OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY, MARYLAND

IN THE MATTER OF AN OBJECTION TO ACCESSEORY DWELLING LICENSE NO. 157919 7709 Oldchester Road Bethesda, MD 20817 Caressa Bennet, et al. Objectors Flavia Favali License Applicant	**OZAH Case No. ADO26-03**

POST-HEARING BRIEF OF OBJECTOR KENNETH MACK

INTRODUCTION

The instant action is Applicant Flavia Favali's ("Applicant") third attempt in three consecutive years to obtain the same outcome based on the same facts. In each of the last two years, OZAH has determined that 7709 Oldchester Road in Bethesda, Maryland ("7709 Oldchester") is **not** her primary residence and, therefore, her prior applications were denied. For her 2025 application, Applicant elected to appeal the Hearing Examiner's ruling to the Circuit Court for Montgomery County, Maryland, which affirmed the OZAH decision. These prior hearings, including the appeal to the circuit court, were final determinations as to the issue presented and had a preclusive effect on Applicant's ability to obtain the license she previously sought without any change in circumstances, facts, or law.

At the hearing for the current proceeding, Applicant presented no testimony that anything has changed since OZAH's prior determination that could justify a different outcome. The evidence presented once again failed to establish that Applicant resides at 7709 Oldchester as her

primary residence. Furthermore, to the extent additional conditions could be imposed to alleviate the concerns raised by the application, Applicant's prior conduct demonstrates that such conditions would have little to no impact because of her continued apathy toward the rules and regulations governing the subject property. For these reasons, as further discussed below, the application should be denied.

BACKGROUND

In 2023, Applicant sought a Class 3 Accessory Dwelling Unit ("ADU") license for 7709 Oldchester. Alexandre Finkel and other neighbors filed objections to the Director of the Department of Housing and Community Affairs' ("DHCA") preliminary determination that the application met the code and zoning ordinance requirements. A hearing was conducted before the Office of Zoning and Administrative Hearings ("OZAH") on July 27, 2023 in which Applicant testified that "this is my principle residence." (Exhibit 12(i) at 60:11-12.) The objectors testified to the contrary, each of them describing the things they would have expected to see if Applicant lived at 7709 Oldchester – the types of things they saw all their neighbors doing – but did not with respect to Applicant.

Ultimately, the Hearing Examiner "found none of Applicant's testimony credible." (Exhibit 12(f) at 21.) The Hearing Examiner concluded "that Ms. Favali does not and has not occupied the property since 2015." The Hearing Examiner's Report and Decision went on to say "[n]or is the Hearing Examiner convinced by Ms. Favali's testimony that she intends to live in the ADU in the future because it is handicapped accessible." (*Id*. at 23.) Based on these findings, the objections to Applicant's license application were granted and DHCA was ordered to deny the license application.

In 2024, Applicant again sought a Class 3 ADU license. As in the previous year, Caressa Bennett and a number of neighbors filed an objection to the DHCA preliminary determination that the application met all code and zoning requirements. On December 9, 2024 a hearing was conducted on the objections before an OZAH Hearing Examiner. Again, Applicant testified that 7709 Oldchester was her primary residence. Again, all neighbors testified to the contrary. Notably, at that hearing, Applicant testified, "Okay. So I'm going to probably lose this year. So I have to figure, what were the ground I lost this year…And I will probably do a different…And so I'll have some evidence for next year that, yes, you all say I don't live here." (Exhibit 12(g) at 84:8-25.) Applicant also presented a "Principal Residence Tally" at that hearing to support her position that the property was her primary residence, which listed the number of nights she purportedly lived at 7709 Oldchester.

The Hearing Examiner found that Applicant was misguided in her belief that proving she resided at a property six months plus one day would establish primary residency. Again, the Hearing Examiner found the objectors and neighbors credible in their testimony that Applicant did not live at 7709 Oldchester and made a finding that her "behavior prior to and including the past 12 months at the subject property indicates the actions of a landlord, not an owner occupant." (*Id*. at 15.) After hearing all the evidence, the Hearing Examiner found "the subject property is *still not* Ms. Favali's primary address." (Exhibit 12(d) at 3 (emphasis in original).) Therefore, the Hearing Examiner again found that the property was not Applicant's primary residence, granted the objections, and ordered DHCA to deny the license application. (*Id*.)

