

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

JEAN BATTY; EDWARD RUSSO; MARY
LEARNING; KEN TRUDELL; MATT WOLF;
PAUL P. BARNETT; CRAIG VACCA; DAVID
GOLDMAN; JANELLE GOLDMAN; and
COMMONWEALTH SECOND AMENDMENT,
INC.,
 Plaintiffs

C.A. 15-10238-FDS

v.

KEN ALBERTELLI, in his Official Capacity as
Chief of the Winchester Police Department;
RICHARD C. GRIMES, in his Official Capacity as
Chief of the Weymouth Police Department;
WILLIAM TAYLOR, in his Official Capacity as
Superintendent of the Lowell Police Department;
and DAVID A. PROVENCHER, in his Official
Capacity as Chief of the New Bedford Police
Department,
 Defendants

**MEMORANDUM OF LAW IN SUPPORT OF ASSENTED-TO MOTION OF THE
DEFENDANT, WILLIAM TAYLOR, TO STAY THIS ACTION AS TO HIM,
IN HIS OFFICIAL CAPACITY AS
SUPERINTENDENT OF THE LOWELL POLICE DEPARTMENT**

Defendant, William Taylor, Superintendent of the Lowell Police Department (“Lowell”), hereby respectfully moves this Honorable Court, with Plaintiffs’ consent, to stay this action in its entirety as to Lowell for a period of four weeks or until a conference is scheduled in this matter pursuant to Fed. R. Civ. P. 16(b) and L. R. 16.1, whichever is sooner. In support of this Motion, Lowell states as follows:

- 1. Lowell has reviewed certain policies of the Lowell Police Department, including the policy governing the issuance of firearms (the “Firearms Licensing Policy”);
- 2. Lowell is prepared to publish a new Firearms Licensing Policy forthwith;

3. Plaintiffs are aware of Lowell's intention to publish a new Firearms Licensing Policy and the parties have engaged in discussions regarding the same;
4. The parties agree that pursuant to the issuance of the new policy, the Plaintiffs will apply to Lowell for unrestricted licenses to carry a firearm;
5. The issuance of the new Firearms Licensing Policy and/or the adjudication of Plaintiffs' applications may render this lawsuit moot as to Lowell;
6. In the event that the lawsuit is not mooted by the foregoing events, the parties reserve all rights to continue with the instant proceedings, including the assertion of all claims and defenses that have been raised hereto or that may be raised.

WHEREFORE, Lowell respectfully requests that this Honorable Court:

Enter a stay of this action as to William Taylor, Superintendent of the Lowell Police Department, for a period of four weeks or until a conference is scheduled in this matter pursuant to Fed. R. Civ. P. 16(b) and L. R. 16.1, whichever is sooner.

Continue the hearing in this matter that is currently scheduled for September 17, 2015 on Lowell's Motion to Stay this Action Under the Doctrine of Pullman Abstention and to Enlarge Lowell's Time to Respond to the Amended Complaint.

September 16, 2015

Respectfully submitted,
DEFENDANT, WILLIAM TAYLOR,
SUPERINTENDENT, LOWELL POLICE
DEPARTMENT

/s/ Rachel M. Brown
Kenneth J. Rossetti, 1st Assistant City Solicitor
BBO # 637135
Rachel M. Brown, Assistant City Solicitor
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Assented to by:

THE PLAINTIFFS,
By their attorneys,

/s/ David D. Jensen

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing document was filed through the Electronic Case Filing System for filing and electronic service to the registered participants as identified on the Notice of Electronic Filing on September 16, 2015.

s/ Rachel M. Brown

Rachel M. Brown, Assistant City Solicitor