COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS. **SUPERIOR COURT**
NO. 2282-CR-00117

COMMONWEALTH OF MASSACHUSETTS,
Plaintiff

V.

KAREN READ,
Defendant

DEFENDANT KAREN READ'S MOTION TO DISMISS

Now comes the Defendant Karen Read, by and through undersigned counsel, and hereby moves this Honorable Court, pursuant to the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and Article 12 of the Massachusetts Declaration of Rights, to dismiss Counts 1 and 3 currently pending against her on the grounds that the jury reached a unanimous decision to acquit her on those charges and, alternatively, because there was no manifest necessity supporting the declaration of a mistrial with respect to the charges on which the jury had agreed that Ms. Read was not guilty and that therefore a retrial on such counts would violate the Double Jeopardy protections of both federal and state constitutions.

The ancient right to a jury trial is no mere "procedural formalit[y] but [rather a] fundamental reservation[] of power to the American people." *Erlinger v. United States*, No. 23-370, 2024 WL 3074427, at *6 (June 21, 2024) (citation omitted). "By requiring the Executive Branch to prove its charges to a unanimous jury beyond a reasonable doubt, the Fifth and Sixth Amendments seek to mitigate the risk of prosecutorial overreach and misconduct, including the pursuit of 'pretended offenses' and 'arbitrary convictions.'" *Id.* (quoting The Federalist No. 83,

p. 499 (C. Rossiter ed. 1961)). "Prominent among the reasons colonists cited in the Declaration of Independence for their break with Great Britain was the fact Parliament and the Crown had 'depriv[ed] [them] in many cases, of the benefits of Trial by Jury.'" *Id.* at *5 (citation omitted). "After securing their independence, the founding generation sought to ensure what happened before would not happen again. As John Adams put it, the founders saw representative government and trial by jury as 'the heart and lungs' of liberty." *Id.* (citation omitted).

It follows that a jury acquittal is entitled to the utmost respect in our criminal justice system. "The Double Jeopardy Clause provides that no person shall 'be subject for the same offence to be twice put in jeopardy of life or limb.'" *Blueford v. Arkansas*, 566 U.S. 599, 605, (2012) (quoting U.S. Const., Amdt. 5). "The Clause guarantees that the State shall not be permitted to make repeated attempts to convict the accused, thereby subjecting h[er] to embarrassment, expense and ordeal and compelling h[er] to live in a continuing state of anxiety and insecurity, as well as enhancing the possibility that even though innocent [s]he may be found guilty." *Id.* (citation omitted). "Perhaps the most fundamental rule in the history of double jeopardy jurisprudence has been that [a] verdict of acquittal . . . could not be reviewed, on error or otherwise, without putting [a defendant] twice in jeopardy, and thereby violating the Constitution." *Commonwealth v. Taylor*, 486 Mass. 469, 481 (2020) (quoting *United States v. Martin Linen Supply Co.*, 430 U.S. 564, 571 (1977)).

Here, the very day after a mistrial was declared, undersigned counsel began receiving unsolicited communications from three of the twelve deliberating jurors indicating in no uncertain terms that the jury had a firm 12-0 agreement that Ms. Read was not guilty of two of the three charges against her, including the charge of murder in the second degree. Given the central importance that acquittals have held in our criminal justice system for hundreds of years,

the defense respectfully submits that the jury's unanimous agreement precludes re-prosecution of Ms. Read on Counts 1 and 3 and mandates dismissal of those charges. Alternatively, to the extent the Court believes further factual development is required, the defense respectfully requests that a post-verdict inquiry be held on the issue and that the Court authorize defense counsel to seek additional proof from the jurors regarding their having unanimously acquitted the defendant of two of the three charges against her prior to indicating to the Court that they could not reach a verdict on the third charge alone.

I. BACKGROUND

On June 9, 2022, Ms. Read was charged via three separate indictments with murder in violation of M.G.L. ch. 265, § 1 (Count 1); vehicular manslaughter in violation of M.G.L. ch. 265, § 13½ (Count 2); and leaving the scene of personal injury or death in violation of M.G.L. ch. 90, § 24(2)(a½)(2). A jury trial began on April 16, 2024. On June 25, 2024, the jury began deliberations.