On September 4, 2025, Applicant once again sought the same Class 3 ADU license from DHCA. Once again, Caressa Bennet and other neighbors objected to DHCA's preliminary determination, and a hearing was scheduled for December 19, 2025. At that hearing, Applicant

presented eleven witnesses in addition to herself, all of whom testified as to the residency issue. Their pertinent testimony was as follows:

- Suzanne Vaughn testified that she "can't tell you the exact date that she moved there," but only that she was "raised in that house, and she spent many years there off and on." (Day 1 Tr. 33:6-9.). When asked when she moved into 7709 Oldchester, her response was "I'm not really clear that she ever left." (Day 1 Tr. 36:9-12.)
- Stephen Igbokwe testified that he had lived in the property since 2022 and that "As far as I'm aware, this residence has always been her place of living. She's always been here since I've been here." (Day 1 Tr. 44:3-13.) On cross-examination, Mr. Igbokwe claimed that there was "no change" in Applicant's use of the property in the three years he had lived there. (Day 1 Tr. 45:13-17.)
- Constance Sutter testified that she had known Applicant for three years and it was "the only residence I knew of, up until this hearing stuff." (Day 1 Tr. 46:22-47:14.) According to Ms. Sutter, she first visited Applicant at 7709 Oldchester on December 9, 2023 and she believed it was her primary residence at the time. (Day 1 Tr. 48:10-15.)
- James Cyr testified that "She's lived in that house for a very long time." (Day 1 Tr. 53:17.) He stated that he was a prior tenant of 7709 Oldchester, which was Applicant's primary residence at the time he moved out in 2022. (Day 1 Tr. 55:1-6.) He also stated he was "not aware of any change in the status of her residence" since he moved out in 2022. (Day 1 Tr. 56:15-18.)
- Donna Reynolds testified that Applicant "moved there in 2023." (Day 1 Tr. 65:16-20.) Ms. Reynolds stated that she moved to Pennsylvania three years ago and has visited Applicant at 7709 Oldchester 3-4 times since then. (Day 1 Tr. 65:25; 67:23-68:1) When

asked if there was anything different about the property in 2025 than there was on her prior visits, Ms. Reynolds stated, "No." (Day 1 Tr. 68:15-19). She contended that the property had been Applicant's primary residence for "[t]hree years." (Day 1 Tr. 68:20-22.)

- Janet Long testified that Applicant "has made it known clearly to me that now her primary residence is in Bethesda," that this has been the case for "the past couple years," that she and Applicant are very close and talk to each other about what is going on in their lives, and that she was not aware of any "significant change" for Applicant in the past year. (Day 1 Tr. 80:7-22.)
- Nancie Park was less certain about Applicant's residency, stating that she didn't know the date or even the year she allegedly moved to 7709 Oldchester, saying "You'd have to ask somebody else…" (Day 1 Tr. 119:16-24.)
- Rose Nantango testified that she "found [Applicant] there" (Day 1 Tr. 126:21) when she moved to the property at the end of June 2025 and that she did not observe Applicant moving into the property at any point from June 2025 through the hearing. (Day 1 Tr. 126:2-6.)
- Kathy O'Brien testified that 7709 Oldchester has been Applicant's primary residence from "2023 to the present." (Day 1 Tr. 129:15-18.) She added that Applicant "officially did some kind of thing based on wanting to get this ADU" (Day 1 Tr. 130:25-131:1) and that she "made it her primary residence in 2023" based on what Applicant told Ms. O'Brien. (Day 1 Tr. 131:19-25.)
- Anand Jagessar testified that Applicant has "been living in the Oldchester Road as her primary home" for "roughly at least three, three and a half years, roughly." (Day 1 Tr.

137:15-19. She added that there has been "no change" in Applicant's residence in the last three years. (Day 1 Tr. 139:24-140:1.)

- Veronica Moskaitis, Applicant's daughter, testified that 7709 Oldchester has been Applicant's primary residence after she broke her leg and "its been going on three years." (Day 1 Tr. 199:8-12.) She added that she is always "doing something" to "all her *houses*." (Day 1 Tr. 202:4-11 (emphasis added).)

