No. _____

IN THE SUPREME COURT OF THE UNITED STATES

UNITED SERVICES AUTOMOBILE ASSOCIATION, INC.,

Applicant,

v.

ESTATE OF SYLVIA F. MINOR, KATHRYN MINOR, AND STEPHEN MINOR.

APPLICATION FOR AN EXTENSION OF TIME IN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF MISSISSIPPI

To the Honorable Samuel A. Alito, Jr., Associate Justice of the United States and Circuit Justice for the Fifth Circuit, including the State of Mississippi:

Pursuant to 28 U.S.C. § 2101(c) and Rules 13.5, 22, and 30.2 of this Court, applicant United Services Automobile Association, Inc., respectfully requests a 60-day extension of time, to and including March 2, 2026, in which to file a petition for a writ of certiorari in this Court. Following denial of a timely rehearing motion without further opinion by an evenly divided court, the Supreme Court of Mississippi entered judgment on October 2, 2025, in *United Services Automobile Association, Inc.* v. *Estate of Sylva F. Minor*, et al., No. 2023-CA-00049-SCT. A copy of the decision

below, which is reported at 418 So. 3d 1173 (Miss. 2024), r'hing denied (Oct. 2, 2025), is attached as Exhibit 1. A copy of the judgment and order denying rehearing is attached as Exhibit 2. This Court's jurisdiction would be invoked under 28 U.S.C. § 1254(1). Absent an extension, a petition for a writ of certiorari is due on December 31, 2025. This application is being filed more than ten days in advance of that date, and no prior application has been made.

This case implicates the due process limits on punitive damages when a plaintiff has already recovered substantial compensatory damages. See *State Farm Mutual Auto Insurance Co.* v. *Campbell*, 538 U.S. 408, 425 (2004); *BMW of North America* v. *Gore*, 517 U.S. 559, 582 (1996). "When compensatory damages are substantial, then a lesser ratio, perhaps only equal to compensatory damages, can reach the outermost limit of the due process guarantee." *State Farm*, 538 U.S. at 425. *State Farm* teaches that this concern is heightened when, as here, the plaintiff incurred only economic harm. *Id.* at 419, 426.

In the two decades since *State Farm* was decided, however, lower courts have irretrievably diverged in applying its guidance. Some have recognized that, even if the "exercise" is "imprecise," the Constitution directs that "a punitive damages award can be so out of whack that it screams a violation of due process," and that jurors are "often left to pick a number out of the sky, tethered to nothing more than the jury's emotional reaction to the misdeeds of a corporation with deep pockets." *Williams* v. *First Advantage LNS Screening Sol'ns*, 947 F.3d 735, 762–68 (11th Cir. 2020) (Fair Credit Reporting Act case; remitting punitive damages to 4:1 ratio); accord, *e.g.*,

Jurinko v. *Med. Protective Co.*, 305 F. App'x 13, 27–28 (3d Cir. 2008) (remitting punitive damages to 1:1 ratio in insurance bad-faith case involving $1,658,345 in contractual damages); *Bridgeport Music, Inc.* v. *Justin Combs Pub.*, 507 F.3d 470, 490 (6th Cir. 2007) (copyright case; "Given the large compensatory damages award of $366,939, a substantial portion of which contained a punitive element, and the low level of reprehensibility of defendants' conduct, a ratio of closer to 1:1 or 2:1 is all that due process can tolerate in this case."); *UnitedHealthCare Ins. Co.* v. *Fremont Emer. Servs. (Mandavia), Ltd*, 570 P.3d 107, 126–27 (Nev. 2025) (Prompt Pay Act and other statutory-damages case; reducing to 1:1 ratio where plaintiff recovered $2,650,512 in compensatory damages).

