

NO. 24-1164

IN THE
Supreme Court of the United States

JACQUELINE R. EVERSON,

Petitioner,

v.

THE COCA-COLA COMPANY, ET AL.

Respondents.

On Petition for Writ of Certiorari
To The United States Court of Appeals
for the Eleventh Circuit

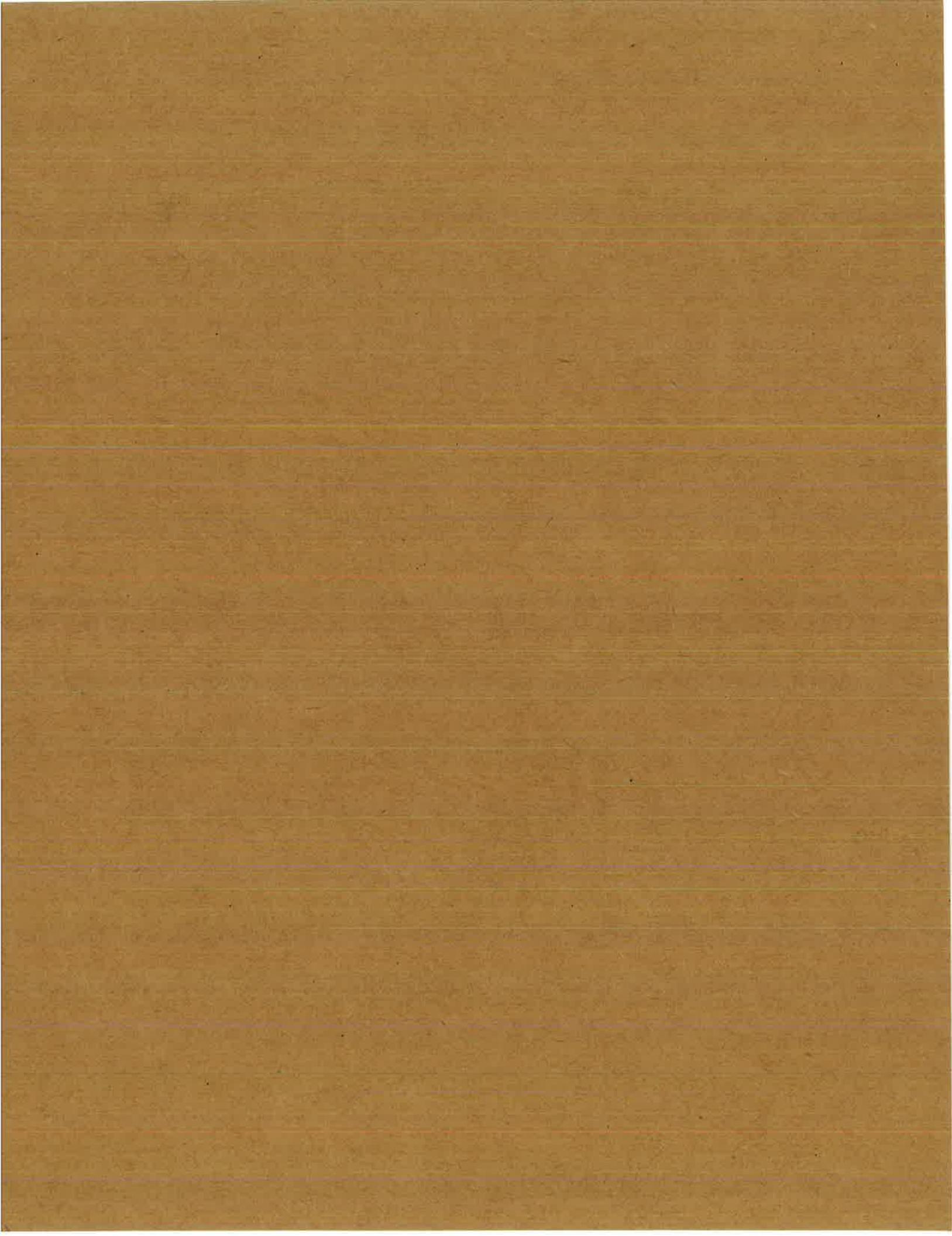
PETITION FOR REHEARING

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SUPREME COURT, U.S.



PETITION FOR REHEARING

Pursuant to Rule 44.2 of the Rules of the United States Supreme Court, Petitioner respectfully petitions for rehearing of this Court's October 06, 2025, order denying the petition for a writ of certiorari.

GROUNDS FOR THE PETITION FOR REHEARING

Rule 44.2 of the Rules of the Supreme Court of the United States allows petitioners to file petitions for rehearing of the denial of a petition for writ of certiorari and permits rehearing on the basis of "intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented."

