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Plaintiff – Pro Se

**CONNECTICUT SUPERIOR COURT
COUNTY OF NEW HAVEN
CITY OF MILFORD**

MARY ELIZABETH SCHIPKE,)	
)	Case No. _____
)	
Plaintiff,)	
)	
vs.)	CIVIL RIGHTS COMPLAINT
)	and DEMAND FOR JURY
)	TRIAL
TRACFONE, WIRELESS, INC., dba SAFELINK)	
WIRELESS, and/or LIFELINE, and FREDERICK)	
J. POLLACK, President of SafelinkWireless, Inc.)	
)	
Defendants.)	
_____)	

COMES NOW, the Petitioner MARY ELIZABETH SCHIPKE, a qualified, recipient having emergency cell phone service for many, many years under the Lifeline, Safelink's, and TracFone telephone program for the medically-needy. Plaintiff has been in Connecticut since Thanksgiving Day, Thursday, November 27, 2014, and due to family member problems at the Schipke Family House in Meriden, Connecticut, the Plaintiff has been left a homeless in Milford, Connecticut with a blown engine in her truck. Plaintiff's emergency medical cell phone was illegally turned off recently, and Plaintiff alleges violations under the newly enacted **2013 Connecticut Homeless Bill of Rights**, a new civil rights law which prohibits such discrimination based upon

homelessness, and herein files a civil rights lawsuit for damages, intentional infliction of emotional distress, legal costs of bringing this suit, and Pro Se attorney fee.

NEW CIVIL RIGHTS LAW

CHAPTER 37.1

2013 CONNECTICUT HOMELESS BILL OF RIGHTS

(in part..... italics added.)

34-37.1-1. Short title. – This chapter shall be known and may be cited as the “*Homeless Bill of Rights.*”

34-37.1-2. Legislative intent. – (1) *At the present time, many persons have been rendered homeless as a result of economic hardship, a severe shortage of safe, affordable housing, and a shrinking social safety net.*

(2) Article 1, Section 2 of the Connecticut State Constitution states in part, that “All free governments are instituted for the protection, safety, and happiness of the people. All laws, therefore, should be made for the good of the whole; and the burdens of the state ought to be fairly distributed among its citizens. No person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied equal protection of the laws.”

(3) Concordant with this fundamental belief, *no person should suffer unnecessarily or be subject to unfair discrimination based on his or her homeless status. It is the intent of this chapter to ameliorate the adverse effects visited upon individuals and our communities when the state’s residents lack a home.*

34-37.1-3. Bill of Rights. – *No person’s rights, privileges, or access to public services may be denied or abridged solely because he or she is homeless. Such a person shall be granted the same rights and privileges as any other resident of this state.* A person experiencing homelessness:

BACKGROUND HISTORY

The “Schipke/Schilke Family House,” 5 bedrooms, 2 baths, property located at 129 Goodwill Avenue in Meriden, Connecticut, has been passed down in Plaintiff's family for many

generations. Such Connecticut property has been in the Plaintiff's family since her great-grandmother first gained title in 1905. As such, the Plaintiff has property interest rights and is entitled by law to intestate succession of the Family House and property. Until present, the house was occupied by the Petitioner's unmarried aunt and uncle, both of whom have no children. "Uncle Andy" died on or about February 24, 2014, at the age of 93, and the Petitioner was not notified of his death. The Petitioner's sole living relative, Rose E. Schipke, hereafter "Aunt Rose," age 91, grossly neglected to inform the Plaintiff of his death and Plaintiff had to find the shocking information out on the Internet. After calling "Aunt Rose" and finding her hysterical and suffering severe mental delirium, Plaintiff drove across the country from Arizona to Connecticut and arrived on Thanksgiving Day. Once at the Family House, "Aunt Rose" slammed the door in Plaintiff's face telling her "You're dead." Since that time, Plaintiff has been left homeless in Connecticut and forced to live in her 1986 Toyota truck. Plaintiff has been forced to suffer many hardships and indignities attempting to survive as a chronically-ill, permanently disabled, and now homeless approximately 58 year old woman.

About ten years ago, while living in Arizona, Plaintiff's primary care physician Michael R. Gray, M.D., MPH. C.I.M.E., ordered a medical telephone due to the severity of her medical conditions. All paperwork was properly filled out and Plaintiff received a telephone under the Lifeline Telephone Program for the medically-needy. That telephone number was (520) 908-8510. Due to the need for a cell phone for mobility purposes, this telephone service was changed over to Safelink's wireless program and the land-line service was turned off. Under the law, recipients are only allowed one telephone per family. Plaintiff has had her cell telephone (520) 275-0427, (Serial Number – AA1B1284S/1-B JK) for many, many years and relies on this phone for her medical needs and to call for assistance when needed. Without this cell telephone, her life, health, safety, and welfare are grossly jeopardized as she has no way to make emergency telephone calls nor to call for help and assistance.

