

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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<b>KENNETH MCLAUGHLIN and</b>	)	<b>C.A. 14-10270-DPW</b>
<b>JOSHUA WOOD,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>CITY OF LOWELL,</b>	)	
	)	
<b>Defendant.</b>	)	

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**CITY OF LOWELL’S MOTION FOR SUMMARY JUDGMENT**

Defendant City of Lowell, pursuant to Fed. R. Civ. P. 56, hereby respectfully requests that this Court grant summary judgment in favor of the City. The City’s ordinance respecting panhandling is narrowly tailored to meet the significant, and even compelling, governmental interests of economic development and public safety. The ordinance is not vague, and does not conduce to arbitrary enforcement; indeed, the ordinance is designed to reduce police “discretion.” Nor does the ordinance seek to target the homeless. Accordingly, the Plaintiffs’ challenges to the ordinance based on the First and Fourteenth Amendments must fail.

In support of this Motion, Plaintiffs rely on the accompanying Memorandum of Law, a Statement of Undisputed Material Facts, the Declaration of Hannah Pappenheim, an Appendix of Exhibits, and a (sealed) Statement of Confidential Facts and the exhibits thereto.

August 28, 2015

DEFENDANT, CITY OF LOWELL  
By Its Attorneys,

/s/ C. Michael Carlson  
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C. Michael Carlson, Assistant City Solicitor  
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**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)**

I hereby certify that I conferred by telephone with Plaintiffs' counsel concerning the subject matter of this motion.

August 28, 2015

/s/ C. Michael Carlson  
C. Michael Carlson, Assistant City Solicitor  
BBO #681286

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing document was filed through the Electronic Case Filing System for filing and electronic service to the registered participants as identified on the Notice of Electronic Filing on August 28, 2015.

/s/ C. Michael Carlson  
C. Michael Carlson