

UNITED STATES COURT
DISTRICT OF MASSACHUSETTS

In re:)
Jean Batty; Edward Russo; Mary)
Learning; Ken Trudell; Matt Wolf;)
Paul P. Barnett; Craig Vacca; David)
Goldman; Janele Goldman; and)
Commonwealth Second Amendment,)
Inc.,)
Plaintiffs.)

CIVIL ACTION NO.
1:15-cv-10238

-against-

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 the)
Chief of the New Bedford Police)
Department,)
Defendants.)

**DEFENDANT KEN ALBERTELLI, AS CHIEF OF THE WINCHESTER POLICE
DEPARTMENT'S INITIAL DISCLOSURES TO
PLAINTIFF JEAN BATTY AND EDWARD RUSSO
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26(a)(1)**

Pursuant to Federal Rule of Civil Procedure 26(a)(1) defendant Chief Albertelli through his undersigned counsel, makes the following initial disclosures to the referenced plaintiffs in the above-referenced lawsuit. These disclosures are based on information presently known and reasonably available to Chief Albertelli and which Chief Albertelli reasonably believes he may

use in support of his claims and defenses. Continuing investigation and discovery may cause Chief Albertelli to amend these initial disclosures, including by identifying other potential witnesses, documents and by disclosing other pertinent information. Chief Albertelli therefore reserves the right to supplement these initial disclosures.

By providing these initial disclosures, Chief Albertelli does not represent that he is identifying every document, tangible thing or witness possibly relevant to this action. In addition, these disclosures are made without Chief Albertelli in any way waiving his right to object to any discovery request or proceeding involving or relating to the subject matter of these disclosures on any grounds, including competency, privilege, relevancy and materiality, hearsay, undue burden, confidentiality, or any other appropriate grounds. Furthermore, these disclosures are not an admission by Chief Albertelli regarding any matter.

Each and every disclosure set forth below is subject to the above qualifications and limitations.

1. Individuals Likely To Have Discoverable Information

Individuals likely to have discoverable factual information that Chief Albertelli may use to support his defenses in the above-referenced lawsuit are identified in below.

Kenneth Albertelli
Chief of Police
Winchester Police Department
30 Mount Vernon Street
Winchester, MA 01890

Barbara Bosco
Administrative Assistant to the Chief of Police
Winchester Police Department
30 Mount Vernon Street
Winchester, MA 01890

Paul Deluca
Winchester Police Officer (Retired)
Winchester Police Department
30 Mount Vernon Street
Winchester, MA 01890

Jean Batty
558 First Parish Road
Scituate, MA 02066

D. Scott Batty, Jr.
558 First Parish Road
Scituate, MA 02066

Edward Russo
18 Glenwood Avenue
Winchester, MA 01890

2. Description of Documents

The following enumerates documents, data compilations, and other tangible things in the possession, control or custody of Chief Albertelli that may use to support his defenses:

a. Documents which comprise (or will comprise) the file of each referenced Plaintiff and related information regarding the plaintiff's application to Chief Albertelli for a license to carry a firearm . These documents include submissions from the plaintiffs to Chief Albertelli as well as internal documents and notes of those officials supporting Chief Albertelli's decision making process as well as the communications with the plaintiff.

Project.

b. Documents which compromise communication and transmittal with the state regarding criminal record investigation of the plaintiffs.

3. Computation of Damages

Chief Albertelli denies liability for damages and does not seek recovery of damages from the plaintiffs in either lawsuit (other than recovery of costs and attorney fees). Chief Albertelli would present evidence of its court costs and attorney fees after the claims against it have been denied or dismissed.

4. Initial Disclosure

Documents will be produced electronically to plaintiffs no later than December 22, 2015.

5. Disclosure of Expert Testimony

There are no expert witnesses for the Defendant identified at this time.

6. Insurance

The Town of Winchester is self- insured for claims related to the Plaintiffs lawsuit.

Respectfully submitted
Ken Albertelli, Chief of Police
Town of Winchester
By his attorney

/s/ Wade M. Welch
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Dated: December 15, 2015

CERTIFICATE OF SERVICE

The undersigned member of the Bar certifies that a copy of the foregoing document was served by first class mail or by electronic mail as shown on December 15, 2015.

/s/ Wade M. Welch

Wade M. Welch

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