

United States Court of Appeals For the First Circuit

No. 25-1979

CHRISTOPHER WRIGHT, ROBERT MANNING, ELLIOT CHEFITZ,
JOSHUA STEISS,

Plaintiffs, Appellees,

v.

UNITED SERVICES AUTOMOBILE ASSOCIATION, USAA
GENERAL INDEMNITY COMPANY,

Defendants, Appellants.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

[Hon. Allison D. Burroughs, U.S. District Judge]

Before

Barron, Chief Judge,
Lynch and Gelpí, Circuit Judges.

Kahn A. Scolnick, with whom Daniel R. Adler, Sean F. Howell,
Gibson, Dunn & Crutcher LLP, Robert A. Whitney, and McAngus
Goudelock & Courie, LLC were on brief for appellants.

Matthew A. Seligman for appellees.

Cyrus Mehri, with whom Michael D. Lieder, Mehri & Skalet,
PLLC, Edward F. Haber, Michelle Blauner, Ian McLoughlin, and
Shapiro Haber & Urmy LLP were on brief for appellees.

October 28, 2026

LYNCH, Circuit Judge. This appeal presents issues as to whether under Massachusetts law or the federal filed rate doctrine, motor vehicle insurance policyholders are barred from bringing suit against their insurers under Mass. Gen. Laws Chapter 93A regarding insurance rates approved by the Commissioner of the Massachusetts Division of Insurance under Mass. Gen. Laws Chapter 175E.

We hold that Massachusetts law, not federal law, governs these issues, and that resolution of the issues may dispose of the case. We certify the state law questions involved to the Massachusetts Supreme Judicial Court. See Mass. S.J.C. R. 1:03.

I. Background

This suit concerns rates approved since 2019 by the Commissioner of Insurance for Defendants General Indemnity Company (GIC) and United Services Automobile Association (United Services), which provide motor vehicle insurance to present and former members of the U.S. military.¹ In 2023, current and former insurance policyholders sued under Chapter 93A in federal court against their insurers.² They alleged the rates approved by the Commissioner impermissibly considered "income" and "occupation" in

¹ GIC and United Services are affiliates of the USAA insurance company group and operate under common management and control.

² The policyholders pled diversity jurisdiction under the Class Action Fairness Act of 2005, 28 U.S.C. § 1332(d).

violation of implementing regulations. 211 C.M.R. § 79.04(12). The rates did so, plaintiffs asserted, because GIC and United Services determine eligibility for insurance with each affiliate based on the policyholders' highest career military pay grade; United Services insures members who achieved a grade of E-7 or higher during their military career, and GIC insures members who achieved grades from E-1 to E-6. Based on the same reason, plaintiffs asserted that the companies' certifications of compliance with the statutory requirements were false.³ As to relief, they sought a declaration that the affiliates' rate-setting practices and certifications violate Massachusetts law; injunctions preventing those practices and requiring new, compliant rate filings; and restitution for purported excess rates paid by GIC policyholders.

On May 15, 2024, the district court denied GIC and United Services' Rule 12(b)(6) motion to dismiss and then certified for interlocutory appeal under 28 U.S.C. § 1292(b) the question of law "whether the filed-rate doctrine bars the relief Plaintiffs seek."⁴

³ The policyholders conceded that an additional claim for breach of contract should be dismissed.

⁴ GIC and United Services argued in relevant part that the filed rate doctrine precluded the entire action. They also argued that the policyholders' income and occupation theory failed as a matter of law and that their unfair and deceptive practices claims failed for these and independent reasons. In its motion to dismiss order, the district court reasoned in part that "at least some of the requested remedies are not barred by the filed rate doctrine (assuming it applies)," because they "do not directly challenge

This court, after obtaining clarification of the question, granted the petition for interlocutory review on October 20, 2025.⁵

The Commissioner must approve motor vehicle insurance rates before they can go into effect. Chapter 175E requires insurers to file their proposed rates and supporting information with the Division of Insurance. See Mass. Gen. Laws ch. 175A, § 6(a).⁶ The Commissioner must not approve rates that are "excessive," "inadequate," "unfairly discriminatory," or "violative of public policy," id. ch. 175E, §§ 4(a), 8, or approve

the rates approved and set by the Commissioner."

