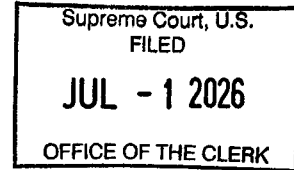


26-175

No. \_\_\_\_\_



---

In the  
**Supreme Court of The United States**

---

SUSAN ROMANOV

*Petitioner,*

v.

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY  
*Respondent.*

---

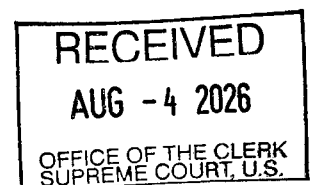
*On Petition for a Writ of Certiorari to the  
United States Court of Appeals  
for the Sixth Circuit*

---

**PETITION FOR A WRIT OF CERTIORARI**

---

SUSAN ROMANOV,  
PETITIONER, PRO SE  
1874 COUNTRY MEADOWS DRIVE  
SEVIERVILLE, TN 37862  
865-919-7419  
SUSAN@DRAGONFLYEMAIL.COM



## **QUESTIONS PRESENTED FOR REVIEW**

### **1. The Subject-Matter Jurisdiction and Court-Inflicted Capping Issue:**

Whether a federal district court divests itself of diversity subject-matter jurisdiction under 28 U.S.C. § 1332(a) when the court itself—through independent intervention rather than a voluntary amendment by the plaintiff—actively strips the plaintiff's statutory bad-faith and punitive damages claims, enters pretrial orders capping maximum recovery at \$69,162.87, and subsequently forces a *pro se* litigant to a federal jury trial on a claim falling entirely and to a legal certainty below the statutory \$75,000 threshold.

### **2. The Article III Court Integrity and Substantive Clerk Signature Issue:**

Whether an Article III appellate court violates the Separation of Powers and constitutional Due Process by permitting unconfirmed administrative clerks and caseworkers to intercept, delay, and sign final judicial orders dismissing appeals and entering \$0 judgments, thereby completely insulating substantive trial court errors from review by Senate-confirmed federal judges.

### **3. The Court Reporter Act, Transcript Spoliation, and FRAP 10(e) Paradox:**

Whether a federal court violates a civil litigant's Fifth Amendment Due Process right to a meaningful appeal by adjudicating the merits based on an officially certified transcript that is

demonstrably missing critical interactions and oral motions for a mistrial—replaced by arbitrary ellipses (“...”)—and whether Federal Rule of Appellate Procedure 10(e) permits an appellate court to blindly defer to a district court’s refusal to augment the record when raw audio backup recordings proving judicial bias and transcript fraud are uniquely within that district court’s control.

**4. The Coerced Settlement and Independent Duty to Investigate Fraud Issue:**

Whether a federal court’s inherent, unyielding obligation to fully investigate colorable allegations of fraud upon the court under *Hazel-Atlas* and *Universal Oil* to protect its institutional integrity is automatically rendered moot by a subsequent confidential agreement, when that agreement was directly coerced by the underlying fraud and ultimately breached by the fraudulent party to evade a lawful \$200,000 default judgment.

**5. The Technological Coercion and Right to Testify Issue:**

Whether a trial court violates procedural Due Process under *Mathews v. Eldridge* by enforcing a rigid electronic-exhibit mandate, running a *pro se* litigant’s non-tolled 90-minute trial clock during court-owned hardware failures, and actively denying functional, alternative presentation workarounds—such as the presentation via the clerk’s terminal or central podium—thereby executing a constructive forfeiture of the party’s fundamental right to testify.

**6. The Structural Courtroom Exclusion and Jury Contamination Issue:**

Whether a federal court deprives a physically disabled *self-represented* litigant of Due Process, Equal Protection, and her Seventh Amendment right to a fair trial by failing to provide physical wheelchair access to the podium and witness stand, forcing compliance under threats of immediate dismissal, and subsequently empaneling a six-person civil jury comprised heavily of the corporate defendant's active policyholders, including an individual who confessed on the record a fear of premium retaliation.

**LIST OF PARTIES and CORPORATE  
DISCLOSURE STATEMENT**

Petitioner *Susan Romanov*<sup>1</sup> was the plaintiff-appellant in the courts below. Respondent *State Farm Mutual Automobile Insurance Company* was the defendant-appellee in the courts below.

Pursuant to Supreme Court Rule 29.6, Petitioner Susan Romanov is an individual, not a corporation.

---

<sup>1</sup>Susan Romanov was formerly Susan Carrichner

## STATEMENT OF RELATED PROCEEDINGS

The proceedings in the federal trial and appellate court directly related the parties to this case in this Court are:

- *Susan Carrichner v. State Farm Mutual Automobile Insurance Company*, No. 3:19-cv-00090, U.S. District Court for the Eastern District of Tennessee. Conditional Voluntary Dismissal entered September 24, 2020.
- *Susan Romanov v. State Farm Mutual Automobile Insurance Company*, No. 20-6205, U.S. Court of Appeals for the Sixth Circuit. Judgment entered February 4, 2022.
- *Susan Romanov v. State Farm Mutual Automobile Insurance Company*, No. 24-5457, U.S. Court of Appeals for the Sixth Circuit. Voluntary Dismissal entered July 11, 2024.
- *Susan Romanov v. State Farm Mutual Automobile Insurance Company*, No. 3:22-cv-00443, U.S. District Court for the Eastern District of Tennessee. Judgment entered July 8, 2024.
- *Susan Romanov v. State Farm Mutual Automobile Insurance Company*, No. 25-5123, U.S. Court of Appeals for the Sixth Circuit. Writ Of Mandamus Judgment entered June 3, 2025.
- *Susan Romanov v. State Farm Mutual Automobile Insurance Company*, No. 24-5997, U.S. Court of Appeals for the Sixth Circuit. Judgment entered April 2, 2026.

