No. 24-5518

In the Supreme Court of the United States

MARK E. BROWN, PETITIONER

v.

UNIFIED SCHOOL DISTRICT, NO. 501, RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

BRIEF IN OPPOSITION FOR RESPONDENT UNIFIED SCHOOL DISTRICT NO. 501

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QUESTIONS PRESENTED

1. Whether Petitioner properly preserved the arguments for appeal.

2. Whether 42 U.S.C. § 1983 provides the exclusive remedy for damages against a state actor like Respondent, a school district, for remedying racial discrimination and retaliation claims arising under 42 U.S.C. § 1981.

3. Whether the district court and tenth circuit errored in finding that Brown failed to present a prima facie case of retaliation for filing previous lawsuits.

4. Whether the state of Kansas's two-year statute of limitations for Section 1981 applies to and trumps 42 U.S.C. 2000(e)(5)(1) for purposes of filings Title VII claim.

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Case 1: (*Mark Edward Brown v. Unified School District No. 501*, No. 23-3253 (10th Cir. July 10, 2024)):

The Tenth Circuit's decision has not yet been published in the Federal Reporter but is reported at 2024 WL 3355277.

Case 2: (*Mark Edward Brown v. Unified School District No. 501*, No. 22-2519, slip op. 2023 WL 8274530 (D. Kan. Nov. 20, 2023)):

The United States District Court of Kansas opinion is not published in the Federal Reporter, but a slip copy can be found at 2023 WL 8274530.

Related Historical Cases Not on Appeal

1995 Case: *Brown v. Unified Sch. Dist. 501, Shawnee Cnty., State of Kansas*, 1995 WL 590605 (10th Cir. 1995) (unpublished opinion) (referenced in Case 1 as *Brown I*);

2006 Case: *Brown v. Unified Sch. Dist. 501, Topeka Public Schs.*, 465 F.3d 1184 (10th Cir. 2006) (referenced in Case 1 as *Brown II*);

2012 Case: *Brown v. Unified Sch. Dist. No. 501, Shawnee Cnty., State of Kansas*, 459 Fed. Appx. 705 (10th Cir. 2012) (referenced in Case 1 as *Brown III*);

2020 Case: *Brown v. Unified Sch. Dist. 501*, No. 19-3252 (10th Cir. 2020) (referenced in Case 1 as *Brown IV*).

JURISDICTION

The judgment of the Tenth Circuit was entered on July 10, 2024. On August 12, 2024, petitioner filed a petition for a writ of certiorari. On October 15, 2024, respondent filed a motion for extension of time which was granted, setting the deadline to respond to November 12, 2024. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

INTRODUCTION

Mr. Brown's petition should be denied because it presents no new issue on appeal nor does direct conflict exist between the state court and federal courts or even among federal appellate courts; presents issues not properly preserved before the Tenth Circuit; the courts below were right; and petitioner's petition should be rejected because it does not follow this Court's Rule 14. His petition presents only one question which was not brought before the Tenth Circuit, but his arguments include other baseless reasons for appeal which fail to be presented with accuracy, brevity, and clarity, let alone justify an appeal.

STATEMENT OF THE CASE

The Tenth Circuit's decision affirming the district court's judgment was right. Petitioner fails to point to any reason for granting review of that decision.

1. Factual Background of the Case

Mr. Brown was first employed by USD 501 as a Physical Education teacher between 1982 and 1996. He voluntarily resigned his employment in 1996. His tenure with USD 501 and his personnel file was filled with documented instances involving poor work performance, an investigation into sexual harassment of his student, attendance issues, marginal professional skills, needs improvement on attention to details and communication skills, and other critical evaluations. He was terminated from two coaching positions and transferred due to his performance. *See Brown I-IV.*

Brown Files and Loses His First Lawsuit

In 1991, Brown unsuccessfully sued USD 501 claiming race discrimination and retaliation regarding his transfer from coach of the girls' basketball team to the boys' team, his discharge as boys' basketball coach, and USD 501's failure to hire him as a physical education teacher for Topeka High School. (*Brown v. Unified Sch. Dist. No. 501*, 1992 WL 105096, at *1 (D. Kan. Apr. 28, 1992)).

