UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

JOHN DOE, et al., on behalf of themselves and all others similarly situated, Class Plaintiffs, v. LORI WEAVER, Commissioner of the New Hampshire Department of Health and Human Services, in her official capacity, et al., Defendants	)	No. 1:18-cv-01039-LM

PLAINTIFFS' OPPOSITION TO THE ADMINISTRATIVE JUDGE'S MOTION TO DISMISS

INTRODUCTION

In May 2021, the New Hampshire Supreme Court ruled that all patients who are involuntarily detained pursuant to the state's involuntary emergency admissions ("IEA") process must receive "probable cause hearings within three days of when an [involuntary emergency admission] certificate is completed." *Jane Doe v. Comm'r of New Hampshire Dep't of Health & Hum. Servs.*, 261 A.3d 968, 984 (N.H. 2021) (citation omitted). But instead of providing full and meaningful probable cause hearings in response to this decision, the Administrative Judge and Commissioner came up with a deficient "solution." Under this "solution," they would stop providing probable cause hearings in-person or by video for many patients in Designated Receiving Facilities ("DRFs") as they had done for many years. And they would begin holding all probable cause hearings by telephone. Although they later reinstated video hearings for patients at some DRFs, Defendants continue to maintain their policies and practices of only providing hearings by telephone for patients detained in most hospital emergency departments and the largest DRF in the state—New Hampshire Hospital. The Administrative Judge and Commissioner have also implemented other policies in recent months that deny patients meaningful access to their counsel and often fail to provide patients with adequate notice of their rights or the allegations against them.

The Administrative Judge now seeks to avoid any federal review of the Circuit Court System's policies and practices by hiding behind immunity and abstention arguments. Neither of his arguments have merit. First, the Administrative Judge cannot invoke absolute immunity because he indisputably acted in his administrative capacity when he adopted the unconstitutional policies and practices at issue. Judges are only entitled to immunity when they perform judicial functions such as hearing and deciding individual cases. But the Administrative Judge performed

purely administrative functions, not judicial ones, when he adopted policies and instructed his staff on the logistics and scheduling of probable cause hearings. Second, *Younger* does not warrant abstention because Plaintiffs' claims will not "interfere" with any state court proceedings, especially where there are no pending IEA cases implicating Plaintiffs. Thus, Plaintiffs do not ask this Court to stop any probable cause hearings from going forward or nullify any decisions issued in any hearing. They merely ask this Court to order the Administrative Judge and Commissioner to prospectively provide timely probable cause hearings and ensure that patients receive meaningful procedural due process when hearings occur. That is not the type of relief *Younger* abstention is meant to prevent.

Plaintiffs have not taken lightly their decision to sue the Administrative Judge in this case. But the problem of providing meaningful due process to those alleged to be experiencing mental health crises has persisted for years. With these continuing violations impacting thousands of individuals from this marginalized community, it is clear that accountability from this federal court continues to be necessary. Accordingly, Plaintiffs respectfully request that the Court deny the Administrative Judge's motion to dismiss.

BACKGROUND[1]

Judge David D. King "is the Administrative Judge of the New Hampshire Circuit Court." Second Am. Compl. ¶ 29, ECF No. 281 (May 24, 2023) ("SAC"). "In this official administrative capacity," the Administrative Judge is responsible for "the administration of probable cause hearings under RSA 135-C:31, whereby a determination is made as to whether probable cause exists for an involuntary emergency admission." *Id.* ¶ 29. The Administrative Judge also is

[1] Plaintiffs respectfully refer the Court to their opposition to the Commissioner's motion to dismiss for a more fulsome discussion of the factual background and the policies and practices underpinning this case. To avoid repetition, Plaintiffs do not recount all of those facts here.

responsible "for ensuring that probable cause hearings are conducted in a format that adequately safeguards the patients' constitutional rights." *Id.* ¶ 159.

