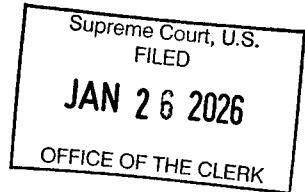


ORIGINAL

25-903
No. _____

IN THE
Supreme Court of the United States



ESTATE OF DENNIS G. BEZANSON,
by and through Executor Sandra J. Bezanson,
Petitioner,

v.

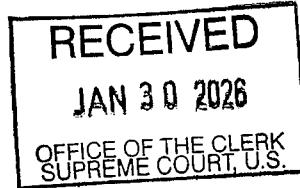
EXETER HOSPITAL, INC.,
Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE
NEW HAMPSHIRE SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether the Due Process Clause of the Fourteenth Amendment permits a state supreme court to forfeit a litigant's rights based on an administrative failure in the court's mandatory electronic filing system—where the court's own secure portal shows a timely "Submitted" filing—followed by a refusal to correct the error upon presentation of the system-generated proof.
2. Whether a state trial court violates procedural due process by imposing the "death penalty" sanction of dismissal for asserted discovery deficiencies where the court and opposing party refused meaningful conferral and the court denied the Petitioner's motion seeking the conference required by the court's own case-structuring and discovery framework, thereby creating a procedural trap and foreclosing compliance.
3. Whether due process is violated where later-issued federal agency determinations (Department of Veterans Affairs / Board of Veterans' Appeals) confirm that critical non-VA community-care medical records were missing due to third-party provider transmission failures under federal community-care obligations—evidence that did not exist during the state discovery period—and the state courts nonetheless treated resulting record gaps as willful "discovery abuse" warranting dismissal.

PARTIES TO THE PROCEEDING

Petitioner is Sandra J. Bezanson, Executor of the Estate of Dennis G. Bezanson.

Respondent is Exeter Hospital, Inc.

RELATED PROCEEDINGS

1. State Court Proceedings (Underlying Case)

New Hampshire Superior Court

Rockingham County Superior Court

Estate of Dennis G. Bezanson, by and through Executor Sandra J. Bezanson v. Exeter Hospital, Inc.

Docket No.: 218-2023-CV-00317

New Hampshire Supreme Court

Estate of Dennis G. Bezanson, by and through Executor Sandra J. Bezanson v. Exeter Hospital, Inc.

Docket No.: 2024-0599

2. Related Massachusetts State Court

Proceeding

Massachusetts Superior Court (Suffolk County)

Sandra J. Bezanson, Executor of the Estate of Dennis G. Bezanson

v.

General Hospital Corporation d/b/a Massachusetts General Hospital

Civil Action No.: 2384-CV-00863

3. Federal Administrative Proceeding (Non-Judicial)

U.S. Department of Veterans Affairs
Office of General Counsel – Torts Law Group (021)
Administrative Tort Claim No.: GCL 556529
Dated: September 18, 2025

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OPINIONS AND ORDERS BELOW

The order of the Supreme Court of New Hampshire dated October 28, 2025, affirming dismissal of the Estate's action is reproduced in the Appendix. (App. B.)

The order of the Supreme Court of New Hampshire dated January 9, 2026, denying Petitioner's motion for late entry and further post-mandate filings is reproduced in the Appendix. (App. A.)

The Superior Court order dismissing the action with prejudice as a discovery sanction is reproduced in the Appendix. (App. C.)

Additional relevant Superior Court orders, and related record materials are reproduced in the Appendix. (App. D et seq.)

JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1257(a). The Supreme Court of New Hampshire entered judgment on October 28, 2025. Petitioner's time to file a petition for a writ of certiorari runs from the entry of that judgment. See Sup. Ct. R. 13.

CONSTITUTIONAL PROVISIONS INVOLVED

U.S. Const. amend. XIV provides in relevant part: "nor shall any State deprive any person of life, liberty, or property, without due process of law."

Additional relevant provisions may include: [insert if needed, such as state constitutional provisions, but keep the focus on federal issues for cert.]

