

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A.#11-CV-10644-DPW

CHRISTOPHER M. FLETCHER, EOIN M. PRYAL,
SECOND AMENDMENT FOUNDATION, INC., and
COMMONWEALTH SECOND AMENDMENT, INC.,
Plaintiffs

v.

ROBERT C. HAAS, in his official capacity as
Cambridge Commissioner of Police,
MARK K. LEAHY, in his official capacity as
Northboro Chief of Police, and
JASON A. GUIDA, in his official capacity as
Director of the Massachusetts Firearms Records Bureau,
Defendants

DEFENDANT ROBERT C. HAAS'S MOTION TO DISMISS VERIFIED COMPLAINT

Pursuant to Fed.R.Civ.P. Rule 12(b)(6), Defendant Robert C. Haas, in his official capacity as Cambridge Commissioner of Police, moves to dismiss the Verified Complaint for failure to state a claim upon which relief can be granted.

As grounds for this motion, Commissioner Haas relies on the Memorandum in Support of Defendant Jason A. Guida's Motion to Dismiss All Claims filed by the Attorney General on May 19, 2011. As argued in that Memorandum, Plaintiffs' constitutional challenges to provisions of the Massachusetts firearm licensing statutes fail as a matter of law. Plaintiffs' allegations against Commissioner Haas are only that the Cambridge Police Department complied with existing state law in responding to Plaintiff Fletcher's application for a License to Carry. If the challenged statutes are deemed to meet constitutional muster, then the claims against Commissioner Haas have no validity and should be dismissed with prejudice.

Certification of Compliance with Local Rule 7.1(A)(2)

Undersigned counsel for Defendant Haas certifies that he contacted Plaintiffs' counsel on May 19, 2011 to confer in good faith to resolve or narrow the issues, and that Plaintiffs' counsel indicated that he opposed this Motion.

Defendant Robert C. Haas,
In his official capacity,
By his attorney,

s/Arthur J. Goldberg
Arthur J. Goldberg, Esq. (B.B.O.#543909)
Law Department, City Hall
795 Massachusetts Avenue
Cambridge, MA 02139
(617) 349-4121
agoldberg@cambridgema.gov

May 19, 2011

Certificate of Service

I hereby certify that a true copy of this document was filed through the Electronic Case Filing (ECF) system and thus copies will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF); paper copies will be mailed to those indicated on the NEF as non-registered participants on or before May 19, 2011.

s/Arthur J. Goldberg