

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHRISTOPHER DAVIS, *et al.*

Plaintiffs,

v.

RICHARD C. GRIMES, in his official
capacity as Chief of the Weymouth Police
Department, *et al.*,

Defendants.

Civil Action No.
1:13-cv-10246-FDS

**ASSENTED-TO MOTION OF THE COMMONWEALTH OF MASSACHUSETTS TO
ENLARGE ITS TIME TO FILE SUPPLEMENTAL MEMORANDUM**

Pursuant to Fed. R. Civ. P. 6(b), the defendant-intervenor Commonwealth of Massachusetts moves to enlarge its time to file the supplemental memorandum requested by this Court in its Memorandum and Order on Motions for Summary Judgment (Doc. 71) by an additional seven days to, and including, May 5, 2014. All plaintiffs and defendants, by their counsel, have assented to the allowance of this motion.

As grounds, the Commonwealth states:

1. On June 25, 2013, the Court granted the Commonwealth leave to intervene in this action pursuant to 28 U.S.C. § 2403(b) and Fed. R. Civ. P. 24(a)(1) to defend the constitutionality of Mass. Gen. L. c. 140, § 131, which plaintiffs have drawn into question.

2. On March 26, 2014, the Court issued a Memorandum and Order on Motions for Summary Judgment in which it directed the parties to file supplemental memoranda no later than April 25, 2014, addressed to certain issues specified in the Order.

3. The Commonwealth now respectfully requests an additional ten days to file its supplemental memorandum (to, and including, May 5, 2014).

4. Undersigned counsel seeks this enlargement of time because of the press of other matters for which he is responsible in the Office of the Massachusetts Attorney General. As Chief of the Administrative Law Division, undersigned counsel has supervisory responsibility for a large number of civil actions against Massachusetts officials and agencies, including challenges to state statutes, regulations, programs, and administrative agency decisions. Among many others, the following cases have recently required substantial supervisory attention: *Zogenix, Inc. v. Deval Patrick, et al.*, U.S.D.C. no. 1:14-cv-11689 (challenge to emergency order authorizing conditional ban on prescription of Zohydro ER); and *Town of Barnstable, et al. v. Berwick, et al.*, U.S.D.C. no. 1:14-10148-RGS (constitutional challenge to power purchase agreement between Cape Wind and NStar). Because of the press of these and other matters, undersigned counsel has not had adequate time to prepare the Commonwealth's supplemental memorandum.

5. In addition, undersigned counsel has a previously scheduled vacation the week of April 20, and so will not be able to complete the memorandum during that time.

6. Finally, the Court has raised a number of questions about the construction of certain provisions of the Massachusetts gun licensing law, Mass. G.L. c. 140, §131. Before the Commonwealth's supplemental memorandum is final, it must be reviewed and approved within the Office of the Attorney General and circulated to state officials who are responsible for administration of the gun licensing laws. The Commonwealth requests this enlargement of time to accommodate this additional internal review of the memorandum.

5. Plaintiffs' counsel has informed undersigned counsel that he intends to file his memorandum, as ordered, on April 25, but that he assents to the Commonwealth's motion for an enlargement. Counsel for the defendant Police Chiefs of Peabody and Weymouth also assents to this motion and respectfully requests that, if it is granted, the time for the defendant Police Chiefs to file their memoranda also be enlarged to May 5, 2014.

WHEREFORE, the Commonwealth respectfully requests that the time within which it must file and serve its supplemental memorandum be enlarged to, and including, May 5, 2014, and that the time for the defendant Police Chiefs to file their memoranda also be enlarged to and including May 5, 2014.

Respectfully submitted,

MARTHA COAKLEY
ATTORNEY GENERAL OF MASSACHUSETTS

/s/ William W. Porter

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April 22, 2014

Certification of Compliance With L.R. 7.1(A)(2)

The undersigned counsel for the Commonwealth certifies that he contacted counsel for all parties by telephone April 18, 2014, and all have assented to this motion.

Certificate of Service

I hereby certify that this document was filed through the Electronic Case Filing (ECF) system and thus copies will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF); paper copies will be sent to those indicated on the NEF as non registered participants on or before April 22, 2013.

/s/ William W. Porter

William W. Porter

Assistant Attorney General