

No. 24-491

In the Supreme Court of the United States

BERNICE RUTLAND,

Petitioner,

v.

ROBINSON PROPERTY GROUP, L.L.C., ET AL.,

Respondents.

**On Petition for Writ of Certiorari to the
United States Court of Appeals for the Fifth
Circuit**

BRIEF IN OPPOSITION

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CORPORATE DISCLOSURE STATEMENT

- i. Pursuant to Supreme Court Rule 29.6, Robinson Property Group, L.L.C. discloses the following. There is no parent or publicly held company owning 10% or more of Robinson Property Group, L.L.C.'s stock.*

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INTRODUCTION

This petition provides no basis for the Court's intervention.

This case does not warrant review under the well-established standards of Supreme Court Rule 10. The Petition presents no conflict among the circuits or state courts, raises no significant federal question, and demonstrates no departure from settled legal principles. Instead, it revolves around the application of legal standards for summary judgment, as articulated in *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986) and *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986), both of which confirm that conclusory allegations and speculative assertions *are insufficient to defeat* a motion for summary judgment.

The Fifth Circuit's decision aligns with these precedents and reflects the uniform application of Federal Rule of Civil Procedure 56(a), which permits summary judgment where no genuine dispute of material fact exists. The petitioner's claims are fact-specific and concern a single, isolated incident involving a motorized scooter at a casino. This case lacks the national significance or unresolved legal questions necessary to justify review by this Court. Moreover, the petitioner's procedural shortcomings, including a failure to present competent evidence or depose key witnesses, preclude any credible claim of legal error requiring this Court's intervention. Accordingly, the petition for a writ of certiorari should be denied.

STATEMENT OF THE CASE

I. Factual Background

The petitioner, Ms. Rutland, alleges that she sustained injuries after being struck by a motorized scooter operated by another patron at a casino owned by Robinson Property Group. She contends that the scooter was rented from the casino, was malfunctioning, and that the respondents were negligent in their maintenance of the device and failure to ensure the safety of casino patrons. However, the petitioner failed to provide admissible evidence to substantiate these claims, relying instead on conclusory affidavits, speculative assertions, and incomplete records.

Despite multiple opportunities, the petitioner did not depose key witnesses, authenticate relevant documents, or produce evidence showing that the respondents had actual or constructive knowledge of any defect in the scooter or that they failed to exercise reasonable care. The respondents, by contrast, provided evidence that undermined the petitioner's assertions, including the lack of direct evidence tying the scooter to the casino and the absence of credible proof regarding the alleged malfunction.

II. Procedural Background

The District Court for the Northern District of Mississippi granted summary judgment in favor of the respondents, finding that the petitioner failed to meet her burden under Rule 56 to establish a genuine dispute of material fact. Specifically, the court noted that the petitioner's evidence was speculative and

conclusory, failing to provide specific facts to support her allegations of negligence or causation.

On appeal, the Fifth Circuit affirmed the district court's decision, concluding that the petitioner had not presented evidence sufficient to create a triable issue. The court applied established Supreme Court precedents, including *Celotex* and *Anderson*, and emphasized that the petitioner's reliance on general allegations, rather than admissible evidence, was insufficient to survive summary judgment.

REASONS FOR DENYING THE PETITION

I. Lack of Conflict Among Circuits or State Courts

The petitioner fails to demonstrate any conflict among the circuits or state courts on the legal standards governing summary judgment. The Fifth Circuit's decision is consistent with the principles set forth in *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986), which clarified that the moving party must show the absence of evidence supporting the non-moving party's claims, and *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986), which confirmed that speculative or conclusory allegations cannot defeat summary judgment.

Other circuits, including the First, Second, Ninth, and D.C. Circuits, have uniformly applied these principles, holding that Rule 56 requires the non-moving party to present competent, admissible evidence demonstrating a genuine dispute of material fact. See, e.g., *Niagara Mohawk Power Corp. v. Chevron U.S.A., Inc.*, 596 F.3d 112, 124 (2d Cir. 2010); *FTC v. Stefanchik*, 559 F.3d 924, 929 (9th Cir. 2009).

