Supreme Court, U.S.
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No. 26A680

# In the Supreme Court of the United States

NANCY RONCATI DOWDEN,
APPLICANT,

*v.*

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE,
RESPONDENT.

ON APPLICATION FOR A STAY PENDING THE FILING AND DISPOSITION OF A PETITION FOR A WRIT OF CERTIORARI TO THE CONNECTICUT SUPREME COURT
Directed to the Honorable Sonia Sotomayor, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Second Circuit

**EMERGENCY APPLICATION FOR AN IMMEDIATE ADMINISTRATIVE STAY AND A STAY PENDING CERTIORARI**

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## PARTIES TO THIS PROCEEDING AND RELATED PROCEEDINGS

Applicant Nancy Roncati Dowden was the defendant in the Connecticut property action and the applicant in the completed Connecticut appellate proceedings described below. Respondent Deutsche Bank National Trust Company, as Trustee, was the plaintiff in the property action and opposed review in the Connecticut appellate courts.

The completed state proceedings presented for review are *Dowden v. Deutsche Bank National Trust Company*, Connecticut Appellate Court AC 49777, supervisory motion AC 254239, and the related reconsideration proceeding AC 254459. Applicant then filed the Connecticut Supreme Court petition docketed as PSC-250444, which bore filing identifier SC 250441 on the submitted petition. The related pre-appeal reconsideration motion was identified as SC 250398 and ended with the corrected order dated September 11 and issued September 15, 2026. Applicant and Respondent were the parties to those proceedings. No other person or entity was a party to the Connecticut appellate proceedings presented for review.

A separate federal proceeding remains pending in the United States Court of Appeals for the Second Circuit, No. 26-3169. It arises from Applicant's independent federal civil-rights action and presents a different federal judgment and route. This application does not seek review of any federal order. It concerns only Connecticut's completed appellate disposition presented for certiorari. The separate federal proceeding neither reopens the Connecticut appellate cases nor supplies the state-court review that Connecticut finally denied. It supplies no present stay. (App. U.)

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**TO THE HONORABLE SONIA SOTOMAYOR, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE SECOND CIRCUIT:**

Applicant respectfully requests an immediate administrative stay before Monday, **November 16, 2026, at 2:00 p.m.**, and a stay pending the timely filing and disposition of her petition for a writ of certiorari. A temporary stay preserves Applicant's title and possession while leaving every asserted lien, claim, and remedy intact. Denial unjustifiably subjects an eighty-nine-year-old cognitively disabled litigant to renewed Title II exclusion, due-process injury, and loss of her home before neutral review can occur.

Connecticut has ordered an eighty-nine-year-old cognitively disabled homeowner into a property-dispositive proceeding before the same judge who denied her Title II access and due process when liability was imposed, entered liability through the resulting absence of opposition, and now retains exclusive control over her unresolved requests for accommodation, disqualification, transfer, neutral assignment, and preservation. This application concerns Connecticut's completed refusal to protect Applicant's federal rights before deprivation.

This case asks whether exploitation of disability can be made the means through which a global bank obtains liability and takes a home. The November 16 proceeding will violate Title II and due process again while using liability obtained through Title II exclusion and denial of due process to deprive Applicant of her property. The first denial of access produced the silence used to impose liability. The second will use that liability to deprive Applicant of her home. The sequence must stop before the hearing begins.

This is a public constitutional failure with consequences extending beyond Applicant. Connecticut's trial court withdrew approved disability access and used the resulting absence of opposition to enter liability. The State's administrative and appellate institutions left that process uncorrected and returned the disabled litigant to the same judge who continues to deny her

disability access, and will now preside over the proceeding through which Deutsche Bank seeks to take her home without ever proving standing or subjecting its alleged right to the property through adversarial testing. If this sequence is permitted, disabled litigants may be denied access when liability is decided, denied protection throughout state review, and told to seek relief only after the denied access has produced irreversible and irreparable injury. Title II and due process must protect participation when the hearing occurs. Their commands cannot be postponed until after the State has used the completed violation to deprive a person of property.

This consequence extends to every disabled litigant who needs meaningful access when adjudication occurs.

Connecticut formally qualified Applicant for disability protection after neurological complications from Long COVID impaired the sustained mental engagement required to investigate, organize, prepare, speak, and respond in compressed adversarial proceedings. On June 27, 2025, the Superior Court extended deposition and every other case activity requiring that mental engagement while Applicant underwent treatment and awaited further neurological evaluation. No later order terminated the protection or found Applicant capable of resuming dispositive litigation. The October evaluation did not release her. Judge John P. Regan received contemporaneous medical documentation before the dispositive proceeding. (Apps. I–J.)

Regan possessed both the Judicial Branch's formal disability qualification and the contemporaneous medical report before the November 17 dispositive proceeding. Applicant's disability accommodation pausing her participation in case activities requiring mental engagement remained operative. Regan entered no order terminating the pause. The court silently extinguished operative Title II protection at the precise moment it was needed, without notice, hearing, findings, or any accessible opportunity for Applicant to respond. The resulting exclusion was the

consequence of proceeding with full knowledge of the disability-access protection and the documented incapacity it addressed.

Deutsche Bank nevertheless attacked the operative protection and engineered a dispositive hearing that had not existed on the docket. At an unrecorded November 7 proceeding, its counsel invoked New Jersey certifications that expressly corroborated Applicant's disability and used a false account of her functioning to obtain a newly created hearing only ten days later. Deutsche Bank had materially changed its theories during the protected period. Applicant had no opportunity to conduct discovery concerning those theories and had no medically usable time to investigate, prepare evidence, or file opposition. (Apps. K–N.)

Applicant did not choose to conduct a dispositive defense alone. Her longtime lawyer ceased functioning as her advocate two business days before the newly created proceeding. Applicant appeared remotely without functioning counsel. She stated, "I need a lawyer. I do not have a lawyer." The proceeding began while her microphone was muted. Regan responded, "why don't we begin," and permitted Deutsche Bank to proceed. (App. P, Tr. 1:16–25, 8:6–10:25.)

