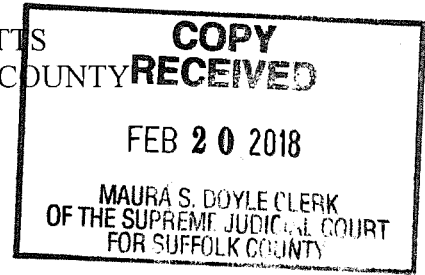


COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT FOR SUFFOLK COUNTY



TRUSTEES OF THE BERKSHIRE MUSEUM,)
)

Plaintiff,)
)

v.)
)

MAURA HEALEY, ATTORNEY GENERAL OF)
THE COMMONWEALTH OF MASSACHUSETTS,)
)

Defendant.)
_____)

Civil Action No.
SJ-2018-065

ASSENTED-TO MOTION FOR LEAVE TO FILE A BRIEF OF AN AMICUS CURIAE

Kristin Hatt, James Hatt, and Elizabeth Weinberg (the “Member Plaintiffs”), with the assent of the Trustees of the Berkshire Museum (the “Museum”) and the Office of the Attorney General of the Commonwealth, Maura Healey (the “AGO”), and pursuant to Massachusetts Rule of Appellate Procedure Rule 17, respectfully request that this Court grant the Member Plaintiffs leave to file a joint amicus brief.

The Member Plaintiffs are current and former members of the Museum. On October 25, 2017, the Member Plaintiffs filed a Verified Complaint that challenged the Museum’s stated intention to sell certain works of art that are the subject of the instant petition for petition for *cy près*. The Verified Complaint asserted claims for breach of contract and a breach of fiduciary duty, and sought preliminary injunctive relief. The Superior Court denied injunctive relief and dismissed the Verified Complaint. The Museum Members timely appealed that judgment, currently pending in the Appeals Court as *Hatt et al. v. Trustees of the Berkshire Museum*, 2017-P-1556.

The above-captioned action concerns the same forty works of art that are at issue in the Museum Members' lawsuit. Member Plaintiffs propose to express their views about the instant petition as amicus curiae to avoid delay of the question on the merits during, for example, possible motion practice seeking intervention.

The Member Plaintiffs have agreed that if the Court allows their motion, they will file their brief as amicus curiae on or before February 27, 2018.


WHEREFORE the Museum Members, with the assent of both parties to the present proceeding, ask this Court's leave to file a single brief as amicus curiae on or before Tuesday, February 27, 2018.

February 20, 2018

Respectfully submitted,

JAMES HATT, KRISTIN HATT, AND
ELIZABETH WEINBERG

By their attorneys,



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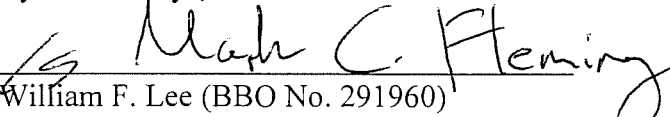
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Assented to by

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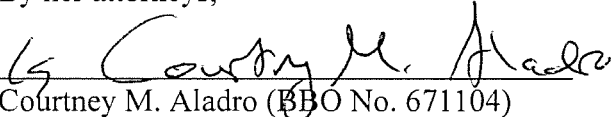
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CERTIFICATE OF SERVICE

I, Erika Todd, hereby certify that a copy of the forgoing was served upon counsel of record for the parties on February 20, 2018 by U.S. Mail.

A handwritten signature in black ink, appearing to read "Erika Todd", written over a horizontal line.