

CASE NO. 26-175

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

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

SUBMITTED BY:

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QUESTIONS PRESENTED

1. Whether there is any basis for this review where the Petition identifies no conflict among the circuits, no conflict with a decision by a state court of last resort, and no departure from accepted judicial proceedings? USCS Supreme Ct R 10.
2. Whether this Court should review alleged erroneous factual findings or the application of settled law to case-specific facts?
10. USCS Supreme Ct R 10.
3. Whether this Court should review issues that the Petitioner failed to raise or preserve in the district court or Sixth Circuit?
4. Whether this case in which the lower courts correctly applied established legal standards consistent with this Court's precedent presents any issue justifying this Court's intervention?

RULE 29.6 STATEMENT

Pursuant to USCS Supreme Ct R 29, Respondent states that it is not a subsidiary or affiliate of a publicly owned corporation and that it knows of no publicly owned corporation, not a party to this appeal, that has a financial interest in the outcome of this case.

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JURISDICTION

The judgment of the United States Court of Appeals for the Sixth Circuit was entered on April 2, 2026. 28 USCS sec. 1254. The Petition for a Writ of Certiorari was filed on July 1, 2026.¹ This Court has jurisdiction under 28 U.S.C. § 1254(1).

INTRODUCTION

The Petitioner, Susan Romanov (formerly Susan Carrichner) has been engaged in litigation over a single insurance claim filed in federal court since March 2019. Petitioner has filed two separate lawsuits in federal court and filed at least three separate appeals to the U.S. Sixth Circuit. Petitioner has never been successful as to any of these claims before the district court or before the Sixth Circuit. Petitioner now seeks review in the United States Supreme Court.

There is no valid reason for this Court to review this case.

The U.S. Supreme Court sparingly exercises its power to grant certiorari, reserving it for compelling reasons that

¹ Petitioner asserts her Petition was filed on July 1, 2026 however in her July 2, 2026 letter to this Court, she states, “my hope is that with the court clerk’s office being closed on Friday, both the box I sent yesterday to make the statutory deadline and the box with the booklets will have arrived together.” (Petitioner’s July 2, 2026 Letter) Therefore it is not clear whether her Petition was filed by the statutory deadline set forth in USCS Supreme Ct R 13.

transcend the immediate interests of the individual litigants. USCS Supreme Ct R 10; *See Camreta v. Greene*, 563 U.S. 692, 709 (2011).

Petitioner presents eleven “Reasons for granting this Petition”: a litany of alleged errors that span pre-trial, trial and post-trial. These perceived errors, however, do not justify review. There is no conflict among the circuits, no conflict with this Court's precedent, no important unsettled federal question, and no departure from accepted judicial proceedings. Instead, Petitioner seeks impermissible error correction based on disagreement with the lower courts’ application of settled law to the facts of this case; a basis that is rarely, if ever, sufficient to warrant certiorari review. USCS Supreme Ct R 10.

Factual and case-specific procedural disputes fail to warrant certiorari.

First there is no precedential value or applicability to future cases. The Supreme Court's role is to resolve conflicts and define constitutional or statutory standards of national import, rather than to correct alleged ordinary factual errors or routine alleged abuses of discretion in lower courts. USCS Supreme Ct R 10; *See Camreta v. Greene*, 563 U.S. 692, 709 (2011).

Second, trial courts are better positioned than the Supreme Court to resolve localized disputes because of their superiority in marshaling evidence, making credibility judgments, and navigating lengthy and complex trial records. *U.S. Bank N.A. v. Vill. at Lakeridge, LLC*, 583 U.S. 387, 396 (2018), *See Exxon Co. v. Sofec*, 517 U.S. 830, 841 (1996).

Third, certiorari is designed to resolve well-framed legal disputes. *Adams v. Robertson*, 520 U.S. 83, 91 (1997). When procedural issues or missing record items are raised, it hinders the Supreme Court's deliberations by failing to present an adequate factual and legal record necessary for proper adjudication. *Id.*

The district court and Sixth Circuit properly applied governing law and standards of review and reached consistent conclusions in favor of Respondent. Petitioner received full opportunity to present claims and arguments at both levels. Moreover, although the Petitioner makes many assertions regarding her status as a pro se litigant, pro se litigants are held to the same Rule 10 standards as represented parties. The discretionary nature of certiorari review and the requirement of compelling reasons apply equally regardless of the petitioner's pro se status. The Petitioner raises no issues necessitating

review by this Court and therefore this Court should deny the Petition.

STATEMENT

This is an insurance contract dispute between Susan Romanov (“Romanov”) and Respondent State Farm Mutual Automobile Insurance Company (“State Farm”) arising out of State Farm’s alleged failure to timely and fully reimburse Romanov for the loss of an allegedly stolen truck.

The Original Complaint

In 2019, Romanov filed a pro se lawsuit against State Farm in the U.S. District Court for the Eastern District of Tennessee. (*Carrichner v. State Farm*, E.D. Tenn., No. 3:19-cv-00090, E.D. Tenn.) The original complaint invoked diversity jurisdiction, averring that the amount in controversy exceeded \$75,000.00, and included claims for intentional infliction of emotional distress, negligence and bad faith, violation of Tennessee’s Unfair Settlement Claims Practices Act, and breach of contract. *Id.*

Romanov did not properly serve the Complaint on State Farm and therefore State Farm did not file an Answer. Romanov moved for a default judgment and the clerk entered the default. Subsequently, an attorney appeared on behalf of

Romanov and State Farm also appeared and informed the district court that Romanov had not properly served State Farm.² *Carrichner v. State Farm Mut. Auto. Ins. Co.*, No. 20-6205, 2022 U.S. App. LEXIS 3185 (6th Cir. Feb. 3, 2022)