When Applicant was finally recognized, she stated, "I have cognitive and verbal limitations, at this point, and I had significant difficulty speaking and organizing my thoughts." After Deutsche Bank's lawyers presented their dispositive narrative, Applicant said, "I can't address what was just said now by the other attorneys." She pleaded, "I beg that you give me an opportunity" for sixty days to obtain counsel and prepare. She pleaded again for the court's patience because she was "not really able to speak properly." (App. P, Tr. 3:6–11, 8:6–10:25.)

Regan denied that opportunity. Deutsche Bank presented its complete merits narrative through counsel. When it identified a deficiency concerning its own standing and proof of possession of the note, Regan granted Deutsche Bank two additional weeks to supplement its proof. Applicant received no comparable opportunity to obtain counsel, investigate the changed

theories, conduct discovery, prepare opposition, present evidence, correct the factual narrative, or answer the supplemented proof. She received no adjudication of her defenses or consideration of evidence that disputed Deutsche Bank's narrative which were part of the court's extensive record.

Two materially different December 1 orders then imposed liability through different theories and expressly relied upon the absence of opposition the denied access produced. One order adjudicated a theory contained in a withdrawn motion. Neither order resulted from accessible adversarial testing of standing, note possession, chain of title, accounting, enforceability, payment, overpayment, the changed claims, or Applicant's defenses. The certified transcript and the orders establish the completed sequence without inference. Disability protection covered the required cognitive work. Deutsche Bank attacked the protection. Applicant appeared cognitively disabled and without functioning counsel. She stated that she could not answer and begged for counsel and time. Deutsche Bank presented alone and received additional time to supplement. Regan denied Applicant any corresponding opportunity. The resulting orders cited the absence of opposition those denials produced. (Apps. P–R.)

That sequence did not adjudicate Applicant's defenses. It prevented adjudication from occurring. If disability made defense impossible, what lawful adversarial adjudication occurred through which Applicant supposedly "lost"? The duty to accommodate cognitive disability cannot become permission to exploit it. The success of the exclusion cannot become the defense to the exclusion.

Litigants cannot interfere with Applicant's Title II access, use that interference to prevent Applicant from filing any opposition, obtain liability without due process, and then convert the product of those violations into deprivation of her home as though her federally protected rights did not exist. Title II guarantees qualified disabled litigants meaningful access to state judicial proceedings. The Fourteenth Amendment requires due process before the State deprives a person

of property. Section 1983 supplies a federal remedy when persons acting under color of state law cause the deprivation of those constitutional rights. Yet, that is exactly what happened here.

Applicant had spent three years litigating viable, documented defenses before the exclusion removed them from the dispositive process. Deutsche Bank's standing, authority to enforce, possession of the original instrument, chain of title, accounting, and materially changed liability theories remain untested against Applicant's evidence. Fidelity National Title Insurance Company retained special counsel specifically to defeat Applicant's fraud-in-origination defenses and her counterclaim seeking to quiet title and discharge the mortgage. Deutsche Bank already had lead foreclosure counsel. Deutsche Bank's coordinated multi-firm effort eliminated those defenses through the absence of opposition instead of defeating them through evidence and accessible merits testing. (App. X ¶¶ 2–4, 8.)

Applicant placed the disability qualification, operative protection, certified transcript, contemporaneous medical corroboration, filed defenses, and nonopposition-based liability orders before Connecticut's appellate courts. She pursued two independent review routes while those federal rights could still prevent deprivation. The Connecticut Appellate Court dismissed both routes without adjudicating the preserved Title II and Fourteenth Amendment rights. The Connecticut Supreme Court denied certification and denied relief after reconsideration. Connecticut declared review unavailable while the foreclosure remained unfinished and left the challenged liability available to finish it. (Apps. A–G.)

Connecticut has now returned Applicant to Regan alone. He controls the unresolved accommodation, disqualification, transfer, neutral-assignment, and preservation requests that must be decided before any lawful property hearing can occur. Through the Attorney General, the State Judicial Defendants oppose preservation and defend continued use of the process and orders his conduct produced. Regan's represented litigation position advances the same immediate objective

as Deutsche Bank's request. Both positions preserve and enforce the December 1 orders against Applicant's home. The record supplies no basis for characterizing November 16 as a neutral future hearing. It is the announced continuation of the same Title II and due-process mechanism Connecticut refused to review before deprivation. (Apps. V, Y.)

The Attorney General filed that position for the State Judicial Defendants, expressly including Regan. The filing asks the Second Circuit to "dismiss this appeal and allow the District Court to address this case in its discretion in the ordinary course" while Regan remains assigned to conduct the November 16 property proceeding. It asserts that Applicant "offers no basis" to establish a qualifying disability, denies that the record shows exclusion, and argues that strict foreclosure may proceed because later appellate review might remain available. (App. Y at 1, 7–12.) Those are Regan's represented litigation positions concerning the same disability, process, orders, and requested preservation he would confront as the presiding judge. They defend the continued legal effect of the December 1 orders and oppose the protection that would prevent Deutsche Bank from using those orders against Applicant's home.

Regan stands alone against the established disability record. The Judicial Branch ADA coordinator qualified Applicant for disability protection. The operative order paused deposition and all case activity requiring mental engagement pending medical reevaluation. Contemporaneous medical evidence and the New Jersey certifications corroborated the disabling limitations. The subsequent federal order states without qualification that Applicant suffers from long-COVID-related impairment and cognitive limitations. It separately recounts that those limitations made full defense impossible. Regan nevertheless denied or left unresolved repeated accommodation requests and continued treating Applicant as unqualified for effective disability access. Several disability access requests remain pending.

Those requests are threshold matters. They determine whether Applicant can receive meaningful access, whether Regan may preside over a proceeding that will enforce the liability he entered through denied access, and whether a neutral judge must decide the disqualification and transfer issues before strict foreclosure proceeds. Connecticut has scheduled the irreversible merits proceeding before resolving the conditions required for that proceeding to be lawful. Once title is taken, later consideration of access, accommodation, and judicial neutrality cannot restore the hearing Applicant was entitled to receive before deprivation.

Connecticut cannot conduct the proceeding that takes Applicant's home before deciding the threshold motions that determine whether the proceeding may lawfully occur at all.

