

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 BRANVILLE G. BARD IN HIS OFFICIAL CAPACITY AS THE POLICE COMMISSIONER OF THE CAMBRIDGE 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 Branville G. Bard is the Commissioner of the Cambridge Police Department and the designated “licensing authority” for the City of Cambridge pursuant to the General Laws of the Commonwealth of Massachusetts, who is responsible for issuing FIDs and LTCs; and

3) In or about August of 2020, an employee of the Cambridge Police Department informed Gene Hull, who had inquired about submitting an application for an LTC, that the Cambridge Police Department had temporarily discontinued the fingerprinting of new firearms license applicants due to the COVID-19 pandemic during the year 2020; and

4) The City of Cambridge publicly announced through its website that no fingerprint services were being offered by the police department; and

5) The Cambridge Police Department purchased new fingerprinting equipment to address COVID-19 safety concerns in 2020; and

6) The Cambridge Police Department is processing applications for FIDs and LTCs, does not anticipate the existence of substantial delays in the application process in the future and will work to process all license applications within 40 days as required by law; and

7) The Cambridge Police Department has processed the license application of Plaintiff Gene Hull in the normal course, and is awaiting receipt of the LTC from the Commonwealth;

NOW THEREFORE:

It is hereby agreed and stipulated that the claims against Defendant Branville G. Bard in his official capacity as the Police Commissioner of the City of Cambridge (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,

DEFENDANT BRANVILLE G. BARD,
in his official capacity as Police
Commissioner for the City of Cambridge,

By their attorneys,

By his attorney,

/s/ David D. Jensen

/s/ Keplin K. U. Allwaters

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Dated: March 23, 2021

It is SO ORDERED this _____ day of March, 2020.

DOUGLAS P. WOODLOCK
DISTRICT JUDGE

CERTIFICATE OF SERVICE

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

/s/ Jason A. Guida
Jason A. Guida, BBO# 667252

Dated: March 23, 2021