

22-5905 ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.  
FILED  
JUN 21 2022  
OFFICE OF THE CLERK

TERRELL BIGGS, JR. — PETITIONER  
(Your Name)

vs.

LIBERTY MUTUAL INSURANCE COMPANY — RESPONDENT(S)

**ON PETITION FOR A WRIT OF CERTIORARI TO**

COURT OF APPEALS OF TENNESSEE

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

**PETITION FOR WRIT OF CERTIORARI**

TERRELL BIGGS, JR. PRO SE  
(Your Name)

220 REESE STREET

(Address)

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AUG 25 2022

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SUPREME COURT, U.S.**

## **QUESTION(S) PRESENTED**

WHETHER THE STATE APPELLATE COURTS ARE UNCONSTITUTIONALLY FORCING THE PLAINTIFF AND SIMILARELY SITUATED CITIZENS UNDER THE CONTROL OF NATIONAL PRIVATE CORPORATION LIBERTY MUTUAL INSURANCE COMPANY TO BE SUBJECTED TO SYSTEMIC OUTRAGEOUS CONDUCT AND INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS USED TO EXTORT THEM INTO ACCEPTING FEDERAL MEDICARE SETASIDE AGREEMENTS IN LIEU OF THEIR PAYMENT OF FUTURE MEDICALS, THUS ELIMINATING AND STRIKING ANY CAUSE OF ACTION FOR SUCH BEHAVIOR AND VIOLATING DUE PROCESS, EQUAL PROTECTION, AND AN OPPORTUNITY TO A JURY, THEREFORE BLOCKING THE CITIZENS ACCESS TO JUSTICE.

## **LIST OF PARTIES**

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

## **RELATED CASES**

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### OTHER

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

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

## **JURISDICTION**

**[ ] For cases from federal courts:**

The date on which the United States Court of Appeals decided my case was \_\_\_\_\_.

[ ] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_ A \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

**[ x] For cases from state courts:**

The date on which the highest state court decided my case was March 23, 2022. A copy of that decision appears at Appendix C.

[ ] A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_ A \_\_\_\_\_.

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

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

TENNESS	TENNESSEE RULE OF CIVIL PROCEDURE 56	4,5
	TENNESSEE CODE ANNOTATED 50-6-108	4,5

## **STATEMENT OF THE CASE**

The elderly Plaintiff with a 100% permanently disabling spinal cord injury brought suit against Liberty Mutual Insurance Company, a national private insurance corporation, on May 5, 2015, in Sullivan County, Tennessee where Biggs is a longtime resident.

Plaintiff alleges that Defendant basically extorted him to try to force him to accept its proposed Medicare Set Aside Agreement to buy out his future medicals that Defendant had been ordered to pay beginning October 14, 1992, by a Washington County, Tennessee trial court.

Liberty Mutual's outrageous conduct and intentional infliction of emotional distress coincided simultaneously with letters from them trying to get him to settle while refusing to authorize and pay for his prescription pain medication, among other tort actions of interference and disruption of his medical care.

The Sullivan County trial court Judge denied Defendant's Motion to Dismiss due to the exclusivity exception clause of T.C.A. 50-6-108 when intent to harm is shown.

However, some four and a half years later on October 22, 2019, Defendant filed a Tenn.R.Civ.P.56 Summary Judgment Motion, which was granted by Order of March 4, 2020, on other grounds.

A Motion to Alter/Amend was filed by Plaintiff, and denied January 6, 2021.

The Court of Appeals dismissed the case on yet other grounds, eliminating the exclusivity exception for intent to harm, or any other reason, and the state Supreme Court declined an appeal on March 23, 2022.

## REASONS FOR GRANTING THE PETITION

Instead of reigning in this national private corporation that handles thousands of federal Medicare SetAside Agreements regarding similarly situated injured citizens the state appellate court gave full throttle to Liberty Mutual's despicable acts of outrageous conduct and intentional infliction of emotional distress purposely directed toward the elderly, totally disabled Plaintiff Terrell Biggs,Jr. to extort him through pain and by sabotage of his physicians' medical care to accept their proposal, it is respectfully submitted.

Even the Defendant concedes and does not dispute that the law in effect allows this tort action due to the exclusivity exception of T.C.A. 50-6-108 for intent to harm, Brewer v. Monsanto Corp. 1986,644 F.Supp.1267, and Medrano v. MCDR,Inc. 366 F. Supp.2nd 625,631-32 (W.D. Tenn. 2005).

It is noted that the state appellate court did not uphold the Tenn.R.Civ.P.56 ruling of the lower court but instead found for the Defendant by eliminating the tort action entirely and applying that retroactively to the tortious actions of Defendant that began in 2014, leaving Biggs with no recourse to justice and trial by jury. If the state legislature had wanted to eliminate the exclusivity exception it could certainly have introduced and passed such legislation.

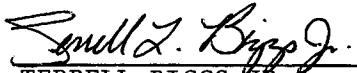
Defendant Liberty Mutual's pattern and practice of using their tremendous corporate power to harm injured citizens rather than act in a fiduciary manner is unconscionable, such as denying access to approved pain prescription medicine that they were obligated by court order to provide and resulting in detriment to the elderly,disabled Biggs.

Allowing the state courts to act in this manner goes beyond the particular facts and parties involved herein, and is an issue of national importance to the public that effects thousands of other citizens similarly situated.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
\_\_\_\_\_  
TERRELL BIGGS, JR.

PRO SE

Date: June 15 , 2022