The separate federal proceeding supplies no protection. The Second Circuit has entered no stay. The District Court's November 9 order is a subsequent development from an independent civil-rights action and is included only to establish the absence of any alternative protection. The order states without qualification that Applicant "suffers from long-COVID-related impairment, cognitive limitations, visual and auditory limitations, and medical fragility." It states that those limitations materially affect live, adversarial, high-cognitive-load proceedings and that her "disability made it impossible for her to defend herself fully during that state case." (App. W at 4, 7–9 & n.5.) It then assigns responsibility for the “loss” to Applicant’s disability, stating that her cognitive disability made it impossible for her to defend herself fully. That reasoning makes disability responsible for the liability produced while ignoring the denied accommodation, meaningful access, and due process that Title II and the Fourteenth Amendment required before liability was imposed.

The Second Circuit has entered no stay and supplied no interim protection. Its pending consideration does not preserve Applicant's title, possession, disability access, or right to a neutral decisionmaker before November 16. The fixed hearing therefore approaches while every court

with notice of the documented exclusion has left its product enforceable. This Court cannot assume that another tribunal has the emergency under control when no protective order exists.

The district court's ECF 133 causal sequence fails at its decisive step. Once documented cognitive disability made defense impossible, the court was required to protect meaningful Title II access and the opportunity to be heard before adjudicating liability. The court instead proceeded through the very incapacity that triggered those protections. It denied functioning counsel, preparation time, discovery, opposition, evidence, and a meaningful opportunity to answer Deutsche Bank's presentation. The resulting absence of opposition supplied the stated basis for liability. ECF 133 then called that exclusion-produced result a litigation "loss." The court's obligation to prevent Title II exclusion cannot be converted into permission to proceed because the exclusion succeeded.

ECF 133 makes the constitutional defect unmistakable. Disability that made defense impossible triggered the court's duty to provide meaningful access. It did not create a lawful opportunity for Deutsche Bank to obtain untested liability. Applicant appeared without functioning counsel, stated that she could not answer the attorneys' presentation, and begged for counsel and time to oppose. Deutsche Bank received the opportunity to present and supplement its case. Applicant received no meaningful opportunity to investigate, prepare, present evidence, or answer. The orders then cited the absence of opposition that its own denied access produced. That sequence did not adjudicate any of Applicant's defenses. It used her documented disability against her and converted the court's denial of access into liability.

The defect converts the duty to accommodate cognitive disability into permission to exploit it. The order states without qualification that Applicant suffers from long-COVID-related impairment and cognitive limitations. It identifies no functioning counsel, operative opposition, discovery, evidentiary presentation, meaningful opportunity to answer Deutsche Bank, or

adjudication of Applicant's defenses. It nevertheless calls liability entered through that documented inability a litigation "loss" and leaves Deutsche Bank free to enforce it against Applicant's home. Title II required the court to provide meaningful access when disability prevented participation. ECF 133 instead assigns the consequence of denied access to the disabled litigant and awards its product to the party that benefited from the exclusion. **Disability cannot lawfully become the mechanism through which an opposing party obtains untested liability and takes property without proving its case against the defenses the exclusion prevented the court from hearing.**

The federal order is not the judgment for which certiorari will be sought. It confirms that no tribunal has preserved Applicant's title and possession while Connecticut permits liability entered after denial of meaningful disability access to be used against her home. The Second Circuit proceeding and this application arise from separate judgments and invoke separate appellate routes. The Second Circuit reviews the November 9 federal District Court order entered in Applicant's independent civil-rights action. This Court alone may conduct 28 U.S.C. § 1257 review of the Connecticut Supreme Court's completed denial of Applicant's preserved federal rights. The Second Circuit cannot exercise § 1257 review of that state judgment, reverse it, or supply the state appellate review Connecticut denied. This application asks this Court to preserve Applicant's home while it considers the forthcoming petition from the state judgment. ECF 133 and the pending Second Circuit proceeding matter here only as subsequent developments confirming that no other tribunal has entered the preservation required before November 16. They supply no reason to defer this Court's emergency protection.

Connecticut's position reduces Title II access and due process to remedies available only after deprivation. Applicant was denied disability access, functioning counsel, preparation time, discovery, opposition, and a meaningful opportunity to be heard before liability was imposed. The resulting orders expressly relied upon the exclusion-produced nonopposition. Connecticut refused

immediate review. It now permits the same judge to use those orders to finish the foreclosure and deprive Applicant of her home. Under that sequence, a disabled litigant receives no enforceable right to meaningful access when liability is decided and no effective review before her property is taken. She may seek review only after the deprivation of property the Constitution and Title II required the state courts to prevent.

The requested order must stop the November 16 proceeding. It must prohibit Respondent and those acting in concert with it from using the December 1, 2025 liability orders to alter Applicant's title, possession, occupancy, or equity while this Court considers the application and the timely petition for certiorari. The relief preserves every asserted lien and claim and leaves the mortgage merits for lawful adjudication. It prevents Connecticut from committing the imminent federal violations and from converting liability produced through the earlier violations into the loss of Applicant's home.

## DECISIONS BELOW

All orders identified below are unpublished.

The Connecticut Supreme Court's corrected order dated September 11 and issued September 15, 2026, granting reconsideration and denying relief in SC 250398, is reproduced at Appendix A. Its June 2, 2026 order denying certification in PSC-250444 is reproduced at Appendix B.

The Connecticut Appellate Court's April 30, 2026 order dismissing AC 49777 is reproduced at Appendix C. Its March 25, 2026 order dismissing the supervisory proceeding in AC 254239 is reproduced at Appendix D. Its March 25, 2026 order denying the requested pre-appeal stay in AC 254274 is reproduced at Appendix G.

The Connecticut Superior Court's December 1, 2025 liability orders concerning Entries 133.00 and 157.00 are reproduced at Appendices Q and R.

## JURISDICTION

Connecticut finally denied Applicant's federal right to meaningful access before liability and her right to pre-deprivation review. The State cannot defeat review by leaving only the taking unfinished.

Applicant invokes Supreme Court Rules 22 and 23 and 28 U.S.C. §§ 1257(a), 1651(a), and 2101(f). Connecticut completed its refusal to protect Applicant before deprivation and left the December 1 liability orders available for immediate use against her home. That completed refusal is the state judgment presented for review.

