

In the
Supreme Court of the United States

JOHN LASCHKEWITSCH,

Petitioner,

v.

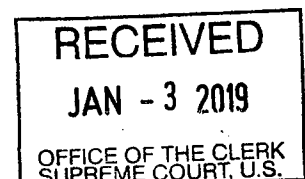
LEGAL & GENERAL AMERICA, d/b/a Banner Life Insurance Co.

Respondent.

**CERTIFICATE ON PETITION FOR A RULE 44 REHEARING FROM
THE FOURTH CIRCUIT COURT OF APPEALS; FILED IN GOOD
FAITH, FOR NO PURPOSE OF DELAY, AND WITH SUBSTANTIAL
GROUNDS AND CONTROLLING PRECEDENTIAL EFFECTS**

Petitioner files this Rule 44.1, 2 petition for rehearing in good faith and for no purpose of delay with substantial grounds and controlling precedential effects. The nine substantial grounds, with controlling precedential holdings, are as follows:

1. This Court, the NC Supreme Court, and all U.S. Circuit Courts of Appeals require insurers (here, LGA/Banner) to file a court contest before the expiration of its contestable period; however, LGA first contested the policy contract on May 11, 2015, over three years and three months untimely. See Petition for a Writ, pp. 3-5 and 9-19; Petition for Rehearing, pp. 4-9.



2. LGA promised to "produce a copy of the policy that was in force during the insured's lifetime," but did not; twice admitted that LGA does not have a policy with a January 26, 2010 [Issue Date] "within its policy file;" admitted that "All change requests must be made in writing during the Free Look period to ensure completion of the change," but did not produce any written request; and produced an interested party unauthenticated affidavit, with no attached January 26, 2010 policy, while relying on the March 8, 2010 duplicate policy, which was delivered 3-weeks after insured Ben's death, as a "true and correct copy" of its non-produced policy. Petition for a Writ, pp. 3-5 and 19-22; Petition for Rehearing, pp. 1-4, 14-15; Pet.Apps. 5, p. 3, 6, DE 1-3, 7, DE 106-6, 8, 9 and 10, DE 52-11; DE 63-1, Ex. 1-E; DE 63-1, Ex. 1-I; Pet. Apps. 11, 12, 13, p. 1, 4th ¶, p. 3, 4th ¶, 14, and 15, p. 2, 7th ¶, DE 64-14, Ex. 14; 26, the incomplete policy, DE 61-1, Ex. 1-F; and 27 and 28, LGA's admissions.

3. The alleged January 26, 2010 policy was never produced and was not filed in any court, the February 24, 2010 policy was never relied on by LGA/Banner, the March 8, 2010 policy was delivered three weeks after Ben's death, and the January 14, 2010 policy become incontestable on January 14, 2012, one day before insured Ben's death. Petition for a Writ, pp. 3-5, 19-22; Petition for Rehearing, pp.1-4, 14-15.

4. LGA/Banner breached its unsigned, undated, ineffective, nugatory and void Agreement. Petition for a Writ, pp. 5-8, 23-25; Petition for Rehearing, pp. 13-14.

5. LGA/Banner failed to inquire of statements received and prove due diligence, Rule 9(b) particularity, and reliance, which bars its fraud claim against petitioner. Petition for a Writ, pp. 30-32.

6. LGA/Banner accepted and deposited premium after received notice and after alleging knowledge, which waives its right to rescind or contest the policy pursuant to precedent from this Court and the North Carolina Supreme Court. Petition for a Writ, pp. 33-34, Petition for Rehearing, p. 12.

7. On March 23, 2010 Insured Ben had his first "consultation for possible ALS ...," the least certain degree of assumed ALS, with an ALS specialist in a North Carolina ALS "Certified Center of Excellence," which was after the incontestable January 14, 2010 policy was issued, delivered, and placed in force by LGA/Banner with applied premium. Petition for a Writ, pp. 25-28, Petition for Rehearing, p. 11.

8. LGA/Banner first contested the policy over two years beyond NC applicable statutes of limitation for its breach and alleged fraud defenses and cannot toll the limitations periods since it failed inquires and due diligence. Petition for a Writ, pp. 28-32; Petition for Rehearing, p. 10.

9. LGA/Banner committed three or more unfair claim settlement and unfair and deceptive trade practices and exercised polarity of power against petitioner. Petition for a Writ, pp. 34-40.

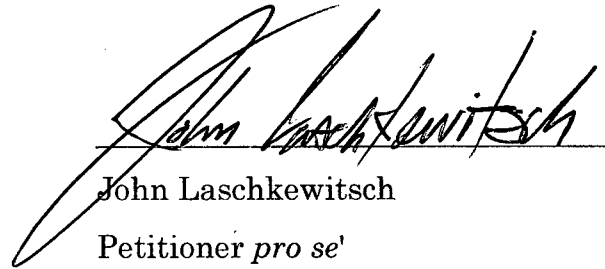
10. Pursuant to Rule 44.2, petitioner has attached thirteen Appendices, labeled A-M, all of which present substantial grounds not previously presented and are in support of the nine foregoing substantial grounds for review.

11. The Court is respectfully requested to review the Indexed Appendices A-M and Appendices 1-70 (under seal), which were filed with petitioner's petition for a writ of certiorari, upon reviewing this Rule 44 petition for rehearing.

12. The foregoing substantial grounds are supported by federal and state rules, laws, statutes, and controlling precedents from this Court, the NC Supreme Court and U.S. Circuit Courts of Appeals, and are made in good faith and for no purpose of delay.

This the 26th day of December, 2018

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Laschkewitsch", is written over a horizontal line.

John Laschkewitsch

Petitioner *pro se*

1933 Ashridge Drive

Fayetteville, NC 28304

(910) 286-8008

cessnajbl@yahoo.com