## TABLE OF CONTENTS

|                                                                                                                                                                                                                                        |      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| QUESTIONS PRESENTED .....                                                                                                                                                                                                              | i    |
| LIST OF PARTIES TO THE PROCEEDINGS &<br>CORPORATE DISCLOSURE STATEMENT .....                                                                                                                                                           | iii  |
| RELATED PROCEEDINGS .....                                                                                                                                                                                                              | vi   |
| TABLE OF CONTENTS .....                                                                                                                                                                                                                | v    |
| TABLE OF AUTHORITIES .....                                                                                                                                                                                                             | viii |
| OPINIONS AND ORDERS BELOW .....                                                                                                                                                                                                        | ix   |
| JURISDICTION .....                                                                                                                                                                                                                     | x    |
| CONSTITUTIONAL AND STATUTORY<br>PROVISIONS INVOLVED .....                                                                                                                                                                              | xi   |
| STATEMENT OF THE CASE .....                                                                                                                                                                                                            | 1    |
| <i>Factual Background and the Coerced<br/>    Settlement Loophole</i> .....                                                                                                                                                            | 1, 2 |
| <i>The Court-Inflicted Jurisdictional Deficit</i> .....                                                                                                                                                                                | 2, 3 |
| <i>Structural Asymmetry, Disability Access, and<br/>    Technical Failures At Trial</i> .....                                                                                                                                          | 3, 4 |
| <i>Jury Contamination &amp; Transcript Spoliation</i> ..                                                                                                                                                                               | 4, 5 |
| <i>The Procedural Catch-22 and Clerk-Executed<br/>    Dismissal</i> .....                                                                                                                                                              | 5, 6 |
| REASONS FOR GRANTING THE PETITION .....                                                                                                                                                                                                | 6    |
| I. The District Court Violated Due Process<br>By Actively Withholding Pretrial And<br>Jurisdictional Rulings, Forcing A Blind Trial<br>Environment In Clear Defiance Of The \$75,000<br>Statutory Minimum Under 28 U.S.C. § 1332. .... | 6    |

|                                                                                                                                                                                                                                                                                                                   |    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| II. The Lower Courts Erred In Holding That A Trial Court May Mechanically Enforce Local Case Management Deadlines To Exclude A Vital Adverse Witness When The Court's Own Late-Issued Order Rendered Compliance A Physical Impossibility And The Unadjudicated Pretrial Motions Caused Evidentiary Barriers. .... | 9  |
| III. A Federal Appellate Court Cannot Evade Its Inherent Duty To Investigate Fraud Upon The Court By Mechanically Enforcing Local Appellate Waiver Rules. ....                                                                                                                                                    | 10 |
| IV. An Administrative Appellate Clerk Cannot Exercise Article III Judicial Power by Entering Final, Substantive, And Dispositive Judgments. ....                                                                                                                                                                  | 12 |
| V. A Federal Court Violates Due Process By Utilizing Or Sanctioning Incomplete Trial Transcripts That Defeat the Constitutional Right To Meaningful Appellate Review. ....                                                                                                                                        | 13 |
| VI. The Sixth Circuit's Decision Sanctions A Systemic Deprivation of Due Process By Allowing Technical Hardware Failures To Extinguish A Litigant's Right To Present Evidence. ....                                                                                                                               | 15 |
| VII. The Lower Courts Sanctioned An Unconstitutional Structural Asymmetry That Deprives Disabled Litigants Of Equal Protection And Meaningful Access To The Courtroom. ....                                                                                                                                       | 16 |

|                                                                                                                                                                                                   |    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| VIII. An Appellate Court Cannot Apply Procedural Waiver Rules To Insulate A Deficient And Materially Altered Record When A Litigant Has Exhausted All Statutory Mechanisms For Correction. ....   | 18 |
| IX. The Structural Paradox of Rule 10(e) Violates The Ancient Maxim <i>Nemo Judex In Causa Sua</i> By Appointing The Trial Court As The Unreviewable Gatekeeper Of Its Own Record Omissions. .... | 20 |
| X. A Trial Court Violates Due Process By Imposing Coercive Physical And Temporal Constraints That Force a Constructive Forfeiture Of A Litigant’s Fundamental Right To Testify. ....              | 21 |
| XI. Under <i>Hazel-Atlas</i> , An Appellate Court Cannot Deem Substantive Fraud “Moot” Based On A Coerced Settlement Agreement that the Fraudulent Party Openly Breached. ....                    | 23 |
| CONCLUSION / PRAYER FOR RELIEF .....                                                                                                                                                              | 25 |
| SEPARATE APPENDIX .....                                                                                                                                                                           | 27 |

## TABLE OF AUTHORITIES

| Cases                                                                                                                                                                                       | Page       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <i>Boddie v. Connecticut</i> , 401 U.S. 371 (1971) .....                                                                                                                                    | 9, 16      |
| <i>Chessman v. Teets</i> , 354 U.S. 156, 162 (1957) .....                                                                                                                                   | 13         |
| <i>Federal Express Corp. v. Holowecki</i> , 552 U.S.<br>389 (2008) .....                                                                                                                    | 13         |
| <i>Hazel-Atlas Glass Co. v. Hartford-Empire Co.</i> ,<br>322 U.S. 238, 246 (1944) ..... (vii),11, 23, 24, 25                                                                                |            |
| <i>Mathews v. Eldridge</i> , 424 U.S. 319, 333 (1976)<br>..... (ii), 15, 18, 22                                                                                                             |            |
| <i>Mullane v. Central Hanover Bank &amp; Trust Co.</i> ,<br>339 U.S. 306, 313 (1950)<br>.....                                                                                               | 15         |
| <i>Samuel-Bassett v. KIA Motors America, Inc.</i> , 357<br>F.3d 392 (Ct. App., 3rd Cir. 2004) .....                                                                                         | 8, 27, 69a |
| <i>Stern v. Marshall</i> , 564 U.S. 462 (2011) .....                                                                                                                                        | 12         |
| <i>United States v. Throckmorton</i> , 98 U.S. 61<br>(1878) .....                                                                                                                           | 14         |
| <i>Torres v. State Farm Mutual Automobile Insurance<br/>Company</i> , 478 F. Supp. 2d 924 (2007) quoting<br><i>Franzel v. Kerr Mfg. Co.</i> , 959 F.2d 628, 630<br>(6th Cir.1992) 925 ..... | 8, 27, 91a |

## **PETITION FOR WRIT OF CERTIORARI**

Petitioner Susan Romanov respectfully petitions the United States Supreme Court for a Writ of Certiorari to review and vacate the final judgment and order of the United States Court of Appeals for the Sixth Circuit entered in Case No. 24-5997.