Applicant completed two independent Connecticut appellate routes presenting the preserved federal violations. The Connecticut Appellate Court dismissed Applicant's supervisory motion, AC 254239, on March 25, 2026, and denied reconsideration and reconsideration en banc, AC 254459, on April 29, 2026. The Appellate Court separately dismissed Applicant's appeal from the denial of her evidence-supported motion to open, AC 49777, on April 30, 2026. Applicant sought Connecticut Supreme Court review through the petition submitted as SC 250441 and docketed as PSC-250444. The Connecticut Supreme Court denied certification on June 2, 2026. Its corrected order in SC 250398, dated September 11 and issued September 15, 2026, granted reconsideration while denying relief. Nothing remains for Connecticut's highest court to decide in either completed route. (Apps. A–F.)

*National Socialist Party of America v. Skokie* recognizes finality when a state high court's refusal of protection finally determines that an applicant must endure the asserted federal injury during ordinary review. (432 U.S. 43, 43–44 (1977) (per curiam).) Connecticut made that determination here. It refused protection from liability imposed without meaningful access while leaving those orders available for use against Applicant's home.

The full Court's stay in *Malliotakis v. Williams* preserved an operative state order during state appellate review and any timely petition for certiorari. (No. 25A914 (U.S. Mar. 2, 2026).) Justice Alito's concurrence applied Skokie and explained that jurisdiction exists when a state high court refuses protection and thereby finally determines that the applicant must endure the asserted constitutional injury during appellate review. (Malliotakis, 607 U.S. ___, slip op. at 2–4 (2026) (Alito, J., concurring).) Applicant also satisfies the exhaustion condition Justice Sotomayor identified. She sought protection from Connecticut's highest court, and that court finally refused it. (Id. at 5–7 (Sotomayor, J., dissenting).)

*Cox Broadcasting Corp. v. Cohn* confirms jurisdiction where the State has finally decided the federal issue and postponement would deny justice or seriously erode federal policy. (420 U.S. 469, 477–85 (1975).) Connecticut terminated both proceedings through which Applicant sought accessible process before deprivation. The remaining property proceeding cannot reopen those appellate proceedings or restore the accessible dispositive process that never occurred. It can only use the resulting liability and offer review after the federal rights have lost their protective function.

The separate Second Circuit proceeding presents a different federal judgment and a different route. This application seeks preservation pending certiorari from Connecticut's completed disposition. The federal proceeding does not reopen the Connecticut appellate cases or supply the state-court review Connecticut finally denied. It has supplied no stay. (App. U.)

## STATEMENT OF THE CASE

### I. CONNECTICUT APPROVED PROTECTION FOR THE COGNITIVE FUNCTIONS THE DISPOSITIVE PROCESS REQUIRED

Applicant is eighty-nine years old. Neurological complications from Long COVID caused documented cognitive impairment beginning in 2024. The impairment affected the sustained

mental engagement required to investigate, organize, prepare, speak, and respond in compressed adversarial proceedings. It did not diminish Applicant's intelligence or competence.

The Connecticut Judicial Branch ADA coordinator formally qualified Applicant for disability protection. On June 27, 2025, the Superior Court entered Entry 146, extending deposition and every other case activity requiring Applicant's mental engagement while she underwent treatment and awaited an October neurological evaluation. The protection covered the cognitive functions required for meaningful participation. Remote connection alone could not satisfy it. No later order found that Applicant's disability had ended, found her capable of resuming dispositive litigation, or terminated the protection. (Apps. I–J.)

The October evaluation did not release Applicant to resume the protected activities. The contemporaneous physician's report continued to document the disability, and Regan received medical documentation before the dispositive proceeding. The counsel-prepared New Jersey certifications later invoked against Applicant also described the disability, treatment, and limitations. They did not contain a neurological finding that Applicant could investigate and defend a materially changed Connecticut case without preparation, discovery, functioning counsel, or accommodation.

Respondent’s reliance upon Applicant’s later written work does not answer that sequence. Treatment improved Applicant’s functioning during the following year. Written work performed at a controlled pace does not establish the ability to process oral proceedings, reconstruct decades of transactions, conduct discovery, organize evidence, and prepare dispositive opposition during the earlier protected period. Title II evaluates access when the public service is provided. Present improvement cannot retroactively create access at the November 2025 proceeding.

The two New Jersey certifications do not supply a contrary medical record. Counsel prepared them to request protection from deposition. They described disability and functional

limitations. They did not determine that Applicant could defend a materially changed Connecticut case without discovery or functioning counsel. No neurologist withdrew the medical limitation. No judicial access officer revoked Applicant's qualification. Advocacy characterizing those certifications as dishonesty could not lawfully replace the individualized disability record Connecticut already possessed.

## II. DEUTSCHE BANK ATTACKED THE PROTECTION AND CREATED A DISPOSITIVE HEARING WHILE IT REMAINED OPERATIVE

The case had remained paused while Applicant underwent treatment. No November 17 dispositive hearing existed on the docket during that protected period. At an unrecorded November 7 proceeding, Deutsche Bank and its counsel presented a false account of Applicant's functioning to attack the operative disability and access protection. The court then created a dispositive hearing only ten days later. (Apps. K–N.)

Deutsche Bank had materially changed its liability theories during the protected period. Applicant had conducted no discovery concerning those theories. She had no medically usable opportunity to investigate, prepare evidence, or file opposition. The abrupt hearing therefore placed the protected cognitive work into a ten-day period while Applicant remained disabled and dependent upon counsel.

Deutsche Bank's own later filing confirms the coordinated division of dispositive work. Fidelity National Title Insurance Company retained McCarter under Deutsche Bank's lender's title-insurance policy concerning Applicant's fraud-in-origination defenses and her counterclaim seeking to quiet title and discharge the mortgage. Deutsche Bank already had Hinshaw as lead foreclosure counsel. McCarter handled the fraud-in-origination defenses, Hinshaw handled the remaining claims and defenses, and McCarter identified the December 1 liability order as the endpoint of its assignment. (App. X ¶¶ 2–4, 8.) The resulting multi-firm effort never defeated

Applicant's fraud-in-origination, title, standing, enforceability, payment, overpayment, or multiple-recovery defenses through discovery, evidence, or accessible adversarial testing. The December 1 orders instead eliminated defenses implicating AHM 2007-1, the trust identified in Annex 3 of Deutsche Bank's $7.2 billion federal settlement, through the absence of opposition produced by denied access. Appendix X is offered solely as subsequent documentary confirmation of the retention and division of work that produced the state liability orders. The Connecticut Supreme Court disposition remains the judgment presented for review.