Applicant's testimony was consistent with that of her witnesses on this focal issue. She was asked by her attorney (on at least three occasions before responding to the question) at what point 7709 Oldchester became her primary residence. She answered, "**July of 2023**." (Day 1 Tr. 146:7-9.) On cross-examination, the following exchange occurred:

> Q. All right. Ms. Favali, you're still contending that you moved into the property in 2023 following your accident, right?
> **A. Yes.**
> Q. Okay. And you're aware that you came before this entity last year on December 9, 2024, and made the same argument. And, at that time, it was determined that 7709 Oldchester was not your primary residence, right?
> **A. Yes.**
> Q. Okay. And, in fact, at some point during the middle of that hearing, you realized that, or you believed, that that was going to be the outcome, right?
> **A. Yes.**
> Q. And you said something to the effect of, So there's eight of you and seven of you. There's eight of you saying that you're under perjury, that I don't live here. And it was me saying, I do live here. So somebody is lying; either eight people are lying or I'm lying. Do you remember saying that?
> **A. Yes, I do.**
> Q. Okay. And you understand that, to the extent that you put it that way, the determination was made that you were lying at that time, right, not the other eight people?
> **A. Yes, I do.**
> Q. Okay. But you're still contending today that you've lived there since 2023, right?
> **A. Yes.**

> Q. And then you said, so I have to figure what were the grounds that I lost this year? And then you said, Yes, I will live here like I'm living here the last year. And I will take a picture every day of something notable that happens on the street that would only happen this particular day at this particular time. Do you remember telling everybody that's what you were going to do?
> **A. Yes. And that's what I did. That's why you have so many 434 pages of exhibits. I'm sorry.**

(Day 1 Tr.166:8-167:21.)

All objectors and neighbors testified that they rarely saw Applicant at the property and that their observations of her use of the property were unchanged since the prior hearings. The objectors and other neighbors consistently testified that they see each other "all the time" (Day 1 Tr. 213:21) and described various activities and occasions when they would interact. They uniformly noted that Applicant was not present during any of these occasions. Most testified that they had seen Applicant two or three times over the course of the year, which paled in comparison to every other person living on that block. The objectors also testified about the problems they experience with on-street parking, and attributed it to the many vehicles associated with 7709 Oldchester.

ARGUMENT

a. Applicant's license application is precluded by the doctrines of res judicata and collateral estoppel.

The doctrine of *res judicata* provides that "a judgment on the merits in a previous suit between the same parties or their privies precludes a second suit predicated upon the same cause of action." *Parklane Hosiery Co. v. Shore*, 439 U.S. 322, 326 n.5 (1979). In Maryland, *res judicata* has been described as an "absolute bar, not only as to all matters which were litigated in the earlier case, but also as to all matters which could have been litigated." *Whittle v. Bd. Of Zoning Appeals*, 211 Md. 36, 49 (1956). In the context of a zoning hearing where the applicant

is seeking the same relief as a prior application, the doctrine of *res judicata* will apply unless "there have been **substantial changes in facts and circumstances** between the first case and the second…" *Id*. at 45 (emphasis added).

In 1992, the Maryland Supreme Court removed any doubt as to whether *res judicata* applies to decisions by administrative agencies, such as OZAH. *See Batson v. Shiflett*, 325 Md. 684, (1992). In *Batson*, the court held that an administrative agency's ruling "is entitled to preclusive effect" where it meets the test set forth in *Exxon Corp. v. Fischer*, 807 F.2d 842, 845-46 (9th Cir. 1987). Under that test, three factors are considered in determining whether *res judicata* applies to a prior decision: (1) whether the [agency] was acting in a judicial capacity; (2) whether the issue presented to the [reviewing] court was actually litigated before the [agency]; and (3) whether its resolution was necessary to the [agency's] decision. *Id.; see also Seminary Galleria, LLC v. Dulaney Valley Improvement Ass'n*, 192 Md. App. 719, 736 (2010). Where the administrative decision is appealed to the circuit court and a judgment is entered affirming the judicial decision, the doctrine of *res judicata* is even more appropriate. *Fertitta v. Brown*, 525 Md. 594 (169).

The doctrine of collateral estoppel requires that "factual issues resolved in the adjudication of one claim are binding for the purpose of subsequent adjudication of another claim." *Becker v. Falls Rd. Cmty. Ass'n*, 481 Md. 23, 46 (2022). Collateral estoppel applies where the following four conditions are satisfied:

> (1) The issue decided in the prior adjudication is identical to the one presented in the present case;
> (2) There was a final judgment on the merits;
> (3) The party against whom the plea is asserted was a party or in privity with a party in the prior adjudication; and
> (4) The party against whom the plea is asserted was given a fair opportunity to be heard on the issue.

