

**Commonwealth of Massachusetts
Supreme Judicial Court**

Appeals Court no. 2025-P-1201

Mukhtar, Amgad et al.
Pro Se Plaintiffs-Appellants
v.
Healey, Maura et al.
Defendants-Appellees

On appeal from a decision of
the Superior Court for Middlesex County

Application for direct appellate review

Michael Bush, *pro se*
280 Lowell Street
Carlisle MA 01741
Email: Bmoc54@verizon.net
Phone: 978-734-3323
Primary contact for pro se Plaintiffs-Appellants

1. Request for Direct Appellate Review

The *pro se* Plaintiffs-Appellants respectfully request that the Supreme Judicial Court grant direct appellate review of this case pursuant to G.L. c. 211A, § 10(A) and Mass. R. App. P. 11. This case involves questions under both the Massachusetts Declaration of Rights and the United States Constitution, the resolution of which is necessary to secure Massachusetts citizens' fundamental rights and judicial review of unconstitutional laws.

2. Statement of Prior Proceedings

The *pro se* Plaintiffs filed suit in Massachusetts Superior court on November 12, 2024, challenging the constitutionality of multiple Massachusetts statutes and regulations under the Massachusetts Declaration of Rights and the United States Constitution. Plaintiffs filed a first amended complaint on February 24, 2025.

Defendants moved to dismiss under Mass. R. Civ. P. 12(b)(1) and 12(b)(6). Plaintiffs opposed dismissal, filed a motion for preliminary injunction and for consolidation of its hearing with a trial on the merits under Mass. R. Civ. P. 65(b)(2), and filed a motion for leave to amend to cure any deficiencies the court might identify. Defendants opposed both of Plaintiffs' motions.

The court held a hearing on the motions to dismiss on June 6th, 2025. Plaintiffs filed three notices of supplemental authorities on June 16, June 20, and July 2, 2025.

On August 25, 2025, the court issued a memorandum and order dismissing all claims without prejudice. The court dismissed most claims for lack of standing and dismissed one claim under Rule 12(b)(6). The court did not rule on the Plaintiffs' motion for leave to amend. Plaintiffs filed a timely notice of appeal on September 3, 2025. The appeal was docketed on October 2, 2025.

3. Statement of Facts Relevant to the Appeal

Eight law-abiding Massachusetts residents brought this action to secure their constitutional rights. Each Plaintiff is a U.S. citizen, over the age of twenty-one, and legally eligible to possess firearms under state and federal law (1st Am. Compl. ¶¶ 2-9, 34, 35, 43, 186). All but one Plaintiff possess firearms and MA licenses to carry firearms (*id.* ¶¶ 11, 12). Acting *pro se*, they sued Massachusetts officials and the Massachusetts Port Authority, alleging that the challenged Massachusetts laws and regulations violate their rights under Articles I (now CVI), XIV, XVII, and XXX of the Massachusetts Declaration of Rights, as well as the Second, Fourth, and Fourteenth Amendments to the United States Constitution.

The challenged enactments include categorical bans on arms with specified characteristics (id. ¶¶ 135, 136, 162, 175-179, 253), location-based prohibitions on carrying firearms (id. ¶¶ 149-170, 172-74), and licensing schemes that condition the exercise of Second Amendment rights on the payment of fees (id. ¶¶ 91-94, 145-147). Plaintiffs also challenge the statutory frameworks for Extreme Risk Protection Orders (“ERPOs”) and harassment prevention orders, which they allege permit the perfunctory taking away of firearms from citizens without the protections guaranteed by the U.S. and Massachusetts Constitutions (id. ¶¶ 188-196, 207-209, 215, 216). And Plaintiffs challenge the Commonwealth’s new firearm registration and serialization requirements (id. ¶¶ 197, 198, 217).

The complaint pleads that these provisions prevent Plaintiffs from obtaining and bearing arms where they are otherwise entitled to do so (id. ¶¶ 23, 107-110, 141-145, 153-174), treat them less favorably than other Americans (id. ¶¶ 94, 95, 136), and chill their exercise of fundamental rights through ongoing threat of enforcement (id. ¶¶ 102-112, 141, 145). Plaintiffs specifically alleged with evidentiary support that the Attorney General has threatened enforcement of these unconstitutional provisions, has enforced them, and has failed altogether in her statutory duty to defend Plaintiffs’ civil rights (id. ¶¶ 102-112).

4. Statement of Issues of Law Raised by the Appeal

1. Did the Superior court err in holding that Plaintiffs lack standing because they challenged laws that also apply to other Americans?
2. Did the Superior court err in holding that Plaintiffs lack standing because the alleged threats of enforcement were not directed to each of the Plaintiffs individually?
3. The U.S. Supreme Court holds that the Equal Protection Clause requires at least strict scrutiny when a fundamental right is implicated or burdened.¹ And this Court followed that instruction until *Commonwealth v. Marquis*, 495 Mass. 434 (2025), where it instead held that unless a fundamental right is *violated*, only the rational basis test applies. Here, Plaintiffs bring claims under the 14th Amendment's Equal Protection Clause. When a fundamental right is implicated or burdened, what standard of scrutiny is proper for federal Equal Protection Clause claims?
4. *District of Columbia v. Heller*, 554 U.S. 570 (2008) was the Supreme Court's "first in-depth examination of the Second Amendment", in which the Supreme Court held that the Second Amendment and Article 17 of the Massachusetts Declaration of Rights express a right

¹ *United States v. Skrametti et al.*, 605 U.S. ____ (2025); *Romer v. Evans*, 517 U.S. 620 (1996); *Heller v. Doe*, 509 U. S. 312, 319-320 (1993).

of individuals. Decades prior, this Court stated that the Second Amendment and Article 17 express a right belonging to the militia rather than individuals. *Commonwealth v. Davis*, 369 Mass. 886 (1976).

This case calls for this Court to revisit its earlier interpretation of Article 17 in light of the Supreme Court's more exhaustive textual and historical analysis in *Heller*.

5. Based on the record, do the Plaintiffs prevail on their constitutional claims?
6. Per Mass. R. Civ. P. 15(a), should courts allow a *pro se* Plaintiff's motion to amend to cure deficiencies that the court identifies in the operative complaint?

These issues were raised and preserved below in Plaintiffs' first amended complaint, oppositions to dismissal, oral arguments, motion for leave to file an amended complaint, and notices of supplemental authorities.

5. Brief Argument

The Superior court's dismissal erects barriers to constitutional adjudication that are unprecedented and essentially insurmountable. It held in its Memorandum at 14:

The only injury Plaintiffs allege is that the laws and regulations exist and apply to the Plaintiffs in the same way they apply to every

citizen and visitor to the commonwealth. Such an injury, if it be called such, is too “speculative, remote, and indirect” to confer standing.

In so doing, the court effectively forecloses challenges to the constitutionality of laws unless a plaintiff is *uniquely* rather than *personally* affected by the laws. That reasoning, if correct, would have denied standing in *District of Columbia v. Heller*, 554 U. S. 570 (2008), *McDonald v. Chicago*, 561 U. S. 742 (2010), and *N.Y.S. Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022)—landmark 2nd Amendment cases in which the U.S. Supreme Court granted full merits review and invalidated unconstitutional laws.

When challenging a law prior to its enforcement, a plaintiff satisfies the injury-in-fact requirement where he alleges “an intention to engage in a course of conduct arguably affected with a constitutional interest, but proscribed by a statute, and there exists a credible threat of prosecution thereunder.” *Babbitt v. Farm Workers*, 442 U.S. 289, 298 (1979). And *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 158–61 (2014) held that a credible threat of prosecution under a law is sufficient to confer standing, even if the plaintiff has not yet been prosecuted. Plaintiffs here alleged with evidentiary support that the MA Attorney General has threatened to enforce these challenged laws, has actively enforced the laws, and has neglected her statutory duty to defend civil rights. Their standing is

therefore stronger than in *Heller*, *McDonald*, and *Bruen*, where plaintiffs alleged only the existence of laws restricting their rights.

Past enforcement against the same conduct is ample evidence that the threat of enforcement is not "chimerical." *Steffel v. Thompson*, 415 U.S. 452, 459 (1974). Yet the Superior court contradicted this in its Memorandum at 13:

Plaintiffs appear to argue the "threat" is the fact that the challenged laws make certain firearms, or actions involving firearms, illegal as to them. However, the threat must be personal and not general. See *id.* See also *Sullivan*, 448 Mass. at 21. None of the Plaintiffs have alleged any specific government threat of enforcement against them personally; only that the laws make certain firearms, or actions involving firearms, illegal.

The Superior court's contrary conclusion precludes most pre-enforcement challenges and cannot be reconciled with binding precedent from this Court or the U.S. Supreme Court, much less Articles XI and XXIX of the Massachusetts Declaration of Rights or M.G.L. Ch. 231A. When the Supreme Court recently had to correct such errant legal requirements of plaintiffs that were newly invented by a trial court judge, Justice Clarence Thomas elucidated how problematic such conduct is. *Ames v. Ohio Department of Youth Services* 605 US ____ (2025), (Thomas, J., concurring):

I write separately to highlight the problems that arise when judges create atextual legal rules and frameworks. Judge-made doctrines have a tendency to distort the underlying statutory text, impose unnecessary burdens on litigants, and cause confusion for courts.

In *Bruen*, the Supreme Court unequivocally held:

[] that when the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct. To justify its regulation, the government may not simply posit that the regulation promotes an important interest. Rather, the government must demonstrate that the regulation is consistent with this Nation's historical tradition of firearm regulation.

This Court faithfully applied the *Bruen* framework in *Commonwealth v. Canjura*, 494 Mass. 508 (2024). And here, Plaintiffs alleged in detail that each challenged statute and regulation covered their right to keep and bear arms. Under *Bruen* and *Canjura*, that was sufficient to invoke the presumption of unconstitutionality and shift the burden to the government. As this Court has made clear, the Superior court's refusal to follow binding precedent is impermissible:

[] this court is the highest appellate authority in the Commonwealth, and our decisions on all questions of law are conclusive on all Massachusetts trial courts and the Appeals Court.
Commonwealth v. Vasquez, 456 Mass. 350, 356 (2010)

Also in *Vasquez*, at 356, this Court acknowledged that the U.S. Supreme Court is the ultimate authority on the interpretation of the U.S. Constitution:

It is true, of course, that the Supreme Court, and not this court, is the final arbiter of what the Federal Constitution demands, and that *Verde* was not controlling for purposes of Federal review.

Yet this Court's Equal Protection Clause holding in *Marquis* conflicts with the Supreme Court's binding precedent, requiring a violation rather than an implication of a fundamental right before strict scrutiny applies.

This appeal presents the ideal opportunity to restore Equal Protection analysis to its proper scope.

Likewise, Article 17 remains in doctrinal discord with the Second Amendment. This Court's decision in *Commonwealth v. Davis*, 369 Mass. 886 (1976), treated Article 17 as a collective right without meaningful historical or textual analysis. By contrast, the U.S. Supreme Court in *District of Columbia v. Heller*, 554 U.S. 570 (2008), conducted a deep review and held that the Second Amendment and Article 17 protect an individual right. To bring Article 17 into harmony with modern constitutional jurisprudence and this Court's own rigorous approach to other provisions of the Declaration of Rights, *Davis* should be abrogated and Article 17 recognized as securing an individual right.

Compounding its errors, the Superior court never ruled on Plaintiffs' motion for leave to amend to cure any purported deficiencies. Dismissing without prejudice while refusing to permit amendment contradicts Rule 15(a)'s presumption in favor of amendment and implies that no amendment could ever suffice. That omission reveals the court's standing theory as not only erroneous but self-defeating and further warrants direct review.

6. Statement of Reasons Why Direct Appellate Review Is Appropriate

Direct appellate review is warranted under all three of G.L. c. 211A, § 10(A)'s criteria:

1. **Questions of first impression:** The appeal presents novel questions of standing and constitutional interpretation under the Massachusetts Declaration of Rights and the U.S. Bill of Rights.
2. **Constitutional questions:** The case directly concerns Articles I (now CVI), XIV, XVII, and XXX of the Massachusetts Declaration of Rights and the Second, Fourth, and Fourteenth Amendments of the U.S. Constitution.
3. **Public importance:** The issues affect and endanger not only the Plaintiffs but every American in the Commonwealth (1st Am. Compl. ¶¶ 60, 61, 84, 85, 136-141, 189-191, 252). The Superior court's ruling effectively insulates unconstitutional laws from review. As the Supreme Court recently warned, "Lower court judges may sometimes disagree with this Court's decisions, but they are never free to defy them." *Nat. Institutes of Health et al. v. Am. Public Health Ass'n et al.*, 606 U.S. ____ (2025) (Opinion of JUSTICE GORSUCH, with whom JUSTICE KAVANAUGH joins, at page 1).

The Appeals Court cannot resolve the profound conflicts between the Superior court's reasoning, this Court's precedents, and binding authority from the U.S. Supreme Court. If left uncorrected, the Superior court's errors will foreclose constitutional challenges by ordinary citizens and allow unconstitutional laws to persist unchecked. This Court should intervene now—either by deciding the merits of Plaintiffs' constitutional claims in the first instance or, at minimum, correcting the Superior court's errors on standing and constitutional analysis to prevent further erosion of fundamental rights.

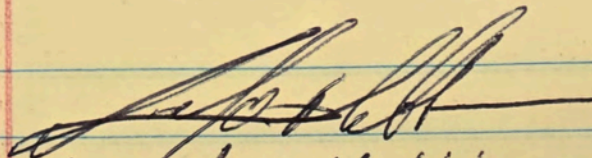
Respectfully submitted,



Michael Bush
280 Lowell Street
Carlisle MA 01741

Pro Se
978-7343323
Bmoc54@verizon.net

Date: October 3, 2025



Pro se, September 14, 2025

Amgad O. Mukhtar
13 Murdock Dr
Peabody, MA 01960

Robert Egri, pro se

September 14, 2025

ROBERT EGR1
80 WILLOWOOD DRIVE
CARLISLE, MA 01741

Katalin Egri pro se

September 14, 2025

KATALIN EGR1
80 Willowood Drive
CARLISLE, MA 01741

Charles J. Wilson, Pro Se

Edward J. Chisholm

5 Playstead Ave

Woburn MA 01801

September 14, 2025

September 14, 2025

Vincent Cedrone Pro Se

Vincent Cedrone

44 Arlington Street

Tewksbury, MA 01876

September 14, 2025

Phillip L. McLaine, Pro Se

Phillip L. McLaine

15 Washington Avenue

Arlington, MA 02474

J. Ulrich, Pro Se
Joshua M. Ulrich
7 Granview Rd.
Gloucester MA 01930

September 14, 2025

**Certificate of Compliance
Pursuant to Rule 16(k) of
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Massachusetts Rules of Appellate
Procedure**

I, Michael Bush, hereby certify that the foregoing brief complies with the rules of court that pertain to the filing of briefs, including, but not limited to:

Mass. R. A. P. 16 (a)(13) (addendum);
Mass. R. A. P. 16 (e) (references to the record);
Mass. R. A. P. 18 (appendix to the briefs);
Mass. R. A. P. 20 (form and length of briefs, appendices, and other documents); and
Mass. R. A. P. 21 (redaction).

Use only if producing brief in a proportional font/word limit: I further certify that the foregoing brief complies with the applicable length limitation in Mass. R. A. P. 20 because it is produced in the proportional font Palatino at size 14, and contains 969, total non-excluded words as counted using the word count feature of Microsoft Word.

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Michael Bush
Signature (handwritten or /s/)

CERTIFICATE OF SERVICE

I, Michael Bush, hereby certify that I have, on this 3rd day of October, 2025 served a copy of the foregoing document and accompanying documents via email and mail:

Arjun Jaikumar
Office of the Attorney General
One Ashburton Place
Boston, MA 02108-1698
(617) 963-2856
Arjun.K.Jaikumar@mass.gov

Aaron Macris
Office of the Attorney General
One Ashburton Place
Boston, MA 02108
Direct: (617) 963-2987
Aaron.Macris@mass.gov

The MA AGO represents each of the Defendants except Massport.

David S. Mackey, Carlos Rosende, and Christina Marshall
Anderson & Kreiger LLP
50 Milk Street, 21st floor
Boston MA 02109
dmackey@andersonkreiger.com
cmarshall@andersonkreiger.com
crosende@andersonkreiger.com
Representing Massport.



Michael Bush

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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT
CIVIL ACTION
NO. 24-02958

AMGAD MUKTAR, and others¹

vs.

GOVERNOR MAURA HEALEY, and others²

**MEMORANDUM OF DECISION AND ORDER ON DEFENDANTS'
MOTION TO DISMISS**

Plaintiffs, a group of pro se residents of Massachusetts, filed their complaint challenging fifteen separate Massachusetts firearm laws as unconstitutional under the Second Amendment as recently applied by the U.S. Supreme Court in New York Rifle & Pistol Ass'n, Inc. v. Bruen, 597 U.S. 1 (2022) ("Bruen"). The laws challenged cover a wide swath of firearm laws and regulations including, prohibitions against guns in schools and government buildings, the State's silencer ban, restrictions on obscure weapons (c.g., brass knuckles, slung shots, and blackjacks), regulations governing unfair and deceptive trade practices in handgun sales, the prohibitions on firearms in gaming establishments and airports, and the \$100 fee charged to firearm license applicants.

Defendants, all public officials with authority to enforce the challenged firearm laws and regulations, now move to dismiss the complaint [Paper Nos. 40 and 41]. Defendants first argue pursuant to Mass. R. Civ. P. 12(b)(1) that the complaint fails to allege facts sufficient to demonstrate that Plaintiffs have standing to bring most of their challenges. Even if Plaintiffs

¹ Robert Egri, Katalin Egri, Michael Bush, Edward Chisholm, Vincent Cedrone, Phillip McClaine, and Joshua Ulrich

² Attorney General Andrea Joy Campbell, Col. Geoffrey D. Noble, Secretary of the Ex. Office of Pub. Health & Safety Terrence M. Reidy, and Jordan Maynard, Chair of the Mass. Gaming Commission

have standing, Defendants argue pursuant to Mass. R. Civ. P. 12(b)(6) that the challenges are “facial challenges” and that Plaintiffs cannot meet the high burden, recently restated in United States v. Rahimi, 602 U.S. 680 (2024), of showing that “no set of circumstances exist[] under which the [challenged law] would be valid.” Finally, Defendants argue that under any circumstance, the laws challenged do not violate the Second Amendment, or any other constitutional protections.

After hearing and careful review of the submissions, Defendants’ motions are **ALLOWED**.

BACKGROUND

The following facts are taken from the well pleaded allegations of the complaint, which the court accepts as true. See Curtis v. Herb Chambers I-95, Inc., 458 Mass. 674, 676 (2011).

Plaintiffs filed their complaint on November 11, 2024. They filed an Amended Complaint on February 24, 2025, that kept their original claims and added challenges to even more firearms laws. Plaintiffs assert their challenges under the Second Amendment, the Fourth Amendment, the Equal Protection Clause of the Fourteenth Amendment, Articles 14 and 17 of the Declaration of Rights, and arts. 30 and 106 of the Massachusetts Constitution.

Plaintiffs are all Massachusetts residents who own firearms, ammunition, and have a license to carry firearms, with the exception of one plaintiff, Katalin Egri, who neither owns firearms nor is licensed to own them. None of the Plaintiffs have committed violent crimes, and they do not challenge the laws requiring criminal background checks to purchase a firearm. Plaintiffs challenge the following firearms laws and regulations.

A. Massachusetts's Silencer Prohibition (G. L. c. 269, § 10A)

Massachusetts has prohibited firearm silencers since at least 1989. The current statute makes it a crime to sell or possess “any instrument, attachment, weapon or appliance for causing the firing of any . . . firearm to be silent or intended to lessen or muffle the noise of the firing of any . . . firearm.” G. L. c. 269, § 10A. Law enforcement officers with certain authorizations are exempted when “acting within the scope of official duties.” *Id.*

Plaintiffs allege that this law unconstitutionally bars them from purchasing or possessing firearm silencers, violates the Equal Protection Clause by exempting certain law enforcement officers, and that they would own and use firearms suppressors (a.k.a. silencers or mufflers) were it not for the threat of criminal prosecution and punishment imposed by G. L. c. 269, § 10A. Plaintiffs also assert the statute violates Article 106 of the Massachusetts Constitution.

B. Massachusetts's restriction on threaded barrels (G. L. c. 140, §§ 121, 131M(a))

The Legislature passed an Act Modernizing Firearm Laws, St. 2024, c. 135, § 71, in 2024. The legislation is codified at G. L. c. 140, § 131M(a). The statute defines “assault-style firearm” to include “semiautomatic, centerfire rifle[s]” and “semiautomatic pistol[s]” that have “at least 2” of certain enumerated characteristics, including “a folding or telescoping stock,” “a thumbhole stock or pistol grip,” and a “threaded barrel.” G. L. c. 140, § 121 (definition of “assault-style firearm”). For a “semiautomatic, centerfire rifle,” the threaded barrel must be “designed to accommodate a flash suppressor or muzzle break or similar feature.” *Id.* For a “semiautomatic pistol,” the threaded barrel must be “capable of accepting a flash suppressor, forward handgrip or silencer.” *Id.*

Plaintiffs allege this law violates the Second Amendment “[b]y barring [them] from possessing a firearm that has a threaded barrel and another [enumerated] characteristic.”

Plaintiffs allege they would each obtain and use firearms with a threaded barrel were it not for the threat of prosecution and punishment imposed by Massachusetts law.

C. Massachusetts's prohibition on "Dangerous Weapons" (G. L. c. 269, § 10(b))

The statute regulating "Dangerous Weapons" in Massachusetts dates back to 1794. See Ch. 26, 1794 Mass. Acts 66 (Jan. 29, 1795). It has been amended over the centuries, most recently in 1957. St. 1957, c. 688, § 23. The prohibitions are codified in their current form at G. L. c. 269, § 10(b), which makes it unlawful to "carr[y] on [one's] person or under [one's] control in a vehicle" a list of certain dangerous weapons, such as "zoobows," "blackjacks," "metallic knuckles," "slung shots," and others.

Plaintiffs allege the prohibition violates their Second Amendment right to keep and bear arms. Plaintiffs allege they would each obtain and possess the items banned by the above statute were it not for the threat of prosecution and punishment imposed by Massachusetts law.

D. Massachusetts's Firearm Registration and Reporting Requirements (G. L. c. 140, § 121B)

Massachusetts requires that "[a]ll firearms possessed, manufactured or assembled in the commonwealth . . . be registered." G. L. c. 140, § 121B(a)(1). To register a firearm, the registrant must submit their identifying information through the electronic firearms registration system, including:

"the registrant's name, address and contact information; ☐ the registrant's license, card or permit type, license card or permit number . . . or documentation of exemption . . .; the type of firearm; ☐ the date the firearm was acquired; ☐ the name and address of the source from which the firearm was obtained, including the name and address of the prior registrant if applicable; ☐ whether the firearm is a privately made firearm; and ☐ a statement signed by the registrant under the pains and penalties of perjury that they are properly licensed, permitted or exempted under the laws of the commonwealth and are not otherwise prohibited from owning or possessing a firearm." *Id.*

Firearm registrants are also required to report "[a]ny loss or theft of a firearm," as well as any firearm "transfer." *Id.* at § 121B(2)(b)-(c).

Plaintiffs allege that requiring them to “register their firearms and report the loss, transaction, or theft of a firearm . . . violates the Second Amendment.”

E. Massachusetts’s Firearm License Fees (G. L. c. 140, § 121F(o)-(p))

To apply for or renew “any license, card or permit” to own or carry firearms, Massachusetts assesses a \$100 fee. G. L. c. 140, § 121F(o)(i). The \$100 fee has been the same for more than 20 years. See St. 2003, c. 26, §§ 428-429. The fee is reduced to \$25 for certain individuals including “active and retired law enforcement officials or local, state or federal government entities acting on their behalf.” G. L. c. 140, § 121F(o)(ii). The fee for renewal of a license to carry or a firearm identification card is waived for “[a]ny person over the age of 70 and any law enforcement officer applying through their employing agency.” G. L. c. 140, § 121F(p).

