

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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JEAN BATTY, <i>et al.</i> ,)	
)	
	Plaintiffs,)	
)	CIVIL ACTION NO.
	-against-)	1:15-cv-10238-FDS
)	
KEN ARBETELLI, <i>et al.</i> ,)	
)	
	Defendants.)	
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**[PROPOSED] ORDER OF DISMISSAL AS TO CHIEF PROVENCHER
OF THE NEW BEDFORD POLICE DEPARTMENT**

WHEREAS:

- 1) Plaintiffs commenced this action seeking declaratory and injunctive relief against the practice of placing “target,” “hunting,” and “sporting”-type restrictions on licenses to carry firearms (“LTCs”) issued under M.G.L. c. 140, § 131; and
- 2) Defendant Chief Provencher (the designated “licensing authority” for the City of New Bedford) unexpectedly passed away on December 13, 2015, and Rule 25(d) of the Federal Rules of Civil Procedure provides for the automatic substitution of his successor(s); and
- 3) Both Chief Provencher’s interim successor and the New Bedford Police Department have decided to change the Department’s policies for issuing LTC’s such that they will no longer impose “target,” “hunting,” or “sporting”-type restrictions on the LTC’s of otherwise eligible applicants unless the Department has a specific concern with a particular applicant; and
- 4) Chief Provencher’s interim successor and the New Bedford Police Department have directed the pertinent Massachusetts agency (the Firearms Records Bureau or “FRB”) to

issue unrestricted LTC's to Plaintiffs David Goldman and Janele Goldman and will direct FRB to issue unrestricted LTC's to otherwise eligible current holders of LTC's who request them, NOW THEREFORE:

It is hereby agreed and stipulated that the claims against Defendant Chief Provencher (only) shall be DISMISSED, without prejudice, with all rights of appeal waived, and with each party to bear its own costs and attorney's fees.

Dated: April 6, 2016

/s/ David D. Jensen
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*Attorney for Defendant Chief Provencher,
His Successor, and the New Bedford Police
Department*

It is SO ORDERED this ____ day of April, 2016.

F. Dennis Saylor IV
United States District Judge

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 6 April 2016.

/s/ David D. Jensen
David D. Jensen