

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*

PETITIONER'S REPLY BRIEF

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PETITIONER’S REPLY BRIEF

**PRELIMINARY STATEMENT &
COUNTER-QUESTIONS PRESENTED**

Respondent’s Brief in Opposition fails to engage with the critical legal questions presented, choosing instead to recite the very lower court rulings Petitioner challenges¹. This circular defense entirely misses the purpose of certiorari review. Petitioner has sought review precisely because those courts issued egregious, conflicting, and unconstitutional rulings that upended settled jurisdictional precedent to artificially insulate Respondent from liability.

Rather than offering a substantive legal defense of the lower courts’ anomalous jurisdictional engineering, Respondent treats those flawed orders as self-validating. This structural evasion confirms that Respondent cannot defend the indefensible. Unable to articulate a cogent defense of these deep public and structural conflicts, Respondent relies on mischaracterizations, misapplied case law, inapplicable authorities, and manufactured procedural bars designed to shield a structural constitutional breakdown from this Court’s review.

Respondent completely fails to meet its burden

¹Petitioner rejects Respondent’s narrative (*Id.* 4–17; nn. 1- 9). Due to strict initial petition word limits, Petitioner’s silence regarding any specific claim does not constitute an admission of its veracity. This deep record requires a full briefing on the merits to ensure an accurate review of the structural violations.

to oust this Court's certiorari review. It is well settled that a party cannot satisfy its legal burden through the mere repetition of flawed, self-serving conclusions or the mischaracterization of binding precedent. *See Grupo Dataflux v. Atlas Global Group, L.P.*, 541 U.S. 567, 575–76 (2004) (holding that a party's reliance on post-filing, engineered procedural interpretations cannot magically cure or displace fundamental statutory jurisdictional mandates).

Respondent's reliance on circular repetition underscores its hypocrisy and tactical evasion. There is no question that if a federal tribunal had subjected Respondent to an engineered jurisdictional trap, an altered trial transcript, or a physically barred courtroom, Respondent would be vociferously pounding the podium, decrying a total deprivation of Due Process.

Because these multi-layered deprivations were inflicted upon an unrepresented *pro se* woman to deliver a meretricious procedural advantage, Respondent silently pockets the windfall. By denying deep circuit splits and due process violations presented in the Petition, Respondent's large echoing of the challenged orders¹ confirms that this case remains an uncontradicted, nationally relevant, clean vehicle for this Court's immediate intervention.

Therefore, Petitioner presents the following Counter-Statements (*Id.* at 7) in reinforcement of, rather than substitution for, the Questions Presented in her original Petition:

1. Whether a court of appeals radically departs

from the accepted course of judicial proceedings under Supreme Court Rule 10(a) by insulating a structural constitutional defect, necessitating this Court's supervisory authority.

2. Whether an exceptional showing of structural error presents a pure question of constitutional law that satisfies the exceptional circumstances exception to the two-court rule.
3. Whether a constitutional challenge to an unexpected, structural breakdown of judicial process is preserved when raised post-judgment at the earliest opportunity to object.
4. Whether a lower court correctly applies this Court's precedents when it utilizes procedural dismissals to leave systemic structural violations unexamined, evading Article III review.

Contrary to Respondent's contentions, this case satisfies Rule 10. The lower courts subverted the very architecture of judicial process. Critically, these structural defects are actively metastasizing into unrelated state and federal dockets and immediate supervisory intervention is urgently required, *infra*.

ARGUMENT

I. Petitioner's Questions Presented Carry Profound, National Public Importance to Millions of Citizens:

Far from Respondent's alleged localized or "fact-bound" disputes, each of Petitioner's questions presented expose critical public issues impacting

millions of litigants, especially given Respondent's market footprint as a dominant national insurer:

Question 1 (Jurisdictional Capping):

This issue exposes a systemic threat to congressional limits on judicial power. When a court uses a substantive merits dismissal under *Mt. Healthy* 429 U.S. 274, 276 (1977) to strip claims below \$75,000 yet still forces a *pro se* citizen to a federal jury trial, it bypasses the statutory threshold of 28 U.S.C. § 1332(a). Permitting courts to manufacture their own jurisdiction this way allows institutional defendants to permanently trap ordinary consumers in a cost-prohibitive federal forum.

