

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPERIOR COURT
C.A. No. 2384CV01076

AMERICAN CIVIL LIBERTIES UNION OF
MASSACHUSETTS, INC.,

Plaintiff,

v.

OFFICE OF THE STATE AUDITOR,

Defendant.

PLAINTIFF'S CROSS-MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Massachusetts Rules of Civil Procedure and Superior Court Rule 9A, Plaintiff American Civil Liberties Union of Massachusetts, Inc. ("ACLUM") hereby cross-moves for summary judgment against Defendant Office of the State Auditor ("OSA"). As described in the accompanying memorandum of law, OSA has unlawfully withheld audit reports concerning prisoner deaths and healthcare responsive to ACLUM's public records requests and has failed to satisfy its burden to prove that its claimed exemption applies. Accordingly, ACLUM respectfully asks the Court to deny Defendant's motion for summary judgment, grant ACLUM's cross-motion, and order release of the subject records.

Dated: November 17, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Natalie F. Panariello, hereby certify that, on November 17, 2023, a true and accurate copy of the foregoing document was served by email on the following:

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/s/ Natalie F. Panariello
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