After Brown's 1991 lawsuit, USD 501 took no disciplinary action or other action against Brown. Brown admitted that no one from USD 501 has ever criticized him for filing the 1991 lawsuit.

Brown Reapplies to USD 501 and Is Informed of the Decision Not to Re-Hire Him

In 2000, Brown applied to USD 501 for re-employment and was informed by letter in 2001 that he would not be considered for rehire. Brown has argued that the 2001 no-rehire decision was warranted or based on accurate information.

However, at the time, Brown was informed by then General Director of Human Resources Andrea Lynn King, an African American, that Dr. Robert McFrazier, Superintendent, advised her that due to Brown's "past employment record with Topeka Public Schools, [he] will not be considered for rehire by this district." *Brown*, 2005 WL 6087359, at *2. Brown agreed that King's letter made it very clear that he was not going to be considered for rehire by USD 501. *Brown*, 2005 WL 6087359, at *2.

Even though Brown was notified multiple times that USD 501 would not consider him for rehire, Brown continued to reapply for various positions with USD 501. In 2004, 2010, and 2017, he unsuccessfully sued USD 501, alleging race discrimination and retaliation when it declined to rehire him.

In Brown's third lawsuit, the Honorable Judge Thomas Marten granted summary judgment against Brown and for USD 501. *Brown*, 2011 WL 2174948, at *19. Judge Marten ruled, *inter alia*, that (a) Brown failed to show that the stated reason for continuing to refuse to rehire him was pretextual; and (b) Brown failed to show retaliation based on his prior litigation, and his citation to legal advice in the executive session involved inadmissible hearsay. *Brown*, 2011 WL 2174948, at *14-18. Brown appealed to the Tenth Circuit, which affirmed (*Brown III*, 459 Fed. Appx.

705), stating, in part: "We conclude that Mr. Brown failed to establish that the School District's proffered legitimate, non-discriminatory reasons for refusing to rehire him were pretextual." *Brown III*, 459 Fed. Appx. 705, 711. The court also ruled against Brown on his retaliation claims, holding that Brown failed to establish a causal connection between his protected activity and an adverse employment action. *Id.*

Brown's fourth lawsuit similarly failed. The court held that Brown met the prima facie burden on his failure-to-hire claim, but that he could not rebut USD 501's legitimate, nondiscriminatory reasons for refusing to rehire him by showing that the reasons were mere pretext for discrimination. The Court also held that Brown could not establish a prima facie case for retaliation, and even if he could, he could not show that USD 501's stated reasons for its decision were pretext. The Tenth Circuit affirmed the District Court's ruling.

On July 20, 2021, Brown applied for a substitute teaching position at USD 501. Pet. at 13. On July 28, 2021, Brown interviewed for a substitute teaching position by phone with the Substitute Services Coordinator, Nancy McCarter. Pet. App. A. Brown did not tell her that USD 501 had a standing no-rehire policy against him. Pet. App. A. Brown claims that McCarter offered him the job over the phone and told him that she would email him a packet and asked him what day he could do an orientation. Pet. at 13 and Pet. App. A. However, McCarter did not offer him the job during the phone interview. There was no email between McCarter and

Brown where McCarter sent Brown a packet of information or information about orientation. Pet. App. A.

Following the interview, McCarter checked the human resources information system to see if Brown had worked for the district and was eligible for rehire. She saw that he was not eligible to rehire. Pet. Appx. A. McCarter then spoke with her supervisor, the Director of Human Resources, Debbie Ramberg, about Brown's application, who confirmed that Brown was not eligible for rehire due to his past work performance for USD 501. *Id.* Ramberg made the decision not to reconsider USD 501's 2001 no-rehire determination and told McCarter that she was not sure the district even needed to hire substitute teachers at that time. *Id.*

Shortly after the July 28th phone call, McCarter called Brown back and told him that USD 501 was not hiring right now. During the return phone call, McCarter did not tell Brown that he was on a no rehire list. She also did not tell him he was not being offered a job because he had sued USD 501. Neither McCarter nor Ramberg were aware that Brown had sued USD 501 before conveying to him that he would not be rehired. *Id.*

On January 18, 2022, Brown emailed McCarter expressing his interest in a substitute teaching position. *Id.* McCarter did not respond to the email. *Id.* at 3.