Question 2 (Clerk Signatures):

This practice poses a profound structural threat to Article III integrity, stripping ordinary citizens of their constitutional right to a Senate-confirmed Judge. Respondent claims "The Sixth Circuit order was issued and signed by the three-judge panel" (*Id.* 33), yet the only signature on the order(s) is the clerk's. Respondent's reliance on FRAP 36(a) and *Taylor*, 503 U.S. 638, 646 (1992) completely misconstrues the core injury.

Petitioner does not challenge a routine docketing task. Petitioner challenges an abdication of judicial power where no circuit judges signed the orders (*Id.* at (ii.), 5). Outsourcing judicial commands to a clerk to insulate lower court bias, radically departs from accepted judicial proceedings.

Question 3 (Transcript Spoliation):

Respondent completely abdicates any defense

regarding the public importance of a verbatim transcript, choosing instead to parrot the lower court's reliance on the sanitized record itself. By blindly alleging that critical oral statements replaced with arbitrary ellipses ("...") never happened, Respondent highlights the exact structural trap that demands this Court's intervention. Respondent's contrived factual denial cannot cure this unconstitutional procedural paradox.¹ This Court must intervene to stop a federal court from concealing misconduct by altering the official transcript and locking away electronic evidence exposing the deception.

Question 4 (Coerced Settlements):

Respondent's blanket denial of fraud and unverified claim of non-service fail as a matter of law. An opposition brief is not evidence, *see Skyline Corp. v. N.L.R.B.*, 613 F.2d 1328, 1337 (5th Cir. 1980). The record contains irrefutable proof that Respondent's registered agent was lawfully served, securing a valid \$200,000 default judgment. Respondent evades that when a federal court ignores colorable fraud upon itself under *Hazel-Atlas*, 322 U.S. 238, 246 (1944), the public impact is catastrophic. It signals that dominant insurers can unilaterally manufacture a parallel factual reality to evade judicial mandates.

This Court must intervene to stop federal tribunals from letting mega-corporate defendants exploit unsworn denials to shield fraud that the record directly refutes.

Question 5 (Technological Coercion):

Respondent's regurgitation of the same

order Petitioner is challenging (*Id.* 11) relies on a scrubbed record to evade a structural due process issue of nationwide significance. Respondent fails to defend the core injury: that the court rigidly enforced an electronic-exhibit mandate, ran a *pro se* litigant's non-tolled 90-minute trial clock during court-owned hardware failures, and denied functional, zero-cost presentation workarounds. Striking the heart of *Mathews*, 424 U.S. 319, 348–49 (1976), this Court must intervene to establish a uniform code: federal courts cannot weaponize technical failures or use “efficiency” labels to insulate bias, override constitutional rights, and deny ordinary citizens the right to testify.

Question 6 (Structural Exclusion & Jury Contamination):

Respondent shelters behind lower orders whitewashing a structural constitutional breakdown. Threatening a disabled, *pro se* litigant with dismissal while blocking wheelchair access to the podium (shielding her disability from the jury and protect Respondent) weaponizes a physical limitation into a tool of procedural forfeiture.

Trying cases before biased, financially dependent policyholder juries destroy the Seventh Amendment. This Court must declare that jury neutrality, physical accessibility, and reasonable accommodations are non-negotiable structural mandates, not administrative conveniences balanced to defeat disabled citizens or *pro se* litigants.

II. This Court Has Clear Jurisdiction Over

Petitioner's Preserved Constitutional Claims:

Respondent's manufactured procedural bars (*Id.* at 2, 3, 36) are flatly contradicted by a continuous constitutional injury spanning multiple federal dockets (*Carrichner*, No. 3:19-cv-00090; *Romanov*, Nos. 20-6205, 3:22-cv-00443). Petitioner exhausted every avenue, raising these structural injuries in the Sixth Circuit via a Writ of Mandamus (No. 25-5123) and direct appeal (No. 24-5997) while moving to supplement the official record regarding 70 critical missing colloquies.