⁵ The district court clarified that in its view, the controlling question raises three "distinct but interrelated questions":

1. When a federal court, sitting in diversity, needs to determine whether the filed-rate doctrine applies to bar a claim, should it look to state law or federal common law to determine whether the filed-rate doctrine applies to Massachusetts state agencies?
2. If federal common law is the appropriate source of law, does the federal filed-rate doctrine apply to bar claims that implicate rates set by Massachusetts state agencies, or does it apply solely to those set by federal agencies?
3. If federal common law would apply the filed-rate doctrine to rates set by Massachusetts state agencies, is the doctrine quasi-preemptive, such that it applies to broadly bar legal or equitable challenges that implicate filed rates, as Defendants contend, or does it apply only to direct challenges to the rates themselves, as Plaintiffs contend?

⁶ Chapter 175E incorporates consistent provisions from Chapter 175A, which also regulates motor vehicle insurance rates. See Mass. Gen. Laws ch. 175E, § 3.

"filing[s] . . . that . . . do[] not comply with [Chapter 175E]," id. § 7. Parties aggrieved by a rate filing may petition the Commissioner for a pre-approval hearing on the filing, id. ch. 175A, § 7(b), and parties aggrieved by a decision of the Commissioner have twenty days to seek judicial review of that decision, id. ch. 175E, § 13. No such petition or judicial review was sought as to the rates in question. The policyholders do not allege that Defendants' actuarial data or other data filed with the Commissioner was false. Nor do they allege that the Commissioner has engaged in a post-approval investigation of Defendants' rating and underwriting practices, which can lead to the suspension and disapproval of rates already in place. See id. § 8.

Implementing regulations require insurers' filings to include the data underlying proposed rates and "descriptions of methods used in making the [r]ates." 211 C.M.R. §§ 79.02, 79.05(4). The regulations prohibit insurers from using "income" or "occupation" to "determine placement in a particular affiliate within an [i]nsurance [c]ompany [g]roup." Id. § 79.04(12). Filings must "identify the risk attributes relevant to the insurer's decision to place a private passenger motor vehicle insurance policy in a specific insurance company." The policyholders do not allege that GIC and United Services violated these procedural requirements.

A separate statute, Chapter 12, authorizes the Massachusetts Attorney General to "intervene in administrative or judicial proceedings held in the commonwealth on behalf of any group of consumers in connection with any matter involving the rates . . . charged by any insurance company" subject to the Division's authority. Mass. Gen. Laws ch. 12, § 11F. The Attorney General did not intervene in the administrative rate-setting proceedings concerning these rates. Nor has the Attorney General sought to intervene in any judicial proceedings.

Pursuant to Chapter 175E, GIC and United Services filed their proposed rates with the Division of Insurance. The insurers calculated rates using aggregate data about the respective groups of members they insure. Because the groups' data differed, GIC and United Services calculated different rates; of the two affiliates, GIC charged the higher rates. The filings included certifications of "compliance with all relevant laws and regulations of the Commonwealth of Massachusetts." The Commissioner approved the rates at issue here.

II. Discussion

A. Governing Law

Because this case does not involve any federal agency or interpretation of a federal statute and raises no issues of federal

concern, we conclude that state law, and not the federal filed rate doctrine, must control.⁷

The federal filed rate doctrine originated "as a judicially created bar to antitrust damages claims in the context of the Interstate Commerce Commission's regulation of common carrier rates." Arroyo-Melecio v. Puerto Rican Am. Ins. Co., 398 F.3d 56, 73 (1st Cir. 2005) (citations omitted). The doctrine has "evolved over time" and is "a famously complex and sometimes criticized set of rules." Id. (quoting in the first instance Town of Norwood v. FERC, 217 F.3d 24, 28 (1st Cir. 2000)). But "Supreme Court precedent . . . clarifies that" the "doctrine rests on an interpretation of federal rate-setting statutes." Skolarus v. Bloomberg, L.P., ___ F.4th ___, 2026 WL 3012007, at *5-6 (2d Cir. Oct. 7, 2026) (Park, J., concurring); see also Patel v. Specialized Loan Servicing, LLC, 904 F.3d 1314, 1328-30 (11th Cir. 2018) (Jordan, J., dissenting) (collecting Supreme Court cases treating the doctrine as a matter of federal statutory interpretation); cf. E. & J. Gallo Winery v. EnCana Corp., 503 F.3d 1027, 1033-34 (9th Cir. 2007) (affirming denial of summary judgment on state and federal claims about rates filed with FERC and holding that the federal filed rate doctrine could apply because "the logic underlying the [Supreme] Court's statutory construction in Keogh

⁷ The parties did not contest at oral argument that Massachusetts law controls.