On or around March 16, 2022, the Administrative Judge "adopted a policy and practice of providing telephonic probable cause hearings to patients who are involuntarily detained in emergency departments and DRFs under RSA 135-C:27–33." *Id.* ¶ 161. Under this policy, "Circuit Court Judges systematically deny patients' requests" to hold probable cause hearings by videoconference, "even when the technology for videoconferencing is readily available." *Id.* ¶ 161. "[T]hese are hearings where a person's liberty is on the line, where oral testimony is heard from witnesses, where credibility assessments are regularly made, where a judge needs to make an assessment that the IEA patient is suffering from a 'mental illness,' . . . and where the judge needs to determine whether the person poses 'a likelihood of danger to himself or others' as a result of mental illness." *Id.* ¶ 14 (quoting RSA 135-C:27). "No mental health clinician would make this type of mental illness assessment by telephone." *Id.* "Yet Circuit Court Judges make this assessment by telephone every day in New Hampshire and, in so doing, deprive well over a thousand individuals per year of their liberty." *Id.* "[T]he Administrative Judge adopted the policy and practice—including by instructing court personnel on how to process IEA petitions—*in his administrative capacity outside the context of any individual case*." *Id.* ¶ 13 (emphasis added); *see also id.* ¶ 115.

Further, beginning in November 2022, the Administrative Judge adopted a policy "of *only* providing telephonic probable cause hearings, even when a patient had already been transferred to a DRF and the patient's counsel was prepared to proceed by video," despite the fact that DRFs already had the technology "in place to conduct these hearings by video." *Id.* ¶ 162. The Administrative Judge later backtracked from that policy, but did not entirely unwind it. In January

2023, "the Administrative Judge announced that he planned to begin holding video hearings for some patients who are physically located at DRFs." *Id.* ¶ 163. By May 2023, "the Administrative Judge announced that videoconference hearings were being offered in five of the seven DRFs in New Hampshire." *Id.* ¶ 164. But the Commissioner and Administrative Judge are still not providing video hearings on a statewide basis. *Id.* Moreover, even under this pilot program, not all patients in DRFs receive video hearings. *Id.* ¶ 165. Under the Administrative Judge's current policies, "any patient who is transferred to a DRF before the hearing from a hospital emergency department that does *not* have the same hearing time as the DRF to which the patient is transferred will still receive only a telephonic hearing." *Id.*

"In tandem with the transition to telephonic hearings, the Commissioner and Administrative Judge revised their policies and procedures for processing and scheduling IEA cases." *Id.* ¶ 188. "Under the revised procedures, all IEA petitions from across the State of New Hampshire are now centrally processed in Concord, regardless of the location of the court in which the petition is filed or the hospital in which the patient is detained." *Id.* ¶ 188. "The centralization of IEA proceedings has had the practical effect of often denying patients full access to counsel by preventing patients and their attorneys from meeting face-to-face before, during, and after hearings." *Id.* ¶ 190. Indeed, "the attorneys who represent patients at probable cause hearings are often scheduled for multiple hearings representing multiple patients who are in different locations across the state in a single day," which forces them to "spend much of their time driving to and from locations around the state" and significantly limits the time they have "to consult with their clients." *Id.*

Moreover, "[m]any patients receive no notice of their rights until immediately before—or even during—their probable cause hearings." *Id.* ¶ 179. "[P]atients are also regularly denied

access to the IEA petitions that have been filed against them, which specify the allegations that have been used to justify their involuntary detention." *Id.* Medical service providers in the facilities where patients are detained "frequently fail to give IEA patients notice of their rights and refuse to give patients access to the IEA petitions that have been filed against them, even when patients ask about their rights and ask for copies of the IEA petitions." *Id.* ¶ 180. "In fact, a patient's first meaningful insight into the IEA process may be in the form of a phone call from an attorney the patient does not know shortly before a hearing with a judge that the patient cannot see and concerning a petition the patient is not privy to." *Id.* ¶ 181.

On May 24, 2023, Plaintiffs sued the Administrative Judge in his official administrative capacity. SAC ¶¶ 21, 29. Plaintiffs seek an order from this Court enjoining the Administrative Judge's unconstitutional policies and practices. SAC ¶63.

LEGAL STANDARD

Where, as here, a defendant challenges the sufficiency of a "plaintiff's version of jurisdictionally-significant facts," this Court "must credit the plaintiff's well-pleaded factual allegations . . . , draw all reasonable inferences from them in [the plaintiff's] favor, and dispose of the challenge accordingly." *Valentin v. Hosp. Bella Vista*, 254 F.3d 358, 363-64 (1st Cir. 2001). This is the same standard "as is applied on a Rule 12(b)(6) motion." *Sevigny v. United States*, 2014 WL 3573566, at *3 (D.N.H. July 21, 2014) (internal quotation marks and citation omitted).

