

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BRANDON ALVES, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
-against-)	CIVIL ACTION NO.
)	1:20-cv-11933-DPW
DONNA M. MCNAMARA, <i>et al.</i> ,)	
)	
Defendants.)	
)	

**[PROPOSED] ORDER OF DISMISSAL AS TO CHIEF LABONTE
OF THE BERKLEY POLICE DEPARTMENT**

WHEREAS:

- 1) Plaintiffs commenced this action seeking declaratory and injunctive relief against shutdowns and delays in the issuance of firearms identification cards (“FIDs”) under M.G.L. c. 140, § 129B and licenses to carry firearms (“LTCs”) issued under M.G.L. c. 140, § 131; and
- 2) Defendant Chief Labonte is the Chief of the Berkley Police Department and the designated “licensing authority” for the Town of Berkley, who is responsible for issuing FIDs and LTCs; and
- 3) In March of 2020, the Berkley Police Department posted on social media that, “in an effort to minimize exposure and transmission of COVID-19,” firearms licensing, along with other programs including child car seat installation, were suspended; and
- 4) On November 17, 2020, the Berkley Police Department posted on social media that, due to COVID-19 concerns, the processing of new applications for LTC applications was “suspended,” but that renewal applications could be submitted via a mailbox outside the station.

5) The Berkley Police Department is currently processing new and renewal FID and LTC applications in accordance with the provisions and time periods specified in M.G.L. c. 140, §§ 129B and 131; and

6) The Berkley Police Department has accepted an LTC application from Plaintiff Michael Peterson and the application will be processed in the normal course.

NOW THEREFORE:

It is hereby agreed and stipulated that the claims against Defendant Chief Labonte (only) shall be DISMISSED, without prejudice, with all rights of appeal waived, and with each party to bear its own costs and attorney's fees.

Respectfully submitted,

THE PLAINTIFFS,

By their attorneys,

/s/ David D. Jensen

David D. Jensen
Admitted *Pro Hac Vice*
David Jensen PLLC
33 Henry Street
Beacon, New York 12508
Tel: 212.380.6615
Fax: 917.591.1318
david@djensenpllc.com

Jason A. Guida
BBO # 667252
Principe & Strasnick, P.C.
17 Lark Avenue
Saugus, MA 01960
Tel: 617.383.4652
Fax: 781.233.9192
jason@lawguida.com

DATED: April 2, 2021

DEFENDANT CHIEF LABONTE,

By his attorneys,

/s/ Allison Lyng O'Connell

Leonard H. Kesten, BBO# 542042
Thomas R. Donohue, BBO# 643483
Allison Lyng O'Connell, BBO# 690219
BRODY, HARDOON, PERKINS &
KESTEN, LLP
699 Boylston Street, 12th Floor
Boston, MA 02116
(617) 880-7100
lkestn@bhpklaw.com
tdonohue@bhpklaw.com
aoconnell@bhpklaw.com

It is SO ORDERED this ____ day of _____, 2021.

DOUGLAS P. WOODLOCK
DISTRICT JUDGE

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 2, 2021.

/s/ Allison Lyng O'Connell

Allison Lyng O'Connell, BBO# 690219

DATED: April 2, 2021