Id. (citing *Washington Suburban Sanitary Comm'n v. TKU Assocs.*, 281 Md. 1, 18-19) (1977)). In *Batson*, the Court also applied the doctrine of collateral estoppel to findings made by administrative agencies, applying the same *Exxon* test cited above. *Batson*, 325 Md. at 701-03.

Where a decision is made by an agency and then a subsequent application is presented on the same or substantially similar facts, a subsequent contrary or inconsistent decision has been held to be "no more than a mere impermissible change of mind." *Lambert v. Seabold*, 246 Md. 562 (1967) (reversing a zoning authority's approval of an application for reclassification from residential to business use where a similar application regarding the same properties had been denied three years earlier). *See also Polinger v. Briefs*, 244 Md. 538, 541 (1966) (holding that the zoning authority's decision that was inconsistent with its determination two years prior "without any change in circumstance, fact or applicable law" to be "arbitrary and capricious" and "no more than the mere impermissible change of mind that was condemned in [prior cases].")

Here, all elements of *res judicata* and collateral estoppel are met and, therefore, Applicant should be precluded from proceeding with her license application because the same issue has been litigated and adjudicated twice already. There was no evidence offered by Applicant that there has been any change in circumstances that could justify a different outcome than was already determined by OZAH each of the previous two years. Instead, as listed in detail above, Applicant and all of her witnesses testified that she moved into the subject property as her primary residence in 2023 (or earlier, according to some witnesses). Therefore, the only outcome Applicant seeks is the "impermissible change of mind" that is prohibited under the authority cited above.

In addition to the testimony, the documents Applicant relies upon also demonstrate that there has been no change since the prior OZAH decision. Her voter registration card is dated December 3, 2018 and her driver's license is dated December 6, 2019. (Exhibit 10.) All of

Applicant's tax bills, going back to Levy Year 2022 show credits applicable to a primary residence designation, which the record already established Applicant did for the benefit of receiving tax benefits. (Exhibit 16(a).) Setting aside the troublesome nature of those disclosures, this is not evidence of any change in circumstances following the last OZAH decision. These documents do not establish anything positive for Applicant, who has a history of making false representations to government entities that result in financial benefits to her, as further discussed below. Applicant even recycled many of her exhibits from the prior hearings including, but not limited to, the "Principal Residence Tally."

Remarkably, Applicant even telegraphed her intention to re-litigate the same facts when she testified at the second proceeding, saying "So I'm going to probably lose this year. So I have to figure, what were the ground I lost this year…And I will probably do a different…And so I'll have some evidence for next year that, yes, you all say I don't live here." (Exhibit 12(g) at 84:8-25.) This, plus the evidence presented by Applicant at the hearing, demonstrate that there has been no change in circumstances, facts, or law and that she is simply seeking another bite at the same apple with the hope of a different outcome. This "impermissible change of mind" is not permitted; therefore, her application should be denied.

b. Even if the Hearing Examiner were to disregard the doctrine of *res judicata* and the prohibition on an "impermissible change of mind," Applicant's request should still be denied.

While Applicant should be precluded from obtaining the license she seeks for the reasons stated above, even if the Hearing Examiner were to consider the evidence without any prior litigation history, the application should be denied because Applicant has (once again) failed to establish 7709 Oldchester is her primary residence and the objectors have satisfactorily demonstrated that Applicant's use of the property causes inadequate on-street parking.

