

**IN DAVIDSON COUNTY CHANCERY COURT**

State of Tennessee	)	
<i>ex rel.</i> David Jonathan Tulis	)	
<i>Relator</i>	)	<b>Case No. 25-0378-II</b>
V.	)	
	)	
David Gerregano	)	<b>Chancellor Anne Martin</b>
Commissioner of revenue	)	<b>Division II</b>
	)	
Jeff Long	)	<b>ORAL ARGUMENT DEMAND</b>
Commissioner of safety	)	
<i>Respondents</i>	)	

**Motion to reconsider & to decertify**

*The declaration of rights hereto prefixed is declared to be a part of the Constitution of this State, and shall never be violated on any pretense whatever. And to guard against transgression of the high powers we have delegated, we declare that every thing in the bill of rights contained, is excepted out of the General powers of government, and shall forever remain inviolate.*

— Tenn. Const. Art. 11 § 16

State of Tennessee on relation demands the court reconsider its denial of the motion for injunctive relief and to order respondent Gerregano to decertify the electronic insurance verification system (“EIVS”) on the following grounds.

**Commissioner certifies EIVS**

1. The system is required to be certified by the commissioner of revenue (“Mr. Gerregano,” “revenue” or “DOR”). T.C.A. § 55-12-212 (“The program shall be installed and fully operational upon certification by the commissioner of revenue that the program has been successfully tested and is ready for implementation \*\*\*

. Until such certification occurs, no law enforcement action shall be taken based on the program”).

2. Certification is the commissioner’s guarantee as to EIVS accuracy and reliability pursuant to T.C.A. § 55-12-101 *et seq*, Tennessee financial responsibility law of 1977 (“TFRL”) and T.C.A. § 55-12-201 *et seq*, James Lee Atwood Jr. Law (“Atwood”).

**EIVS checks motor vehicle liability policy certificates**

3. Gerregano duties under Atwood are to “develop, implement, and administer an insurance verification program to electronically **verify** whether the financial responsibility requirements of this chapter **have been met with a motor vehicle liability insurance policy**” § 55-12-204 (emphasis added). Such policies create the SR-22, the certificate.
4. A certificate is a ticket, warrant, “a written assurance, or official representation that some act has or has not been done, or some event occurred, or some legal formality been compiled with” *Black’s Law Dictionary*, Rev. 4th ed.
5. Revenue duties in § 55-12-204 are to secure monitoring of the motor vehicle liability policy, defined at § 55-12-102.

(7) “Motor vehicle liability policy” means an “owner's policy” or “operator's policy” of liability insurance, **certified** as provided in § 55-12-120 or § 55-12-121 **as proof of financial responsibility**, and issued, except as otherwise provided in § 55-12-121 by an insurance carrier duly licensed or admitted to transact business in this state, to or for the benefit of the person named therein as insured[.] [emphasis added]

**Gerregano uses EIVS, but not to monitor SR-22s**

6. Respondent Gerregano admits he uses no filter on EIVS. He creates a list of insurance industry noncustomers based on (1) his list of motor vehicle registrants,

(2) insurance companies' full books of business. He uses his list, nowhere authorized in statute, for sending notices under § 55-12-210.

7. He admits not using department of safety's division of financial responsibility, with its driver license records and its record of SR-22 certificate holders.
8. Mr. Gerregano admits EIVS does not "verify" the person insured under a motor vehicle liability policy per § 55-12-102(7). He admits monitoring other parties.
9. He surveils the person who is (1) not required to buy a motor vehicle liability policy, (2) the person not required to maintain such policy "for the length of the license's revocation or suspension" § 55-12-114, and (3) the person not a customer of State Farm or other carrier.
10. He admits monitoring the person not under suspension or not having had a qualifying accident under § 55-12-104 and -105. That would be the relator.
11. Relator is victim of the use of EIVS apart from Gerregano's Jan. 1, 2017, seal and certification.

**Relator not required to have SR-22 certificate**

12. Relator's 2000 Honda Odyssey minivan has been decertified for use as a motor vehicle, its authorization and registration yanked. Decertification of the car means he cannot use it for privilege taxable activity and must cease all such activity.
13. Relator reasonably expects two harms under "law enforcement action \*\*\* taken based on the program." ➤ (1) He is denied the right to use the automobile for privilege taxable activity, carrying goods and people for hire as a member of the "shipping public," T.C.A. § 65-15-101(a)(3). ➤ (2) Relator is being denied its use for *private purposes* as a member of the "traveling \*\*\* public" at § 65-15-101(a)(3) apart from privilege, for convenience and necessity, for the enjoyment of constitutionally guaranteed rights (Tenn. Const. Art. I, religion,

press, assembly), as respondents' privies in law enforcement agencies forbid private use of automobiles under criminal sanction.

