

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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COMMONWEALTH OF MASSACHUSETTS)	
<i>ex rel.</i> MYKEL POWELL, <i>et al.</i> ,)	CIVIL ACTION NO.
)	1:18-cv-11336-FDS
Plaintiffs,)	
)	
-against-)	PLAINTIFFS' MOTION FOR
)	LEAVE TO FILE A
BRIAN HOLMES, <i>et al.</i> ,)	SUPPLEMENTAL RESPONSE
)	
Defendants.)	
)	
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Plaintiffs respectfully move for leave to file the attached memorandum (with exhibits) and declaration. The memorandum addresses the Worcester Superior Court’s decision in *Commonwealth ex rel. Nordberg v. Forbes*, No. 2185CV00846-A (Mass. Sup. Ct. Feb. 17, 2022), which was identified for the first time at the hearing held on March 2, 2022, and the declaration responds to the Attorney General’s contention that Plaintiffs did not send them copies of pleadings. In support of this motion, Plaintiffs state that they had no means of responding to these contentions before they were raised at the March 2 hearing. The *Nordberg* decision is not available in Westlaw or Lexis.

Pursuant to Local Rule 7.1(a)(2), Plaintiffs advise that they contacted counsel for Defendants and for the Attorney General on March 1, 2022 in an attempt to resolve or narrow the issues in this motion. Ultimately, counsel for all Defendants (Village Gun Shop, Peter Dowd, Brian Holmes, James O’Connor and Donna McNamara) advised that they did not oppose this motion for leave. Counsel for the Attorney General advised that they took no position.

Dated: March 4, 2022

Respectfully submitted,

THE PLAINTIFFS,
By their attorneys,

/s/ David D. Jensen
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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 Mar. 4, 2022.

/s/ David D. Jensen
David D. Jensen