

No. 17-7063

In the Supreme Court of the United States

Theresa A. Odejimi
Petitioner

vs.

Town of Windsor, New York
Mr. Robert Brinks and Mr. Gregg Story
Respondent's

Petitioner's Response to Replied Brief for
Respondents Opposition for
Petitioner's Writ of Certiorari

Theresa A. Odejimi (n/k/a) Theresa A. Logan, Pro Se
50 Williams Road Windsor, New York 13865
607-655-1853

Attorney James P. O'Brien, Esq. (Respondents Attorney)
P.O. Box 2039
Binghamton, NY 13902-2039

January 13, 2018

I, THERESA A. ODEJIMI (n/k/a) THERESA A. LOGAN, being duly sworn, deposes and says:

I am the Petitioner, the Victim and I am representing myself, Pro Se. The record will show that the Petitioner began representing herself after her former attorney was “dismissed by the Supreme Court Judge on May 15, 2015, in Binghamton New York“, and not as stated by Attorney James P. O’Brien. Petitioner tried to seek representation after speaking with over 40 attorneys but to no avail.

Petitioner has made two (2) attempts for an Appeal in the Court Of Appeals Albany, New York and two (2) attempts in the Appellant Court Third Division, Albany New York. Four (4) times Petitioner’s case has been dismissed and or denied “without

Explanation” or signed by a Judge. Judge Lebous in Supreme Court in Binghamton, New York, also dismissed Petitioner’s case the first time “without Prejudice”, however, when Petitioner Appealed, the Judge again dismissed her case without any testimony from the Petitioner. Judge Lebous even stated “The least Mr. Robert Brinks and Mr. Gregg Story could have done was to raise the snowplow truck blade, so as not to injure Petitioner.

Petitioner’s has also made an attempt to Plead her case in all the New York State Courts, and even with “Petitioner’s overwhelming evidence” submitted to the lower Courts, her case was still dismissed.

Petitioner would like for the Supreme Court to know that there is a “Video Deposition” that was recorded several months after the accident occurred with Attorney Eric Gruber representing Petitioner, at that time, (an associate of Ronald Benjamin) in December 2011. Petitioner tried to retrieve the Video Deposition”

but was told "she couldn't have it because she wasn't an attorney".

Petitioner also tried to retrieve her files from her former attorney and was told by Mr. Benjamin "I'm not giving you anything".

If the Court will please take notice to Page 3 of Attorney O'Brien's current submission to the Court, you will see how he has conveniently, again, left out the "December 2011 date of the First Video Deposition" which was done with, The Judge, in a conference room, on the Plasma Screen, the stenographer, the Petitioner, Eric Logan (husband) Attorney Eric Gruber, Attorney O'Brien, Mr. Gregg Story and Mr. Robert Brinks. This Video-Evidence alone shows their testimony has changed with each deposition following on at least 3 occasions.

Attorney O'Brien continues to try and "Defame the Petitioner's Character". After Petitioner was forced to represent herself Mr. O'Brien states, to the Courts, (and Petitioner has proven, by documents submitted to the Courts, that these statements are complete lies) example: "she only lived at her

resides for 6 months, she has bone degeneration and arthritis, she has pre-existing medical issues, she's sending different documents to each Court, her car is parked in the driveway, and in the road".

Petitioner was mailed documents from each Courts Clerks Office, including "This Court", on how to setup "An Appeal" and Petitioner followed protocol.

Now Mr. O'Brien, once again wants too criticize the Petitioner, in regards to this case. How about we discuss the day in question, March 7, 2011, where the Petitioner has been maimed, for life, due to the injuries she sustained at the hands of Mr. Brinks and Mr. Story, for their reckless driving, both stating during the Video Deposition ("the speed limit is 55mph") as they negligently also left the scene of an accident after going 15-20 mph faster than the "Towns of Windsor speed limit of 30 mph.

Now, Mr. O'Brien states "Petitioners recent documents to this Court are "Unintelligible and Irrelevant". Even with all the "Overwhelming Evidence" submitted to the Lower Courts by the

Petitioner.

The Courts have allowed Mr. O'Brien to stretch this case out for almost 6 years on March 7, 2018. And so now he's complaining about "The Statue".

The Petitioner just wants to "tell the Truth" and have, "Justice and Compensation". "The Video Deposition and other Documents before the Courts, is the reason Mr. O'Brien doesn't want the Court to Grant the Petitioner a "Writ to Certiorari".

Mr. O'Brien continues to mislead the Court with "slanderous and untrue comments" about the Petitioner instead of the real issue at hand, discussing, why Mr. Gregg Story and Mr. Robert Brinks on the day in question, when both defendants were driving and operating a 80,000 pound/40 ton snowplow truck recklessly, negligently and purposely plummeted the plaintiff with snow, rock-salt and gravel as she stood on her property, parked next to road in front of her car, helpless.