14. Respondent Gerregano's suspending relator's tag misrepresents him before others, whether respondent Long's state troopers, county deputies or city police officers, who are informed by the record that relator is subject to SR-22 verification by EIVS, and subject to prosecution as having neither SR-22 nor any other insurance.

**EXHIBIT No. 29**, Affidavit of harm over revoked tag

15. Denial of use of his automobile, for which tax is fully paid, is a taking without a hearing due to him in department of safety at T.C.A. § 55-12-103 following notice by safety to revenue to suspend license and tag.

## **Analysis**

### **Court accepts Gerregano certification of EIVS**

16. Chancery court is at the heart of equity jurisprudence in Tennessee. It has authority to weigh equity claimed by respondents as against the equity claimed by state on relation. In instant case, the authority overseeing the covenant between the people and the state is the state constitution and the § 55-12-212 certification of EIVS.
17. At the April 10, 2025, hearing the court is unwilling to act, seemingly because it has not had time to read the law fully and draws back in regard for the status quo.
18. The court thus agrees with the infamy defense, that the scope of harm is so great it cannot be accounted for as to any one person, and to remedy the breach is too vast a project to undertake across a vast skein of interests, customs and usages, despite clear law.

**Court accepts admitted deviation**

19. Without reversal, the court shares in Mr. Gerregano's implied claim in §55-12-212 to absolute certainty about his certification of EIVS, that it is true, complete and truthful, that his certification has standing to deflect relator's lawsuit.
20. The court embraces the existing search calibration under the Jan. 1, 2017, certification, holding any and all error harmless, though EIVS is *not used to verify the motor vehicle liability policy* as required in § 55-12-202.
21. In considering a motion to dismiss, courts " 'must construe the complaint liberally, presuming all factual allegations to be true and giving the plaintiff the benefit of all reasonable inferences.' " *Tigg v. Pirelli Tire Corp.*, 232 S.W.3d 28, 31–32 (Tenn.2007) *Webb v. Nashville Area Habitat for Human., Inc.*, 346 S.W.3d 422, 426 (Tenn. 2011). Opting not to answer, respondents accept facts and allegations in the complaint.
22. One of two things is true. The commissioner in December 2016 properly set up EIVS pursuant to law (monitoring motor vehicle liability policies per § 55-12-202), and after certifying it Jan. 1, 2017, deviated into current policy by which vehicle identification numbers, registrations and insurer business records are compared to create a list of noncustomers of the insurance industry targeted for revocation. Or Mr. Gerregano made a certification premised on fraud and capricious policy.
23. Either way, relator demands the court order the commissioner to rescind the Jan. 1, 2017, certification, as respondent Gerregano admits deviation from statute.

**Consequences of denying motion**

24. The court denies injunction because it is uncertain as the law, which is complex and wordy, and because the case's implications upon two departments and longstanding customs are great.

25. Denying injunction forces a private person to buy auto insurance apart from law and abrogates relator's constitutional liberties. State law doesn't require purchase of insurance for speech, for living in a house, walking down a public sidewalk, marriage or having children. No party apart from commercial enterprise in privilege taxable activity is compelled to buy insurance, and relator without dispute uses the road apart from the transportation industry.
26. Relator rebuts the presumption that revenue has authority to revoke his registration when he is nowhere liable to maintain evidence or proof of financial responsibility.
27. If insurance is voluntary, Tennessee has a marketplace serving those called a "free people," Tenn. Const. Art. 1 § 24 ("That the sure and certain defense of a free people, is a well regulated militia"). If auto insurance is universally compulsory to use the public road by motor vehicle, Tennessee has executive branch legislation of organized crime not in the public interest.
28. EIVS cited in complaint harms any person who has a right to travel without contracting with a state-licensed insurance carrier. It is widely known and generally accepted no Tennessee court will lawfully enforce a contract entered under duress or fraud.
29. The court is asked to take judicial notice that no part of ordinary life in Tennessee can be enjoyed or practiced apart from use of automobile or motor vehicle. Public transit is limited, distances are vast, and automobile-centric society requires use of roads thrown open for public travel. A person buys insurance for self-protection. To compel a person to buy a financial industry product apart from law hurts him who, for poverty or other reasons, forgoes that self-protection. The poor, such as relator under his affidavit in support of motion for injunction, p. 1, cannot justly be denied the right of equal access to public thoroughfares paid for by the taxpayer because he does not do business with State Farm or other carrier incorporated for private profit and gain.

