

No.

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**In the**  
**Supreme Court of the United States**

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ALLAN M. LEAVITT,  
*Petitioner,*

v.

UNITED SERVICES AUTOMOBILE ASSOCIATION; STUART PARKER, individually and as Chief Operating Officer of United Services Automobile Association; WAYNE PEACOCK, individually and as Chief Operating Officer of United Services Automobile Association; BOARD OF DIRECTORS, UNITED SERVICES AUTOMOBILE ASSOCIATION, collectively and individually; GEICO INDEMNITY INSURANCE COMPANY; TONY NICELY, individually and as Chairman, President, CEO, and Treasurer of GEICO Indemnity Company; TONY NICELY, as a member of the Board of Directors of Berkshire Hathaway, Inc.; BOARD OF DIRECTORS, GEICO INSURANCE COMPANY, collectively and individually; THE COMMERCE INSURANCE COMPANY; CYNTHIA A. PHILLIPS; BERKSHIRE HATHAWAY, INC.; WARREN BUFFETT, Chairman, CEO, and Principal Shareholder of Berkshire Hathaway, Inc.; BOARD OF DIRECTORS, BERKSHIRE HATHAWAY, INC., collectively and individually; SMITH & BRINK, P.C.; DAVID BRINK, individually and as Director of Smith & Brink, P.C.; LYNN G. McCARTHY, individually and as employee of Smith & Brink, P.C.; LAMONTAGNE, SPAULDING & HAYES, LLP; CATHRYN SPAULDING, individually and as Partner of Lamontagne, Spaulding, & Hayes, LLP; Ronald R. Harding; J. DOE, 1 – 100,  
*Respondents.*

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**CERTIFICATE UNDER RULE 29.4(c) THAT 28 U. S. C. § 2403(b) MAY APPLY  
AND OF SERVICE ON THE MASSACHUSETTS ATTORNEY GENERAL**

I, William J. Ruotolo, a member of the bar of this Court certify that under Supreme Court of the United States Rule 29.4(c) that this case involves a proceeding in this Court in which the constitutionality of the Massachusetts statute, M.G.L. ch. 231A, is drawn into question, and neither the State nor any agency, officer, or employee thereof is a party, and that 28 U.S.C. § 2403(b) may apply and therefore the Petition for Certiorari has been served on the Attorney General of that State of Massachusetts and that pursuant to 28 U.S.C. § 2403(b), this certifies Petitioner's understanding that the Massachusetts Court has not, as of this date, certified to the

Massachusetts Attorney General the fact that the constitutionality of a statute of that State was drawn into question and the petition was copied also to:

James W. McGarry, Esq., GOODWIN PROCTOR, LLP, 100 Northern Avenue, BOSTON, MA 02210, [jmcgarry@goodwinlaw.com](mailto:jmcgarry@goodwinlaw.com), for Defendants, **United Services Automobile Association**, Defendant, **Stuart Parker**, Defendant, **Wayne Peacock**, and Defendant, **Board of Directors of United Services Automobile Association**;

Edwin F. Landers, Esq., MORRISON MAHONEY, LLP, 250 Summer Street, Boston, MA 02210-1181, [elanders@morrisonmahoney.com](mailto:elanders@morrisonmahoney.com), for Defendants, **LAMONTAGNE, SPAULDING & HAYES, LLP**, and **Cathryn Spaulding**;

Jocelyn M. Sedney, Esq., BRODY, HARDOON, PERKINS & KESTIN, LLP, 699 Boylston Street, 12<sup>th</sup> Floor, Boston, MA 02116, [jsedney@bhpklaw.com](mailto:jsedney@bhpklaw.com) for Defendants, **Tony Nicely, Individually and as Chairman, etc., of GEICO, Tony Nicely, as Member of Board of Berkshire, Warren Buffet, GEICO Indemnity Company, Board of Directors of GEICO Indemnity Company, Berkshire Hathaway, Inc. and The Board of Directors, Berkshire Hathaway, Inc.**:

Deidre Brennan Regan, Esq., BRODY, HARDOON, PERKINS & KESTIN, LLP, 699 Boylston Street, 12<sup>th</sup> Floor, Boston, MA 02116, [dregan@bhpklaw.com](mailto:dregan@bhpklaw.com) for Defendants, **Tony Nicely, Individually and as Chairman, etc., of GEICO, Tony Nicely, as Member of Board of Berkshire, Warren Buffet, GEICO Indemnity Company, Board of Directors of GEICO Indemnity Company, Berkshire Hathaway, Inc. and The Board of Directors, Berkshire Hathaway, Inc.**:

Kristyn M. Kelley, Esq., Peabody & Arnold, LLP, Federal Reserve Plaza, 600 Atlantic Avenue, Boston, MA 02210, [kkelley@peabodyarnold.com](mailto:kkelley@peabodyarnold.com) for Defendant, **Ronald E. Harding**;

William R. Covino, Esq., Peabody & Arnold, LLP, Federal Reserve Plaza, 600 Atlantic Avenue, Boston, MA 02210, [wcovino@peabodyarnold.com](mailto:wcovino@peabodyarnold.com) for Defendant, **Ronald E. Harding**;

William Bogaert, Esq., WILSON ELSER MOSKOWITZ, EDELMAN & DICKER LLP, 260 Franklin Street, 14th Floor, Boston, MA 02110-3112, [william.bogaert@wilsonelser.com](mailto:william.bogaert@wilsonelser.com), for Defendants, **Smith& Brink P.C., David Brink, and Lynn McCarthy**;

Samantha Puckett, Esq., WILSON ELSER MOSKOWITZ, EDELMAN & DICKER LLP, 260 Franklin Street, 14th Floor, Boston, MA 02110-3112,

Samantha.Puckett@wilsonelser.com, for Defendants, **Smith& Brink P.C., David Brink, and Lynn McCarthy**;

Mark Darling, Esq., FULLER, ROSENBERG, PALMER & BELIVEAU, LLP, Counsellors At Law, 339 Main Street, Worcester, MA 01608, mdarling@frpb.com, for Defendant, **Cynthia A. Phillips**;

John P. Donohue, Esq., FULLER, ROSENBERG, PALMER & BELIVEAU, LLP, Counsellors At Law, 339 Main Street, Worcester, MA 01608, mdarling@frpb.com, for Defendant, **Cynthia A. Phillips**;

John Callahan, Esq., FINNEGAN, UNDERWOOD, RYAN & TIERNEY, 101 Federal Street, Suite 1900, Boston, MA 02110, jrc@furlaw.com, for Defendant, **The Commerce Insurance Company**.

The Honorable Maura Healey, Massachusetts Attorney General, 1 Ashburton Place, Boston, MA 02108.

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on June 25, 2022.

  
/s/ William J. Ruotolo  
Supreme Court Bar #226357  
Counsel of Record for Petitioner, Allan M. Leavitt