On July 1, 2024, when the jury presented a note to the Court, all counsel were ordered to the courtroom. *See* Alan J. Jackson Affidavit ¶ 7. The note was not presented to counsel for review. *See id.* Rather, the Court indicated that the jury was at an impasse. *See id.* Once the jury was seated, the Court then read the jury note verbatim in open court and, without providing any opportunity for defense counsel to be heard, the Court declared a mistrial and excused the jury. *See id.* ¶ 8.[1] In short, neither defense counsel nor the defendant consented to the mistrial

[1] While the jurors' note as read by this Honorable Court indicated the impasse was on "charges," it did not say whether the "charges" were those within Count 2 *i.e.* the multiple ways to find guilt on Count 2 or extended to other Counts. The affidavits attached herein indicate the former not the latter.

and the Court never ascertained from the jury whether its deadlock was in relation to one, two, or all of the charges in the indictments.

The following day, on July 2, 2024, Attorney Jackson was contacted by a juror in this matter ("Juror A") who stated that s/he "wish[ed] to inform [him] of the true *results*" of the jury's deliberations. *Id.* ¶ 4. According to Juror A, "the jury unanimously agreed that Karen Read is NOT GUILTY of Count 1 (second degree murder). Juror A was emphatic that Count 1 (second degree murder) was 'off the table,' and that all 12 of the jurors were in agreement that she was NOT GUILTY of such crime." *Id.* ¶ 5. "[T]he jury also unanimously agreed that Karen Read is NOT GUILTY of Count 3 (leaving the scene with injury/death)." *Id.* ¶ 6.

Another day later, on July 3, 2024, Attorney Yannetti was contacted by "two different individuals (hereinafter, 'Informant B' and 'Informant C') who had received information from two distinct jurors (hereinafter 'Juror B' and 'Juror C') both of whom were part of the deliberating jury in this case." David R. Yannetti Affidavit ¶ 2. Informant B sent Attorney Yannetti "a screenshot he/she had received from someone (hereinafter, 'Intermediary B') of text messages that Intermediary B had received from Juror B. In that screenshot, Juror B texted the following to Intermediary B: 'It was not guilty on second degree. And split in half for the second charge. . . . I thought the prosecution didn't prove the case. No one thought she hit him on purpose or even thought she hit him on purpose [sic].'" *Id.* ¶ 4. Informant C had been in contact with another individual ("Intermediary C") who is a co-worker and friend of Juror C and joined a Zoom meeting during which Juror C discussed the trial. Informant C sent Attorney Yannetti the below screenshots of his/her text messages with Intermediary C regarding what Juror C revealed in the Zoom meeting:

Intermediary C: "no consideration for murder 2. manslaughter

started polling at 6/6 then ended deadlock @ 4no8yes."

. . . .

Informant C: "interesting. if it was no consideration for murder two, shouldn't she have been acquitted on that count. and hung on the remaining chargers [sic] goes back to the jury verdict slip that was all confusing"

Intermediary C: "she should've been acquitted I agree. Yes, the remaining charges were what they were hung on. and that instruction paper was very confusing."

Id. ¶ 10.

II. ARGUMENT

A. The Jury's Unanimous Conclusion that Ms. Read Is Not Guilty on Counts 1 and 3 Constitutes an Acquittal and Precludes Re-Prosecution

"[W]hat constitutes an 'acquittal' is not to be controlled by" the form of the action in question. *Taylor*, 486 Mass. at 482 (quoting *Martinez v. Illinois*, 572 U.S. 833, 841-42 (2014)). "Rather, [the Court] must determine whether" the action "actually represents a resolution, correct or not, of some or all of the factual elements of the offense charged." *Commonwealth v. Babb*, 389 Mass. 275, 281 (1983) (quoting *Martin Linen*, 430 U.S. at 571). The mere presence or absence of "checkmarks on a form" is not dispositive. *Taylor*, 486 Mass. at 482 (citation omitted).

