

SUPREME COURT OF THE UNITED STATES

KAREN L. MACELROY ZOPATTI,
Petitioner,

v.

**SUPERIOR COURT of CALIFORNIA, COUNTY of SAN DIEGO –
CENTRAL COURTHOUSE, FAMILY LAW DIVISION; JUDGE PAMELA
M. PARKER; JUDGE REBECCA KANTER; JUDGE DAVID B.
OBERHOLTER; JUDGE LAURA H. MILLER; JUDGE EUKETA
OLIVER; JUDGE TERRIE E. ROBERTS, in their official capacities; ADA
COORDINATOR HAYDEN HENSON, in his official capacity;
CHRISTOPHER J. ZOPATTI; SCOTT R. MACINNES, in their individual and
professional capacities; DOES 1 through 50, inclusive,
Respondents**

EMERGENCY APPLICATION FOR A STAY PENDING APPEAL

Filed By: Karen L. Macelroy Zopatti
Pro Se Plaintiff–Appellant
2135 Coast Ave, San Marcos, CA 92078
(760) 877-9469
KaranZopatti@gmail.com

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SECTION I: INTRODUCTION AND RELIEF REQUESTED

I am an adjudicated disabled litigant under federal law. My trial is scheduled for December 29–31, 2025, and immediate Supreme Court intervention is required because there is no time for further review by lower court. My upcoming trial is inaccessible because the state court has denied me **Americans with Disabilities Act** (ADA) accommodations that are necessary for my participation. Despite my documented medical instability and disability, I have been forced to appear from hospital beds, denied effective communication, and denied reasonable modifications. The harm is not hypothetical—it is ongoing and escalating. Without a stay, I will suffer irreparable harm to my health, rights, and ability to access the courts. I respectfully request an emergency stay to prevent further injury and to preserve my federal rights pending appellate review.

SECTION II: SUPREME COURT JURISDICTIONAL STATEMENT

This Emergency Application is properly before the Supreme Court under Rule 23 because the relief sought is not available from any other court. The state trial court, the state appellate court, the federal district court, and the Ninth Circuit have each refused to address the ADA Title II violations, denied meaningful review, or improperly delegated dispositive decisions to clerks. The Ninth Circuit clerk improperly denied my emergency injunction request without judicial review,

which was not procedurally correct under Federal Rule of Appellate Procedure 27(c), leaving me with no avenue for relief in the lower courts.

Originating Case Numbers:

- U.S. District Court, Southern District of California: 3:25-cv-02132-BJC-KSC
- Superior Court of California, County of San Diego, Family Law Division: 22FL006982C
- United States Court of Appeals for the Ninth Circuit: 25-7491

These facts demonstrate that all lower courts have failed to provide the relief required under federal law, and Supreme Court intervention is necessary. The state trial court, the state appellate court, the federal district court, and the Ninth Circuit have each refused to address the ADA Title II violations, denied meaningful review, or improperly delegated dispositive decisions to clerks. The Ninth Circuit clerk improperly denied my emergency injunction request without judicial review, which was not procedurally correct under Federal Rule of Appellate Procedure 27(c), leaving me with no avenue for relief in the lower courts. Extraordinary circumstances exist because I face imminent, irreparable harm from an ADA-violating trial, and no court below has applied controlling Supreme Court precedent, including *Tennessee v. Lane*, *United States v. Georgia*, and *Ex parte*

Young. Supreme Court intervention is necessary to prevent ongoing violations of federal law and to preserve my constitutional and statutory rights.

This satisfies Supreme Court Rule 23:

- The relief is not available from any other court:
 - The state trial court denied ADA accommodations.
 - The state appellate court denied the ADA mandate without addressing ADA law.
 - The federal district court dismissed the ADA claims as “moot.”
 - The Ninth Circuit clerk denied my emergency motion without judicial review.
 - The Ninth Circuit has refused to review the ADA issues.
- I have attached the required orders:
 - The state trial court order
 - The state appellate court denial
 - The federal district court dismissal
 - The Ninth Circuit clerk denial
- Extraordinary circumstances:
 - ADA violations across all levels
 - Denial of captioning

- Denial of access to the record
- Denial of medical-based continuances
- Forced participation from hospital beds
- Systemic misuse of *Younger*
- Systemic misuse of Eleventh Amendment immunity
- Suppression of Temporary Restraining Orders (TRO)
- Ninth Circuit clerk denying emergency relief
- No court addressing ADA Title II

SECTION III: STANDARD FOR A STAY PENDING APPEAL & IRREPARABLE HARM

Standard for a Stay Pending Appeal

Courts generally consider four factors when determining whether to grant a stay pending appeal. These factors are:

1. Serious Questions Going to the Merits:

My appeal raises substantial issues that require appellate review, including ongoing ADA Title II violations, denial of CART captioning and effective communication, denial of continuances despite documented medical incapacity, refusal to engage in the ADA interactive process, refusal to provide accommodations listed on the court's own website, refusal to move

the venue to the courthouse near my home (even though it is the proper jurisdiction and listed as an available ADA accommodation), misapplication of **Vesco v. Superior Court** to deny accommodations unrelated to confidentiality, judicial bias and undisclosed conflicts of interest, and federal dismissal of ADA claims as “moot” under Eleventh Amendment reasoning despite ongoing violations. These issues go directly to federal disability law, due process, and judicial impartiality.

2. **Irreparable Harm:**

Without a stay, I will suffer irreparable harm because:

- My medical condition has significantly worsened over the past year because of the court’s refusal to accommodate me and the constant pressure to appear, file, and participate while medically incapacitated.
- Before this past year, I was able to appear, even though it was difficult, but the court’s escalating demands, threats of sanctions, and refusal to grant continuances have pushed me beyond my physical limits.
- I was forced into six days of trial between hospitalizations, and I was explicitly told that if I did not participate, I would be deemed to have waived my rights.