## **OPINIONS BELOW**

The order of the United States Court of Appeals for the Sixth Circuit dismissing Petitioner's appeal is unreported and is attached hereto in the Separate Appendix, App. V1, 2a.

The United States Court of Appeals for the Sixth Circuit Rule 10 Denial is unreported and attached hereto in the Separate Appendix, V1, 20a (as to Plaintiff's Statement of the 70+ missing colloquies' ("...") *Id.* attached as App., V1, 31a).

The order of the United States Court of Appeals for the Sixth Circuit denying Petitioner's extraordinary Petition for a Writ of Mandamus is unreported and is attached hereto in the Separate Appendix, V1, 23a.

The order of the United States District Court Eastern District Tennessee at Knoxville denying Petitioner's Motion to Correct the Record under Federal Rule of Appellate Procedure 10(e) is unreported and attached hereto in the Separate Appendix, V1, 51a.

The order of the United States District Court Eastern District Tennessee at Knoxville Denying New Trial is unreported and attached hereto in the Separate Appendix, V1, 57a.

The final judgment of the United States District Court Eastern District Tennessee at Knoxville is unreported and attached hereto in the Separate Appendix, V1, 61a.

The Motion Challenging Jurisdiction of the United States District Court Eastern District Tennessee at Knoxville (*Id.* attached as App., V1, 62a) and its Order capping contractual damages at \$69,162.87 pre-trial is unreported and attached hereto in the Supplemental Appendix, V2, 100a.

The United States District Court Eastern District Tennessee at Knoxville Default Judgment (set aside by a confidential agreement of parties fraudulently induced by Defendant) attached hereto in the Separate Appendix, V2, 129a, (including proof of fraud on the court, *Id.* attached as App., V2, 121a).

## **JURISDICTION**

The Court of Appeals entered its formal opinion and judgment on the merits on April 2, 2026. No petition for rehearing was filed. This Petition for a Writ of Certiorari is filed within 90 days of that date, in accordance with the United States Supreme Court Rule 13.1. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

The following constitutional provisions and federal statutes are directly involved in this action and are reproduced below pursuant to Supreme Court Rule 14.1(f):

### **U.S. Const. art. III, § 1 (The Judicial Power)**

*“The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.”*

### **U.S. Const. amend. V (The Due Process Clause)**

*“No person shall be... deprived of life, liberty, or property, without due process of law...”*

### **U.S. Const. amend. VII (The Jury Trial Clause)**

*“In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.”*

### **28 U.S.C. § 1332(a) (Diversity of Citizenship; Amount in Controversy)**

*“(a) The district courts shall have original jurisdiction of all civil actions where the matter*

*in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between—*

*(1) citizens of different States;”*

**28 U.S.C. § 753(b) (The Court Reporter Act)**

“(b) One of the digital audio recorders or other certified reporters appointed for each such court shall record verbatim by shorthand, by mechanical means, or by electronic sound recording subject to regulations promulgated by the Judicial Conference: (1) all proceedings in criminal cases had in open court; (2) all proceedings in other cases had in open court unless the parties with the approval of the judge shall specifically agree to the contrary; and (3) such other proceedings as a judge of the court may direct or as may be required by rule or order of court as may be requested by any party to the proceeding.”

**Title 28 U.S.C. § 1332(a)** (Diversity of citizenship; amount in controversy; costs) provides in part:

“The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between—

(1) citizens of different States[...]”

**Federal Rule of Appellate Procedure 10(e)**

provides in relevant part:

“(e) Correction or Modification of the Record.

(1) If any difference arises as to whether the record truly discloses what occurred in the district court, the difference shall be submitted

to and settled by that court and the record made to conform to the truth.

(2) If anything material to either party is omitted from or misstated in the record by error or accident [...], the omission or misstatement may be corrected and a supplemental record may be certified and forwarded [...] by the court of appeals.”

**Federal Rule of Appellate Procedure 40(b)(1)(A)**  
(Petition for Panel Rehearing) provides in part:

“(b) Content of a Petition.

(1) Petition for Panel Rehearing. A petition for panel rehearing must:

(A) state with particularity each point of law or fact that the petitioner believes the court has overlooked or misapprehended; and[...].”

**Federal Rule of Civil Procedure 1**

“These rules govern the procedure in all civil actions and proceedings in the United States district courts [...] to secure the just, speedy, and inexpensive determination of every action and proceeding.”

## STATEMENT OF THE CASE

This petition presents a profound breakdown of judicial integrity and due process at both the federal and appellate level especially for civil *pro se* litigants. Petitioner did not proceed *pro se* out of a disregard for the legal profession or an attempt to circumvent statutory fees. Rather, Petitioner was forced into a self-represented posture mid-litigation due to an unforeseen conflict of interest that compelled her interim counsel to withdraw.

Following this sudden transition, the District Court's subsequent rulings froze Petitioner into a severely compromised procedural posture framework resulting from a disavowed confidential settlement. By denying Petitioner's timely motions to amend her complaint—while simultaneously enforcing a strict damages cap—the District Court rendered Petitioner structurally unrepresented, stripped of discovery, and barred from restoring her bad-faith claims in direct conflict with precedential controlling state law. The operational facts of this dispute are detailed chronologically below.

### **Factual Background and the Coerced Settlement Loophole**

This matter originated as a breach of contract and bad-faith action filed by Petitioner against Respondent State Farm Mutual Automobile Insurance Company (hereinafter "State Farm") for the non-payment of an insurance claim regarding a stolen truck. Petitioner initially invoked the diversity

jurisdiction of the federal district court. Following an initial failure by Respondent to answer the complaint, a valid, proximate \$200,000.00 default judgment was entered in favor of Petitioner.

Respondent subsequently introduced a factual timeline under oath to establish excusable neglect and successfully vacate the default judgment. Petitioner discovered, and presented uncontradicted documentary proof establishing, that Respondent's timeline was fabricated. Despite colorable evidence of fraud upon the court, the District Court summarily deferred conducting an evidentiary hearing on the matter, up to and including trial.