Here, the attached affidavits by Attorneys Jackson and Yannetti reflect statements by three deliberating jurors that the jury had reached a final, unanimous conclusion that Ms. Read was not guilty on Counts 1 and 3. There was nothing tentative about the jurors' statements. To the contrary, they were definitive in describing the result of the jury's deliberations. *See* Alan J. Jackson Affidavit ¶ 5 ("Juror A was emphatic that Count 1 (second degree murder) was 'off the

table,' and that all 12 of the jurors were in agreement that she was NOT GUILTY of such crime."); David R. Yannetti Affidavit ¶ 4 (reflecting text message from Juror B, "It was not guilty on second degree. . . . No one thought she hit him on purpose or even thought she hit him on purpose [sic]"); *Id.* ¶ 10 (reflecting Juror C's statement, relayed by Intermediary C, that there was "no consideration for murder 2" and Ms. Read "should've been acquitted" on that count). To hold that this firm conclusion did not amount to an acquittal simply because it was not recorded in a verdict form would be to elevate form over substance in a manner prohibited by the foregoing United States Supreme Court and Supreme Judicial Court precedents.

The Supreme Court's decision in *Blueford* is not to the contrary. There, a juror had reported during deliberations that the jury "was unanimous against" the charges of capital murder and first-degree murder but split on manslaughter. 566 U.S. at 603-04. The court sent the jury back to continue deliberations and, when the jury remained unable to reach a verdict, declared a mistrial. *See id.* at 604. The Supreme Court rejected the defendant's argument that the Double Jeopardy Clause prohibited re-prosecution for capital and first-degree murder. In doing so, the Court relied heavily upon the lack of finality of the juror's report. "[T]he jury's deliberations had not yet concluded," and it "went back to the jury room to deliberate further." *Id.* at 606. Here, by contrast, the jurors' statements reflect a final determination that persisted through the end of deliberations. Even assuming *arguendo*, and contrary to the foregoing, this Court finds that retrial would not be prohibited under *Blueford*, this Court can and should afford broader protection under Massachusetts state law. *See Commonwealth v. Tinsley*, 487 Mass. 380, 391 n.6 (2021) ("Unlike the United States Constitution, the Massachusetts Declaration of Rights does not include a double jeopardy clause, but our statutory and common law have long embraced the same principles and protections." (citation omitted)).

B. Re-Prosecution Is Independently Barred Because There Was No Manifest Necessity to Declare a Mistrial on Counts on which the Jury Was Unanimously Agreed

"[T]he [d]ouble [j]eopardy [c]lause affords a criminal defendant a 'valued right to have h[er] trial completed by a particular tribunal.'" *Taylor*, 486 Mass. at 483 (quoting *Oregon v. Kennedy*, 456 U.S. 667, 671-72 (1982)). "Thus, where a mistrial is entered 'without the defendant's request or consent,' retrial is impermissible unless there was a manifest necessity for the mistrial." *Id.* (quoting *United States v. Dinitz*, 424 U.S. 600, 606-07 (1976)). Here, Ms. Read did not consent to the declaration of a mistrial. *See* Alan J. Jackson Affidavit ¶ 9; *see also Commonwealth v. Edwards*, 491 Mass. 1, 13 (2022) (rejecting argument "that the defendant consented to the declaration of a mistrial because he did not object when the judge ordered the case dismissed").

Absent the defendant's consent, "State and Federal double jeopardy protections bar, 'as a general rule,' retrial of a defendant whose initial trial ends . . . without a conviction." *Ray v. Commonwealth*, 463 Mass. 1, 3 (2012) (quoting *Arizona v. Washington*, 434 U.S. 497, 505 (1978)). This rule is rooted in "the importance to the defendant of being able, once and for all, to conclude h[er] confrontation with society through the verdict of a tribunal [s]he might believe to be favorably disposed to h[er] fate." *Cruz v. Commonwealth*, 461 Mass. 664, 670 n.9 (2012) (quoting *United States v. Jorn*, 400 U.S. 470, 486 (1971) (plurality opinion)). Accordingly, the "heavy" burden of establishing "manifest necessity" to justify a mistrial is exclusively on the Commonwealth. *Washington*, 434 U.S. at 505. Before a court declares a mistrial for manifest necessity, "(1) counsel must [have been] given full opportunity to be heard and (2) the trial judge must [have given] careful consideration to alternatives to a mistrial." *Ray*, 463 Mass. at 4 (citation omitted).