Respondent's reliance on *Burley v. Gagacki*, 834 F.3d 606 (6th Cir. 2016) & *Marcilis v. Township of Redford*, 693 F.3d 589 (6th Cir. 2012) is misapplied. The law-of-the-case doctrine applies only to questions fully briefed and squarely decided on the merits. *Id.* at 618. Because Petitioner's constitutional injuries were foreclosed by procedural dismissals, these questions remain open and ripe for review.

Respondent's forfeiture claim (*Id.* at 28) rests on a false premise: a litigant cannot object to an unexpected judicial breakdown before it happens. Petitioner's motion for a retrial (*Id.* Doc. 205) was her earliest opportunity to record the structural defects. Raising these claims post-judgment was timely. *Saunders v. Shaw*, 244 U.S. 317, 320 (1917) establishes that unexpected constitutional errors engineered by a court itself are preserved when raised post-judgment. Because the Sixth Circuit passed upon these dockets, jurisdiction is cleanly invoked under 28 U.S.C. § 1254(1), not *Adams* 520 U.S. 83 (1997) under

§ 1257 (*Id.* at 3). Forcing a citizen to repeatedly return to court to demand basic constitutional rights is an institutional failure, not a procedural bar.

III. *Charvat* Confirms Absolute Federal Jurisdiction and Validates Petitioner's Standing as a Private Attorney General:

Respondent's efforts to evade review (*Id.* at 35) are fundamentally defeated by *Charvat v. EchoStar Satellite, LLC*, 630 F.3d 459 (6th Cir. 2010), which affirms that federal courts maintain robust subject-matter jurisdiction over systematic corporate schemes causing harm across state lines. *Charvat* explicitly recognizes that federal law empowers ordinary citizens to "take on the role of a private attorney general" to combat pervasive corporate wrongdoing (*Id.* at 465).

Petitioner acts in precisely this capacity, driven by a profound public duty that transcends her individual injuries. While Petitioner has the capability to endure this exhausting litigation, millions of ordinary policyholders do not. Everyday citizens are systematically stopped at the lower appellate level, silenced by procedural barriers they cannot afford to fight. Petitioner steps into this breach for the public good, because if this Court does not intervene, the corporate weaponization of the judicial process will remain completely unreviewable.

Far from an isolated contract dispute, this petition challenges a multi-state pattern of bad faith affecting millions of policyholders. When lower courts pack juries with an insurer's active client base, scrub

official trial records under FRAP 10(e), and erect artificial procedural barriers, they systematically dismantle public consumer enforcement mechanisms authorized by federal law. See *Tumey v. Ohio*, 273 U.S. 510, 523 (1927) (holding that subjecting a litigant to a trier of fact with a direct economic stake violates structural Due Process); see also *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009); *Hardy v. United States*, 375 U.S. 277, 282 (1964) (ruling that an unverified, sanitized, or incomplete trial transcript renders the statutory right to a meaningful appeal entirely illusory); and *Mathews* as cited in Petition (*Id.* 5, 18, 22).

IV. The Structural Errors Below Have Metastasized and Are Actively Corrupting Extraneous Jurisprudence:

Respondent erroneously contends that this dispute is merely “localized or factual” (*Id.* at 3, 25, 28, 29) and “has no applicability to future cases” (*Id.* at 2). In reality, these structural due process issues impact millions nationwide. Every adult driver must maintain auto insurance, representing over 240 million Americans. State Farm dominates this market, insuring approximately 97 million people.²

This Court specifically recognized State Farm’s systemic national practices of bad faith and fraudulent claim denials over two decades ago during oral arguments in *State Farm Mut. Auto. Ins. Co. v. Campbell*, 538 U.S. 408 (2003). Wholly unabated

²State Farm Financial Statement and public domain reports.

since, and fueled by its ongoing judicial impunity, in Knox County, Tennessee alone, 60 citizens sued State Farm *this* year, with more than 250,000 policyholder actions *statewide*.³ Scaled nationally, this systemic impact affects an estimated 13 million policyholders. Far from an isolated dispute, the lower courts' unconstitutional shortcuts are actively corrupting broader legal frameworks and dictating the rights of unrelated litigants in both state and federal courts.