During the initial stages of the multi-year pendency of these proceedings, Respondent utilized its unexamined, fabricated timeline as a structural lever to compel Petitioner into a confidential settlement agreement. Upon securing a conditional dismissal of the active claims, Respondent ultimately refused to perform its obligations under the agreement, leaving Petitioner without an available administrative or contractual remedy.

### **The Court-Inflicted Jurisdictional Deficit**

Following the forced withdrawal of Petitioner's interim legal counsel, Petitioner proceeded *pro se*. Petitioner promptly moved the District Court for leave to amend the operative complaint to restore the statutory bad-faith claims and punitive damages prayers that had been stripped during the confidential settlement agreement. The District Court flatly denied the motion.

The District Court then entered a series of restrictive pretrial orders limiting the scope of the trial exclusively to a basic breach of contract theory. Crucially, the court imposed a strict judicial cap on her maximum recovery, setting the absolute limit at \$69,162.87. Petitioner raised immediate, formal challenges to the court's ongoing subject-matter jurisdiction during pretrial conferences and again at trial, asserting that because the court's own independent intervention reduced the amount in controversy to a legal certainty below the \$75,000.00 threshold required by 28 U.S.C. § 1332(a), the court was statutorily obligated to dismiss the action.

The District Court refused to rule on the jurisdictional defect and forced the case forward to a federal jury trial.

### **Structural Asymmetry, Disability Access, and Technical Failures At Trial**

Petitioner, a physically disabled individual suffering from a broken ankle and dependent on a wheelchair during the trial, faced severe physical and temporal restrictions in the courtroom. The District Court enforced a rigid 8:00 A.M. courtroom seating deadline under explicit threat of immediate dismissal of the action, despite the physical reality that the courtroom doors were declared locked until that exact hour. Petitioner was barred from utilizing her chosen physical assistant or outwardly showing any sign of pain to the jury and was forced to physically struggle up the un-adapted witness stand stairs on one foot in acute pain, a structural exclusion completely hidden

by a minimizing instruction to the jury.

The District Court strictly mandated that all trial exhibits be presented exclusively via an electronic display system. At trial, the court-owned hardware infrastructure at the witness stand suffered a severe physical connectivity failure. Rather than tolling the trial clock, the District Court ordered Petitioner's strict, non-negotiable 90-minute trial presentation countdown to continue running while Petitioner's assistant attempted to diagnose the technical malfunction from across the room.

Petitioner requested immediate, non-disruptive administrative workarounds, including utilizing the central podium or the court clerk's fully functional presentation terminal to have the clerk display her pre-submitted exhibits. The District Court denied these requests. Conversely, the court actively commanded the court clerk to remove Petitioner's fraud-upon-the-court exhibits from the electronic jury monitors. On that identical afternoon, the District Court deployed on-site information technology staff to resolve hardware freezes affecting the judicial bench, establishing a dual-standard administration of courtroom infrastructure.

### **Jury Contamination and Transcript Spoliation**

During jury selection, the District Court empaneled a six-person civil jury comprised heavily of active policyholders of Respondent. Petitioner raised immediate, strenuous objections during a sidebar conference when an individual juror confessed on the record a fear of direct financial retaliation—

specifically the cancellation of his insurance coverage or an inflation of his premiums—if he rendered a verdict against the corporation. The District Court overruled the objections and allowed the contaminated panel to be seated.

Upon receiving the certified trial transcript from the Official Court Reporter, Petitioner discovered that the record had been systematically hollowed out. The transcript entirely excised the sidebar exchanges regarding jury bias, Petitioner's oral motions for a mistrial, and Petitioner's verbal challenges to subject-matter jurisdiction. The court reporter replaced these critical interactions with arbitrary ellipses ("...").

### **The Procedural Catch-22 and Clerk-Executed Dismissal**

Petitioner immediately sought to repair the compromised record. Pursuant to Federal Rule of Appellate Procedure 10(e), Petitioner moved the District Court to correct the transcript, supporting the motion with an uncontradicted third-party affidavit detailing the omissions. The District Court summarily denied the motion. Petitioner then filed an extraordinary Petition for a Writ of Mandamus in the Court of Appeals to compel the release of the court's original "real-time" backup audio recordings, which remained uniquely within the lower court's custody. The Court of Appeals denied the writ. Petitioner subsequently moved the appellate panel to augment the record; this motion was also denied.

In adjudicating the merits of the appeal, the Court of Appeals applied strict forfeiture and technical “skeletal argument” rules. The panel ruled that Petitioner had waived her core constitutional claims regarding jury contamination and judicial bias because the supporting interactions did not physically appear within the certified record—the exact record the lower courts actively blocked Petitioner from repairing. Furthermore, the substantive order terminating the controversy and entering a final \$0 judgment against Petitioner was intercepted, processed, and signed exclusively under the administrative signature of an unconfirmed appellate clerk, bypassing any recorded review by a Senate-confirmed Article III judge.

## **REASONS FOR GRANTING THE PETITION**

### **I. The District Court Violated Due Process By Actively Withholding Pretrial And Jurisdictional Rulings, Forcing A Blind Trial Environment In Clear Defiance Of The \$75,000 Statutory Minimum Under 28 U.S.C. § 1332.**

The District Court’s structural overreach culminated in a total collapse of federal subject-matter jurisdiction. Following the forced withdrawal of Petitioner’s interim counsel, the District Court barred Petitioner from amending her complaint to restore the bad-faith claims and punitive damages

prayers that had been stripped during the confidential settlement agreement. By ordering that the case to proceed exclusively under a breach of contract theory with a strict judicial damages cap of \$69,162.87, the District Court itself reduced the amount in controversy to a sum legally certain to fall below the absolute \$75,000.00 threshold required by 28 U.S.C. § 1332(a). Petitioner raised immediate, formal challenges to the court's ongoing subject-matter jurisdiction during pretrial conferences and again at trial, asserting that the court was statutorily obligated to dismiss the low-value state law claim or permit an unconditioned voluntary dismissal as to all potential causes of action.