## III. THE CERTIFIED TRANSCRIPT RECORDS EXCLUSION IN REAL TIME

Applicant did not choose to conduct a dispositive defense without counsel. Attorney Christopher Brown ceased functioning as her advocate two business days before the newly created proceeding. On November 17, Applicant appeared without counsel and immediately rejected Regan's assertion that Brown represented her. She said, "No." She told the court, "I need a lawyer. I do not have a lawyer." (App. P, Tr. 8:6–10:25.)

At the outset, the clerk reported that Applicant was present but that her microphone seemed muted. Regan responded, "why don't we begin," and permitted Deutsche Bank to proceed. When Applicant was finally recognized, Deutsche Bank's counsel objected before knowing what she intended to say and warned against allowing a "soliloquy of testimony." Regan accepted the objection and restricted Applicant's factual response. (App. P, Tr. 1:16–25, 3:6–4:2.)

The transcript records the disability and the resulting inability to perform the required tasks. Applicant stated, "I have cognitive and verbal limitations, at this point, and I had significant difficulty speaking and organizing my thoughts." She explained, "I don't plan to do that now because I'm not capable of it." She later stated, "I can't address what was just said now by the other attorneys." (App. P, Tr. 3:6–11, 8:6–10:25.)

Deutsche Bank nevertheless presented its dispositive narrative. Its counsel addressed agency, timeliness, rescission, unconscionability, the supposed absence of evidence, and possession of the note. When Deutsche Bank identified a deficiency concerning proof of possession, Regan granted it two additional weeks to supplement. Applicant received no comparable opportunity to obtain counsel, conduct discovery, investigate the changed theories, prepare opposition, present evidence, correct the factual narrative, or answer the supplemented proof.

The proceeding nearly ended without hearing Applicant at all. After Deutsche Bank finished and the court announced an adjournment, Applicant called out, "Your Honor? May I? Hello?" She asked, "Can I please speak on my behalf?" She pleaded, "I beg that you give me an opportunity" for sixty days to obtain counsel and prepare. She explained that she retained her intelligence and did not have dementia. She said that she remained unable to speak properly and could not answer what the attorneys had just presented. Regan denied the requested time. (App. P, Tr. 8:6–10:25.)

Deutsche Bank failed to establish standing, and none of Applicant's defenses or supporting evidence received adjudication. The existing record contained disputed material facts that precluded summary judgment, including Deutsche Bank's inability to establish possession of the original note. The court nevertheless entered liability after Applicant was denied counsel, accommodation, discovery, and a meaningful opportunity to respond. Remote connection transmitted Applicant's pleas. It did not supply access to the adjudicative process.

## IV. THE ORDERS MADE THE SILENCE PRODUCED BY EXCLUSION THE BASIS FOR LIABILITY

The December 1 orders expressly relied upon the absence of opposition. One order adjudicated a theory contained in a withdrawn motion. The two materially different orders imposed

liability through different theories without accessible adversarial testing of Deutsche Bank's standing, note possession, chain of title, accounting, enforceability, changed claims, or Applicant's defenses. (Apps. Q–R.)

The causal sequence is documentary and complete. Connecticut approved disability protection for activities requiring mental engagement. Deutsche Bank attacked that protection and obtained a newly created dispositive proceeding. Applicant appeared cognitively disabled and without functioning counsel. She stated that she could not answer and begged for counsel and time. Deutsche Bank presented alone and received additional time to supplement. Regan denied Applicant any corresponding opportunity. The resulting orders cited the absence of opposition those denials produced.

The absence of opposition was the product of the Title II and due-process violations. It cannot simultaneously prove that Applicant received a merits adjudication and lost.

Repetition by parties whose interests depend upon preserving the December 1 orders cannot convert accusation into medical evidence. The official qualification, protection order, contemporaneous medical record, certified transcript, and liability orders establish the completed Title II interference and denial of Fourteenth Amendment due process. They also expose the public attack upon Applicant's integrity as the means used to discredit an eighty-nine-year-old disabled litigant before every tribunal while the underlying defenses escaped adjudication.

## V. CONNECTICUT REFUSED REVIEW BEFORE DEPRIVATION AND RETURNED APPLICANT TO THE SAME JUDGE

Applicant promptly built the record the exclusion prevented her from presenting. Her motion to open supplied the documentary defenses, challenged the nonopposition-based orders, and presented the federal access and due-process violations. She also sought immediate

supervisory intervention to obtain meaningful access and neutral process before the orders could be used against her property.

Applicant spent the past year since that hearing seeking adjudication of the federal violation before its product could be used to deprive her of her home. She pursued both supervisory intervention and a separate appeal from the denial of her evidence-supported motion to open. The Connecticut appellate courts terminated both routes without adjudicating the preserved Title II and Fourteenth Amendment claims. The State now openly aligns itself with Deutsche Bank and seeks to accelerate proceedings to use the resulting liability to deprive Applicant of her home. The State therefore made review conditional upon completion of the deprivation that federal review was sought to prevent. (Apps. A–F.)

The Connecticut Appellate Court dismissed both routes without adjudicating the preserved federal rights. The Connecticut Supreme Court denied certification and denied relief after reconsideration. Connecticut treated review as unavailable while foreclosure remained unfinished, yet left the challenged liability available to finish it. (Apps. A–G.)

Every request for accommodation, disqualification, transfer, neutral assignment, and preservation returned to Regan. Those requests remain threshold matters because they determine whether Applicant can participate, whether Regan may preside over enforcement of orders produced through his own conduct, and whether a neutral judicial authority must act before the property proceeding occurs.

Applicant marked the strict-foreclosure matter off the short calendar because she lacked effective accommodation and the threshold motions remained unresolved. The matter was promptly restored to the November 16 calendar without deciding those motions or establishing an accessible procedure. The notice requires participation and threatens sanctions for an unexcused

failure to participate. It supplies only the same remote-video platform required for all appearing parties, including Deutsche Bank and its counsel.

