

**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,
INC.,

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.

CIVIL ACTION NO.
1:15-cv-10238-FDS

**ASSENTED MOTION, BY AND BETWEEN PLAINTIFFS WOLF, BARNETT, VACCA,
AND COMMONWEALTH SECOND AMENDMENT, INC., AND DEFENDANT,
LOWELL POLICE SUPERINTENDENT TAYLOR, TO STAY PLAINTIFFS’ CLAIMS
AGAINST SUPERINTENDENT TAYLOR PENDING PLAINTIFFS’ REAPPLICATION
FOR LICENSES TO CARRY UNDER NEW LOWELL POLICY**

Plaintiffs Matt Wolf, Paul P. Barnett, Craig Vacca, and Commonwealth Second Amendment, Inc. (collectively, “Lowell Plaintiffs”), and Defendant, William Taylor, Superintendent of the Lowell Police Department (“Superintendent Taylor”), hereby move, on an assented basis, for entry of a stay of the Lowell Plaintiffs’ claims against Superintendent Taylor in this action, and in support of this assented motion, the moving parties state the following:

1. In accordance with the parties’ Joint Statement of November 3, 2015 (Document No. 38, Part 3, Page 2), the moving parties respectfully seek a stay of the Lowell Plaintiffs’

claims against Superintendent Taylor, as Superintendent Taylor has rolled out a new policy on issuing licenses to carry firearms in the City of Lowell.

2. Plaintiffs Wolf, Barnett and Vacca will have the chance to reapply for an unrestricted license to carry a firearm under the new policy in Lowell.

3. The decisions on such reapplications may moot or otherwise resolve the Lowell Plaintiffs' claims against Superintendent Taylor in this action.

4. In light of the foregoing, and in the interest of litigation economy, the moving parties hereto respectfully ask this Honorable Court on an assented basis to stay the Lowell Plaintiffs' claims against Superintendent Taylor for a period of sixty (60) days following the Court's Order, or for such an alternative period of time as this Honorable Court deems meet and just.

WHEREFORE, the Lowell Plaintiffs and Superintendent Taylor respectfully move on an assented basis for entry of a stay of the Lowell Plaintiffs' claims against Superintendent Taylor for a period of sixty (60) days, or for such an alternative period of time as this Honorable Court deems meet and just.

Respectfully submitted,

PLAINTIFFS WOLF, BARNETT, VACCA, AND
COMMONWEALTH SECOND AMENDMENT, INC.

By their attorneys,

/s/ David D. Jensen

David D. Jensen, Admitted *Pro Hac Vice*

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Dated: February 18, 2016

LOWELL SUPERINTENDENT WILLIAM TAYLOR,
By his attorneys,

/s/ Kenneth J. Rossetti

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Dated: February 18, 2016

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)

I hereby certify that I conferred with counsel of record for the Lowell Plaintiffs noted above prior to filing the foregoing assented Motion.

/s/ Kenneth J. Rossetti

Kenneth J. Rossetti, 1st Assistant City Solicitor

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 February 18, 2016.

/s/ Kenneth J. Rossetti

Kenneth J. Rossetti, 1st Assistant City Solicitor