Misapplied ERISA Laws for Continuing Violations

I. The December 16, 2024, Judgment of the United States Court of Appeals for the Eleventh Circuit is an unpublished opinion: Everson's claims are time-barred under both federal and state law. Neither the continuing violations doctrine nor equitable tolling can revive them. And because all her claims are time-barred, we do not address the District Court's other reasons for dismissal. We affirm. (App7a). *Everson v. Coca-Cola Company, et al*, 24-11058 (11th Cir. 2024).

A. The Eleventh Circuit misapplied the ERISA laws and conflicts with the U.S. Const. amend. XIV § 1, and the Supreme Court precedent under 29 U.S.C. § 1113(2), 29 U.S.C. § 1132; § 1141. In 2023, the Petitioner discovered the sponsor and the ERISA core plan was concealed through a lack of disclosure to the pro se participant in her prior ERISA case/trial from 2005 to 2009. O.C.G.A. § 51-12-33, 42 U.S.C. § 12132, 29 U.S.C. § 1132(a)(1)(A).

B. Coca-Cola still did not disclose the concealed Coca Cola Long Term Disability Income Plan to the disabled plan participant in this case and is a Continuing Violation under 29 U.S.C. § 1104(a); 1132(a)(1)(A), 42 U.S.C. § 12112(a), O.C.G.A. § 51-12-33.

Misapplied Equitable Tolling Laws for ERISA Fraud.

II. 29 U.S.C. § 1113(2); to meet the 'actual knowledge' requirement the plaintiff must in fact have become aware of that information." Except that in the case of fraud or concealment, such action may be commenced not later than six years after the date of discovery of the breach or violation.

A. The Court is in conflict with the Supreme Court precedent for fraud under 29 U.S.C. § 1113(2) and the U.S. Const. amend. XIV § 1. In 2023, the Petitioner discovered she is the only "enumerated party" included in her prior ERISA trial. 29 U.S.C. § 1132; § 1141: Defines the parties who have standing to bring a lawsuit under the statute. These "enumerated parties" include plan participants, beneficiaries, fiduciaries, and Secretary of Labor.

¹Misapplied Res Judicata to ERISA Fraud

III. The Judgment of the United States Court of Appeals for the Eleventh Circuit, December 16, 2024: "The District Court determined Everson's claims were precluded by ¹res judicata, that ²Liberty Mutual was not a proper defendant, and that ³ERISA preempted her state-law claims. Everson appeals." (App.4a). The Eleventh Circuit Affirmed. (App.7a).

A. The Supreme Court precedent under 29 U.S.C. § 1113(2), only applies to cases involving discovery of fraud and concealment under 29 U.S.C. § 1132. Res judicata does not apply to this ERISA actual fraud case. In 2023, Petitioner discovered the concealed Coca-Cola LTD Plan Description only applies to The Coca-Cola Long Term Disability Income Plan; the only Coca-Cola ERISA disability plan that is sponsored, self-insured and issued by The Coca-Cola Company. 29 U.S.C. § 1141:

B. The Coca-Cola ERISA cases listed below comply with 29 U.S.C. § 1132 within the same courts as the Petitioner's case. *Everson v. Liberty Mutual*, 1:05-cv-2459, WL 73140 (N.D. Ga. 2009):

C. *Lisa Ann Byars, Michelle Palmeri v. The Coca-Cola Company, The Coca-Cola Long Term Disability Income Plan, The Coca-Cola Long Term Disability Income Plan Committee*, 1:01-cv-3498, and 1:01-cv-3124 (N.D. Ga. 04/09/03) Consolidated.

D. *Lisa Ann Byars v. The Coca-Cola Company, The Coca-Cola Long Term Disability Income Plan*, et al., 06-15708 (11th Cir., Feb. 22, 2008).

²Overlooked and Misapplied Georgia State and Federal Fraud Laws to Liberty Mutual

IV. The Court denied Liberty Mutual's involvement in the Petitioner's ERISA case and deliberately concealed fraud (App.29a). Abuse of discretion: O.C.G.A. § 51-12-33, U.S. Const. amend. XIV § 1.

A. The Court has before it the civil docket, the case name and a benefit denial letter on Liberty Mutual "letterhead" as evidence in this case and still denied Liberty Mutual is involved. (App.3a; 29a). [Liberty Ex. C (Doc. 3-1 at 56-63)] is the civil docket presented in this case, from Petitioner's prior 2005 ERISA case.