Plaintiffs assert that charging any fee for a license to carry firearms violates the Second Amendment and Article 17 of the Declaration of Rights. Plaintiffs further assert that reducing or waiving these fees for certain individuals violates the Equal Protection Clause. Plaintiffs allege that they would keep and bear arms without a license were it not for the threat of prosecution or punishment imposed by current Massachusetts law.

F. Massachusetts’s Firearm prohibitions in schools, polling places, and certain government-controlled locations (G. L. c. 269, § 10(j)-(k))

Massachusetts prohibits civilians from carrying firearms in certain place, including “any building or . . . grounds of an elementary school, college or university.” G. L. c. 269, § 10(j). Firearms are also prohibited in any “place owned, leased, or under the control of state, county or municipal government and used for the purpose of government administration, judicial or court administrative proceedings, or correctional services.” G. L. c. 269, § 10(k)(1), (k)(2). Firearms are also prohibited in “polling place[s]” and locations in use for “storage or tabulation of

ballots.” *Id.* All of these prohibitions except law enforcement personnel. G. L. c. 269, § 10(j), 10(k)(5).

Plaintiffs assert that any prohibition on firearms in the identified restricted locations violates the Second Amendment and Article 17 of the Declaration of Rights. Plaintiffs also assert that excepting certain law enforcement officers from the restrictions violates the Equal Protection Clause. Plaintiffs allege that they have been to each type of restricted place multiple times and would bear arms in those places were it not for the threat of prosecution and punishment imposed by Massachusetts law.

G. The Gaming Commission’s prohibition on firearms in gaming establishments (205 Code Mass. Regs. § 138.20)

The Massachusetts Gaming Commission (“Commission”) regulates the legal casino, horse racing, and sports wagering industries in Massachusetts. The Commission requires that a licensee’s system of internal controls include a policy prohibiting any person from possessing a firearm within or upon the premises of a gaming establishment. 205 Code Mass. Regs. § 138.20(1). The Commission also requires that the licensee report any violation of that policy to the Commission’s Investigations and Enforcement Bureau. *Id.* The regulation provides exceptions for certain law enforcement personnel, such as “[a] member of the Massachusetts State Police assigned to the Gaming Enforcement Unit.” 205 Code Mass. Regs. § 138.20(2).

Plaintiffs allege that they would each possess firearms within and upon the premises of gaming establishments were it not for the prohibition contained in this regulation. Plaintiffs assert that the regulation violates the Second Amendment, Article 17 of the Declaration of Rights, and Article 106 of the Massachusetts Constitution (equal protection).

H. Massport's prohibition on firearms in airports (740 Code Mass. Regs. § 30.04)

The Massachusetts Port Authority ("Massport") is a public authority that operates several airports in Massachusetts, including Logan Airport. Massport generally prohibits "carry[ing] loaded or otherwise operational Firearms or explosives at the Airport." 740 Code Mass. Regs. § 30.04(1). To transport an unloaded firearm, a person must "promptly upon entering the passenger terminal or General Aviation Terminal, . . . deliver any unloaded Firearms and ammunition . . . to the appropriate Air Carrier agent for transport in the hold of the aircrafts, in the case of commercial flights" *Id.*

Plaintiffs allege that they have been on airport property and would possess, transport, and carry ammunition and loaded and operational firearms on airport property, outside of secured, enclosed areas, were it not for the prohibition contained in this regulation. Plaintiffs assert that the restrictions imposed by the regulation violate the Second Amendment.

I. Massachusetts's ban on loaded rifles and shotguns on public ways (G. L. c. 269, § 12D)

Massachusetts generally prohibits any person from "carry[ing] on his person . . . a loaded rifle or shotgun" while "on a public way." G. L. c. 269, § 12D. To carry a rifle or shotgun on a public way, a person must keep the rifle or shotgun "unloaded" and "enclosed in a case." *Id.* There are some exceptions, including for persons engaging in hunting. G. L. c. 269, § 12D(d).

Plaintiffs allege that they each have been on public ways and would carry loaded rifles and shotguns, and unloaded rifles and shotguns, outside of a case were it not for the threat of prosecution and punishment imposed by Massachusetts law. Plaintiffs assert the law violates the Second Amendment.

J. Massachusetts Licensure Exceptions

Massachusetts makes various limited exceptions for possession of a firearm without a license or permit, including: certain law enforcement and military personnel, G. L. c. 140, § 129C(f) and certain common carriers engaged in shipping firearms into Massachusetts for sale, G. L. c. 140, § 129C(c) are exempt; Massachusetts residents returning to the commonwealth after an extended absence, new residents, and nonresidents are given latitude for possessing firearms without a license, G. L. c. 140, § 129C(a), (i)-(k); and a license is not required to carry “a firearm and blank ammunition” during “any television, movie, stage or other similar theatrical production,” so long as that carry is “under the immediate supervision of a person licensed to carry firearms.” G. L. c. 140, § 131F½.

Plaintiffs assert that these exceptions violate the Equal Protect Clause of the Fourteenth Amendment by discriminating based upon civilian status and residency.

K. Extreme Risk Protection Orders (G. L. c. 140, § 131R-131Y)

Massachusetts allows a person who believes that another person who owns or controls a firearm and poses a risk of causing bodily injury to themselves or others to file a petition for an extreme risk protection order (“ERPO”) in court under penalty of perjury. G. L. c. 140, § 131R. Upon receipt of a petition, a court must hold a hearing after the subject of the petition has received at least seven (7) days’ notice, and at which the subject shall have a full and fair opportunity to respond. G. L. c. 140, § 131S. If the petition is granted, the court issues the ERPO and order the subject of the petition to surrender any licenses to carry firearms, as well as any firearms and ammunition they control, own, or possess. G. L. c. 140, § 131V.

Plaintiffs allege the above statutes allow the confiscation of a person’s license to carry firearms or firearm identification card without criminal conviction in violation of the Second

Amendment, the Fourth Amendment (unreasonable search and seizure), the Fourteenth Amendment (due process and equal protection), and Article 14 of the Declaration of Rights.³

L. Harassment Prevention Orders (G. L. c. 258E, §§ 4A-4C)

Under G. L. c. 258E, §§ 5-6, a court may enter an order to protect a plaintiff from harassment upon a showing that the plaintiff faces a substantial likelihood of immediate danger. Upon entry of such an order, a court must order the defendant to surrender all firearms in their control and any license to carry or firearm identification card they hold. G. L. c. 258E, § 4A-4C.

Plaintiffs assert the statute violates Article 14 of the Declaration of Rights.

M. Attorney General's regulations on handgun sales (940 Code Mass. Regs. §§ 16.00)

The Attorney General promulgated regulations in 1999, pursuant to authority granted in G. L. c. 93A, § 2, that define unfair and deceptive practices in the sale of handguns. See 940 Code Mass. Regs. §§ 16.00. For example, they provide that “[i]t shall be an unfair and deceptive practice for a handgun-purveyor to transfer. . . any . . . handgun” that is made from certain “inferior materials.” 940 Code Mass. Regs. § 16.06. Nearly all of the proscriptions apply to “handgun-purveyors,” defined as “any person or entity that transfers handguns” to customers in Massachusetts, with a carve out for people that “transfer[] less than five handguns per year.” 940 Code Mass. Regs. § 16.01.

Plaintiffs assert that 940 Code Mass. Regs. §§ 16.00 violates the Second Amendment and separation of powers principles under Article 30 of the Declaration of Rights.

N. Massachusetts's assault-style firearms roster (G. L. c. 140, §§ 131 ½, 131 ¾)

In 2024, the Legislature created a Firearm Control Advisory Board (“Board”) within the Executive Office of Public Safety. St. 2024, c. 135, §§ 50-51 (codified at G. L. c. 140, §§ 131 ½,

³ Plaintiffs do not allege that any of them are subject to any current ERPO under the challenged statute.

131 ¾). One of the Board's duties is to advise the Secretary of Public Safety as to what firearms should be included on a "roster of assault-style firearms" that are banned in Massachusetts. Id.

The court takes notice of the fact, relayed via affidavit of the Chairperson of the Firearms Control Advisory Board, that the "roster of assault-style firearms banned under [G.L. c. 140, § 131M]," pursuant to legislation enacted in 2024, has not yet been published. See Mass. State Auto. Dealers Assoc., Inc. v. Tesla Motors MA, Inc., 469 Mass. 675, 677 n.8 (2014) (A judge ruling on a motion to dismiss for lack of standing pursuant to Mass. R. Civ. P. 12(b)(1) may properly consider affidavits and other exhibits), citing Ginther v. Commissioner of Ins., 427 Mass. 319, 322 (1998). Currently, there are not any weapons that are banned by virtue of appearing on the roster, though it is highly likely that the Board will publish a list of banned firearms in the future.

Plaintiffs aver that banning weapons appearing on the assault-style firearms roster violates the Second Amendment and separation of powers principles under Article 30 of the Declaration of Rights.

O. Massachusetts's serialization requirements (G. L. c. 140, §§ 121, 121C)

In Massachusetts "[a]ll firearms shall have a serial number" that is "conspicuously engraved, cast or otherwise permanently embedded with a unique serial number on the frame or receiver," among other requirements. G. L. c. 140, § 121C(a). It is a crime to possess, manufacture, assemble, sell, or transfer a firearm that has not been serialized, with a few exceptions (e.g., common carriers, federal property, being delivered to law enforcement for destruction). G. L. c. 140, § 121C(b), (c) and (g).

Plaintiffs assert that requiring the serialization of firearms violates the Second Amendment.

Relief Sought

Plaintiffs seek monetary, injunctive, and declaratory relief under 42 U.S.C. § 1983 and declaratory judgment under G. L. c. 231A declaring the challenged statutes and regulations “unconstitutional, void, and unenforceable.” Plaintiffs also seek injunctions barring the Defendants from enforcing the challenged laws. Finally, Plaintiffs request compensatory and/or punitive damages for any harms suffered as a result of Defendants infringing their constitutional rights, including costs and expenses of this action under 42 U.S.C. § 1988.

DISCUSSION

At the outset, the court notes that the Plaintiffs argue in their brief that Defendants exceeded page limits imposed by the court’s rules. The court finds no violation and/or declines to impose any sanction for the immaterial complaints made about the form of the Defendants’ papers. The court notes that Plaintiffs continued to supplement their briefing on at least three occasions since the motion was heard, also in violation of the court’s rules. However, as the supplemental submissions contained no added issues of argumentation, and contain only printed copies of judicial opinions, or briefs filed in other jurisdictions presumably supporting Plaintiffs’ positions, I deem any violations harmless. I have considered all of the parties’ submissions in reaching the below decision.

I. Standing

The Defendants first move to dismiss most of Plaintiffs’ claims pursuant to Mass. R. Civ. P. 12(b)(1) for lack of standing.

The issue of standing is one of subject matter jurisdiction. Sullivan v. Chief Justice for Admin. & Mgt. of the Trial Court, 448 Mass. 15, 21 (2006), citing Planning Bd. of Marshfield v. Zoning Bd. of Appeals of Pembroke, 427 Mass. 699, 703(1998). “Standing . . . is a ‘threshold’

inquiry” that must be addressed “before entertaining the substantive validity of the law or policy that is being challenged.” Commonwealth v. Marquis, 495 Mass. 434, 440 (2025) (“Marquis”), citing Lujan v. Defenders of Wildlife, 504 U.S. 555, 569 (1992).

Only one whose rights are impaired by a statute can raise the question of its constitutionality, and he can object to the statute only as applied to him. Marquis, 495 Mass. at 439, quoting Massachusetts Comm’n Against Discrimination v. Colangelo, 344 Mass. 387, 390 (1962). Likewise, “[a]s a general matter, to establish standing to challenge an allegedly unconstitutional policy, a plaintiff must submit to the challenged policy.” Id., quoting Jackson-Bey v. Hanslmaier, 115 F.3d 1091, 1096 (2d Cir. 1997). “To have standing in any capacity, a litigant must show that the challenged action has caused the litigant injury.” Sullivan, 448 Mass. at 21, quoting Slama v. Attorney Gen., 384 Mass. 620, 624 (1981). “Injuries that are speculative, remote, and indirect are insufficient to confer standing.” Ginther v. Comm’r of Ins., 427 Mass. 319, 323, citing Burlington v. Bedford, 417 Mass. 161, 164 (1994). “Not every person whose interests might conceivably be adversely affected is entitled to [judicial] review.” Pugsley v. Police Dep’t of Boston, 472 Mass. 367, 372 (2015), quoting Group Ins. Comm’n v. Labor Relations Comm’n, 381 Mass. 199, 204 (1980).

The “plaintiff bears the burden of establishing standing,” and “must plead facts sufficient to demonstrate a nonspeculative particular and personal harm resulting from the challenged action.” Vita v. New England Baptist Hosp., 494 Mass. 824, 832 (2024). “[O]nly persons who have themselves suffered, or who are in danger of suffering, legal harm can compel the courts to assume the difficult and delicate duty of passing upon the validity of the acts of [another] branch of government” [citation omitted]). Animal Legal Defense Fund, Inc. v. Fisheries & Wildlife Bd., 416 Mass. 635, 638 (1993).

Plaintiffs argue based upon a U.S. Supreme Court case, Medimmune, Inc. v. Genentech, Inc., 549 U.S. 118, 128-129 (2007), that they need not allege particular injury because “where threatened action by government is concerned, [courts] do not require a plaintiff to expose himself to liability before bringing suit to challenge the basis for the threat—for example, the constitutionality of a law threatened to be enforced.” That case was brought under the federal Declaratory Judgment Act, 28 U.S.C. § 2201(a), which “procedure is an alternative to pursuit of the arguably illegal activity.” *Id.*, quoting Steffel v. Thompson, 415 U.S. 452, 480 (1974).

The case is inapposite for two reasons. First, this matter is not brought under 28 U.S.C. § 2201(a). Thus, a federal case, even a Supreme Court decision, interpreting that statute is of minimal assistance here. More importantly, Plaintiffs’ argument ignores the requirement stated in Medimmune, Inc., that there must be the “threat” of government action. See *id.* Plaintiffs appear to argue the “threat” is the fact that the challenged laws make certain firearms, or actions involving firearms, illegal as to them. However, the threat must be personal and not general. See *id.* See also Sullivan, 448 Mass. at 21. None of the Plaintiffs have alleged any specific government threat of enforcement against them personally; only that the laws make certain firearms, or actions involving firearms, illegal. To follow Plaintiffs’ logic would do away with the well-established rule, recently reaffirmed by the Supreme Judicial Court, that to establish standing to challenge an allegedly unconstitutional policy “a plaintiff must submit to the challenged policy,” Marquis, 495 Mass. at 439, and “show that the challenged action has caused the litigant injury,” Sullivan, 448 Mass. at 21.

With this standard in mind, I turn to each of the statutes and regulations the Plaintiffs challenge. As the standing analysis is slightly different depending on the nature of each law challenged, I group the challenged laws into four related categories: (1) firearms laws and

regulations prohibiting the possession of certain types of weapons (i.e., serialization requirement, silencers, threaded barrels, other “Dangerous Weapons,” the roster of assault-style weapons); (2) firearms laws creating areas of restriction where firearms may not be possessed or carried (i.e., public ways, airports, gaming establishments, schools, polling places, public buildings); (3) laws allowing for the confiscation of firearms licenses and firearms (ERPO and harassment orders); and (4) the firearm licensing, sale, and registration scheme (licensing fees, registration and reporting requirements, regulations on handgun sales).

As for the laws falling into the first two categories, the Plaintiffs allege only that they would obtain weapons that are currently prohibited or would possess or carry weapons in the various restricted areas were it not for the legal prohibitions and threat of prosecution and punishment. Based on these allegations, the Plaintiffs have failed to articulate an injury that is anything but hypothetical. They do not allege facts that any of them have actually submitted themselves to the challenged laws or regulations and faced a threat of government action as a result that would cause them injury in the form of a deprivation of protected rights. See Marquis, 495 Mass. at 440. The only injury Plaintiffs allege is that the laws and regulations exist and apply to the Plaintiffs in the same way they apply to every citizen and visitor to the commonwealth. Such an injury, if it be called such, is too “speculative, remote, and indirect” to confer standing. See Ginther, 427 Mass. at 323. It bears repeating that “[n]ot every person whose interests might conceivably be adversely affected is entitled to [judicial] review.” See Pugsley, 472 Mass. at 372.

Accordingly, I conclude that Plaintiffs have failed to meet their burden to “plead facts sufficient to demonstrate a nonspeculative particular and personal harm” resulting from the following challenged laws: G. L. c. 269, § 10A (silencers); G. L. c. 140, §§ 121, 131M(a)

(threaded barrels); G. L. c. 269, § 10(b) (“Dangerous Weapons”); G. L. c. 140, §§ 131 ½, 131 ¾ (roster of assault-style weapons); G. L. c. 140, §§ 121, 121C (serialization requirement); G. L. c. 269, § 10(j)-(k) (schools, polling places, and government-controlled buildings); 205 Code Mass. Regs. § 138.20 (gaming establishments); and 740 Code Mass. Regs. § 30.04 (airports). See Vita, 494 Mass. at 832. Because standing is a “threshold” inquiry, this court may not entertain the substantive validity of these challenged laws. See Lujan, 504 U.S. at 569; Marquis, 495 Mass. at 440. Accordingly, Plaintiffs’ claims challenging the constitutionality and/or validity of the above-listed firearms statutes and regulations are hereby **DISMISSED** for lack of standing.

Plaintiffs next challenge the laws concerning Harassment Prevention Orders (G. L. c. 258E, §§ 4A-4C) and Extreme Risk Protection Orders (G. L. c. 140, § 131R-131Y), which permit confiscation of firearms licenses, firearm identification (“FID”) cards, and firearms. Plaintiffs assert that these statutes unconstitutionally allow the confiscation of a person’s firearms, license to carry firearms, or FID card without criminal conviction. None of the Plaintiffs allege in the Amended Complaint that they are subject to, or ever have been subject to, either an ERPO or Harassment Prevention Order. Plaintiffs argue that they need not wait until these statutes are used against them before challenging their constitutionality. However, as discussed at length above, to establish standing the Plaintiffs must allege a threat to *themselves* of government action under the challenged statutes, see Medimmune, Inc., 549 U.S. at 128-129, Marquis, 495 Mass. at 439, and allege they have suffered more than a general or speculative harm as a result, see Sullivan, 448 Mass. at 21. I conclude they have not done either. Accordingly, Plaintiffs’ claims challenging the constitutionality and/or validity of G. L. c. 258E, §§ 4A-4C and G. L. c. 140, § 131R-131Y are hereby **DISMISSED** for lack of standing.

I turn now to the last category of challenged laws: the firearm licensing, sale, and registration scheme. The Supreme Judicial Court has long held that standing to bring an as-applied challenge to the Commonwealth's firearm licensing scheme requires having applied for (and been denied) a license or FID card pursuant to that scheme. See, e.g., Commonwealth v. Cassidy, 479 Mass. 527, 539 n.10, cert. denied, 586 U.S. 876 (2018). Here, all the Plaintiffs allegedly hold firearms licenses or FID cards.⁴

It is a fair inference from the allegations of the Amended Complaint that Plaintiffs have all applied for a firearms license or FID card and been *granted* one. None of the Plaintiffs allege they were denied a firearms license. Thus, under the licensing scheme, as applied to these Plaintiffs, there has been no infringement of their Second Amendment rights because they are able to own, possess, and use firearms in Massachusetts. The licensing scheme, as applied to them, has not caused them any harm. The Supreme Judicial Court made it clear in Cassidy and its progeny that a person must have applied for "and been denied" a license or FID card under the licensing scheme to have standing to challenge it on constitutional grounds. See Cassidy, 479 Mass. at 539 n.10. As none of the Plaintiffs allege that they have applied for and been denied a firearms license or FID card, they have not pleaded sufficient facts to establish standing to challenge the constitutionality of the gun licensing scheme. See id. See also Marquis, 495 Mass. at 440. Similarly, Plaintiffs do not allege any harm or infringement caused by the firearm registration and reporting scheme that is specific to them, as opposed to any other citizen or visitor to the commonwealth. Accordingly, Plaintiffs' claims challenging the following laws

⁴ Plaintiffs concede in their brief that Katalin Egri neither owns firearms nor is licensed to own them. Nor are there any allegations in the Amended Complaint indicating Katalin Egri has submitted herself to any of the challenged laws. See Marquis, 495 Mass. at 439. Accordingly, all her claims are **DISMISSED** for lack of standing. See id. The court does not include her when referring to "Plaintiffs" below.

must be dismissed for lack of standing: G. L. c. 140, § 121B (registration and reporting); G. L. c. 140, § 121F(o)-(p) (licensing).⁵

Plaintiffs also challenge 940 Code Mass. Regs. §§ 16.00, regulations promulgated by the Attorney General related to handgun sales. These regulations apply primarily to “handgun-purveyor[s],” a defined term that includes “any person or entity that transfers handguns to a customer located within the [commonwealth],” but excludes any person who “transfers less than five handguns per year.” 940 Code Mass. Regs. § 16.01. Plaintiffs do not allege that they are “handgun-purveyor[s],” only that they would “acquire more firearms” but for the regulations and would “fully exercise their constitutional rights.” Such allegations are not sufficient to demonstrate the challenged regulation applies to the Plaintiffs, or demonstrate the Plaintiffs have suffered, or will suffer, any non-speculative harm as a result of the regulations. See Ginther, 427 Mass. at 323. Accordingly, Plaintiffs claims challenging the 940 Code Mass. Regs. §§ 16.00 must be **DISMISSED** for lack of standing.

II. Rule 12(b)(6)

“To withstand a motion to dismiss pursuant to Mass. R. Civ. P. 12(b)(6), a complaint must set out “factual ‘allegations plausibly suggesting (not merely consistent with)’ an entitlement to relief[.]” Iannacchino v. Ford Motor Co., 451 Mass. 623, 636 (2008), quoting Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007). See also Fairhaven Housing Auth. v. Commonwealth, 493 Mass. 27, 31 (2023) (same). To meet this burden, a plaintiff may not assert “legal conclusions cast in the form of factual allegations.” Schaer v. Brandeis Univ., 432 Mass. 474, 477 (2000). A plaintiff must allege facts sufficient “to raise a right to relief above the speculative level . . . [based] on the assumption that all the allegations in the complaint are true

⁵ I reserve discussion on Plaintiffs’ challenge to the \$100 licensing fee charged to obtain a firearms license or FID card for Section II, *infra*.

(even if doubtful in fact) . . .” Iannacchino, 451 Mass. at 636 (ellipses and parentheses in original), quoting Twombly, 550 U.S. at 555. The reviewing court must accept the well-pleaded factual allegations of the complaint as true. See Curtis, 458 Mass. at 676.

The analysis of Plaintiffs’ challenge to the \$100 fee charged when applying for a firearm license or FID card differs from the claims discussed above, as Plaintiffs have alleged facts sufficient to support standing. See Marquis, 495 Mass. at 440. All the Plaintiffs, with the exception of Katalin Egri, possess valid firearms licenses. It is a fair inference that they all paid the \$100 fee to obtain those licenses. Thus, those Plaintiffs have been potentially injured by the imposition of the challenged \$100 fee.

Plaintiffs assert that “charging [them] fees to obtain a license to carry firearms . . . violates the Second Amendment.” The court interprets the Plaintiffs’ argument to be that charging *any* fee to obtain a firearms license, no matter the amount, violates the Second Amendment. However, Plaintiffs are not the first to make such a challenge, and past decisions upholding the validity of a non-exorbitant fee make clear that the Supreme Judicial Court and the Supreme Court have each concluded that reasonable firearms licensing fees pass constitutional muster.