The District Judge flatly refused to rule on the jurisdictional defect, forced the case to a federal jury trial, and subsequently excised all verbal mentions of the jurisdictional challenges from the official transcript, substituting the text with ellipses ("..."). It is a debilitating structural error. Instead of acting as a neutral referee, the judge used his authority to protect State Farm, while using administrative rules to strip a self-represented litigant of her constitutional right to a fair trial.

Federal courts have strict limits on what they can hear. When Petitioner's attorney withdrew, the judge blocked her from amending her lawsuit, stripped Petitioner's punitive damages, and capped her potential recovery at \$69,162.87. At that exact moment, it became a 'legal certainty' that Petitioner's case fell below the \$75,000 federal minimum. The

judge was required by law to dismiss the case or send it to a state court. Instead, he kept the case just to force a trial positioning a fully insured Petitioner to legally lose when State Farm did not pay her as an insured for the theft of a truck in bad-faith in what became an unconstitutional procedure ambush. See *Torres v. State Farm Mut. Auto. Ins. Co.*, 478 F. Supp. 2d 924 (2007) quoting *Franzel v. Kerr Mfg. Co.*, 959 F.2d 628, 630 (6th Cir.1992) 925 (Full text, App. V2, 92a) This case was provided to both lower courts.

This Court's intervention is necessary to resolve a critical and recurring question of federal jurisdiction that impacts millions of litigants nationwide. First, this case presents an exceptionally important issue regarding the stability of federal diversity jurisdiction. While it is well-settled that post-filing events driven by the parties rarely divest a court of jurisdiction, lower courts remain deeply divided on whether a *court-initiated* reduction of the amount in controversy to a legal certainty destroys jurisdiction mid-litigation. (*Samuel-Bassett v. KIA Mtrs. Amer., Inc.*, 357 F. 3d 392 (Ct. App., 3rd Cir. 2004) (App. 69a).

Leaving this issue unresolved creates an unfair double standard for plaintiffs who properly invoke federal jurisdiction at the outset. Second, this case highlights a profound structural conflict concerning the *Erie* doctrine and due process. Lower courts require clear guidance on whether a federal court is mandated to apply state statutes and state common law procedural rules to a voluntary dismissal when *not* doing so effectively strips a litigant of their

fundamental right to due process. These are not isolated procedural anomalies. Because millions of citizens are legally required to maintain automobile insurance, they are perpetually at risk of being trapped in this jurisdictional vacuum. This Court should grant review to establish clear, predictable jurisdictional boundaries and to safeguard the due process rights of everyday litigants.

**II. The Lower Courts Erred In Holding That A Trial Court May Mechanically Enforce Local Case-Management Deadlines To Exclude A Vital Adverse Witness When The Court's Own Late-Issued Order Rendered Compliance A Physical Impossibility And The Unadjudicated Pretrial Motions Caused Evidentiary Barriers.**

The decision below countenanced a structural breakdown in the administration of justice. By executing the remote witness order a mere *three* business days before trial, the district court created an insurmountable conflict with a local ten-day notification rule, resulting in the automatic exclusion of Petitioner's primary adverse witness. Under this Court's foundational precedent in *Boddie v. Connecticut*, 401 U.S. 371 (1971), due process strictly prohibits the judiciary from erecting arbitrary procedural barriers that deny litigants a meaningful opportunity to be heard.

This procedural trap was compounded by a compressed pretrial schedule. The district court

conducted the final pretrial conference only one week prior to trial and deferred ruling on critical motions in limine until the morning of trial. When a federal court withholds essential evidentiary boundaries until the literal eve of trial, it deprives litigants of the predictable framework required to navigate complex federal jury proceedings. This Court should grant review to establish clear constitutional limits on a trial court's authority to weaponize local docket-management rules in a manner that defeats fundamental due process guarantees. Here, the court's delayed signature on pretrial orders compressed the trial preparation window to a matter of hours, forcing the exclusion of State Farm's claims manager—the core witness required to establish Petitioner's breach of contract claim.

A trial structured around late-stage evidentiary blocks and unresolved pretrial motions ceases to be an adversarial search for the truth. Instead, it becomes an arbitrary barrier to judicial access. Review is urgently needed to determine whether the mechanical enforcement of local rules on the eve of trial violates the constitutional right to be heard when the litigant's non-compliance is caused solely by the court's own administrative delay. This Court's review is also essential to clarify the limits to which a trial court may impose on a pro se self-represented litigant on merely the eve of trial.

### **III. A Federal Appellate Court Cannot Evade Its Inherent Duty To Investigate Fraud**

### **Upon The Court By Mechanically Enforcing Local Appellate Waiver Rules.**

The decision below creates a dangerous precedent by allowing local appellate waiver rules to insulate allegations of structural fraud and record tampering from judicial review. This Court has long established that a federal tribunal's obligation to investigate a fraud upon the court is absolute and unyielding, overriding standard procedural finality and temporal limits. *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 246 (1944). When a litigant presents colorable evidence of corrupted records, an appellate court cannot refuse to exercise its inherent power by claiming a party failed to satisfy a clerical or formatting hurdle.

Here, the court below enforced an unconstitutional procedural barrier. Despite having full administrative notice of the extensive four-year procedural history through prior appeals and a related petition for a writ of mandamus, the Sixth Circuit declared the core constitutional issues waived. It did so on the grounds that Petitioner failed to manually reproduce thousands of pages of historical record within an appellate brief—an act rendered physically impossible by the court's strict statutory word-count requirements.

While federal circuits retain broad authority to manage their dockets and enforce briefing rules, those rules cannot be applied in a vacuum to defeat constitutional due process. When self-represented *pro se* litigants must navigate complex appellate

frameworks, their access to justice cannot be conditioned on satisfying a procedural catch-22. This Court should grant review to clarify that a circuit court's interest in strict procedural enforcement must yield when its mechanical application effectively conceals an institutional fraud upon the judiciary.

#### **IV. An Administrative Appellate Clerk Cannot Exercise Article III Judicial Power by Entering Final, Substantive, and Dispositive Judgments.**

The decision below tolerates a profound violation of Article III of the United States Constitution by permitting an unconfirmed, administrative clerk to execute final, dispositive judgments. Under this Court's well-established separation-of-powers jurisprudence, the judicial power of the United States may only be exercised by judges who enjoy lifetime tenure and salary protection. *Stern v. Marshall*, 564 U.S. 462 (2011). Administrative staff and non-judicial personnel are constitutionally barred from deciding the ultimate merits of a lawsuit or entering final judgments that extinguish a litigant's claims.