Some lower courts, however, have read *State Farm*'s instructions much more fluidly. The reporters abound with decisions imposing significant punitive damages on top of substantial compensatory damages. See, *e.g.*, *Masters* v. *City of Indep.*, 998 F.3d 827, 842 (8th Cir. 2021) (holding that district court erred by reducing punitive damages and increasing ratio to 9:1); *In re 3M Combat Earplugs Prods. Liab. Litig.*, 2022 WL 18539719, at *4 (N.D. Fla. Dec. 29, 2022) (holding compensatory damages of nearly $1 million not " 'substantial' enough to warrant a 1:1 ratio" and instead approving 9:1 ratio); *Doe* v. *Parrillo*, 185 N.E.3d 1248, 1264 (Ill. 2021) (reinstating $8 million punitive award that lower court had reduced to equal $1 million compensatory damages).

Though by no means standing alone, State courts are frequently even more willing to downplay *State Farm*'s instructions. See, *e.g.*, *Ingham v. Johnson*

& Johnson, 608 S.W.3d 663, 723 (Mo. Ct. App. 2020) (affirming punitive damages award of $4.14 billion against $550 million in compensatory damages "[b]ecause Defendants are large, multi-billion dollar corporations"); *Yung* v. *Grant Thornton, LLP*, 563 S.W.3d 22, 72 (Ky. 2018) (reinstating $80 million punitive award against accounting firm held liable for $20 million in compensatory damages for economic harm); *Bullock* v. *Philip Morris USA, Inc.*, 198 Cal. App. 4th 543, 573 (2011) (affirming 16:1 ratio where plaintiff recovered $850,000 in compensatory damages for physical injury); see also Benjamin J. Michael et al.., *Bringing Predictability to the Chaos of Punitive Damages*, 54 Ariz. St. L. J. 471 (2022) (analyzing continued unpredictability in punitive damage awards and prevalence of "blockbuster" punitive damage awards post-*State Farm* and proposing a strict 3:1 ratio in cases not involving death or injury).

With all respect, the decision below comes close to treating *State Farm* as an advisory opinion. In a homeowner's insurance bad-faith case, in which no person was injured, Applicant was held liable for $1,547,293 in contractual and $457,858 in extracontractual damages. A jury imposed $10,000,000 in punitive damages, and the court below affirmed the punitive damages award despite the 5:1 ratio. Without meaningfully addressing this Court's reprehensibility factors and guideposts, it instead reasoned, in just two paragraphs, that the award of contractual damages was ".00025 of USAA's reported net worth and less than seven times the amount of punitive damages, which clearly falls within the guideline provided in *Campbell*." Ex. 1, 418 So. 3d at 1187–88.

The decision below also questioned whether *State Farm* imposes binding limits on punitive damages at all, suggesting instead that a 526:1 ratio remains permissible under pre-*State Farm* authority. See Ex. 1, 418 So. 3d at 1187 n.8 ("[A]lthough *Campbell* stated that '[s]ingle-digit multipliers are more likely to comport with due process, [this Court] did not overrule *TXO Production Corp. v. Alliance Resources Corp.*, 509 U.S. 443, 453 [parallel citations omitted] (1993), which affirmed a 526:1 damages ratio."). Of course, this Court has soundly rejected such "breathtaking" punitive-damage awards. See *Gore*, 517 U.S. at 583 (holding due process precluded punitive-damages award that was "breathtaking" 500 times greater than plaintiff's compensatory damages for purely economic harm).[1]

The damage was not done. Although the trial court found the $10,000,000 punitive-damages award made an additional award of attorneys' fees inappropriate, the court below reversed and added $4.5 million in attorneys' fees, based solely on a putative 45 percent contingency-fee agreement. Ex. 1, 418 So. 3d at 1189–91. Concurring and dissenting members of the court below recognized this was done "with no analysis or authority" and despite "no admissible evidence of attorneys' fees and no reasonableness determination under Rule 1.5 of the Mississippi Rules of Professional

