

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**CIVIL ACTION NO. 08-11955-DJC**

**STACEY HIGHTOWER,  
Plaintiff**

**v.**

**CITY OF BOSTON and BOSTON  
POLICE COMMISSIONER  
EDWARD DAVIS  
Defendants**

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**DEFENDANTS, CITY OF BOSTON AND BOSTON POLICE COMMISSIONER  
EDWARD DAVIS'S CROSS-MOTION FOR SUMMARY JUDGMENT AND  
OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

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Now come the Defendants, City of Boston and Boston Police Commissioner Edward Davis, (hereinafter "City Defendants") and hereby oppose Plaintiff's Motion for Summary Judgment and move for a cross-motion for summary judgment. As grounds, the City Defendants state that: (1) the Plaintiff lacks standing to challenge the revocation of her firearm license as it was revoked prior the Supreme Court's decision in *McDonald v. City of Chicago* and as such, did not amount to a Second Amendment violation; (2) Plaintiff's claims are not ripe for review as she has failed to reapply for a firearm license in light of the new state of the law under *McDonald*; (3) even if Plaintiff had standing, she did not suffer the deprivation of her Second Amendment right as she is not precluded in obtaining a variant license to carry and/or possess a handgun in her home; (4) the revocation of Plaintiff's firearm license passes constitutional scrutiny; (5) Plaintiff was afforded adequate due process; and (6) Plaintiff did not suffer an equal protection violation and her substantive due process right were not violated. Further grounds in

support of the City Defendants' are set forth in the City Defendants' *Memorandum of Law in Support of their Opposition to Plaintiff's Motion for Summary Judgment and their Cross-Motion for Summary Judgment*.

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, a copy of this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants.

4/22/2011 /s/ Lisa Skehill Maki  
Date Lisa Skehill Maki

Respectfully submitted,  
DEFENDANTS, CITY OF BOSTON and  
BOSTON POLICE COMMISSIONER EDWARD  
DAVIS

William F. Sinnott,  
Corporation Counsel

By their attorneys,

/s/ Lisa Skehill Maki  
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**7.1 Certification**

Undersigned counsel certifies that on or around December 30, 2010, pursuant to LR, D. Mass. 7.1(a)(2), counsel for the Defendants, Lisa Skehill Maki, spoke with counsel for the Plaintiff and was unable to resolve or narrow the issues.

Date: April 22, 2011

/s/ Lisa Skehill Maki  
Lisa Skehill Maki