On August 20, 2021, Brown filed a charge of discrimination with the Kansas Human Rights Commission, indicating "retaliation" as the basis of his charge. *Id.* He checked "retaliation," as the basis of his charge on the charge form. *Id.*

On October 26, 2021, the EEOC issued a "Notice of Suit Rights" to Brown. Pet. App. A.

On January 31, 2022, Mark Brown filed a charge of discrimination with the KHRC alleging retaliation. Pet. App. A at 3. The charge was dual filed with the EEOC and assigned to the EEOC. On the charge form for "alleged date of incident," Mr. Brown wrote: "Jan. 18th, 2022 and Jan. 26, 2022." *Id.* Petitioner alleged that he was denied rehire in retaliation for opposing employment discrimination. *Id.* Brown received a right-to-sue letter from the EEOC on September 14, 2022, concerning the January 2022 incident. *Id.*

2. Procedural Background of the Case

Brown filed his fourth failure-to-hire lawsuit against USD 501, on December 15, 2022, asserting retaliation claims under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, *et seq.*, and 42 U.S.C. § 1981. In the Complaint, he alleged that USD 501 violated both Title VII and § 1981 by refusing to rehire him twice for a substitute teacher position in retaliation for his past lawsuits.

The District Court granted summary judgment to USD 501 in a memorandum and order filed on November 30, 2023. The Court held that Brown's failure to hire claim based on his July 2021 application for a substitute teaching position was time barred because Brown failed to file suit within ninety days of receiving a right to sue letter from the EEOC, and that this claim could not be revived by Brown's January 2022 claim because they are separate discrete acts. Additionally, the court held that Brown's January 2022 claim is unsupported by

evidence as he failed to establish a prima facie case of retaliation and, even if he could, he could not show that USD 501's legitimate reasons for its decision were mere pretext. The court granted summary judgment for the reasons above but found that Brown's § 1981 claim was improper as a matter of law, and alternatively that the claims failed on the merits. Pet. App. A.

Brown appealed. The Tenth Circuit found no reversible error and affirmed "for substantially the reasons stated in the district court's order." The Tenth Circuit noted that as to the district court's holding that part of his Title VII claim was untimely, Mr. Brown referenced an inapplicable two-year state statute of limitations and he acknowledged that he did not file a suit within 90 days of the first EEOC right-to-sue letter. Also, Brown did not address the district court's holding regarding lack of temporal proximity in his appeal to the Tenth Circuit. Further, Brown did not preserve his argument that his Section 1981 claim was proper against a state actor without also claiming a Section 1983 claim, and only addressed the argument in his Reply, which the Tenth Circuit chose not to review. Pet. App. B.

REASONS FOR DENYING THE PETITION

I. Petitioner Seeks Review of a Question Not Presented to the Circuit.

Petitioner's appeal to the Tenth Circuit did not preserve the only question that he presents to this court—that Section 1981's 1991 amendment allows him to sue a state actor for damages without bringing a Section 1983 claim. Petitioner argued to the Tenth Circuit that his Section 1981 claim was timely, but he failed to address how he could bring his Section 1981 claim without asserting a Section 1983

claim. Although Petitioner included an argument in his Reply brief to the Tenth Circuit, the court rightly did not review the issue raised for the first time in a reply brief, and Brown raised no arguments to justify such a consideration.

Petitioner raises no exceptions to the general rule that this court should not consider an issue that was not raised in the lower court, and there are no exceptions here anyway. *F.T.C. v. Travelers Health Assoc.,* 362 U.S. 293 (1960); *Adickes v. S.H. Kress & Co.,* 398 U.S. 144 (1970).

Further, since Sec. 1981 retaliation elements are like those in a Title VII case, and Petitioner could not meet his burden, any further consideration of his argument is fruitless because he cannot win on the merits.

II. Certiorari Should Be Denied on Whether Section 1983 is the Exclusive Remedy for Damages Against A State Actor for Claims Arising under Section 1981.

