No. 24-355

IN THE

Supreme Court of the United States

KARI MACRAE,

Petitioner,

v.

MATTHEW MATTOS, *et al.*,

Respondents.

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

BRIEF OF *AMICUS CURIAE* EQUAL PROTECTION PROJECT OF THE LEGAL INSURRECTION FOUNDATION IN SUPPORT OF PETITION

RONALD E. CAHILL
BARNES & THORNBURG LLP
Counsel of Record
One Marina Park Drive
Boston, MA 02210
(617) 316-5312
rcahill@btlaw.com

Attorneys for Amicus Curiae

333961

COUNSEL PRESS
(800) 274-3321 • (800) 359-6859

TABLE OF CONTENTS

TABLE OF CITED AUTHORITIES

Page(s)

Cases

Other Authorities

INTEREST OF THE EQUAL PROTECTION PROJECT OF THE LEGAL INSURRECTION FOUNDATION[1]

The Equal Protection Project (EPP) of the Legal Insurrection Foundation (LIF),[2] a Rhode Island tax-exempt 501(c)(3), is devoted to the fair treatment of all persons without regard to race, ethnicity, or viewpoint. EPP and its parent LIF are devoted, among other things, to advancing free expression. EPP is part of an organization that publishes the Legal Insurrection website, [3] which provides news coverage and analysis, among other things, of the narrowing of viewpoint expression and the growth of "cancel culture." EPP and LIF have been increasingly concerned about the chilling of speech that disagrees with current ideological verities and has come to the assistance of faculty and others subject to cancel culture. [4] It offers news coverage and analysis of same. Much of LIF's focus has been on academia. [5]

---

[1] This brief conforms to the Court's Rule 37, in that no counsel for a party authored this brief in whole or in part, and no person or entity other than *Amicus Curiae* the Equal Protection Project of the Legal Insurrection Foundation funded its preparation or submission. All parties have been notified of EPP's intention to file this brief within the timeline set forth in Rule 37.2.

[2] https://legalinsurrection.com/.

[3] https://equalprotect.org/.

[4] https://legalinsurrectionfoundation.org/testimonials/

[5] EPP also publishes CriticalRace.org, https://criticalrace.org/, which documents the now-pervasive and expansive race-based educational and training mandates at colleges and universities, and how such mandates negatively impact campus free expression.

EPP supports the arguments of Petitioner as to the impropriety of applying the *Pickering* framework for speech-based retaliation against a public employee on the basis of pre-employment speech. EPP submits this brief to share its expertise on the punishment of teachers and professors for expressing valid political viewpoints that are outside of the ideology of the institutions for whom they work.

The First Amendment operates as a vital aperture through which concerned Americans can view – and, importantly, document – the increasingly hidden and opaque operations of our public and public-supported educational systems. Indeed, it is becoming increasingly apparent that only through the light and lens guaranteed by our First Amendment can Americans, including EPP, effectively monitor and prevent unlawfully chilling conduct within our schools.

This reality explains our vital interest in the instant case. Indeed, if the Court of Appeals' content-based limitation on the First Amendment here is permitted to stand, then this case effectively will encourage more of the viewpoint discriminatory and chilling conduct that EPP continues regularly to discover, illuminate, and combat.

SUMMARY OF THE ARGUMENT

The First Circuit devalued Kari MacRae's ("MacRae") speech based on its content, and likely its viewpoint. It allowed government actors to unilaterally decide which speech would be disruptive, and discounted any facts to the contrary. Its opinion conflicts with a recent Sixth Circuit decision that

reversed a summary judgment that a public employee could be fired for reposting memes outside of work. Worse, the First Circuit creates a framework that allows for viewpoint-based retaliation against public employees. The Wall Street Journal saw this potential:

> The First Circuit's decision delineates no statute of limitation or limiting principle to employee speech that government employers can punish. A teacher could be fired for hanging a "Make America Great Again" flag at home. Political activity during college years could become grounds for dismissal. Workers who don't agree with the left's cultural mores may now have to self-censor in private life to avoid losing their jobs.[6]

Even the Wall Street Journal may succumb to hyperbole for the purpose of gaining clicks, but there is a grain of truth within the exaggeration. More importantly, stepping through the First Circuit analysis and viewing each step through the lens of this Court's law shows how content, and even viewpoint, based discrimination can be reinforced on summary judgment for issues that are traditionally and best left to a jury. The Petition should be granted to take up and clarify these issues.