The parties subsequently met and conferred. Romanov, through counsel at the time, agreed to set aside the clerk's entry of default due to the ineffective service and amend the Complaint to assert only a breach-of-contract claim and State Farm agreed accept service.³ (Agreed Order, Doc 21 in No. 3:19-cv-00090)

The Amended Complaint

The Amended Complaint for breach of contract sought compensatory damages, lost earnings, costs incurred during the case, and attorney's fees, totaling \$128,000.00. (*Carrichner v. State Farm*, E.D. Tenn., No. 3:19-cv-00090, Amended Complaint, Doc. 25, Page ID 130). Although her original complaint prayed for \$150,000.00 in punitive damages, the amended complaint

² In her Petition, Romanov alludes to both State Farm's neglect in not answering the Complaint as well as a "fabricated timeline," but neither are accurate. Instead of filing her original complaint with the Tennessee Insurance Commissioner as required by Tenn. Code Ann. § 56-2-504, Romanov inexplicably served the original Complaint on a state office building in Gainesboro Florida. State Farm only discovered the Complaint through review of federal docket reports after the time to Answer had run.

³ In the Petition, Romanov refers to a "Settlement Agreement" between the parties. (Petition at pg. 2,3,7) There has never been a Settlement Agreement. There was, however, an order reflecting the parties' agreement at the meet and confer. (Agreed Order, Doc 21 in No. 3:19-cv-00090)

omitted any such claim. *Id.* Romanov's counsel later withdrew, and she proceeded pro se.⁴

Following the expiration of the discovery and dispositive-motion deadlines, Romanov again moved to amend her complaint. A magistrate judge denied Romanov's motion because allowing her to amend her complaint at such a late stage in the litigation would be highly prejudicial to State Farm. The court explained that State Farm had already conducted discovery and prepared its defense based on the narrowed breach-of-contract claim. Permitting Romanov to reintroduce previously dismissed claims would require reopening discovery and substantially altering the scope of the litigation, thereby imposing undue burden and expense on State Farm. (*Carrichner v. State Farm*, E.D. Tenn., No. 3:19-cv-00090, Order Denying Motion to Amend, Doc. 152, PageID 1429-1430).

Romanov's Motion to Dismiss

Shortly after that ruling and a month before the scheduled trial date, Romanov moved to voluntarily dismiss her case without prejudice. (*Carrichner v. State Farm*, E.D. Tenn., No. 3:19-cv-00090, Motion to Dismiss, Doc. 155). The district

⁴ Romanov asserts that counsel withdrew due to "a conflict of interest" (Petition at pg. 1) but in fact counsel withdrew on his own accord for unspecified reasons.

court granted her motion but imposed three conditions to "offset the prejudice State Farm may suffer resulting from dismissal":

1. Should Plaintiff decide to refile her case, it must be refiled in the Eastern District of Tennessee before this Court, and it must be filed within the time period permitted by law.
2. All previous rulings and entries on the docket for this case must stand, and, if refiled before the Court, the case will be in the same procedural posture as when it was dismissed.
3. If Plaintiff *prevails* in her refiled suit, she must pay Defendants' expenses, costs, and fees for work performed in the first suit that cannot be used in the second suit.

(*Carrichner v. State Farm, E.D. Tenn., No. 3:19-cv-00090, Order, Doc. 157, PageID 1447*). When Romanov sought clarification of those conditions, the district court responded that, "absent a change in circumstances, [she] would not be permitted to assert new claims against State Farm in any newly filed case in this Court." *Id.*

Romanov appealed the voluntary-dismissal order to the Sixth Circuit. The Court dismissed her appeal for lack of jurisdiction, concluding that the conditions imposed by the district court did not create sufficient "legal prejudice" against her to be appealable. *Carrichner v. State Farm Mut. Auto. Ins.*, No. 20-6205, 2022 U.S. App. LEXIS 3185 at 3 (6th Cir. Feb. 3, 2022).

Romanov's Re-filed Complaint

On December 12, 2022, Romanov re-filed her case in district court and asserted claims for (1) breach of contract, (2) negligence and bad faith, (3) violation of the Tennessee Unfair Claims Settlement Practices Act, and (4) fraud and sought \$125,000 in compensatory damages and \$250,000 in punitive damages. *Romanov v. State Farm Mut. Auto. Ins.*, No. 3:22-cv-443 (E.D. Tenn.).

State Farm moved to dismiss Romanov's complaint, as amended, while Romanov moved for relief from the district court's voluntary-dismissal order in her prior case. (Motion to Dismiss, R. 29).

The district court denied Romanov's motion for relief from the voluntary-dismissal order, concluding that the order's conditions remained in effect. Applying those conditions, the district court granted State Farm's motion to dismiss in part and dismissed all of Romanov's claims except for her breach of contract claim. (Order, R. 40). The district court reasoned that the additional claims were either legally insufficient or barred by the conditions imposed in the prior case. Specifically, the court emphasized that Romanov had not requested punitive damages in the original suit and, under the refiling conditions, held that she could not assert new claims or damages not previously litigated (Order, R.60, PageID 658).

Romanov then filed a motion to dismiss her own case for lack of subject matter jurisdiction, arguing that the amount in controversy no longer exceeded \$75,000 due to the court's rulings limiting her damages (Motion to Dismiss, R. 52). The court denied the motion, explaining that jurisdiction is determined at the time of filing and that Romanov had initially alleged damages exceeding \$75,000. (Order, R. 60, PageID 801).