ARGUMENT

I. The Eleventh Amendment Does Not Bar Plaintiffs' Claims Against the Administrative Judge

The Administrative Judge is not absolutely immune from Plaintiffs' claims. *See Antoine v. Byers & Anderson, Inc.*, 508 U.S. 429, 432 (1993) ("The proponent of a claim to absolute immunity bears the burden of establishing the justification for such immunity."). The

Administrative Judge correctly recognizes that the *Ex parte Young* doctrine provides an exception to sovereign immunity that "allows federal courts to grant prospective injunctive relief" against state officials "to prevent a continuing violation of federal law." Admin. J. Mem. 4. But he wrongly argues that this exception "does not extend to claims for prospective relief against state-court judges." *Id*. This argument goes too far.

State judges are not categorically immune from claims for prospective relief. As the Supreme Court has explained, "immunity is justified and defined by the *functions* it protects and serves, not by the person to whom it attaches." *Forrester v. White*, 484 U.S. 219, 227 (1988). Judicial immunity applies only to "truly judicial acts." *Id.* It does not extend to "the administrative, legislative, or executive functions that judges may on occasion be assigned by law to perform." *Id.* Indeed, "[a]dministrative decisions, even though they may be essential to the very functioning of the courts," are not "judicial acts" entitled to immunity. *Id.*; *see also Antoine*, 508 U.S. at 435 (reaffirming that "judges are not entitled to absolute immunity when acting in their administrative capacity" (citing *Forrester*, 484 U.S. at 229)).

This distinction is well-settled. The Supreme Court has long recognized that judges cannot hide behind judicial immunity for non-judicial acts. *See, e.g.*, *Forrester*, 484 U.S. at 228–30 (judge was "not entitled to absolute immunity for his decisions to demote and discharge" probation officer that allegedly violated Equal Protection Clause); *Ex parte Virginia*, 100 U.S. 339, 348-49 (1880) (declining to extend judicial immunity to judge for claims that he racially discriminated in selecting trial jurors). And courts throughout the country have applied these principles. *See, e.g.*, *Morrison v. Lipscomb*, 877 F.2d 463, 464–66 (6th Cir. 1989) (holding that judge was not immune from suit when he exercised administrative authority to issue a moratorium on the issuance of writs of restitution, and explaining that "simply because rule making and administrative authority has

been delegated to the judiciary does not mean that acts pursuant to that authority are judicial"); *Meltzer v. Trial Court of the Commonwealth*, Civil Action No. 22-10230-FDS, 2022 U.S. Dist. LEXIS 223125, at *20 (D. Mass. Dec. 9, 2022) (finding that trial court "performed an administrative rather than a quasi-judicial function" that was not entitled to immunity "when it considered and denied plaintiff's request for exemption as part of its ADA grievance process").

The Administrative Judge relies principally on *Whole Woman's Health v. Jackson*, 142 S. Ct. 522 (2021), which is readily distinguishable. That case did not hold that judges may *never* be sued, as the Administrative Judge argues. *See* Admin. J. Mem. 4. *Jackson* merely recognized the axiomatic principle that judges cannot be sued for acting in their judicial capacity. The Supreme Court explained that the *Ex parte Young* exception "does not *normally* permit federal courts to issue injunctions against state-court judges or clerks" because "*[u]sually*, those individuals do not enforce state laws as executive officials might," but rather "work to resolve disputes between the parties." *Jackson*, 142 S. Ct. at 532 (emphasis added). And "[i]f a state court errs in its rulings, . . . the traditional remedy has been some form of appeal, including to this Court, not the entry of an *ex ante* injunction preventing the state court from hearing cases." *Id.* That is not controversial. Nor was it surprising when the Court concluded that the judicial officials were immune from the petitioners' claims, which sought to enjoin a Texas state court from adjudicating cases brought under a state law. *Id.* at 531–32. Indeed, the Court recognized that such an injunction "would be a violation of the whole scheme of our Government" because it would have "prevent[ed] the court from hearing cases," a quintessential judicial function. *See id.* at 532.