---

[6] Cancel Culture Gets a Pass, https://www.wsj.com/articles/kari-macrae-first-circuit-court-of-appeals-free-speech-school-teacher-9d817269 (July 9, 2024).

ARGUMENT

I. The Decisions Below Are Contrary to This Court's Precedent

The law demands a hard look at the facts for the purpose of placing the subject speech into context, but the courts below selectively devalued all facts tending to put the content of the subject memes into context. In the end, the District Court held on summary judgment and the First Circuit affirmed that only the content of the memes mattered to the *Pickering* balance and that Defendants could retaliate against MacRae based upon that content alone. The judgment in this case should be vacated and the courts below guided to consider all of the facts.

A. The Decisions Below Improperly Pick and Choose Facts on Which to Base and Affirm Summary Judgment Despite Acknowledging This Court's Requirement To Place the Subject Speech in Context

The District Court recognized that it needed to consider whether the "form and context of [plaintiff's] expression indicates a subjective intent to contribute to the public discourse." Pet. App. at 52a (quoting *Fabiano v. Hopkins*, 352 F.3d 447, 454-55 (1st Cir. 2003) (applying *Connick* analysis); *also* Pet. App. at 71a (quoting *Connick v. Meyers*, 461 U.S. 138, 147-48 (1983)). The First Circuit agreed, quoting *Fabiano* for the proposition that the *Pickering* balance is a "fact-intensive inquiry … demanding a hard look at the facts of the case, including the nature of the employment and the context in which the employee

spoke." Pet. App. at 24a-25a (internal quotations omitted).

The District Court, however, placed its own judgment over analysis of the facts, holding that "the Court need not submit to the jury whether MacRae's speech was motivated by self-interest, animus towards certain groups or a desire to participate in public discourse on a matter of legitimate concern, given that the form and context of MacRae's speech in the memes is undisputed." Pet. App. at 52a. The First Circuit went further, judging, in isolation and comparing the speech to a racial slur, the meme regarding Dr. Rachel Levine as "insulting and disparaging" and the two memes relating to transgenderism as "derogatory." Pet. App. at 26a. As a result, MacRae's interest in the speech was accorded a lower weight. *Id*.

EPP first places this speech back into context as required by this Court before continuing with the legal analysis. Given MacRae's roles, the context of the speech is complex and "demand[s] a hard look at the facts."

1. While a Teacher, MacRae is Also a Politician with a Platform on Which She Was Elected

Seeing changes in our politics and culture, especially during the pandemic, MacRae became politically active. In May of 2021, she ran for a seat in her hometown on the Bourne School Committee. Pet. App. at 5a. On election day, May 17, 2021, she posted a campaign video on her TikTok account, the same

account on which the subject memes were posted, liked, or tagged. Pet. App. at 3a-6a. In the video, MacRae discusses her election platform as a school board candidate:

> So pretty much the reason why I ran for school board and the reason why I'm taking on this responsibility is to ensure that students, at least in our town, are not being taught critical race theory. That they're not being taught that the country was built on racism. ... So ... they're not being taught that they can choose whether or not they want to be a girl or a boy. ... It's one thing to include and it's one thing to be inclusive. And it's one thing to educate everybody about everything. It's completely another thing to push your agenda. ... With me on the school board, that won't happen in our town.

Pet. App. at 5a-6a. To be clear, candidate MacRae did not oppose inclusiveness and did not oppose teaching all perspectives in school. Instead, candidate MacRae objected to the pushing of political agendas in school.

