

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.,)	CIVIL ACTION NO.
)	1:15-cv-10238
Plaintiffs.)	
_____)	
)	
)	
-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'S
MOTION FOR JUDGMENT ON THE PLEADINGS
OR IN THE ALTERNATIVE MOTION FOR SUMMARY JUDGMENT

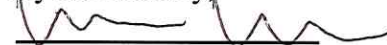
Defendant Ken Albertelli, Chief of Police of the Town of Winchester (Chief Albertelli) hereby moves this Court, pursuant to Federal Rule of Civil Procedure 12 (c) for judgment on the pleadings or in the alternative, Rule 56 for Summary Judgment in favor of the Defendant Chief

Albertelli. As grounds for this motion, Defendant Albertelli states that: 1) Plaintiffs fail, as a matter of law, to satisfy the standard for a substantive due process violation; 2) Plaintiffs fail to establish an actionable constitutional violation and that similarly situated individuals were treated differently in violation of plaintiff's equal protection rights ; 3) Finally, Plaintiffs fail to establish an actionable deprivation of their Second Amendment rights by Defendant Chief Albertelli.

For the reasons set forth in Defendant's Memorandum of Law filed herewith, Defendant Chief Albertelli requests the Court grant this Motion for Judgment on the Pleading, or in the alternative, Summary Judgment.

Respectfully submitted,
Ken Albertelli, Chief of Police
Town of Winchester

By his attorney,



Wade Welch, Esquire BBO# 522160

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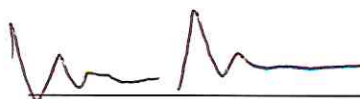
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wwelch@welchdonohoe.com

Dated: July 7, 2016

CERTIFICATE OF LOCAL RULE 7 CONFERENCE

I, Defendant's Counsel, hereby that I conferred with Plaintiffs' Counsel in a good faith attempt to resolve or narrow the issues presented in this motion.



Wade M. Welch, Esquire

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 July 7, 2016.



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