This case is nothing like *Jackson*. Plaintiffs allege that the Administrative Judge acted in his "administrative capacity" when he "adopted a policy and practice of providing telephonic probable cause hearings to patients who are involuntarily detained in emergency departments and

DRFs under RSA 135-C:27–33." SAC ¶¶ 29, 161; *see also id.* ¶ 13. And Plaintiffs allege that this policy and practice violates IEA patients' constitutional rights. *Id.* ¶ 217. The challenged policy is not a "truly judicial act." *Forrester*, 484 U.S. at 227. Indeed, the Administrative Judge acknowledges that he has engaged in a variety of administrative functions relating to the format and scheduling of probable cause hearings. Admin. J. Mem. 2–3. "For instance, Judge King sent a memorandum to all hospitals on March 15, 2022 . . . advising the hospitals of the ability for video probable cause hearings." *Id.* at 2. "On March 25, 2022, Judge King wrote to the Governor requesting additional funding to improve how the Circuit Court processes . . . involuntary emergency admissions cases." *Id.* "As part of that request, Judge King outlined that the hospitals should be provided the equipment such that video hearings could be conducted at hospitals, and that the Circuit Court would work with the hospitals to provide video services for IEA hearings." *Id.* at 2–3. Those are clearly administrative functions. They are not part of the judicial functions of "hearing cases" and "resolv[ing] disputes between parties." *Jackson*, 142 S. Ct. at 532.

Moreover, Plaintiffs' request to prospectively enjoin the Administrative Judge's unconstitutional policy and practice would not prevent New Hampshire state courts from adjudicating cases or performing their judicial functions. *See Jackson*, 142 S. Ct. at 532. Plaintiffs' claims are therefore not barred by the Eleventh Amendment or the doctrine of judicial immunity.

II. There Is No Basis Under *Younger* for the Court to Abstain from Exercising Jurisdiction

The Administrative Judge is also wrong in arguing that this Court should abstain under *Younger v. Harris*, 401 U.S. 37 (1971). Federal courts have "no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given." *Sprint Commc'ns, Inc. v. Jacobs*, 571 U.S. 69, 77 (2013) (citation omitted). "[A] federal court's obligation to hear and

decide a case is virtually unflagging." *Id.* (citation omitted). The *Younger* abstention doctrine is an "exception to this general rule." *Id.* But "only exceptional circumstances justify a federal court's refusal to decide a case in deference to the States." *New Orleans Pub. Serv., Inc. v. Council of City of New Orleans*, 491 U.S. 350, 368 (1989) (cataloguing cases); *see also Sprint*, 571 U.S. at 78 (same). Here, abstention is not justified for two independent reasons: (a) this lawsuit will not "interfere" with any ongoing proceedings in state court, *see Rio Grande Cmty. Health Ctr., Inc. v. Rullan*, 397 F.3d 56, 70 (1st Cir. 2005); and (b) abstention is not warranted under the "*additional* factors" set forth in *Middlesex* that courts "appropriately consider[]" before abstaining, *see Sprint*, 571 U.S. at 81 (citing *Middlesex Cnty. Ethics Comm. v. Garden State Bar Ass'n*, 457 U.S. 423 (1982)).

A. This Action Will Not Interfere with State Court Proceedings

Younger does not warrant abstention here because Plaintiffs' requested relief would not "interfere" with state court proceedings. *Rio Grande*, 397 F.3d at 70. "*Younger* applies only when the relief asked of the federal court 'interferes' with the state proceedings." *Id.* (citing *Quackenbush v. Allstate Ins. Co.*, 517 U.S. 706, 716 (1996)); *see also Rossi v. Gemma,* 489 F.3d 26, 35 (1st Cir. 2007) (observing that courts must first consider the "threshold issue of interference"). "Interference" occurs only when the requested relief would "enjoin[] the state proceeding" or have "the 'practical effect' of doing so." *Rio Grande*, 397 F.3d at 70 (citation omitted). In *Rio Grande*, the First Circuit held that *Younger* abstention was <u>not</u> warranted because the plaintiff sought an injunction to make state agencies "perform certain acts required by federal law," which would not interfere with state court proceedings. *Id.* at 71.

