



**THE COMMONWEALTH OF MASSACHUSETTS**

OFFICE OF THE  
**BRISTOL COUNTY SHERIFF**

**THOMAS M. HODGSON**  
SHERIFF

400 Faunce Corner Road  
North Dartmouth, MA 02747

TEL 508-995-1311  
FAX 508-995-7835

June 10, 2020

ATTN: Session Judge  
Suffolk Superior Court  
Suffolk County Courthouse, 12<sup>th</sup> Floor  
Three Pemberton Square  
Boston, MA 02108

*Re: American Civil Liberties Union of Massachusetts v. Bristol County Sheriff's Office  
Docket No. 2084CV01035*

Dear Session Judge:

Enclosed for filing and the Court's consideration in the above referenced matter, please find Defendant's Motion for Leave to File a Surreply.

Thank you.

Very truly yours,

A handwritten signature in cursive script that reads "Lorraine Rousseau".

Lorraine J. Rousseau, Esq.

Enc.

cc: Christopher Hart, Esq.  
Nicholas Anastasi, Esq.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT  
C.A. NO. 2084CV01035

AMERICAN CIVIL LIBERTIES UNION )  
OF MASSACHUSETTS, )  
Plaintiff, )  
 )  
v. )  
 )  
BRISTOL COUNTY SHERIFF’S OFFICE, et al., )  
Defendants )

**DEFENDANT’S MOTION FOR LEAVE TO FILE A SURREPLY**

The Defendant Bristol County Sheriff’s Office (“BCSO”) hereby moves this Honorable Court pursuant Superior Court Rule 9A(a)(6) to permit it to file a surreply to Plaintiff American Civil Liberties Union of Massachusetts’ Reply to Defendants’ Opposition to Plaintiff’s Request for Injunctive Relief. A hearing was held on June 9, 2020 on Plaintiff’s request for injunctive relief, pursuant to which Plaintiff seeks the immediate release under the Massachusetts Public Records Law of all BCSO records relating to a violent disorder incident by Immigration and Customs Enforcement (“ICE”) detainees being in held in the BCSO’s C. Carlos Carreiro Detention Center that resulted in extensive property damage and injury to BCSO employees and ICE detainees (“Incident”). Following the Incident, the BCSO was notified that the Inspector General (“IG”) in the United States Department of Justice and the Massachusetts Attorney General’s Office (“AG”) would be conducting independent investigations regarding the Incident.

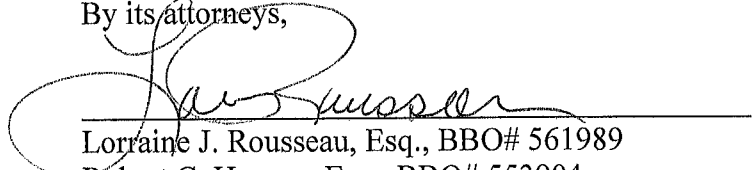
During the hearing, the Court inquired regarding whether the Defendant possessed documentary records evidencing these independent investigations by the IG and AG not previously submitted with Defendant’s Opposition to Plaintiff’s Request for Injunctive Relief. Further, the Court inquired regarding whether the BCSO was conducting its own investigation regarding the Incident. In response to the Court’s inquiries, and in order to provide the Court

with the clearest factual picture upon which to evaluate the parties' arguments, the Defendant respectfully requests leave to file a surreply for the limited purpose of filing documentary evidence relating to the IG and AG's investigations and the Affidavit of Lorraine J. Rousseau, Esq. attesting to the pending internal investigation being conducted by the BCSO relating to the May 1, 2020 Incident. Upon the Court's allowance of this motion, the Defendant shall file its surreply within five days not to exceed five pages in total.

WHEREFORE, for the above-stated reasons, the Defendant respectfully requests that the court grant them leave to file a surreply to Plaintiff's Reply to Defendants' Opposition to Plaintiff's Request for Injunctive Relief and for such other relief as the court deems just and proper.

Date: June 10, 2020

Respectfully submitted,  
The Defendant,  
By its attorneys,

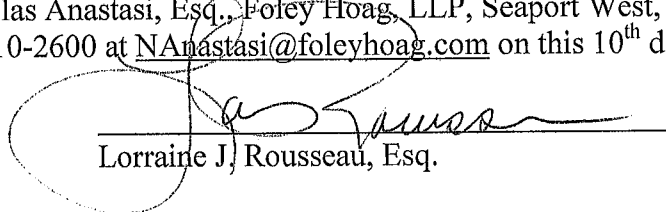


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[RobertHeroux@bcso-ma.org](mailto:RobertHeroux@bcso-ma.org)

CERTIFICATE OF SERVICE

I, Lorraine J. Rousseau, Esq., hereby certify that I have caused a copy of Defendant's Motion for Leave to File a Surreply to be served by email transmission to Christopher Hart, Esq., Foley Hoag, LLP, Seaport West, 155 Seaport Boulevard, Boston, MA 02210-2600 at [CHart@foleyhoag.com](mailto:CHart@foleyhoag.com), and to Nicholas Anastasi, Esq., Foley Hoag, LLP, Seaport West, 155 Seaport Boulevard, Boston, MA 02210-2600 at [NAnastasi@foleyhoag.com](mailto:NAnastasi@foleyhoag.com) on this 10<sup>th</sup> day of June, 2020.



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Lorraine J. Rousseau, Esq.