to file an out of time petition, because my case was dismissed in error and points of facts were overlooked. The above reference case was filed in 2011 and dismissed in 2014. The U.S.D.A did not cover Breach of Contract. I filed the case in 2005 to 2011 fall within the 6 year period of Breach of Contract. The Defendant (Toyota's) action in sending the letter dated ,October 19, 2005 stating "Based on our inspection it has been determined it [the unfortunate incident] was not the result of any type of defect with vehicle" falls within the Massachusetts G.L.c. 260 , 12 (fraudulent concealment statute). Letter enclosed Also the court did not cover Fraudulent concealment; commencement of limitation. My accident was in 2005, knowledge came in 2009 after the statute ran. Therefore the statute was toll until 2009. I filed a claim in Superior Court in 2011 within the statute of limitation period, and Breach of Contract. The court ruled in Toyota's favor and dismissed my case in error, that the statute had run, which was Biased in 2014. Also, Toyota would not let me in their online webinar conference which they had with other attorneys because I was Pro-Se. On September 30, 2009, Toyota recalled 3.8 million cars, some Camry as an open accelerator pedal may result in very high vehicle speeds which cause a crash, serious injury or death, Toyota spokesman Irv...The recall concerns the following vehicles 2007-2010 Toyota Camry 2005-2010. I have a document to that effect.

In conclusion I am seeking pain & suffering, emotional stress, punitive and anything else this honorable court deems necessary. My original settlement was \$1,266,000, now I am asking

triple damages \$4,000,000. Please review Appellant's Informal Brief and other documents enclosed.

Thank you in advance for your attention in this matter !

You can reach me franceshines22@yahoo.com or 617-840-7341

Please Advise !

Sincerely,


Frances Hines