As in *Rio Grande*, the prospective relief Plaintiffs seek here would not interfere with the New Hampshire Circuit Court's proceedings. Plaintiffs are not seeking "to use the federal courts to stop or nullify an ongoing state proceeding," let alone a pending state proceeding against them

directly. *Kercado-Melendez v. Aponte-Roque*, 829 F.2d 255, 261 (1st Cir. 1987) (distinguishing cases where "the federal court was asked to enjoin a contemporaneous state civil proceeding pending against the federal plaintiff"). Rather, Plaintiffs seek to enjoin the policies and practices of conducting those proceedings *telephonically*. Plaintiffs simply ask this Court to order the Administrative Judge and Commissioner to conduct the proceedings in a constitutional manner. Thus, abstention is not warranted because this is not a case where "the state proceeding is itself the wrong which the federal plaintiff seeks to correct," such that "the legitimacy of . . . the state proceeding and its underlying statutory predicate are at stake." *Id.*

The Administrative Judge makes a conclusory argument that "civil commitment proceedings fall within *Younger*'s scope," and therefore, *Younger* abstention must also apply to this case. Admin. J. Mem. 6–7. This argument oversimplifies the doctrine. *Younger* abstention is not mandatory simply because this case relates to civil commitment proceedings. *Younger* requires more—a showing that the relief requested here would place the process of conducting civil commitment proceedings "at stake." *Kercado-Melendez*, 829 F.2d at 260. The Administrative Judge cannot make that showing here. Plaintiffs' claims do not endanger state court proceedings; they seek only to make them constitutionally adequate.

B. Abstention Is Not Warranted Under the *Middlesex* Factors

The Administrative Judge also fails to establish that abstention is appropriate under the additional factors set forth in *Middlesex*, 457 U.S. at 432.

First, the Administrative Judge argues that "there is an ongoing state proceeding that is judicial in nature" because "[n]umerous IEA proceedings are being initiated and . . . held every week in the Circuit Court." Admin. J. Mem. 7. Again, Plaintiffs are not seeking "stop or nullify" any of those "ongoing state proceeding[s]." *Kercado-Melendez*, 829 F.2d at 260. Thus, this case is not the type of action that "require[s] adherence to *Younger* principles." *Rio Grande*, 397 F.3d

at 69. In *Weber v. New Hampshire*, cited by the Administrative Judge, the plaintiff brought claims in federal court seeking to enjoin the state "probate court's *decision*" to involuntarily commit him, while simultaneously appealing the probate court's decision to the New Hampshire Supreme Court. 2010 WL 148368, at *4 (D.N.H. Jan. 13, 2010) (emphasis added). The court held that abstention was warranted in part because state court "proceedings are ongoing." *Id.* at *5. Here, by contrast, Plaintiffs are not challenging the constitutionality of the Administrative Judge's policies in concomitant state court proceedings, let alone proceedings in which Plaintiffs are being detained. And, at any rate, they are not seeking to enjoin or nullify the state courts' decisions.

The Administrative Judge also relies heavily on *O'Shea v. Littleton*, 414 U.S. 488 (1974), in arguing that Plaintiffs seek relief that would "indirectly accomplish the kind of interference that *Younger v. Harris* . . . and related cases sought to prevent." Admin. J. Mem. 7–8, 10 (quoting *O'Shea*, 414 U.S. at 500). But *O'Shea* involved very different relief than the injunction Plaintiffs seek in this case. The plaintiffs in that case sought to enjoin state court judges' future judicial *decisions* based on allegations that state court judges "deliberately applied [the state criminal laws and procedures] . . . more harshly to black residents." *O'Shea*, 414 U.S. at 491. The Supreme Court held that abstention under *Younger* was appropriate because the plaintiffs were effectively seeking "an ongoing federal audit of state criminal proceedings" that was "intrusive and unworkable." *Id.* at 500. In this case, Plaintiffs do not seek to enjoin the state court judges from making decisions in future probable cause hearings. They merely ask this Court to enjoin the Administrative Judge from implementing policies and procedures that deny IEA patients meaningful opportunities to be heard during their probable cause hearings.

The Administrative Judge's reliance on *Kaufman v. Kaye*, 466 F.3d 83 (2d Cir. 2006), is likewise misplaced. That case concerned a highly intrusive request for "an injunction requiring

the New York state legislature to establish a new system of assigning appeals" in an appellate court and for "vacatur of a number of [appellate] decisions adverse to [plaintiff]." *Id.* at 85. The Second Circuit concluded that the potential interference "would be so intrusive in the administration of the New York court system" that abstention was necessary. *Id.* at 86. Not so here. Plaintiffs only ask that IEA patients receive adequate notice, in-person counsel, and the opportunity to meet face-to-face with the judges tasked with deciding whether to deprive them of their liberty. Nothing in the motion to dismiss suggests Plaintiffs' request for due process would upend the internal workings of the Circuit Court system.