Even if this Court were to consider this issue, there is no point in it. There are no conflicts of interpretation about the 1991 amendment to Section 1981; nor are there conflicting court holdings which support Petitioner's argument. *See Campbell v. Forest Preserve Dist. Of Cook County, Ill.,* 752 F.3d 665, rehearing *en banc* denied, petition for certiorari filed 574 U.S. 1074 (2014); *McCormick v. Miami University,* 693 F.3d 654, rehearing and rehearing *en banc* denied*; Sanders v. University of Idaho,* 552 F.Supp.3d 991, reversed in part on reconsideration 2021 WL 5237225, reconsideration denied 617 F.Supp.3d 1200 (2021); *Smith v. Metropolitan Dist. Com'n,* 105 F.Supp.3d 185 (D. Con. 2015) (although the amendment to

Sec. 1981 in the Civil Rights Act of 1991, adding language to protect rights against impairment under color of state law, plainly contemplates creation of substantive rights protecting individuals against discrimination by government actors, it is silent on how those rights will be enforced; thus, absent a showing of clear statement of Congress that such a right was intended, no implied private right of action against state actors exists beyond that provided in Sec. 1983); *Olatunji v. District of Columbia,* 958 F.Supp.2d 27 (D.D.C. 2013); *Dockery v. Unified School Dist. No. 231,* 406 F.Supp.2d 1219 (D. Kan. 2006); *Johnson v. City of Fort Lauderdale, Fl.,* 903 F.Supp. 1520 (S.D. Fla 1995), *affirmed* 114 F.3d 1089, rehearing and suggestion for rehearing *en banc* denied 124 F.3d 223, opinion superseded on rehearing 148 F.3d 1228.

Petitioner's petition on this issue should be denied because he cites no conflicting holdings.

III. The Decision Below is Correct and Does Not Even Arguably Conflict with a Decision of This Court or Any Other Court.

Petitioner points to two main reasons for certiorari: (1) that the lower courts errored in finding that he failed to present a prima facie case of retaliation for filing previous lawsuits; and, (2) that Kansas's two-year statute of limitations for Section 1981 cases should have applied to his Title VII claim for purposes of preserving his suit. Each argument is addressed in order.

A. The lower courts did not error in finding that Petitioner failed to present a prima facie case of retaliation under Title VII (or Sec. 1981).

Petitioner argues that the lower courts errored by allowing hearsay information to be used in Respondent's motion for summary judgment –referencing the 1989 document summary prepared by Nussbaum about Brown's sexual harassment of a student he coached—and by finding that he did not prove pretext for USD 501's legitimate reasons for not rehiring him. Again, Petitioner cites to no law in support of his arguments or to reference some reason why this Court should hear these arguments. This case does not present unique facts or a conflict among courts on proof of pretext or relying on the Law of the Case from Brown I-IV. Petitioner's arguments are unworthy of review.

Further, Petitioner's claims are premised on mischaracterizations of the lower court's decision and summary judgment record. Most of Petitioner's evidence focuses on the past—on claims that have been tried and are not before the court in his 2022 retaliation case. Brown argues that Nusbaum's 1989 documented summary detailing his report of the harassment investigation is not credible and is hearsay. (Pet. at 6-8). However, the documented summary is a Finding of Fact by previous courts. For instance, in 2011, Brown made the same arguments, claiming that the documented summary "is inconsistent with the testimony of the girl who had advanced the initial complaint, and that his memo is not credible and is hearsay." (*Brown*, 2011 WL 2174948, at *9). In that case, the Honorable Judge J. Thomas Marten determined that:

> …Brown fails to document any substantial inconsistencies. . .. The cited inconsistencies do not render K.R. 's testimony inherently incredible, and it is uncontroverted that Nusbaum believed K.R.'s statements. Nusbaum's investigation and report is relevant and admissible because it supplies information as to what the District believed about Brown's employment history.

(*Brown*, 2011 WL 2174948, at *9 (internal citations omitted)).

Even if the documented summary was hearsay, the district court did not rely on it to make its decisions on Brown's claims. The district court dismissed the first Title VII claim based on the July 2021 application for being untimely. The District Court dismissed the second Title VII claim based on the January 2022 email because no reasonable applicant could find an unanswered email to be materially adverse. The court did not even consider the 1989 summary document. The District Court dismissed Brown's § 1981 claims because he failed to allege a § 1983 claim. The Court relied on no such hearsay in making these determinations.

