

No.  
\_\_\_\_\_

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

---

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.*

---

**PROOF OF SERVICE RULE 29.5**

I, William J. Ruotolo, a member of the bar of this Court, do swear or declare that on this date, June 20, 2022, as required by Supreme Court Rule 29, I have served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days. The names and addresses of those served are as follows:

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](mailto: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