PARTIES

1. The Plaintiff Mary Elizabeth Schipke, is an individual American citizen, born and raised in Arizona, but has currently been in the state of Connecticut, since November 26, 2014.
2. The Defendant TracFone Wireless, Inc., is a business operating within the State of Connecticut under Business I.D. 0915315, and is doing business as Lifeline/Tracfone/Safelink's, and have contracted with the U.S. Government to provide social services, namely wireless cell telephone services to qualified, low-income or medically-needy recipients under the Universal Service Fund.
3. The Defendant, Frederick J. Pollak, is the President of Tracfone Wireless, Inc., and his address is 9700 N.W. 112th Avenue, Miami, FL 33178. He is sued in an individual and professional capacity for civil rights violations and damages.

VENUE

Venue is proper in the Superior Court.

JURISDICTION

This Court has legal jurisdiction to her all causes of action within this Complaint pursuant to Connecticut law.

COMPLAINT

After becoming homeless while in Connecticut, Safelink's cell phone charger which came with the cell phone broke recently and Plaintiff was unable to charge or use her emergency cell phone. After reporting "inoperational equipment" to Safelink Wireless, instead of replacing the broken charger and making the cell phone work as was required under their contract with the

government, Safelink illegally turned Plaintiff's emergency medical telephone services off – simply because the Plaintiff is experiencing homelessness and does not have a current address. It was explained to the Safelink's many workers that Plaintiff has no address because she is homeless and has been forced to live out of her old 1986 Toyota truck since Thanksgiving in Connecticut. Plaintiff has protected liberty interests rights for this much needed entitlement.

Despite numerous telephone calls by herself, and by at least two social service workers in Milford, CT, and despite numerous written letters, complaints, and requests for help by state government, Plaintiff's emergency telephone service has **not** been turned back on and her 250 minutes per month phone time have **not** been posted on her telephone for the month of June.

Prior to this illegal shut-off, Plaintiff had undergone current recertification and was approved for Safelink's cell phone services until January 30, 2017, and the Plaintiff's current cell phone display clearly shows: “584 Service Days Left.” Plaintiff had no control over her homelessness, and has no way at present to end her homelessness. There are no saving plans to end Plaintiff's homelessness, so her homeless condition will continue for an indefinite period of time unknown. Plaintiff is entitled to an emergency medical telephone under the law. Such liberty interests rights such as social services are protected under both the state and federal Constitutions.

Because of Plaintiff's severely-low income status, being unable to work due to chronic illnesses and severe permanent disabilities, she is unable to purchase phone time to ensure emergency telephone service. Plaintiff's only form of income is a \$713 per month SSI disability check and approximately \$40 per month in SNAP food stamp benefits. Most of this meager income is used to repair her old 1986 Toyota truck (in which she currently lives in the camper-shell on the back of the truck) and to purchase extremely expensive special-medical-diet foods and other medical supplies. Plaintiff must stay in Milford because the smaller town of Meriden does not have a Whole Foods, Trader Joe's, or other health food store which sells special-medical

diet foods which Plaintiff is medically-ordered (since 1993) to eat because of her many medical problems. Plaintiff cannot leave Milford due to a knocking rod in her truck's engine.

Plaintiff's life, health, safety, and welfare have been callously jeopardized by a policy of discrimination by Safelink Wireless, Inc., against homeless persons now that her emergency cell phone service has been shut off. Such illegal discrimination has been made a civil rights violation with the enactment of the **2013 Connecticut Homeless Bill of Rights**, signed into law by Governor Malloy on 7-11-2013, and passed into law. Violations of the newly enacted **Connecticut 2013 Homeless Bill of Rights** makes any denial of public services a civil rights action. This action is brought forth as such.

DAMAGES

As a direct result of being left without an emergency medical telephone, the Petitioner, a chronically-ill and permanently disabled American citizen, has suffered grave damages and severe injuries, including but not limited to: severe violations of her protected civil rights as a person suffering homelessness; severe violations of her rights as a protected disabled American citizen under the Americans with Disabilities Act of 1990 ("ADA") and the new Americans with Disabilities Act Amendment Act of 2008 ("ADAAA"); extreme humiliation; severe degradation; personal distress; loss of social status; loss of enjoyment of life as a "second" or "third class" citizen; loss of will to live; severe depression; severe loss of telephone communication abilities; frustration; anxiety; fear; and many other damages and injuries not listed here.

REQUEST FOR RELIEF

The Plaintiff respectfully requests relief in the following:

1. That this case be scheduled for an immediate hearing for an order for Injunctive Relief to immediately turn Plaintiff's emergency cell phone services back on and post the allotted 250 per month minutes to her emergency medical telephone.
2. That this case be placed on the calendar for trial by jury;
3. That Plaintiff receive punitive, compensatory, and actual award damages in the fullest amount allowable under the law for such grievous civil rights violations;
4. That this Court award Pro Se attorney fees and costs in a reasonable amount for having to bring this action;
5. For any other relief this Court may deem just and fair in the interest of justice.

Dated this 26th day of June, 2015

Mary Elizabeth Schipke
Plaintiff - Pro Se