

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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CHRISTOPHER DAVIS; WILLIAM J. THOMPSON, JR.; RANDY COLE, JR.; WILSON LOBAO; ROBERT CAPONE; RYAN SHAUGHNESSY; and COMMONWEALTH SECOND AMENDMENT, INC.,  
 Plaintiffs,  
 -against-  
 RICHARD C. GRIMES, in his Official Capacity as Chief of the Weymouth Police Department, and ROBERT L. CHAMPAGNE, in his Official Capacity as Chief of the Peabody Police Department,  
 Defendants,  
 - and -  
 COMMONWEALTH OF MASSACHUSETTS,  
 Intervenor.

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CIVIL ACTION NO. 1:13-cv-10246

**DEFENDANTS’ RESPONSES TO PLAINTIFFS’ STATEMENT OF MATERIAL FACTS AS TO WHICH THERE IS NO GENUINE ISSUE TO BE TRIED**

Now come the Defendants RICHARD C. GRIMES, in his Official Capacity as Chief of the Weymouth Police Department, and ROBERT L. CHAMPAGNE, in his Official Capacity as Chief of the Peabody Police Department (collectively “the Defendants”), pursuant to Rule 56(c) and Local Rule 56.1, who submit the following responses to Plaintiffs’ Statement of Material Facts:<sup>1</sup>

1. When Plaintiff Chris Davis applied for an LTC in March 2012, the instructions posted on the Weymouth Police Department’s website said: “New & Renewals for a Class A LTC for Protection of Life or All Lawful Purposes must . . . be able to document that you

<sup>1</sup> The Defendants’ “response” refers to the supplemental Statement of Facts filed by the Plaintiffs in addition to the Parties’ Stipulated-to Joint Statement of Facts.

have ‘good reason to fear injury’ as required by M. G. L. ch. 140, § 131. Other permits will be for hunting and target.”

**RESPONSE:** Admit.

2. However, when Mr. Davis showed this policy to Chief Grimes’s designee, the designee said it was not the Police Department’s current policy, and that the current policy had not been reduced to writing.

**RESPONSE:** Admit.

3. In January 2013, and also at the time of this motion, the instructions for obtaining an LTC that are posted on the Police Department’s website include the following statement on the first page, at paragraph 4: “New & Renewal Class A&B LTC’s will be issued for Hunting and Target only.”

**RESPONSE:** Admit.

4. Chief Grimes disclaimed the above policy (stated in paragraph 3) in discovery.

**RESPONSE:** Admit.

5. Former Defendant Chief Gemme of the Worcester Police Department previously had a policy of imposing sporting-type restrictions on all first-time LTC’s, but he rescinded this policy and was dismissed from this lawsuit.

**RESPONSE:** The Defendants are without sufficient knowledge or information to admit or deny what was the previous gun-licensing policy of Chief Gary Gemme, Worcester.

6. During the pendency of this case, the *Boston Globe* published an article [Brian MacQuarrie, “Want a gun license in Massachusetts? Much depends on where you live,” Boston Globe (Mar. 10, 2013)] that detailed some Chiefs’ practices, observing that some routinely issue unrestricted LTC’s to qualified applicants, while others are “reluctant” to

do so, others require a special showing, and others have adopted blanket policies.

**RESPONSE:** The Defendants admit that the Boston Globe published such an article on March 10, 2013, but are without sufficient knowledge or information to state whether the information contained therein is entirely accurate.

Respectfully submitted,

The Defendants,  
RICHARD C. GRIMES, in his Official Capacity as  
Chief of the Weymouth Police Department, and  
ROBERT L. CHAMPAGNE, in his Official  
Capacity as Chief of the Peabody Police  
Department,  
By their attorneys  
**PIERCE, DAVIS & PERRITANO, LLP**

/s/ Adam Simms  
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document filed through the Electronic Case Filing System, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that a paper copy shall be served upon those indicated as non-registered participants on July 31, 2013.

/s/ Adam Simms  
Adam Simms