Here, the defense respectfully submits that the lack of opportunity to be heard is, alone, dispositive. Upon receiving a jury note, the Court declared a mistrial and excused the jury without consulting counsel. *See* Alan J. Jackson Affidavit ¶ 8. This action "was sudden, brief, and unexpected, neither preceded nor accompanied by discussion with counsel." *Commonwealth v. Horrigan*, 41 Mass. App. Ct. 337, 341 (1996); *see also Picard v. Commonwealth*, 400 Mass. 115, 118-19 (1987) (finding no manifest necessity where "[n]o opportunity was given counsel to argue the propriety of the question or of the necessity of a mistrial"); *Commonwealth v. Steward*, 396 Mass. 76, 79 (1985) (finding no manifest necessity where "the trial judge . . . first ruled that he was going to declare a mistrial and then, almost as an afterthought, unenthusiastically asked whether counsel objected").

The record is independently lacking on the second prong, as it reflects no "careful consideration" of "alternatives to a mistrial." *Ray*, 463 Mass. at 4 (citation omitted). Here, there was one obvious alternative: to simply ask the jury to specify the charge(s) on which it was deadlocked. Had the Court done so, and the jury articulated its verdict consistent with the statements of Jurors A, B, and C, the Double Jeopardy implications would have been clear and decisive. "[I]ndeed, with virtual unanimity, the cases have applied collateral estoppel to bar the Government from relitigating a question of fact that was determined in defendant's favor by a partial verdict." *United States v. Mespoulede*, 597 F.2d 329, 336 (2d Cir. 1979); *see also Wallace v. Havener*, 552 F.2d 721, 724 (6th Cir. 1977) ("When the jury hands down a partial verdict, a final judgment is rendered on the counts upon which the jury has reached agreement.").

The Supreme Judicial Court's holding, in *Commonwealth v. Roth*, 437 Mass. 777 (2002), that courts should not request partial verdicts on lesser included offenses charged in a single count does not pertain here. As the *Roth* Court acknowledged, "[i]nquiry concerning partial

verdicts on lesser included offenses" *that have not been separately charged* "carries a significant potential for coercion." *Id.* at 791; *see also Blueford*, 566 U.S. at 609 (declining to require court "to consider giving the jury new options for a verdict" in the form of partial verdicts on lesser included offenses where, "under Arkansas law, the jury's options . . . were limited to two: either convict on one of the offenses, or acquit on all").[2] Such inquiry, in effect, implies that the jury should consider conviction on the lesser count. No similar danger is present where, as here, the jury was asked to return three separate verdicts on three separate counts. *See Roth*, 437 Mass. at 793 n.13 (distinguishing situation "where a defendant has been charged in separate indictments or complaints, each with a separate verdict slip"). In this circumstance, where the jury reports a deadlock without specifying the count(s) on which it has reached an impasse, it is a straightforward (and, the defense contends, Constitutionally required) follow-up to ask whether the deadlock relates to some as opposed to all counts. Indeed, the Supreme Judicial Court has explicitly stated, "[w]here a complaint or indictment, in multiple counts, charges multiple crimes . . . a general verdict could be returned as to one of the counts, despite deadlock on the other counts." *A Juvenile v. Commonwealth*, 392 Mass. 52, 55 n.1 (1984).

C. Alternatively, the Defense Is at Least Entitled to Conduct Post-Verdict Inquiry

Undersigned counsel did not initiate the communication with Jurors "A," "B," and "C," which resulted in the disclosure of information that is memorialized in counsel's affidavits that are appended to this motion. Should this Court find that further factual development is required, the defense respectfully requests that the Court conduct a *voir dire* of the jury and/or an evidentiary hearing to substantiate the existence of an acquittal. Should the Court seek the

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[2] Massachusetts law, to the contrary, clearly permitted the jury to return a partial verdict on some, but not all, counts. *See* Mass. R. Crim. P. 27(b).

affidavit of each juror (*i.e.*, jurors "A", "B", and "C" *supra*) the defendant asks for the Court to authorize undersigned counsel to initiate contact for the sole purpose of asking each juror whether the jury had unanimously agreed that the defendant was not guilty of Counts 1 and 3. The Supreme Judicial Court has held that, because of the importance of the issue, "juror bias is a legitimate subject for post-verdict inquiry." *Commonwealth v. McCalop*, 485 Mass. 790, 798 (2020) (citation omitted). It is similarly "a fundamental tenet of our system of justice" that a defendant may not be retried for a crime on which she was previously acquitted by a jury, and the defense submits that post-verdict inquiry is equally warranted in the present context. *Id.* at 790. Just as the Court in *McCalop* approved questions as to the existence of racial bias, questions about a matter more attenuated from the content of deliberations – whether the jury had unanimously concluded that Ms. Read was not guilty of Counts 1 and 3 – do not invade the heartland of jury deliberations but preserve the defendant's precious rights to the favorable outcome of a jury trial and to the protections of the Double Jeopardy Clause and its related state judicial protections.

