

No. 24-6280

In the
Supreme Court of the United States

MARGALY PHILIPPE, *PETITIONER*

v.

WELLS FARGO, N.A. AS TRUSTEE FOR OPTION ONE MORTGAGE
LOAN, TRUST 2007-FXD1 – *RESPONDENT*

MOTION TO ACCEPT AMICUS BRIEFS OF
GRACE ROSS AND SARAH MCKEE

NOW COMES Amicus Counsel Karen Beyea-Schroeder and requests what she understands is an extraordinary request for extraordinary circumstances; that is, acceptance of the Amicus briefs less than 45 minutes later than the Eastern Standard Time 11:59pm deadline.

The two Amicus Briefs were filed at 12:40am and the receipt of mailed copies by opposing counsel will not be delayed. Therefore the 45 minutes will prejudice no one. On February 12th, 2025, there were acts of God so to speak, intervening in the life of one of the two key production team. This Court's Amici needed Jay Lively as a key part of the production team but would respectfully request this Court's reasonable accommodation under the Americans with Disabilities Act, Title II if possible.

Lively himself had to have surgery unexpectedly redone a couple of weeks ago which significantly hampers his mobility and requires that while he is doing electronic lay-out work, he must still keep his foot elevated about the level of his heart. Alone, he has made physical arrangements which would not have delayed this effort being timely.

However, Lively is his father's sole caretaker and healthcare proxy. Recently, his father has checked himself out against medical advice and with no notice to Lively, and today, during final production, it became clear that his father's sudden lack of mental acuity in the hospital surrounded by unfamiliar nurses was a crisis which could not be postponed.

Apparently, with maneuvering his own temporary disability and suddenly being the only person whose presence could calm his father, he had to put aside for three hours the production of a key element which he alone has competency in.

Additionally and separately, Lively's computer crashed twice in the midst of the compilation of the table of Author Subroutine in Microsoft Word. He had to completely reboot the system and significantly backtrack on his work. He has never experienced this problem previously in the literally hundreds of tables of authorities that he has compiled.

Without his own disability slowing him down, perhaps even with his father's medical crisis, if the technology problems had not also intervened the briefs would probably have made the time deadline anyway.

Counsel understands that this is an extraordinary request and has attached as Exhibit A, an affidavit of Lively attesting to the extraordinary circumstances which created an impediment to timely electronic filing of the briefs by less than an hour but has not resulted in any prejudice to any party.

Still, Counsel prays that the Honorable Court recognizes the time period in which we live with the heightened and unusual health challenges faced by huge sections of our population. Given that even a temporary health condition can trigger the protections of the Americans with Disabilities Act Title II, here, even with a very competent and organized production team, unexpected health circumstances have created a hurdle of less than an hour late.

As opposing counsel will still receive the Amicus briefs at the same time they would have anyway, no one is prejudiced by the acceptance of the briefs which the Court will recognize represent extensive effort and a unique contribution.

Therefore, this Court's *Amici's* Counsel requests acceptance of the briefs,

Respectfully submitted,



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Counsel on behalf of Amicus Curiae Individuals
Sarah McKee and Grace Ross

February 13, 2025

**Silas Sanderson
6 Clarendon Rd
Auburn, MA 01501**

I, Silas Sanderson being duly sworn, do hereby depose and swear of my own personal knowledge as follows:

1. I have been engaged as a special processor on behalf of the following Amici:
Theresa Cherry, 21 Baxter Street, Worcester, MA 01602 and Elizabeth D'Andrea, 33 Highland St., Webster, MA 01570.
 2. I swear that on February 13, 2025 I mailed by FEDEX the documents provided to me in U.S. Supreme Court case, docket # 24-6280
- Marissa I. Delinks, Hinshaw & Culbertson LLP, 53 State Street, 27th Floor. Boston, MA 02109 mdelinks@hinshawlaw.com
 - Greenberg Traurig, Tonya Esposito, 2101 L Street, N.W., Suite 1000, Washington, D.C., 20037 tonya.esposito@gtlaw.com, 202.331.3111

Signed under pains and penalty of perjury,



Silas Sanderson
6 Clarendon Rd
Auburn, MA 01501

Date: February 13, 2025