The district court found that Romanov's attempt to reduce the amount in controversy post hoc did not defeat jurisdiction. Romanov subsequently filed a motion to amend her complaint to

formally reduce the damages sought. (R. 61). The court denied this motion as well, finding that it was not required by any court order and that permitting such an amendment at that stage would be inappropriate and prejudicial to State Farm (R. 65, PageID 1008). Romanov then filed an appeal, which was dismissed for lack of jurisdiction. *Romanov v. State Farm Mut. Auto. Ins.*, No. 23-5868, 2023 U.S. App. LEXIS 32141, 2023 WL 10555168 (6th Cir. Dec. 5, 2023).

Trial in the District Court

Romanov's breach-of-contract claim against State Farm proceeded to trial. A jury trial was held on July 1 and July 3, 2024. Romanov represented herself at trial. *Carrichner v. State Farm Mut. Auto. Ins.*, No. 20-6205, 2022 U.S. App. LEXIS 3185 (6th Cir. Feb. 3, 2022).

After closing arguments and jury instructions, the jury returned a unanimous verdict in favor of State Farm (R. 201). The court entered judgment accordingly and directed the clerk to close the case *Id.* (R. 203).

Motion for New Trial

Romanov filed a motion for a new trial under Rule 59 of the Federal Rules. The district court denied the motion, finding that Romanov had not demonstrated prejudice or bias sufficient

to warrant a new trial. (Order Denying Motion for New Trial, R. 209, PageID 2503).

In the Petition, Romanov argues that the district court did not make proper accommodations for her disability, did not help her with electronic equipment, unfairly limited her time for testimony and allowed jurors who were biased to State Farm to be part of the jury. (Pet. Reasons II, VII, X).

However, in its order denying a new trial the district court specifically addressed and rejected these assertions. The court emphasized that it had taken steps to ensure fairness, including arranging for the jury to be absent when Romanov “needed to move across the courtroom” and providing assistance when her husband was unavailable. (R. 209, PageID 2503). Finally, the district court addressed Romanov’s assertion that she was treated unfairly as a pro se litigant. *Id.* It explained that it had limited her testimony only when it became irrelevant to the dispute and that such limitations would have applied equally to a represented party. *Id.* The court concluded that Romanov had not shown that the proceedings were influenced by prejudice or bias and therefore denied the motion for a new trial. *Id.*

Appeal to the Sixth Circuit

Following denial of the motion for new trial, Romanov filed an Appeal in the Sixth Circuit.

After filing the appeal, Romanov moved the district court and the Sixth Circuit to correct and supplement the pretrial and trial transcripts. Romanov also filed a petition for a writ of mandamus, asking the Sixth Circuit to order the district court to correct and supplement the transcripts.

The district court denied Romanov's transcript and the Sixth Circuit also denied her transcript motion along with her mandamus petition. *Romanov v. State Farm Mut. Auto. Ins.*, Nos. 24-5997/25-5123 (6th Cir. June 3, 2025).

Romanov then moved the Sixth Circuit to augment the record on appeal. The Sixth Circuit again denied the request. *Romanov v. State Farm Mut. Auto. Ins.*, No. 24-5997, 2026 U.S. App. LEXIS 472 (6th Cir. Jan. 7, 2026).

While Romanov continues to assert that the trial transcript was somehow incomplete both the trial court and Sixth Circuit rejected the argument. Specifically, Romanov asserts that sidebar conversations were not included in the transcript. (Pet. Reason VIII) There is no evidence to support that any such sidebar conversations occurred and attorneys for

State Farm unequivocally dispute that such conversations took place or that any conversations were left out of the record.

The Appeal moved forward in the Sixth Circuit with the original transcript. The Sixth Circuit unanimously affirmed the district court. *See* Court's Order in *Romanov v. State Farm* No. 24-5997 (6th Cir. April 2, 2026).

The Sixth Circuit addressed the seven arguments made on Appeal and affirmed the district court's judgment. *Id.*

Motion for Reconsideration

The Court denied Romanov's request to reconsider the district court's order refusing to augment the trial court record. The Court explained: "the district court already settled this issue against Romanov and acted within its discretion in doing so. Because Romanov has failed to show that this court overlooked or misapprehended any point of law or fact in denying her motion to augment the record, see Fed. R. App. P. 40(b)(1)(A)." *Id.* at 3.

Subject Matter Jurisdiction

The Court of Appeal upheld the district court's exercise of subject matter jurisdiction over the case. The Court held that in both her initial Complaint and refiling the parties were citizens of different states and the amount in controversy exceeded

\$75,000 and no subsequent events justified ousting jurisdiction.

Id. at 5.

The Voluntary Dismissal Order

The Sixth Circuit affirmed the district's court's conditions that it applied to Romanov's voluntary dismissal. The Court held that the district court's conditions properly offset prejudice to State Farm and were within its discretion. The Sixth Circuit rejected Romanov's arguments that she did not have proper notice and held, even if the conditions were not proper, there was no harm. Specifically, if Romanov had withdrawn her motion to withdraw, her case would've proceeded to trial on a breach-of-contract claim only and that ultimately happened when she refiled her case. Finally, the Court confirmed the district court properly applied federal law in examining this procedural issue. *Id.* at 6-7. The Court also noted they "previously rejected Romanov's argument that the law-of-the-case condition legally prejudiced her." *Id.* at 7.