Recently, Petitioner inadvertently learned that the Tennessee Court of Appeals has explicitly relied upon the unreported dockets of *Romanov v. State Farm* to substantiate its positions in separate, unrelated litigation.⁴ Compounding this viral effect, the presiding District Judge now treats *Romanov*'s corrupted framework as boilerplate authority, quoting his own orders from *this* case to summarily dismiss separate other *pro se* matters in his court.

**V. Respondent Evaded Lower Courts'
Procedural Failures and Unsigned Orders
Denied A Meaningful Appellate Review:**

³ Tennessee Department of Insurance and Commerce website.

⁴While denying the plaintiff's appeal in *Salas v. Rosdeutscher*, No. M2025-00244-COA-R9-CV (Tenn. Ct. App. July 16, 2026) the appellate court noted:

“In determining that the date the sanctions order was entered governed when the saving year commenced in this case, the trial court also relied heavily on an unreported federal district court opinion in *Romanov v. State Farm Mutual Automobile Insurance Co.*, No. 3:22-cv-443, 2023 WL 3635698 (E.D. Tenn. May 24, 2023).”

Lower courts maintain zero discretion to enforce procedural technicalities or manipulate a record to strip away constitutional rights: *Cf. Griffin v. Illinois*, 351 U.S. 12 (1956) prohibits unconstitutional record manipulation. *Griffin* holds that when judicial actions effectively destroy the integrity of the trial record, the right to a meaningful appeal is unconstitutionally stripped away.

VI. The Absence of a Direct Circuit Split Does Not Bar This Court’s Mandatory Supervisory Review Under Rule 10(a):

Respondent’s reliance on *Layne & Bowler Corp.*, 261 U.S. 387 (1923) is a misdirection (*Id.* at 18). While *Layne* addresses standard circuit splits, Supreme Court Rule 10(a) explicitly grants independent ground for certiorari when an appellate court departs from the accepted course of judicial proceedings. When courts weaponize an unreported opinion to insulate mega-corporate entities and fabricate jurisdiction, the matter transcends a private contract dispute, creating a systemic crisis demanding immediate supervisory review.

VII. Respondent’s Authorities Fail:

***Exxon*, 517 U.S. 830 (1996):** (*Id.* at 3, 28)

Inapposite. The prudential “two-court rule” governs routine factual findings, not systemic constitutional breakdowns. The rule vanishes upon an “exceptional showing of error” undermining judicial integrity. *Id.* at 841.

***U.S. Bank*, 583 U.S. 387 (2018); *Salve Regina*, 499 U.S. 225 (1991):** (*Id.* at 3, 26, 27)

Mischaracterized. Courtroom exclusions and record blockades transcend “narrow trial facts” or routine administrative supervision.

***St. Paul Mercury*, 303 U.S. 283: (Id. at 20-22, 35)**

Misplaced. *Torres* 478 F. Supp. 2d 924 (2007) and *Samuel-Bassett* 357 F. 3d 392 (Ct. App., 3rd Cir. 2004) (*Id.* App. 69a) confirm forum-shopping concerns are absent *here*. Under 28 U.S.C. § 1332(a), a “legal certainty” below \$75,000 did not exist by design but was retroactively engineered by the court under *Mt. Healthy*, 429 U.S. 274 (1977).

***Mu’Min*, 500 U.S. 415 (1991); *Miller*, 474 U.S. 104 (1985): (Id. at 25)**

Inapposite. Broad discretion over individual juror credibility does not authorize a structural conflict of interest.