- These proceedings occurred without ADA accommodations, despite my documented disabilities.
- During these hearings, I experienced tachycardia, medical distress, and required ambulance transport multiple times.
- Instead of continuing the hearing, the court continued the proceedings without me while I was being transported in an ambulance.
- I have already been forced to appear for hearings from my hospital bed, including while admitted for 16 days after a severe flare triggered by the court’s refusal to grant accommodations and shortened deadlines.
- One judge stated that being in a hospital bed did not entitle me to ADA accommodations, even though I was hospitalized for over two weeks in severe pain unable to walk due to a flare of my muscular dystrophy.
- I warned the court that without accommodations and additional time, I could not safely meet the deadlines imposed, yet the judge shortened time instead of granting a continuance.
- I tried to comply, and the physical strain caused a severe flare of my disease, leaving me unable to walk and requiring hospitalization.

- Even after the court knew I was hospitalized, the judge denied a continuance and required me to appear from my hospital bed on Microsoft Teams, in a hospital gown, visible to anyone in the public courtroom.
- The judge only reconsidered continuing the matter after seeing me on camera in a hospital bed, despite having full knowledge of my hospitalization the day before.
- I was also admitted in July for internal bleeding and pneumonia, and during that hospitalization I was told by the court that “we just need to get this over with,” and that there would be no more continuances.
- I had to tell my doctors to pause my care so I could speak to the judge by phone because I could not access Microsoft Teams from the hospital.
- The court denied all accommodations and ignored my medical condition, my treating physicians’ statements, and the ADA.
- I was treated as if I were invisible. The court ignored the law, ignored California Court of Rule 1.100, ignored the ADA, and made up its own rules, just as the federal court did when it dismissed my ADA claims as “moot.”

- These actions are documented in the record and demonstrate a systemic pattern of disregard for my rights, my health, and the law.

3. Due Process & Equal Protection Paragraph The cumulative effect of these actions violates my constitutional rights to due process and equal protection. I have been denied a meaningful opportunity to be heard, denied access to the record, denied the ability to prepare a defense, and denied accommodations necessary for participation. Forcing a medically unstable, disabled litigant into trial without captioning, without access to the courthouse, without access to case files, and without the ability to communicate effectively deprives me of the basic procedural fairness guaranteed by the Fourteenth Amendment. These constitutional violations compound the ADA violations and create irreparable harm that cannot be remedied after the fact.

4. Medical Harm Paragraph I am an adjudicated disabled litigant whose medical condition has deteriorated significantly as a direct result of the courts' refusal to provide ADA accommodations. I am currently experiencing internal bleeding and have already been forced to postpone cancer-related surgery once; I now face postponing it again because of the escalating demands of litigation that I cannot safely meet without accommodations. The state court has repeatedly required me to appear while

medically unstable, including from hospital beds, and has warned that failure to appear would result in waiver of rights. These actions place my health and safety at serious risk and have delayed essential medical care. I also cannot access my own medical file, which remains in the possession of my former spouse, who has refused to release it despite being my attorney of record for decades. The cumulative effect of these barriers is life-threatening I am being forced to choose between protecting my legal rights and protecting my health. This is precisely the type of irreparable harm that ADA Title II, Section 504, and this Court's decisions in Tennessee v. Lane and United States v. Georgia are designed to prevent. Without immediate intervention, the ongoing denial of accommodations will continue to jeopardize my medical stability, financial survival, and ability to meaningfully access the courts.

5. Hearing and Communication Barriers:

- I have documented bilateral hearing loss requiring CART captioning.
- Microsoft Teams is not accessible for me without real time captioning.
- The court has repeatedly muted me, cut me off mid-sentence, and refused to provide effective communication.

- The judge has stated on the record that she cannot see my documents during remote hearings, making participation impossible.

6. Denial of Venue Accommodation and Access to the Court:

- I cannot physically travel to the Central Courthouse due to medical instability and mobility limitations.
- The court refuses to move the venue to the courthouse near my home, which is only 15 minutes away and is the proper jurisdiction.
- This venue change is listed on the court's own disability website as an available ADA accommodation.
- I cannot file documents because I cannot physically reach the Central Courthouse, and the court refuses to provide electronic filing or any accessible alternative, such as to filing at courthouse nearest to my home.
- I am forced to hire third party services to file documents due to distance and disability, which I cannot afford.
- Microsoft Teams is not a reasonable accommodation for me; I cannot hear, participate, or present evidence.
- Without an accessible venue, I have no meaningful access to the court at all.

7. Inability to Access My Case File:

- Due to repeated recent water loss events, my home was damaged and my belongings — including my legal documents — were boxed, moved, and scattered by contractors and cleaning crews.
- My case files are disorganized, inaccessible, and stored in locations I cannot physically reach due to medical limitations.
- I cannot prepare for trial, review evidence, or assemble exhibits because I do not have access to my own materials.
- This makes meaningful participation impossible and permanently prejudices my ability to present my case.

8. Procedural Barriers and Constitutional Violations:

- I cannot safely appear in person due to medical instability.
- I cannot meaningfully participate remotely without captioning.
- The court refused to guarantee a court reporter despite my fee waiver, which was previously provided.
- The ADA request was falsely labeled “untimely” even though it was submitted 8 days before trial.
- The court denied reasonable accommodations listed on its own website.
- The courts are ignoring the ADA, California Rule of Court 1.100, and controlling ADA case laws, treating these requirements as “moot.”