Pretrial Rulings

The Sixth Circuit rejected Romanov's objections to pre-trial rulings and non-ruling decisions. The Sixth Circuit held: (1) The district court properly set the pretrial conference; Romanov had secured multiple continuances and had plenty of time to

prepare. (2) The district court properly declined to hold an evidentiary hearing on alleged fraud regarding the service of process issue from the original case as that had been resolved by the parties' prior agreement and there was no service issue in the present case. (3) The district court properly granted State Farm's motion in limine barring Romanov from addressing dismissed claims and attorney's fees and from attacking State Farm's counsel personally. (4) The district court properly reserved ruling on State Farm's motion to exclude correspondence and properly ruled that it would address specific objections at trial. (5) The district court properly treated Romanov as a pro se litigant and did not have a duty to act as counsel for her. (6) The district court properly declined to issue a "more definitive statement" of its pre-trial rulings and addressed Romanov's concerns on the first day of trial. (7) The district court properly denied Romanov's Motion to continue the trial date finding Romanov failed to establish good cause. *Id.* at 7-9.

Motion for New Trial

The Sixth Circuit held that the district court did not abuse its discretion in rejecting Romanov's Motion for New Trial.

The Sixth rejected Romanov's argument that the jurors were prejudiced. The Court held Romanov failed to show that any juror deliberately concealed information or was actually biased to warrant a new trial.

The Court also rejected Romanov's argument that a new trial was proper because the jury instructions were incomplete pointing out the parties had "pre-approved" the instructions and that Romanov did not propose any additional language.

The Court rejected Romanov's assertion that the district court failed to accommodate her disability finding that the district court explained her foot injury to the jury and directed State Farm Counsel to assist with electronics that she did not test before trial and had difficulties using.

Finally, the Court held that Romanov's claims of judicial bias did not justify a new trial as she forfeited the issue by offering no support for the assertion and regardless there was no support a bias challenge. *Id.* at 9-11.

Due Process

The Sixth Circuit held that any due process claim on appeal was forfeited as Romanov failed to support this argument in her briefing. *Id.* at 11.

Cumulative Error

The Court of Appeal held that because there were no trial errors there could be no prejudicial cumulative effect of errors. *Id.* at 11.

Following the Sixth Circuit's decision, Petitioner filed a Writ for Certiorari in this Court.

REASONS FOR DENYING THE PETITION

I. This Petition Presents no Compelling Reason to Grant Certiorari

Review on a writ of certiorari is not a matter of right, but of judicial discretion. USCS Supreme Ct R 10. A petition for a writ of certiorari will be granted only for compelling reasons. USCS Supreme Ct R 10.

A. The decision below creates no conflict with this Court’s precedent, other court of appeals, or any state court of last resort.

A primary ground for granting certiorari is a conflict between the decision of the court below and the decision of another United States Court of Appeals on the same important matter. USCS Supreme Ct R 10. The absence of any circuit conflict strongly supports denial of the Petition.

Certiorari is granted only “in cases involving principles the settlement of which is of importance to the public as distinguished from that of the parties, and in cases where there is a real and embarrassing conflict of opinion and authority between the circuit courts of appeal.” *Layne & Bowler Corp. v. Western Well Works*, 261 U.S. 387, 393 (1923)

In the Petition, Romanov argues that the district court and Sixth Circuit's upholding of subject matter jurisdiction was not proper. Romanov argues that the lower court's dismissal of her claims for bad faith and punitive damages brought her action below the required \$75,000 in controversy. The Sixth Circuit upheld subject matter jurisdiction finding, "Contrary to Romanov's arguments, the district court retained subject-matter jurisdiction over her case from its commencement through trial." *See Court's Order in Romanov v. State Farm* No. 24-5997 (6th Circ. April 2, 2026) at 5.

Petitioner asserts that Certiorari is proper here because lower courts are divided on whether a court-initiated reduction of the amount in controversy destroys subject matter jurisdiction. (Petition at Reasons I XI). However, the jurisdictional issue in this case is long-settled and does not require intervention or clarification. The district court upheld jurisdiction by applying clear precedent and refusing Romanov's attempt to purposefully avoid subject matter jurisdiction. There is no conflict justifying certiorari.

Under 28 USC § 1332, federal district courts possess original jurisdiction over civil actions where there are diversity

of citizenship and the matter in controversy exceeds \$75,000. 28 U.S.C. § 1332.

The Supreme Court has long adhered to the "time-of-filing" rule, which dictates that federal subject matter jurisdiction in diversity cases depends on the state of facts that existed at the time the action was filed. *Grupo Dataflux v. Atlas Global Group, L.P.*, 541 U.S. 567, 570-71 (2004). Whether a complaint states a sufficient amount in controversy is generally determined at the time the complaint is filed, and "[e]vents occurring subsequent to the institution of suit which reduce the amount recoverable below the statutory limit do not oust jurisdiction." *St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 289-90 (1938). Dismissal is justified only if it appears to a "legal certainty" that the claim is actually for less than the jurisdictional amount. *Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle*, 429 U.S. 274, 276 (1977)⁵

⁵ Petitioner cites to *Samuel-Bassett v. Kia Motors Am., Inc.*, 357 F.3d 392 (2004) to argue that there is a conflict in the law. However, that decision is fully consistent with the time-of-filing rule. That court properly refused to allow the plaintiff's post-removal disclaimer to defeat jurisdiction, and its remand was designed solely to determine whether the objective facts existing at the moment of removal actually supported diversity jurisdiction. *Id.* at 395, 399-403 (Petition Reason I at 25). ⁶ See Petition Reasons II, III, V, VI, VII, VIII, IX, X, and XI. Reasons I and IV also do not provide grounds for review. See above at pp. 18-20

In the district court’s order denying Romanov’s motion to dismiss for lack of subject matter jurisdiction, the court explained the “time of filing” rule is settled law and clarified that “if it was a ‘legal certainty’ at the time of filing in federal court that a plaintiff could not recover \$75,000 or more—even if this was not apparent at the time of filing—she has not satisfied the amount-in-controversy requirement, and the action should be dismissed. *See* district court order in *Romanov v. State Farm Auto Insurance Company* Case No. 3:22-cv-443 (E.D. Tenn. August 23, 2023) at 8) (citing *St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 289 (1938)).