***Dupree*, 598 U.S. 729 (2023): (Id. at 23)**

Misapplied. *Dupree* exempts “purely legal issues” from post-trial motions. *Id.* at 735. The structural issues *here* required post-verdict challenge; *Dupree* cannot shield them from review.

VIII. Lastly, Respondent’s Footnotes Rely On Bald Assertions Devoid of Proof:

Courts are never required to accept declarations connected to reality only by a party’s self-serving brief. *General Electric Co. v. Joiner*, 522 U.S. 136, 146 (1997). Respondent employs this smokescreen to exploit Petitioner’s *pro se* status and shield a structural due process collapse:

The Service Diversion (*Id.* at n. 2):

Respondent invents a fraudulent legal rule

claiming service was mandatory under Tenn. Code Ann. § 56-2-504. In reality, corporate service is perfectly executed by serving a publicly designated agent. Petitioner did exactly that, serving Respondent's publicized registered agent, Jon Farney (then-CFO, current President/CEO of Respondent), at his designated office; receipt is verified by Respondent's own internal claim file logs and correspondence (*Romanov*, 3:22-cv-00443, Doc. 160).

The Settlement Fraud (*Id.* n. 3):

Respondent misleads this Court by denying the confidential settlement agreement and framing Docket Entry 21 as a routine step to avoid dismissal. Crucially, Petitioner amended her complaint to remove bad-faith claims and fraud based entirely on Respondent's binding promise to pay \$75,000 pre-trial. Once Petitioner's counsel withdrew, Respondent defaulted, denied the contract, and weaponized the induced omission as a procedural waiver.

Respondent maintains flatly contradictory positions across parallel judiciaries to execute an ambush. While telling *this* Court "there has never been a settlement" (*Id.* at n. 2), Respondent simultaneously moved to dismiss Petitioner's contract action in Knox County Chancery Court (Case No. 213142-1, Tenn. 2026), claiming all litigation was finalized under the Sixth Circuit mandate. Critically, Respondent concealed *this* pending Supreme Court Petition from the Chancery Court to attempt to induce immediate dismissal. A mega-corporation cannot tell a state court a dispute is dead while telling *this* Court

it's an unreviewable case-specific grievance, all while hiding *this* live docket from state judges. See *New Hampshire v. Maine*, 532 U.S. 742 (2001) and *Hazel-Atlas, supra*. This profound breach of candor⁵ satisfies the extraordinary threshold for supervisory review under Supreme Court Rule 10(a).

CONCLUSION

Petitioner's claims raise substantial federal questions that collapse Respondent's procedural barriers. Review is warranted under Supreme Court Rule 10(a) because the lower courts departed from the accepted course of judicial proceedings, stripping policyholders of due process. Because this Court capped insurer liability in *State Farm v. Campbell, supra*, equity requires intervening now to protect public enforcement safeguards.

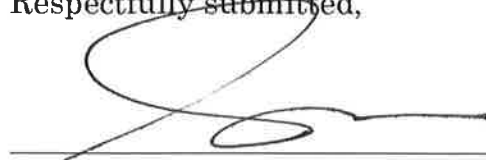
Romanov's unreported decision has escaped its docket and metastasized across state *and* federal courts. Supreme Court intervention is the single mechanism left to close a dangerous loophole permitting a trial court to shield itself using FRAP 10(e) and the appellate court's hands being tied while distorting the rules to conceal judicial hostility and insulate the nation's largest insurer. Because

⁵Parties have an ongoing duty to reveal deeply intertwined legal proceedings to this Court (Sup. Ct. Rule 15.2). Contrary to Respondent's narrative, mention of the pending Chancery Court action or the fact that the Chancellor took State Farm's motion under advisement on 08/20/2026 was omitted violating its explicit obligation to correct material omissions.

lifetime-appointed judges are insulated from congressional removal, our Constitution vests *this* Court with the exclusive duty to police judicial power and is the only authority to guarantee national due process, halt mega-corporate immunity, and reaffirm that no judge is above the law.

The Petition for a Writ of Certiorari should be granted.

Respectfully submitted,



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Dated: September 19, 2026