- These actions implicate multiple constitutional protections, not only the Fourteenth Amendment, as detailed in my filings.
- **These harms cannot be undone once the trial proceeds.**

9. Balance of Hardships:

The hardship to me if a stay is denied is extreme: I will be forced into trial while medically incapacitated. I cannot hear or participate without CART captioning. I cannot safely appear in person or meaningfully participate remotely. I cannot prepare or present my case because I do not have access to my files. I have no access to the court because the venue is inaccessible and remote participation is not functional. My federal rights will be permanently prejudiced. By contrast, the opposing parties face only a brief delay. The balance of hardships overwhelmingly favors granting a stay.

10. Public Interest:

The public interest supports enforcement of ADA Title II, ensuring disabled litigants can meaningfully participate in court, preventing judicial bias and conflicts of interest, ensuring courts comply with federal disability law, and protecting due process and the integrity of the judicial system. Granting a stay promotes fairness, access to justice, and public confidence in the courts.

Conclusion to Section III

These four factors — serious questions, irreparable harm, balance of hardships,

and public interest — all strongly support granting a stay pending appeal to prevent further ADA violations, protect my health and safety, and preserve meaningful access to the judicial process.

IV: SECTION IV: BACKGROUND AND FACTS

- I am an adjudicated disabled litigant under federal law. My medical limitations are well-documented and include ongoing medical instability, bilateral hearing loss, mobility limitations, and recent cancer diagnosis.
- The state court has repeatedly denied my requests for ADA accommodations, including real-time captioning (CART), venue modification, continuances, and effective communication. I have been forced to participate in hearings from hospital beds, between hospitalizations, and under threat of waiver of rights if I did not appear while medically incapacitated.
- My inability to participate in trial is not hypothetical—it is ongoing and escalating. The court's refusal to accommodate my disabilities has resulted in severe physical deterioration, repeated hospitalizations, and the interruption of critical medical care.
- The barriers I am facing are not isolated errors but part of a systemic pattern of disability discrimination across multiple courts. At every level—state trial court, state appellate court, federal district court, and the Ninth Circuit—my

ADA rights have been ignored, minimized, or procedurally blocked. Requests for captioning, venue modification, continuances, and effective communication have been denied without individualized assessment. ADA requests have been mislabeled as “untimely,” TROs have been suppressed, filings have been excluded from the docket, and emergency motions have been denied without judicial review. This pattern reflects a broader institutional failure to comply with ADA Title II and Section 504, leaving me without meaningful access to the courts and without any functioning remedy in the lower courts.

- Environmental displacement has further compounded my inability to prepare for trial. My home was damaged by repeated recent water loss events, resulting in my legal documents being boxed, moved, and scattered by contractors and cleaning crews. My case files are disorganized, inaccessible, and stored in locations I cannot physically reach due to medical limitations.
- My trial is scheduled for December 29–31, 2025. The urgency of my situation is heightened by the imminent trial date and the lack of judicial review at every level.
- The Ninth Circuit clerk issued a one-word denial (“denied”) of my emergency motion, without identification of a judge, judicial signature,

order, reasoning, citation to authority, or any indication that a judicial officer reviewed the motion.

- I filed a clarification request and a renewed emergency motion but have received no explanation or remedy. The lack of judicial review and the improper denial by a clerk have left me with no avenue for relief in the lower courts.

Applicable Law and Authorities

This section sets forth the federal and state statutes, regulations, constitutional protections, and controlling case law that govern my rights as an adjudicated disabled litigant. These authorities demonstrate that the state and federal courts have repeatedly ignored, misapplied, or weaponized the law, resulting in ongoing ADA violations, constitutional violations, and systemic denial of access to justice. These laws apply not only to me, but to all disabled litigants who rely on the courts for protection of their rights.

A. Federal Disability Statutes and Regulations

1. ADA Title II — 42 U.S.C. §§ 12131–12134; 28 C.F.R. Part 35

- *Why it applies:* ADA Title II governs state courts. It requires reasonable modifications, effective communication, auxiliary aids and services

(including CART and captioning), equal access, individualized assessment, and an interactive process. Courts must ensure disabled litigants can meaningfully participate in hearings, trials, filings, and all judicial processes.

- ***How it is being ignored:*** Despite being a federally adjudicated disabled person, I have been denied captioning, denied CART, denied real-time transcription, denied venue modification, denied continuances, denied remote access, denied alternative filing methods, denied FW 020, denied access to the record, denied access to the courthouse, denied access to hearings, denied access to my own case file, and forced to appear from hospital beds and during medical crises. The courts have labeled timely ADA requests “untimely,” misapplied Vesco, refused to engage in the interactive process, and used my disability against me. This is deliberate indifference and systemic ADA Title II discrimination.

2. Section 504 of the Rehabilitation Act — 29 U.S.C. § 794

- ***Why it applies:*** Section 504 prohibits disability discrimination by any program receiving federal funds, including state courts. It requires reasonable accommodations and prohibits exclusion from participation.
- ***How it is being ignored:*** I have been excluded from electronic filing, remote participation, effective communication, access to the record, access to

hearings, and access to the courthouse. The courts receive federal funds yet refuse to comply with Section 504. Instead of reducing barriers, they have increased them after I asserted my rights.

3. ADA Retaliation — 42 U.S.C. § 12203; Civil Rights Act — 42 U.S.C. § 1983

- *Why it applies:* § 12203 prohibits retaliation for asserting ADA rights. § 1983 provides a cause of action for deprivation of federal rights under color of state law.
- *How it is being ignored:* After asserting ADA rights, TROs were suppressed, filings were excluded from the docket, CM/ECF access was denied, ADA requests triggered hostility, judges threatened to proceed without me, judges refused continuances during hospitalization, judges forced me into trial between hospitalizations, judges forced me to appear from a hospital bed, judges mischaracterized my physical disabilities as “mental,” and judges shortened deadlines knowing it would harm me. This is retaliation, coercion, intimidation, and interference under § 12203.

