

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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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.

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

**MOTION OF DEFENDANT, LOWELL POLICE SUPERINTENDENT TAYLOR,  
TO DISMISS PLAINTIFFS' CLAIMS BASED ON MOOTNESS/STANDING GROUNDS**

Defendant William Taylor, Superintendent of the Lowell Police Department (“Superintendent Taylor”), hereby moves to dismiss the claims of Plaintiffs Matt Wolf, Paul P. Barnett, Craig Vacca, and Commonwealth Second Amendment, Inc. (collectively, “Lowell Plaintiffs”) against Superintendent Taylor in the Amended Complaint, based on mootness/standing grounds in light of the new policy enacted by the City, after the start of this suit, regarding the issuance of licenses to carry a firearm under MGL c. 140, § 131.

In support of this Motion, and in accordance with the Local Rules of this Honorable Court, Superintendent Taylor relies upon, and incorporates herein by reference in its entirety, his Memorandum in Support of Dispositive Motion.

WHEREFORE, Superintendent Taylor respectfully asks that this Honorable Court award the following relief:

1. Enter an order dismissing the Lowell Plaintiffs' claims in their entirety; and
2. Award to Superintendent Taylor such other and further relief as this Honorable Court deems meet and just.

LOWELL SUPERINTENDENT WILLIAM TAYLOR,  
By his attorneys,

/s/ Kenneth J. Rossetti

Kenneth J. Rossetti, 1<sup>st</sup> Assistant City Solicitor  
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Dated: July 7, 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 this Motion.

/s/ Kenneth J. Rossetti

Kenneth J. Rossetti, 1<sup>st</sup> 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 July 7, 2016.

/s/ Kenneth J. Rossetti

Kenneth J. Rossetti, 1<sup>st</sup> Assistant City Solicitor