

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JEAN BATTY; EDWARD RUSSO; MATT)	
WOLF; PAUL P. BARNETT; CRAIG VACCA;)	
DAVID GOLDMAN; JANELE GOLDMAN; and)	
COMMONWEALTH SECOND AMENDMENT,)	CIVIL ACTION NO.
INC.,)	1:15-cv-10238-FDS
)	
Plaintiffs,)	
)	
-against-)	
)	
KEN ALBERTELLI, in his official Capacity as)	
Chief of the Winchester 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.)	
)	
)	

**JOINT STATEMENT
PURSUANT TO L.R. 16.1**

The parties make this Joint Statement pursuant to Local Rule 16.1(d).

I. DISCOVERY PLAN

1. Topics on which Discovery may be Needed

- Defendants’ practices related to imposing and/or removing “hunting,” “target,” and/or “sporting”-type restrictions on licenses to carry firearms (or “LTC’s”) issued pursuant to M.G.L. c. 140, § 131; and
- Details regarding the LTC’s each Defendant has issued, such as the number that do and do not carry restrictions and the bases for imposing, not imposing, and/or removing restrictions on those LTC’s.

2. Proposed Discovery Plan

Pursuant to LR 16.1(d)(1)(b), the parties have discussed the desirability of conducting phased discovery and will attempt to resolve the above factual issues

by means of the requisite Rule 26(a) disclosures and written discovery. With reference to the Court's proposed scheduling order:

1. Initial disclosures. The parties will exchange Rule 26(a) disclosures by December 15, 2015.
2. Amendments to pleadings. Except for good cause shown, motions seeking leave to add new parties or to amend the pleadings to assert new claims or defenses shall be filed by December 15, 2015.
3. Fact discovery – interim deadlines:
 - a. The parties will exchange their first written discovery requests no later than February 1, 2016.
 - b. In the event that issues of fact remain, the parties will complete any necessary depositions during April and/or May and no later than May 20, 2016.
4. Fact discovery – final deadline. All discovery must be completed by June 3, 2016.
5. Status conference. While the Court will set the date of this conference, the parties suggest scheduling this conference on or about May 6, 2016.
6. Expert discovery. The parties do not presently intend to use expert witnesses.
7. Dispositive motions. The parties will file dispositive motions by June 30, 2016.

3. Contemplated Motions

Defendant Albertelli will file a Motion to Dismiss regarding Plaintiff, Jean Batty after initial disclosures.

As indicated above, the parties anticipate moving for dispositive relief no later than June 30, 2016.

Defendant Superintendent Taylor has advised that he is adopting a new policy to govern the issuance of LTC's, including unrestricted LTC's. Plaintiffs and this Defendant have agreed to submit an assented-to motion to stay the claims against Superintendent Taylor once he releases this policy (so as to allow the pertinent Plaintiffs to request the removal of their LTC restrictions).

4. Issues with Electronically Stored Information

There do not appear to be any issues with the production of electronically stored information.

5. Issues with Claims of Privilege or Work Product Protection

Based on the parties' current understanding, there are no issues with claims of privilege or work product protection.

6. Whether Trial by Magistrate Judge would be Appropriate

After considering the matter, the parties do not feel that trial before a magistrate judge would be appropriate.

Respectfully submitted,

THE PLAINTIFFS,
By their attorneys,

/s/ David D. Jensen
David D. Jensen, Admitted *Pro Hac Vice*
DAVID JENSEN PLLC
111 John Street, Suite 420
New York, New York 10038
Tel: 212.380.6615
Fax: 917.591.1318
david@djensenpllc.com

Patrick M. Groulx, BBO #673394
Grolman LLP
321 Columbus Avenue
Boston, Massachusetts 02116
Tel: 617.859.8966
Fax: 617.859.8903
patrick@grolmanllp.com

Dated: November 3, 2015

DEFENDANT KENNETH C. ALBERTELLI
By his attorney,

/s/ Wade M. Welch
Wade M. Welch, Esq.
Welch & Donohoe, LLP
655 Summer St., Suite 203
617-428-0222
BBO # 522160
wwelch@welchdonohoe.com

Dated: November 3, 2015

DEFENDANT WILLIAM TAYLOR,
SUPERINTENDENT, LOWELL POLICE
DEPARTMENT

/s/ Kenneth J. Rossetti

Kenneth J. Rossetti, 1st Assistant City Solicitor
BBO # 637135

Rachel M. Brown, Assistant City Solicitor
BBO # 667369

City of Lowell Law Department
375 Merrimack Street, 3rd Floor

Lowell, MA 01852-5909

Tel: 978-674-4050

Fax: 978-453-1510

krossetti@lowellma.gov

rbrown@lowellma.gov

Dated: November 3, 2015

DEFENDANT DAVID A. PROVENCHER

By his attorney,

/s/ Kreg R. Espinola

Kreg R. Espinola, Esq.

BBO # 649389

Assistant City Solicitor

City of New Bedford

133 William Street, Room 203

New Bedford, MA 02740

(508) 979-1460

kreg.espinola@newbedford-ma.gov

Dated: November 3, 2015

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on 3 November 2015.

/s/ David D. Jensen

David D. Jensen, Esq.