III. CONCLUSION

For the foregoing reasons, Ms. Read respectfully requests that this Honorable Court issue an Order dismissing Counts 1 and 3.

Respectfully Submitted,
For the Defendant,
Karen Read
By her attorneys,

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Dated: July 8, 2024

CERTIFICATE OF SERVICE

I, Martin G. Weinberg, do hereby certify that on this day, July 8, 2024, I have served a copy of this Motion and the attached affidavits on Assistant District Attorney Adam Lally via email.

/s/ Martin G. Weinberg
Martin G. Weinberg

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS. **SUPERIOR COURT**
NO. 2282-CR-00117

COMMONWEALTH OF MASSACHUSETTS, **Plaintiff**	)
V.	)
KAREN READ, **Defendant**	)

AFFIDAVIT OF DAVID R. YANNETTI IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS

I, David R. Yannetti, do hereby depose and state that the following is true to the best of my knowledge and belief:

1. I am an attorney licensed in Massachusetts since December 20, 1989. My main office address is 44 School Street, Suite 1000A, Boston, MA 02108. On January 29, 2022, I was retained to represent the defendant, Karen Read, regarding the above captioned matter.

2. On July 3, 2024, I received communications from two different individuals (hereinafter, "Informant B" and "Informant C") who had received information from two distinct jurors (hereinafter "Juror B" and "Juror C") both of whom were part of the deliberating jury in this case.

3. To my knowledge, Informant B and Informant C do not know each other.

4. On July 3, 2024, Informant B sent me a screenshot he/she had received from someone (hereinafter, "Intermediary B") of text messages that Intermediary B had received from Juror B. In that screenshot, Juror B texted the following to Intermediary B: "It was not guilty on second degree. And split in half for the second charge. When the judge sent us back with that Hernandez [sic] thing to look at the other side it turned into a bully match. I thought the prosecution didn't prove the case. No one thought she hit him on purpose or even thought she hit him on purpose [sic]. They gave us free counseling forms when we left."

5. Based upon the first name of Juror B given to me by Informant B, I believe I am able to positively identify which juror he/she was and confirm that he/she was a deliberating juror.

6. On July 3, 2024, Informant C contacted me to say that he/she personally knows Juror C, as they used to work together. Informant C and Juror C also have a mutual friend (hereinafter, "Intermediary C") who is a current co-worker and friend of Juror C.

7. Informant C told me that he/she had posted something about the Karen Read case on Facebook on Monday, July 1, 2024. He/She told me that he/she believes that post led Intermediary C to text him/her and inform him/her that Juror C was a deliberating juror on the case.

8. Informant C told me that he/she thereafter reached out to Juror C via text message and discussed his/her experience as a juror in very general terms. They discussed what an exhausting experience it was and that Juror C was relieved that it was finally over.

9. Intermediary C told Informant C that Juror C would be participating in a Zoom meeting with a number of friends to discuss what happened with the trial.

10. Today, Informant C sent me three screenshots of a text message exchange he/she had with Intermediary C. Informant C told me that Intermediary C was reporting to him/her during this exchange what Juror C had revealed during the Zoom meeting. The text message exchange reads as follows:

Intermediary C:	"no consideration for murder 2. manslaughter started polling at 6/6 then ended deadlock @ 4no8yes.
	"[he/she] was very consistent in the fact that they could only consider things that were admitted into evidence. Ultimately, [he/she] voted no because the cause of death was twofold of hypothermia and head injury of which [he/she] was convinced that the vehicle did not cause both.
	"The whole jury felt very intimidated by Higgins [sic] presence at the end.
	"[he's/she's] not sure what [he's/she's] going to do. [He's/She's] going to lay low for a couple of days and see where it takes [him/her]. Hasn't ruled out anything.
	"The jurors all have a group text going"
Informant C:	"interesting. if it was no consideration for murder two, shouldn't she have been acquitted on that count. and hung on the remaining chargers [sic] goes back to the jury verdict

	slip that was all confusing"
Intermediary C:	"she should've been acquitted I agree. Yes, the remaining charges were what they were hung on. and that instruction paper was very confusing."
Informant C:	"what a great experience for [him/her]. amazing that they let the alberta [sic] in the last day."
Intermediary C:	"[He/She] felt very honored to be part of it. [He/She] was [redacted physical description of Juror C]. Everybody else was from a professional walk of life. They all got along and never heated. They agreed to disagree and respected each other."
Informant C:	"that's the way it should be. o [sic] knew it was an intelligent jury. "they will be studying this case in law programs for years to come. i'e [sic] how not to investigate and try a case." "if they all agreed on no for murder two. they should make that clear to the DA. and the court. it's basically a case of double jeopardy if she is retried on that charge."

11. Based upon the description of Juror C given to me by Informant C and confirmed by the redacted content of the above text message exchange, I am able to positively identify which juror he/she was and confirm that he/she was a deliberating juror.

Signed under the pains and penalties of perjury this 6th day of July, 2024.

/s/ David R. Yannetti
David R. Yannetti

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS. **SUPERIOR COURT**
NO. 2282-CR-00117

COMMONWEALTH OF MASSACHUSETTS, **Plaintiff**	)
V.	)
KAREN READ, **Defendant**	)

AFFIDAVIT OF ALAN J. JACKSON IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS

I, Alan Jackson, declare:

1. I am a partner at the Los Angeles law firm of Werksman Jackson & Quinn LLP, and I have been licensed to practice law since 1994. I am counsel for Karen Read (Docket No. 2282CR0117), appearing on her behalf in the Commonwealth of Massachusetts *pro hac vice*.
2. On Tuesday, July 2, 2024, I was contacted by "Juror A" (true name and identity withheld to maintain anonymity). Based on my conversation with Juror A and that juror's description of who he/she is, where he/she was seated, and certain identifying information (name / occupation) disclosed during the *voir dire* process, I was able to positively identify which juror he/she was.
3. Juror A told me that he/she was seeing inaccurate reports about the "split" among the jurors related to the mistrial that the Court declared the day before.
4. Juror A stated that he/she wished to be respectful of the privacy of the deliberative *process* but did wish to inform me of the true *results* of such process. Juror A indicated that he/she believes it important to disclose such

results because he/she believes that those results significantly impact Ms. Read's rights.

5. Juror A told me that the result of the deliberations was that the jury unanimously agreed that Karen Read is NOT GUILTY of Count 1 (second degree murder). Juror A was emphatic that Count 1 (second degree murder) was "off the table," and that all 12 of the jurors were in agreement that she was NOT GUILTY of such crime.
6. Juror A told me that shortly following that determination regarding Count 1, the jury also unanimously agreed that Karen Read is NOT GUILTY of Count 3 (leaving the scene with injury/death).
7. On July 1, 2024, when the jury presented a note to the Court, all counsel were ordered to the courtroom. The note was not presented to counsel for review. Rather, the Court indicated that the jury was at an impasse.
8. Once the jury was seated, the Court then read the jury note verbatim in open court and, without providing any opportunity for defense counsel to be heard, the Court declared a mistrial and excused the jury.
9. Neither Ms. Read nor her counsel consented to the entry of the mistrial.
10. Defense counsel was denied the opportunity to request that the Court inquire on which count or counts the jury may have been deadlocked (including lesser included offenses), and on which count or counts the jury may have arrived at a verdict.
11. Nor did the Court, on its own, inquire of the jury foreperson on which counts the jury was at an impasse, and whether the jury could or did reach unanimous agreement on any of the other counts.
12. Had the Court so inquired, it appears clear that NOT GUILTY verdicts would have been recorded for Count 1 and Count 3. Ms. Read was denied her right to receive those verdicts in her favor.

The foregoing is true and correct to the best of my knowledge and belief, under penalty of perjury under the laws of the United States and the State of California and the Commonwealth of Massachusetts.

Executed this date of July 3, 2024, at Los Angeles, California.