STATEMENT OF THE CASE

A. Nature of the Case

This petition arises from the dismissal with prejudice of a civil action brought by the Estate of Dennis G. Bezanson against Exeter Hospital, Inc. The dismissal was imposed as a terminating discovery sanction. The Supreme Court of New Hampshire affirmed the dismissal on October 28, 2025, on a “limited record.” Subsequently, the Supreme Court of New Hampshire denied Petitioner’s motion for late entry and declined to act on further filings after the mandate issued, despite Petitioner’s proffer of proof from the Court’s own electronic filing portal showing a timely “Submitted” filing.

B. Trial-Level Discovery and the Conferral/ Structuring Defect

During discovery, Respondent served interrogatories and other discovery requests in a manner Petitioner maintains was inconsistent with the expected sequencing of the court’s case-structuring and conferral framework. Petitioner repeatedly sought meaningful conferral and requested an actual meet-and-confer regarding missing records and proportional discovery. Petitioner contends that Respondent refused to confer in good faith, and that the trial court denied relief

that would have enabled compliance and cure. The trial court later ordered Petitioner to provide “full and complete answers,” and ultimately dismissed the case with prejudice after finding Petitioner’s answers “woefully inadequate” and characterizing the conduct as “discovery abuse.”

Earlier in the proceedings, a different Superior Court judge denied Respondent’s motion seeking a case structuring order, expressly finding Respondent’s approach “too aggressive.” Petitioner contends that despite this ruling, Respondent continued to press case-structuring demands and served interrogatories without a meet-and-confer, contributing to the procedural breakdown that later culminated in dismissal. (*“Additional relevant Superior Court orders are reproduced in the Appendix. (App. D, D-1.)”*)

C. The Missing-Records Context and Later-Issued VA / BVA Determinations

After the relevant state discovery period and trial-level proceedings, the Department of Veterans Affairs and Board of Veterans’ Appeals issued determinations and correspondence reflecting that the VA lacked a complete evidentiary record because required non-VA community-care medical records had not been transmitted. These federal determinations post-date the Superior Court dismissal and could not have been included during the trial discovery period. Petitioner contends these later-issued adjudicatory findings directly explain why certain records were missing and why Petitioner’s discovery responses were necessarily

constrained by record gaps outside Petitioner's control.

D. The New Hampshire Supreme Court Appeal and Affirmance on a Limited Record

On October 28, 2025, the Supreme Court of New Hampshire affirmed the dismissal. The court stated that the appealing party bears the burden of providing a sufficient record and noted that Petitioner had not provided copies of the discovery requests at issue or her responses, nor all relevant pleadings and orders. Based on the "limited record," the court concluded it could not find an unsustainable exercise of discretion.

E. The Mandatory E-Filing Portal Error and Refusal to Correct

Petitioner later sought to file post-decision materials, including a motion for rehearing/record correction and supporting materials, and maintains that the filing was timely submitted through the Court's secure electronic filing portal. Petitioner possesses system-generated proof from the Court's own portal showing a "Submitted" status for the filing. Nonetheless, the court later issued an order stating the mandate had been issued and the case was closed, denying Petitioner's motion for late entry and declining to act on further filings. Petitioner contends the refusal to correct a verified clerical/technical error—where the court's own portal reflects timely submission—deprived the Estate of a meaningful opportunity to be heard.

Clerk-Directed Cure and Refusal to Correct.

After learning that her timely November 6, 2025, Motion for Rehearing was not reflected on the docket, Petitioner promptly contacted the Clerk’s Office. The Clerk expressly instructed Petitioner to (1) re-file the November 6 motion in the form of a Motion for Reconsideration, and (2) file a separate Motion for Late Entry explaining the technical filing failure. Petitioner complied precisely with that guidance and submitted both filings, including documentary proof from the Court’s electronic filing system showing timely submission. The court nevertheless denied relief, declared the case closed following issuance of the mandate, and declined to act on the filings. Petitioner contends that compliance with clerk-directed procedures followed by refusal to correct a verified system error resulted in a state-created forfeiture of the Estate’s opportunity to be heard. (*See App. F-G.*)

REASONS FOR GRANTING THE WRIT

This petition presents important due process questions arising from three interrelated failures of fundamental fairness: (1) a state-created forfeiture based on a verified e-filing portal malfunction, (2) a procedural trap in discovery/case structuring that foreclosed compliance and cure before imposing dismissal, and (3) later-issued federal determinations confirming missing third-party medical records outside Petitioner’s control.