## Argument

### Certification of EIVS, certification of policies

30. Petitioner's complaint is an audit of DOR's books and records. DOR ignores certification and EIVS' duty to verify the **motor vehicle liability policy** of a person required to have one on condition of the privilege. § 55-12-114. TFRL respondents' double sets of books, exhibiting numerous contradictions between them, should not impress the court as to their veracity, equity or good faith.
31. Their capricious program casts doubt on *any certificate* behind which they stand.

### Gerregano certification of EIVS does not stand

32. They argue, effectively, the difference between a certified and an uncertified auto policy is the thickness of a piece of paper or an electron, or simply none. The difference, rather, is as great as east is from west, or north from south, or wheat from chaff or sheep from goat. The law makes distinction. Denial of distinction casts respondents into contradictions, as per the complaint, confusion *the court declares it intends to share*.
33. Denying injunction declares to respondents and the world that *certainty* exists, that EIVS is *sure*, that its *certification* is *true*, that DOR does "verify whether the financial responsibility requirements of this chapter have been met with a motor vehicle liability insurance policy" § 55-12-202, that no irregularity exists, that no harm is done to innocent relator.

### Court must go strictly by law, not other considerations

34. The ramifications of decertification upon 250 for-profit corporation members of the Tennessee automobile insurance plan under T.C.A. § 55-12-136, upon state departments, state policy or usages or upon 6 million motor vehicle registrants — whether good or bad — are outside the scope of chancery's judicial authority.

35. Consequences, if any, belong to *respondents and to the general assembly*.
36. The court should be concerned chiefly to uphold the justice and goodness in the Tennessee financial responsibility act of 1977, and to insist that it operate. Justice and equity obtain when a decertification order forces Mr. Gerregano to do what relator's 20 months of petitioning his department have failed to accomplish.
37. Relator alleges respondent Gerregano is violating the Tennessee constitution. To protect his honor, he **deserves** an order to decertify his certificate for EIVS, catch his breath and **verify** his program prior to certifying it once anew. He must needs read the law *in pari materia*, to remember from law school days the law's regularity to protect from arbitrary power, how the doctrine *ejusdem generis*, current today, forbids § 55-12-139(a) being construed as a full rewrite of the statute, an obliteration of financial responsibility in concept in exchange for mandatory insurance. "(a) This part shall apply to every vehicle subject to the registration and certificate of title provisions," under the ordinary rules of construction, applies to parties already subject to TFRL under other provision. T.C.A. § 55-12-139 does not create a universal obligation on all users of the road, as claimed.
38. Relator is not subject to the statute either through Part 1 or Part 2. He is victim of an operation of presumption that he has rebutted. Nothing he has done makes him liable to have privilege revoked in use of two automobiles. He faces immediate irreparable harm by being criminally charged by Mr. Long's troopers or other respondent privies in use of his property. "The highways of the State belong to the people of the State" Dunlap v. Dixie Greyhound Lines, 178 Tenn. 532, 160 S.W.2d 413, 418 (1942).

**Irregularity requires decertification under § 55-12-212**

39. The extraordinary doubt and uncertainty cast upon EIVS in the verified complaint demands the court's order to remove the claim of certainty against irregularity, as



exhibited and heralded Jan. 1, 2017. The certification of that time under § 55-12-212 shows itself not certain, and today hereby clearly false.

40. The law is the law, whether it affects 6 million Tennessee motor vehicle registrants, 1 million poor who don't afford auto insurance or the case's relator. The court empowered by relator's complaint must buckle down, clear its docket and give time required for this case. That millions of citizens and the law itself await relief adds urgency to the matter.
41. The court errs in underrating the petition. State of Tennessee on relation demands the law receive the court's time and energy that is its due. Relator raises ***material, reasonable and verifiable doubts*** against Mr. Gerregano's § 55-12-212 certification of the motor vehicle liability policy verification program.
42. These doubts are sufficient for the court to equitably, lawfully and justly act in relator's favor.

## **Relief requested**

43. Relator demands the court reconsider his injunctive relief request and issue an order that:
  - a. Rescinds the order denying injunction;
  - b. Commands commissioner of revenue to decertify EIVS pursuant to § 55-12-212, pending his department's review of law;
  - c. Restores relator tags, fully paid for and current at time of suspension, on either or both of his automobiles so they might be usable as motor vehicles pending conclusion of the litigation, sparing relator certain irreparable harm in the common "traffic stop" for a suspended tag, causing no injury to either respondent or to the law.

Respectfully requested,



State of Tennessee *ex rel.* David Jonathan Tulis

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and exact copy of this motion has been placed in the U.S. mail with sufficient postage to assure delivery first class, or sent my e-mail to respondents' attorneys' attorneys this Monday, the 14th day of April 2025.

David Gerregano, commissioner

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/s/ David Jonathan Tulis