Bruen supports states requiring licensure to possess or own firearms, and that any attendant fees only violate the Second Amendment if they are so “exorbitant” as to “deny ordinary citizens their right to public carry.” Bruen, 597 U.S. at 38 n.9. Following Bruen, courts in other jurisdictions have concluded that fees comparable to Massachusetts are not “exorbitant.” See, e.g., Mills v. New York City, 758 F. Supp. 3d 250, 267-268 (S.D.N.Y. 2024) (upholding \$340 licensing fee and stating that plaintiff’s argument that “requiring that an individual pay a fee to the government before they can . . . possess and/or carry weapons [violates] the Second

Amendment” is “foreclosed” under Bruen and its predecessors.); People v. Gunn, 227 N.E.3d 824, *29 (Ill. App. (1st) 2023) (\$150 fee charged every 5 years not an “exorbitant fee.”). The Supreme Judicial Court has very recently held that the licensing scheme for nonresidents charging an identical \$100 application fee is constitutional under Bruen. Marquis, 495 Mass. at 457-460 (applying Bruen in upholding G. L. c. 140, § 131F).

Here, Plaintiffs make no allegation that the \$100 fee charged in Massachusetts is “exorbitant.” This omission alone justifies dismissal of their challenge to the fee under Rule 12(b)(6). See Mills, 758 F. Supp. 3d at 267-268. However, even an allegation of exorbitance would not pass muster, as “[t]he proceeds from the fee are substantially . . . allocated towards defraying the costs of administering the state licensing scheme” and the fee has not increased in over 20 years. See O’Connell v. Gross, 2020 U.S. Distr. LEXIS 62925, *19-20 (D. Mass. 2020) (Saylor, C.J.) (applying intermediate scrutiny in dismissing identical claim that \$100 firearm license application fee violates the Second Amendment); St. 2003, c. 26, §§ 428-429 (establishing \$100 fee). This court agrees with the reasoning requiring the dismissal of an identical challenge to the licensing fee that the federal District Court of Massachusetts decided in 2020, see O’Connell, 2020 U.S. Distr. LEXIS 62925 at *19-20, and declines to restate that reasoning here. Suffice to say, a claim that *any* fee charged for obtaining a firearms license violates the Second Amendment has been firmly rejected. See id. See also Bruen, 597 U.S. at 38 n.9.

Accordingly, Plaintiffs have failed to state a claim concerning G. L. c. 140, § 121F(o) for which relief can be granted. See Iannacchino, 451 Mass. at 636. Thus, those claims must be **DISMISSED** pursuant to Mass. R. Civ. P. 12(b)(6).

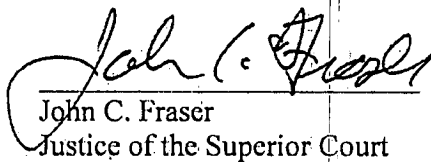
ORDER

For these reasons, it is hereby ORDERED that the Defendants' motions to dismiss [Paper Nos. 40 and 41] are ALLOWED. Plaintiffs' claims challenging the constitutionality and validity of the following laws are DISMISSED for lack of standing:

- a. G. L. c. 269, § 10A (silencers);
- b. G. L. c. 140, §§ 121, 131M(a) (threaded barrels);
- c. G. L. c. 269, § 10(b) ("Dangcrous Weapons");
- d. G. L. c. 140, §§ 131 ½, 131 ¾ (roster of assault-style weapons);
- e. G. L. c. 140, §§ 121, 121C (serialization requirements);
- f. G. L. c. 269, § 10(j)-(k) (schools, polling places, and government-controlled buildings);
- g. 205 Code Mass. Regs. § 138.20 (gaming establishments);
- h. 740 Code Mass. Regs. § 30.04 (airports);
- i. G. L. c. 269, § 12D (public ways);
- j. G. L. c. 258E, §§ 4A-4C (Harassment Prevention Orders);
- k. G. L. c. 140, § 131R-131Y (ERPOs);
- l. G. L. c. 140, § 121B (registration and reporting);
- m. G. L. c. 140, § 121F(o)-(p) (licensing); and
- n. 940 Code Mass. Regs. §§ 16.00 (handgun sales).

Plaintiffs' claims challenging the constitutionality and validity of G. L. c. 140, § 121F(o) (licensing fee) are DISMISSED pursuant to Mass. R. Civ. P. 12(b)(6).

So ordered.


John C. Fraser
Justice of the Superior Court

DATED: August 14, 2025

RECEIVED

2/24/2025

Commonwealth of Massachusetts

Middlesex, SS.

Superior Court no.: 2481CV02958

Amgad Mukhtar, pro se
Robert Egri, pro se
Katalin Egri, pro se
Michael Bush, pro se
Edward Chisholm, pro se
Vincent Cedrone, pro se
Phillip McLaine, pro se
Joshua Ulrich, pro se

Plaintiffs

v.

MA Governor Maura Healey, in her official
and individual capacities
MA Attorney General Andrea Joy Campbell,
in her official and individual capacities
Colonel of the MA State Police Geoffrey D.
Noble, in his official capacity
MA Gaming Commission Chair Jordan
Maynard, in his official and individual
capacities
Secretary of Executive Office of Public Safety
and Security Terrence M. Reidy, in his official
and individual capacities

Defendants

1st AMENDED COMPLAINT

Parties

1. The Plaintiffs are all pro se laypeople.
2. Plaintiff Amgad Mukhtar is a citizen of the Commonwealth of Massachusetts and the United States of America, residing at 13 Murdock Drive, Peabody MA 01960.
3. Plaintiff Robert Egri is a citizen of the Commonwealth of Massachusetts and the United States of America, residing at 80 Wildwood Drive, Carlisle MA 01741.
4. Plaintiff Katalin Egri is a citizen of the Commonwealth of Massachusetts and the United States of America, residing at 80 Wildwood Drive, Carlisle MA 01741.
5. Plaintiff Michael Bush is a citizen of the Commonwealth of Massachusetts and the United States of America, residing at 280 Lowell Street, Carlisle MA 01741.
6. Plaintiff Edward Chisholm is a citizen of the Commonwealth of Massachusetts and the United States of America, residing at 5 Playstead Avenue, Woburn MA 01801.
7. Plaintiff Vincent Cedrone is a citizen of the Commonwealth of Massachusetts and the United States of America, residing at 44 Arlington Street, Tewksbury MA 01876.
8. Plaintiff Phillip McLaine is a citizen of the Commonwealth of Massachusetts and the United States of America, residing at 15 Washington Avenue, Arlington MA 02474.
9. Plaintiff Joshua Ulrich is a citizen of the Commonwealth of Massachusetts and the United States of America, residing at 7 Grandview Road, Gloucester MA 01930.

10. Plaintiff Joshua Ulrich is the sole manager and operator of Safe Family Training Solutions, LLC.
11. Plaintiffs Michael Bush, Robert Egri, Joshua Ulrich, Phillip McLaine, Amgad Mukhtar, Edward Chisholm, and Vincent Cedrone each have a handgun, a rifle or shotgun, ammunition for their guns, and a current MA license to carry firearms.
12. Plaintiff Katalin Egri does not have a gun or a MA license to carry firearms.
13. Each Plaintiff would acquire more firearms were it not for the hindrances challenged herein.
14. Defendant Maura Healey is the Governor of the Commonwealth of Massachusetts and is sued in her official and individual capacities.
15. Defendant Andrea Joy Campbell is the Attorney General of the Commonwealth of Massachusetts and is sued in her official and individual capacities.
16. Defendant Geoffrey D. Noble is the Colonel of the Massachusetts State Police. As Colonel, he bears the authority and responsibility to administer, execute, and enforce Massachusetts firearm licensure laws. He is sued only in his official capacity.
17. Defendant Jordan Maynard is the Chair of the Massachusetts Gaming Commission and is sued in his official and individual capacities.
18. Defendant Terrence M. Reidy is the Secretary of the Executive Office of Public Safety and Security and is sued in his official and individual capacities.

Jurisdiction and venue

19. Jurisdiction in the Superior Court is correct because this lawsuit challenges the constitutionality of parts of MA law and regulations.

20. This Court has jurisdiction over this matter pursuant to M.G.L. Ch. 231A.

21. The venue of Superior Court in Middlesex County is correct because the Plaintiffs predominantly reside in Middlesex County.

General allegations

22. The Plaintiffs bring this action to challenge the constitutionality of distinct parts of MA law and regulations that violate their constitutional rights.

23. Were it not for the fees, obstacles, and potential criminal prosecution or punishment that the challenged MA laws and regulations impose, the Plaintiffs would fully exercise their constitutional rights specified in this action.

24. The text of Massachusetts Bill H.4885 “An Act Modernizing Firearms Laws” was made available to all legislators and the public for the first time on July 17th, 2024.

25. Bill H.4885 was over 100 pages in length.

26. The MA legislature enacted Bill H.4885 the next day, July 18th, 2024.

27. The Defendant, MA Governor Maura Healey signed bill H.4885 into law on July 25th, 2024.

28. Upon the MA Governor’s signature on July 25th, 2024, the bill became Chapter 135 of the Acts of 2024.¹

29. Chapter 135 of the Acts of 2024 took effect as law when the Defendant, MA Governor Maura Healey, signed an emergency preamble to it on October 2nd, 2024.²

¹ See <https://malegislature.gov/Bills/193/H4885> Last visited October 22, 2024 and <https://malegislature.gov/Laws/SessionLaws/Acts/2024/Chapter135> Last visited February 4, 2025.

² See https://www.mass.gov/info-details/mass-general-laws-c140-ss-131l?_gl=1*fa1zzx*_ga*NDg5MjM5MDcyLjE2NTUyMzE5NjU.*_ga_MCLPEGW7WM*MTcyOTYxMzkxNi42NC4xLjE3Mjk2MTM5ODYuMC4wLjA Last visited October 22, 2024.

30. Between her signing bill H. 4885 into law on July 25th, 2024 and when she added an emergency preamble to it on October 2nd, 2024, MA Governor Maura Healey did not specify any relevant emergency.

The U.S. Constitution is the supreme law and voids anything in conflict with it

31. What is commonly known as the Supremacy Clause provides: "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." U.S. CONST. Art. VI.

The U.S. Constitution's Second Amendment enshrines the people's right to possess and carry weapons

32. The Second Amendment to the United States Constitution provides: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." U.S. CONST. amend II.

33. "[] we hold that the Second Amendment right is fully applicable to the States." *McDonald v. City of Chicago*, 561 U.S. 742, 750 (2010).

34. The Plaintiffs are law-abiding, adult citizens of Massachusetts and the United States of America and are part of "the people" whom the U.S. Constitution's Second Amendment specifies. *District of Columbia et al. v. Heller*, 554 U.S. at 580 (2008).

35. Plaintiffs Amgad Mukhtar, Joshua Ulrich, Phillip McLaine, Edward Chisholm, Vincent Cedrone, and Michael Bush are between the ages of 21 and 70 years.

36. Plaintiffs Amgad Mukhtar, Joshua Ulrich, Phillip McLaine, Vincent Cedrone, Michael Bush, Robert Egri, and Katalin Egri are not active law enforcement officers.
37. Joshua Ulrich is the only Plaintiff who is a retired law enforcement officer.
38. In *Heller*, the U.S. Supreme Court used (among others) Samuel Johnson's and Noah Webster's founding era dictionaries to define the terms used in the Second Amendment.
39. Regarding the term "arms" used in the Second Amendment: "The Heller Court provided two Eighteenth Century definitions of the term: [w]eapons of offence, or armour of defence, as defined in the 1773 edition of Samuel Johnson's dictionary, and any thing that a man wears for his defence, or takes into his hands, or useth in wrath to cast at or strike another, as defined in Timothy Cunningham's 1771 legal dictionary." (Internal quotation marks omitted.) *Commonwealth v. Canjura*, 240 N.E.3d 213, 218 (Mass. 2024) (The Mass. Supreme Judicial Court's opinion is enclosed as Exhibit 1.)
40. "[] the Second Amendment extends, prima facie, to all instruments that constitute bearable arms, even those that were not in existence at the time of the founding" *Commonwealth v. Canjura*, 240 N.E.3d 213, 217 (Mass. 2024) (Citing *Heller* 554 U.S. at 582).
41. Samuel Johnson's and Noah Webster's Founding era dictionaries agree that the term "infringed" as used in the Second Amendment means to "destroy" or "hinder". (See Exhibit 2 of *infringe*'s definition in Samuel Johnson's dictionary and Exhibit 3 of its definition in Noah Webster's dictionary.)

Article 17 enshrines the Plaintiffs' right to keep and bear arms as inhabitants of Massachusetts

42. The Constitution of the Commonwealth of Massachusetts' Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts is titled "PART THE FIRST: A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts."

43. The Plaintiffs are inhabitants of the Commonwealth of Massachusetts.

44. Article 17 of the Massachusetts Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts states in whole: "The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it."

Though MA courts have at times commented in passing that Article 17 does not express an individual right, the courts and applicable legal doctrine warn against treating such dicta as binding precedent

45. In *Cohens v. Virginia*, 19 U.S. 264, 399-0 (1821), Chief Justice John Marshall explained that dicta in judicial opinions are not to be confused with or treated as binding precedent:

It is a maxim not to be disregarded, that general expressions, in every opinion, are to be taken in connection with the case in which those expressions are used. If they go beyond the case, they may be respected, but ought not to control the judgment in a subsequent suit when the very point is presented for decision. The reason of this maxim is obvious. The question actually before the Court is investigated with care, and considered in its full extent. Other principles which may serve to illustrate it, are considered in their relation to the case decided, but their possible bearing on all other cases is seldom completely investigated.

46. This doctrine has been reiterated by the spectrum of courts throughout the centuries of this country. *Crenshaw v. Macklin*, 430 Mass. 633, (Mass. 2000); *Seminole Tribe of Fla. v. Florida*, 517 U.S. 44, (1996); and *Central Va. Comm. College v. Katz*, 546 U.S. 356, (2006).
47. In decisions such as *Chief of Police of Shelburne v. Moyer*, 16 Mass. App. Ct. 543, (1983); *Wesson v. Town of Salisbury*, 13 F. Supp. 3d 171, (D. Mass. 2014); and *Commonwealth v. Davis*, 369 Mass. 886, (1976), Massachusetts courts have made comments (dicta) suggesting that Article 17 does not express a right to keep and bear arms belonging to private citizens.
48. Judicial comments that are mere *obiter dicta*³, are not based on well-established rationale, or that addressed a point that was not fully debated, are not to be treated as precedential. *Seminole Tribe of Fla. v. Florida*, 517 U.S. 44, 66-67 (1996) and *Central Va. Comm. College v. Katz*, 546 U.S. 356, 363 (2006).
49. Due to *Commonwealth v. Davis*, 369 Mass. 886, (1976)'s comment that Article 17 does not express a right to keep and bear arms belonging to private citizens being antiquated, the reliance interests at stake, and the comment being poorly-reasoned, it must be discarded. *Citizens United v. Fed. Election Comm'n*, 558 U.S. 310, 362-63 (2010).
50. Because *Chief of Police of Shelburne v. Moyer*, 16 Mass. App. Ct. 543, (1983)'s, *Wesson v. Town of Salisbury*, 13 F. Supp. 3d 171, (D. Mass. 2014)'s, and *Commonwealth v. Davis*, 369 Mass. 886, (1976)'s comments on Article 17's meaning

³ The definition of *obiter dictum* is, according to Black's Law Dictionary, (11th edition), "A judicial comment made while delivering a judicial opinion, but one that is unnecessary to the decision in the case and therefore not precedential (although it may be considered persuasive)."

were *obiter dicta*, not based on well-established rationale, and did not address a point that was fully debated, they are not precedential or binding.

The MA Supreme Judicial Court has never conducted a rigorous examination of Article 17, whereas the U.S. Supreme Court’s rigorous examination of Article 17 and the Second Amendment determined that they express an individual right to bear arms

51. *Heller* was the U.S. Supreme “Court’s first in-depth examination of the Second Amendment” (*Heller* at 65).

52. The U.S. Supreme Court received over 60 amicus curiae briefs for *Heller*.

53. Justice Antonin Scalia, who wrote the majority opinion, later explained how the Court undertook thorough examination of the right to bear arms’ meaning⁴:

[I]n the *Heller* case, the amicus briefing presented an array of historical material whose thoroughness would have been unthinkable earlier. One amicus brief included an appendix consisting of a nearly 200-page collection of historical materials relating to the “right to bear arms” as it was understood at the time of the founding. Several amicus briefs were submitted on behalf of professors of history and professors of law specializing in Angle-American legal history, the history of the founding era, and American constitutional history. The Court had the help of many experts who gathered and presented the relevant evidence needed to interpret the Second Amendment’s meaning.

54. A summary of the numerous legal and historical authorities that *Heller*’s majority opinion referenced—including the MA Declaration of Rights—is enclosed as Exhibit 4.

55. The MA Supreme Judicial Court has never conducted an examination of Article 17 of the Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts of a rigor comparable to that of the majority opinion in *Heller*.

⁴ A. Scalia & B. Garner, *Reading Law: The Interpretation of Legal Texts*, at 402 (2012).

56. Upon its examination of the Second Amendment and corollary rights in state Constitutions in *Heller*, the U.S. Supreme Court determined that Massachusetts' Article 17 expresses an individual right to bear arms. *Heller*, 554 U.S. at 601-2:

The 1780 Massachusetts Constitution presented another variation on the theme: "The people have a right to keep and to bear arms for the common defence" Pt. First, Art. XVII, in 3 Thorpe 1888, 1892. Once again, if one gives narrow meaning to the phrase "common defence" this can be thought to limit the right to the bearing of arms in a state-organized military force. But once again the State's highest court thought otherwise. Writing for the court in an 1825 libel case, Chief Justice Parker wrote: "The liberty of the press was to be unrestrained, but he who used it was to be responsible in cases of its abuse; like the right to keep fire arms, which does not protect him who uses them for annoyance or destruction." *Commonwealth v. Blanding*, 20 Mass. 304, 313-314. The analogy makes no sense if firearms could not be used for any individual purpose at all. See also Kates, *Handgun Prohibition and the Original Meaning of the Second Amendment*, 82 Mich. L.Rev. 204, 244 (1983) (19th-century courts never read "common defence" to limit the use of weapons to militia service). We therefore believe that the most likely reading of all four of these pre-Second Amendment state constitutional provisions is that they secured an individual right to bear arms for defensive purposes.

57. In *Heller* at 580-81, the U.S. Supreme Court explained that the term "the people" as used in the Second Amendment and other parts of the Bill of Rights referred to all legitimate Americans:

" '[T]he people' seems to have been a term of art employed in select parts of the Constitution [Its uses] sugges[t] that 'the people' protected by the Fourth Amendment, and by the First and Second Amendments, and to whom rights and powers are reserved in the Ninth and Tenth Amendments, refers to a class of persons who are part of a national community or who have otherwise developed sufficient connection with this country to be considered part of that community." This contrasts markedly with the phrase "the militia" in the prefatory clause. As we will describe below, the "militia" in colonial America consisted of a subset of "the people"—those who were male, able bodied, and within a certain age range. Reading the Second Amendment as protecting only the right to "keep and bear Arms" in an organized militia therefore fits poorly with the operative clause's description of the holder of that right as "the

people.” We start therefore with a strong presumption that the Second Amendment right is exercised individually and belongs to all Americans.

58. “Where a clause or provision in a constitution, which has received a settled judicial construction, is adopted in the same words by the framers of another constitution, it will be presumed that the construction thereof was likewise adopted.” Henry Campbell Black, *Handbook on the Construction and Interpretation of the Laws*, ch. II: Construction of Constitutions, at 42 (2d ed. 1911).
59. Court decisions interpreting constitutional rights that lack careful textual and historical analysis are not to be relied upon: “Moreover, the cases on which the Court relies were decided between 30 and 60 years after the ratification of the Second Amendment, and there is no indication that any of them engaged in a careful textual or historical analysis of the federal constitutional provision.” *Heller* at 634.
60. In several instances in *Heller*, the majority noted that the Second Amendment was intended to ensure individual Americans could arm themselves for the “common defense”.
61. Article 17 of the Massachusetts Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts mentions that the people’s right to keep and bear arms includes the purpose of the “common defence”.

The Title-and-Headings canon of construction instructs that the rights in the MA Declaration of Rights are to be understood as rights of the inhabitants—not of other entities—of the Commonwealth

62. A. Scalia & B. Garner, *Reading Law: The Interpretation of Legal Texts*, at 221 (2012) defines the Title-and-Headings Canon as “The title and headings are permissible indicators of meaning.”
63. Just as this canon instructs that elements of the Bill of Rights are to be understood as declaring individuals’ rights, the canon likewise instructs that elements of the Massachusetts Declaration of Rights are to be understood as declaring the rights of inhabitants of the Commonwealth of Massachusetts.

The presumption of consistent usage and harmonious reading contextual canons of construction instruct that the phrases “the people”, “right”, and “keep and bear arms” are to be presumed to have the same meaning throughout the MA Declaration of Rights that John Adams wrote and the U.S. Bill of Rights that Adams ratified

64. Regarding the presumption of consistent usage canon of construction, “A word or phrase is presumed to bear the same meaning throughout a text; a material variation in terms suggests a variation in meaning.” A. Scalia & B. Garner, *Reading Law: The Interpretation of Legal Texts*, at 170 (2012).
65. The provisions of a text—particularly a constitution—should be interpreted in a way that renders them compatible, not contradictory. A. Scalia & B. Garner, *Reading Law: The Interpretation of Legal Texts*, at 180 (2012) and Henry Campbell Black, *Handbook on the Construction and Interpretation of the Laws*, ch. II: Construction of Constitutions, at 23 (2d ed. 1911).

66. John Adams drafted the Constitution of the Commonwealth of Massachusetts, including the Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.⁵
67. The same John Adams signed the Joint Resolution of Congress proposing 12 amendments to the U.S. Constitution—10 of which became the Bill of Rights. See www.archives.gov/milestone-documents/bill-of-rights (Last visited October 21, 2024.)
68. Both Article 17 of the Declaration of Rights of the Inhabitants of the Commonwealth of Massachusetts and the U.S. Constitution’s Second Amendment state that “the people” have a “right” “to keep and bear arms”.
69. The MA Supreme Judicial Court holds that other Articles in the Declaration of Rights of the Inhabitants of the Commonwealth of Massachusetts referring to “the people” express rights of individual persons. *Barron v. Kolenda*, 203 N.E.3d 1125 (Mass. 2023).
70. The presumption of consistent usage and harmonious reading canons of construction instruct that the right to keep and bear arms in Article 17 is to be interpreted to have substantially the same meaning as it has in the Second Amendment and that “the people” refers to individual rights throughout the Declaration of Rights of the Inhabitants of the Commonwealth of Massachusetts and the Bill of Rights.

The ordinary meaning canon of construction instructs that Article 17 means that to keep and bear arms is a right that belongs to the people

⁵ www.mass.gov/guides/john-adams-the-massachusetts-constitution?_gl=1*8npbx6*_ga*NDg5MjM5MDcyLjE2NTUyMzE5NjU.*_ga_MCLPEGW7WM*MTcyOTU0NTUwOC42MS4wLjE3Mjk1NDU1MDguMC4wLjA Last visited October 21, 2024.

71. In *Commentaries on the Constitution of the United States*, at 157-58 (1833),

Justice Joseph Story expressed the ordinary meaning canon of construction as:

[E]very word employed in the constitution is to be expounded in its plain, obvious, and common sense, unless the context furnishes some ground to control, qualify, or enlarge it. Constitutions are not designed for metaphysical or logical subtleties, for niceties of expression, for critical propriety, for elaborate shades of meaning, or for the exercise of philosophical acuteness or judicial research. They are instruments of a practical nature, founded on the common business of human life, adapted to common wants, designed for common use, and fitted for common understandings.

