

COMMONWEALTH OF MASSACHUSETTS  
SUPREME JUDICIAL COURT FOR SUFFOLK COUNTY

SUFFOLK, ss.  
NO. SJ-2023-0343

NORFOLK SUPERIOR COURT  
NO. 2282-CR-00117

KAREN READ,

Petitioner

v.

THE COMMONWEALTH OF MASSACHUSETTS,

Respondent

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**PETITIONER-DEFENDANT KAREN READ'S MOTION FOR LEAVE TO  
FILE REPLY BRIEF AND TO ENLARGE TIME FOR FILING**

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Respectfully submitted,

David R. Yannetti, Esq. (BBO#555713)  
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**PETITIONER-DEFENDANT KAREN READ'S MOTION FOR LEAVE TO  
FILE REPLY BRIEF AND TO ENLARGE TIME FOR FILING**

Now comes the Petitioner-Defendant, Karen Read ("Ms. Read", or "Petitioner-Defendant") and respectfully moves this Honorable Court, pursuant to Mass. R. App. P. 16(c) and Mass. R. App. P. 15(c), (1) for leave to file a reply brief, and (2) to grant her 45 days from the date of the Commonwealth's opposition to submit a reply brief in this matter.

Under the Rules of Appellate Procedure, in the ordinary course, the Appellant (Petitioner-Defendant in this case) would have until September 27, 2023 to file a reply brief based on the Commonwealth's opposition having been served on September 13, 2023. See Mass. R. App. P. 19(a)(3). Additionally, counsel for other interested party Brian Albert ("Mr. Albert") has now filed a Motion to Intervene in this matter. Ms. Read has no objection to Mr. Albert's motion.

Undersigned counsel respectfully suggests that it is necessary to file a reply brief to the Commonwealth's opposition in this matter, and that additional time is necessary to do so. Accordingly, the Petitioner-Defendant respectfully requests that this Honorable Court grant her

leave to file a reply brief, with said reply being due  
**October 28, 2023.**

Ms. Read further states that the parties will not be  
prejudiced by the allowance of this motion.

Respectfully submitted,

For the Petitioner-Defendant, Karen Read

By her attorney,  
/s/ Ian F. Henchy  
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**COMMONWEALTH OF MASSACHUSETTS  
SUPREME JUDICIAL COURT  
FOR SUFFOLK COUNTY**

**Per the within, MOTION  
is ALLOWED, without hearing.  
By the Court, (Kafker, J.)**

**ATTEST:**

**9/25/2023  
Date:**

**/s/Stephen Cronin  
Assistant Clerk**

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**AFFIDAVIT OF COUNSEL IN SUPPORT OF PETITIONER-DEFENDANT  
KAREN READ'S MOTION FOR LEAVE TO FILE REPLY BRIEF AND TO  
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Respectfully submitted,

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**AFFIDAVIT OF COUNSEL IN SUPPORT OF PETITIONER-DEFENDANT  
KAREN READ'S MOTION FOR LEAVE TO FILE REPLY BRIEF AND TO  
ENLARGE TIME FOR FILING**

I, Ian F. Henchy, do hereby depose and state that the following is true to the best of my knowledge and belief:

1. I am an attorney licensed to practice in Massachusetts. My office address is: Yannetti Law Firm, 44 School St., Suite 1000A, Boston, MA 02108. I represent Karen Read in connection with the above-referenced case, along with Attorney David Yannetti, Attorney Alan Jackson, and Attorney Elizabeth Little.
2. On September 15, 2023, I hand-delivered Attorney David Yannetti's Motion for *Pro Hac Vice* admission of Attorney Alan Jackson and Attorney Elizabeth little to practice before the Supreme Judicial Court in connection with this petition.
3. Under the Massachusetts Rules of Appellate Procedure, a reply brief must be filed by the earlier of (A) 14 days after service of the brief of the appellee (or, in the case of multiple appellees, service of the last appellee brief), or (B) 7 days before argument. Mass. R. App. P. 19(a)(3).

4. Since this is a petition pursuant to M.G.L. c. 211 § 3 rather than an appeal in the ordinary course of litigation, my understanding is that leave of the Court would be required to file a reply brief.
5. Following the Commonwealth's September 13, 2023 opposition, other interested party Brian Albert filed a motion to intervene in this petition on September 18, 2023.
6. Ms. Read has no objection to counsel for Brian Albert's motion to intervene in this matter, and anticipates that a brief from Mr. Albert is forthcoming.
7. I believe that the particular request for a 45-day enlargement will afford enough time to draft the reply brief Ms. Read intends to file in this matter, and is reasonable in light of the foregoing.
8. The parties will not be prejudiced by either the filing of a reply brief or the extension of the time for filing the same.

Signed under the pains and penalties of perjury this  
21<sup>st</sup> day of September, 2023.

Respectfully submitted,

For the Petitioner-Defendant, Karen Read

By her attorney,  
/s/ Ian F. Henchy  
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CERTIFICATE OF SERVICE

I, Ian F. Henchy, do hereby certify that I served a copy of Petitioner-Defendant Karen Read's "Petition and Brief Seeking Relief Pursuant to G.L. c. 211 § 3", along with the accompanying Record Appendix, upon the Commonwealth and interested third-parties, Brian Albert and Jennifer McCabe, via electronic mail, September 21, 2023 to the following counsel of record:

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Dated: September 21, 2023

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