

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

)	
MICHAEL MCCARTHY, <i>et al.</i> ,)	
)	CIVIL ACTION NO.
Plaintiffs,)	1:20-cv-10701-DPW
)	
v.)	
)	
CHARLES D. BAKER, <i>et al.</i> ,)	
)	
Defendants.)	
)	

**STIPULATION AS TO THE ROLE OF
THE DEFENDANT POLICE CHIEFS**

WHEREAS, the Amended Complaint challenges two Orders of Defendant Governor Baker—COVID-19 Order No. 13 and COVID-19 Order No. 21—that require “[a]ll businesses and other organizations that do not provide COVID-19 Essential Services,” as defined by Exhibit A to the Orders, to “close their physical workplaces and facilities . . . to workers, customers, and the public” until May 4, 2020; and

WHEREAS, licensed retailers of firearms, shotguns, and rifles are not listed on Exhibit A to the Orders as providing Essential Services; and

WHEREAS, the Plaintiffs have asserted claims against the chief law enforcement officers of Barnstable, Fall River, Westport, and Woburn, Massachusetts (the “Defendant Police Chiefs”), based on actions that they have taken and/or threaten to take to carry out or enforce those Orders;

NOW THEREFORE, the Plaintiffs and the Commonwealth Defendants (Governor Baker, Commissioner Bharel and Commissioner Gagnon) stipulate and agree that COVID-19 Order No. 13 and COVID-19 Order No. 21 require the closure of licensed retailers of firearms in the

Commonwealth of Massachusetts until May 4, 2020, and further, that this conclusion does not depend on any interpretation of the Orders by the Defendant Police Chiefs.

Dated: April 26, 2020

THE PLAINTIFFS,
By their attorneys,

DEFENDANTS CHARLES D. BAKER,
MONICA BHAREL MD, MPH and
JAMISON GAGNON,
By their attorneys,

/s/ David D. Jensen
David D. Jensen
Admitted *Pro Hac Vice*
David Jensen & Associates
33 Henry Street
Beacon, New York 12508
Tel: 212.380.6615
david@djensenpllc.com

/s/ Gary Klein
Gary Klein
Special Assistant Attorney General
Office of Massachusetts Attorney General
One Ashburton Place
Boston, Massachusetts 02108
Tel: 617-651-3650
Gary.Klein@Mass.gov

J. Steven Foley
BBO # 685741
Law Office of J. Steven Foley
100 Pleasant Street #100
Worcester, Massachusetts 01609
Tel: 508.754.1041
JSteven@attorneyfoley.com

Julia Kobick
Assistant Attorney General
Office of Massachusetts Attorney General
One Ashburton Place
Boston, Massachusetts 02108
Tel: 617-963-2559
julia.kobick@mass.gov

Jason A. Guida
BBO # 667252
Principe & Strasnick, P.C.
17 Lark Avenue
Saugus, Massachusetts 01960
Tel: 617.383.4652
jason@lawguida.com