UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

JEAN BATTY; EDWARD RUSSO; MATT WOLF; PAUL P. BARNETT; CRAIG VACCA; and COMMONWEALTH SECOND AMENDMENT, INC., Plaintiffs,)))) CIVIL ACTION NO.) 1:15-cv-10238-FDS
-against-)
KEN ALBERTELLI, in his official Capacity as Chief of the Winchester Police Department; and WILLIAM TAYLOR, in his Official Capacity as Superintendent of the Lowell Police Department,))))
Defendants.)))

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT AGAINST DEFENDANT CHIEF KEN ALBERTELLI

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1 of this Court, Plaintiffs Jean Batty, Edward Russo, and Commonwealth Second Amendment, Inc., hereby move for summary judgment against Defendant Chief Albertelli as follows:

- 1. declaratory judgment that Defendant's policy and/or practice of withholding unrestricted Licenses to Carry Firearms ("LTC's") violates Plaintiffs' Second Amendment right to keep and bear arms;
- 2. an injunction directing Defendant to re-issue unrestricted LTC's to Plaintiffs Jean Batty and Edward Russo;
- 3. an injunction directing Defendant to refrain from issuing LTC's subject to "Target & Hunting" restrictions or other restrictions that would preclude the bearing of functional handguns for protection; and,
- 4. such other, alternative, and/or further relief as the Court finds just or equitable.

In support of this motion, Plaintiffs rely on the pleadings, Plaintiff's Rule 56.1 statement, the affidavits and exhibits submitted to the Court, and Plaintiffs' memorandum of law.

Respectfully submitted,

THE PLAINTIFFS, By their attorneys,

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Dated: July 8, 2016 patrick@grolmanllp.com

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 8 July 2016.

/s/ David D. Jensen
David D. Jensen, Esq.