i. Residency

Pursuant to Section 29-19(b)(1)(B) of the Montgomery County Code, certain documents are listed as "evidence" of primary residence, but they are not proof thereof, and can certainly be misleading, particularly when there is a financial motive for doing so. For example, Applicant testified that she moved into 7709 Oldchester in July 2023, following an accident. (Day 1 Tr. 146:7-9.) Presumably then, she at least admits that she did not live at the property prior to that date. However, Applicant represented to other authorities that 7709 Oldchester was her primary residence at least as early as 2022, as noted in Exhibit 16(a), which is an Annual Tax Bill for Levy Year 2022 and lists 7709 Oldchester as Applicant's "principal residence." The same tax bill also shows Applicant received a "Design for Life Tax Credit," which required the property to be applicant's "principle residence"[1] at the time it was received. Therefore, while the county code lists a real property tax bill as an example of evidence that can be used to prove primary residence, in Applicant's case, the evidence proves otherwise. The same can be said of her driver's license and voter registration, both of which contained the 7709 Oldchester address well before even Applicant contends she moved into the property and certainly before the prior OZAH decisions. As Applicant attempted to collect additional documents to support her claim, she went to the library on a weekend to scan the documents and submit them – the Hyattsville library (Day 2 Tr. 126:21-127:5) that is located near her Kennedy Street property, which is the same property where her car was photographed the weekend before the first day of the hearing. (Exhibit 12(h).) Applicant would not have driven from Bethesda to Hyatsville to use a scanner if she was at home on a weekend at 7709 Oldchester.

[1] https://www.montgomerycountymd.gov/design/H-Levels-faqs.html

Without the ability to rely upon documents, the evidence to be considered then is the testimony of the witnesses who participated in the hearing. Here, the prior proceedings cannot be ignored, as Applicant was found to be not credible when testifying under oath at the two prior OZAH hearings on the very same matters about which she testified in this proceeding. Furthermore, Applicant's credibility was undermined by her disregard for the rules and procedures of the hearing, most notably at the January 12, 2026 where Applicant had Suzanne Vaughn, one of her witnesses who testified earlier in the hearing, coaching her from off-camera in the room. (Day 2 Tr. 57:19-60:22.) Minutes later, Applicant was texting from her phone while testifying. (Day 2 Tr. 58:4-11.) This episode undermines not only Applicant's testimony, but also those of her witnesses. It is hard to imagine Ms. Vaughn believed it was appropriate to coach Applicant off-camera during the proceeding.

All of the objectors and other neighbors testified that they are familiar with each other, regularly see each other, and are aware of each other's actions. They all testified that they do not see Applicant at or around the property in any of the ways that they see each other. Mr. Finkel and Mr. Mack testified about a recent incident when the police showed up at the property. What was notable there was not the nature of the incident, but that Applicant was not present. If she lived at the property, then during an evening when the tenants and other neighbors were all home, she would have been there and would have been involved with the same interactions as those who testified about what occurred. In sum, the substantial weight of credible evidence once again leads to the conclusion that 7709 Oldchester is not Applicant's primary residence.

ii. Parking

The testimony of the neighbors was credible, corroborated, and not directly disputed with respect to on-street parking around the subject property. Multiple neighbors testified that on-

street parking is limited because of the number of vehicles associated with 7709 Oldchester, which are frequently parked in the street. While many of the neighbors have driveways and/or garages that make it possible for them to park their own cars at their homes, that is not what the code addresses. The code allows the Hearing Examiner to consider the sufficiency of **on-street** parking, not whether or not neighbors have sufficient alternative off-street parking. Here, there was an abundance of testimony that on-street parking is already limited; therefore, the addition of an ADU at 7709 Oldchester would exacerbate that problem.

Ms. Bennet testified that on a number of occasions her guests have been unable to park in front of her house (Day 1 Tr. 209:9-22) and that there is no parking available in front of her house 20-30 times a year (Day 1 Tr. 212:15-21). David Goodfriend (Day 1 Tr. 240:18-241:6) and Britalen Malek (Day 1 Tr. 260:2-3) testified about the congestion on the street that is caused by the number of cars that are associated with 7709 Oldchester due to the number of people living there. There was also considerable testimony that the 7709 Oldchester driveway is a tandem driveway. While several other homes in the neighborhood have tandem driveways, Applicant's is more problematic because of the number of occupants and, therefore, vehicles associated with her property, which requires more movement and then spills out onto the street, causing dangerous conditions.[2]

Another issue that arose with respect to parking related to the "parking pad" being constructed by Applicant, without the proper permits. This evidence was emblematic of why Applicant's license application should be denied. David Johnson, a DHCA inspector, was shown a photo of the parking pad being constructed by Applicant, which evidently was present during

[2] Applicant makes much of the allegation that the pertinent section of Oldchester Road is eight feet wider than another section of the road that is not affected by the congestion at Appellant's property. This is irrelevant, as the issue here is whether there is sufficient on-street parking available that is associated with the license application, not somewhere else.

