No. 22-349 and 22-529 IN THE SUPREME COURT OF THE UNITED STATES

FLAGSTAR BANK, N.A., PETITIONER

v.

WILLIAM KIVETT, ET AL.

ALEX CANTERO, ET AL, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED, PETITIONERS

v.

BANK OF AMERICA, N.A.

CERTIFICATE OF SERVICE

It is hereby certified that all parties required to be served have been served with copies of the **BRIEF FOR THE UNITED STATES AS AMICUS CURIAE**, via e-mail and first-class mail, postage prepaid, this 30th day of August, 2023.

[See Attached Service List]

As required by Supreme Court Rule 33.1(h), I certify that the document contains <u>5955</u> words, excluding the parts of the document that are exempted by Supreme Court Rule 33.1(d). I declare under penalty of perjury that the foregoing is true and correct. Executed on <u>August</u> <u>30, 2023.</u>

Elizabeth B. Prelogar

Solicitor General

Counsel of Record

Department of Justice

Washington, D.C. 20530-0001

(202) 514-2217

August 30, 2023

Due to the continuing delay in receiving incoming mail at the Department of Justice, in addition to mailing your brief via first-class mail, we would appreciate a fax or email copy of your brief. If that is acceptable to you, please fax your brief to Charlene Goodwin, Supervisory Case Management Specialist, Office of the Solicitor General, at (202) 514-8844, or email at **SupremeCtBriefs@USDOJ.gov.** Ms. Goodwin's phone number is (202) 514-2217 or 2218.

22-0349 FLAGSTAR BANK, N.A. WILLIAM KIVETT, ET AL.

> JONATHAN YATES ELLIS MCGUIREWOODS LLP 888 16TH STREET N.W. SUITE 500 WASHINGTON, DC 20006 202-828-2887 JELLIS@MCGUIREWOODS.COM

MATTHEW A. SCHWARTZ SULLIVAN & CROMWELL LLP 125 BROAD STREET NEW YORK, NY 10004-2498 212-558-4000 SCHWARTZMATTHEW@SULLCROM.COM 22-0529 CANTERO, ALEX, ET AL. BANK OF AMERICA, N.A.

> MARK W. MOSIER COVINGTON & BURLING, LLP ONE CITY CENTER 850 TENTH STREET, NW WASHINGTON, DC 20001 202-662-5435 MMOSIER@COV.COM

JONATHAN ELLIS TAYLOR GUPTA WESSLER PLLC 2001 K STREET NW SUITE 850 WASHINGTON, DC 20006 202-888-1741 JON@GUPTAWESSLER.COM