

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. 2084CV01035

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AMERICAN CIVIL LIBERTIES UNION OF )  
MASSACHUSETTS, INC., )  
) )  
Plaintiff, )  
v. )  
) )  
BRISTOL COUNTY SHERIFF’S OFFICE, )  
) )  
Defendant. )

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**AFFIDAVIT OF CHRISTOPHER E. HART**

Christopher E. Hart, under oath, deposes and states as follows:

1. I am an attorney admitted to practice law within the Commonwealth of Massachusetts.
2. I am a partner at the law firm Foley Hoag LLP, and am counsel of record to the American Civil Liberties Union of Massachusetts (ACLUM) in the above-captioned matter.
3. This affidavit is offered in support of Plaintiff’s Statement of Material Facts In Support of Plaintiff’s Motion for Summary Judgment.
4. As counsel for ACLUM, I interacted with counsel for the Defendant regarding Defendants’ responses to the ACLUM’s May 4, 2020 public records request (“Request”) at issue in this matter.
5. As of December 17, 2020, BCSO had not provided the written response and affidavit concerning Requests 6, 8, and 10 ordered by the Court on October 27.

6. ACLUM informed the Court and BCSO of this noncompliance in a December 17, 2020 request for a status conference.

7. ACLUM has not been provided any information from BCSO, either orally or in writing, that prior to December 17, 2020, BCSO conducted a search for emails and other electronic records responsive to Requests 6, 8, and 10.

8. From March 4 to 24, 2021, BCSO did not provide ACLUM with any information concerning any search for electronic records responsive to Requests 6, 8, and 10.

9. Since its April 9, 2021 production of emails, BCSO has not provided ACLUM with any additional records, nor has it provided ACLUM with any information concerning the status of its collection, review, and production of electronic records responsive to Requests 6, 8, and 10.

10. Over a series of visits from March through May, 2021, and in coordination with the Clerk's office, I reviewed the unredacted documents that BCSO filed with the court under seal pursuant to the Court's June 25 Order, including video that BCSO produced.

11. At a meet and confer on December 17, 2021, counsel for BCSO represented that it intended to "complete" its production of email as soon as possible, and no later than December 24, 2021. It further represented that it would produce any additional documents under seal, and would continue relying on all claimed exemptions.

12. During the December 17, 2021 meet and confer, counsel for BCSO stated numerous times that they were simply waiting for DHS to issue its report, and that if it were to issue its report, the dispute would be "moot." However, when I inquired whether BCSO meant by those comments to concede that the privacy and anti-terrorism exemptions did not apply, thus narrowing the parties' dispute, counsel for BCSO refused to make that concession.

Signed under the penalties and pains of perjury this 22nd Day of December 2021.

/s/ Christopher E. Hart  
Christopher E. Hart (BBO # 625031)