The district court pointed out that Romanov and State Farm had been in ongoing litigation for over four years and neither party until this motion had ever challenged jurisdiction. *Id.* While Romanov asserted that the court’s dismissal of the punitive damage claim reduced the amount in controversy, the district court rejected this assertion and found that jurisdiction was proper.

The court explained that while the punitive damages claim was dismissed as improper, Romanov’s claim could still exceed \$75,000 due to “lost business” and “lease payments” arising out of her breach of contract claim. *Id.* at 9. The court

noted that in Romanov’s first operative Complaint no punitive damages were claimed yet she alleged damages in excess of \$75,000 specifying that State Farm was liable for compensatory damages and lost earnings. *Id.* at 10.

The district court concluded because it is not a “legal certainty” that the amount in controversy does not exceed \$75,000 the well-established “timing of filing” rule prevails, and subject matter jurisdiction was proper. *Id.* The District court properly applied settled law interpreting federal subject matter jurisdiction.

The Sixth Circuit reviewed the district court de novo and affirmed. Citing *St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 289-90 (1938), the Court found no subsequent events justified removing subject matter jurisdiction. Court’s Order in *Romanov v. State Farm* No. 24-5997 (6th Cir. April 2, 2026).

Both the district court and Sixth Circuit applied established rules of subject matter jurisdiction including precedent from this Court to affirm that subject matter jurisdiction was proper. Petitioner presents no valid conflict here and no reason for this Court to review.

B. The Petition Presents No Important Federal Question and seeks review of alleged erroneous factual findings and the application of settled law to case-specific facts

This Court does not function as a general error-correction mechanism for decisions of lower courts. The Court grants certiorari to resolve important questions of federal law, not to correct alleged errors in the application of settled law to the facts of a particular case. A Petition for a Writ of Certiorari is rarely granted when the asserted error consists of erroneous factual findings or the misapplication of a properly stated rule of law. Sup. Ct R 10. “[f]actual challenges based on the trial record . . . ‘cal[l] for the judgment in the first instance of the judge who saw and heard the witnesses and has the feel of the case which no appellate printed transcript can impart.’” *Dupree v. Younger*, 598 U.S. 729, 735 (2023) (quoting *Cone v. West Virginia Pulp & Paper Co.*, 330 U.S. 212, 216 (1947)).

In her Petition, Romanov seeks to have this Court review the lower court’s factual findings and application of law.⁶ Her arguments pertain to alleged errors by the district court and

⁶ See Petition Reasons II, III, V, VI, VII, VIII, IX, X, and XI. Reasons I and IV also do not provide grounds for review. See above at pp. 18-20

Sixth Circuit during pre-trial, trial and post-trial. None, however, warrant review.

1. Romanov's grievances from pre-trial do not warrant review.

a. Witness Order, Pretrial Conference Timing, and Deferred Rulings:

Romanov alleges the district court erred in its decisions regarding the scheduling of pretrial conferences, the sequential order of witness testimony and the deferral of rulings on evidentiary motions in limine. (Petition Reason II pg 9-10). All of these constitute routine matters of trial management. Trial courts are traditionally granted wide discretion in managing the course of a trial and conducting proceedings. *Mu'Min v. Virginia*, 500 U.S. 415, 422 (1991) (affording discretion in jury selection questions);. Assertions of error in these areas allege nothing more than a misapplication of standard procedural rules, which does not warrant Supreme Court review. Sup. Ct R 10.

b. Administrative Delays and Court Hearings:

Romanov seeks review of alleged administrative delays and the trial court's failure to hold a specific hearing regarding alleged fraud. (Petition Reason II pg 9-10, V pg 30). These allegations represent localized, fact-specific procedural grievances. These issues do not raise a novel or unsettled question of federal constitutional or statutory law, nor do they establish a conflict among the circuits. Sup. Ct R 10.

c. Incomplete Transcript Record

Romanov alleges that the trial transcript improperly excluded parts of voir dire and sidebar conversations. (Petition Reason V pg 30). Under federal appellate procedure, compiling and ensuring the completeness of the record, including ordering necessary transcripts of voir dire and sidebar conferences, is a procedural responsibility governed by specific rules of administration. Fed Rules App Proc R 10. Disputes regarding the omission of certain transcript portions are procedural matters of record-building rather than issues of substantive federal law. Sup. Ct R 10: Fed. Rules App Proc R 10.

Furthermore, even in sensitive constitutional areas such as assessing juror bias during voir dire, the Supreme Court has consistently emphasized that the trial court is granted wide discretion. *See Mu'Min v. Virginia*, 500 U.S. 415, 423 (1991).

The determination of such issues often merits treatment as a factual inquiry due to the trial court's superior position to evaluate the immediate circumstances. *See Miller v. Fenton*, 474 U.S. 104, 114 (1985).