This consistent jurisprudence underscores that there is no split in authority warranting review by this Court.

II. Proper Application of Settled Law

The Fifth Circuit faithfully applied the standards articulated in *Celotex* and *Anderson*, which govern summary judgment under Rule 56. In granting summary judgment, the district court appropriately concluded that the petitioner failed to present sufficient evidence to establish a genuine dispute of material fact regarding her negligence claims. As this Court has repeatedly held, conclusory assertions and speculative allegations cannot substitute for specific factual evidence. *Celotex Corp.*, 477 U.S. at 322–23; *Anderson*, 477 U.S. at 248–49.

The petitioner’s reliance on unauthenticated documents, vague affidavits, and unsubstantiated claims fell far short of the evidentiary threshold required to proceed to trial. The district court correctly determined that no reasonable jury could find in favor of the petitioner based on the record presented. The Fifth Circuit’s affirmance was entirely consistent with this Court’s precedents, leaving no legal error to correct.

III. Lack of National Importance or Broad Implications

This case concerns a fact-specific dispute arising from a single incident at a casino and does not raise issues of national importance or broad implications for federal law. The petitioner’s negligence claims are uniquely tied to the circumstances of her alleged injury and the disputed

facts surrounding the operation of a motorized scooter. There is no federal question or significant policy issue at stake that would justify review by this Court.

The Supreme Court's docket is reserved for cases of national significance, unresolved legal questions, or conflicts among lower courts. Sup. Ct. R. 10. This case does not meet those criteria, and granting certiorari would expend judicial resources on a matter of limited consequence beyond the parties involved.

IV. No Error Warranting Review

Even if the petitioner could demonstrate error in the lower courts' decisions, such error would not rise to the level justifying review by this Court. The petitioner is merely objecting only to the misapplication of settled law. As this Court has long recognized, it is "not a court of error correction" and will not review fact-specific disputes unless they implicate significant federal questions. *United States v. Johnston*, 268 U.S. 220, 227 (1925).

The petitioner's procedural failings—including her failure to depose key witnesses, authenticate evidence, or provide specific facts supporting her claims—underscore the lack of merit in her arguments. The district court's grant of summary judgment and the Fifth Circuit's affirmance reflect the proper application of Rule 56 and established legal standards.

STANDARDS FOR DENYING CERTIORARI

Under Supreme Court Rule 10, the Court grants certiorari sparingly and in cases that:

1. Present a conflict among federal circuit courts or state courts of last resort.
2. Involve an important federal question that has not been, but should be, settled by the Court.
3. Demonstrate a departure from accepted legal principles by a lower court.

This case meets none of these criteria. The Fifth Circuit's decision was entirely consistent with well-established Supreme Court precedent, including *Celotex Corp. v. Catrett* and *Anderson v. Liberty Lobby*, which define the standards for summary judgment under Rule 56. Furthermore, this fact-specific case presents no significant federal question, as it involves a negligence claim tied to a single incident at a casino with no broader legal implications.

As this Court has stated, "It is not this Court's function to serve as a court of error correction." *United States v. Johnston*, 268 U.S. 220, 227 (1925). And as a general rule, the Court does not grant certiorari to correct errors by lower courts. The petition fails to meet the high bar required for certiorari, and its denial would preserve judicial resources for cases of true national significance.

CONCLUSION

The petition for writ of certiorari should be denied. This case presents no conflict among the circuits or state courts, no significant federal question, and no departure from settled law. The Fifth Circuit's decision is consistent with this Court's precedents, and the petitioner's failure to meet the evidentiary burden required by Rule 56 precludes any credible claim of error. Accordingly, this Court should decline to expend its limited resources on this fact-specific and meritless case.

Respectfully submitted,

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