MacRae was elected to the Bourne School Committee on May 17, 2021. She was reelected in 2024. Most recently, MacRae ran for state senate in the Plymouth and Barnstable district in Massachusetts where Bourne is located. In the Republican primary in September 2024 MacRae ran against a sitting state congressman. Following a recount, with over 14,000 votes cast, MacRae lost by

39 votes.[7] MacRae's neighbors support her political platform in large numbers.

The memes, whether posted, reposted, liked or tagged by others with MacRae's account, were posted on the same account as the campaign video and at around the same time. By the time that the Cape Cod Times ran its article about the Bourne School Committee meeting, all were accessible by reference to MacRae's account.

2. MacRae Also Has a Record as an Inclusive and Non-Political Teacher

MacRae began teaching in 2015, six years before the subject memes, developing a track record as an educator. While the courts below selectively credited evidence tending to suggest disruption in the classroom, they ignored the evidence presented by MacRae not only during Defendants' investigation but also after it. For example, during the investigation, both Mattos and Ferron learned that MacRae never brought her personal views on political issues into the classroom. Pet. App. at 33a. In addition, they learned that she used students' preferred pronouns. *Id*.

During discovery, Hanover Public Schools learned that after the speech became public MacRae continued to teach a few high school classes at night in Wareham, Massachusetts. Pet. App. at 33a. In one

---

[7] *See*, https://www.capecodtimes.com/story/news/politics/elections/2024/09/17/ma-state-senate-election-recount-muratore-macrae-republican-primary-plymouth-barnstable/75253167007/.

of her classes, a student – who is gay and from the West African island country of Cape Verde – approached MacRae and asked her questions about her social media posts. *Id*. After a discussion, the student told MacRae that the student was glad that they had a conversation; that the student did not just take as fact what she saw in the news media about MacRae being racist and homophobic; and that the student was initially nervous to have MacRae as a teacher, but that, in the end, MacRae ended up being one of the student's favorite teachers. *Id*.

3. The Bourne Meeting, Relied Upon by the Courts Below, Was a Political Event

Both courts below relied on facts relating to the Bourne School Committee public meeting. *E.g.*, Pet. App. at 7a-10a, 21a, 30a, 40a, 63a. The purpose of the Bourne meeting was to seek MacRae's resignation from the Bourne School Committee to which she had been elected.[8] When MacRae declined to resign, a former school committee member launched a failed recall bid.[9]

At the meeting, individuals expressed concerns about the memes and MacRae's campaign video. The district court noted that opinions expressed at the meeting included that the memes did not create a safe, inclusive or welcoming learning environment,

---

[8] https://www.capecodtimes.com/story/news/2021/09/17/kari-macrae-bourn-school-committee-member-tiktok-controversial-lgbtq-critical-race-theory-statements/8367424002/

[9] https://www.capecodtimes.com/story/news/2021/12/08/campaign-begins-remove-macrae-bourne-school-committee/6416166001/

described the harmful impact on transgender and other LGBTQ children, and referenced the elevated risk of suicide for transgender and African American youth. Pet. App. at 10a, 40a.

Importantly, this meeting was a school committee meeting in which concerned members of the community were invited to express their opinions and concerns. Pet. App. at 8a. The meeting was political in nature and not at all similar to a classroom environment.

4. The Courts Ruled Based on a Few Memes Taken Out of Context, Contrary to This Court's Law

The District Court was blunt, it did not consider any facts or context outside of the existence of the memes. *E.g.*, Pet. App. at 50a. The court concluded that there was no factual dispute about whether the campaign video played a role—it didn't, even though it was posted on the same account, at the same relevant time, and touched on the same subjects. *Id*. But even if the video was considered, the court decided that the memes alone, out of context, were enough to justify firing MacRae. *Id*. Even further, the district court concluded that it "need not submit to the jury whether MacRae's speech was motivated by self-interest, animus towards certain groups or a desire to participate in public discourse on a matter of legitimate concern, given that the form and context of MacRae's speech in the memes is undisputed." Pet. App. at 52a.