2. Romanov's grievances from trial and post-trial are not certiorari worthy and do not warrant review.

a. Courtroom Technology, Physical Issues, Time limits and Litigant Treatment

Romanov alleges that the Court erred with respect to technology utilized for trial exhibits, the physical conditions of the courtroom for a disabled plaintiff and the subjective treatment of a pro se disabled litigant. Romanov seeks review of the district court's enforcement of time limits during the trial. (Petition at Reasons VI pg 15-16, VII 17; VII 17; X, 22-23)⁷

These issues involve the typical "multifarious, fleeting, special, narrow facts that utterly resist generalization . . ." described by the Court in other contexts. *See U.S. Bank N.A. v. Vill. at Lakeridge, LLC*, 583 U.S. 387, 396 (2018). Trial courts

⁷ As noted above, Petitioner miscasts her treatment during trial. In its order denying a new trial the district court specifically addressed and rejected the assertions that Romanov was treated unfairly based on her pro se status or her broken ankle.

are inherently superior in resolving these matters because they require a case-by-case evaluation of unique factual circumstances rather than the development of auxiliary legal principles. *U.S. Bank N.A. v. Vill. at Lakeridge, LLC*, 583 U.S. 387, 396-97 (2018).

b. Failure to Augment the Record

Romanov seeks review of the Sixth Circuit's refusal to augment the record. (Petition Reasons VIII 18-19 IX 20-22; XI 25) This issue was reviewed by the district court then by the Sixth Circuit on three occasions. *See* Court's Order in *Romanov v. State Farm* No. 24-5997 at 3-4.

In its denial of a motion for reconsideration, the Court explained, "the district court already settled this issue against Romanov and acted within its discretion in doing so. Because Romanov has failed to show that this court overlooked or misapprehended any point of law or fact in denying her motion to augment the record, see Fed. R.App. P. 40(b)(1)(A), we deny her motion for reconsideration." *Id.* at 4.

Decisions regarding whether to augment the record with missing information is a procedural exercise of a lower court's discretion. *See Salve Regina College v. Russell*, 499 U.S. 225, 233

(1991) (noting trial court decisions concerning supervision of litigation are reviewed for “abuse of discretion.”). On certiorari, the Supreme Court generally declines to review whether a lower court abused its discretion on such localized procedural matters, as these decisions depend entirely on the unique, case-specific record of the trial. *See e.g. Exxon Co. v. Sofec*, 517 U.S. 830, 842 (1996) (declining to review trial management question of whether court should have bifurcated questions at trial).

**c. Refusal to review issues not properly
briefed in Appellate Court**

Romanov includes a vague assertion that review here is proper because the Sixth Circuit waived “core constitutional issues” by refusing to investigate issues for which Petitioner failed to produce a record in the Appellate Court. (Petition Reason III 11-12). It is not entirely clear what issues the Petitioner is referencing. However, the Court of Appeal did explain:

Romanov mentions, without elaboration, other rulings and “non-rulings” by the district court during the pretrial conference. Romanov has forfeited appellate review of these issues because her appellate brief merely adverts to them in “a perfunctory manner, unaccompanied by some effort at developed

argumentation . . .” *McPherson v. Kelsey*, 125 F.3d 989, 995 (6th Cir.1997) (quoting *Citizens Awareness Network, Inc. v. U.S. Nuclear Regul. Comm’n*, 59 F.3d 284, 293-94 (1st Cir. 1995)); see *Geboy v. Brigano*, 489 F.3d 752, 767 (6th Cir. 2007) (citing this standard in a pro se appeal).

When a petitioner asks the U.S. Supreme Court to review such a decision, the issue is generally viewed as a procedural matter and a highly discretionary case-specific application of a rule, which is not appropriate for Supreme Court review under the Court's traditional criteria. USCS Supreme Ct R 10.

Because the petitioner’s claims center on localized procedural management, factual determinations, and the alleged misapplication of settled rules, they do not present the compelling, national, or conflict-resolving legal questions required for Supreme Court intervention. USCS Supreme Ct R 10.

C. The Petitioner improperly seeks review of an Issue that was not Preserved and an Issue that was never raised below

**1. Petitioner Failed to Preserve the Alleged
Misapplication of Federal Law and The Time
to Seek Review has Expired**

Petitioner asserts:

“Lower courts require clear guidance on whether a federal court is mandated to apply state-law procedural rules to a voluntary dismissal when doing so effectively strips a litigant of their fundamental right to be heard.” (Petition at 9).

On July 6, 2026, Petitioner purportedly filed a “Notice of Errata⁸” rewriting this to read:

“Lower courts require clear guidance on whether a federal court is mandated to apply state statutes and state common law to a voluntary dismissal when not doing so effectively strips the litigant of their fundamental right to due process.”
(Errata pg 3)

Petitioner's assertion that the district court erred by applying federal law to the motion to dismiss was already the subject of an earlier appeal. In 2019, Petitioner filed her action

⁸ The petitioner's errata sheet was not a proper filing to amend the petition for writ of certiorari. The Supreme Court Rules require the petition itself to contain the matters presented, prohibit joining a certiorari petition with any other pleading except an in forma pauperis motion, and require motions to the Court to state their purpose and supporting facts. USCS Supreme Ct R 14, USCS Supreme Ct R 12, USCS Supreme Ct R 21.

against State Farm. After nearly two years of motion practice and after the close of discovery, Petitioner, just over one month before the scheduled jury trial, filed a motion for voluntary dismissal under Federal Rule of Civil Procedure 41(a)(2), which the district court granted. The district court allowed the motion but imposed conditions to, “offset the prejudice [that] State Farm may suffer resulting from dismissal.”

Petitioner then appealed the district court’s dismissal order to the Sixth Circuit. In a February 2022, order, the Sixth Circuit rejected Petitioner’s claims and affirmed the district court’s decision to permit the voluntary dismissal but include conditions. *Carrichner v. State Farm Mut. Auto. Ins. Co.*, 2022 U.S. App. LEXIS 3185 (6th Cir. Feb. 3, 2022).