Brown argues that inconsistent and conflicting testimonies from 1989, 2001, 2003, 2018 show pretext for the reason USD 501 gave for not hiring him in 2022. Pet. at 4. Despite there being no connection between the past evidence and the 2022 position, Brown cites to no case law which would support such a large passage of time between the alleged events in 1989, 2001, 2003, 2018 and to his application in 2022 and the district's non-response. The only recent evidence Petitioner asks this court to consider for proof of pretext is the seeming juxtaposition between Nancy McCarter's statement that USD 501 was not hiring any new substitute teachers in July 2022 to alleged newspaper articles indicating USD 501 hired 60 new people to do substitute teaching in 2021-2022; and that there had been four job postings in

2021-2022. Pet. at 4-5. But this is evidence the lower courts were presented and found to be lacking to show pretext. Further, the lower courts pointed to Petitioner's failure to properly controvert USD 501's submitted facts, many of his facts were not supported by any evidence or were supported by inadmissible evidence, and some facts were immaterial. Pet. App. A at 7. Petitioner presents no rationale why the lower court's findings were wrong. Further, Petitioner misses the basis for the lower court's dismissal of his retaliation claim under Title VII—he failed to prove a prima facie case of retaliation; that he could not show temporal proximity from USD 501's non-response in 2022 to his previous lawsuits. *Id.* Petitioner's petition points to no mischaracterizations of facts or new law to support granting review. The lower court's decisions were correct and certiorari is unwarranted to review the Tenth circuit's application of settled Title VII retaliation law.

B. There is no conflict in law or facts which support Petitioner's argument that he could bring a lawsuit past the 90-day window following the issuance of a right-to-sue letter; or that his retaliation claim for past lawsuits survives.

Petitioner cites no law or facts in support of his theory. Instead, he continues to assert that because he reapplied for substitute teaching positions in 2022, his lawsuit should move forward. Petitioner cites no misapplication of the facts or new reasons for his theory in his petition.

Title VII requires a plaintiff to file an action within ninety days of the issuance of a right to sue letter. 42 U.S.C. Sec. 2000e—5(f)(1) (Title VII); *Baldwin County Welcome Center v. Brown,* 466 U.S. 147, 150-51 (1984); Brown v. Hartshorne Pub. Sch. Dist., 926 F.2d 959, 961 (10th Cir. 1991) (affirming

dismissal of Title VII claim because the plaintiff failed to file a complaint within ninety days of receiving a right to sue letter). Here, Brown filed a dual charge with the EEOC and KHRC on August 20, 2021, concerning his online application for a substitute teacher position on July 20, 2021, and the inadvertent interview on July 28, 2021. The EEOC issued a no determination finding and a right to sue notice letter on October 28, 2021. Pet. App. A at 3. Brown did not file a lawsuit on the underlying claims of the first charge within 90 days.

Brown filed a second dual charge with the EEOC and KHRC on January 31, 2022, claiming that on January 18, 2022, he emailed USD 501 inquiring about his July 20, 2021 online application (for which the EEOC had already made a no probable cause finding and issued a right to sue letter). Pet. App. A at 3. USD 501 never responded. He alleged that he was retaliated against due to multiple complaints/lawsuits and denied re-hire for substitute positions advertised in 2022 based on USD 501's failure to call him on an application he submitted in July 2021. The EEOC issued a right-to-sue letter on September 14, 2022, and Brown filed suit on December 15, 2022. Pet. App. A at 3.

The District Court held that Brown's first charge—i.e., failure to hire him for a substitute position in which he was unwittingly interviewed by an employee who did not know about his poor work history and the 2001 no-rehire decision—was untimely and thus properly granted USD 501 summary judgment. Pet. App. A.

Discrete acts are not actionable if time barred, "…even when they are related to acts alleged in timely filed charges," because "[e]ach discrete . . . act starts a new