The District Court went on to conclude that it did not matter whether MacRae had created or interacted with the memes. Pet. App. at 51a. One of the subject memes may only have been tagged with with MacRae's account name by a third party. The court found that Defendants did not assume that MacRae herself created the memes, so whether she did was not material to the analysis. *Id*.

The District Court only considered the content of the subject memes and whether those memes could be located by searching with MacRae's account name. The appeals court affirmed.

* * *

According to the analysis by the courts below, a public employee could be fired for being tagged on a social media post, created at any time (expressly including pre-employment), without regard to any context other than the content of the meme and the fact it was tagged. This Court should make clear that its law requires that such speech be placed into context for analysis. *Connick v. Meyers*, 461 U.S. 138, 147-48 (1983)).

B. Summary Judgment Below Violated the Spirit and Letter of Supreme Court Law

The law clearly disfavors summary judgment in First Amendment cases and more specifically in *Pickering* balance cases. The Courts below, however, carefully promoted some facts and dismissed others in granting and affirming summary judgment. In doing so, the courts relied upon criticisms from hecklers and

deferred to government actors to justify their own predictions. This approach resulted in reducing protections on the subject speech and excluding facts tending to show that the speech would not disrupt the operation of the Hanover Public Schools. In the end, the analysis below creates a conflict with the Sixth Circuit, which faced a summary judgment on very similar facts and reversed it.

1. Summary Judgment Is Rarely Appropriate Under the Applicable Law

Summary judgment is rarely appropriate in First Amendment cases:

> As a general rule a court should use Rule 56 summary judgment most sparingly in a First Amendment case such as this involving delicate constitutional rights, complex fact situations, disputed testimony, and questionable credibilities.

Porter v. Califano, 592 F.2d 770, 778 (5th Cir. 1979). This is especially true in most *Pickering* balancing cases:

> [S]ummary judgment is inappropriate in cases "in which the question of the degree to which the employee's speech could reasonably have been deemed to impede the employer's efficient operation would properly be regarded as a question of fact, to be answered by the jury[.]"

Mumma v. Pathway Vet Alliance, LLC, 648 F. Supp. 3d 373, 394 (D. Conn. 2023) (quoting *Gorman-Bakos v. Cornell Co-op. Ext. of Schenectady Cnty.*, 252 F.3d 545, 558 (2nd Cir. 2001)).

Critically in this case where Defendants' motivation regarding concern for disruption was analyzed below (Pet. App. at 47a): "More fundamentally, there are genuine disputes on the question of whether 'concern for disruption, rather than some other, impermissible motive, was the actual reason for the adverse employment action.'" *Id.* at 395 (quoting *Locurto v. Giuliani*, 447 F.3d 159, 180 (2nd Cir. 2006)); *see also Rankin v. McPherson*, 483 U.S. 378, 390 (1987) (holding firing violated First Amendment because "it is undisputed that he fired McPherson based on the content of her speech.").

As explained above and below, the courts here discounted essentially all facts except for the content of the speech. Summary judgment can only be based upon the judgment of the court with respect to that content rather than a resolution of factual disputes as the law demands. This flawed approach infects several aspects of holdings below.

2. The Courts Below Wrongly Decided that MacRae's Speech was Entitled to Lesser Protection

Under the First Amendment, political speech is afforded the highest level of protection. "Speech is an essential mechanism of democracy, for it is the means to hold officials accountable to the people." *Citizens United v. Fed. Election Comm'n*, 558 U.S. 310, 339

(2010) (citing *Buckley v. Valeo*, 424 U.S. 1, 14-15 (1976). "The right of citizens to inquire, to hear, to speak, and to use information to reach consensus is a precondition to enlightened self-government and a necessary means to protect it." *Id.* "The First Amendment 'has its fullest and most urgent application' to speech uttered during a campaign for political office." *Id.* at 339-40 (quoting *Eu v. San Francisco Cnty. Democratic Cent. Comm.*, 489 U.S. 214, 223 (1989)).