72. This canon of construction would have us understand that, as used in Article 17 of the Declaration of Rights of the Inhabitants of the Commonwealth of Massachusetts, the term “the people” simply means the people, not other entities.

73. The term “people” was defined as “persons in general” in Webster’s 1806 dictionary, and “the people” was defined as “the commonalty, as distinct from men of rank” in his 1828 dictionary. S. P. Halbrook, *The Right To Bear Arms: A Constitutional Right Of The People Or A Privilege Of The Ruling Class?*, at 14 (2021).

74. This canon would have us understand that, as used in Article 17, the term “a right” means a right, not a privilege or other concept.

75. This canon would have us understand that, as used in Article 17, the phrase “keep and bear arms” carries the ordinary meaning it had at the time of Article 17’s ratification.

According to the extraneous aids in construction canon, John Adams' argument in court and his other positions he took publicly indicate that Article 17 expresses the right of every private person lawfully inhabiting Massachusetts to arm himself for defensive purposes

76. Henry Campbell Black, Handbook on the Construction and Interpretation of the Laws, ch. II: Construction of Constitutions, at 36 (2d ed. 1911) defined the extraneous aids in construction canon as:

If an ambiguity exists which cannot be cleared up by a consideration of the constitution itself, then, in order to determine its meaning and purpose, resort may be had to extraneous facts, such as the prior state of the law, the evil to be remedied, the circumstances of contemporary history, or the discussion of the constitutional convention.

77. At the Boston Massacre trials in which he served as the attorney for the British troops facing homicide charges in 1770, John Adams stated that it is the right of every private person inhabiting Massachusetts to arm himself for defensive purposes⁶:

"And so perhaps the killing of dangerous rioters, may be justified by any private persons, who cannot otherwise suppress them, or defend themselves from them; in as much as every private person seems to be authorized by the law, to arm himself for the purposes aforesaid." Hawkins p. 71. §14—Here every private person is authorized to arm himself, and on the strength of this authority, I do not deny the inhabitants had a right to arm themselves at that time, for their defence, not for offence, that distinction is material and must be attended to.

78. John Adams held in court that citizens have the right to arm themselves for self-defense. S. P. Halbrook, The Right To Bear Arms: A Constitutional Right Of The People Or A Privilege Of The Ruling Class?, at 145-149 (2021).

79. The extraneous aids in construction canon instructs that John Adams' drafting of the Declaration of the Rights of the Inhabitants of the Commonwealth of

⁶ See

<https://founders.archives.gov/?q=%22inhabitants%20had%20a%20right%20to%20arm%20themselves%22&s=1111311111&r=1> last visited February 12, 2025.

Massachusetts, his ratification of the Bill of Rights, and the quoted argument he made in court clarify that he intended for Article 17 to express a private person who lawfully inhabits Massachusetts' right to arm himself.

Article 17 and the Second Amendment codified a preexisting common law right of individual Americans to keep and bear arms

80. "A constitution should be construed with reference to, but not overruled by, the doctrines of the common law and the legislation previously existing in the state." Henry Campbell Black, *Handbook on the Construction and Interpretation of the Laws*, ch. II: Construction of Constitutions, at 25 (2d ed. 1911).
81. The people's right to keep and bear arms as enshrined in the state and U.S. Constitutions codified a common-law right of the people that preexisted the Constitutions. A. Reed Amar, *The Bill of Rights: Creation and Reconstruction*, at 154 (1998).
82. "Putting all of these textual elements together, we find that they guarantee the individual right to possess and carry weapons in case of confrontation. This meaning is strongly confirmed by the historical background of the Second Amendment. We look to this because it has always been widely understood that the Second Amendment, like the First and Fourth Amendments, codified a pre-existing right." *Heller* at 592.
83. "Thus, the right secured in 1689 as a result of the Stuarts' abuses was by the time of the founding understood to be an individual right protecting against both public and private violence." *Heller* at 594.

The constitutional implications and presumption against ineffectiveness canons of construction instruct that whatever law hinders the American people from bearing arms

to defend themselves, render large standing armies unnecessary, and resist tyranny and repel invasion is repugnant to their constitutional rights

84. In *Heller*, the U.S. Supreme Court determined that Americans' Second Amendment right to keep and bear arms is meant to empower their "self-defense", render "large standing armies unnecessary", and enable them to "resist tyranny" and repel invasion.
85. The presumption against ineffectiveness canon of construction instructs that a textually permissible interpretation that furthers rather than obstructs the document's purpose should be favored. A. Scalia & B. Garner, *Reading Law: The Interpretation of Legal Texts*, at 63 (2012).
86. "We must also address the District's requirement (as applied to respondent's handgun) that firearms in the home be rendered and kept inoperable at all times. This makes it impossible for citizens to use them for the core lawful purpose of self-defense and is hence unconstitutional." *Heller* at 630.
87. Regarding the implications canon of construction of constitutions, Henry Campbell Black, *Handbook on the Construction and Interpretation of the Laws*, ch. II: Construction of Constitutions, at 29 (2d ed. 1911) explained it as "Whatever is necessary to render effective any provision of a constitution, whether the same be a prohibition, or a restriction, or the grant of a power, must be deemed implied and intended in the provision itself."
88. Therefore, any law that hinders Americans from keeping or bearing arms to defend themselves, rendering large standing armies unnecessary, resisting tyranny, or repelling invasion is repugnant to the Second Amendment.

The people's right to keep and bear arms is a fundamental right

89. The people's right to keep and bear arms in the Second Amendment is a fundamental right. *McDonald v. City of Chicago*, 561 U.S. 742, (2010),
90. "In sum, it is clear that the Framers and ratifiers of the Fourteenth Amendment counted the right to keep and bear arms among those fundamental rights necessary to our system of ordered liberty." *McDonald* 561 at 778.

SECTION 32 of Chapter 135 of the Acts of 2024

91. SECTION 32 of the Chapter 135 of the Acts of 2024 provides in relevant part:
"SECTION 32. Said chapter 140 is hereby further amended by inserting after section 121A the following 5 sections:". SECTION 32 then provides the following subsections in relevant part...
92. Section 121F(o)(i) specifies a \$100 fee for the application or renewal of a firearms license, card, or permit. (See full text of that Section enclosed as Exhibit 5.)
93. Section 121F(o)(ii) provides: "a license to carry firearms issued under section 131 for active and retired law enforcement officials or local, state or federal government entities acting on their behalf shall be \$25 of which 50 per center [sic] shall be retained by the licensing authority and 50 per cent shall be deposited into the General Fund; and."
94. Section 121F(p) provides: "Any person over the age of 70 and any law enforcement officer applying through their employing agency for renewal of a license to carry firearms or a firearm identification card shall be exempt from the requirement of paying a renewal fee."

SECTION 45 of Chapter 135 of the Acts of 2024

95. SECTION 45 of Chapter 135 of the Acts of 2024 provides in relevant part:

“SECTION 45. Said chapter 140 is hereby further amended by striking out section 129C, as so appearing, and inserting in place thereof the following section:- Section 129C. (k) A nonresident may carry a firearm on their person while in a vehicle lawfully traveling through the commonwealth; provided, however, that the firearm shall remain in the vehicle and if the firearm is outside its owner’s direct control it shall be stored in the vehicle in accordance with section 131C.”

The MA legislature had constitutionally sound alternatives it neglected

96. Bill H. 4885—section(s) of which this lawsuit challenges—was introduced and passed by the MA legislature in the legislature’s 2023-2024 term.

97. In its 2023-2024 term, the MA legislature had bill H. 1527 “An Act Relative to Violent Protection Order Violations” that it did not pass. (H. 1527 is enclosed as Exhibit 6.)

98. In its 2023-2024 term, the MA legislature had bill H. 1673 “An Act Relative to Illegal Drug and Firearm Trafficking” that it did not pass. (H. 1673 is enclosed as Exhibit 7.)

99. In its 2023-2024 term, the MA legislature had bill H. 1776 “An Act Relative to Protecting Domestic Violence Victims” that it did not pass. (H. 1776 is enclosed as Exhibit 8.)

100. In its 2023-2024 term, the MA legislature had bill H. 2900 “An Act Relative to Gun Safe Deductions” that it did not pass. (H. 2900 is enclosed as Exhibit 9.)

101. In its 2023-2024 term, the MA legislature had multiple bills other than H. 4885 that addressed firearms and/or public safety and would not have infringed constitutional rights, which it did not pass.

The Plaintiffs have had to fulfill the MA Attorney General's duty to defend civil rights and liberties that she has neglected

102. M.G.L. Ch. 12 § 11A is titled "Division of civil rights and liberties" and states in whole: "There shall be in the department of the attorney general a division of civil rights and liberties. The attorney general shall designate an assistant attorney general as director of said division. Said director may appoint and remove, subject to the approval of the attorney general, such expert, clerical and other assistants as the work of the division may require."

103. Between 2022 and 2024, the MA Attorney General's office filed no lawsuits against any government entity or personnel to defend any citizen's rights in the MA or U.S. Constitutions.

104. Defendant Andrea Joy Campbell's account on social media platform X.com (formerly known as Twitter) as MA Attorney General has the username @MassAGO.

105. On or about July 19, 2024, @MassAGO made a post on X.com stating in whole: "In Massachusetts, we're not just calling for gun safety - we're walking the walk. I'm proud of the role my office had in informing the legislation passed yesterday that takes tremendous steps forward in making our communities safer and protecting our kids."

106. As of November 3rd, 2024, @MassAGO had made 886 posts on X.com since creation of the account in January 2023. (See Exhibit 10.)

107. As of November 3rd, 2024, the only constitutional right @MassAGO had posted about on X.com was the right to vote.

108. On or about March 8th, 2024, the MA Attorney General issued a press release announcing in part⁷:

Attorney General Andrea Joy Campbell today announced a series of charges against Scott LaPanne, 46 of East Falmouth. LaPanne was arrested on February 29, 2024, as a result of a multi-agency investigation into his unlawful possession of weapons. He was arraigned the following day in Falmouth District Court on 6 counts of Possession of Assault Weapon, 14 counts of Possession of Firearm without License To Carry / Firearms Identification Card, 23 counts of Possession of Large Capacity Weapon / Feeding Device, 2 counts of Possession of a Silencer, and Possession of Ammunition without License To Carry / Firearms Identification Card.

109. On November 20th, 2023 @MassAGO posted on X.com about “enforcing and defending our state’s gun laws.” (See Exhibit 11.)

110. The @MassAGO’s said post on X.com made no distinction between enforcing and defending our state’s gun laws that are constitutional versus ones that are unconstitutional.

111. On November 6, 2024 @MassAGO pinned to the top of her thread her post of that same day, which included in part her statement that “Across the country, attorneys general will be on the front lines to protect our fundamental rights and freedoms”. (See Exhibit 12.)

112. Since being served with this lawsuit’s initial complaint in November 2024, the MA Attorney General has taken no action to remedy any of the violations of constitutional rights the complaint informed her of.

⁷ <https://www.mass.gov/news/ag-campbell-announces-charges-against-east-falmouth-man-for-unlawfully-possessing-assault-weapons-ammunition-and-silencers> Last visited February 22, 2025.

The MA Governor has also failed to uphold these constitutional rights

113. MA Governor Maura Healey's personal account on social media platform X.com (formerly known as Twitter) has the username @maura_healey.
114. As of November 3rd, 2024 Defendant Maura Healey described herself in the profile of her @maura_healey account on X.com in part as "Governor of Massachusetts. Civil rights lawyer." (See Exhibit 13.)
115. On November 2nd, 2024 Defendant Maura Healey posted in her @maura_healey account statements including in part that "I spoke with @racheljanfaza about how young people shouldn't have fewer freedoms than the generations before them." (See Exhibit 14.)
116. Defendant Maura Healey's official account on X.com as the Governor of Massachusetts has the username @MassGovernor.
117. On November 6th, 2024, @MassGovernor posted on X.com that "In Massachusetts, we defend civil rights. We protect reproductive freedom. We believe in the dignity and worth of everyone—whoever you are, wherever you're from, whoever you love. That was true yesterday, it's true today, and will be true tomorrow. That's my promise to you." (See Exhibit 15.)
118. Since being served with this lawsuit's initial complaint in November 2024, MA Governor Maura Healey has taken no action to remedy any of the violations of constitutional rights the complaint informed her of.

Count I: 42 U.S.C. § 1983 Civil Action for Deprivation of Rights

119. The Plaintiffs hereby incorporate by reference the above paragraphs, as if fully restated herein.
120. 42 U.S.C. § 1983 provides:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

121. The Plaintiffs seek declaratory, monetary, and injunctive relief pursuant to 42 U.S.C. § 1983.

Count II: M.G.L. Chapter 231A Procedure for Declaratory Judgments

122. The Plaintiffs hereby incorporate by reference the above paragraphs, as if fully restated herein.
123. The Plaintiffs seek declaratory and injunctive relief pursuant to M.G.L. Ch. 231A.

Count III: Violation of the U.S. Constitution's Second Amendment

124. The Plaintiffs hereby incorporate by reference the above paragraphs, as if fully restated herein.
125. “Bruen requires that we employ a two-part test to determine whether a regulation or restriction passes constitutional muster under the Second Amendment.” *Commonwealth v. Canjura*, 240 N.E.3d 213, 217 (Mass. 2024) (Citing *N.Y.S. Rifle & Pistol Ass’n, Inc. v. Bruen*, 142 S. Ct. 2111 (2022)).

126. “If... we conclude the regulated conduct is covered by the plain text of the Second Amendment, ‘the Constitution presumptively protects that conduct,’ and we proceed to the second part of the analysis.” *Commonwealth v. Canjura*, 240 N.E.3d 213, 217 (Mass. 2024).
127. “In the second part of the analysis, ‘the government must demonstrate that the regulation is consistent with this Nation’s historical tradition of [arms] regulation.’” *Commonwealth v. Canjura*, 240 N.E.3d 213, 217 (Mass. 2024).
128. “The Commonwealth may meet its burden by pointing to analogous regulations enacted close in time to the ratification of either the Second Amendment in 1791 or the Fourteenth Amendment in 1868.” *Commonwealth v. Canjura*, 240 N.E.3d 213, 219 (Mass. 2024).
129. “As we recognized in *Heller* itself, because post-Civil War discussions of the right to keep and bear arms “took place 75 years after the ratification of the Second Amendment, they do not provide as much insight into its original meaning as earlier sources.” 554 U. S., at 614; cf. *Sprint Communications Co.*, 554 U. S., at 312 (ROBERTS, C. J., dissenting) (“The belated innovations of the mid- to late-19th-century courts come too late to provide insight into the meaning of [the Constitution in 1787]”). And we made clear in *Gamble* that *Heller*’s interest in mid- to late-19th-century commentary was secondary. *Heller* considered this evidence “only after surveying what it regarded as a wealth of authority for its reading—including the text of the Second Amendment and state constitutions.” *Gamble*, 587 U. S., at — (majority opinion). In other words, this 19th-century evidence was “treated as mere confirmation of what the Court thought had already been established.” *Ibid.*” *Bruen*, 597 U.S. at 36.

130. “At this second step of the analysis, Bruen requires us to determine whether “a challenged regulation addresses a general societal problem that has persisted since the [Eighteenth Century].” Id. at 26, 142 S.Ct. 2111. If so, “the lack of distinctly similar historical regulation addressing that problem is relevant evidence that the challenged regulation is inconsistent with the Second Amendment.”” *Commonwealth v. Canjura*, 240 N.E.3d 213, 219 (Mass. 2024).

131. If the challenged regulation addresses a general societal problem that has not persisted since the eighteenth century, then to pass constitutional muster the regulation must be relevantly similar to laws that were enforced at the time of the Founding in both how and why they burdened a citizen’s right to be armed: “While we do not now provide an exhaustive survey of the features that render regulations relevantly similar under the Second Amendment, we do think that *Heller* and *McDonald* point toward at least two metrics: how and why the regulations burden a law-abiding citizen’s right to armed self-defense. As we stated in *Heller* and repeated in *McDonald*, “individual self-defense is ‘the central component’ of the Second Amendment right.” *McDonald*, 561 U. S., at 767 (quoting *Heller*, 554 U. S., at 599); see also *id.*, at 628 (“the inherent right of self-defense has been central to the Second Amendment right”). Therefore, whether modern and historical regulations impose a comparable burden on the right of armed self-defense and whether that burden is comparably justified are “‘central’” considerations when engaging in an analogical inquiry. *McDonald*, 561 U. S., at 767 (quoting *Heller*, 554 U. S., at 599).” *Bruen*, 597 U.S. at 29.

132. “see also *McDonald*, 561 U.S. at 790–791, 130 S.Ct. 3020 (plurality opinion) (the Second Amendment does not permit—let alone require—‘judges to assess the costs and benefits of firearms restrictions’ under means-end scrutiny). We

declined to engage in means-end scrutiny because '[t]he very enumeration of the right takes out of the hands of government—even the Third Branch of Government—the power to decide on a case-by-case basis whether the right is really worth insisting upon.' *Heller*, 554 U.S. at 634, 128 S.Ct. 2783. We then concluded: 'A constitutional guarantee subject to future judges' assessments of its usefulness is no constitutional guarantee at all.'" *Bruen* 597 U.S. at 23.

133. "As the foregoing makes clear, the pertinent Second Amendment inquiry is whether stun guns are commonly possessed by law-abiding citizens for lawful purposes *today*. The Supreme Judicial Court offered only a cursory discussion of that question, noting that the " 'number of Tasers and stun guns is dwarfed by the number of firearms.' " 470 Mass., at 781, 26 N. E. 3d, at 693. This observation may be true, but it is beside the point. Otherwise, a State would be free to ban *all* weapons *except* handguns, because "handguns are the most popular weapon chosen by Americans for self-defense in the home." *Heller, supra*, at 629" *Caetano v. Massachusetts*, 577 U.S. 411 (2016) (Alito, J., concurring).

134. "For purposes of this case, we conclude switchblades meet the "common use" test. Today, only seven States and the District of Columbia categorically ban switchblades or other automatic knives, and only two States impose blade length restrictions of less than two inches. From these facts, we can reasonably infer that switchblades are weapons in common use today by law-abiding citizens for lawful purposes; more specifically, we can infer they are "widely owned and accepted as a legitimate means of self-defense across the country." *Caetano*, 577 U.S. at 420, 136 S.Ct. 1027 (Alito, J., concurring) (highlighting general acceptance of stun guns as legitimate means of self-defense)." *Commonwealth v. Canjura*, 240 N.E.3d 213, 221 (Mass. 2024).

135. 18 U.S.C. § 921(a)(3) provides in relevant part: “The term ‘firearm’ means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device.”

136. The Commonwealth of Massachusetts is one of no more than eight states that prohibit the Plaintiffs from possessing devices designed to attach to firearms and muffle the sound of their gunshots (i.e. firearm silencers/suppressors/mufflers).

137. Since January 2023, there have been only two instances in this country of crimes committed using a firearm with a suppressor.

138. In January 2023, a gunman shot and killed 11 people in Monterey Park, California with a handgun outfitted with a suppressor.

139. On December 4, 2024, UnitedHealthcare CEO Brian Thompson was fatally shot outside the New York Hilton Midtown hotel in New York City, NY by a gunman using a firearm with a suppressor.

140. At the times of those attacks, the laws of the states in which those shootings occurred (California and New York) banned firearm suppressors.

141. The Plaintiffs would protect their safety and that of people in their vicinity by using firearm suppressors (a.k.a. silencers or mufflers) were it not for the criminal prosecution and punishment with which M.G.L. Ch. 269 § 10A threatens them.

142. The Supreme Court has defined “arms” under the Second Amendment broadly with a “general definition” that includes all “modern instruments that facilitate armed self-defense.” *Bruen*, 142 S. Ct. at 2132.

143. As of 2021, over 2.6 million firearm suppressors/silencers were legally registered in the United States. (See Exhibit 16 Firearms Commerce in the United States: Annual Statistical Update 2021, BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES (2021), at 16.)

144. By prohibiting the Plaintiffs from possessing and using devices designed to muffle the sound of gunshots that are in common possession for lawful purposes in this country, M.G.L. Ch. 269 § 10A violates the Second Amendment.

145. The Plaintiffs would keep and bear arms without a license were it not for MA law threatening them with criminal prosecution and punishment for doing so.

146. In *Murdock v. Pennsylvania*, 319 U.S. 105, 112-13 (1943), the Court held that a state may not impose a charge to exercise a constitutional right:

It is contended, however, that the fact that the license tax can suppress or control this activity is unimportant if it does not do so. But that is to disregard the nature of this tax. It is a license tax — a flat tax imposed on the exercise of a privilege granted by the Bill of Rights. A state may not impose a charge for the enjoyment of a right granted by the Federal Constitution.

See also *Harper v. Va. Bd. of Elections*, 383 U.S. 663, 668 (1966); *Minneapolis Star & Trib. Co. v. Minn. Comm’r of Rev.*, 460 U.S. 575, 591 (1983). Because the Second Amendment is “not ‘a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees[.]’” *Bruen*, 597 U.S. at 70 (quoting *McDonald v. City of Chicago*, 561 U.S. 742, 780 (2010)), these precedents apply with equal force to MA’s licensing fees.

147. By charging the Plaintiffs fees to obtain a license to carry firearms, SECTION 32 of Chapter 135 of the Acts of 2024 sections 121F(o)(i) and 121F(o)(ii) violate the Second Amendment.

148. “[] there is little evidence of an early American practice of regulating public carry by the general public.” *Bruen*, 597 U.S. at 46.

149. “Because possession of a firearm outside the home is constitutionally protected conduct, it cannot, absent some extenuating factor, such as failure to comply with licensing requirements, be punished by the Commonwealth.” *Commonwealth v. Guardado*, 491 Mass. 666, 690 (Mass. 2023).

150. If the government seeks to restrict firearms in a particular location, it must prove that its restriction is sufficiently analogous to a “a well-established and representative historical analogue” *N.Y.S. Rifle & Pistol Ass’n, Inc. v. Bruen*, 142 S. Ct. 2111, 2133 (2022). The U.S. Supreme Court has identified only three such locations: “legislative assemblies, polling places, and courthouses.” *Id.* (citing David B. Kopel & Joseph G.S. Greenlee, The “Sensitive Places” Doctrine: Locational Limits on the Right to Bear Arms, 13 CHARLESTON L. REV. 205, 229–36, 244–47 (2018)).

151. The unifying principle allowing arms to be restricted in those three locations at the Founding was comprehensive government-provided security. See Amicus Br. of the Center for Human Liberty at 8–17, *Antonyuk v. Nigrelli*, No 22-2908 (2d Cir. Feb. 9, 2023), Doc. No. 313; Amicus Br. of Angus Kirk McClellan at 9–22, No. 23-16164 (9th Cir. Nov. 9, 2023), Doc. No. 48-2.

152. “It is true that people sometimes congregate in ‘sensitive places,’ and it is likewise true that law enforcement professionals are usually presumptively available in those locations. But expanding the category of ‘sensitive places’ simply to all places of public congregation that are not isolated from law enforcement defines the category of ‘sensitive places’ far too broadly.” *Bruen*, 142 S. Ct. at 2133-34.

153. M.G.L. Ch. 269 § 10(j) bars the Plaintiffs from bearing arms in schools, colleges, and universities. (See the full text of M.G.L. Ch. 269 § 10(j) in Exhibit 17.)

154. The Plaintiffs have each been on the property of and in schools, colleges, and universities multiple times and intend to continue doing so.

155. The Plaintiffs would bear arms on the property of and in schools, colleges, and universities were it not for M.G.L. Chapter 269 § 10(j).

156. M.G.L. Chapter 269 § 10(j) does not have well-established representative historical analogues and therefore violates the Second Amendment.