clock for filing charges alleging that act." *Nat'l R.R. Passenger Corp. v. Morgan,* 536 U.S. 101, 113 (2002). Discrete acts include termination, failure to promote or separate employment acts which form part of a single unlawful employment practice." *Id.* at 114. Mr. Brown's retaliation theory relies on two discrete acts—the July 2021 application, interview, and failure to hire incident; and the January 2022 email inquiry and no answer incident. Brown cannot rely on a continuing violation doctrine to reassert the July 2021 incident that the EEOC investigated and found no probable cause and issued a right to sue letter. Claims cannot be premised on an untimely discrete act even if the discrete act was part of a company-wide or systemic policy. *Davidson v. Am. Online, Inc.,* 337 F.3d 1179, 1185-86 (10th Cir. 2003); *National R.R. Passenger Corp. v. Morgan,* 536 U.S. 101 (2002). Further, an untimely claim cannot be revived with a new EEOC charge. *Brown II*, 465 F.3d 1184, 1186. Even though the lower court properly determined that Brown's second claim—refusal to hire based on a newspaper advertisement he saw in January 2022—was timely (but was unsupported by evidence), Brown cannot use that claim to revive his July 2021 claim. Therefore, the lower court correctly determined that any portion of his claim based on his first charge, including his July 2021 application, interview, and USD 501's decision not to hire him, could not proceed because it is not timely. Brown failed to file a suit within 90 days on the allegations contained in his first charge, therefore, the lower courts correctly dismissed (affirmed dismissal) his claim. Brown's only viable claim then rested in the second charge involving the January email inquiry and no answer from USD

501, which was properly dismissed as argued above. Consequently, certiorari is unwarranted to review this settled law.

IV. The Court should not disregard Rule 14.1 and consider other questions outside the issue presented by Petitioner, nor inaccurate and false facts.

Petitioner presented only one question under "Questions Presented." However, he alleges more issues in his argument section. Under this Court's Rule 14.1(a) "[o]nly the questions set forth in the petition, or fairly included therein, will be considered by the Court." This Court ordinarily does not consider questions outside those presented in the petition for certiorari. *Yee v. City of Escondido, Cal.,* 503 U.S. 519, 535, (1992) (citing *Berkemer v. McCarty,* 468 U.S. 420, 443, n. 38, (1984). The rule is prudential in nature and disregarded "only in the most exceptional cases." *Id.* (quoting *Stone v. Powell,* 428 U.S. 465, 481, n. 15, (1967)) There are no reasons of urgency or of economy suggesting the need to address the other matters presented in Petitioner's argument section, and Petitioner does not argue the urgency or economy of these questions.

Further, his rational for accepting the petition is not concise, clear or accurate. For example, petitioner argues that the lower court allowed the admission and relied upon "hearsay information" in consideration of a 1989 documented summary of a sexual harassment investigation about Petitioner. But the lower courts did not rely on the 1989 document. See Pet. App. A at 2-3, 7-10; Pet App. B at 2,5-8. Petitioner also misstates the lower court's finding that he did not timely file suit to preserve his allegations in his first EEOC charge. Petitioner claims that the

statute of limitations expires on January 28, 2022. Pet. at 13. He claims that he received a right to sue letter on September 16, 2022 that did not expire until December 15, 2022; and points out that he filed a suit on December 13, thereby preserving his claim. *Id.* However, Petitioner mischaracterizes the facts which are that he was issued a right to sue letter on October 26, 2021, for the charge he filed in August 20, 2021 concerning the refusal to hire claim arising from a telephone interview on July 28, 2021. He clearly did not file a timely lawsuit on that claim. Pet App. A at 2-3. Petitioner also fails to mention that he received a second right-to-sue letter on September 14, 2022 for the alleged second failure to hire claim arising from the email that he sent on January 18, 2022 stating that he was still interested in a substitute teaching position. He filed a timely lawsuit on that claim, but it was dismissed by the lower court due to failure to prove a prima facie case of retaliation or pretext. Petitioner then presents new and inaccurate facts about the receipt of a right to sue letter on November 1, 2022, which is not something he argued to the lower court. *Id.* Petitioner's arguments are inaccurate, unclear, unorganized and fail to follow Rule 14. For these reasons, his petition should be denied.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be denied.

Respectfully submitted,

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CERTIFICATE OF WORD COUNT

Pursuant to Supreme Court Rule 33.1(h), I declare that the Brief in Opposition for Respondent Unified School District No. 501 in the above referenced matter no. 24-5518, which was prepared using Century 12-point typeface, contains 4,222 words, excluding parts of the document that are exempted by Supreme Court Rule 33.1(d). This certificate was prepared in reliance on the word-count function of the word processing system (Microsoft Word) used to prepare the document.

Executed on the 11th day of November, 2024.

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