After comparing the memes to a racial epithet, the district court concluded that "arguably … at least some portions of the posts which relate to public debate on immigration policy or racism or gender identity (even if they were disparaging or dismissive of same[).]" Pet. App. at 64a. The appeals court went farther, expressly holding that "MacRae's First Amendment interest weighs less than it normally would because some of her memes comment upon such hot-button political issues in a mocking, derogatory, and disparaging manner." Pet. App. at 26a.

When courts apply only their own judgment in determining what is disparaging, especially without the full record of a trial, at least two problems arise. First, the courts involve themselves in cultural issues in which they have no expertise. The appeals court noted for example in a footnote that a "meme" is "an amusing or interesting item (such as a captioned picture or video) or genre of items that is spread widely online especially through social media." Pet. App. at 2a, n. 1. Through the eyes of a typical TikTok user, were the subject memes amusing, interesting, maybe even funny? Or were they derogatory,

disparaging, and worthy of comparison to a racial epithet?[10]

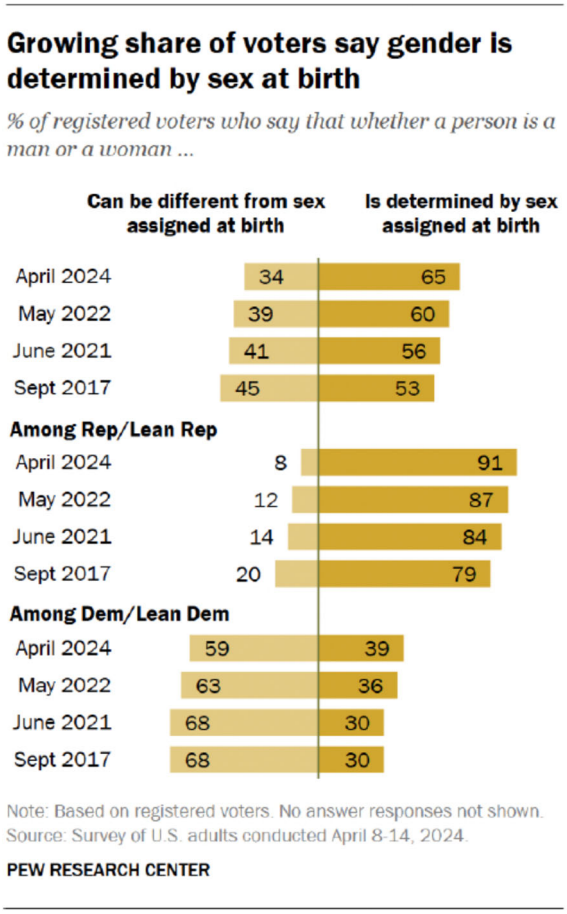
The courts below seemed displeased with the treatment of Dr. Rachel Levine in one of the subject memes. Pet. App. at 26a ("clearly insulting"). But Dr. Levine, the U.S. Department of Health and Human Services Assistant Secretary for Health and a very intentionally public figure, is extraordinarily controversial.[11] The better view of this meme may well be that it is a parody of a public and political figure and thus worthy of greater rather than lesser protection under the First Amendment. *Citizens United*, 558 U.S. at 339. The courts below decided that they did not need a full record in order to apply their own judgment.

---

[10] This Court asked itself similar questions when concluding that a prohibition in trademark law on disparaging marks violated the First Amendment. *Matal v. Tam*, 582 U.S. 218, 228-29 (2017) (Noting that "[s]peech may not be banned on the ground that it expresses ideas that offend.").

