

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

2024 JUN 10 AM 10:06

CLERK & MASTERS  
DAVIDSON CHANCERY CT  
CS  
D.C. & M.

Sean P. Smith, )  
Petitioner, )  
v. )  
TENNESSEE DEPARTMENT OF FINANCE & ) Case No. 24-0074-I  
ADMINISTRATION, DIVISION OF )  
TENNCARE; and ) Chancellor Patricia Moskal  
STEPHEN SMITH, DIRECTOR OF )  
TENNCARE, in his official capacity, )  
Respondents. )

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OBJECTION TO RESPONDENTS MISREPRESENTATION OF MATERIAL FACTS TO THE  
COURT IN ORAL ARGUMENT

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The format of the Motion Hearing's proceedings did not seem to provide any opportunity for me to voice objection to the Assistant AG's rebuttal argument. I do not expect this letter to be filed prior to the court's Order on the Motion to Dismiss. I believe I should submit my objection into the record even if this does not get taken into consideration in time to influence the courts Order.

In oral rebuttal, Assistant AG Reed Smith argued that my difficulties getting an in-network PCP to meet my needs are not insurmountable, while not specifying why they are not, or how to surmount them. Assistant AG Reed Smith claimed that according to my filings "there are at least three doctors he has seen", and then lists out those physicians names, "Dr. Rice", "Dr. Blumenthal", and "Dr. Martinez". And because of those three doctors I have seen he reasons, and argues, to the court, "So I'm not sure what his issue is with finding primary care physicians, but it seems like it's not an insurmountable one, it seems like, again, these are policy issues that should be decided by the [legislative] branches".

Dr. Rice is an out-of-network general dentist with specialization in jaws and airways. Dr. Blumenthal is an out-of-network dentist specialized in jaw disorders, who retired years ago, who I

never got to see as a patient, because my health plans wouldn't authorize me to see him, and was only mentioned in my submitted documents to further demonstrate the misconduct and difficulties I have had trying and failing to get rehabilitate care with reasonable promptness. Dr. Martinez was the medical director of the Cigna-Fedex health plan in 2020, and contrary to Reed Smith's statement did not, to my knowledge, submit any medical records to anyone.

The information submitted related to Dr. Rice and Blumenthal, and made reference to by Assistant AG Reed Smith, are both evidence of UHCCP-TennCare's provider network inadequacy and my inability to receive proper care management and coordination from an in-network PCP in years 2017-2019. The information about Dr. Martinez is proof he violated my civil rights and abused me, a disabled adult, and failed to uphold his fiduciary obligation to fully and fairly review information; failed to work in good faith and faithfully review and represent information to myself and others.

None of these doctors are PCPs, or even physicians in the UHCCP-TennCare provider network. The problems between me and an adequate provider network will remain insurmountable so long as Respondents refuse to acknowledge basic facts and represent matters with integrity. A matter far outside of policy or the control of legislators.

My health, safety, and human rights hang in the balance, and Respondents treat these matters less like it's a game they can win by cheating their way to victory. Rather than be honest and admit when they do not know something, they insert outright fallacies and try to defraud the court and prevent me from getting the assistance that I desperately need and am statutorily and constitutionally entitled to. I really must be something less than human to them. It would be one thing if they defended their position with honesty and integrity based upon the facts, in pursuit of truth, but to outright lie to the court as they did just goes to show that disabled adults being mistreated by Tennessee State officials isn't simply isolated to the agency of TennCare. It's endemic, spread like a cancer.

Assistant AG Reed Smith made no effort to confirm the accuracy of information and then intentionally misrepresented that fact to the court in oral argument. Apples are not oranges. Out-of-network dentists are not in network PCPs. Rehabilitative jaws-airway care is not outpatient physical therapy. Defrauding the court does not uphold the Constitution.

Where is the accountability?

Dated June 8th 2024.

Sincerely,

Sean Smith  
6402 Baird lane  
Bartlett TN, 38135  
(901) 522-5775  
[TheLastQuery@gmail.com](mailto:TheLastQuery@gmail.com)  
DefendTheDisabled.org



6.8.2024

### Certificate of Service

I Sean Smith hereby certify that a true and correct copy of *Objection to Respondents Misrepresentation of Material Facts to the Court in Oral Argument* is being forwarded via email to the following:

Respondents Counsel  
HAYLIE C. ROBBINS (BPR# 038980)  
Assistant Attorney General  
Office of the Tennessee Attorney General  
[Haylie.Robbins@ag.tn.gov](mailto:Haylie.Robbins@ag.tn.gov)

Dated June 8th 2024.

Sincerely,  
Sean Smith  
6402 Baird Lane  
Bartlett TN, 38135  
(901) 522-5775  
[TheLastQuery@gmail.com](mailto:TheLastQuery@gmail.com)  
DefendTheDisabled.org



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