Having pursued an appeal of the district court’s decision and allowing the 90-day certiorari period to expire, Petitioner cannot now resurrect the same issue through this Petition. The exhaustion of the statutory time limit constitutes a jurisdictional bar to this Court’s consideration of the issue. USCS Supreme Ct R. 13.

Moreover, Petitioner’s claim does not present an important, recurring question of federal law that warrants this Court’s intervention. The lower courts’ application of federal law

to a motion to dismiss involves routine case-specific determinations, not a conflict among the circuits or a novel question of broad significance.

Under Federal Rule of Civil Procedure 41(a)(2), a court is authorized to craft and impose terms and conditions upon a voluntary dismissal. USCS Fed Rules Civ Proc R 41, *Lum v. Mercedes Benz, USA, L.L.C.*, 246 F.R.D. 544, 545 (2007). Moreover, Rule 10 cautions that certiorari is rarely warranted for alleged misapplication of a properly stated rule. USCS Supreme Ct R 10.

This issue was both pressed and passed upon in the earlier appeal. Petitioner's disagreement with the outcome does not transform it into a vehicle for high court review.

2. Petitioner Failed to Raise the Issue of Whether the Sixth Circuit's Order was Properly Filed so it is not Proper for Review on Certiorari

Petitioner asserts that this Court should grant review because an Appellate Court Clerk "signed" the Court of Appeal's final Order. This issue is not a proper issue for review. (Petition Reason IV).

Petitioner identifies no ruling below in which the Sixth Circuit considered any challenge to the clerk's entry of the order.

That alone makes the issue an unsuitable vehicle for review. This Court ordinarily does not decide questions that were neither pressed nor passed upon below, and that prudential rule protects both the orderly development of issues and the Court's need for an adequate factual and legal record. *Springfield v. Kibbe*, 480 U.S. 257, 259 (1987); *Taylor v. Freeland & Kronz*, 503 U.S. 638, 646 (1992).

Moreover, Petitioner's alleged reason for review belies a misunderstanding of the Court's administration not an important federal question. The Sixth Circuit order was issued and signed by the three-judge panel. The clerk's signature reflected the ministerial act of entering or filing it on the docket. Under Federal Rule of Appellate Procedure 36(a), the clerk must prepare, sign, and enter the judgment only after receiving the court's opinion, or, if a judgment is rendered without an opinion, as the court instructs.

Petitioner's effort to recast a routine docketing function as if the clerk, rather than the panel, decided the appeal does not present any departure from the usual course of judicial proceedings or any basis for Supreme Court review.

**II. This Case Is Not a Proper Vehicle for Review
Because the Lower Courts Correctly Applied
Settled Law**

**A. The Lower Courts Applied the Correct
Legal Standards**

In the Petition, Romanov asserts this Court should review the lower courts decisions with respect to (1) subject matter jurisdiction and (2) pre-trial, trial and post-trial rulings. However, the Lower Courts properly applied well-settled jurisprudence.

**1. The Courts applied settled Law to the
Issue of the Existence of Subject Matter
Jurisdiction**

The district court properly held that the amount in controversy is determined at the time of filing. *See Olden v. LaFarge Corp.*, 203 F.R.D. 254, 259 (E.D. Mich. 2001); *see also* district court order in *Romanov v. State Farm Auto Insurance Company* Case No. 3:22-cv-443 (E.D. Tenn August 23, 2023).

The Court went on to clarify, If, however, it is later determined that a plaintiff “[l]ack[ed] [] the jurisdictional amount from the outset,” a court’s authority to hear the matter

may be in jeopardy. See *Charvat v. EchoStar Satellite, LLC*, 630 F.3d 459, 462 (6th Cir. 2010) citing *St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 289 (1938). The district court concluded that because it was not a “legal certainty” that Romanov would not recover more than \$75,000 at the time of filing the court should not oust jurisdiction.

The Sixth Circuit reviewed this issue de novo and held the district court properly applied the legal standard and unanimously affirmed.

The Supreme Court has long adhered to the "time-of-filing" rule, which dictates that federal subject matter jurisdiction in diversity cases depends on the state of facts that existed at the time the action was filed *Grupo Dataflux v. Atlas Global Group, L.P.*, 541 U.S. 567, 570-71 (2004). This Court has held further, "[e]vents occurring subsequent to the institution of suit which reduce the amount recoverable below the statutory limit do not oust jurisdiction." *St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 289-90 (1938).

The Lower courts correctly applied these legal standards to the issue of subject matter jurisdiction. As noted above at page 18-20, Petitioner is improperly seeking review of factual findings and the application of settled law to case-specific facts.

**2. The Courts applied settled law to the
issues before them during and post-trial.**

Petitioner asserts a series of errors in the pre-trial, trial and post-trial periods of this case justify review. The Courts applied the proper review and legal principles and there is no reason to revisit these rulings.

First, Petitioner alleges this Court should review numerous pre-trial decisions regarding scheduling, the sequential order of witness testimony, the deferral of rulings on evidentiary motions in limine the decision to not hold a specific hearing on alleged fraud, and its treatment of her as a pro se litigant (Petition Reasons II pg 9-10, V pg 30).

