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May 29, 2026

Scott S. Harris, Clerk
Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

Re: No. 25-940, Monib Zirvi v. Akin Gump Strauss Hauer & Feld LLP, et al.
Petition for Rehearing Distributed for Conference of June 4, 2026

Dear Mr. Harris:

Petitioner respectfully submits this short supplemental notice concerning the pending Rule 44.2 petition for rehearing, which has been distributed for the Conference of June 4, 2026. To the extent leave is required, Petitioner respectfully requests that this letter be treated as a motion for leave to file a supplemental notice of intervening matter relevant to the pending rehearing petition.

The Rule 44.2 petition rests on a narrow record-integrity issue: ECF 107-7, later docketed as ECF 153, is the more than 1,600-page attorney-communication exhibit most probative of attorney-client relationship, reliance, duty, concealment, and accrual, yet the courts below dismissed and affirmed while that exhibit was not preserved in a stable, reviewable record posture. The petition further explains that the District of New Jersey restored public access

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to ECF 107 and its attachments on April 15, 2026, temporarily restricted ECF 153 on April 17, 2026 after Thermo Fisher represented that it contained approximately 1,600 pages of attorney communications, and then set a further process for any party seeking continued restriction to justify sealing or redaction.

There is now an additional material development. ThermoFisher did not file any motion, declaration, privilege log, proposed redactions, Local Civil Rule 5.3 submission, common-interest agreement, joint-defense agreement, or Akin Gump retainer or engagement agreement by the May 21, 2026 deadline. Petitioner therefore has requested in the District of New Jersey that ECF 107-7 / ECF 153 be restored to public access in full, and that Exhibits 6, 7, and 8 to ECF 1 likewise be unsealed unless Defendants produce the common-interest and Akin Gump engagement materials necessary to support any continued sealing claim.

This development reinforces the rehearing petition's central point. The post-certiorari proceedings have not revealed a settled privilege or sealing regime. They have revealed the opposite: the exhibit most probative of the dismissed malpractice claim remains subject to an unstable access and record-preservation posture, while the party that sought continued restriction failed to make the court-ordered particularized showing. That failure strengthens the petition's request for rehearing, vacatur, and limited remand so the lower courts may regularize the record and reconsider the dismissal on a complete and reviewable record.

Petitioner does not ask this Court to decide the sealing dispute, resolve privilege, or adjudicate the merits of the malpractice claim. Petitioner asks only that this intervening development be considered with the pending Rule 44.2 petition because it confirms that ECF 107-7 / ECF 153 was central, consequential, and still not governed by a stable adjudicated record posture when the malpractice claim was dismissed with prejudice and affirmed.

Respectfully submitted,

Respectfully submitted,
/s/ Joseph D. Garrity
Joseph D. Garrity
Counsel for Plaintiff Dr. Monib A.
Zirvi

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