While Federal Rule of Appellate Procedure 45 permits clerks to oversee routine ministerial and administrative functions, these staff members cannot act as substantive gatekeepers. They lack the constitutional authority to vet whether an appeal is "allowable," intercept core filings, or issue a final \$0 judgment that terminates an appellate

controversy. See *Federal Express Corp. v. Holowecki*, 552 U.S. 389 (2008).

Here, the structural integrity of the appellate process broke down completely. The only substantive order entered by an Article III judge in the court below addressed separate lower-court rule compliance. The final dispositive action terminating Petitioner's appeal—and cementing the lower court's altered transcripts—was executed under the signature of an administrative clerk. This Court should grant review to clarify that a federal appellate clerk's authority is strictly confined to administrative duties, and that any system permitting non-judicial staff to decide, intercept core filings or issue final dispositive judgments violates structural due process and abdicates the core mandates of Article III.

**V. A Federal Court Violates Due Process By Utilizing Or Sanctioning Incomplete Trial Transcripts That Defeat The Constitutional Right To Meaningful Appellate Review.**

The decision below establishes a dangerous precedent by permitting a final judgment to stand upon a critically compromised and hollowed-out trial record. This Court has long held that a litigant is constitutionally entitled to a fair and accurate record for appeal. Thus, when a trial transcript is altered or materially incomplete, the right to meaningful appellate review is effectively extinguished. See *Chessman v. Teets*, 354 U.S. 156, 162 (1957).

Here, the structural integrity of the record collapsed in many ways that were omitted from the record, i.e. during a critical sidebar conference regarding jury bias. Petitioner raised immediate, strenuous objections after a juror voiced financial anxieties that threatened their impartiality and the number of jurors in the jury pool who were State Farm customers. However, the official trial transcript provided by the court reporter systematically excised this entire constitutional exchange, replacing the juror's disclosures and Petitioner's subsequent objections with arbitrary ellipses ("..."). By certifying a record stripped of the very objections necessary to preserve issues for appeal, the lower court insulated its own proceedings from review and created an unconstitutional barrier to appellate correction.

This structural defect was further compounded by the court's wholesale refusal to address colorable evidence of fraud upon the court. For over four years, the district court summarily denied Plaintiff an evidentiary hearing despite a showing that a corporate litigant introduced a fabricated timeline under oath to vacate a \$200,000 default judgment. Under the unyielding rule of *United States v. Throckmorton*, 98 U.S. 61 (1878), the judiciary possesses an independent obligation to root out fraud that corrupts the mechanisms of justice. When a trial court actively denies an evidentiary hearing on fraud and relies on an excised transcript, the adversarial process ceases to be transparent. This Court should grant review to reaffirm that the material omission of

an official trial record violates the core tenets of Fifth Amendment Due Process.

**VI. The Sixth Circuit's Decision Sanctions A Systemic Deprivation Of Due Process By Allowing Technical Hardware Failures To Extinguish A Litigant's Right To Present Evidence.**

This Court should grant review because the lower courts have permitted administrative rigidity and technical anomalies to swallow fundamental constitutional guarantees. This Court has long held that procedural due process requires, at a minimum, "that deprivation of life, liberty or property by adjudication be preceded by notice and opportunity for hearing appropriate to the nature of the case." *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 313 (1950). Crucially, that opportunity to be heard must be granted "at a meaningful time and in a meaningful manner." *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

In the present case, the district court rendered Petitioner's constitutional right to a hearing entirely illusory. The court imposed an unyielding electronic mandate for the presentation of trial exhibits, yet flatly refused to permit available, non-disruptive remedies when the court's own internal video connectivity infrastructure failed. A federal tribunal cannot constitutionally condition the right to present core evidence on the flawless operation of court-owned hardware, while simultaneously barring a litigant

from utilizing fully functional, alternative display platforms—such as the clerk’s presentation of evidence in her terminal or from the central podium.

By affirming this conduct, the Sixth Circuit has sanctioned an unconstitutional paradigm where a citizen’s right to a jury trial is dictated by hardware connectivity rather than legal merit. This Court’s intervention is urgently required to reestablish that technical infrastructure is an administrative tool designed to facilitate justice, not an arbitrary barrier used to lock litigants out of the fact-finding process. *See Boddie v. Connecticut*, 401 U.S. 371, 374 (1971) (holding that due process prohibits the state from erecting arbitrary barriers that deny meaningful access to judicial proceedings).

**VII. The Lower Courts Sanctioned An  
Unconstitutional Structural Asymmetry  
That Deprives Disabled Litigants Of  
Equal Protection And Meaningful Access  
To The Courtroom.**

This Court should grant review to resolve a critical question regarding whether a federal court violates the Equal Protection and Due Process guarantees of the Constitution by enforcing a rigid, disparate administration of courtroom resources that penalizes a self-represented or any litigant’s physical and technical vulnerability. Due process demands an uncompromised level playing field; a fair trial in a fair tribunal remains a baseline requirement of the American judicial system. *In re Murchison*, 349 U.S.

133, 136 (1955).

When a federal tribunal deploys on-site technological personnel to resolve system interruptions affecting the judicial bench but denies those identical administrative remedies to a physically disabled, *pro se* party facing an urgent, non-tolled evidentiary countdown, the tribunal ceases to operate as a neutral forum. This systemic asymmetry is severely compounded when a court enforces physical and temporal constraints that ignore an individual's documented mobility limitations. Imposing a severe time constraint under threat of immediate dismissal against a wheelchair-bound litigant while forcing her to physically navigate structural courtroom obstacles in severe pain while denying her the display privileges routinely granted to corporate counsel violates the core tenets of judicial dignity and equal access.

While district courts possess broad docket-management discretion, that authority cannot be weaponized to create a dual-standard courtroom. A system that accommodates the infrastructure of corporate entities while actively excluding a disabled citizen from the fact-finding process creates an unconstitutional barrier to justice. This Court's intervention is essential to clarify that federal district courts must maintain absolute structural symmetry and equal protection when enforcing the court's procedural and electronic presentation mandates before a federal jury.

