

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT OF
THE TRIAL COURT

AMERICAN CIVIL LIBERTIES UNION OF
MASSACHUSETTS, INC. and TAYLOR R.
CAMPBELL,

Plaintiffs,

v.

CITY OF BOSTON, BOSTON POLICE
DEPARTMENT, and REBECCA S. MURRAY, in her
official Capacity as the Supervisor of Records of the
Public Records Division of the Commonwealth of
Massachusetts,

Defendants.

**NOTICE OF MOTION AND MOTION
FOR PARTIAL SUMMARY
JUDGMENT AGAINST
DEFENDANTS CITY OF BOSTON
AND BOSTON POLICE
DEPARTMENT**

ORAL ARGUMENT REQUESTED

Docket No. 2084-cv-01802-H

PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiffs The American Civil Liberties Union of Massachusetts, Inc. (“ACLUM”) and Taylor R. Campbell (together, “Plaintiffs”), through counsel, hereby move for partial summary judgment as to Counts I and III of their Complaint seeking (1) a declaration that Defendants City of Boston (the “City”) and the Boston Police Department (“BPD,” and together with the City, the “City Defendants”) violated the Massachusetts Public Records Law (“PRL,” M.G.L. c. 66, § 10); and (2) requiring the immediate production of all public records responsive to (i) Mr. Campbell’s June 8, 2020 public records request and ACLUM’s June 9, 2020 public records request seeking records from the BPD related to its response to the racial justice demonstrations in May and June 2020 (the “Public Demonstrations Requests”); and (ii) ACLUM’s June 18, 2020 public records request seeking records from the BPD regarding its use of chemical agents since 2016 (the “Teargas Request”).¹

In support of their motion, Plaintiffs refer the Court to Plaintiffs’ Memorandum of Law in Support of Partial Summary Judgment, the supporting affidavits and exhibits filed herewith, and the pleadings filed in this action. Plaintiffs respectfully request that the Court grant their motion for partial summary judgment and declare the City Defendants in violation of the PRL,

¹ Plaintiffs do not presently move for summary judgment on the remaining public records requests that are at issue in this case, namely: ACLUM’s and Mr. Campbell’s June 9 & 18, 2020 requests regarding federal agency deployment (Ex. D & E to Complaint); ACLUM’s and Mr. Campbell’s September 1 & 8, 2019 requests regarding the so-called “Straight Pride Parade” (Ex. F & G to Complaint); ACLUM’s September 30, 2019 request regarding surveillance camera location (Ex. H to Complaint); and ACLUM’s November 6, 2019 request regarding the City Defendant’s collaboration with ICE (Ex. J to Complaint). Plaintiffs reserve their right to move for summary judgment or seek any other relief on those remaining public records requests. Plaintiffs also reserve their right to seek fees and costs, and to seek the imposition of punitive damages, at an appropriate time.

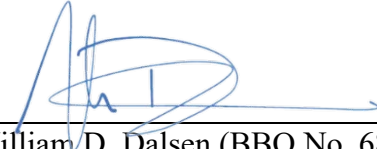
and order the immediate production of all public records responsive to the Public Demonstrations Requests and the Teargas Request.

Pursuant to Mass. Super. Ct. R. 9A(c)(2), Plaintiffs request a hearing on this motion.

Dated: February 26, 2021

/s/ Jessie J. Rossman

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CERTIFICATE OF CONFERENCE PURSUANT TO RULE 9(C)

Pursuant to Mass. Super. Ct. R. 9C, I hereby certify that the conference required by this Rule was held on February 18, 2021 at approximately 10:00 a.m. Eastern Time by teleconference between counsel to Plaintiffs (Jessie J. Rossman, Ruth A. Bourquin, William D. Dalsen, and Christina Maria Assi) and counsel to the City Defendants (Winifred Gibbons and Erika Reis). The parties were unable to resolve their dispute.

Dated: February 26, 2021

/s/ Jessie J. Rossman

Jessie J. Rossman

CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2021, I caused a copy of the foregoing document to be served by U.S. Mail and electronic mail upon counsel to Defendants.



William D. Dalsen