his inspection. After viewing the photos, Mr. Johson stated, "That parking pad is totally unexpected. For someone to create a pad that enters the public right-of-way would require permits, and they would have to go through the Department of Permitting Services." (Day 1 Tr. 103:9-12.) Despite ample opportunity, including a break in the proceedings of several weeks, there was no evidence that Applicant had even applied for these permits, once again displaying apathy for the county code. As Mr. Finkel testified, the addition of the parking pad actually removes 1-2 parking spaces from the on-street parking, as no cars could park along the street to block in the cars in the pad. (Day 2 Tr. 47:4-9.)

While the prior hearings should have a preclusive effect on Applicant's request, the evidence presented at the instant hearing, standing alone, does not substantiate her license application because she does not reside at 7709 Oldchester and the use of her property already creates insufficient off-street parking, which will only get worse if the ADU provides additional living spaces.

c. Limitations or conditions ordered by OZAH will not result in compliance or accomplish their intended purpose.

In Applicant's brief, she proposes various conditions that the Hearing Examiner could impose as a means to get her license application approved. This suggestion does not circumvent the law with respect to the *res judicata* doctrine and the inability for OZAH to rule in a manner that would still amount to an impermissible change of mind. But even more importantly, Applicant has demonstrated repeatedly that she will disregard directives, OZAH's findings, regulations, and the code if any of those rules are inconsistent with or inconvenient for her objectives, particularly her pecuniary interests. There are examples of this throughout the history of Applicant's use of the subject property.

Most notably, Applicant admittedly rents rooms within the property to tenants. She currently has four tenants. (Day 2 Tr. 120:2-5.) Applicant does not have a rental license for the property, which she let lapse, because she was told that if she was living in the property, she did not need a rental license. (Day 1 Tr. 172:11-143:3.) Applicant even offered as an exhibit the DHCA Room Rentals publication, which makes very clear that the typical licensing requirement only does not apply if the property is owner-occupied. Exhibit 10(a), Part i. On September 6, 2023, when the Hearing Examiner issued a Report and Decision that found Applicant did *not* reside in the property, that not only resulted in a denial of Applicant's pending ADU license application, but it also resulted in a determination by a Montgomery County entity that the property was not owner-occupied. At that point, Applicant's room rental arrangement was no longer viable, and she should have – at a minimum – obtained a license to rent the property. However, that would have been a problem for her as well because, since because she did not live in the property and the property is zoned for R-90 use, her multi-family housing would be required to satisfy the limited use or conditional use standards to become licensed. *Montgomery County Zoning Ordinance*, Section 3.3.1.E. In other words, OZAH's finding in 2023 that Applicant did not live in the property meant that her rental operation was unlicensed and most likely not even permissible in a residentially zoned (R-90) area such as the neighborhood at issue here. Rather than investigate or remedy this situation, Applicant simply continued to rent rooms, disregarding OZAH's findings. In 2024, OZAH again determined that Applicant did not reside in the property, once again undermining her entire rental scheme. Still, she took no remedial action, and then even advertised for and obtained a new tenant.

This is the most egregious and applicable example of Applicant's disregard for the rules that govern the property; however, there are others, including her acceptance of the Design for

Life tax credit of $10,000.00, as discussed above, and her unpermitted parking pad, which she conveniently began constructing after her DHCA inspection. This conduct substantiates the opinions of her neighbors, including Mr. Goodfriend (Day 1 Tr. 247:15-252:14), who testified in detail about why Applicant cannot be expected to follow any conditions that could be ordered by OZAH, when she has not abided by the findings made by the Hearing Examiner in the prior proceedings. Therefore, Applicant's suggestion that imposing additional regulations in the form of conditions to the license will remediate any concerns should not be accepted. It is more likely the case that, if allowed to construct the ADU, she will simply rent the additional room and expand her already unlawful rental scheme, continuing to disregard the county zoning and licensing requirements.

CONCLUSION

For the reasons stated herein, the objections filed in this matter should be sustained and Applicant's license application should be denied.

Respectfully Submitted,

/s/ Evan V. Goitein

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of March 2026, a copy of the foregoing was served on all parties through electronic mail.

/s/ Evan V. Goitein
Evan V. Goitein