I. The State’s Mandatory E-Filing Malfunction and Refusal to Correct a Verified “Submitted” Filing Deprived Petitioner of Procedural Due Process.

A. Due process protects the right to a meaningful opportunity to be heard.

Procedural due process requires notice and a meaningful opportunity to be heard before the State deprives a person of protected property interests. *See Mathews v. Eldridge*, 424 U.S. 319 (1976). A state court system that mandates use of a secure electronic portal must provide procedures that do not arbitrarily extinguish rights when the litigant has complied, and the State’s own systems confirm timely submission.

B. The State cannot mandate an e-filing system and then forfeit rights when its system fails.

Petitioner complied with the New Hampshire Supreme Court’s required electronic filing system. Petitioner possesses portal-generated proof reflecting a timely “Submitted” filing. Yet the Clerk’s office failed to docket the filing and the court later treated the case as closed. When Petitioner presented the system-generated proof and sought relief, the court declined to act post-mandate.

This Court should grant review because the refusal to correct a verified administrative/technical failure constitutes arbitrary state action that deprived Petitioner of a meaningful opportunity to be heard. This error was uniquely prejudicial because

the lost filing contained newly discovered federal VA evidence material to the fairness of the discovery sanctions and to Petitioner's effort to correct the record on appeal.

C. The issue is of national importance.

As courts nationwide transition to mandatory e-filing, litigants, especially self-represented litigants, are increasingly vulnerable to back-end failures that are invisible to the filer. This case presents an important question: whether due process permits a state to mandate electronic filing and then deny access to relief when its own portal confirms timely submission.

II. The Trial Court's Discovery / Case-Structuring Process Created a Procedural Trap and Foreclosed Compliance Before Imposing Dismissal.

A. Dismissal is the most severe sanction and requires careful procedural safeguards.

Dismissal with prejudice is the most severe discovery sanction and should be reserved for egregious circumstances. Fundamental fairness requires meaningful conferral, an opportunity to cure, and proportionality before terminating a case.

Petitioner's Control, Undermining Findings of Willfulness and Supporting Relief.

A. The VA / BVA determinations are later-issued adjudicatory findings.

The VA and Board of Veterans' Appeals determinations relied upon by Petitioner were issued after the relevant trial-level discovery period and after the Superior Court's dismissal. They therefore did not exist at the time of discovery, sanctions, and initial appellate briefing. Petitioner could not have submitted adjudications that had not yet been issued.

B. The determinations confirm missing non-VA community-care records and explain record gaps.

These federal determinations reflect that required non-VA community-care medical records had not been transmitted. Petitioner contends these findings directly corroborate that critical records were missing through no fault of Petitioner. That context bears directly on whether discovery responses were willfully evasive and whether dismissal was proportionate.

C. Denial of a meaningful opportunity to present this information magnified the due process injury.

Petitioner contends the state courts imposed the most severe sanction and affirmed on a limited record while excluding material, later-issued adjudicatory findings and while refusing to correct a verified e-filing failure that prevented timely presentation of the record-correction request. The cumulative effect was a denial of a meaningful opportunity to be heard on the true procedural posture and evidentiary context.

CONCLUSION

For the foregoing reasons, the Petition for a
Writ of Certiorari should be granted.

Respectfully submitted,

/s/ Sandra J. Bezanson
Sandra J. Bezanson
Executor of the Estate of Dennis G. Bezanson
...
Petitioner, Pro Se

DATED: January 26, 2026