[v. Chicago & N.W. Ry. Co., 260 U.S. 156 (1922),] is equally applicable to the [Natural Gas Act]").

The federal filed rate doctrine "limits attacks outside the regulatory process on . . . rates filed with federal regulatory agencies" overseeing federal regulatory schemes. Town of Norwood v. New England Power Co., 202 F.3d 408, 416 (1st Cir. 2000) (citation omitted) (affirming dismissal of some state and federal claims about rates filed with FERC because of the federal filed rate doctrine). Indeed, application of "the federal filed rate doctrine in diversity suits about rates governed by state law [would be] inconsistent with the Rules of Decision Act," Skolarus, ___ F.4th at ___, 2026 WL 3012007, at *6 (Park, J., concurring), which requires federal courts sitting in diversity to apply "[t]he laws of the several states, except where the Constitution or treaties of the United States or Acts of Congress otherwise require or provide." 28 U.S.C. § 1652. Nor would application of the doctrine in such circumstances as a form of federal common law be consistent with the Supreme Court's repudiation of Swift v. Tyson, 41 U.S. 1 (1842), in Erie Railroad Company v. Tompkins, 304 U.S. 64, 78-80 (1938), which confined federal common law to "a few areas[] involving uniquely federal interests[] [that] are . . . committed by the Constitution and laws of the United States to federal control." Boyle v. United Techs. Corp., 487 U.S. 500, 504, (1988) (internal citation omitted); see also Skolarus, ___

F.4th at ___, 2026 WL 3012007, at *6 (Park, J., concurring) ("In the absence of congressional authorization, common lawmaking must be necessary to protect uniquely federal interests." (quoting Rodriguez v. FDIC, 589 U.S. 132, 136 (2020)); Patel, 904 F.3d at 1330 (Jordan, J., dissenting) (arguing that a state law claim about a rate approved by a state agency did not "touch[] on those matters committed to federal control").

This circuit's prior filed rate doctrine cases have concerned the federal doctrine and are consistent with this view. These cases did not address whether and under what circumstances the federal doctrine might apply to rates filed with state agencies because they have only applied the doctrine to rates filed with federal agencies. See, e.g., Arroyo-Melecio, 398 F.3d at 73 (citations omitted) (declining to apply the doctrine to a federal claim about rates filed with a state agency because "there [was] no direct relationship at all" between the claim and the rates); Town of Norwood, 217 F.3d at 29 (declining to apply the doctrine to a federal claim about rates filed with a federal agency because the challenged action did not "contradict any extant filing"); PNE Energy Supply LLC v. Eversource Energy, 974 F.3d 77, 86-87 (1st Cir. 2020) (affirming dismissal of state and federal claims about rates filed with FERC because of the doctrine); Breiding v. Eversource Energy, 939 F.3d 47, 52-56 (1st Cir. 2019) (same).

Here, there is no federal statute, constitutional provision or principle, or treaty at issue; the regulatory scheme is entirely the product of state law, and the insurers' rates were filed with and approved by a state agency. Nor is there any suggestion or reason to think that a uniquely federal interest committed to federal control is at stake here.⁸ In fact, "[s]tates, as a matter of tradition and express federal consent, have an important interest in maintaining precise and detailed regulatory schemes for the insurance industry." Quackenbush v. Allstate Ins. Co., 517 U.S. 706, 733 (1996) (Kennedy, J., concurring). In these circumstances, state law applies. See Knevelbaard Dairies v. Kraft Foods, Inc., 232 F.3d 979, 992-93 (9th Cir. 2000) (holding that California's filed rate doctrine did not preclude a state law claim about rates set by a state agency); Coll v. First Am. Title Ins. Co., 642 F.3d 876, 886-87 (10th Cir. 2011) (holding that New Mexico's filed rate doctrine precluded state law claims about an insurance rate filed with a state agency); In re N.J. Title Ins. Litig., 683 F.3d 451, 459-60 (3d Cir. 2012) (applying New Jersey's filed rate doctrine to bar state law claims about insurance rates filed with a state agency); Patel, 904 F.3d at 1325 (making an

⁸ For instance, no party argues for federal preemption or that the doctrine "affect[s] federal jurisdiction." See Gunn v. Cont'l Cas. Co., 968 F.3d 802, 807 & n.3 (7th Cir. 2020) ("There is no . . . reason to think that any version of the filed-rate doctrine affects a federal court's subject-matter jurisdiction.").

