

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL MCCARTHY; WILLIAM R.
BIEWENGA; LAURIE WARNER; TIMOTHY
GALLIGAN; JIM SIMMONS; DAVID
LANTAGNE; TROY CITY TACTICAL LLC; DON
TOM GROUP LLC d/b/a PRECISION POINT
FIREARMS; SHOOTING SUPPLY LLC;
DOWNRANGE INC. d/b/a CAPE GUN WORKS;
FIREARMS POLICY COALITION, INC.;
COMMONWEALTH SECOND AMENDMENT,
INC.; and SECOND AMENDMENT
FOUNDATION, INC.,

Plaintiffs,

-against-

CHARLES D. BAKER, in his Official Capacity as
Governor of the Commonwealth of Massachusetts and
in his Individual Capacity; MONICA BHAREL MD,
MPH, in her Official Capacity as Commissioner of
the Massachusetts Department of Public Health and in
her Individual Capacity; JAMISON GAGNON, in his
Official Capacity as Commissioner of the Department
of Criminal Justice Information Services and in his
Individual Capacity; ALBERT F. DUPRE, in his
Official Capacity as Chief of the Fall River Police
Department and in his Individual Capacity; ROBERT
F. RUFO, in his Official Capacity as Chief of the
Woburn Police Department and in his Individual
Capacity; KEITH A. PELLETIER, in his Official
Capacity as Chief of the Westport Police Department;
and MATTHEW SONNABEND, in his Official
Capacity as Chief of the Barnstable Police
Department and in his Individual Capacity,

Defendants.

CIVIL ACTION NO.
1:20-cv-10701-DPW

**PLAINTIFFS' MOTION
FOR A TEMPORARY
RESTRAINING ORDER
AND A PRELIMINARY
INJUNCTION**

ORAL ARGUMENT
REQUESTED

COME NOW the Plaintiffs, who respectfully move the Court for the issuance of:

- 1) a temporary restraining order, and

2) a preliminary injunction

prohibiting the Defendants, their officers, agents, servants, employees, all persons in concert or participation with them and all persons who receive notice of the Court's Order, from enforcing COVID-19 Executive Order No. 13 and COVID-19 Executive Order No. 19 (and any other executive order or directive) so as to preclude lawfully licensed firearms and ammunition dealers from conducting retail sales of firearms or ammunition; provided, however, that licensed firearms and ammunition dealers shall be subject to and comply with the social distancing protocols provided by the Massachusetts Department of Health for services deemed "essential."

PLEASE TAKE NOTICE that this motion for a temporary restraining order and a preliminary injunction shall be heard on the basis of this motion and the accompanying memorandum of law and declarations, as well as all pleadings and other submissions in this case, and all other evidence that may be submitted to the Court.

PLEASE TAKE FURTHER NOTICE that, pursuant to Fed. R. Civ. P. 65(a)(2), the Plaintiffs hereby request that the Court consider advancing the trial on the merits of this matter and consolidating it with the hearing on this motion.

PLEASE TAKE FURTHER NOTICE that, concurrently with the filing of this motion and supporting papers, the Plaintiffs are transmitting the same papers to each of the Defendants by emailing them to contacts within the office of the Massachusetts Attorney General and emailing and/or faxing them to each of the respective Police Chiefs, and that Plaintiffs will secure personal service in the immediate future as to any Defendant that declines to waive more formal service.

ORAL ARGUMENT REQUESTED

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

Dated: April 14, 2020

Respectfully submitted,
THE PLAINTIFFS,
By their attorneys,

/s/ David D. Jensen
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on April 14, 2020.

/s/ David D. Jensen
David D. Jensen, Esq.