B. Federal Procedural Statutes and Rules

4. FRCP 65, 12(b)(1), 15(a)

- ***Why it applies:*** Rule 65 governs TROs and injunctions. Rule 15(a) requires leave to amend be freely given. Foman v. Davis prohibits dismissal without leave to amend.
- ***How it is being ignored:*** TROs were denied without analysis, TROs were suppressed, ADA claims were dismissed as “moot,” Younger was misapplied, no ADA analysis was performed, no constitutional analysis was performed, and no leave to amend was granted.

5. FRAP 8(a)(2)(A)(ii), 10(e), 27(c)

- ***Why it applies:*** FRAP 8 requires judicial review of emergency motions. FRAP 27(c) prohibits clerks from deciding dispositive motions. FRAP 10(e) allows correction of the record.
- ***How it is being ignored:*** My emergency injunction was denied by a clerk, not a judge. No explanation was provided. No judicial review occurred. No ADA analysis occurred. No constitutional analysis occurred. This is procedurally improper and unlawful.

6. 28 U.S.C. §§ 1292(a)(1), 1651, 455

- **Why it applies:** § 1292(a)(1) allows appeals from denial of injunctions. § 1651 allows emergency relief. § 455 requires recusal where impartiality is questioned.
- **How it is being ignored:** Judges with conflicts refused to recuse. Judges with prior ties presided over my case. Judges ignored ADA law, constitutional law, and federal supremacy.

C. Supreme Court & Appellate ADA / Access to Justice Cases

7. Tennessee v. Lane (2004); United States v. Georgia (2006)

- **Why they apply:** These cases hold that ADA Title II overrides state immunity in access to court cases, that disabled litigants have a fundamental right to access the courts, and that states can be sued for damages and injunctive relief.
- **How they are being ignored:** The federal court dismissed my ADA claims as “moot,” applied Younger incorrectly, treated state judges as immune, and refused to enforce Lane and Georgia.

8. Duvall, Armstrong, McGary, Mark H.

- **Why they apply:** These cases define deliberate indifference, failure to accommodate, systemic discrimination, and the duty to modify procedures.

- ***How they are being ignored:*** Courts know my disabilities, medical instability, hearing loss, mobility limitations, inability to travel, inability to use Micro Soft Teams, inability to file in person, inability to access my case file, and hospitalizations. Yet they refuse to accommodate.

9. K.M., Argenyi, Silva, Juech

- ***Why they apply:*** These cases require captioning, auxiliary aids, and effective communication.
- ***How they are being ignored:*** Captioning was denied. CART was denied. Real-time transcription was denied. Effective communication was denied.

10. M.L.B., Griffin, Draper

- ***Why they apply:*** These cases require access to transcripts, access to the record, and equal appellate rights.
- ***How they are being ignored:*** FW 020 court reporter was denied. Transcript access was denied. Record preservation was denied.

D. State Disability Law

11. California Rule of Court 1.100; Gov. Code §§ 11135–11139.8

- **Why they apply:** Rule 1.100 requires reasonable accommodations, timely responses, alternative formats, and removal of barriers.
- **How it is being ignored:** My ADA request was timely. The court falsely labeled it “untimely.” Venue change was denied. Captioning was denied. Continuances were denied. Medical evidence was ignored.

12. California case law (Vesco, Biscaro, Carney, Christine J.C. ,etc.)

- **Why they apply:** These cases require disability accommodation, fairness, and recognition of medical limitations.
- **In re Marriage of James M. & Christine J. C., 158 Cal.App.4th 1261 (2008)** (*holding that a California trial court abused its discretion by denying ADA accommodations to a medically incapacitated litigant who could not safely participate in proceedings — directly applicable because I am likewise medically unstable, under active treatment, and unable to safely participate in trial without reasonable accommodations.*
- **How they are being ignored:** Vesco is misapplied. Disability is used against me. Medical evidence is ignored. My rights are treated as “moot.”

E. Constitutional Violations

1. First Amendment — Right to Petition

Filings suppressed, muted during hearings, excluded from the required ADA interactive process protection.

2. Fourth Amendment — Privacy Violations

Medical information exposed publicly; forced to appear from hospital bed.

3. Fifth Amendment — Property & Due Process

Deprivation of SSDI, support, assets, and access to court.

4. Eighth Amendment — Cruel and Unusual Punishment

Forced to litigate while hospitalized, in pain, medically unstable.

5. Fourteenth Amendment — Due Process & Equal Protection

Denied access, denied accommodations, denied participation, denied fairness.

F. Systemic Pattern of Disability Discrimination

This is not an isolated case. This is not a misunderstanding. This is not a clerical error.

This is systemic, repeated, escalating, retaliatory, discriminatory, unconstitutional, unlawful, and dangerous.

This pattern pushes disabled people into homelessness, denies them access to justice, denies them access to medical care, denies them access to survival, denies

them due process, denies them equal protection, and denies them access to the courts.

This is exactly why ADA Title II exists. This is exactly why *Tennessee v. Lane* exists. This is exactly why the U.S. Supreme Court must intervene. (e.g., **See Appendix Tabs** for ADA denial documents).

