

# EXHIBIT A

**Jay Lively**  
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**AFFIDAVIT OF JAY LIVELY AS TO EMERGENCIES DELAYING PRODUCTION OF**  
**US SUPREME COURT AMICUS BRIEFS**

I, Jay Lively, being duly sworn, do hereby depose and swear of my own personal knowledge (and knowledge charged to me and to the world as to what is in the public record) and do so of my own free will, as follows:

1. I am a key member of the core team for brief production for the Supreme Judicial Court filings.
2. I had planned to spend the last few days focused on my elements of the production of the 3 amicus briefs to be filed in the Margaly Philippe matter.
3. I have recently had to have a second surgery because of a failed first surgery on my right ankle, without which I have no real effective mobility.
4. Since the operation I've had to use a device leg scooter for one of my legs, and therefore have had very limited mobility for the last several weeks.
5. Additionally, as the medical proxy for both my mother and my father, I have been having to manage critical care for both of them.
6. The emergency that has developed in the last few days is that my father, who was in the hospital for life sustaining care, checked himself out against medical advice and without any plan of any kind.
7. And I had to, even with my limited mobility, find him and address a temporary living arrangement.
8. However, in the last few days, his condition took a significant and unpredicted turn for the worse.
9. And while I had planned time to do the extensive production pieces for these two amicus briefs there was no delaying the necessity of taking him to the hospital for testing and a transfusion on Monday

10. Unfortunately, when we arrived, testing demonstrated further potentially life threatening conditions.
11. And my father was so weak that he could not leave the hospital even though he very much wanted to and had to be admitted.
12. This has put me in constant phone contact with the hospital staff over the last 48 hours.
13. As my primary commitment was to complete the electronic production of the briefs, I had set aside time starting at noon Wednesday, February 12th, 2025 to do nothing but finalize the production, especially the tables of authorities for which I'm the only person in our team with the subroutine and expertise to complete.
14. By late afternoon the necessary communications with the hospital culminated in a call from my Dad.
15. It was clear from the phone call that he was agitated and confused and apparently not even completely in touch with reality.
16. There was no one who was available to go to the hospital, and he could not be left in that agitated state overnight especially where he thought the nurses were working against him; In reality it was his persistent anemia.
17. My Dad's been in the hospital for nearly half of the last 100 days.
18. Dad wasn't even able to lucidly comprehend the interactions with the nursing staff.
19. It was also not a situation that could wait for a few hours to be addressed while I completed the production of this project.
20. Further given my mobility issues, getting to the hospital and getting back is a time consuming process in and of itself.
21. I went to the hospital for three hours from 5:30 PM to 8:30 PM Eastern Standard Time.
22. My Dad's case is complex. 3 of 20 requests only I was knowledgeable enough to make to Dad's nurse, for instance, while at the hospital are: 1) Pic line be placed to facilitate transfusions, blood draws, administer fluids, and give his arms a rest from needles; 2) occult blood test be done to r/o internal bleeding; 3) Sleep - administration Melatonin, Lorazepam, ear plugs, & plz skip over night vitals and unnecessary interruptions;

23. That left me with only a few hours to complete my pieces of the production without which the rest of the production team could not complete their pieces of the production of the two amicus briefs.
24. Additionally, although it may not have been a decisive factor, twice during this work stretch from noon forward, my computer inexplicably, and without warning, stopped functioning completely.
25. The only option was to reboot the system, which lost a precious piece of time which might not have been crucial without the emergency call from my father, which again, the nursing staff could not handle.
26. But having to reboot the computer twice and backtrack on the complicated Microsoft software subroutine for automated tables of authority certainly was more than 40 minutes lost, given all of the above.

Subscribed to and sworn under the pains and penalties of perjury this 13<sup>th</sup> day of February, 2025.



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