

No. 24-

IN THE
Supreme Court of the United States

HARRIS BRUMFIELD, TRUSTEE FOR ASCENT TRUST,

Petitioner,

v.

IBG LLC, INTERACTIVE BROKERS, LLC,

Respondents.

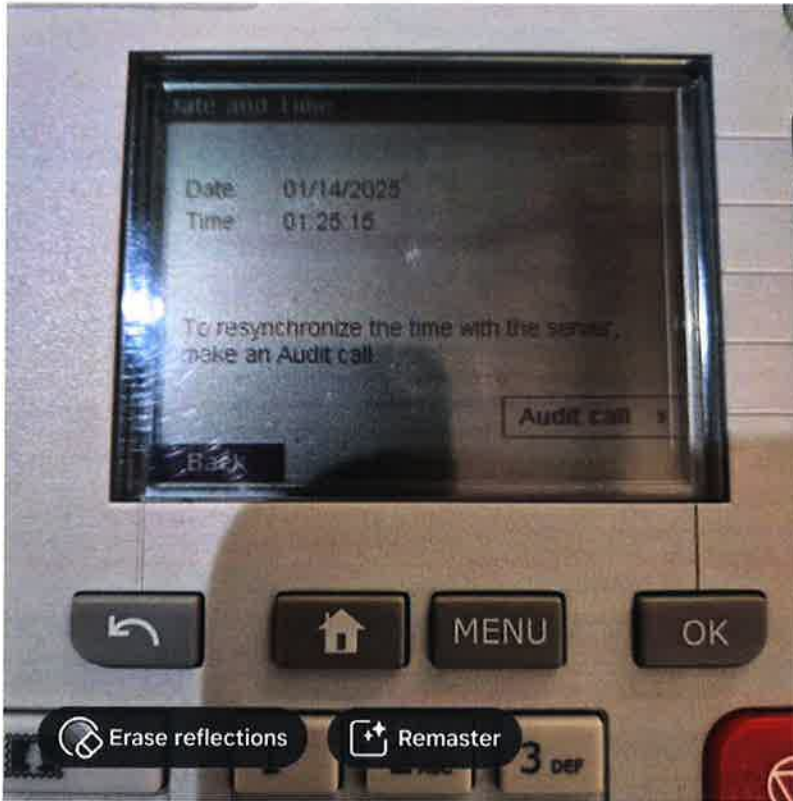
DECLARATION OF TIMELY FILING OF EMRAN KHAN

Pursuant to 28 U.S.C. § 1746, I, Emran Khan, declare as follows:

1. I am currently employed as a Field Service Manager at Quadient, an organization that provides machines authorized by the United States Post Office (USPS) to postmark mailings. I have personal knowledge of the facts in this declaration, and if called and sworn as a witness, could testify competently to them.

2. On January 10, 2025, I was contacted by one of Quadient's customers, Counsel Press, about a time meter discrepancy with one of the USPS-authorized machines that Quadient provided to Counsel Press. Specifically, Counsel Press explained that they had printed a USPS shipping label (the "Label") on January 2, 2025 at 11:17 PM EST, but the Label was postmarked with a date of January 3, 2025 instead of January 2, 2025.

3. My team immediately began investigating the issue with the machine that had produced the Label, and after a close review, determined that the meter's time was about fifty-nine minutes ahead of the actual time. My team further determined that the time discrepancy was due to daylight savings time, which caused the meter to become out of sync by approximately one hour when the clocks were set back on November 3, 2024. As can be seen in the picture below, my team has since been able to recreate this error on the machine in question. As shown, the meter displayed 1:25:15 PM EST as the "Time," even though the actual time was 12:26 PM EST when the picture was taken.



Tuesday, January 14, 2025 · 12:26 PM

[Edit](#)

20250114_122617.jpg
/Internal storage/DCIM/Camera

Galaxy S24+

3.66 MB | 3000x4000 | 12MP
ISO 320 | 23mm | 0.0ev | F1.8 | 1/120 s

Location

 10 E 40th St, New York, NY 10016, USA



Add tag

4. I have been informed by Counsel Press that the Label was printed on the machine in question at 11:17 PM EST on January 2, 2025. Based on the technical issue with the machine, this caused the USPS postmark to have an erroneous date of

January 3, 2025. Accordingly, this technical error caused the machine to postmark the Label with the wrong date. Had the machine been functioning properly, the Label would have been correctly postmarked on January 2, 2025, not January 3, 2025.

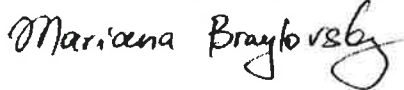
I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 15, 2025, in New York, New York.



Emran Khan

Sworn to and subscribed before me
this 15th day of January, 2025.



MARIANA BRAYLOVSKIY
Notary Public State of New York
No. 01BR6004935
Qualified in Richmond County
Commission Expires March 30, 2026

No. 24-

IN THE
Supreme Court of the United States

HARRIS BRUMFIELD, TRUSTEE FOR ASCENT TRUST,

Petitioner,

v.

IBG LLC, INTERACTIVE BROKERS, LLC,

Respondents.

DECLARATION OF TIMELY FILING OF JOHN POLICARD

Pursuant to 28 U.S.C. § 1746, I, John Policard, declare as follows:

1. I am currently employed as a Production Associate at Counsel Press Inc. (“Counsel Press”), an appellate services provider with a long history of serving parties before this Court. I have personal knowledge of the facts in this declaration, and if called and sworn as a witness, could testify competently to them.

2. Counsel Press was retained by counsel for Petitioner Harris Brumfield, Trustee for Ascent Trust (“Mr. Brumfield”) in this case for printing, filing, and service of the physical booklet copies of the petition, including the appendix (collectively, the “Petition”), and I was a part of the Counsel Press team that was responsible for carrying out these various tasks.

3. Pursuant to this engagement, counsel for Mr. Brumfield sent the final version of the Petition to Counsel Press for filing and service on January 2, 2025. I printed the Petition for filing upon receipt that same day. I then prepared a package containing the Petition and all of the required copies, and printed a United States Post Office (“USPS”) shipping label on January 2, 2025 at 11:17 PM EST. This date and time have been confirmed by me through review of Counsel Press’s time-stamped security video from that day.

4. Upon printing the shipping label, the Counsel Press team promptly mailed the package containing the Petition at the United States Post Office around 11:50 PM EST on January 2, 2025, which was before the filing deadline (11:59 PM EST on January 2, 2025). Accordingly, before the filing deadline, I confirmed that the Petition, and all required copies, had been printed and mailed at the post office.

5. Counsel for Mr. Brumfield contacted my team on January 10, 2025, after learning from the Clerk's office that the Petition was postmarked January 3, 2025 instead of January 2, 2025. As explained in the Declaration of Emran Khan, which I have reviewed, this was due to a technical error that caused the machine to postmark the package containing the Petition with the wrong date. Because I printed and mailed the Petition well before the filing deadline on January 2, 2025, the Petition should have been postmarked on January 2, 2025, not January 3, 2025.

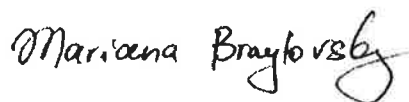
I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 15, 2025, in New York, New York.



John Policard

Sworn to and subscribed before me
this 15th day of January, 2025.



MARIANA BRAYLOVSKIY
Notary Public State of New York
No. 01BR6004935
Qualified in Richmond County
Commission Expires March 30, 2026