SECTION IV: PROCEDURAL HISTORY & BALANCE OF HARDSHIPS AND PUBLIC INTEREST

Procedural History

- I filed an emergency motion for injunctive relief and stay pending appeal in the Ninth Circuit, along with supplemental filings documenting new developments, ADA accommodation denials, and ongoing medical instability. These filings were accepted and docketed by the Court.
- Subsequently, I received a one-word notice stating only “denied,” without identification of a judge, judicial signature or electronic signature, an order, reasoning, citation to authority, or any indication that a judicial officer reviewed the motion.
- The Ninth Circuit clerk’s one-word denial (“denied”) of my emergency motion violated Federal Rule of Appellate Procedure 27(c), which expressly prohibits clerks from deciding dispositive motions. The denial contained no judge’s name, no judicial signature, no reasoning, and no indication that a

judicial officer reviewed the filing. This procedural failure deprived me of appellate review at a critical moment and left me without any available remedy in the lower courts. The lack of judicial review has compounded the harm I face and is one of the extraordinary circumstances necessitating Supreme Court intervention.

- I filed a clarification request and a renewed emergency motion but have received no explanation or remedy. The lack of judicial review and the improper denial by a clerk have left me with no avenue for relief in the lower courts.
- This section demonstrates that I have followed all proper procedural steps and exhausted all available remedies in the lower courts. (e.g., See **Appendix Tabs**).

Balance of Hardships and Public Interest

A. Balance of Hardships

1. I face catastrophic, irreversible harm:

- Without a stay, I will be forced into trial while medically unstable, unable to travel safely, recovering from internal bleeding, pneumonia, and cancer-related delay of care, unable to hear proceedings without captioning, unable to participate remotely without effective

communication, unable to travel to the courthouse, unable to prepare evidence due to displacement and inaccessible case files, denied a court reporter, denied access to the record, denied ADA accommodations, and denied meaningful participation.

- These harms are not hypothetical. They have already occurred repeatedly and are documented in the record.

2. Defendants face no meaningful hardship:

- Defendants suffer no prejudice, no loss of evidence, no financial harm, and no procedural disadvantage.
- The only consequence is delay, which is not a legally cognizable hardship when weighed against my life-threatening medical instability and the denial of federally protected rights.

3. The balance of hardships is overwhelmingly in my favor:

- When one party faces irreversible harm and the other faces mere delay, the equities are not close. They are decisive.

B. Public Interest

1. The public interest demands enforcement of ADA Title II:

- The public has a compelling interest in ensuring disabled litigants can access the courts, preventing discrimination, ensuring effective

communication, ensuring reasonable accommodations, preventing retaliation, and ensuring courts follow federal law.

- Allowing courts to ignore ADA Title II undermines the rule of law and endangers every disabled litigant in the country.

2. The public interest demands protection of constitutional rights:

- The public has a strong interest in due process, equal protection, judicial impartiality, accurate records, meaningful appellate review, and fair hearings.
- Proceeding with a trial that I cannot physically or medically participate in—and cannot hear—violates these principles.

3. The public interest demands correction of federal court errors:

- The public interest is harmed when ADA claims are dismissed as “moot,” Younger abstention is misused, Eleventh Amendment immunity is misapplied, *Ex parte Young* is ignored, *Tennessee v. Lane* is ignored, *United States v. Georgia* is ignored, TROs are suppressed, filings are excluded from PACER, CM/ECF access is denied, emergency motions are denied by clerks, and appellate courts refuse to review ADA violations.
- These failures undermine public confidence in the judiciary.

C. Combined Analysis: Equities + Public Interest

- When the balance of hardships and the public interest are considered together, the conclusion is unmistakable:
 - I face catastrophic, irreversible harm.
 - Defendants face no meaningful harm.
 - The public interest demands ADA enforcement.
 - The Constitution requires meaningful access.
 - The ADA requires accommodations.
 - The appellate process requires a preserved record.
 - The justice system requires fairness, not coercion.
 - Federal courts must correct their own ADA errors.
 - Appellate courts must review ADA claims.
 - Clerks cannot deny emergency ADA motions.
- A stay pending appeal is not only justified—it is legally and morally required.

D. Systemic and National Implications

- This case reflects a systemic pattern of ADA violations across the state trial court, the state appellate court, the federal district court, and the Ninth Circuit clerk's office.

- These institutions have misused the Eleventh Amendment to avoid ADA enforcement, misused Younger abstention to avoid ADA enforcement, ignored Tennessee v. Lane, ignored United States v. Georgia, ignored Ex parte Young, ignored Duvall, ignored 28 C.F.R. § 35.160, ignored 28 C.F.R. § 35.130(b)(7), ignored Rule 1.100, ignored the interactive process, ignored my adjudicated disability status, ignored medical evidence, ignored constitutional rights, and ignored federal supremacy.
- California's requirement that disabled litigants file a written "ADA mandate"—which itself violates the ADA—is being used to deny accommodations statewide. The state appellate court denied my ADA mandate as "argumentative" without addressing a single ADA issue.
- The federal district court dismissed ADA claims as "moot," misapplied Younger, misused immunity doctrines, and refused to address controlling ADA law. The Ninth Circuit clerk denied an emergency ADA injunction without judicial review.
- This is not an isolated failure. This is a national disability rights crisis. Disabled litigants across the country are being denied access to the courts, being denied accommodations, being denied due process, being denied equal protection, being pushed into homelessness, being silenced by procedural barriers, and being harmed by courts rewriting or ignoring federal law (e.g.

as documented in my attached Appendix, these failures are ongoing and have been repeatedly raised in my court records...).

- This is precisely the type of systemic breakdown that requires intervention by the United States Supreme Court.

SECTION V: PRAYER FOR RELIEF

For the reasons set forth in this Emergency Motion, I respectfully request that this Court issue the following relief to prevent further ADA violations, correct systemic procedural failures, and preserve my federal rights:

1. Immediate Stay of the December 29–31, 2025 ADA-Violating Trial

A stay of the scheduled trial dates in Macelroy-Zopatti v. Zopatti, Case No. 22FL006982C, due to the state court's refusal to provide ADA-required accommodations, refusal to engage in the interactive process, and refusal to acknowledge my adjudicated disability status.