Erie prediction as to whether Florida and Pennsylvania courts would "hold that the filed-rate doctrine exists as to the [state] regulatory scheme in question"); Granite State Ins. Co. v. Star Mine Servs., Inc., 29 F.4th 317, 320-21 (6th Cir. 2022) (affirming summary judgment against plaintiff's state law claim about rate filed with state agency by applying Kentucky filed rate doctrine); Alpert v. Nationstar Mortg. LLC, 983 F.3d 1129, 1130-31 (9th Cir. 2020) (finding that the Washington filed rate doctrine applied to state law claims about insurance rate filed with state agency and certifying questions to the Washington State Supreme Court); see also Gunn v. Cont'l Cas. Co., 968 F.3d 802, 807 (7th Cir. 2020) (rejecting federal filed-rate defense in a "case arising under state law" because party did not "explain why . . . federal law (let alone the narrow niches of federal common law that have survived Erie Railroad) could be relevant at all"); Skolarus, ___ F.4th at ___, 2026 WL 3012007, at *6 (Park, J., concurring) (concurring in the judgment but arguing the state filed rate doctrine must apply because no federal nexus was present); Patel, 904 F.3d at 1329 (Jordan, J., dissenting) ("The vast majority of federal and state courts look to state law to decide whether state regulatory schemes warrant a filed rate doctrine of some kind."

(citations omitted)). We find that Massachusetts law, not the federal filed rate doctrine, controls.⁹

B. Certification Analysis

This court may certify questions to the Massachusetts Supreme Judicial Court (SJC) where the "proceeding before it [involves] questions of [Massachusetts] law . . . which may be determinative" to the claims at issue and "as to which it appears to the certifying court there is no controlling precedent in the decisions of [the SJC]."¹⁰ Mass. S.J.C. R. 1:03. In our view, this case meets those conditions, and "this court has a long

⁹ The Ninth Circuit recently certified questions of California state law to the California Supreme Court in a dispute involving similar claims about USAA's rate-setting practices in California. See Coleman v. USAA, No. 25-793 (9th Cir. Sep. 10, 2026). Because the provisions at issue there do not resemble those in Chapter 175E, that certification addresses questions with no bearing on this case.

¹⁰ No party requested certification, but "we have discretion to certify questions . . . sua sponte." Nicholls v. Veolia Water Cont. Operations USA, Inc., 144 F.4th 354, 357 n.2 (1st Cir. 2025) (citing Williams v. Am. Honda Fin. Corp., 858 F.3d 700, 701 (1st Cir. 2017) (per curiam)). We advised the parties at oral argument that we were considering certification and provided an opportunity to submit questions to certify. The parties could not agree on the formulation of those questions and submitted different proposals. GIC and United Services also objected to certification. We have not adopted either party's proposed questions and construe their respective submissions as objections to the questions to be certified. "This is not a barrier to certification, however, as the [SJC] has previously answered questions even over the objections of both parties." Id. (citing Knapp Shoes, Inc. v. Sylvania Shoe Mfg. Corp., 640 N.E.2d 1101, 1102 (Mass. 1994) and Knapp Shoes, Inc. v. Sylvania Shoe Mfg. Corp., 15 F.3d 1222, 1224 (1st Cir. 1994)).

history of certifying appropriate questions to the SJC." Easthampton Sav. Bank v. City of Springfield, 736 F.3d 46, 50 (1st Cir. 2013) (collecting cases); see also, e.g., Nicholls v. Veolia Water Cont. Operations USA, Inc., 144 F.4th 354 (1st Cir. 2025); Gattineri v. Wynn MA, LLC, 63 F.4th 71 (1st Cir. 2023).¹¹

Massachusetts law "may be determinative" in this case. If Massachusetts law precludes private parties from bringing suits under Chapter 93A to challenge motor vehicle insurance rates approved by the Commissioner, then plaintiffs' complaint failed to state a claim.