The notice separately directs participants requiring ADA accommodations to request them before the hearing, confirming that remote video itself is not an accommodation. Applicant's already pending threshold requests for disability access, disqualification, transfer, and neutral adjudication have received no neutral determination because they are repeatedly routed to Judge Regan, who leaves them unresolved while accelerating the proceeding that threatens Applicant's home. Remote video does not provide Applicant the cognitive access, preparation time, pacing, effective communication, evidentiary participation, or neutral adjudicator required for Applicant's meaningful access. (App. V.)

Judge Regan proceeds toward the property hearing without any neutral determination of Applicant's threshold requests for disability access, disqualification, transfer, and neutral adjudication. Those requests are routed back to Regan, who leaves them unresolved while accelerating the proceeding that threatens Applicant's home. Without meaningful Title II access, Applicant confronts the same disability-based exclusion that produced the existing liability orders. Deutsche Bank may again exploit the functional incapacity that required accommodation while advancing liability obtained without adjudication of Applicant's defenses or proof of standing through an accessible adversarial proceeding.

Applicant exhausted every identified Connecticut route for obtaining disability access and a neutral decisionmaker before deprivation. She sought accommodation, disqualification, transfer, neutral administrative assignment, supervisory intervention, appellate review, certification, and reconsideration. Those efforts produced no neutral determination of the threshold issues. The Judicial Branch repeatedly returned Applicant's accommodation, disqualification, transfer,

neutral-assignment, and preservation requests to Regan. He leaves them unresolved while accelerating the proceeding that will enforce the liability his own exclusionary process produced.

The State Judicial Defendants' represented position confirms the conflict and imminent danger to Applicant. Appendix Y expressly defines the State Judicial Defendants to include Judge Regan. Through the Attorney General, they assert that Applicant "offers no basis" for finding a qualifying disability and that "[n]or does the record show that she was excluded from the state court proceedings." (App. Y at 1 n.1, 11-12.) Those positions prejudge the disability qualification, Title II access, exclusion, and enforceability questions that remain pending before Regan himself. They defend the continued use of the documented Title II exclusion and denial of due process and the resulting orders under challenge.

Regan cannot supply neutral threshold review while his represented litigation position denies the disability-produced exclusion and defends the validity and continued legal effect of the orders it produced. Meaningful Title II access would require recognition of Applicant's documented disability and adjudication of whether denied accommodation produced liability that cannot lawfully be enforced. Regan's represented defense depends upon rejecting that premise and preserving those orders. Deutsche Bank depends upon the same orders to deprive Applicant of her home. Their positions converge upon the same immediate result: enforcement of liability obtained without accessible adversarial testing of proof of standing, the debt, or Applicant's defenses.

No neutral determination intervenes before November 16. Regan alone will now decide Applicant's unresolved threshold access and neutrality requests while presiding over the proceeding that advances Deutsche Bank's requested deprivation. His represented litigation position already denies that the documented exclusion occurred and opposes protection from its consequences.

Without this Court's immediate intervention, Connecticut will proceed to the threatened deprivation before any neutral authority addresses Applicant's Title II access, whether Regan may preside, or whether Deutsche Bank may use liability obtained through denied access to take her home.

## REASONS FOR GRANTING THE APPLICATION

### I. THE NOVEMBER 16 PROCEEDING MUST BE STOPPED BEFORE IT COMMITS THE FEDERAL VIOLATIONS PRESENTED FOR REVIEW

The immediate Title II and due process injury is the hearing itself. Connecticut proposes to compel an eighty-nine-year-old cognitively disabled litigant into a property-dispositive proceeding without effective accommodation and before deciding whether the presiding judge may lawfully conduct it. The hearing will then use liability produced when the same denied access prevented Applicant from defending herself.

Applicant is entitled to meaningful Title II access and a neutral decisionmaker before and during any proceeding capable of adjudicating her property rights. Those protections cannot be postponed until after the hearing, after liability is enforced, or after title is taken. Connecticut cannot compel Applicant to face another dispositive proceeding without accommodation, preparation, effective communication, evidentiary participation, and neutral threshold review. Leaving her unprotected on November 16 would reproduce the same exclusion that generated the liability now being used against her home.

Despite her pleas for access, Applicant has had no effective disability accommodation in place since the November 2025 exclusion. Her subsequent requests for disability access have been denied or remain unresolved. Entries 215.00, 219.00, and 221.00 sought preservation and enforcement of the approved protection and remained unresolved when the November 16 hearing was scheduled. Entry 225.00 sought Regan's disqualification and neutral assignment on August

31, 2026. Entry 231.00 sought transfer of the entire action on September 21, 2026. Applicant's October 30 emergency Caseflow Request demanded that those threshold matters be assigned to a neutral judicial authority before any action upon Entry 107.00. Connecticut instead routed the requests back to Regan and then scheduled the November 16 property proceeding without deciding any of them. (Apps. S, V.)

Regan is now aggravating the original Title II injury. He will compel Applicant into another dispositive proceeding with no effective accommodation, no neutral determination of her threshold motions, and only days to prepare. His represented litigation position continues to deny that Applicant established a qualifying disability or experienced exclusion, despite the Judicial Branch's disability qualification, the operative protection, the certified transcript, the medical record, and ECF 133's express acknowledgment of her cognitive disability and functional incapacity.

Regan's position leaves Applicant wholly exposed to the same mechanism that produced the existing liability. Deutsche Bank will again benefit from exploitation of Applicant's cognitive disability and denied Title II access while advancing orders obtained without ever facing adjudication of standing, the debt, or Applicant's defenses. Connecticut cannot take Applicant's home first and decide afterward whether she was entitled to disability access and a neutral decisionmaker.

Applicant's age, disability, limited resources, and solitary position against a global bank, its multiple law firms, and the State's own judicial apparatus intensify the need for protection. They do not diminish the federal rights that protect her. Immediate preservation is required before the completed Title II exclusion and denial of due process accomplish the irreversible property deprivation those rights exist to prevent.