2. Stay of All Proceedings Requiring My Participation Until ADA Compliance Is Achieved

A stay of any hearings, conferences, evidentiary proceedings, or orders requiring me to appear in person or remotely until the state court provides:

- real-time captioning or CART
- effective remote communication

- venue modification to the courthouse nearest my home
- medical-based continuances
- acceptance of filings in accessible formats
- guaranteed court reporter services under FW 020

3. Prohibition on Enforcement of Any Orders Issued Without ADA

Compliance

An order prohibiting enforcement of any trial-related orders issued while I was denied captioning, denied venue modification, denied continuances, denied access to the record, or denied meaningful participation.

4. Order Requiring the State Court to Comply With ADA Title II and Rule 1.100

If proceedings resume after appellate review, an order requiring full ADA compliance, including:

- captioning
- CART
- remote access with effective communication
- venue modification
- acceptance of filings in alternative formats
- medical-based continuances
- guaranteed court reporter services

5. Order Correcting Federal Court ADA Errors

An order directing the district court to correct the record and address the ADA claims that were improperly dismissed as “moot,” including:

- suppression of TROs
- exclusion of filings from PACER
- denial of CM/ECF access
- refusal to analyze ADA Title II
- refusal to apply Tennessee v. Lane
- refusal to apply United States v. Georgia
- refusal to apply Duvall
- misuse of Younger abstention
- misuse of Eleventh Amendment immunity

6. Order Vacating the Ninth Circuit Clerk’s Improper Denial

An order declaring that the Ninth Circuit clerk lacked authority to deny my emergency injunction request, vacating that denial, and requiring judicial review under FRAP 8 and FRAP 27(c).

7. Order Addressing Systemic ADA Failures in California Courts

An order recognizing that:

- California’s requirement that disabled litigants file a written “ADA mandate” is itself a barrier

- the state appellate court denied my ADA mandate as “argumentative” without addressing a single ADA issue
- no court engaged in the interactive process
- no court applied controlling ADA law
- no court provided effective communication
- no court provided meaningful access
- no court protected the protected class

8. Any Additional Relief Necessary to Prevent Ongoing ADA Violations

Any further relief necessary to ensure my meaningful access to the judicial process and to prevent further ADA-related harm during the pendency of this appeal.

SECTION V: PRAYER FOR RELIEF

For the reasons set forth in this Emergency Motion, I respectfully submit that a stay pending appeal is not only warranted but essential to prevent further irreparable harm, ongoing ADA violations, and continued deprivation of constitutional rights. I cannot safely or meaningfully participate in the scheduled trial due to documented medical instability, hearing-related communication barriers, displacement-related access limitations, and the state court’s refusal to provide accommodations required under ADA Title II, Section 504, and California Rule of Court 1.100.

The state court has denied captioning, denied venue modification, denied continuances, denied access to the record, denied FW 020, denied effective communication, and denied the interactive process. These actions have already caused severe physical deterioration, repeated hospitalizations, and the interruption of critical medical care. Proceeding with trial under these conditions would permanently prejudice my rights and violate federal law.

The federal district court compounded these harms by dismissing my ADA claims as “moot,” misapplying Younger abstention, misusing Eleventh Amendment immunity, suppressing filings, and refusing to apply controlling Supreme Court precedent, including *Tennessee v. Lane*, *United States v. Georgia*, and *Ex parte Young*. The Ninth Circuit clerk’s denial of my emergency injunction request without judicial review further deprived me of meaningful appellate access and reflects a broader systemic failure affecting disabled litigants nationwide.

The balance of hardships overwhelmingly favors me, as I face catastrophic and irreversible harm, while Defendants face no meaningful prejudice from a temporary stay. The public interest strongly supports enforcement of federal disability law, protection of constitutional rights, and correction of procedural failures that undermine the integrity of the judicial system.

A stay pending appeal is necessary to preserve my rights, ensure ADA compliance, prevent further deterioration of my health, and allow appellate courts to review the serious legal issues raised. Without a stay, I will be forced into an unconstitutional, inaccessible, and medically dangerous trial that violates federal law and threatens my life, safety, and due process rights.

SECTION VII: RESERVATION AND WAIVER OF RIGHTS

Because of my documented medical conditions and disability-related limitations, I expressly reserve all rights, protections, objections, and remedies available under the Americans with Disabilities Act, California Rule of Court 1.100, state and federal disability laws, due process protections, and any other applicable authority.

Nothing in this application should be construed as a waiver, limitation, or forfeiture of any right, claim, or accommodation. I do not waive any right to seek further relief, assert additional claims, or pursue any remedy available under law or equity, and I specifically reserve the right to supplement or amend this declaration and my application as necessary. Petitioner has made every effort to comply with Supreme Court Rule 33.2(b). Any minor formatting deviation that remains is unintentional and should not affect the Court's consideration of this filing.

**For these reasons, I respectfully request this Court grant the relief set forth in
Section V.**

SECTION VIII: REQUEST FOR COSTS

Petitioner respectfully requests recovery of costs associated with printing, copying, and mailing this Emergency Application and its appendix, pursuant to applicable federal rules and the Court's authority to award costs.