**VIII. An Appellate Court Cannot Apply  
Procedural Waiver Rules To Insulate A  
Deficient and Materially Altered Record  
When A Litigant Has Exhausted All  
Statutory Mechanisms For Correction.**

This Court should grant review to resolve an exceptionally important question of federal appellate procedure: whether a circuit court may insulate an incomplete trial record from review by enforcing a procedural catch-22 that transforms a trial court's administrative omissions into a permanent appellate waiver. Under the Court Reporter Act, 28 U.S.C. § 753(b), federal court reporters are strictly mandated to record all oral proceedings verbatim. This statutory command serves a vital constitutional purpose: ensuring that a litigant's Fifth Amendment right to due process and Seventh Amendment right to an impartial jury can be meaningfully evaluated on appeal. See *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

The decision below establishes a dangerous paradigm that subverts this statutory framework. Faced with an official transcript that systematically excised dozens of critical sidebar exchanges regarding extensive juror bias, Petitioner diligently exhausted every procedural remedy available under the law:

1. Petitioner timely moved the district court to correct the record pursuant to Federal Rule of Appellate Procedure 10(e), supporting the motion with an uncontradicted third-party

affidavit detailing the omissions. The district court summarily denied the motion.

2. Petitioner sought an extraordinary Writ of Mandamus in the Court of Appeals to compel the release of the raw backup audio recordings to reconcile the transcript. The Sixth Circuit denied the writ.
3. Petitioner formally moved the appellate panel to augment the record to incorporate the missing text. The panel denied the motion.
4. The appellate panel subsequently ruled against Petitioner, holding that the core constitutional issues were waived or unreviewable because the missing exchanges did not physically appear within the existing record.

This sequence of events demonstrates a structural breakdown in the administration of justice. The Sixth Circuit applied its procedural framework (including the strictures of Federal Rule of Appellate Procedure 40) to bar Petitioner from referencing omissions, while simultaneously denying her the procedural tools required to repair that very record.

Enforcing local waiver rules in a closed judicial loop to penalize a litigant for a record deficiency she actively fought to correct subverts Federal Rule of Civil Procedure 1's mandate to secure the "just determination of every action." When an appellate court blindly defers to a defective transcript over uncontradicted testimonial evidence of omissions, it transforms a procedural rule into a constitutional

black hole. This Court's intervention is required to clarify that local rules of appellate management cannot be weaponized to shield a structural violation of the record from appellate correction. And further, that a Writ of Mandamus is exceptionally warranted to remedy a profound breakdown of judicial integrity in the lower courts.

**IX. The Structural Paradox Of Rule 10(e)  
Violates The Ancient Maxim *Nemo Judex  
In Causa Sua* By Appointing The Trial  
Court As The Unreviewable Gatekeeper Of  
Its Own Record Omissions.**

This Court should grant review to resolve a profound structural paradox within the Federal Rules of Appellate Procedure that fundamentally undermines the integrity of the federal judiciary. Under current applications of Federal Rule of Appellate Procedure 10(e), the district court retains primary authority to resolve disputes regarding the accuracy of a trial transcript. However, when the trial court itself is the source of the alleged constitutional infractions, record omissions, and procedural bias, making that same court the absolute gatekeeper of the record violates the ancient, unyielding legal maxim: *Nemo judex in causa sua* (no one should be a judge in their own case).

Permitting a trial court to maintain exclusive, unreviewable gatekeeping authority over the verbatim completeness of its own records creates a dangerous monopoly over the appellate process. If a

district court can systematically insulate its own procedural errors—such as hardware failures, physical mobility barriers, and oral motions for a mistrial—through the omission of text and the arbitrary insertion of ellipses (“...”), the statutory guarantee of the Court Reporter Act, 28 U.S.C. § 753(b), is rendered entirely extinct. Congress could not have intended for Rule 10(e) to operate as a shield for judicial overreach or to nullify a mandatory verbatim recording statute.

This Court’s intervention is urgently required to establish a uniform constitutional rule under the Fifth Amendment’s Due Process Clause. When a litigant presents colorable, uncontradicted *prima facie* evidence of systematic transcript omissions (supported by a third-party affidavit) an appellate court cannot completely abdicate its reviewing function by blindly deferring to the district court’s denial under Rule 10(e). Doing so effectively insulates potential structural fraud from scrutiny, leaves the circuit court completely blind to constitutional violations, and strips the litigant of a meaningful opportunity to be heard on appeal.

**X. A Trial Court Violates Due Process By Imposing Coercive Physical and Temporal Constraints That Force A Constructive Forfeiture Of A Litigant’s Fundamental Right To Testify.**

This Court should grant review to define the strict constitutional boundaries governing a trial

court's authority to enforce rigid docket management rules when those rules effectively strip a litigant of her right to be heard. While district courts maintain broad discretion to manage their trial clocks, that administrative convenience cannot be weaponized to render a party's right to testify entirely illusory. Under this Court's foundational procedural due process framework, an opportunity to be heard must be granted "at a meaningful time and in a meaningful manner." *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

The decision below countenanced a severe structural breakdown of this mandate. The district court continuously ran Petitioner's non-tolled 90-minute trial clock while her only available assistant was her husband who attempted to troubleshoot the court's own broken hardware infrastructure without success. By consuming a litigant's limited trial time with the remediation of court-owned technological failures, the court converted a standard administrative tool into an engineered procedural barrier designed to force an automatic evidentiary failure.

This structural defect was further compounded by the coercive physical conditions imposed upon Petitioner at the absolute outset of trial. Despite documented physical mobility limitations resulting from a broken ankle, the court required Petitioner to physically navigate architectural courtroom barriers under explicit threat of immediate dismissal at precisely 8:00 A.M.—even though the entrance doors

to the courtroom were adamantly declared not to be unlocked until that exact hour. Compelling a physically vulnerable litigant to struggle under severe pain to reach the witness stand while simultaneously disregarding pending pretrial motions creates an inherently prejudicial environment that subverts the dignity of the federal judiciary. When a court enforces a dual standard that accommodates the technical infrastructure of corporate defendants while executing a procedural trap against a disabled citizen, the proceeding ceases to be a fair adversarial search for the truth. This Court's intervention is required to establish that a trial court exceeds its constitutional case-management authority when its physical and temporal demands dictate a forfeiture of core constitutional rights.