Under our precedent, the SJC's "requirement that there be 'no controlling precedent' . . . prevent[s] certification in cases when 'the course the state court would take is reasonably clear.'" Nicholls, 144 F.4th at 358 (citation modified) (quoting In re Engage, Inc., 544 F.3d 50, 53 (1st Cir. 2008)). We cannot say that the course that the Massachusetts Supreme Judicial Court would take as to the policyholders' suit is reasonably clear for

¹¹ We acknowledge and appreciate that the SJC has affirmatively responded to numerous requests for certification from this court. See, e.g., Nicholls v. Veolia Water Cont. Operations USA, Inc., 281 N.E.3d 966 (Mass. 2026); Zurich Am. Ins. Co. v. Med. Props. Tr. Inc., 237 N.E.3d 733 (Mass. 2024); Gattineri v. Wynn MA, LLC, 221 N.E.3d 742 (Mass. 2023); Patel v. 7-Eleven, Inc., 183 N.E.3d 398 (Mass. 2022); Easthampton Sav. Bank v. City of Springfield, 21 N.E.3d 922 (Mass. 2014); Real Estate Bar Ass'n for Mass., Inc. v. Nat'l Real Estate Info. Servs., 946 N.E.2d 665 (Mass. 2011); Ropes & Gray LLP v. Jalbert, 910 N.E.2d 330 (Mass. 2009); Globe Newspaper Co. v. Beacon Hill Architectural Comm., 659 N.E.2d 710 (Mass. 1996).

several reasons. The SJC's relevant cases do not use the term "filed rate doctrine." They have never addressed Chapter 175E, the most recent case was decided over forty years ago, and all of the cases involve different Massachusetts statutes concerning administrative agency rate setting and concerning different enforcement powers granted to regulators and to the Massachusetts Attorney General. See City of Bos. v. Edison Elec. Illuminating Co. of Bos., 136 N.E. 113 (Mass. 1922); Sullivan v. Bos. Consol. Gas Co., 97 N.E.2d 535 (Mass. 1951); Lowell Gas Co. v. Attorney General, 385 N.E.2d 240 (Mass. 1979); Spence v. Bos. Edison Co., 459 N.E.2d 80 (Mass. 1983).

In City of Boston, the SJC affirmed dismissal of a consumer's claims against an electricity provider regarding rates approved by the Massachusetts Department of Public Utilities (DPU), holding that Mass. Gen. Laws Chapter 164 took away the right of injured parties to "recover[] back [excess utility rates] in an action at common law" against utility providers that charged rates approved by the DPU. 136 N.E. at 115. The court explained that "the plaintiff is confined to [Chapter 164's] provisions as affording a comprehensive, simple and practical means for redress." Id. at 117. When the case was decided in 1922, those means included petitioning the DPU for a public hearing on the company's utility prices or quality, after which the DPU could order a reduction in price or improvement in quality and, if

necessary, sue to enforce its orders. Id. at 116 (citing Mass. Gen. Laws ch. 164, §§ 79, 93 (1921)).¹²

This scheme changed in 1927, when utility companies were required to file proposed rates with and receive approval from the DPU before charging the rates, and the DPU was empowered to investigate rates on its own motion. See 1927 Mass. Acts ch. 316.

In the Sullivan case in 1951, the SJC affirmed dismissal of consumers' claims seeking refunds from a utility company for excess gas rates approved by the DPU where the DPU had mistakenly required the company to increase its rates even though its supply costs were fixed by federal regulations. See 97 N.E.2d at 536-38.

Plaintiffs here rely heavily on the SJC's decision in Lowell Gas. There, the Massachusetts Attorney General brought Chapter 93A and common law fraud claims alleging gas providers had committed fraud by charging short-term debt interest expenses to customers, failing to answer specific questions concerning their accounting practices required by DPU regulations, and deliberately concealing this from the DPU. 385 N.E.2d at 242-43. The SJC first affirmed that "suits directly challenging public utility rates as determined by the [DPU]" are barred unless brought under the provisions governing judicial review of DPU decisions, Mass. Gen.

¹² Such petitions could only be initiated by twenty customers of the utility company or the elected representatives of the city or town utilizing the service. See Mass. Gen. Laws ch. 164, § 93 (1921).