Contact Information:

Signature: 
Karen L. MacElroy Zopatti

Petitioner, Pro Se
2135 Coast Ave, San Marcos, CA 92078
(760) 877-9469
KaranZopatti@gmail.com

Date: December 26, 2025

DECLARATION OF KARAN L. MACELROY ZOPATTI
IN SUPPORT OF EMERGENCY APPLICATION FOR STAY AND
INJUNCTIVE RELIEF
SUPREME COURT OF THE UNITED STATES

I, **Karan L. Macelroy Zopatti**, declare as follows:

I. IDENTITY AND CASE INFORMATION

I am the Plaintiff–Appellant in Zopatti v. Zopatti, Case No. 22FL006982C (Superior Court of California, County of San Diego, Family Law Division), and related federal and appellate proceedings. I am proceeding pro se in this Supreme Court emergency application and am not represented by counsel in any jurisdiction. I am the Plaintiff–Appellant in Zopatti v. Zopatti, Case No. 22FL006982C (Superior Court of California, County of San Diego, Family Law Division), and related federal and appellate proceedings. I am proceeding pro se in this Supreme Court emergency application.

II. BASIS OF DECLARATION

I submit this declaration in support of my emergency application for stay and injunctive relief, based on my personal knowledge medical records adjudicated

disability status, and the filings and orders in both the state and federal proceedings referenced in my application. It is submitted in good faith.

III. FACTUAL STATEMENTS

I have personally experienced the facts and events described in this section. I am an adjudicated disabled litigant under federal law, with well-documented medical instability, bilateral hearing loss, mobility limitations, and a recent cancer diagnosis.

My home was damaged by repeated water loss events, resulting in my legal documents being boxed, moved, and scattered by contractors and cleaning crews. My case files are disorganized, inaccessible, and stored in locations I cannot physically reach due to medical limitations. This has prevented me from preparing for trial, reviewing evidence, or assembling exhibits.

My trial is scheduled for December 29–31, 2025. The urgency of my situation is heightened by the imminent trial date and the lack of judicial review at every level. The Ninth Circuit clerk issued a one-word denial (“denied”) of my emergency motion, without identification of a judge, judicial signature, order, reasoning, citation to authority, or any indication that a judicial officer reviewed the motion. I filed a clarification request and a renewed emergency motion but have received no

explanation or remedy. The lack of judicial review and the improper denial by a clerk have left me with no avenue for relief in the lower courts.

IV. ADDITIONAL FACTUAL DEVELOPMENTS

I have encountered the following additional developments affecting my health and access to the courts. I am currently experiencing internal bleeding and remain medically unstable. I have already been forced to postpone cancer-related surgery once and now face postponing it again because the courts' refusal to provide ADA accommodations has required me to divert time and energy away from urgent medical care. I have been required to appear in hearings while hospitalized, including from a hospital bed, and have been warned that failure to appear would result in waiver of rights. These events have delayed essential medical treatment and placed my health at serious risk.

Across multiple courts, I have repeatedly encountered barriers that have prevented me from accessing the judicial process. My requests for captioning, venue modification, continuances, and effective communication have been denied. Some ADA requests were labeled "untimely" even when submitted in advance. TROs were not docketed, filings were excluded from the record, and emergency motions were denied without explanation. These events have prevented me from

meaningfully participating in my case and have contributed to my medical deterioration.

V. IRREPARABLE HARM

I am suffering and will continue to suffer irreparable harm if relief is not granted. Without relief, I will suffer irreparable harm, including but not limited to further deterioration of my medical condition, inability to participate in trial, denial of effective communication, denial of access to the record, and permanent prejudice to my rights. These harms are ongoing, escalating, and cannot be undone once the trial proceeds. The cumulative effect of these actions violates my constitutional rights to due process and equal protection. I have been denied a meaningful opportunity to be heard, denied access to the record, denied the ability to prepare a defense, and denied accommodations necessary for participation. Forcing a medically unstable, disabled litigant into trial without captioning, without access to the courthouse, without access to case files, and without the ability to communicate effectively deprives me of the basic procedural fairness guaranteed by the Fourteenth Amendment. These constitutional violations compound the ADA violations and create irreparable harm that cannot be remedied after the fact. I am an adjudicated disabled litigant whose medical condition has deteriorated significantly as a direct result of the courts' refusal to provide ADA accommodations. The state court has repeatedly denied my requests for ADA

accommodations, including real-time captioning (CART), venue modification, continuances, and effective communication. I am currently experiencing internal bleeding and have already been forced to postpone cancer-related surgery once; I now face postponing it again because of the escalating demands of litigation that I cannot safely meet without accommodations.

On several occasions, I have been transported by ambulance either during court hearings or immediately afterwards due to the ongoing discrimination and abuse. I am not medically stable and have been compelled to appear in court against my doctors' orders, which has caused further harm. In some instances, hearings have continued without me while paramedics were actively working on me or transporting me to the hospital. This is not meaningful access or fair process—it is cruel and dangerous. The state court's repeated requirements forcing me to appear while medically unstable, also includes appearances from my hospital beds, and continually been warned by the judges that failure to appear would result in waiver of my rights. These actions place my health and safety at serious risk and have delayed essential medical care. I also cannot access my own medical file, which remains in the possession of my former spouse, who has refused to release it despite being my attorney of record for decades. The cumulative effect of these barriers is life-threatening, I am being forced to choose between protecting my legal rights and protecting my health. This is precisely the type of irreparable harm

that ADA Title II, Section 504, and this Court’s decisions in *Tennessee v. Lane* and *United States v. Georgia* are designed to prevent. Without immediate intervention, the ongoing denial of accommodations will continue to jeopardize my medical stability, financial survival, and ability to meaningfully access the courts.

VI. SYSTEMIC ADA FAILURES

I have witnessed and been subjected to systemic failures regarding ADA compliance in my case.

The state and federal courts have repeatedly ignored, misapplied, or weaponized the law, resulting in ongoing ADA violations, constitutional violations, and systemic denial of access to justice. These failures are not isolated or accidental but reflect a broader pattern affecting disabled litigants across California and the United States.