**XI. Under *Hazel-Atlas*, An Appellate Court Cannot Deem Substantive Fraud "Moot" Based On A Coerced Settlement Agreement That The Fraudulent Party Openly Breached.**

This Court has long established the foundational principle that fraud vitiates the whole of judicial proceedings (*fraus omnia corrumpit*). Fraud upon the court is not a mere private wrong between litigants; it is a severe wrong against the institutions of justice that strikes at the very heart of the integrity of the federal judiciary. *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 246 (1944). When a tribunal is presented with colorable evidence that a

judgment was obtained via a fabricated timeline or that official trial records have been tampered with, the court possesses an inherent, unyielding obligation to investigate, expose, and undo the wrong.

The decision below directly conflicts with this Court's *Hazel-Atlas* jurisprudence by permitting a subsequent, fraudulent settlement to insulate an underlying fraud upon the court. The Sixth Circuit dismissed the importance of the documented fraud by holding that the parties had subsequently entered into an agreement. However, the court completely ignored the critical fact that the corporate defendant used its initial perjury and fabricated timeline to aggressively instigate and coerce that very agreement. Furthermore, once the Petitioner had performed her duty based on that agreement, the defendant ultimately refused to honor its terms.

This structural overreach culminated in a total collapse of federal subject-matter jurisdiction under 28 U.S.C. § 1332(a). Following the forced withdrawal of Petitioner's interim counsel, the district court barred Petitioner from amending her complaint to restore her statutory bad-faith claims and punitive damages prayers. By ordering that the case proceeds exclusively under a breach of contract theory with a strict judicial damages cap of \$69,162.87, the district court *itself* reduced the amount in controversy to a sum legally certain to fall below the absolute \$75,000.00 statutory threshold.

Despite immediate, formal challenges raised by Petitioner during pretrial conferences and again at

trial—asserting that the court was constitutionally obligated to dismiss the low-value state law claim—the district judge flatly refused to rule on the jurisdictional defect and forced the case to a federal jury trial. To insulate this structural error from appellate review, the official staff court reporter systematically excised all verbal mentions of the jurisdictional challenges from the official transcript, substituting the text with arbitrary ellipses (“...”).

A trial structured around a court-inflicted jurisdictional deficit, a coerced and breached confidential agreement, and a systematically edited trial transcript ceases to be an adversarial search for the truth. It constitutes a structural error that infects the entire trial from beginning to end. *Hazel-Atlas* and *Universal Oil* explicitly mandate that the enforcement of ordinary procedural finality and local briefing rules must yield when the integrity of the judicial system itself is compromised. This Court should grant review to clarify that a federal court’s duty to investigate fraud remains absolute and cannot be rendered moot by a confidential agreement born directly from that fraud.

## CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant this Petition for a Writ of Certiorari, vacate the judgment of the United States Court of Appeals for the Sixth Circuit, and remand this case with instructions to reinstate the original \$200,000.00 default judgment

secured against Respondent State Farm Mutual Automobile Insurance Company due to the uncontradicted fraud committed upon the court below. Alternatively, Petitioner requests that this Court remand this case for further proceedings, and for any other such relief this honorable Court may consider right and just.

Respectfully submitted,

---

SUSAN ROMANOV, *Petitioner, Pro Se*  
1874 Country Meadows Drive,  
Sevierville, TN 37862  
865-919-7419  
susan@dragonflyemail.com

[Originally timely submitted on July 1, 2026; and hereby corrected to comply in all respects with the Rules of this Court, per the Office of the Clerk, Supreme Court of the United States letter dated July 10; 2026.]

Dated: July 28, 2026.

**SEPARATE APPENDIX TO  
PETITION FOR A WRIT OF CERTIORARI**

*(Follows . . . Bound Separately)*

**Volume One**

|                                                                                                                                    |            |
|------------------------------------------------------------------------------------------------------------------------------------|------------|
| <b>Appendix A:</b> The Court of Appeals Final Judgment<br>& Opinion & Denial to Supp. the Record w/ 70+<br>Missing Colloquies..... | <b>2a</b>  |
| <b>Appendix B:</b> 6 <sup>th</sup> Cir. Ct. App. Rule 10 Denial ....                                                               | <b>20a</b> |
| <b>Appendix C:</b> 6 <sup>th</sup> Cir. Ct. App. Denial of Writ .....                                                              | <b>23a</b> |
| <b>Appendix D:</b> The Uncontradicted Third-Party<br>Transcription Affidavit .....                                                 | <b>27a</b> |
| <b>Appendix E:</b> The 70+ Statements to Augment the<br>Record on Appeal ( <i>Id.</i> at bolded text) .....                        | <b>31a</b> |
| <b>Appendix F:</b> District Court Rule 10 Denial .....                                                                             | <b>51a</b> |
| <b>Appendix G:</b> District Court Order Denying New<br>Trial entered October 7, 2024 .....                                         | <b>57a</b> |
| <b>Appendix H:</b> District Court \$0 Jgmt Order .....                                                                             | <b>61a</b> |
| <b>Appendix I:</b> Motion Challenging Jurisdiction ....                                                                            | <b>62a</b> |

**Volume Two**

|                                                                                                                       |             |
|-----------------------------------------------------------------------------------------------------------------------|-------------|
| <b>Appendix J:</b> <i>Samuel-Bassett v. Kia Motors Am., Inc.</i> ,<br>357 F. 3d 392 - Ct of App., 3rd Cir. 2004 ..... | <b>69a</b>  |
| <b>Appendix K:</b> The <i>Torres v State Farm</i> Case .....                                                          | <b>91a</b>  |
| <b>Appendix L:</b> The District Court Pretrial Cap ....                                                               | <b>99a</b>  |
| <b>Appendix M:</b> The Default Judgment Set Aside<br>(Confidential Agreement).....                                    | <b>128a</b> |
| <b>Appendix N:</b> Proof of Fraud on the Court .....                                                                  | <b>130a</b> |