Laws ch. 25, § 5. Id. at 244. The SJC nevertheless allowed the suit to proceed, saying in part that the "essential character" of the claim was that the gas companies engaged in "deceptive conduct . . . intended to subvert the very rate structure whose protection they seek." Id. at 244, 248. The SJC also reasoned that the Attorney General's statutory authorization to institute legal proceedings was broader than that of private parties and that Chapter 164 required the DPU to notify the Attorney General of utility providers' violations of law, "impl[ying] an expectation that the Attorney General take appropriate action once notified." Id. at 244-45.

The decision in Lowell Gas is distinguishable and does not give us certainty on "the direction of state law in the present context." In re Engage, 544 F.3d at 56. As ever, "there is the danger of unmooring language from the facts of a case and the precise issue presented in the context of those facts." Id. The plaintiffs here are private party policyholders and not the Attorney General. Their assertions of fraud are nothing like the fraud assertions in Lowell Gas. They make no allegation that GIC or United Services submitted false actuarial or other data to the Commissioner or were required to seek approval of their classification practices independent of the obligations imposed by Chapter 175E and implementing regulations.

GIC and United Services, by contrast, point to the SJC's decision in Spence. There, the SJC declined the Boston Housing Authority's request that a court independently interpret the meaning of the term "apartment" in a DPU-approved rate filing. Spence, 459 N.E.2d at 85. There was no allegation of fraud or deception on the agency, so the Housing Authority's request amounted to "questioning . . . the interpretation of a rate," which must be done by the agency, not courts. Id. at 87.

In sum, we find that "the existing case law does not provide sufficient guidance to allow us reasonably to predict the course of Massachusetts law." In re Engage, 544 F.3d at 57. To determine whether certification is appropriate, we have considered whether "the issues before us involve important questions of state law and public policy with significant implications, not only for the parties before us, but also for other industries in the state." See Gattineri, 63 F.4th at 94 (certifying questions about the enforceability of an agreement under the Massachusetts Gaming Act and regulatory scheme); In re Engage, 544 F.3d at 57 (certifying questions about the Massachusetts attorney's lien statute because "answers to the questions in this case . . . clearly have implications which go beyond these parties" (citation omitted)); Real Estate Bar Ass'n for Mass., Inc., v. Nat'l Real Est. Info. Servs., 608 F.3d 110, 119 (1st Cir. 2010) (considering whether resolution of state law question "raises serious policy concerns

. . . that will . . . impact future cases" before certifying to the SJC); see also Nicholls, 144 F.4th at 359 (describing the "significant policy choices" before certifying questions of state law to the SJC); Easthampton Sav. Bank, 736 F.3d at 52-53 (similar).

Whether to allow private citizen suits when a statute assigns decision-making and enforcement authority to a state administrative agency and to the state attorney general involves important questions of public policy. Cf. Medina v. Planned Parenthood S. Atl., 606 U.S. 357, 369 (2025) ("[T]he decision whether to let private plaintiffs enforce a . . . statutory right poses delicate questions of public policy.").

Because "any answer a federal court may give on this state law question is not a final answer" and "[o]nly the SJC can give a final answer in this case," In re Engage, 544 F.3d at 57, certification here involves no "waste of judicial resources," id. at 55 (quoting Armacost v. Amica Mut. Ins. Co., 11 F.3d 267, 269 (1st Cir. 1993)). Indeed "our answering the important policy questions raised in this appeal 'may offend the comity due to local courts, since [Massachusetts] courts have never addressed this specific issue.'" Gattineri, 63 F.4th at 95 (quoting Santiago-Hodge v. Parke Davis & Co., 859 F.2d 1026, 1033 (1st Cir. 1988)).

III. Certified Questions

We certify the following questions to the Massachusetts Supreme Judicial Court:

1. On the facts of this case, under Massachusetts law, are private parties authorized to bring suit under Chapter 93A for alleged violations of state law arising out of motor vehicle insurance rates approved by the Commissioner of the Division of Insurance?
2. Does the answer to the first question differ as to the declaratory, injunctive, and restitutionary relief plaintiffs seek?

We would also welcome any other comments that the Massachusetts Supreme Judicial Court may wish to offer on any relevant points of Massachusetts law. The Clerk of this court is directed to forward to the Massachusetts Supreme Judicial Court, under the official seal of this court, a copy of the certified questions and our opinion in this case, along with copies of the briefs and appendix filed by the parties. We retain jurisdiction over this appeal pending resolution of the certified questions.

So ordered.