

No. 25-1074

IN THE
SUPREME COURT OF THE UNITED STATES

Risie Howard, as Personal Representative, of
the Estate of Mrs. George Howard, Jr.
Petitioner,

v.

Hormel Foods Corporation, Jim Snee,
Chairman of the Board,
Respondent.

On Petition For Writ Of Certiorari To
The United States Court Of Appeals
For The Eighth Circuit

PETITION FOR REHEARING

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TABLE OF CONTENTS

	Page
Table of Authorities	ii
Petition for Rehearing.....	1
Reasons for Granting	1
Conclusion	5
Certificate of Counsel.....	6

TABLE OF AUTHORITIES

Cases

<i>Erie Co. v. Tompkins</i> , 304 U.S. 64, 58 S.Ct. 817, 82 L.Ed. 1188, 114 A.L.R. 1487 (1938) 86.....	3
<i>Christensen v. Alaska Sales & amp; Serv., Inc.</i> , 335 P.3d 514 (Alaska 2014)	4
<i>Tolan v. Cotton</i> , 572 U.S. 650, 657, 134 S.Ct. 1861, 188 L.Ed.2d 895 (2014), (per curiam), 146 S.Ct. 926	3
<i>Zorn v. Linton</i> , 146 U.S. 926 (2026)	2-3

Rules

Rules of the Supreme Court of the United States:.....	1
14(b)(i)	1
15(9).....	1
29.6	1

Statutes

Arkansas Products Liability Act of 1979	3, 5
A.C.A. 16-116-201-16-116-207	3

PETITION FOR REHEARING

In accordance with this Court's Rule 44.2, petitioners respectfully seek rehearing of the Court's order dated April 17, 2026, denying certiorari based on the following grounds: "intervening circumstances of a substantial effect" and "other substantial grounds not previously presented."

REASONS FOR GRANTING

On Feb. 17, 2026 the *Rules of the Supreme Court of the United States* were adopted and became effective on March 16, 2026. The Petitioner's petition was docketed on March 11, 2026. The newly revised Rule 14.1(b)(i) now requires a Petition for a Writ of Cert. to add a parties' stock ticker symbol when a corporation is a party, in order to assist in conflict checking. This case is against a corporation and lacked the corporation's stock ticker symbol. Revised Rule 15(9) now also mandates that when a Respondent files a waiver of the right to file a brief in opposition, the waiver should identify any parties to the proceeding that were not identified in the petition under Rule 14.1(b)(i), along with their respective stock ticker symbols, if any. Where a respondent is a non-governmental corporation and it has a parent corporation or a publicly held company owns 10% or more of the corporation's stock, it is required that either a brief in opposition or a waiver, be filed, and the brief in opposition or waiver must include the information required by Rule 29.6. Rule 15.9. Hormel did not provide its stock ticker symbol nor information on any parent corporation or

publicly held company owning 10% or more of the corporation's stock. Therefore, there may have been an inadvertent conflict of interest held by one or more reviewing judges in the denial of Certiorari. Hormel Foods' stock ticker symbol is (HRL).

In *Zorn v. Linton*, 146 U.S. 926, 935 (2026), decided by this Court on March 23, 2026, this Court said, "[T]he Second Circuit rightly reversed the district court's summary judgment ruling because, "[T]here were material disputes on "issues of fact" that could not be resolved at summary judgment." Here, there are material disputes because two medical experts and one expert forensic pathologist produced facts and testimony in depositions stating that Mrs. Howard's death could be attributed to the amount of sodium in Hormel's Thick and Easy meals. The Estate presented expert medical evidence of these facts through the deposition testimony of Dr. Martha Flowers and others. This proof should have prevented the district court from granting summary judgment. (ECF No. 136-1 and 136-2; Mot. to Supp. Rec., Appellate Case: 24-128, p 4-Aug. 8, 2025, [ID: 541032]).

This Court also said, "The Second Circuit correctly held that summary judgment must be denied because a jury could find that Zorn violated Linton's clearly established Fourth Amendment rights." *Zorn v. Linton*, 146 U.S. 926, 935 (2026). Here, summary judgment should have been denied because a jury could find that Hormel's products caused Mrs. Howard's death. In *Zorn*, the Court cites to *Tolan v. Cotton*, wherein this Court said, "Given that this

case is at the summary judgment stage, the Court must "view the evidence . . . in the light most favorable to" Linton, the nonmovant, "with respect to the central facts of the case." *Tolan v. Cotton*, 572 U.S. 650, 657, 134 S.Ct. 1861, 188 L.Ed.2d 895 (2014) (per curiam), 146 S.Ct. 926. Here, given that this case was at the summary judgment stage, the appellate court must also view the evidence in the light most favorable to the Estate.

These cases indicate the need for clarification on summary judgment standards amongst the several circuits.

Rehearing is also necessary to address the lower court's failure to analyze the case under the Arkansas Products Liability Act, ('APLA'). A.C.A. 16-116-201-16-116-207; as pled in the Plaintiff's Complaint. (Am. Comp. ECF No. 37 at p. 9). "[S]o far as concerns the rule of decision now condemned, the Judiciary Act of 1789, passed to establish judicial courts to exert the judicial power of the United States, and especially section 34 of that act as construed, is unconstitutional; that federal courts are now bound to follow decisions of the courts of the state in which the controversies arise; . . ." *Erie Co. v. Tompkins*, 304 U.S. 64, 58 S.Ct. 817, 82 L.Ed. 1188, 114 A.L.R. 1487 (1938), 86.

In diversity actions federal courts are bound to follow the law of the state where the federal court sits.

Summary judgment does not require the non-moving party to prove factual issues according to the applicable evidentiary standard, and does not allow trial judges to predict how a reasonable jury would decide the case—we explained that weighing and evaluating evidence “ ‘intrudes into the province of the jury.’ ” *Christensen v. Alaska Sales & Serv., Inc.*, 335 P.3d 514, 519 (Alaska 2014).

Here, the district court not only weighed the evidence but decided the case in spite of evidentiary proof provided by the Estate that should have prevented granting of summary judgment to the defendant. The district court spent four pages analyzing alleged facts presented by the defendant. (App. to Pet. Cert. 15a-18a). That is the jury’s role not the role of the court.

All the medical problems Howard had upon presentation to Jefferson Regional Medical Center where she spent her final days are alleged to have resulted from the excessive sodium content in the Hormel meals. As our medical expert Dr. Edward Mallory stated in his affidavit, “Prior to this admission, Ms. Howard was receiving nutritional supplementation at home administered to her from Baptist Hospital. This product is high in sodium content. If taken frequently on a daily basis, this can lead to dehydration, and hypernatremia.”

Hypernatremia can lead to hypertension, chronic kidney disease, congestive heart failure, seizures, coma and death. (Aff. of G. Edward Mallory, M.D., ECF No.77-16 at p.3)

CONCLUSION

The reviewing judges of this Court may have had a conflict-of-interest; intervening decisions since this case was denied Cert; the district court's flawed analysis of the case under a manufacturing defect standard (App. to Pet. Cert. 20a-24a) instead of APLA (Am. Compl., ECF No. 37, at p.12; App. Br. p. 20-21) and the court's usurpation of the jury's role by indulging in an analysis of the medical data and expert testimony are reasons that merit rehearing.

Respectfully Submitted,

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CERTIFICATE OF PETITIONER'S COUNSEL

I hereby certify that this Petition for Rehearing is presented in good faith, not for delay, and is restricted to the grounds specified in Rule 44.2.

Risie Howard, Esq.