VII. PROCEDURAL HISTORY AND FRAP 27(C) VIOLATION

I have taken all procedural steps available to me, and I have personally experienced the lack of judicial review described herein. The Ninth Circuit clerk’s one-word denial (“denied”) of my emergency motion violated Federal Rule of Appellate Procedure 27(c), which expressly prohibits clerks from deciding dispositive motions. The denial contained no judge’s name, no judicial signature, no reasoning, and no indication that a judicial officer reviewed the filing. This

procedural failure deprived me of appellate review at a critical moment and left me without any available remedy in the lower courts. The lack of judicial review has compounded the harm I face and is one of the extraordinary circumstances necessitating Supreme Court intervention.

VIII. JURISDICTIONAL STATEMENT AND EXTRAORDINARY CIRCUMSTANCES

I submit this petition because I have no other avenue for relief and face extraordinary circumstances requiring Supreme Court intervention. This petition is submitted under Supreme Court Rule 23 because relief is not obtainable from any other proper source. The state and federal trial courts have denied emergency application and refused to address the ADA Title II violations, denied judicial review, or improperly delegated judicial review decisions to clerks. The Ninth Circuit denied the lower court's injunction request without reason. Extraordinary circumstances exist because disabled litigants face imminent, irreparable harm from an ADA-violating trial, and no court below has applied controlling Supreme Court precedent, including *Tennessee v. Lane*, *United States v. Georgia*, and *Ex parte Young*.

IX. PRAYER FOR RELIEF

For the reasons set forth in this Emergency Motion, I respectfully request that this

Court issue the following relief to prevent further ADA violations, correct systemic procedural failures, and preserve my federal rights:

- 1. Immediate Stay of the December 29–31, 2025 trial and all related proceedings pending appellate review.**
- 2. Any additional relief this Court deems just and proper to prevent further irreparable harm, ensure meaningful access, and preserve my constitutional and statutory rights.**

In addition, I must state clearly what has occurred throughout these proceedings, because it directly affects my ability to participate, my access to justice, and the integrity of the record: Because I am an adjudicated disabled litigant, and because the volume of the record exceeds my physical and medical capacity to manually cite each document, I respectfully request a reasonable accommodation to incorporate by reference the full chronology and supporting evidence contained in my Appendix. Every factual statement in this Application and Declaration is supported by documents already in the record. This request is made so that I can meaningfully participate despite my disabilities, not to burden the Court. I trust that the Court will consider this request in the spirit in which it is made — as a necessary accommodation to ensure access, accuracy, and fairness. The barriers I am facing in this litigation are the very types of barriers that federal

disability law was enacted to prevent. For three years, I have been trying to protect myself from these unlawful obstacles, yet instead of receiving the protections guaranteed to a protected class, I have been repeatedly harmed by them. The Appendix and chronology I provide here are not the full record of what I have endured; they represent only a thumbnail of the systemic discrimination, procedural obstruction, and medical harm I have sustained. The complete record is far larger, but even this limited portion demonstrates the severity and duration of the barriers that have denied me meaningful access to the courts. Throughout these proceedings, I have been systematically ignored, overridden, interrupted, and spoken over by the court and by those in positions of authority. I am repeatedly prevented from finishing my sentences, explaining my disabilities, or presenting the facts necessary for anyone to understand what is actually happening to me. Instead of listening, the court substitutes its own assumptions for my lived reality — assumptions about my condition, my abilities, my intentions, and my truth. Judges and court staff cut me off, rush me, speak for me, and behave as though they can read my mind, deciding what I ‘must’ be trying to say before I am allowed to say it. This is not a misunderstanding or a communication issue — it is a sustained pattern of erasure, coercion, and procedural abuse. I am treated as though my voice does not matter, as though my disability is invisible, and as though my attempts to explain the truth are an inconvenience to be silenced. This

conduct has blocked me from presenting evidence, correcting factual errors, responding to accusations, or participating meaningfully in my own case. The record being built is not based on facts, but on assumptions created by a court that refuses to let me speak. Being spoken over, dismissed, muted, and overridden is not neutral — it is discriminatory, harmful, and a direct denial of meaningful access. The refusal to let me finish my thoughts, articulate my needs, or clarify truth has materially damaged my case, distorted the record, and violated my right to be heard. No one can read my mind, yet the court acts as though it can, and then punishes me for the consequences of its own assumptions. This is a form of discrimination, coercion, and erasure that has left me unable to meaningfully participate in my own trial. This case is not only about my individual experience; it reflects a broader and deeply troubling reality faced by disabled litigants across the country. The barriers I have encountered — denial of accommodations, refusal to listen, procedural obstacles, and the inability to meaningfully participate — are the same barriers that push countless disabled people into crisis, instability, and homelessness. When courts fail to provide the protections guaranteed by federal law, disabled individuals are left without access to justice, without safety, and without the basic ability to defend their rights. My experience is one example of a systemic problem that harms not only me, but every person who relies on the courts to uphold the laws designed to protect us.

XI. RESERVATION OF RIGHTS AND WAIVER OF FEDERAL PROTECTIONS

I expressly reserve all rights and protections available under federal and state law. Because of my documented medical conditions and disability-related limitations, I expressly reserve all rights, protections, objections, and remedies available under the Americans with Disabilities Act, California Rule of Court 1.100, state and federal disability laws, due process protections, and any other applicable authority. Nothing in this declaration should be construed as a waiver or forfeiture of additional claims. I reserve the right to pursue any remedy available under law, whether by contract or equity, and I specifically reserve the right to supplement or amend this declaration and my application as necessary.

XII. VERIFICATION

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Executed on this 26th day of December 2025, in San Marcos, California.

Signature: 
Karen L. MacElroy Zopatti,
Petitioner, Pro Se