[11] https://thehill.com/opinion/4923929-aap-convention-rachel-levine/

Second, and more concerning, the issues resolved below on summary judgment are objectively partisan ones. The appeals court based its analysis on the memes relating to transgender issues. Pet. App. at 26a, 31a. While growing numbers of Americans agree with the statement that gender is determined by sex at birth, Republicans agree at a 91% rate and Democrats only agree at a 39% rate.[12]



The appeals court thought it important that MacRae "confirmed that she stood by the views expressed on her TikTok page and in her posts '[o]ne

[12] See, https://www.pewresearch.org/politics/2024/06/06/gender-identity-sexual-orientation-and-the-2024-election/ (chart from the article provided in the text above).

hundred percent.'" Pet. App. at 5a, n. 3. But those views were her campaign positions as a politician of a particular party and the memes were "amusing or interesting" variations on those views—of course she stood by them.

Contrary to the law of this Court, the appeals court applied its own judgment to conclude that the views held by one of the two main political parties in America are not worthy of the highest levels of protection: "Premised on mistrust of governmental power, the First Amendment stands against attempts to disfavor certain subjects or viewpoints." *Citizens United*, 558 U.S. at 340 (citing *United States v. Playboy Entm't Grp., Inc.*, 529 U.S. 803, 813 (2000)). "Prohibited, too, are restrictions distinguishing among different speakers, allowing speech by some but not others." *Id*. "Speech restrictions based on the identity of the speaker are all too often simply a means to control content." *Id*. "The First Amendment protects speech and speaker, and the ideas that flow from each." *Id*. at 341.

3. The Lower Courts Wrongly Decided the Reasonableness of Defendants' Predictions of Disruption

Defendants predicted that MacRae's political speech outside of work would cause a disruption to learning in the classroom. The courts below deferred to that prediction and applied their own judgment as to the reasonableness of that prediction in granting summary judgment. The law should not countenance this result, especially given the viewpoint-oriented nature of the facts relied upon.

> In order for the government to constitutionally remove an employee from government service for exercising the right of free speech, it is incumbent upon it to clearly demonstrate that the employee's conduct substantially and materially interferes with the discharge of duties and responsibilities inherent in such employment.

Battle v. Mulholland, 439 F2d 321 (5th Cir. 1971). Further,

> [T]his court and others have made clear that, in carrying out the balancing required by *Pickering*, government efficiency interests should be closely examined, and summary judgment in such cases is often disapproved.

Foster v. Ripley, 645 F.2d 1142, 1148 (D.C. Cir. 1981) (citing *Hanson v. Hoffman*, 628 F.2d 42 (D.C. Cir. 1980); *Tygrett v. Barry*, 627 F.2d 1279 (D.C. Cir. 1980)).

In this case, the courts below recognized that an employer's prediction of disruption must be reasonable based upon the record. Pet. App. at 24a-25a. The district court, however, deferred to the employer's prediction. Pet. App. at 67a-68a. The appeals court "struggle[d] to see how Defendants' prediction of disruption was anything but reasonable." Pet. App. at 29a-30a. But that court looked only to the record of the Bourne School Committee meeting, a political meeting, and dismissed other facts tending to contradict the employer's prediction. *Id*.

While not on all-fours with the circumstances here, this Court's recent reversal of *Chevron* deference to government agencies is instructive. *Loper Bright Enterprises v. Raimondo*, 144 S.Ct. 2244 (2024). In the present case, Defendants did not interpret a statute, but the practical effect of deferring to Defendants on predicted harms under the *Pickering* balance allows them to essentially interpret the First Amendment, deciding when public employees can speak, and more importantly, what they can say. If government actors can decide which memes are likely to cause a riot, those government actors can limit speech with no effective oversight from federal courts.