157. SECTION 124 of Chapter 135 of the Acts of 2024 bars the Plaintiffs from bearing firearms in (among others) “a place owned, leased, or under the control of state, county or municipal government and used for the purpose of government administration... including in or upon any part of the buildings, grounds, or parking areas thereof” and “a location in use at the time of possession for the storage or tabulation of ballots during the hours in which voting or tabulation is occurring or a polling place or early voting site while open for voting or within 150 feet of the building entrance door to such polling place or early voting site.”

158. The Plaintiffs have each been to each of those places multiple times and intend to continue doing so.

159. The Plaintiffs would bear arms in those places were it not for SECTION 124 of Chapter 135 of the Acts of 2024.

160. Unlike in courts, the Commonwealth of Massachusetts does not provide or require comprehensive security for the Plaintiffs at schools, colleges, universities, places of government administration, ballot tabulation or storage sites, voting sites, polling places, or their grounds or parking lots.

161. The specified portions of SECTION 124 of Chapter 135 of the Acts of 2024 do not have well-established representative historical analogues and therefore violate the Second Amendment.
162. As a regulation issued by an executive branch entity that bans firearms with various specified characteristics and regulates the people's right to keep and bear arms in various other ways, 940 CMR 16.00 violates the Second Amendment.
163. By authorizing an executive branch entity to ban firearms of its choice and approve firearms of its choice for sale and use, SECTIONS 50 and 51 of Chapter 135 of the Acts of 2024 violate the Second Amendment.
164. By barring the Plaintiffs from carrying on public ways loaded rifles or shotguns and unloaded rifles and shotguns unless they are in a case, M.G.L. Ch. 269 § 12D violates the Second Amendment. (See the full text of M.G.L. Ch. 269 § 12D in Exhibit 18.)
165. Each of the Plaintiffs have been on public ways numerous times and intend to continue doing so.
166. Each of the Plaintiffs would carry loaded rifles and shotguns and unloaded rifles and shotguns outside of a case on public ways were it not for M.G.L. Ch. 269 § 12D.
167. By barring the Plaintiffs from possessing firearms "within or upon the premises of a gaming establishment", 205 CMR § 138.20 violates the Second Amendment.
168. As a regulation issued by an executive branch entity that bans firearms from a location, 205 CMR § 138.20 violates the Second Amendment.

169. Each of the Plaintiffs have been to gaming establishments and intend to continue doing so.
170. Each of the Plaintiffs would possess firearms within and upon the premises of gaming establishments were it not for 205 CMR § 138.20.
171. 42 U.S.C. § 44901(h)(1) titled "Deployment of armed personnel" states in whole: "In general.-The Administrator of the Transportation Security Administration shall order the deployment of law enforcement personnel authorized to carry firearms at each airport security screening location to ensure passenger safety and national security."
172. Each of the Plaintiffs have been on airport property and intend to continue doing so.
173. Each of the Plaintiffs would possess, transport, and carry ammunition and loaded and operational firearms on airport property outside of secured, enclosed areas were it not for 740 CMR §§ 30.04, 30.05.
174. By barring the Plaintiffs from possessing, transporting, or carrying ammunition or loaded or operational firearms on Airport property outside of secured, enclosed areas, 740 CMR §§ 30.04, 30.05 violate the Second Amendment. (The Plaintiffs do not challenge the constitutionality of 740 CMR § 30.00 et seq. insofar as it prohibits their possessing, transporting, or carrying those items inside of secured, enclosed areas of Airport property. 740 CMR § 30.00 et seq. is enclosed as Exhibit 19.)
175. By barring the Plaintiffs from possessing a firearm that has a threaded barrel and another characteristic from its list, SECTION 16(a) and (b) of Chapter 135 of the Acts of 2024 violates the Second Amendment.
176. Threaded barrels are necessary to attach suppressors to firearms.

177. Each of the Plaintiffs would obtain and use firearms with threaded barrels were it not for SECTION 16(a) and (b) of Chapter 135 of the Acts of 2024.

178. By barring the Plaintiffs from carrying a:

“stiletto, dagger or a device or case which enables a knife with a locking blade to be drawn at a locked position, any ballistic knife, or any knife with a detachable blade capable of being propelled by any mechanism, dirk knife, any knife having a double-edged blade, or a switch knife, or any knife having an automatic spring release device by which the blade is released from the handle, having a blade of over one and one-half inches, or a slung shot, blowgun, blackjack, metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles, nunchaku, zoobow, also known as klackers or kung fu sticks, or any similar weapon consisting of two sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire or leather, a shuriken or any similar pointed starlike object intended to injure a person when thrown, or any armband, made with leather which has metallic spikes, points or studs or any similar device made from any other substance or a cestus or similar material weighted with metal or other substance and worn on the hand, or a manrikigusari or similar length of chain having weighted ends; or whoever, when arrested upon a warrant for an alleged crime, or when arrested while committing a breach or disturbance of the public peace, is armed with or has on his person, or has on his person or under his control in a vehicle, a billy or other dangerous weapon”

M.G.L. Ch. 269 § 10(b) violates the Second Amendment. See amici curiae brief of Knife Rights, Inc. and The Knife Rights Foundation, Inc., *Commonwealth v. Canjura*, 240 N.E.3d 213 (Mass. 2024), Doc. # 18.

179. The Plaintiffs would obtain and possess the items banned by M.G.L. Ch. 269 § 10(b) were it not for the threat of arrest, prosecution, and other penalties.

180. The presumption against ineffectiveness canon of construction reveals that by hindering the Plaintiffs from fulfilling the Second Amendment’s purposes identified in *Heller* of defending themselves, rendering large standing armies unnecessary, resisting tyranny, and repelling invasion, the MA laws and

regulations challenged here are impermissibly repugnant to the U.S. Constitution's Second Amendment.

181. The Plaintiffs do not challenge the constitutionality of MA or federal law requiring them to undergo and clear criminal background checks to purchase a firearm from a licensed dealer.

182. The Plaintiffs do not challenge the constitutionality of 18 U.S.C. § 922(g).

183. In *United States v. Rahimi*, 144 S. Ct. 1889 (2024), Rahimi challenged the constitutionality solely of 18 U.S.C. § 922(g)(8) under the Second Amendment.

184. 18 U.S.C. § 922(g)(8) bars a person from possessing a firearm or ammunition while the person "is subject to a court order that-

(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury"

185. Rahimi had been convicted of multiple violent crimes.

186. The Plaintiffs have not committed violent crimes.

187. The Supreme Court held that 18 U.S.C. § 922(g)(8) is consistent with the Second Amendment and a person may be temporarily disarmed while subject to

a court order that meets § 922(g)(8)'s criteria. *United States v. Rahimi*, 144 S. Ct. 1889, (2024).

188. M.G.L. Chapter 140 §§ 131R, S, T, U, V, X, and Y and SECTIONS 76 through 85 of Chapter 135 of the Acts of 2024 provide for the revocation of licenses to carry firearms and firearm identification cards and the confiscation of the firearms and ammunition of a person subject to an extreme risk protection order.

189. Extreme risk protection orders as defined by M.G.L. Chapter 140 §§ 131R, S, T, U, V, X, and Y and SECTIONS 76 through 85 of Chapter 135 of the Acts of 2024 are also known as red flag laws.⁸

190. A research paper's abstract on red flag laws states "Red flag laws had no significant effect on murder, suicide, the number of people killed in mass public shootings, robbery, aggravated assault, or burglary. There is some evidence that rape rates rise. These laws apparently do not save lives."⁹

191. Red flag laws result in "rates of police officers killing targets that is substantial when compared to the murder rate."¹⁰

192. By providing for the confiscation of a person's license to carry firearms, firearm identification card, firearms, and ammunition without his having been charged with a crime and without his fitting 18 U.S.C. § 922(g)'s criteria, M.G.L.

⁸ <https://www.mass.gov/extreme-risk-protection-orders> Last visited February 4, 2025.

⁹ **Institute for Public Policy and Social Research**, "Do Red Flag Laws Save Lives or Reduce Crime?" (Michigan State University), available at <http://ippsr.msu.edu/research/do-red-flag-laws-save-lives-or-reduce-crime> Last visited February 4, 2025.

¹⁰ **David G. Mitchell**, *Understanding Extreme Risk Protection Orders: A Guide to Red Flag Laws*, 87 Mo. L. Rev. 123 (2022), available at <https://scholarship.law.missouri.edu/cgi/viewcontent.cgi?article=2050&context=facpubs> Last visited February 4, 2025.

Chapter 140 §§ 131R, S, T, U, V, X, and Y and SECTIONS 76 through 85 and 92 of Chapter 135 of the Acts of 2024 violate the Second Amendment.

193. *N.Y.S. Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022) held that interest-balancing and using subjective criteria for the issuance of licenses to carry firearms are impermissible under the Second Amendment.

194. In accordance with *Bruen*, Massachusetts may only use consistent, objective criteria for the issuance of licenses to carry firearms and firearm identification cards. But in conflict with *Bruen*, M.G.L. Chapter 140 §§ 131R, S, T, U, V, X, and Y and SECTIONS 76 through 85 of Chapter 135 of the Acts of 2024 provide for the revocation of such licenses and cards based on subjective criteria.

195. By providing for the confiscation of a person’s license to carry firearms or firearm identification card based on subjective criteria or interest-balancing, M.G.L. Chapter 140 §§ 131R, S, T, U, V, X, and Y and SECTIONS 76 through 85 and 92 of Chapter 135 of the Acts of 2024 violate the Second Amendment.

196. By providing for the confiscation of a person’s license to carry firearms or firearm identification card without there being analogous regulations enacted close in time to the ratification of the Second Amendment in 1791, M.G.L. Chapter 140 §§ 131R, S, T, U, V, X, and Y and SECTIONS 76 through 85 and 92 of Chapter 135 of the Acts of 2024 violate the Second Amendment.

197. By requiring the Plaintiffs to register their firearms with and report the loss, transaction, or theft of a firearm to an entity of the Commonwealth of Massachusetts, SECTION 32 of Chapter 135 of the Acts of 2024 violates the Second Amendment.

198. By requiring the serialization of firearms, SECTIONS 29, 30, and 32 of Chapter 135 of the Acts of 2024 violate the Second Amendment.

Count IV: Violation of the 4th Amendment

199. The Plaintiffs hereby incorporate by reference the above paragraphs, as if fully restated herein.

200. “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.” U.S. CONST. amend IV.

201. In *Illinois v. Gates*, 462 U.S. 213, 238 (1983) the Court held that under the U.S. Constitution’s Fourth Amendment, “The task of the [warrant-] issuing magistrate is simply to make a practical, common-sense decision whether, given all the circumstances set forth in the affidavit before him, including the ‘veracity’ and ‘basis of knowledge’ of persons supplying hearsay information, there is a fair probability that contraband or evidence of a crime will be found in a particular place.”

202. “Sufficient information must be presented to the magistrate to allow that official to determine probable cause; his action cannot be a mere ratification of the bare conclusions of others. In order to ensure that such an abdication of the magistrate's duty does not occur, courts must continue to conscientiously review the sufficiency of affidavits on which warrants are issued.” *Illinois v. Gates*, 462 U.S. 213, 239 (1983).

203. “The question today is whether Cady 's acknowledgment of these ‘caretaking’ duties creates a standalone doctrine that justifies warrantless

searches and seizures in the home. It does not.” *Caniglia v. Strom*, 141 S. Ct. 1596, 1598 (2021).

204. “Petitioner spoke with respondents and confirmed his wife’s account of the argument, but denied that he was suicidal. Respondents, however, thought that petitioner posed a risk to himself or others. They called an ambulance, and petitioner agreed to go to the hospital for a psychiatric evaluation—but only after respondents allegedly promised not to confiscate his firearms. Once the ambulance had taken petitioner away, however, respondents seized the weapons. Guided by petitioner’s wife—whom they allegedly misinformed about his wishes—respondents entered the home and took two handguns.” *Caniglia v. Strom*, 141 S. Ct. 1596, 1598 (2021).

205. “The Court has said that a warrant supported by probable cause is ordinarily required for law enforcement officers to enter a home. See U.S. Const., Amdt. 4. But drawing on common-law analogies and a commonsense appraisal of what is ‘reasonable,’ the Court has recognized various situations where a warrant is not required. For example, the exigent circumstances doctrine allows officers to enter a home without a warrant in certain situations, including: to fight a fire and investigate its cause; to prevent the imminent destruction of evidence; to engage in hot pursuit of a fleeing felon or prevent a suspect’s escape; to address a threat to the safety of law enforcement officers or the general public; to render emergency assistance to an injured occupant; or to protect an occupant who is threatened with serious injury.” *Caniglia v. Strom*, 141 S. Ct. 1596, 1603 (2021) (Kavanaugh, J., concurring).

206. “What is reasonable for vehicles is different from what is reasonable for homes. Cady acknowledged as much, and this Court has repeatedly ‘declined to

expand the scope of ... exceptions to the warrant requirement to permit warrantless entry into the home.’ *Collins*, 584 U.S., at —, 138 S. Ct. at 1672. We thus vacate the judgment below and remand for further proceedings consistent with this opinion.” *Caniglia v. Strom*, 141 S. Ct. 1596, 1600 (2021).

207. “Provisions of red flag laws may be challenged under the Fourth Amendment, and those cases may come before us.” *Caniglia v. Strom*, 141 S. Ct. 1596, 1601 (2021) (Alito, J., concurring).

208. By providing for the search for and seizure of the Plaintiffs’ firearms without a warrant and without circumstances justifying warrantless search and seizure, M.G.L. Chapter 140 §§ 131R, S, T, U, V, X, and Y and SECTIONS 76 through 85 of Chapter 135 of the Acts of 2024 violate the Fourth Amendment.

209. By providing for issuance of a warrant to seize the Plaintiffs’ firearms without such a warrant meeting the requirements specified by *Illinois v. Gates*, 462 U.S. 213, (1983), M.G.L. Chapter 140 §§ 131R, S, T, U, V, X, and Y and SECTIONS 76 through 85 of Chapter 135 of the Acts of 2024 violate the Fourth Amendment.

Count V: Violation of Article 14 of the Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts

210. The Plaintiffs hereby incorporate by reference the above paragraphs, as if fully restated herein.

211. “Every subject has a right to be secure from all unreasonable searches, and seizures, of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order in the

warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure: and no warrant ought to be issued but in cases, and with the formalities prescribed by the laws.” Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts, Art. 14.

212. The MA Supreme Judicial Court holds that Article 14 of the Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts demands a higher standard for probable cause than does the U.S. Constitution’s Fourth Amendment. “We thus reject the ‘totality of the circumstances’ test as the appropriate standard for determining that probable cause which must be shown under art. 14. We conclude instead that the principles developed under *Aguilar v. Texas*, 378 U.S. 108 (1964), and *Spinelli v. United States*, 393 U.S. 410 (1969), if not applied hypertechnically, provide a more appropriate structure for probable cause inquiries under art. 14.” *Commonwealth v. Upton*, 394 Mass. 363, 374 (Mass. 1985).

213. “We conclude, therefore, that the *Aguilar-Spinelli* test, as modified by our earlier decision in this case, is the standard for determining probable cause under art. 14.” *Commonwealth v. Upton*, 394 Mass. 363, 377 (Mass. 1985).

214. By providing for the seizure of the Plaintiffs’ firearms, ammunition, and license to carry or firearm identification card without a warrant and without circumstances justifying warrantless search and seizure, SECTION 92 of Chapter 135 of the Acts of 2024 violate the Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts Article 14.

215. By providing for the search for and seizure of the Plaintiffs' firearms without a warrant and without circumstances justifying warrantless search and seizure, M.G.L. Chapter 140 §§ 131R, S, T, U, V, X, and Y and SECTIONS 76 through 85 of Chapter 135 of the Acts of 2024 violate the Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts Article 14.

216. By providing for issuance of a warrant to seize the Plaintiffs' firearms without such a warrant meeting the requirements specified by *Commonwealth v. Upton*, 394 Mass. 363, (Mass. 1985), M.G.L. Chapter 140 §§ 131R, S, T, U, V, X, and Y and SECTIONS 76 through 85 of Chapter 135 of the Acts of 2024 violate Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts Article 14.

217. By requiring the Plaintiffs to register their firearms with and report the loss or theft of a firearm to an entity of the Commonwealth of Massachusetts, SECTION 32 of Chapter 135 of the Acts of 2024 violates the Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts Article 14.

Count VI: Violation of the 14th Amendment's Due Process Clause

218. The Plaintiffs hereby incorporate by reference the above paragraphs, as if fully restated herein.

219. M.G.L. Chapter 140 §§ 131R, S, T, U, V, X, and Y and SECTIONS 76 through 85 of Chapter 135 of the Acts of 2024 provide for the seizure of the Plaintiffs' firearms without the Plaintiffs having been convicted of a crime.

220. M.G.L. Chapter 140 §§ 131R, S, T, U, V, X, and Y and SECTIONS 76 through 85 of Chapter 135 of the Acts of 2024 provide for the seizure of the Plaintiffs' firearms without the Plaintiffs having been charged with a crime.

221. M.G.L. Chapter 140 §§ 131R, S, T, U, V, X, and Y and SECTIONS 76 through 85 of Chapter 135 of the Acts of 2024 provide for depriving the Plaintiffs of their firearms for up to one year with the potential renewal of such deprivation at limitless one-year intervals, without the Plaintiffs ever being charged with a crime.
222. “The Fifth Amendment provides that ‘[n]o person shall ... be deprived of life, liberty, or property, without due process of law.’ Our cases establish that the Government violates this guarantee by taking away someone’s life, liberty, or property under a criminal law so vague that it fails to give ordinary people fair notice of the conduct it punishes, or so standardless that it invites arbitrary enforcement.” *Johnson v. United States*, 576 U.S. 591, 595 (2015).
223. U.S. CONST. amend XIV, Section 1 provides: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”
224. “These principles apply not only to statutes defining elements of crimes, but also to statutes fixing sentences.” *Johnson v. United States*, 576 U.S. 591, 596 (2015).
225. In *Johnson*, the U.S. Supreme Court held that the residual clause “or otherwise involves conduct that presents a serious potential risk of physical injury to another” of 18 U.S.C. § 924(e)(2)(B) is void due to its vagueness.

226. “We are convinced that the indeterminacy of the wide-ranging inquiry required by the residual clause both denies fair notice to defendants and invites arbitrary enforcement by judges.” *Johnson v. United States*, 576 U.S. 591, 597 (2015).

227. “There is no need, however, to decide whether the impact of the Chicago ordinance on constitutionally protected liberty alone would suffice to support a facial challenge under the overbreadth doctrine. Cf. *Aptheker v. Secretary of State*, 378 U.S. 500, 515-517 (1964) (right to travel); *Planned Parenthood of Central Mo. v. Danforth*, 428 U.S. 52, 82-83 (1976) (abortion); *Kolender v. Lawson*, 461 U.S., at 355, n. 3, 358-360, and n. 9. For it is clear that the vagueness of this enactment makes a facial challenge appropriate. This is not an ordinance that “simply regulates business behavior and contains a scienter requirement.” See *Hoffman Estates v. Flipside, Hoffman Estates, Inc.*, 455 U.S. 489, 499 (1982). It is a criminal law that contains no *mens rea* requirement, see *Colautti v. Franklin*, 439 U.S. 379, 395 (1979), and infringes on constitutionally protected rights, see *id.*, at 391.” *Chicago v. Morales*, 527 U.S. 41, 55 (1999).

228. “A statute, or injunction, will be considered unconstitutionally vague if it “either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application.” *Connally v. General Constr. Co.*, 269 U.S. 385, 391 (1926). The purpose of the vagueness doctrine is to ensure that all “be informed as to what the state commands or forbids.” *Smith v. Goguen*, 415 U.S. 566, 574 (1974), quoting *Lanzetta v. New Jersey*, 306 U.S. 451, 453 (1939). In this manner, people have an opportunity to guide their conduct in conformity with the law, and those entrusted with the enforcement of the laws are provided with strict guidelines

for their application. *Grayned v. Rockford*, 408 U.S. 104, 108 (1972). The prohibition against overly vague laws protects people from having voluntarily to curtail activities which, although protected by the First Amendment, may be confused with illegal activity due to an unconstitutionally vague statute. *Id.* at 109.” *Planned Parenthood League of Mass. v. Operation Rescue*, 406 Mass. 701, 714-15 (Mass. 1990).

229. M.G.L. Chapter 140 §§ 131R, S, T, U, V, X, and Y and SECTIONS 76 through 85 of Chapter 135 of the Acts of 2024’s wording that an extreme risk protection order may be issued if a respondent “poses a risk of causing bodily injury to self or others by having in the respondent's control, ownership or possession a firearm or ammunition” could be interpreted to mean that any of these behaviors or others by a respondent might trigger issuance of such an order: a respondent swearing or exhibiting frustration; a respondent expressing a desire for some solitude; a respondent expressing enthusiasm for shooting guns; a respondent being less than normally responsive to messages from a petitioner; a respondent engaging in an argument; a respondent’s remarks about an act of violence in the news; a respondent complaining about having been treated unfairly; a respondent using assertive language when establishing personal boundaries; or a respondent sharing feelings of sadness or anxiety.

230. M.G.L. Chapter 140 §§ 131R, S, T, U, V, X, and Y and SECTIONS 76 through 85 of Chapter 135 of the Acts of 2024’s wording that an extreme risk protection order may be issued if a respondent “poses a risk of causing bodily injury to self or others by having in the respondent's control, ownership or possession a firearm or ammunition” fails to give ordinary people fair notice of

the conduct they punish and is so standardless that it invites arbitrary enforcement, thereby violating the Due Process Clause of the 14th Amendment.

Count VII: Violation of the Equal Protection Clause of 14th Amendment

231. The Plaintiffs hereby incorporate by reference the above paragraphs, as if fully restated herein.

232. “In the aftermath of the Civil War, Congress's desire to enable the newly freed slaves to defend themselves against former Confederates helped inspire the passage of the Fourteenth Amendment, which secured the right to bear arms against interference by the States.” *United States v. Rahimi*, No. 22-915, 9-10 (U.S. Jun. 21, 2024).

233. “Where a statute implicates a fundamental right or uses a suspect classification, we employ ‘strict judicial scrutiny.’ *Lowell v. Kowalski*, 380 Mass. 663, 666 (1980).” *Goodridge v. Dept. of Public Health*, 440 Mass. 309, 330 (Mass. 2003).

234. To survive strict judicial scrutiny, the challenged law / regulation must serve a government interest that is not merely important but truly compelling, be narrowly tailored to serve its purposes, and be narrowly tailored to use the least restrictive means. *Commonwealth v. Weston W., a Juvenile*, 455 Mass. 24, 913 N.E.2d 832 (Mass. 2009).

235. The U.S. Supreme Court deems exceptions such as those for law enforcement personnel to violate the people’s right to keep and bear arms: “[] we think that is precluded by the unequivocal text, and by the presence of certain other enumerated exceptions: ‘Except for law enforcement personnel ..., each registrant shall keep any firearm in his possession unloaded and disassembled or

bound by a trigger lock or similar device unless such firearm is kept at his place of business, or while being used for lawful recreational purposes within the District of Columbia.'" *Heller*, at 630.

236. By allowing law enforcement officers acting within the scope of their official duties to possess and use firearm silencers (a.k.a. suppressors or mufflers) while prohibiting the Plaintiffs from possessing and using the same items, M.G.L. Ch. 269 § 10A violates the Equal Protection Clause.

237. By imposing a fee on Plaintiffs Joshua Ulrich, Phillip McLaine, Vincent Cedrone, Michael Bush, and Amgad Mukhtar to apply for or renew their MA firearms license, card, or permit while exempting other adults from having to pay such a renewal fee due to their age or occupation, SECTION 32 of Chapter 135 of the Acts of 2024 sections 121F(o)(i) and 121F(p) violate the Equal Protection Clause.