[1] The court below did not acknowledge that *TXO Production* was a split decision, resulting in only a plurality opinion. 509 U.S. at 446 ("Justice STEVENS announced the judgment of the Court and delivered an opinion, in which the CHIEF JUSTICE and Justice BLACKMUN join, and in which Justice KENNEDY joins as to Parts I and IV."); see *Exxon Shipping Co. v. Baker*, 554 U.S. 471, 499 (2008) (citing "plurality opinion" in *TXO Production*). Two Justices, who would not impose due-process limits on punitive damages, concurred in the judgment in *TXO Production*. 509 U.S. at 470 (Scalia, J., concurring in the judgment). With all respect to the court below, the result in *TXO Production* does not survive *Gore* and *State Farm*.

Conduct." *Radco Fishing & Rental Tools, Inc.* v. *Comm. Res., Inc.*, 407 So. 3d 167, 200 (Miss. 2025) (Griffis, J., concurring in part and dissenting in part); see also Ex. 1, 418 So. 3d at 1193–94 (Maxwell, J., concurring in part and dissenting in part) ("The majority also finds error because the Minor Estate will have to pay taxes. But the majority cites no legal authority that it is reversible error to not take into account tax consequences of a punitive-damages award. Nor can it. We all have to pay taxes."); 418 So. 3d at 1195 (Griffis, J., dissenting) ("It is simply astounding that a majority of the Justices of this Court have decided to render an award of $4,500,000 in attorneys' fees, with no citation of any legal authority for this remarkable and unprecedented award."). By adding $4,500,000 in fees as a 45% multiplier of the jury's $10,000,000 punitive damages award, the court below effectively raised the total punitive damages award to $14,500,000—a 7:1 ratio.

Due process requires far more. This case presents a clean vehicle for this Court to resolve a question that has vexed lower courts for more than two decades: the constitutional outer limit for punitive damages in cases that involve substantial compensatory recoveries.

Undersigned counsel is working diligently but respectfully submits that additional time is necessary to complete preparation of a petition for a writ of certiorari. The requested 60-day extension would allow counsel to fully examine the decision below's consequences, research and analyze the issues presented, and prepare the petition for filing. Undersigned counsel has also faced numerous overlapping deadlines in other matters, including summary judgment briefing in *Isis Benjamin, et al.*

v. *Commissioner Tyrone Oliver, et al.*, No. 1:25-cv-04470 (N.D. Ga.), appellate briefing in *Joshua Horton* v. *Centurion of Tennessee, LLC*, No. 25-5608 (11th Cir.), preparation for the December 9, 2025, oral argument in *Spurlock* v. *Wexford Health Sources, Inc.*, No. 25-2038 (4th Cir.), as well as family travel and commitments associated with the Thanksgiving and Christmas holidays.

The requested extension would also permit any *amici* who desire to support the petition additional time to prepare appropriate filings.[2]

Wherefore, Applicant respectfully requests that an order be entered extending its time to file a petition for writ of certiorari up to and including March 2, 2026.

Respectfully submitted.

MICHAEL J. BENTLEY
Counsel of Record
JAMES STEPHEN FRITZ, JR.
BRADLEY ARANT BOULT CUMMINGS LLP
188 E. Capitol Street, Suite 1000
Jackson, Mississippi 39201
(601) 948-8000
mbentley@bradley.com

December 9, 2025

[2] More than 25 *amici*—including Mississippi's chamber of commerce, elected insurance commissioner, and former governor Haley Barbour—supported Applicant's rehearing motion in the court below.

CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 29.6 of this Court, applicant United Services Automobile Association, Inc., states that it has no parent corporation and that no publicly held company owns 10 percent or more of its stock.

MICHAEL J. BENTLEY
Counsel of Record
JAMES STEPHEN FRITZ, JR.
BRADLEY ARANT BOULT CUMMINGS LLP
188 E. Capitol Street, Suite 1000
Jackson, Mississippi 39201
(601) 948-8000
mbentley@bradley.com