

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

C.A. NO.11-CV-10644-DPW

CHRISTOPHER M. FLETCHER,  
187 Pearl Street  
Cambridge, MA 02139

EOIN M. PRYAL  
200 Hudson Street  
Apartment 21  
Northborough, MA 01532

SECOND AMENDMENT  
FOUNDATION, INC.  
12500 NE 10<sup>th</sup> Place  
Bellevue, WA 98005

COMMONWEALTH SECOND  
AMENDMENT, INC.  
22 River Street  
Braintree, MA 02184  
Plaintiffs

v.

ROBERT C. HAAS,  
In his official capacity as  
Cambridge Commissioner of Police  
125 Sixth Street  
Cambridge MA 02142

MARK K. LEAHY  
In his official capacity as  
Northboro Chief of Police  
211 Main Street  
Northborough, MA 01532

JASON A. GUIDA, ESQ.  
In his official capacity as  
Director of the Firearms Record Bureau  
200 Arlington Street  
Suite 2200  
Chelsea, MA 02150  
Defendants

DEFENDANT, MARK K. LEAHY'S  
MOTION TO DISMISS VERIFIED  
COMPLAINT

Pursuant to Fed.R.Civ.P. 12(b)(6), Defendant, Mark K. Leahy, in his official capacity as Town of Northborough Chief of Police (“Chief Leahy”), moves to dismiss the Verified Complaint for failure to state a claim upon which relief can be granted.

As grounds for this motion, Chief Leahy 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 should be dismissed as a matter of law. Plaintiffs’ allegations against Chief Leahy are only that the Northborough Police Department complied with existing state law in responding to Plaintiff Pryal’s application for a License to Carry. If the challenged statutes are deemed constitutional, then the claims against Chief Leahy have no validity and should be dismissed with prejudice.

MARK K. LEAHY,  
CHIEF OF POLICE

By his attorneys,

/s/ David J. Doneski  
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Katharine I. Doyle (BBO# 634131)  
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CERTIFICATE OF SERVICE

I, David J. Doneski, certify that the foregoing document, which was electronically filed with the U.S. District Court for the District of Massachusetts, will be served upon any party or counsel of record who is not a registered participant of the Court’s ECF system, according to notification by the Court of those individuals who will be served electronically. /s/ David J. Doneski.