

IN THE SUPREME COURT OF THE UNITED STATES

HARRIET NICHOLSON, PETITIONER

v.

THE BANK OF NEW YORK MELLON, RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

SUPPLEMENTAL BRIEF PURSUANT TO RULE 15.8

Petitioner respectfully submits this supplemental brief pursuant to Rule 15.8 to call the Court's attention to two intervening federal filings unavailable at the time of petitioner's last filing on August 20, 2026.

On August 27, 2026, petitioner filed ECF No. 209 in *Nicholson v. The Bank of New York Mellon*, No. 1:22-cv-03177-PGG-KHP (S.D.N.Y.), as a supplemental notice and declaration in support of ECF No. 207, petitioner's renewed post-judgment motion for in-personam enforcement. On August 28, 2026, petitioner filed Document 91 in *Nicholson v. Barrett Daffin Frappier Turner & Engle LLP, et al.*, No. 4:24-cv-00389-O (N.D. Tex.). Both are intervening filings. Each places before a federal district court Respondent's March 16, 2025 Texas litigation position concerning the corrective reconveyance at issue in this petition. Petitioner explained that the courts below gave the Texas judgment claim-preclusive effect notwithstanding that Respondent never executed the corrective instrument necessary to effectuate the judgment and "put title back into the plaintiff."

ECF No. 209 is independently relevant because it places Respondent's own March 16, 2025 Texas opposition before the same SDNY court whose judgment is under review, in direct support of petitioner's pending post-judgment enforcement request. In that opposition, Respondent, through BNYM/Nationstar, described the requested relief as requiring them **"to execute and record a deed of reconveyance restoring title to Plaintiff,"** and stated: **"Such an order is a fundamental, material, and substantive revision that would invalidate the lien and prevent BNYM and Nationstar from foreclosing."** BNYM/Nationstar Opp. 6 (Mar. 16, 2025). ECF No. 209 expressly identifies that statement as relevant to whether a recordable corrective instrument has material consequences for Respondent's asserted foreclosure authority. Document 91 is likewise an intervening filing and places the same March 2025 opposition before the Northern District of Texas while identifying the March 4, 2025 foreclosure concerning the same property. The foreclosure itself is already part of the appellate record: in its July 1, 2025 summary order, the Second Circuit granted petitioner's motion for judicial notice as to "the nonjudicial foreclosure sale of her home" and Nationstar Mortgage LLC's substitute trustees' deed. *Nicholson v. The Bank of New York Mellon*, No. 24-586-cv (2d Cir. July 1, 2025) (summary order). These intervening filings are not submitted to introduce the foreclosure as a new fact, but to place Respondent's own reconveyance position into the federal records after the petition was filed.

These intervening matters bear directly on the question already presented. They demonstrate the practical consequence of the unperformed reconveyance: Respondent obtained the benefit of the Texas judgment as a claim-preclusion defense in federal court while the obligation necessary to effectuate that judgment remained unperformed.

Petitioner respectfully requests that the Court take judicial notice of the existence and contents of the referenced publicly filed judicial records. See Fed. R. Evid. 201. Petitioner does not ask this Court to adjudicate the Rule 60 motion, determine the validity of the subsequent foreclosure, or resolve any new claim. The records are submitted solely for the litigation positions reflected therein and their bearing on the question presented.

Respectfully submitted,

/s/ **Harriet Nicholson**

Harriet Nicholson

Petitioner, Pro Se

2951 Santa Sabina Drive

Grand Prairie, Texas 75052

817-722-4652

August 31, 2026

A handwritten signature in cursive script, appearing to read 'Harriet Nicholson', written in black ink.