Applicant presently has no accessible means to prepare for or participate in the hearing. Her accommodation request remains unresolved. Her disqualification, transfer, neutral-assignment, and preservation requests remain unresolved. Those threshold matters determine whether the hearing may lawfully occur. Connecticut cannot adjudicate the home first and decide later whether Applicant was entitled to access and a neutral decisionmaker.

Title II access is not satisfied by permitting a disabled litigant to enter a remote hearing and beg again for the ability to participate. Meaningful access required time and a procedure that allowed Applicant to investigate, organize, prepare, communicate, present evidence, and answer the opposing presentation consistent with her documented functional limitations. The universal video platform supplies none of those protections.

Federal rights cannot be mandatory in theory while every available forum postpones enforcement until after the completed violation accomplishes the threatened deprivation. Connecticut refused to adjudicate or protect Applicant's preserved Title II and Fourteenth Amendment rights before deprivation. That refusal leaves liability produced through documented exclusion available for immediate use against her home. Later review cannot recreate the accessible adversarial proceeding, functioning representation, discovery, evidence, opposition, or record denied when liability was imposed. Immediate preservation is necessary to prevent Connecticut's refusal to adjudicate the federal violation from becoming the mechanism through which that violation accomplishes deprivation.

The November 16 proceeding will repeat the earlier Title II exclusion and denial of due process. The same judge will control the same access requests under the same rejected-access premise. He has already announced his commitment to use liability entered through the earlier absence of opposition as the predicate for adjudicating Applicant's home. The first denial of access

produced the silence used to impose liability. The second will use that liability to take property. The sequence must stop before the hearing begins.

## II. THERE IS A REASONABLE PROBABILITY OF REVIEW AND A FAIR PROSPECT OF REVERSAL

A stay pending certiorari requires a reasonable probability that certiorari will be granted, a fair prospect of reversal, and a likelihood of irreparable harm. The Circuit Justice also considers the balance of equities. (*Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010).) The official record satisfies each requirement.

### A. Title II required meaningful access before liability

The duty to accommodate cognitive disability cannot become permission to exploit it.

*Tennessee v. Lane* recognizes access to courts as a core Title II and Fourteenth Amendment concern. (541 U.S. 509, 522–23, 531–34 (2004).) *United States v. Georgia* confirms Title II's enforcement of constitutional rights where the challenged conduct independently violates the Fourteenth Amendment. (546 U.S. 151, 159 (2006).)

Connecticut had formally qualified Applicant for disability protection and entered an order protecting activities requiring mental engagement. No later order ended that protection. The certified transcript then recorded the exact functional limitations the protection addressed. Applicant could not organize her thoughts, answer Deutsche Bank, or conduct the defense. She asked for counsel and time. The court denied both and imposed liability through the resulting absence of opposition.

The subsequent federal order confirms the existence of the documented disability while denying interim relief. It states without qualification that Applicant "suffers from long-COVID-related impairment, cognitive limitations, visual and auditory limitations, and medical fragility." It then states that those impairments materially affect "live, adversarial, high cognitive-load legal

proceedings" and that her "disability made it impossible for her to defend herself fully during that state case." (App. W at 4, 7–9 & n.5.)

That acknowledged impossibility triggered the duty of Title II access. It did not create permission to impose liability through the incapacity Title II required the court to accommodate. A person who could not defend herself and was denied an opportunity to present opposition did not receive adversarial adjudication of her defenses. The success of the exclusion cannot become the defense to the exclusion.

**B. Due process prohibited liability through forced silence**

Forced silence is not adjudication.

Due process requires notice and a meaningful opportunity to be heard before the State deprives a person of property. (*Armstrong v. Manzo*, 380 U.S. 545, 552 (1965); *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950).) The opportunity must occur at a meaningful time and in a meaningful manner. (*Armstrong*, 380 U.S. at 552.)

Applicant received no meaningful opportunity to defend before liability. She lacked functioning counsel, discovery on the materially changed theories, preparation time, a filed presentation of her defenses, evidentiary participation, and an opportunity to answer Deutsche Bank. Her presence at the remote proceeding cannot convert her pleas for access into proof that access existed. Her attempt to prevent exclusion preserved the violation in the record. It did not cure it.

*Peralta v. Heights Medical Center, Inc.* rejects the premise that a court may deny constitutionally required process based upon its prediction of the underlying merits. (485 U.S. 80, 86–87 (1988).) Deutsche Bank still had to prove its case through an accessible adversarial process. Connecticut could not convert disability-produced silence into a substitute for proof.

### C. Connecticut's review-after-deprivation sequence defeats the federal rights

A State cannot make federal rights available only after the deprivation those rights exist to prevent.

Connecticut's appellate courts never adjudicated Applicant's documented Title II exclusion or the denial of due process that produced liability. They treated the matter as an ordinary foreclosure-timing problem and applied generic finality doctrine as though the certified Title II exclusion and denial of due process record did not exist.

Connecticut instead applied the same ordinary foreclosure-finality rule twice. It cited *Frimberger* to dismiss Applicant's request for preventive supervisory intervention and then cited *Frimberger* again to dismiss her separate appeal, expressly directing her to wait for a final foreclosure judgment. (Apps. C–D.) Connecticut thus made completion of the threatened deprivation the condition for reviewing whether Applicant received the Title II access and due process required before that deprivation.

Connecticut's sequence is circular. Applicant sought supervisory intervention to enforce her Title II and due-process rights before liability produced through denied access could be used against her home. Connecticut denied meaningful access when liability was imposed, entered liability because that exclusion prevented opposition, and then refused immediate appellate and supervisory review because foreclosure remained unfinished. It now returns Applicant to the same judge and permits him to use that liability to finish the foreclosure.

Connecticut offers review only after the denied protection has become useless and the deprivation it was invoked to prevent has occurred. Federal rights guaranteeing access before adjudication cannot be converted into remedies available only after property is taken. It denied meaningful Title II access when liability was imposed. It entered liability because its exclusion of Applicant prevented opposition. It refused immediate appellate review because foreclosure

remained unfinished. It now permits the same judge to use the resulting liability to finish the foreclosure. It offers review only after the constitutional protection has become useless.

Title II and due process require access before adjudication and an opportunity to be heard before deprivation. Review after Applicant loses her home cannot supply the defense she was prevented from presenting or recreate the adjudication that never occurred. Connecticut's sequence makes the federal rights disappear precisely when they must operate.