238. By imposing fees of higher amounts on Plaintiffs Amgad Mukhtar, Phillip McLaine, Michael Bush, and Vincent Cedrone to obtain a MA license to carry firearms based on their current or past occupations, SECTION 32 of Chapter 135 of the Acts of 2024 sections 121F(o)(i) and 121F(o)(ii) violate the Equal Protection Clause.

239. By prohibiting Plaintiffs Amgad Mukhtar, Vincent Cedrone, Robert Egri, Katalin Egri, Michael Bush, and Phillip McLaine from possessing a firearm in certain places while exempting current and retired law enforcement officers, SECTION 124 of Chapter 135 of the Acts of 2024 violates the Equal Protection Clause.

240. By allowing common carriers' employees, firearms trainees, new residents, military members, and police officers to possess firearms without a

license to carry firearms or firearm identification card, SECTION 45 of Chapter 135 of the Acts of 2024 renders SECTIONS 44 and 49 of Chapter 135 of the Acts of 2024—which require each of the Plaintiffs except Edward Chisholm to have such licenses or cards in order to possess firearms—violative of the Equal Protection Clause.

241. None of the Plaintiffs are engaged in a television, movie, stage, or other similar theatrical production.

242. By allowing a person within a television, movie, stage, or other similar theatrical production to carry or possess a firearm without a license, M.G.L. Ch. 140 § 131F1/2 renders SECTIONS 44 and 49 of Chapter 135 of the Acts of 2024—which require the Plaintiffs except Edward Chisholm to have such licenses in order to carry firearms—violative of the Equal Protection Clause.

243. By allowing people who are not residents of Massachusetts to carry firearms without a license, the pertinent portion of SECTION 45 of Chapter 135 of the Acts of 2024 renders SECTIONS 44 and 49 of Chapter 135 of the Acts of 2024—which require each of the Plaintiffs except Edward Chisholm to have such licenses in order to carry firearms—violative of the Equal Protection Clause.

Count VIII: Violation of Article 17 of MA Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts

244. The Plaintiffs hereby incorporate by reference the above paragraphs, as if fully restated herein.

245. “The Massachusetts Constitution is, if anything, more protective of individual liberty and equality than the Federal Constitution; it may demand broader protection for fundamental rights [...]. That the Massachusetts

Constitution is in some instances more protective of individual liberty interests than is the Federal Constitution is not surprising. Fundamental to the vigor of our Federal system of government is that 'state courts are absolutely free to interpret state constitutional provisions to accord greater protection to individual rights than do similar provisions of the United States Constitution.' *Arizona v. Evans*, 514 U.S. 1, 8 (1995)." *Goodridge v. Dept. of Public Health*, 440 Mass. 309, 313 and 328 (Mass. 2003).

246. If a constitutional right may only be exercised by the inhabitants of the Commonwealth of Massachusetts by their first obtaining a license from and paying a fee to the government, it has been reduced to a privilege only the wealthier inhabitants may exercise.
247. By charging the Plaintiffs fees to obtain or renew firearms licenses, permits, or cards, SECTION 32 of Chapter 135 of the Acts of 2024 sections 121F(o)(i) and 121F(o)(ii) violate Article 17 of the Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.
248. By barring the Plaintiffs from possessing firearms "within or upon the premises of a gaming establishment", 205 CMR § 138.20 violates Article 17 of the Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.
249. By barring the Plaintiffs from bearing arms at schools, colleges, universities, places of government administration, ballot tabulation or storage sites, voting sites, polling places, and their grounds and parking lots, M.G.L. Chapter 269 § 10(j) and the relevant portions of SECTION 124 of Chapter 135 of the Acts of 2024 violate Article 17 of the Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Count IX: Violation of Article CVI of the Massachusetts Constitution

250. The Plaintiffs hereby incorporate by reference the above paragraphs, as if fully restated herein.
251. Article CVI of the Massachusetts Constitution provides in relevant part:
“All people are born free and equal and have certain natural, essential and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing and protecting property; in fine, that of seeking and obtaining their safety and happiness.”
252. Firearms are so loud that any exposure to unsuppressed gunshots without adequate hearing protection can instantly cause permanent hearing damage. (See Firearm Suppressor Fact Sheet enclosed as Exhibit 20.)
253. By prohibiting the Plaintiffs from possessing and using firearm suppressors (a.k.a. silencers or mufflers) and thereby hindering them from defending their lives and liberties and seeking and obtaining their safety, M.G.L. Ch. 269 § 10A violates Article CVI of the Massachusetts Constitution.
254. By barring the Plaintiffs from possessing firearms “within or upon the premises of a gaming establishment” and thereby hindering their ability to enjoy and defend their lives and liberties, protect their property, and seek and obtain their safety and happiness, 205 CMR § 138.20 violates Article CVI of the Massachusetts Constitution.
255. The presumption against ineffectiveness canon of construction reveals that by hindering the Plaintiffs from exercising their natural, essential and unalienable rights of defending their lives and liberties, protecting their property,

and seeking and obtaining their safety, the MA laws and regulations challenged herein are repugnant to Article CVI of the Massachusetts Constitution.

Count X: Violation of Article XXX of the Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts

256. Article XXX of the Massachusetts Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts states in whole: “In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.”
257. SECTION 16 of Chapter 135 of the Acts of 2024 bans firearms with various specified characteristics as well as specified models of firearms.
258. Other parts of M.G.L. and Chapter 135 of the Acts of 2024 ban the Plaintiffs from carrying firearms in various specified places.
259. It is the power of the legislature to regulate the people’s right to keep and bear arms.
260. The MA Attorney General’s Office is of the executive department of MA government.
261. 940 CMR 16.00 bans firearms with various specified characteristics and regulates the people’s right to keep and bear arms in various other ways.
262. 940 CMR 16.00 was issued by the MA Attorney General’s Office.
263. By regulating what kinds of arms the people may keep and bear—which is the power of the legislature, not the executive department—940 CMR 16.00

violates Article XXX of the Massachusetts Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

264. The Executive Office of Public Safety and Security is of the executive department of MA government.

265. By authorizing the Executive Office of Public Safety and Security to ban firearms of its choice and approve firearms of its choice for sale and use, SECTIONS 50 and 51 of Chapter 135 of the Acts of 2024 violate Article XXX of the Massachusetts Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

266. 205 CMR § 138.20 bans the Plaintiffs from carrying arms within or upon the premises of a gaming establishment.

267. 205 CMR § 138.20 was issued by the MA Gaming Commission.

268. The MA Gaming Commission is of the executive department of MA government.

269. By regulating where the people may bear arms—which is the power of the legislature, not the executive department—205 CMR § 138.20 violates Article XXX of the Massachusetts Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

270. 740 CMR §§ 30.04, 30.05 bar the people from possessing, transporting, or carrying ammunition or loaded or operational firearms on Airport property.

271. 740 CMR §§ 30.04, 30.05 were issued by the Massachusetts Port Authority.

272. By regulating where the people may bear arms—which is the power of the legislature, not the executive department—740 CMR §§ 30.04, 30.05 violate

Article XXX of the Massachusetts Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Prayer for relief

1. Issue a declaratory judgment that M.G.L. Ch. 269 § 10A is unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under the U.S. Constitution's Second Amendment and Article CVI of the Massachusetts Constitution to the extent that it bars the people from possessing and using devices attachable to firearms that muffle the sound of gunshots;
2. Issue a declaratory judgment that SECTION 16(a) and (b) of Chapter 135 of the Acts of 2024 is unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under the U.S. Constitution's Second Amendment to the extent that it bars the people from possessing a firearm that has a threaded barrel;
3. Issue a declaratory judgment that M.G.L. Ch. 269 § 10(b) is unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under the U.S. Constitution's Second Amendment to the extent that it bars the people from possessing a stiletto, dagger or a device or case which enables a knife with a locking blade to be drawn at a locked position, any ballistic knife, or any knife with a detachable blade capable of being propelled by any mechanism, dirk knife, any knife having a double-edged blade, or a switch knife, or any knife having an automatic spring release device by which the blade is released from the handle, having a blade of over one and one-half inches, or a slung shot, blowgun, blackjack, metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles, nunchaku, zoobow, also known as klackers or kung fu sticks, or any similar

weapon consisting of two sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire or leather, a shuriken or any similar pointed starlike object intended to injure a person when thrown, or any armband, made with leather which has metallic spikes, points or studs or any similar device made from any other substance or a cestus or similar material weighted with metal or other substance and worn on the hand, a manrikigusari or similar length of chain having weighted ends, a billy, or other dangerous weapon;

4. Issue a declaratory judgment that M.G.L. Chapter 140 §§ 131R, S, T, U, V, X, and Y and SECTIONS 76 through 85 and 92 of Chapter 135 of the Acts of 2024 are unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under the U.S. Constitution's Second Amendment to the extent that they provide for the confiscation of a person's license to carry firearms, firearm identification card, firearms, and ammunition without his having been charged with a crime and without his fitting 18 U.S.C. § 922(g)'s criteria;
5. Issue a declaratory judgment that M.G.L. Chapter 140 §§ 131R, S, T, U, V, X, and Y and SECTIONS 76 through 85 of Chapter 135 of the Acts of 2024 are unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under the U.S. Constitution's Second Amendment to the extent that they provide for the revocation of licenses to carry firearms and firearm identification cards based on subjective criteria or interest-balancing;
6. Issue a declaratory judgment that SECTION 32 of Chapter 135 of the Acts of 2024 is unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under the U.S. Constitution's Second Amendment to the extent that it requires the Plaintiffs to register their firearms with and report the loss, transaction, or theft of a firearm to another entity;

7. Issue a declaratory judgment that SECTIONS 29, 30, and 32 of Chapter 135 of the Acts of 2024 are unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under the U.S. Constitution's Second Amendment to the extent that they require the serialization of firearms;
8. Issue a declaratory judgment that M.G.L. Chapter 140 §§ 131R, S, T, U, V, X, and Y, and SECTIONS 76 through 85 of Chapter 135 of the Acts of 2024 are unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under the U.S. Constitution's Fourth Amendment to the extent that they provide for the search for and seizure of firearms without a warrant and without circumstances justifying warrantless search and seizure;
9. Issue a declaratory judgment that M.G.L. Chapter 140 §§ 131R, S, T, U, V, X, and Y and SECTIONS 76 through 85 of Chapter 135 of the Acts of 2024 are unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under the U.S. Constitution's Fourth Amendment to the extent that they provide for issuance of a warrant to seize firearms without such a warrant meeting the requirements specified by *Illinois v. Gates*, 462 U.S. 213, (1983);
10. Issue a declaratory judgment that SECTION 92 of Chapter 135 of the Acts of 2024 is unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under the Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts Article 14 to the extent that it provides for the seizure of firearms, ammunition, and license to carry or firearm identification card without a warrant and without circumstances justifying warrantless search and seizure;
11. Issue a declaratory judgment that M.G.L. Chapter 140 §§ 131R, S, T, U, V, X, and Y and SECTIONS 76 through 85 of Chapter 135 of the Acts of 2024 are

unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts Article 14 to the extent that they provide for the search for and seizure of firearms without a warrant and without circumstances justifying warrantless search and seizure;

12. Issue a declaratory judgment that M.G.L. Chapter 140 §§ 131R, S, T, U, V, X, and Y and SECTIONS 76 through 85 of Chapter 135 are unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts Article 14 to the extent that they provide for the issuance of a warrant to seize firearms without such a warrant meeting the requirements specified by *Commonwealth v. Upton*, 394 Mass. 363, (Mass. 1985);
13. Issue a declaratory judgment that SECTION 32 of Chapter 135 of the Acts of 2024 is unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts Article 14 to the extent that it requires registering of firearms with and reporting the loss or theft of a firearm;
14. Issue a declaratory judgment that M.G.L. Chapter 140 §§ 131R, S, T, U, V, X, and Y and SECTIONS 76 through 85 of Chapter 135 of the Acts of 2024 are unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under the Due Process Clause of the U.S. Constitution's 14th Amendment to the extent that they fail to give ordinary people fair notice of the conduct they punish and are so standardless that they invite arbitrary enforcement by providing for the issuance of an extreme risk protection order if a respondent "poses a risk of

causing bodily injury to self or others by having in the respondent's control, ownership or possession a firearm or ammunition”;

15. Issue a declaratory judgment that M.G.L. Ch. 140 § 131F1/2 and SECTIONS 44 and 49 of Chapter 135 of the Acts of 2024 are unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under the Equal Protection Clause of the U.S. Constitution’s 14th Amendment to the extent that they allow persons within a television, movie, stage, or other similar theatrical production to carry or possess a firearm without a license while barring the Plaintiffs from carrying or possessing a firearm without a license;
16. Issue a declaratory judgment that 940 CMR 16.00 is unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under Article XXX of the Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts to the extent that it is a regulation issued by an entity other than the legislature that regulates what kinds of arms the people may keep and bear;
17. Issue a declaratory judgment that SECTIONS 50 and 51 of Chapter 135 of the Acts of 2024 are unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under Article XXX of the Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts to the extent that they authorize an entity other than the legislature to ban firearms of its choice and approve firearms of its choice for sale and use;
18. Issue a declaratory judgment that 205 CMR § 138.20 and 740 CMR §§ 30.04, 30.05 are unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under Article XXX of the Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts to the extent that they are issued by an entity other than the legislature and regulate where people may bear arms;

19. Issue a declaratory judgment that 940 CMR 16.00 is unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under the U.S. Constitution's Second Amendment to the extent that it is issued by a government entity other than the legislature and bans firearms with various specified characteristics and regulates the people's right to keep and bear arms in various other ways;
20. Issue a declaratory judgment that SECTIONS 50 and 51 of Chapter 135 of the Acts of 2024 are unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under the U.S. Constitution's Second Amendment to the extent that they authorize an entity other than the legislature to ban firearms of its choice and approve firearms of its choice for sale and use;
21. Issue a declaratory judgment that 205 CMR § 138.20 and 740 CMR §§ 30.04, 30.05 are unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under the U.S. Constitution's Second Amendment to the extent that they are issued by an entity other than the legislature and regulate where people may bear arms;
22. Issue a declaratory judgment that SECTION 32 of Chapter 135 of the Acts of 2024 sections 121F(o)(i) and 121F(o)(ii) are unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under the U.S. Constitution's Second Amendment and the Massachusetts Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts Article 17 to the extent that they charge fees to obtain a license to carry firearms;
23. Issue a declaratory judgment that M.G.L. Ch. 269 § 10(j) is unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under the U.S. Constitution's Second Amendment and the Massachusetts Declaration of the

Rights of the Inhabitants of the Commonwealth of Massachusetts Article 17 to the extent that it bars the people from bearing arms in schools, colleges, and universities;

24. Issue a declaratory judgment that SECTION 124 of Chapter 135 of the Acts of 2024 is unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under the U.S. Constitution's Second Amendment and the Massachusetts Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts Article 17 to the extent that it bars the people from bearing arms in "a place owned, leased, or under the control of state, county or municipal government and used for the purpose of government administration... including in or upon any part of the buildings, grounds, or parking areas thereof" and "a location in use at the time of possession for the storage or tabulation of ballots during the hours in which voting or tabulation is occurring or a polling place or early voting site while open for voting or within 150 feet of the building entrance door to such polling place or early voting site";
25. Issue a declaratory judgment that M.G.L. Ch. 269 § 12D is unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under the U.S. Constitution's Second Amendment to the extent that it prohibits the people from bearing rifles and shotguns that are loaded or not in cases on public ways;
26. Issue a declaratory judgment that 205 CMR § 138.20 is unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under the U.S. Constitution's Second Amendment, the Massachusetts Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts Article 17, and Article CVI of the Massachusetts Constitution to the extent that it prohibits the people from possessing arms within or upon the premises of a gaming establishment;

27. Issue a declaratory judgment that 740 CMR §§ 30.04, 30.05 are unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under the U.S. Constitution's Second Amendment to the extent that they bar the people from possessing, transporting, or carrying ammunition or loaded or operational firearms on Airport property outside of secured, enclosed areas;
28. Issue a declaratory judgment that M.G.L. Chapter 140 §§ 131R, S, T, U, V, X, and Y and SECTIONS 76 through 85 of Chapter 135 of the Acts of 2024 are unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under the U.S. Constitution's Second Amendment to the extent that they provide for the confiscation of a person's license to carry firearms, firearm identification card, firearms, and ammunition without his having been charged with a crime and without his fitting 18 U.S.C. § 922(g)'s criteria;
29. Issue a declaratory judgment that M.G.L. Ch. 269 § 10A is unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under the U.S. Constitution's 14th Amendment's Equal Protection Clause to the extent that it allows law enforcement officers acting within the scope of their official duties to possess and use devices attachable to firearms that muffle the sound of gunshots while prohibiting other members of the people from possessing and using the same items;
30. Issue a declaratory judgment that SECTION 32 of Chapter 135 of the Acts of 2024 sections 121F(o)(i) and 121F(p) are unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under the U.S. Constitution's 14th Amendment's Equal Protection Clause to the extent that they impose a fee on some of the people to apply for or renew their MA firearms license, card, or

permit while exempting other people from having to pay such a renewal fee due to their age or occupation;

31. Issue a declaratory judgment that SECTION 124 of Chapter 135 of the Acts of 2024 is unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under the U.S. Constitution's 14th Amendment's Equal Protection Clause to the extent that it bars members of the people from possessing a firearm in certain places while exempting current or retired law enforcement officers;
32. Issue a declaratory judgment that SECTIONS 44, 45, and 49 of Chapter 135 of the Acts of 2024 are unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under the U.S. Constitution's 14th Amendment's Equal Protection Clause to the extent that they allow common carriers' employees, firearms trainees, new residents, military members, and police officers to possess firearms without a license to carry firearms or firearm identification card while prohibiting other members of the people from possessing firearms without such a license or card;
33. Issue a declaratory judgment that M.G.L. Ch. 140 § 131F1/2 and SECTIONS 44 and 49 of Chapter 135 of the Acts of 2024 are unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under the U.S. Constitution's 14th Amendment's Equal Protection Clause to the extent that they allow a person within a television, movie, stage, or other similar theatrical production to carry or possess a firearm without a license, while prohibiting other members of the people from possessing firearms without such a license or card;
34. Issue a declaratory judgment that SECTION 32 of Chapter 135 of the Acts of 2024 sections 121F(o)(i) and 121F(o)(ii) are unconstitutional, void, and unenforceable

facially and as-applied-to the Plaintiffs under the U.S. Constitution's 14th Amendment's Equal Protection Clause to the extent that they impose fees of different amounts on the people to obtain a MA license to carry firearms based on their current or past occupations;

35. Issue a declaratory judgment that SECTIONS 44, 45, and 49 of Chapter 135 of the Acts of 2024 are unconstitutional, void, and unenforceable facially and as-applied-to the Plaintiffs under the U.S. Constitution's 14th Amendment's Equal Protection Clause to the extent that they allow people who are not residents of Massachusetts to carry firearms without a license while barring members of the people who are residents of Massachusetts from doing so without a license;
36. Issue a permanent injunction enjoining the Defendants from enforcing SECTION 16(a) and (b) of Chapter 135 of the Acts of 2024 to the extent that it bars people from possessing a firearm that has a threaded barrel;
37. Issue a permanent injunction enjoining the Defendants from enforcing M.G.L. Ch. 269 § 10(b) to the extent that it bars people from possessing a stiletto, dagger or a device or case which enables a knife with a locking blade to be drawn at a locked position, any ballistic knife, or any knife with a detachable blade capable of being propelled by any mechanism, dirk knife, any knife having a double-edged blade, or a switch knife, or any knife having an automatic spring release device by which the blade is released from the handle, having a blade of over one and one-half inches, or a slung shot, blowgun, blackjack, metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles, nunchaku, zoobow, also known as klackers or kung fu sticks, or any similar weapon consisting of two sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire or leather, a shuriken

or any similar pointed starlike object intended to injure a person when thrown, or any armband, made with leather which has metallic spikes, points or studs or any similar device made from any other substance or a cestus or similar material weighted with metal or other substance and worn on the hand, a manrikigusari or similar length of chain having weighted ends, a billy, or other dangerous weapon;

38. Issue a permanent injunction enjoining the Defendants from enforcing M.G.L. Chapter 140 §§ 131R, S, T, U, V, X, and Y and SECTIONS 76 through 85 and 92 of Chapter 135 of the Acts of 2024 to the extent that they provide for the confiscation of a person's license to carry firearms, firearm identification card, firearms, and ammunition without his having been charged with a crime and without his fitting 18 U.S.C. § 922(g)'s criteria;
39. Issue a permanent injunction enjoining the Defendants from enforcing M.G.L. Chapter 140 §§ 131R, S, T, U, V, X, and Y and SECTIONS 76 through 85 of Chapter 135 of the Acts of 2024 to the extent that they provide for the revocation of licenses to carry firearms and firearm identification cards based on subjective criteria or interest-balancing;
40. Issue a permanent injunction enjoining the Defendants from enforcing SECTION 32 of Chapter 135 of the Acts of 2024 to the extent that it requires people to register their firearms with and report the loss, transaction, or theft of a firearm to another entity;
41. Issue a permanent injunction enjoining the Defendants from enforcing SECTIONS 29, 30, and 32 of Chapter 135 of the Acts of 2024 to the extent that they require the serialization of firearms;

42. Issue a permanent injunction enjoining the Defendants from enforcing M.G.L. Chapter 140 §§ 131R, S, T, U, V, X, and Y, and SECTIONS 76 through 85 of Chapter 135 of the Acts of 2024 to the extent that they provide for the search for and seizure of firearms without a warrant and without circumstances justifying warrantless search and seizure and to the extent that they provide for issuance of a warrant to seize firearms without such a warrant meeting the requirements specified by *Illinois v. Gates*, 462 U.S. 213, (1983) and *Commonwealth v. Upton*, 394 Mass. 363, (Mass. 1985);
43. Issue a permanent injunction enjoining the Defendants from enforcing M.G.L. Chapter 140 §§ 131R, S, T, U, V, X, and Y and SECTIONS 76 through 85 of Chapter 135 of the Acts of 2024 to the extent that they fail to give ordinary people fair notice of the conduct they punish and are so standardless that they invite arbitrary enforcement by providing for the issuance of an extreme risk protection order if a respondent “poses a risk of causing bodily injury to self or others by having in the respondent's control, ownership or possession a firearm or ammunition”;
44. Issue a permanent injunction enjoining the Defendants from enforcing 940 CMR 16.00 to the extent that it is a regulation issued by an entity other than the legislature that regulates what kinds of arms the people may keep and bear;
45. Issue a permanent injunction enjoining the Defendants from enforcing SECTIONS 50 and 51 of Chapter 135 of the Acts of 2024 to the extent that they authorize an entity other than the legislature to ban firearms of its choice and approve firearms of its choice for sale and use;

46. Issue a permanent injunction enjoining the Defendants from enforcing 205 CMR § 138.20 and 740 CMR §§ 30.04, 30.05 to the extent that they are issued by an entity other than the legislature and regulate where people may bear arms;
47. Issue a permanent injunction enjoining the Defendants from enforcing SECTION 32 of Chapter 135 of the Acts of 2024 to the extent that they charge fees to obtain a license to carry firearms;
48. Issue a permanent injunction enjoining the Defendants from enforcing M.G.L. Ch. 269 § 10A to the extent that it bars the people from possessing and using devices attachable to firearms that muffle the sound of gunshots;
49. Issue a permanent injunction enjoining the Defendants from enforcing SECTION 32 of Chapter 135 of the Acts of 2024 sections 121F(o)(i) and 121F(o)(ii) to the extent that they charge fees to obtain a license to carry firearms;
50. Issue a permanent injunction enjoining the Defendants from enforcing M.G.L. Ch. 269 § 10(j) to the extent that it bars the people from bearing arms in schools, colleges, and universities;
51. Issue a permanent injunction enjoining the Defendants from enforcing SECTION 124 of Chapter 135 of the Acts of 2024 to the extent that it bars the people from bearing arms in “a place owned, leased, or under the control of state, county or municipal government and used for the purpose of government administration... including in or upon any part of the buildings, grounds, or parking areas thereof” and “a location in use at the time of possession for the storage or tabulation of ballots during the hours in which voting or tabulation is occurring or a polling place or early voting site while open for voting or within 150 feet of the building entrance door to such polling place or early voting site”;

52. Issue a permanent injunction enjoining the Defendants from enforcing M.G.L. Ch. 269 § 12D to the extent that it bars the people from bearing rifles and shotguns that are loaded or not in a case on public ways;
53. Issue a permanent injunction enjoining the Defendants from enforcing 205 CMR § 138.20 to the extent that it prohibits the people from possessing arms within or upon the premises of a gaming establishment;
54. Issue a permanent injunction enjoining the Defendants from enforcing 740 CMR §§ 30.04, 30.05 to the extent that they bar the people from possessing, transporting, or carrying ammunition or loaded or operational firearms on Airport property outside of secured, enclosed areas;
55. Issue a permanent injunction enjoining the Defendants from enforcing SECTION 32 of Chapter 135 of the Acts of 2024 sections 121F(o)(i) and 121F(p) to the extent that they impose a fee on some of the people to apply for or renew their MA firearms license, card, or permit while exempting other people from having to pay such a renewal fee due to their age or occupation;
56. Issue a permanent injunction enjoining the Defendants from enforcing SECTION 124 of Chapter 135 of the Acts of 2024 to the extent that it bars members of the people from possessing a firearm in certain places while exempting current or retired law enforcement officers;
57. Issue a permanent injunction enjoining the Defendants from enforcing M.G.L. Ch. 140 § 131F1/2 and SECTIONS 44, 45, and 49 of Chapter 135 of the Acts of 2024 to the extent that they allow people who are not residents of Massachusetts to carry firearms without a license while barring members of the people who are residents of Massachusetts from doing so without a license and to the extent that they allow persons within a television, movie, stage, or other similar theatrical

production, common carriers' employees, firearms trainees, new residents, military members, and police officers to possess firearms without a license to carry firearms or firearm identification card while prohibiting other members of the people from possessing firearms without such a license or card;

58. Issue a permanent injunction enjoining the Defendants from enforcing SECTION 32 of Chapter 135 of the Acts of 2024 sections 121F(o)(i) and 121F(o)(ii) to the extent that they impose fees of different amounts on the people to obtain a MA license to carry firearms based on their current or past occupations;
59. Award the Plaintiffs the costs and expenses of this action pursuant to 42 U.S.C. § 1988;
60. Award the Plaintiffs compensatory and/or punitive damages for any physical, psychological, financial, or other harm they suffer as a result of the Defendants infringing their constitutional rights;
61. Award the Plaintiffs other legal and equitable relief as is just and appropriate.