Second, the injunctive and declaratory relief sought here would not interfere with a unique state interest. "The goal of *Younger* abstention is to avoid federal court interference with *uniquely* state interests such as preservation of these states' peculiar statutes, schemes, and procedures." *AmerisourceBergen Corp. v. Roden*, 495 F.3d 1143, 1150 (9th Cir. 2007) (emphasis in original). Whether to allow IEA patients to attend probable cause hearings by telephone, as opposed to in-person or by videoconference, is not an interest that is *peculiar* to the State of New Hampshire. It is a "*universal* judicial interest" common to the individuals whose lives are affected and liberty deprived. *Id.* (emphasis in original). Federal courts should not "abstain in favor of state courts when a *universal* judicial interest . . . is at stake." *Id.* (emphasis in original). Plaintiffs' constitutional rights are at stake, an interest common to all courts and one over which this Court should not abstain.

Third, the Administrative Judge argues that this Court should abstain because IEA patients "can raise the due-process concerns animating the Fourteenth Amendment claim during a probable cause hearing." Admin. J. Mem. 12. But that process is not an adequate alternative to the "broad-based injunctive relief" that Plaintiffs seek to ensure that *all* IEA patients receive adequate due

process. *Connor B. ex rel. Vigurs v. Patrick*, 771 F. Supp. 2d 142, 158 (D. Mass. 2011). Like the juvenile courts in *Connor B.*, the New Hampshire Circuit Courts "cannot and do not afford Plaintiffs an adequate opportunity to seek relief for the systemic failures alleged in the complaint." *Id*. To the contrary, consistent with their own policies, the Commissioner and Administrative Judge are "systematically denying class members' requests for hearings by videoconference." SAC ¶ 213. Indeed, C.S., one of the IEA patients discussed in the Second Amended Complaint, requested that his probable cause hearing be conducted by video on due process grounds. SAC ¶ 115. "The Circuit Court Judge denied this request in accordance with the Commissioner and Administrative Judge's policy and practice of conducting most IEA hearings by telephone." *Id.* Indeed, the Administrative Judge's ***blanket*** policy of denying video or in-person hearings to broad categories of IEA patients is reflected not just in policies developed outside the context of an individual case, but also the public statements of the Circuit Court System.[2] Thus, the state courts do not offer Plaintiffs "an adequate opportunity to present their federal claims in the state proceeding." *Connor B.*, 771 F. Supp. 2d at 157–58.

Because this case will not interfere with any ongoing state court proceedings and abstention is not warranted under the *Middlesex* factors, the Court should not abstain under *Younger*.

CONCLUSION

For these reasons, the Court should deny the Administrative Judge's motion to dismiss.

[2] *See* Sruthi Gopalakrishnan, *Despite New Process, Mental Health Emergency Hearings Remain Flawed*, CONCORD MONITOR (Sept. 9, 2023), https://articles.concordmonitor.com/Mental-Health-System-New-Hampshire-51535899 ("Judge Ryan Guptill said as much as he does understand individuals wanting to be heard in person, he said the process is evolving and *the proceeding meets the obligations of due process under the Constitution*.") (emphasis added).

Respectfully submitted,

John Doe, et al., in their individual capacities and on behalf of themselves and all others similarly situated,

By and through their attorneys affiliated with the American Civil Liberties Union of New Hampshire Foundation and Weil, Gotshal & Manges LLP,

/s/ Gilles R. Bissonnette
Gilles R. Bissonnette (N.H. Bar. No. 265393)
Henry R. Klementowicz (N.H. Bar No. 21177)
AMERICAN CIVIL LIBERTIES UNION OF NEW HAMPSHIRE
18 Low Avenue
Concord, NH 03301
Tel. 603.224.5591
gilles@aclu-nh.org
henry@aclu-nh.org

Theodore E. Tsekerides*
Aaron J. Curtis*
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153
Tel. 212.310.8000
Fac. 212.310.8007
theodore.tsekerides@weil.com
aaron.curtis@weil.com
* Admitted *Pro Hac Vice*

Dated: September 11, 2023