Under *Pickering*, courts must closely examine the government's predictions of disruption based on the entire record. *Texas v. Johnson*, 491 U.S. 397, 409 (1989) ("[W]e have not permitted the government to assume that every expression of a provocative idea will incite a riot, but have instead required careful consideration of the actual circumstances surrounding such expression[.]"). The courts here first deferred to those predictions, and then carefully selected facts from the record that tended to support that prediction. Summary judgment is inappropriate here where facts tend to both support and contradict the reasonableness of the government's prediction. Summary judgment is especially inappropriate where the facts supporting reasonableness are political ones.

This Court should reverse summary judgment on this ground independently.

4. Lower Court Errors Resulted in an Impermissible "Heckler's Veto" of MacRae's Political Speech

The facts relied upon by the courts in this case in granting affirming summary judgment are viewpoint oriented. MacRae was a candidate for public office. Her speech was consistent with her political platform—in fact, she refused to disavow that speech at the Bourne School Committee meeting. Pet. App. at 10a Criticism of MacRae at the school committee meeting is the primary evidence relied upon to support the reasonableness of Defendants' prediction of disruption—that meeting was political and the criticisms bear all the hallmarks of being content based. One of the defendants referred to MacRae's speech as a "ball of hate." Pet. App. at 56a. It would be easy to tell the story of this case in terms of competing political views.

In a case with facts bearing some remarkable similarities to this one, the Sixth Circuit reversed a summary judgment in favor of defendants. *Noble v. Cincinnati & Hamilton Cnty Pub. Library*, 112 F.4th 373 (6th Cir. 2024). In *Noble*, the plaintiff shared a meme expressing his disagreement with protests led in part by Black Lives Matter." *Id.* at 377-79 ("ALL LIVES SPLATTER"). That meme was shared by people who disagreed with the sentiment. *Id.* at 379. That the meme communicated its message in an insensitive manner had no effect on the court's analysis. *Id.* at 381 (citing *Rankin v. McPherson*, 483 U.S. 378, 387 (1987) (relating to a public employee making an "outrageous statement" about the

assassination attempt on President Regan). Even though the meme expressed "distasteful" content, it "referenced a high profile public event" and the sentiment conveyed "was by no means an isolated segment of public opinion." *Id*. at 382.

Noble collected several cases of this Court that stand for the proposition that "the First Amendment protects abhorrent speech, and does so even if the speech makes others feel quite uncomfortable." *Id*. at 383. These cases include situations in which "the feelings of classmates" are offended. *Id*.

By departing from these principles, the courts below have allowed viewpoint-based evidence to trump MacRae's First Amendment rights. By carefully selecting which evidence to rely on, the courts below have granted significant power to political hecklers at a school committee meeting to punish candidate MacRae for her political views. By assuming that the memes were derogatory, they have failed to properly interrogate the motives of Defendants for viewpoint-based biases in firing MacRae.

II. This Is the Ideal Case for the Court to Clarify the Application of Its Free Speech Principles to the Circulation of Political Parody Memes

Political content distributed as memes will not be going away. Whether or not a public employee can be fired for, outside of the scope of her employment, posting, reposting, liking, or being tagged on a meme is an important issue far beyond the scope of the instant case. The fact that the *Noble* court reached

such different results at virtually every step of the *Pickering* analysis from the instant case shows the need for this Court's review.

Noble, in the Sixth Circuit, and MacRae, in the First Circuit, are so similar on their facts and analysis that their opposite conclusions on the holdings described above qualifies as a circuit split that this Court should seek to resolve. *See* S.Ct.R. 10(a) (Court should consider granting cert if "a United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter.").

In addition, this case presents an important opportunity to clarify the law surrounding the *Pickering* balance, taking into account more recent statements of First Amendment principles to ensure that public employees are not punished for the content of their speech on topics of public importance.

CONCLUSION

For the foregoing reasons, the petition for writ of certiorari should be granted.

DATED: October 30, 2024

Respectfully submitted,

RONALD E. CAHILL*
BARNES & THORNBURG LLP
One Marina Park Drive
Boston, MA 02210
(617) 316-5312
rcahill@btlaw.com

Attorney for Amicus Curiae

**Counsel of Record*