This question extends beyond Applicant. A rule permitting a State to recognize cognitive disability, disregard the protection required for access, impose liability through the resulting nonparticipation, and postpone review until the liability takes property would empty Title II's courthouse guarantee of practical force.

## III. THE THREATENED INJURY IS IMMEDIATE AND IRREPARABLE

The November 16 hearing places Applicant's title, possession, occupancy, and equity in immediate jeopardy. Connecticut will use the December 1 orders as the predicate for the requested judgment. Those orders arose from a process in which Applicant had no functioning opposition and no meaningful opportunity to present her defenses.

The irreparable injury begins on November 16 when Connecticut compels Applicant into another inaccessible proceeding before the same judge. A later appeal cannot supply accommodation during the hearing, replace a neutral decisionmaker before adjudication, restore the missing adversarial record, or undo the coercive use of liability produced through the earlier exclusion.

*Connecticut v. Doehr* recognizes the constitutional importance of meaningful process before state procedures burden real property. (501 U.S. 1, 12–18 (1991).) The risk of error here is extraordinary because liability was imposed without discovery and without functioning

opposition. *Tyler v. Hennepin County* confirms that home equity remains constitutionally protected while a collection process is underway. (598 U.S. 631, 637–44 (2023).)

Applicant's home is unique. Loss of title, possession, occupancy, security, and equity cannot be repaired by later review. A post-deprivation ruling cannot restore the accessible hearing that federal law required before liability or guarantee recovery of the property after the process of taking it has begun.

## IV. NEUTRAL ADJUDICATION MUST PRECEDE THE PROPERTY HEARING

Due process requires a neutral decisionmaker before deprivation. Regan's conduct and orders are the subject of the federal-rights challenge. He entered the liability orders after denying Applicant the means to defend. He retains sole control over her requests for accommodation, disqualification, transfer, and neutral review. He will preside over enforcement of the orders his conduct produced.

Through the Attorney General, Regan's represented litigation position opposes preservation and defends the continued legal effect of the process and orders under challenge. The practical alignment is objective. Deutsche Bank requires the orders to advance against Applicant's home. Regan's represented position defends their validity and enforceability. The Judicial Branch defends its refusal to provide neutral reassignment. Connecticut's appellate courts supplied no determination of the preserved federal violations.

Connecticut possesses mechanisms for neutral adjudication. The Chief Court Administrator may assign and reassign judges. Connecticut law permits transfer to another judicial district. Connecticut's disqualification rules permit referral to another judicial authority. Applicant invoked those routes. The Judicial Branch returned the requests to Regan alone.

A stay allows an uninvolved judicial authority to decide access, disqualification, transfer, and the validity of using the December 1 orders before any property hearing occurs. That sequence protects due process without asking this Court to adjudicate mortgage liability.

## V. THE EQUITIES AND PUBLIC INTEREST REQUIRE A STAY

A stay preserves every asserted lien, claim, and remedy. It transfers no property to Applicant and extinguishes no interest asserted by Deutsche Bank. Entry 107.00 remained off the calendar beginning March 2, 2026. Preserving that condition while this Court considers the petition causes no demonstrated prejudice.

Denial needlessly subjects an eighty-nine-year-old cognitively disabled litigant to renewed Title II exclusion and due-process injury that immediate preservation would prevent. It compels her into an inaccessible property proceeding before the same challenged judge, leaves every threshold access and neutrality motion in his hands, and permits Deutsche Bank to enforce liability imposed through the absence of opposition that denied access produced. It exposes Applicant's home to deprivation before any neutral authority adjudicates whether the proceeding may lawfully occur. A temporary stay prevents that avoidable injury while preserving every asserted interest.

The public interest requires courts to provide disability access when rights are adjudicated and due process before property is taken. It also requires confidence that a judge will not decide whether his own challenged process may be used to impose the next irreversible consequence. The requested stay protects those interests while leaving the underlying mortgage dispute for lawful adjudication.

Applicant requests relief without bond or other security. Her title and possession already exist. Deutsche Bank's asserted lien and claimed remedies remain intact during a finite stay. A security condition would place a financial barrier between an elderly disabled litigant and protection from a proceeding that threatens to violate the federal rights presented for review.

## RELIEF SOUGHT BELOW

Applicant sought emergency preservation, enforcement of the approved disability protection, disqualification, transfer, supervisory intervention, and appellate review. The Connecticut Appellate Court denied emergency relief and terminated both appellate routes. The Connecticut Supreme Court denied certification and denied relief after reconsideration. Applicant also requested neutral administrative assignment. The Judicial Branch returned those requests to Regan. The Connecticut courts therefore received the substance of the protection requested here and finally refused it. (Apps. A–G.)

## RELIEF REQUESTED

Applicant respectfully requests an immediate administrative stay that stops the November 16, 2026 proceeding and every successor proceeding capable of adjudicating or changing Applicant's title, possession, occupancy, or equity before effective disability access and neutral threshold review are supplied.

Applicant further requests a stay pending the timely filing and disposition of her petition for a writ of certiorari. The order should prohibit Respondent and those acting in concert with it from requesting, pursuing, advancing, enforcing, implementing, reclaiming, re-marking, or renewing Entry 107.00, or any successor request that would use the December 1, 2025 liability orders against Applicant's home.

The order should preserve the March 2, 2026 status quo condition until an uninvolved judicial authority resolves Applicant's pending requests for disability accommodation, disqualification, transfer, and neutral assignment and until this Court completes review. The stay should issue without bond or other security.

Applicant requests any additional relief necessary to preserve this Court's jurisdiction and the practical availability of meaningful review.

Dated: November 11, 2026

Respectfully submitted,

/s/ Nancy Roncati Dowden

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No. _____

**IN THE SUPREME COURT OF THE UNITED STATES**

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**NANCY RONCATI DOWDEN,**

Applicant,

**v.**

**DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE,**

Respondent.

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**APPENDIX TO EMERGENCY APPLICATION**

Directed to the Honorable Sonia Sotomayor, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Second Circuit

IMMEDIATE ACTION REQUESTED BEFORE MONDAY, NOVEMBER 16, 2026

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