The Sixth Circuit properly reviewed the district court's scheduling and evidentiary standards for abuse of discretion. *See Burley v. Gagacki*, 834 F.3d 606, 617 (6th Cir. 2016); *Marcilis v. Township of Redford*, 693 F.3d 589, 597 (6th Cir. 2012). The Sixth Circuit applied this proper legal standard in its review of the district court's numerous factually and procedurally specific rulings. The Sixth Circuit rejected each of the Petitioner's arguments finding there was no abuse of discretion by the district court. *See Order in Romanov v. State*

Farm Mut. Auto. Ins., Nos. 24-5997/25-5123 (6th Cir. June 3, 2025) at 7-9

The Court also reviewed the claim that the district court had not considered her pro se status and held the district court acted within its discretion noting, “the lenient treatment generally accorded to pro se litigants has limits.” *Pilgrim v. Littlefield*, 92 F.3d 413, 416 (6th Cir. 1996). As this Court has explained, “District judges have no obligation to act as counsel or paralegal to pro se litigants.” *Piler v. Ford*, 542 U.S. 225, 231 (2004)⁹

Second, the Petitioner contends this Court should review her argument that the trial transcript was incomplete and should have been augmented. (Petition at Reason V pg 30; VIII 18-19; IX 20-22) Petitioner contends that the trial transcript failed to include portions of voir dire as well as sidebars. These arguments have been made and rejected several times.

⁹ Moreover, the Petitioner’s reliance on *Boddie v. Connecticut*, 401 U.S. 371 (1971) is misplaced. In *Boddie*, the U.S. Supreme Court held that, consistent with the Due Process Clause of the Fourteenth Amendment, a state cannot deny access to its courts to indigent individuals seeking judicial dissolution of their marriages solely because of their inability to pay court fees and service of process costs. *Id.* at 380-81. The Petitioner has not been denied access to the courts, rather she has litigated this matter for years in both the district court and Sixth Circuit. Furthermore, the Court made clear the holding in *Boddie* is only relevant to the specific context of divorce and marriage termination, where the bona fides of both the appellants’ indigency and their desire for divorce are undisputed. *Boddie v. Connecticut*, 401 U.S. 371, 382 (1971)

After filing for appeal, Romanov moved the district court and the Sixth Circuit to correct and supplement the pretrial and trial transcripts. Romanov also filed a writ of Mandamus asking the Sixth Circuit to direct the district court to correct and supplement the transcripts. Romanov later moved the Sixth Circuit to augment the record on appeal and the Court refused. Then Petitioner moved for reconsideration of the order. All of these attempts were reviewed and denied. *See Order in Romanov v. State Farm Mut. Auto. Ins.*, Nos. 24-5997/25-5123 (6th Cir. June 3, 2025) at 3-4.

In reviewing this issue, the Sixth Circuit applied settled law that, “if any differences arises about whether the record truly discloses what occurred in the district court, the difference must be submitted to and settled by that court and the record conformed accordingly.” Fed. R. App. P. 10(e)(1). The Sixth Circuit noted that the district court already settled this issue against Romanov. The Court upheld the district court’s decision and explained, “because Romanov has failed to show that this court overlooked or misapprehended any point of law or fact in denying her motion to augment the record, we deny her motion for reconsideration.” *Id.* at 4.

This issue was fully considered by the district court and Sixth Circuit and any dispute here consists of record-bound issues properly considered by the district court and reviewed by Sixth Circuit. There is no basis for further review.

Third, Romanov alleges that the district court erred with respect to requiring the use of technology for trial exhibits, the time she lost due to the technology and the physical conditions of the courtroom for a disabled plaintiff. (Petition at Reasons IVI pg 15-16, VII 17; X, 22-23)

The Sixth Circuit reviewed these claims when Romanov appealed the district court's denial of her motion for a new trial. The Court reviewed the denial of a new-trial motion for abuse of discretion. *Romanov v. State Farm Mut. Auto. Ins.*, Nos. 24-5997/25-5123 (6th Cir. June 3, 2025). This is the proper standard of review. See *Harden v. Hillman*, 993 F.3d 465, 475 (6th Cir. 2021).

A new trial is warranted "when a jury has reached a seriously erroneous result as evidenced by: (1) the verdict being against the weight of the evidence; (2) the damages being excessive; or (3) the trial being unfair to the moving party in some fashion, i.e., the proceedings being influenced by prejudice or bias." *Balsley v. LFP, Inc.*, 691 F.3d 747, 761 (6th Cir. 2012)

(quoting *Holmes v. City of Massillion*, 78 F.3d 1041, 1045-46 (6th Cir. 1996)). The first two grounds were inapplicable because Romanov did not argue that the jury's verdict in favor of State Farm was against the weight of the evidence and because the jury did not award any damages, leaving only whether the trial was unfair.

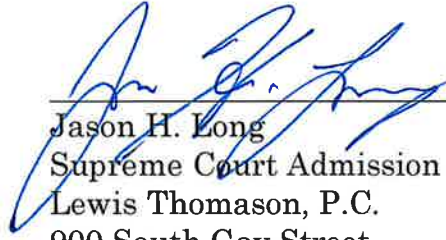
The Sixth Circuit undertook a detailed review of the record and determined the district court treated Romanov fairly and even assisted Romanov beyond what it was not required to do explaining "the district court had no obligation to act as Romanov's counsel or otherwise assist her in presenting her case." See *Pliler v. Ford*, 542 U.S. 225, 231 (2004). The Court applied the proper standard and found the district court was within its discretion in its finding that the trial was fair. See Order in *Romanov v. State Farm Mut. Auto. Ins.*, Nos. 24-5997/25-5123 (6th Cir. June 3, 2025).

The Sixth Circuit's decision rests on application of settled law and any perceived conflict Romanov is creating is based only on her rejection of fact bound decisions not and legal conflict or issue.

CONCLUSION

The Petition for a Writ of Certiorari should be denied.

Respectfully submitted this 8th day of September 2026.



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