

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, S.S.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
C.A. NO. 1984CV00004

BAYSTATE FIREARMS AND TRAINING, LLC
And DOWNRANGE, INC.
d/b/a CAPE GUN WORKS,

Plaintiffs,

v.

MAURA HEALEY, ATTORNEY GENERAL
FOR THE COMMONWEALTH OF
MASSACHUSETTS,

Defendant.

PLAINTIFFS' MOTION FOR JUDGMENT ON THE PLEADINGS

The admitted and uncontroverted facts demonstrate that the Attorney General issued, without complying the state Administrative Procedures Act, an Enforcement Notice that interpreted a firearms licensing law with two new tests to determine if a firearm is a copy or duplicate of a banned "assault weapon." That Notice issued without the Office conducting a public hearing or advising affected parties of its intent to publish the Notice to allow comments to be submitted as required under G.L. c. 30A. The Attorney General widely disseminated the Notice, directing retailers to comply with the interpretations or risk prosecution. These facts are not in dispute.

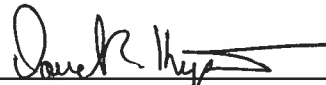
Judgment on the pleadings under Massachusetts Rules of Procedure 12(c) is therefore appropriate when two retailers, which previously sold firearms now governed and prohibited by the Notice, seek a declaration that the Notice is a regulation under state law and issued in

violation of G.L. c. 30A. The Court should enter judgment declaring that the Notice is invalid because it did not comply with the required procedures in the state Administrative Procedures Act.

WHEREFORE, the Plaintiffs request that the Court issue a judgment in favor of the Plaintiffs, declaring that the Attorney General's Enforcement Notice dated July 20, 2016 is invalid because it was issued in violation of the state Administrative Procedures Act contained in G.L. c. 30A and order that the Attorney General may not take any enforcement action against the Plaintiffs or other retail stores because those stores sell firearms which meet the new "Similarity Test" or "Interchangeability Test" but are not the enumerated firearms described in G.L. c. 140 §121.

PLAINTIFFS,

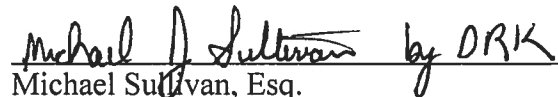
Baystate Firearms and Range, LLC and
Downrange, Inc.,
By their attorneys,



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DATED: October 11, 2019

CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of the above document by mail and e-mail upon all attorneys or parties of record:

Date: October 14, 2019



David R. Keirigan