B. Intent to conceal fraud of defendant; injury and damages to the Petitioner: In 2023, Petitioner discovered that Liberty Mutual pretended to be the sponsor for four years in Petitioner's ERISA trial thru fraud. Liberty Mutual took money from the Petitioner for services they are not legally qualified under the law or authorized to perform. O.C.G.A. § 51-12-33. Petitioner's fraud claims are tolled until the fraud was discovered in 2023 under 29 U.S.C. § 1113(2); § 1141. *Everson v. Liberty Mutual*, 1:05-cv-2459, WL 73140 (N.D. Ga. 2009), O.C.G.A. § 9-3-96 (2020).

C. In 2023, Liberty Mutual falsely denied being involved in the Petitioner's ERISA disability case. (App.29a). Scienter; the statement was false and the Defendant knew it (perjury). 29 U.S.C. § 1141.

D. The Court overlooked this federal statute: 29 U.S.C. § 1141, Is a federal criminal statute that prohibits using fraud to interfere with a participant's or beneficiary's rights under an employee benefit plan regulated by the Employee Retirement Income Security Act of 1974 (ERISA).

V. The Petitioner seeks to enjoin practices that overlook and misapply statutory laws and violate due process principles that negatively affect the disabled ERISA plan participants nationwide. 42 U.S.C. § 12132, U.S. Const. amend. XIV § 1.

O.C.G.A. § 51-12-33; requires the trier of fact to consider the fault of all parties involved in an alleged injury or damages. Trial Court has the discretion, "at any stage of the action and on such terms as are just," to realign the parties. *Cawthon v. Waco Fire & Cas. Ins. Co.*, 259 Ga. 632, 386 S.E.2d 32 (1989)."

Section 29 U.S.C. § 1132(a)(3) of the ERISA, provides in relevant part:

Permits civil actions by a participant, beneficiary or fiduciary (A) to enjoin any act or practice that violates ERISA or the terms of the plan, or (B) "to obtain any other appropriate equitable relief (i) to redress such violations or (ii) to enforce any provisions of [ERISA]or the terms of the plan."

Section 29 U.S.C. § 1132; ERISA § 502 Civil Enforcement provides in relevant part:

Is the "civil enforcement" section of the ERISA law. The obligor under the plan contract (the sponsor), plus any other party that assumes liability under the plan contract by agreement with the plan sponsor (a trustee or an insurer), must be party defendants.

SEC. 202 of the ADA, 42 U.S.C. § 12132, provides in relevant part:

Subject to the provisions of this title, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

Section 1 of the U.S. Constitution Fourteenth Amendment; U.S. Const. amend. XIV § 1, provides in relevant part:

Protects citizens from having their life, liberty, or property taken away without fair legal procedures.

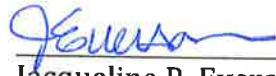
Section O.C.G.A. § 9-3-96 (2020), Fraud of defendant, provides in relevant part:

If the defendant or those under whom he claims are guilty of a fraud by which the plaintiff has been debarred or deterred from bringing an action, the period of limitation shall run only from the time of the plaintiff's discovery of the fraud. Only actual fraud tolls the statute of limitations.

Judges are required to adhere to the law through their oath of office, which is codified in 28 U.S. Code § 453, as well as through the Code of Conduct for United States Judges (Cannon 2A) and the principle of the rule of law, which states that all government officials, including judges, must operate within the law. Additionally, the doctrine of stare decisis requires judges to follow legal precedents from higher courts. *Marbury v. Madison*, 5 U.S. 137 (1803).

Due to the clear nature of the Court's errors and the actual fraud committed, summary reversal is warranted.

Respectfully submitted, this 10th Day of November 2025.



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CERTIFICATION OF COUNSEL

Pursuant to Rule 44.2, Petitioner hereby certifies that the attached petition for rehearing of an order denying writ of certiorari is restricted to the grounds specified in Rule 44.2; it is limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented. The attached petition is presented in good faith and not for delay.

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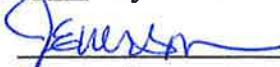
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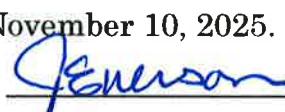
CERTIFICATE OF COMPLIANCE

I certify that this Petition for Rehearing complies with Rule 33 and 44. This Petition has 1,481 words, and has been prepared using 12-point Century font.

Respectfully submitted, November 10, 2025.



NOTARY



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AFFIDAVIT OF SERVICE

I certify that I have served the respondents with
three copies of the corrected Petition for Rehearing by
U. S. priority mail (prepaid), November 10, 2025.

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AFFIDAVIT OF SERVICE

I declare under penalty of perjury that the foregoing is true and correct in compliance with 28 U.S.C. § 1746.

Respectfully submitted, November 10, 2025.



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