Then to add insult to injury the two defendants drove the truck

back approximately (10 minutes or so later) to where the Petitioner was standing next to her car, and they pointed and laughed at her as they slowly drove by.

Now, Mr. O'Brien states and once again wants to "mislead the Court into believing "that the documents he has altered, whited out and tampered with was done for confidentiality". Perhaps this is true to a certain extent, however, this generally goes for medical records. Whiting-out $\frac{1}{2}$ to $\frac{3}{4}$ and in some instance full pages, I'm sure this doesn't fall under this category and compared to the same documents that the "Petitioner submitted", his white-out of words appears to be over the top. However, blotting out a Medical record or social security number makes sense, not the entire page as he has done.

Petitioner is asking the Court to reward her with the original amount of the lawsuit for \$209,000.00 dollars and in addition, another year of wages in the amount of \$34,000.00.

The "Town of Windsor" "Mr. Robert Brinks and Mr. Gregg Story" have a \$1,000,000.00 Insurance Policy for "Bodily Injury", set aside to cover for their employees in cases like this.

To date, the Petitioner is making monthly payments on pass-due, outstanding medical bills (to keep from having these bills sent to collections and ruin her credit) Bills that "No Fault Insurance" for the Town has refused to pay. To date, the Town has paid for two (2) Major surgeries for the Petitioner, even though the Town of Windsor claimed in earlier documents, "They weren't responsible for these two (2) Employees.

The Petitioner, resigning from her job, in 2013 in order to have 2 surgeries in 2014 to help relieve her pain, (and she still hasn't had physical therapy since her 2 surgeries) has worked in the "Medical Field" for over 45 years and does not know the

Articles or Statues, however, she does "know the Truth".

So, about the "Blunt Force Trauma" Petitioner suffered on March 7, 2011 at the hands of Mr. Robert Brinks and Mr. Gregg

Story, these two individuals also know the truth about what transpired that morning.

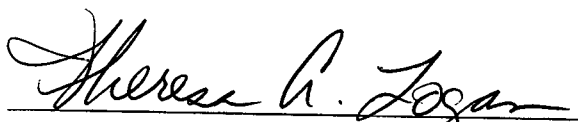
Petitioner asks: Monetary Amount would also include:

1. Pain and Suffering
2. Physical Therapy, ASAP
3. Unpaid Medical Bills
4. Loss of Job
5. Loss of Income
6. Negligence
7. Recklessness
8. Defamation of Character
9. Slander
10. Physical and Emotional Distress

Conclusion

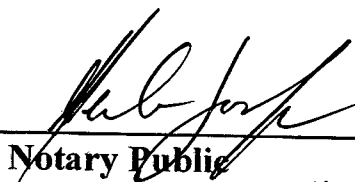
For the reasons stated above, Petitioner Respectfully Requests
That The Supreme Court Of The United States Allow Petitioner's
"Petition For Writ of Certiorari"

Sincerely and Respectfully,



Theresa A. Logan (f/k/a) Theresa A. Odejimi

Sworn to before me this
18 day of January 2018


Notary Public

Merlin Joseph
No. 01JO4919679
Notary Public, State of New York
Qualified in Broome County
My commission expires FEBRUARY 8th, 2020

cc:

Attorney James P. O'Brien

January 18, 2018

Dear Ms. Lisa Nesbitt,

In response to Attorney James P. O'Brien's replied brief for "Respondent's Opposition for Petitioner's "Writ Of Certiorari", that I received Saturday, January 13, 2018 and not on "January 9, 2018" as stated by Mr. O'Brien and his paralegal, Ms. Tara Warrick in a brown envelop with regular postage. I have sent the Court 1 original and 10 photo copies.

I also went on the "Supreme Court of the United States Website" on January 17, 2018 and looked at the documents submitted by Mr. O'Brien only to see a "different document" submitted to the Court, by Mr. O'Brien than was not sent to me.

This is the same attorney that has continuously accused me of such shenanigans with each document that I submitted to the lower Courts, which the record will show through the "Writ of Certiorari".

I now understand why Mr. O'Brien was accusing me of this, practice. Obviously this is another "dishonest tactic" that is practiced in their Law Office or at least by Mr. O'Brien himself in order to have a lawsuit granted in his favor.

The “photo copies of said document” I have submitted to the Court compared to what was sent to me, as you can see, are totally different.

I have mailed a “certified copy” of this letter as well as the photos in response to the “Opposition” sent by Mr. O’Brien. I will send the Court the “Original Certified Mail Receipt” as soon as I can print out, upon delivery to Mr. O’Brien, Via the internet.

Thank you for your time and professionalism in regards to this case.

Sincerely and Respectfully,

A handwritten signature in black ink that reads "Theresa A. Logan". The signature is written in a cursive, flowing style.

Theresa A. Logan (f/n/a) Theresa A. Odejimi



Coughlin &
Gerhart LLP

ATTORNEYS AND COUNSELORS

January 8, 2018

BINGHAMTON
BAINBRIDGE
HANCOCK
ITHACA
MONTROSE
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WALTON

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Theresa Logan f/k/a Theresa Odejimi
50 Williams Road
Windsor, New York 13865

**Re: Theresa Odejimi v. Town of Windsor
Index No.: 17-7063**

Dear Ms. Logan:

Enclosed herewith for service upon you, kindly find one copy of the Town of Windsor's Brief in Opposition to Petitioner's Petition to the United States Supreme Court for a Writ of Certiorari.

Very truly yours,

COUGHLIN & GERHART, LLP

By: Tara Warrick
Tara Warrick, Paralegal

Enc.

Petitioner's Response
Mailed 1/18/18
to: Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001
-ATTN: LISA NESBITT

No. 17-0023

In the Supreme Court of the United States

Theresa A. Odajima,
Petitioner

v

Town of Windsor, New York
RespondentAffidavit of Service
Respondent's Brief in Opposition to
Petitioner's Petition for a Writ of Certiorari

JAMES P. O'BRIEN, being duly sworn, deposes and says:

I am an attorney of law admitted to the Bar of the Supreme Court of the United States, and I am a member of the law firm of Coughlin & Gerhart, LLP, the attorneys of record for the Respondent, Town of Windsor, New York.

That on the 9th day of January, 2018, I served the within Brief in Opposition to Respondent's Brief in Opposition to Petitioner's Petition for a Writ of Certiorari in the above-captioned matter on:

Theresa A. Odajima a/k/a Theresa A. Logan, pro se
50 Williams Road
Windsor, New York 13865

by causing to be deposited a copy of the same, addressed to Petitioner, in a post paid, properly addressed wrapper in an official depository maintained by the United States Postal Service via first class mail.

That on the same date as above, I sent to this Court ten (10) copies of the within Brief in Opposition to Petitioner's Petition for a Writ of Certiorari by first class mail and by submitting the within Brief in Opposition to Petitioner's Petition for a Writ of Certiorari electronically to this Court's electronic filing system.

All parties required to be served have been served.

Tara Warrick
TARA WARRICK
COUGHLIN & GERHART, LLP
80 Corporate Drive
Binghamton, NY 13780
Mailing Address:
P.O. Box 2039
Binghamton, NY 13902-2039

Sworn to before me the
9th day of January 2018.

[Signature]
Notary Public

KATHLEEN M. ROBERTS
Notary Public for the State of New York
My Commission Expires April 1, 2019

No. 17-7063

In the Supreme Court of the United States

Theresa A. Odejimi,
Petitioner

v.

Town of Windsor, New York
Respondent

Affidavit of Service
Respondent's Brief in Opposition to
Petitioner's Petition for a Writ of Certiorari

JAMES P. O'BRIEN, being duly sworn, deposes and says:

I am an attorney of law admitted to the Bar of the Supreme Court of the United States, and I am a member of the law firm of Coughlin & Gerhart, LLP, the attorneys of record for the Respondent, Town of Windsor, New York.

That on the 9th day of January, 2018, I served the within Brief in Opposition to Petitioner's Petition for a Writ of Certiorari in the above-captioned matter on:

Theresa A. Odejimi a/k/a Theresa A. Logan, *pro se*
50 Williams Road
Windsor, New York 13865

by causing to be deposited a copy of the same, addressed to Petitioner, in a post-paid, properly addressed wrapper, in an official depository maintained by the United States Postal Service, via first class mail.

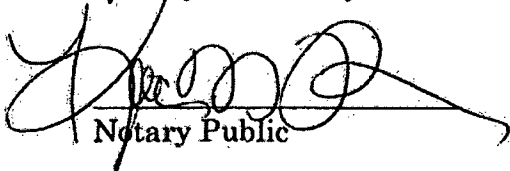
That on the same date as above, I sent to this Court ten (10) copies of the within Brief in Opposition to Petitioner's Petition for a Writ of Certiorari by first class mail and by submitting the within Brief in Opposition to Petitioner's Petition for a Writ of Certiorari electronically to this Court's electronic filing system.

All parties required to be served have been served.



TARA WARRICK
COUGHLIN & GERHART, LLP
99 Corporate Drive
Binghamton, NY 13790
Mailing Address:
P.O. Box 2039
Binghamton, NY 13902-2039

Sworn to before me the
9th day of January 2018.


Notary Public

KATHLEEN M. ROGERS
Notary Public, State of New York
Qualified Broome County
My Commission Expires April 2, 2018