Date: February 22, 2025

(Primary contact)

Michael Bush

Pro Se

Michael Bush

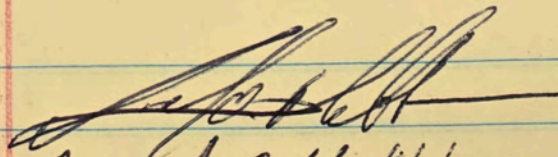
280 Lowell Street

Carlisle MA 01741

Bmoc54@verizon.net

Phone: (978) 734-3323

Plaintiffs' signatures are continued on the following unnumbered pages.



Pro se, February 22, 2025

Arngad O. Mukhtar
13 Hurdock Dr
Peabody, MA 01960

Robert Egri, pro se

February 22, 2025

ROBERT EGR1
80 WILLOWOOD DRIVE
CARLISLE, MA 01741

Katalin Egri pro se

February 22, 2025

KATALIN EGR1
80 Willowood Drive
CARLISLE, MA 01741

Edward J. Chisholm, Pro Se
Edward J Chisholm
5 Playstead Ave
Woburn MA 01801

February 22, 2025

February 22, 2025

J. J. Calore Pro Se

Vincent Cedrone
44 Arlington Street
Tewksbury, MA 01876

February 22, 2025

Phillip L. McLaine, Pro Se

Phillip L. McLaine

15 Washington Avenue

Arlington, MA 02474

Joshua M. Ulrich, Pro Se
Joshua M. Ulrich
7 Granbriar Rd.
Gloucester MA 01930

February 22, 2025

CERTIFICATE OF SERVICE

I, Michael Bush, hereby certify that I have, on this 23rd day of February, 2025 served a copy of this amended complaint and accompanying documents via the e-filing system to:

Arjun Jaikumar
Office of the Attorney General
One Ashburton Place
Boston, MA 02108-1698
(617) 963-2856
Arjun.K.Jaikumar@mass.gov

Aaron Macris
Assistant Attorney General
Constitutional and Administrative Law Division
Office of the Attorney General
One Ashburton Place
Boston, MA 02108
Direct: (617) 963-2987
Aaron.Macris@mass.gov

A handwritten signature in black ink, reading "Michael Bush", is written over a horizontal line.

Michael Bush



**COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX COUNTY
Docket Report**

2481CV02958 Mukhtar, Amgad O. et al vs. MA Governor Maura Healey, in her Official and Individual capacities et al

CASE TYPE: Actions Involving the State/Municipality	FILE DATE: 11/11/2024
ACTION CODE: AD1	CASE TRACK:
DESCRIPTION: Equity Action involving the Commonwealth, Municipality, MBTA, etc.	
CASE DISPOSITION DATE: 08/25/2025	CASE STATUS: Open
CASE DISPOSITION: Disposed by Court Finding	STATUS DATE : 11/11/2024
CASE JUDGE:	CASE SESSION: Civil J Rm 520

PARTIES

Plaintiff Bush, Michael 280 Lowell Street Carlisle, MA 01741	Attorney Pro Se Massachusetts Bar Added Date: 11/09/2024	PROPER
Plaintiff Cedrone, Vincent 44 Arlington Street Tewksbury, MA 01876	Attorney Pro Se Massachusetts Bar Added Date: 11/09/2024	PROPER
Plaintiff Chisholm, Edward 5 Playstead Avenue Woburn, MA 01801	Attorney Pro Se Massachusetts Bar Added Date: 11/09/2024	PROPER
Plaintiff Egri, Katalin 80 Wildwood Drive Carlisle, MA 01741	Attorney Pro Se Massachusetts Bar Added Date: 11/09/2024	PROPER
Plaintiff Egri, Robert 80 Wildwood Drive Carlisle, MA 01741	Attorney Pro Se Massachusetts Bar Added Date: 11/09/2024	PROPER
Plaintiff McLaine, Phillip 15 Washington Avenue Arlington, MA 02474	Attorney Pro Se Massachusetts Bar Added Date: 11/09/2024	PROPER
Plaintiff Mukhtar, Amgad O. 13 Murdock Drive Peabody, MA 01960	Attorney Pro Se Massachusetts Bar Added Date: 11/09/2024	PROPER
Plaintiff Ulrich, Joshua 7 Grandview Road Gloucester, MA 01930	Attorney Pro Se Massachusetts Bar Added Date: 11/09/2024	PROPER



**COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX COUNTY
Docket Report**

Defendant Colonel of the MA State Police Geoffrey D. Noble, in his official capacity	Private Counsel 691311 Arjun K Jaikumar Massachusetts Office of the Attorney General Massachusetts Office of the Attorney General One Ashburton Place 20th Floor Boston, MA 02109 Work Phone (617) 963-2856 Added Date: 11/26/2024 Attorney for the Commonwealth 696323 Aaron Macris Massachusetts Office of the Attorney General Massachusetts Office of the Attorney General One Ashburton Place Boston, MA 02108 Work Phone (617) 963-2987 Added Date: 11/22/2024
Defendant MA Attorney General Andrea Joy Campbell , in her Official and Individual Capacity	Private Counsel 691311 Arjun K Jaikumar Massachusetts Office of the Attorney General Massachusetts Office of the Attorney General One Ashburton Place 20th Floor Boston, MA 02109 Work Phone (617) 963-2856 Added Date: 11/26/2024 Attorney for the Commonwealth 696323 Aaron Macris Massachusetts Office of the Attorney General Massachusetts Office of the Attorney General One Ashburton Place Boston, MA 02108 Work Phone (617) 963-2987 Added Date: 11/22/2024
Defendant MA Gaming Commission Chair Jordon Maynard, in his official and individual capacities	Private Counsel 691311 Arjun K Jaikumar Massachusetts Office of the Attorney General Massachusetts Office of the Attorney General One Ashburton Place 20th Floor Boston, MA 02109 Work Phone (617) 963-2856 Added Date: 11/26/2024 Attorney for the Commonwealth 696323 Aaron Macris Massachusetts Office of the Attorney General Massachusetts Office of the Attorney General One Ashburton Place Boston, MA 02108 Work Phone (617) 963-2987 Added Date: 11/22/2024



**COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX COUNTY
Docket Report**

Defendant MA Governor Maura Healey, in her Official and Individual capacities	Private Counsel 691311 Arjun K Jaikumar Massachusetts Office of the Attorney General Massachusetts Office of the Attorney General One Ashburton Place 20th Floor Boston, MA 02109 Work Phone (617) 963-2856 Added Date: 11/26/2024 Attorney for the Commonwealth 696323 Aaron Macris Massachusetts Office of the Attorney General Massachusetts Office of the Attorney General One Ashburton Place Boston, MA 02108 Work Phone (617) 963-2987 Added Date: 11/22/2024
Defendant Massachusetts Port Authority	Private Counsel 542277 David Stephen Mackey Anderson and Kreiger LLP Anderson and Kreiger LLP 50 Milk St 21st Floor Boston, MA 02109 Work Phone (617) 621-6500 Added Date: 02/11/2025 Private Counsel 688348 Christina Marshall Anderson and Kreiger LLP Anderson and Kreiger LLP 50 Milk St 21st Floor Boston, MA 02109 Work Phone (617) 621-6500 Added Date: 02/11/2025
	Private Counsel 713611 Carlos R Rosende Anderson and Kreiger LLP Anderson and Kreiger LLP 50 Milk St 21st Floor Boston, MA 02109 Work Phone (617) 621-6561 Added Date: 04/23/2025
Defendant Secretary of Executive Office of Public Safety and Security Terrence M Reidy, in his official and individual capacities	Attorney 696323 Aaron Macris Massachusetts Office of the Attorney General Massachusetts Office of the Attorney General One Ashburton Place Boston, MA 02108 Work Phone (617) 963-2987 Added Date: 05/07/2025



**COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX COUNTY
Docket Report**

FINANCIAL DETAILS					
Date	Fees/Fines/Costs/Charge	Assessed	Paid	Dismissed	Balance
11/12/2024	Civil Filing Fee (per Plaintiff)	240.00	240.00	0.00	0.00
11/12/2024	Civil Security Fee (G.L. c. 262, § 4A)	20.00	20.00	0.00	0.00
11/12/2024	Civil Surcharge (G.L. c. 262, § 4C)	15.00	15.00	0.00	0.00
11/12/2024	Fee for Blank Summons or Writ (except Writ of Habeas Corpus) MGL 262 sec 4b (summons mailed out 11/12/24)	20.00	20.00	0.00	0.00
11/13/2024	Civil Filing Fee (per Plaintiff)	1,680.00	1,680.00	0.00	0.00
Total		1,975.00	1,975.00	0.00	0.00



**COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX COUNTY
Docket Report**

INFORMATIONAL DOCKET ENTRIES

Date	Ref	Description	Judge
11/12/2024	1	Complaint electronically filed. (108 total pages, complaint 29)	
11/12/2024	2	Civil action cover sheet filed.	
11/14/2024	3	Plaintiff Michael Bush's Motion for Special Process Server Michelle Orfano	
11/15/2024		Endorsement on Motion for Special Process Server Michelle Orfano (#3.0): ALLOWED Dated: 11/15/24	Nestor
11/15/2024		EDocument sent: Clerk's Notice (eDoc) Sent On: 11/15/2024 09:35:04 Notice Sent To: Michael Bush 280 Lowell Street, Carlisle, MA 01741	
11/22/2024		Attorney appearance On this date Aaron Macris, Esq. added as Attorney for the Commonwealth for Defendant Maura Healey	
11/22/2024		Attorney appearance On this date Aaron Macris, Esq. added as Attorney for the Commonwealth for Defendant Andrea Joy Campbell	
11/22/2024		Attorney appearance electronically filed.	
11/22/2024		Attorney appearance On this date Aaron Macris, Esq. added as Attorney for the Commonwealth for Defendant Geoffrey D. Noble	
11/22/2024		Attorney appearance On this date Aaron Macris, Esq. added as Attorney for the Commonwealth for Defendant Jordan Maynard	
11/26/2024		Attorney appearance On this date Arjun K Jaikumar, Esq. added as Private Counsel for Defendant Maura Healey	
11/26/2024		Attorney appearance On this date Arjun K Jaikumar, Esq. added as Private Counsel for Defendant Andrea Joy Campbell	
11/26/2024		Attorney appearance On this date Arjun K Jaikumar, Esq. added as Private Counsel for Defendant Geoffrey D. Noble	
11/26/2024		Attorney appearance On this date Arjun K Jaikumar, Esq. added as Private Counsel for Defendant Jordan Maynard	
11/26/2024		Attorney appearance electronically filed.	
11/26/2024	4	Defendants Maura Healey, Andrea Joy Campbell, Geoffrey D. Noble, Jordan Maynard's EMERGENCY Motion for enlargement of time.	



**COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX COUNTY
Docket Report**

11/26/2024	4.1	Maura Healey, Andrea Joy Campbell, Geoffrey D. Noble, Jordan Maynard's Memorandum in support of #4 motion. (113 pages)	
11/26/2024	5	Service Returned for Defendant Healey, Maura: Service made in hand; 11/22/2024 1 Ashburton Place Boston, MA 02108	
11/26/2024	6	Service Returned for Defendant Maynard, Jordan: Service made in hand; 11/22/2024 1 Ashburton Place Boston, MA 02108	
11/26/2024	7	Service Returned for Defendant Campbell, Andrea Joy: Service made in hand; 11/22/2024 1 Ashburton, Place Boston, MA 02108	
11/26/2024	7.1	Service Returned for Defendant Noble, Geoffrey D.: Service made in hand; 11/22/2024 1 Ashburton Place MA 02108	
11/27/2024	5	Plaintiff Michael Bush, Amgad O. Mukhtar, Robert Egri, Katalin Egri, Edward Chisholm, Vincent Cedrone, Phillip McLaine, Joshua Ulrich's Joint Motion for Preliminary Injunction and Consolidation of Hearing with Trial on Merits	
11/27/2024	5.1	Amgad O. Mukhtar, Robert Egri, Katalin Egri, Michael Bush, Edward Chisholm, Vincent Cedrone, Phillip McLaine, Joshua Ulrich's Memorandum in support of Joint Motion for Preliminary Injunction and Consolidation of Hearing with Trial on Merits	
11/27/2024	7	Exhibits/Appendix	
11/27/2024	8	Opposition to defendants Maura Healey, Andrea Joy Campbell, Geoffrey D. Noble, Jordan Maynard's EMERGENCY Motion for enlargement of time. (#4 motion) filed by Amgad O. Mukhtar, Robert Egri, Michael Bush	
12/06/2024		Endorsement on Motion of Defendants for Enlargement of Time (Emergency Motion) (#4.0): ALLOWED (Dated: 12/5/24) notice sent 12/6/24	Nestor
12/06/2024		EDocument sent: Clerk's Notice (eDoc) Sent On: 12/06/2024 15:14:36 Notice Sent To: Arjun K Jaikumar, Esq. arjun.k.jaikumar@mass.gov Notice Sent To: Aaron Macris, Esq. macris.aaron@gmail.com Notice Sent To: Amgad O. Mukhtar 13 Murdock Drive, Peabody, MA 01960 Notice Sent To: Robert Egri 80 Wildwood Drive, Carlisle, MA 01741 Notice Sent To: Katalin Egri 80 Wildwood Drive, Carlisle, MA 01741 Notice Sent To: Michael Bush 280 Lowell Street, Carlisle, MA 01741 Notice Sent To: Edward Chisholm 5 Playstead Avenue, Woburn, MA 01801 Notice Sent To: Vincent Cedrone 44 Arlington Street, Tewksbury, MA 01876 Notice Sent To: Phillip McLaine 15 Washington Avenue, Arlington, MA 02474 Notice Sent To: Joshua Ulrich 7 Grandview Road, Gloucester, MA 01930	



**COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX COUNTY
Docket Report**

01/13/2025	9	Defendant Andrea Joy Campbell's Assented to Motion for Excess Pages for Memorandum in Support of Motion to Dismiss	
01/15/2025		Endorsement on Motion of Defendants For Excess Pages For Memorandum in Support of Motion to Dismiss (Assented To Motion) (#9.0): ALLOWED Allowed by agreement for good cause shown. (Dated: 1/14/25) notice sent 1/15/25	Deakin
		Judge: Deakin, Hon. David A	
01/15/2025		EDocument sent: Clerk's Notice (eDoc) Sent On: 01/15/2025 12:30:10 Notice Sent To: Arjun K Jaikumar, Esq. Massachusetts Office of the Attorney General One Ashburton Place 20th Floor, Boston, MA 02109 Notice Sent To: Aaron Macris, Esq. Massachusetts Office of the Attorney General One Ashburton Place, Boston, MA 02108 Notice Sent To: Arjun K Jaikumar, Esq. Massachusetts Office of the Attorney General One Ashburton Place 20th Floor, Boston, MA 02109 Notice Sent To: Aaron Macris, Esq. Massachusetts Office of the Attorney General One Ashburton Place, Boston, MA 02108 Notice Sent To: Arjun K Jaikumar, Esq. Massachusetts Office of the Attorney General One Ashburton Place 20th Floor, Boston, MA 02109 Notice Sent To: Aaron Macris, Esq. Massachusetts Office of the Attorney General One Ashburton Place, Boston, MA 02108 Notice Sent To: Arjun K Jaikumar, Esq. Massachusetts Office of the Attorney General One Ashburton Place 20th Floor, Boston, MA 02109 Notice Sent To: Aaron Macris, Esq. Massachusetts Office of the Attorney General One Ashburton Place, Boston, MA 02108 Notice Sent To: Arjun K Jaikumar, Esq. Massachusetts Office of the Attorney General One Ashburton Place 20th Floor, Boston, MA 02109 Notice Sent To: Aaron Macris, Esq. Massachusetts Office of the Attorney General One Ashburton Place, Boston, MA 02108 Notice Sent To: Amgad O. Mukhtar 13 Murdock Drive, Peabody, MA 01960 Notice Sent To: Robert Egri 80 Wildwood Drive, Carlisle, MA 01741 Notice Sent To: Katalin Egri 80 Wildwood Drive, Carlisle, MA 01741 Notice Sent To: Michael Bush 280 Lowell Street, Carlisle, MA 01741 Notice Sent To: Edward Chisholm 5 Playstead Avenue, Woburn, MA 01801 Notice Sent To: Vincent Cedrone 44 Arlington Street, Tewksbury, MA 01876 Notice Sent To: Phillip McLaine 15 Washington Avenue, Arlington, MA 02474 Notice Sent To: Joshua Ulrich 7 Grandview Road, Gloucester, MA 01930	
02/10/2025	10	Non-Party / Case Participant Massachusetts Port Authority's Motion to Intervene.	
02/10/2025	10.1	Opposition to Motion to Intervene. filed by Amgad O. Mukhtar, Robert Egri, Katalin Egri, Michael Bush, Edward Chisholm, Vincent Cedrone, Phillip McLaine, Joshua Ulrich	
02/10/2025	10.2	Reply/Sur-reply In Support of Motion to Intervene. Applies To: Massachusetts Port Authority (Other interested party)	
02/10/2025	10.3	Affidavit of compliance with Superior Court Rule 9A Applies To: Marshall, Esq., Christina (Attorney) on behalf of Massachusetts Port Authority (Other interested party)	



**COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX COUNTY
Docket Report**

02/10/2025	11	Opposition to Plaintiffs' Motion for Preliminary Injunction (P#5) filed by Andrea Joy Campbell	
02/10/2025	12	Defendant MA Governor Maura Healey, in her Official and Individual capacities, MA Attorney General Andrea Joy Campbell, in her Official and Individual Capacity, Colonel of the MA State Police Geoffrey D. Noble, in his official capacity, MA Gaming Commission Chair Jordon Maynard, in his official and individual capacities's Notice of Motion to Dismiss	
02/11/2025		Attorney appearance On this date David Stephen Mackey, Esq. added as Private Counsel for Other interested party Massachusetts Port Authority	
02/11/2025		Attorney appearance On this date Christina Marshall, Esq. added as Private Counsel for Other interested party Massachusetts Port Authority	
02/17/2025	13	Plaintiffs Michael Bush, Amgad O. Mukhtar, Robert Egri, Katalin Egri, Edward Chisholm, Phillip McLaine, Joshua Ulrich's Assented to Motion for 5-Day Extension of Time to Serve Opposition to Defendants Motion to Dismiss	
02/17/2025	13.1	Amgad O. Mukhtar, Robert Egri, Katalin Egri, Michael Bush, Edward Chisholm, Vincent Cedrone, Phillip McLaine, Joshua Ulrich's Memorandum in support of Plaintiffs Assented-To Motion for 5-Day Extension of Time to Serve Opposition to Defendants Motion to Dismiss	
02/17/2025	13.2	Affidavit of Michael Bush	
02/17/2025	14	Plaintiff Amgad O. Mukhtar, Robert Egri, Katalin Egri, Edward Chisholm, Vincent Cedrone, Phillip McLaine, Joshua Ulrich's Notice of Withdrawal of their Original Motion for Preliminary Injunction and Consolidation of Hearing with Trial on Merits	
02/17/2025	15	Plaintiff Michael Bush's Certificate of Service.	
02/20/2025		Endorsement on Motion of Pro Se Plaintiffs for 5-Day Extension of Time to Serve Opposition to Defendants' Motion to Dismiss (Assented to Motion0 (#13.0): ALLOWED Allowed by agreement. (Dated: 2/19/25) notice sent 2/20/25 Judge: Deakin, Hon. David A	Deakin



**COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX COUNTY
Docket Report**

02/20/2025		EDocument sent: Clerk's Notice (eDoc) Sent On: 02/20/2025 09:45:52 Notice Sent To: Arjun K Jaikumar, Esq. arjun.k.jaikumar@mass.gov Notice Sent To: Aaron Macris, Esq. aaron.macris@mass.gov Notice Sent To: David Stephen Mackey, Esq. dmackey@andersonkreiger.com Notice Sent To: Christina Marshall, Esq. cmarshall@andersonkreiger.com Notice Sent To: Amgad O. Mukhtar 13 Murdock Drive, Peabody, MA 01960 Notice Sent To: Robert Egri 80 Wildwood Drive, Carlisle, MA 01741 Notice Sent To: Katalin Egri 80 Wildwood Drive, Carlisle, MA 01741 Notice Sent To: Michael Bush 280 Lowell Street, Carlisle, MA 01741 Notice Sent To: Edward Chisholm 5 Playstead Avenue, Woburn, MA 01801 Notice Sent To: Vincent Cedrone 44 Arlington Street, Tewksbury, MA 01876 Notice Sent To: Phillip McLaine 15 Washington Avenue, Arlington, MA 02474 Notice Sent To: Joshua Ulrich 7 Grandview Road, Gloucester, MA 01930
02/24/2025		Exhibits/Appendix
02/24/2025		Exhibits/Appendix
02/24/2025		Exhibits/Appendix
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02/24/2025		Exhibits/Appendix
02/24/2025		Exhibits/Appendix
02/24/2025		Exhibits/Appendix
02/24/2025		Exhibits/Appendix
02/24/2025	16	Amended: 1st amended complaint filed by Amgad O. Mukhtar, Robert Egri, Katalin Egri, Michael Bush, Edward Chisholm, Vincent Cedrone, Phillip McLaine, Joshua Ulrich
02/24/2025		Exhibits/Appendix
02/28/2025	17	Defendants MA Attorney General Andrea Joy Campbell , in her Official and Individual Capacity's EMERGENCY Motion for enlargement of time.



**COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX COUNTY
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02/28/2025	17.1	MA Attorney General Andrea Joy Campbell , in her Official and Individual Capacity's Memorandum in support of #17 motion.	
02/28/2025	17.2	Opposition to defendants' 2nd emergency motion for enlargement of time. filed by Amgad O. Mukhtar, Robert Egri, Katalin Egri, Michael Bush, Edward Chisholm, Vincent Cedrone, Phillip McLaine, Joshua Ulrich	
02/28/2025		Exhibits/Appendix	
02/28/2025		Exhibits/Appendix	
02/28/2025		Exhibits/Appendix	
03/06/2025	18	General correspondence regarding NOTICE OF DISCLOSURE RE POTENTIAL RECUSAL (which see pgs. 1-3) In reviewing the pleadings in this case, I note that this civil action was brought against, among others, Massachusetts Governor Maura Healey and Massachusetts Secretary of Public Safety and Security Terrence M. Reidy. I issue this Notice of Disclosure to address the question whether I must, or should, recuse myself from this case based on my past professional relationships with both Governor Healey and Secretary Reidy. Before commencing this morning's hearing, therefore, I will hear from the parties as to whether they believe that I must, or should, recuse myself. Should any party require additional time to review this issue, any request for a reasonable period to do so will be granted. So ORDERED this sixth day of March 2025 (Davide A. Deakin, Associate Justice)	Deakin
03/06/2025	19	Service Returned for Defendant Secretary of Executive Office of Public Safety and Security Terrence M Reidy, in his official and individual capacities: Service via certified mail; return receipt requested 2/27/2025 1 Ashburton Place 20th Floor, Boston, MA 02108	
03/06/2025		Event Result:: Motion Hearing scheduled on: 03/06/2025 10:00 AM Has been: Held as Scheduled Hon. David A Deakin, Presiding Staff: Maria Pantos, Assistant Clerk Magistrate	Deakin
03/06/2025		Endorsement on Motion for Enlargement of Time (#17.0): ALLOWED After hearing, the defendants' Emergency Motion is ALLOWED. The deadline for the defendants to serve on the plaintiffs a pleading responsive to the plaintiff's 1st Amended Complaint (Paper No. 16) is hereby extended to May 6, 2025. The deadline for filing the responsive pleading with opposition--if any--is extended to May 27, 2025. A hearing on any forthcoming motion to dismiss and on the plaintiff's forthcoming Motion for Preliminary Injunction and Consolidation of Hearing with Trial on the Merits shall be held on June 6, 2025. (Deakin, J.) Additionally, the defendants' request for an enlargement of the page limit for their anticipated memorandum in support of their motion to dismiss to fifty (50) pages is ALLOWED. The plaintiffs shall also be permitted to submit a response of up to fifty pages.	Deakin



**COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX COUNTY
Docket Report**

03/06/2025		EDocument sent: Clerk's Notice (eDoc) Sent On: 03/06/2025 12:00:12 Notice Sent To: Arjun K Jaikumar, Esq. arjun.k.jaikumar@mass.gov Notice Sent To: Aaron Macris, Esq. aaron.macris@mass.gov Notice Sent To: David Stephen Mackey, Esq. dmackey@andersonkreiger.com Notice Sent To: Christina Marshall, Esq. cmarshall@andersonkreiger.com Notice Sent To: Amgad O. Mukhtar 13 Murdock Drive, Peabody, MA 01960 Notice Sent To: Robert Egri 80 Wildwood Drive, Carlisle, MA 01741 Notice Sent To: Katalin Egri 80 Wildwood Drive, Carlisle, MA 01741 Notice Sent To: Michael Bush 280 Lowell Street, Carlisle, MA 01741 Notice Sent To: Edward Chisholm 5 Playstead Avenue, Woburn, MA 01801 Notice Sent To: Vincent Cedrone 44 Arlington Street, Tewksbury, MA 01876 Notice Sent To: Phillip McLaine 15 Washington Avenue, Arlington, MA 02474 Notice Sent To: Joshua Ulrich 7 Grandview Road, Gloucester, MA 01930	
03/06/2025	20	Affidavit of Plaintiff Michael Bush regarding Justice David A. Deakin's Notice of Disclosure Regarding Potential Recusal	
03/06/2025	21	Affidavit of Plaintiff Vincent Cedrone regarding Justice David A. Deakin's Notice of Disclosure Regarding Potential Recusal	
03/07/2025		Event Result:: Rule 12 Hearing scheduled on: 03/14/2025 02:00 PM Has been: Not Held For the following reason: Event Changed Hon. David A Deakin, Presiding Staff: Maria Pantos, Assistant Clerk Magistrate	Deakin
03/07/2025		Event Result:: Hearing on Preliminary Injunction scheduled on: 03/14/2025 02:00 PM Has been: Not Held For the following reason: Event Changed Hon. David A Deakin, Presiding Staff: Maria Pantos, Assistant Clerk Magistrate	Deakin
03/10/2025	22	Affidavit of Plaintiff Edward Chisholm Regarding Justice David A. Deakin's Notice of Disclosure Regarding Potential Recusal	
03/10/2025	23	Affidavit of plaintiff Robert Egri regarding Justice David A. Deakin's notice of disclosure regarding potential recusal.	
03/10/2025	24	Affidavit of plaintiff Katalin Egri regarding Justice David A. Deakin's notice of disclosure regarding potential recusal.	
03/10/2025	25	Affidavit of plaintiff Phillip McLaine regarding Justice David A. Deakin's notice of disclosure regarding potential recusal.	
03/10/2025	26	Affidavit of plaintiff Amgad Mukhtar regarding Justice David A. Deakin's notice of disclosure regarding potential recusal.	
03/10/2025	27	Affidavit of Plaintiff Joshua Ulrich Regarding Justice David A. Deakin's Notice of Disclosure Regarding Potential Recusal	



**COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX COUNTY
Docket Report**

03/10/2025	28	Plaintiffs Amgad O. Mukhtar, Michael Bush, Robert Egri, Katalin Egri, Edward Chisholm, Vincent Cedrone, Phillip McLaine, Joshua Ulrich's Motion for Case-Specific Management Pursuant to Superior Court Rule 20	
03/10/2025	28.1	Amgad O. Mukhtar, Robert Egri, Katalin Egri, Michael Bush, Edward Chisholm, Vincent Cedrone, Phillip McLaine, Joshua Ulrich's Memorandum in support of Plaintiffs' Unopposed Motion for Case-Specific Management	
03/10/2025		Exhibits/Appendix	
03/14/2025		Endorsement on Motion to Intervene (#10.0): ALLOWED After hearing, the Motion to Intervene is ALLOWED. After hearing, I am satisfied that Massport is entitled to intervene as of right under Mass.R.Civ.P.24(a)(2). In any event, even if Massport were not so entitled, I would permit intervention under Mass.R.Civ.P. 24(b)(2). Massport's interest in this litigation is undeniable, and it is in the best interest of the Commonwealth and all its citizens for the interests of all parties to litigations to be vigorously represented. Defendant/intervenor Massport shall abide by the filing deadlines that apply to the existing defendants. (Deakin, J.)	Deakin
03/14/2025		EDocument sent: Clerk's Notice (eDoc) Sent On: 03/14/2025 15:52:58 Notice Sent To: Arjun K Jaikumar, Esq. arjun.k.jaikumar@mass.gov Notice Sent To: Aaron Macris, Esq. aaron.macris@mass.gov Notice Sent To: Arjun K Jaikumar, Esq. arjun.k.jaikumar@mass.gov Notice Sent To: Aaron Macris, Esq. aaron.macris@mass.gov Notice Sent To: David Stephen Mackey, Esq. dmackey@andersonkreiger.com Notice Sent To: Christina Marshall, Esq. cmarshall@andersonkreiger.com Notice Sent To: Amgad O. Mukhtar 13 Murdock Drive, Peabody, MA 01960 Notice Sent To: Robert Egri 80 Wildwood Drive, Carlisle, MA 01741 Notice Sent To: Katalin Egri 80 Wildwood Drive, Carlisle, MA 01741 Notice Sent To: Michael Bush 280 Lowell Street, Carlisle, MA 01741 Notice Sent To: Edward Chisholm 5 Playstead Avenue, Woburn, MA 01801 Notice Sent To: Vincent Cedrone 44 Arlington Street, Tewksbury, MA 01876 Notice Sent To: Phillip McLaine 15 Washington Avenue, Arlington, MA 02474 Notice Sent To: Joshua Ulrich 7 Grandview Road, Gloucester, MA 01930	
03/14/2025		Event Result:: Hearing on Motion to Intervene scheduled on: 03/14/2025 02:00 PM Has been: Held as Scheduled Hon. David A Deakin, Presiding Staff: Maria Pantos, Assistant Clerk Magistrate	Deakin
03/14/2025		Endorsement on Motion for Case-Specific Management Pursuant to Superior Court Rule 20 (#28.0): DENIED After hearing, the motion is DENIED. I have not become involved in this case that I think that a special assignment of the case to me is warranted and/or necessary. (Deakin, J.)	Deakin



**COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX COUNTY
Docket Report**

03/14/2025		EDocument sent: Clerk's Notice (eDoc) Sent On: 03/14/2025 16:01:09 Notice Sent To: Arjun K Jaikumar, Esq. arjun.k.jaikumar@mass.gov Notice Sent To: Aaron Macris, Esq. aaron.macris@mass.gov Notice Sent To: Arjun K Jaikumar, Esq. arjun.k.jaikumar@mass.gov Notice Sent To: Aaron Macris, Esq. aaron.macris@mass.gov Notice Sent To: David Stephen Mackey, Esq. dmackey@andersonkreiger.com Notice Sent To: Christina Marshall, Esq. cmarshall@andersonkreiger.com Notice Sent To: Amgad O. Mukhtar 13 Murdock Drive, Peabody, MA 01960 Notice Sent To: Robert Egri 80 Wildwood Drive, Carlisle, MA 01741 Notice Sent To: Katalin Egri 80 Wildwood Drive, Carlisle, MA 01741 Notice Sent To: Michael Bush 280 Lowell Street, Carlisle, MA 01741 Notice Sent To: Edward Chisholm 5 Playstead Avenue, Woburn, MA 01801 Notice Sent To: Vincent Cedrone 44 Arlington Street, Tewksbury, MA 01876 Notice Sent To: Phillip McLaine 15 Washington Avenue, Arlington, MA 02474 Notice Sent To: Joshua Ulrich 7 Grandview Road, Gloucester, MA 01930	
03/24/2025	29	Plaintiffs Amgad O. Mukhtar, Michael Bush, Robert Egri, Katalin Egri, Edward Chisholm, Vincent Cedrone, Phillip McLaine, Joshua Ulrich's EMERGENCY Motion for Clarification	
03/24/2025	29.1	Amgad O. Mukhtar, Robert Egri, Katalin Egri, Michael Bush, Edward Chisholm, Vincent Cedrone, Phillip McLaine, Joshua Ulrich's Memorandum in support of Plaintiffs' Emergency Motion for Clarification Pursuant to Mass. R. Civ. P. 60(b)	
03/24/2025		Exhibits/Appendix	
		Exhibit 1	
03/24/2025		Exhibits/Appendix	
		Exhibit 2	
03/26/2025		Endorsement on Motion for Clarification (Emergency) (#29.0): Other action taken After review, I conclude that this Motion is not properly filed on an emergency basis under Superior Court Rule 9A(d)(1). The defendants shall file their oppositions and/or response, if any, no later than April 7, 2025. After reviewing the defendants' submissions, if any, I will decide as to whether a hearing is necessary. (Deakin, J.)	Deakin



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03/26/2025		EDocument sent: Clerk's Notice (eDoc) Sent On: 03/26/2025 10:07:45 Notice Sent To: Arjun K Jaikumar, Esq. arjun.k.jaikumar@mass.gov Notice Sent To: Aaron Macris, Esq. aaron.macris@mass.gov Notice Sent To: David Stephen Mackey, Esq. dmackey@andersonkreiger.com Notice Sent To: Christina Marshall, Esq. cmarshall@andersonkreiger.com Notice Sent To: Amgad O. Mukhtar 13 Murdock Drive, Peabody, MA 01960 Notice Sent To: Robert Egri 80 Wildwood Drive, Carlisle, MA 01741 Notice Sent To: Katalin Egri 80 Wildwood Drive, Carlisle, MA 01741 Notice Sent To: Michael Bush 280 Lowell Street, Carlisle, MA 01741 Notice Sent To: Edward Chisholm 5 Playstead Avenue, Woburn, MA 01801 Notice Sent To: Vincent Cedrone 44 Arlington Street, Tewksbury, MA 01876 Notice Sent To: Phillip McLaine 15 Washington Avenue, Arlington, MA 02474 Notice Sent To: Joshua Ulrich 7 Grandview Road, Gloucester, MA 01930
04/07/2025	30	Opposition to Plaintiffs Motion for Clarification filed by MA Attorney General Andrea Joy Campbell, in her Official and Individual Capacity
04/07/2025	31	Defendant Massachusetts Port Authority's Response to Pro Se Plaintiffs' Motion For Clarification
04/09/2025	32	Reply/Sur-reply Joint
04/09/2025		Exhibits/Appendix
04/09/2025		Exhibits/Appendix
04/09/2025	33	Reply/Sur-reply Joint Applies To: Mukhtar, Amgad O. (Plaintiff); Egri, Robert (Plaintiff) Applies To: Mukhtar, Amgad O. (Plaintiff); Egri, Robert (Plaintiff); Cedrone, Vincent (Plaintiff); Ulrich, Joshua (Plaintiff) Applies To: Mukhtar, Amgad O. (Plaintiff); Egri, Robert (Plaintiff); Egri, Katalin (Plaintiff); Bush, Michael (Plaintiff); Cedrone, Vincent (Plaintiff); Ulrich, Joshua (Plaintiff)
04/10/2025	34	Reply/Sur-reply Applies To: Chisholm, Edward (Plaintiff); McLaine, Phillip (Plaintiff)
04/23/2025		Attorney appearance On this date Carlos R Rosende, Esq. added as Private Counsel for Defendant Massachusetts Port Authority
04/23/2025		Attorney appearance electronically filed.
05/06/2025	35	Defendant Massachusetts Port Authority's Notice of motion to dismiss pursuant to Rule 9E.



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05/07/2025		Attorney appearance On this date Aaron Macris, Esq. added for Defendant Secretary of Executive Office of Public Safety and Security Terrence M Reidy, in his official and individual capacities
05/07/2025	36	Defendant MA Attorney General Andrea Joy Campbell, in her Official and Individual Capacity's Notice of Motion to Dismiss under rule 12(b)(1) and 12(b)(6)
05/12/2025	37	Affidavit of Michael Bush for default pursuant to Mass. R. Civ. P. 55(a)
05/12/2025	37.1	Self-Represented Plaintiff Michael Bush's Certificate of Service
05/15/2025	38	Response to Plaintiffs Affidavit filed by MA Attorney General Andrea Joy Campbell, in her Official and Individual Capacity, MA Governor Maura Healey, in her Official and Individual capacities, Colonel of the MA State Police Geoffrey D. Noble, in his official capacity, Secretary of Executive Office of Public Safety and Security Terrence M Reidy, in his official and individual capacities, MA Gaming Commission Chair Jordon Maynard, in his official and individual capacities
05/19/2025	39	Defendants Michael Bush, Amgad O. Mukhtar, Robert Egri, Katalin Egri, Edward Chisholm, Vincent Cedrone, Phillip McLaine, Joshua Ulrich's Motion for Preliminary Injunction and Consolidation of Hearing with Trial on Merits (2nd)
05/19/2025	39.1	Amgad O. Mukhtar, Robert Egri, Katalin Egri, Michael Bush, Edward Chisholm, Vincent Cedrone, Phillip McLaine, Joshua Ulrich's Memorandum in support of Motion for Preliminary Injunction and Consolidation of Hearing with Trial on Merits (2nd)
05/19/2025	39.2	Opposition to to Plaintiffs Motion for a Preliminary Injunction filed by MA Attorney General Andrea Joy Campbell, in her Official and Individual Capacity
05/19/2025	39.3	Opposition to to Plaintiffs Second Motion for Preliminary Injunction and Consolidation of Hearing with Trial on Merits filed by Massachusetts Port Authority
05/19/2025	39.4	Reply/Sur-reply Applies To: Mukhtar, Amgad O. (Plaintiff); Egri, Robert (Plaintiff); Egri, Katalin (Plaintiff); Bush, Michael (Plaintiff); Chisholm, Edward (Plaintiff); Cedrone, Vincent (Plaintiff); McLaine, Phillip (Plaintiff); Ulrich, Joshua (Plaintiff)
05/19/2025	39.5	Reply/Sur-reply Applies To: Mukhtar, Amgad O. (Plaintiff); Egri, Robert (Plaintiff); Egri, Katalin (Plaintiff); Bush, Michael (Plaintiff); Chisholm, Edward (Plaintiff); Cedrone, Vincent (Plaintiff); McLaine, Phillip (Plaintiff); Ulrich, Joshua (Plaintiff)
05/19/2025		Exhibits/Appendix
05/19/2025		Exhibits/Appendix
05/19/2025		Exhibits/Appendix
05/19/2025		Exhibits/Appendix



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05/19/2025		Exhibits/Appendix
05/27/2025	40	Defendants MA Governor Maura Healey, in her Official and Individual capacities, MA Attorney General Andrea Joy Campbell, in her Official and Individual Capacity, Colonel of the MA State Police Geoffrey D. Noble, in his official capacity, MA Gaming Commission Chair Jordon Maynard, in his official and individual capacities, Secretary of Executive Office of Public Safety and Security Terrence M Reidy, in his official and individual capacities's Motion to Dismiss Under Rules 12(b)(1) and 12(b)(6)
05/27/2025	40.1	MA Governor Maura Healey, in her Official and Individual capacities, MA Attorney General Andrea Joy Campbell, in her Official and Individual Capacity, Colonel of the MA State Police Geoffrey D. Noble, in his official capacity, MA Gaming Commission Chair Jordon Maynard, in his official and individual capacities, Secretary of Executive Office of Public Safety and Security Terrence M Reidy, in his official and individual capacities's Memorandum in support of Defendants' Motion to Dismiss
05/27/2025	40.2	Opposition to MA Attorney General's Motion to Dismiss 1st Amended Complaint filed by Amgad O. Mukhtar, Robert Egri, Katalin Egri, Michael Bush, Edward Chisholm, Vincent Cedrone, Phillip McLaine, Joshua Ulrich
05/27/2025	40.3	Reply/Sur-reply Reply in Support of Defendants' Motion to Dismiss
05/27/2025	41	Defendant-Intervenor Massachusetts Port Authority's Motion to Dismiss
05/27/2025	41.1	Massachusetts Port Authority's Memorandum in support of Motion to Dismiss of Intervenor-Defendant Massachusetts Port Authority
05/27/2025	41.2	Opposition to Massport's Motion to Dismiss 1st Amended Complaint filed by Amgad O. Mukhtar, Robert Egri, Katalin Egri, Michael Bush, Edward Chisholm, Vincent Cedrone, Phillip McLaine, Joshua Ulrich
05/27/2025		Exhibits/Appendix
05/27/2025	41.3	Massachusetts Port Authority's Reply Memorandum in support of Motion to Dismiss of Intervenor-Defendant Massachusetts Port Authority
05/27/2025	41.4	Defendant Massachusetts Port Authority's Notice of Motion to Dismiss Pursuant to Rule 9E
05/27/2025	41.5	Affidavit of compliance with Superior Court Rule 9A Applies To: Rosende, Esq., Carlos R (Attorney) on behalf of Massachusetts Port Authority (Defendant)
05/29/2025	42	Plaintiff Michael Bush's Submission of Opposed Emergency Motion to Strike Massport's Reply
05/29/2025	42.1	Michael Bush, Amgad O. Mukhtar, Robert Egri, Katalin Egri, Edward Chisholm, Vincent Cedrone, Phillip McLaine, Joshua Ulrich's Memorandum in support of Plaintiff's Opposed Emergency Motion to Strike massports Reply



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06/05/2025	43	Plaintiffs Michael Bush, Amgad O. Mukhtar, Robert Egri, Katalin Egri, Edward Chisholm, Vincent Cedrone, Phillip McLaine, Joshua Ulrich's Motion for Leave to File 2nd Amended Complaint	
06/05/2025	43.1	Michael Bush, Amgad O. Mukhtar, Robert Egri, Katalin Egri, Edward Chisholm, Vincent Cedrone, Phillip McLaine, Joshua Ulrich's Memorandum in support of Motion for Leave to File 2nd Amended Complaint	
06/05/2025	43.3	Opposition to of Intervener-Defendant Massachusetts Port Authority to Plaintiffs Motion for Leave to File Second Amended Complaint filed by Massachusetts Port Authority	
06/05/2025	43.4	Reply/Sur-reply Applies To: Mukhtar, Amgad O. (Plaintiff); Egri, Robert (Plaintiff); Egri, Katalin (Plaintiff); Bush, Michael (Plaintiff); Chisholm, Edward (Plaintiff); Cedrone, Vincent (Plaintiff); McLaine, Phillip (Plaintiff); Ulrich, Joshua (Plaintiff)	
06/05/2025	43.2	MA Attorney General Andrea Joy Campbell, in her Official and Individual Capacity's Memorandum in opposition to Motion to Amend	
06/06/2025	44	Plaintiffs Amgad O. Mukhtar, Michael Bush's EMERGENCY Motion for Protective Order Against Asst. Atty. General Aaron Macris (Assented-To & Opposed Motion)	
06/06/2025	44.1	Amgad O. Mukhtar, Michael Bush's Memorandum in support of Plaintiffs Bush's & Mukhtar's Emergency Motion For Protective Order Against Asst. Atty. General Aaron Macris	
06/06/2025		Matter taken under advisement: Rule 12 Hearing scheduled on: 06/06/2025 02:00 PM Has been: Held - Under advisement Hon. John C Fraser, Presiding Staff: Maria Pantos, Assistant Clerk Magistrate	Fraser
06/06/2025	41.1	Opposition to to Massport's Motion to Dismiss 1st filed by Amgad O. Mukhtar, Robert Egri, Katalin Egri, Michael Bush, Edward Chisholm, Vincent Cedrone, Phillip McLaine, Joshua Ulrich CORRECTED PAPER 41.1	
06/09/2025		Endorsement on Motion for Protective Order (#44.0): DENIED After hearing, motion for protective order is DENIED. (Fraser, J.) Dated 6/6/25	Fraser



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06/09/2025		EDocument sent: Clerk's Notice (eDoc) Sent On: 06/09/2025 10:52:50 Notice Sent To: Arjun K Jaikumar, Esq. arjun.k.jaikumar@mass.gov Notice Sent To: Aaron Macris, Esq. aaron.macris@mass.gov Notice Sent To: David Stephen Mackey, Esq. dmackey@andersonkreiger.com Notice Sent To: Christina Marshall, Esq. cmarshall@andersonkreiger.com Notice Sent To: Carlos R Rosende, Esq. crosende12@gmail.com Notice Sent To: Amgad O. Mukhtar 13 Murdock Drive, Peabody, MA 01960 Notice Sent To: Robert Egri 80 Wildwood Drive, Carlisle, MA 01741 Notice Sent To: Katalin Egri 80 Wildwood Drive, Carlisle, MA 01741 Notice Sent To: Michael Bush 280 Lowell Street, Carlisle, MA 01741 Notice Sent To: Edward Chisholm 5 Playstead Avenue, Woburn, MA 01801 Notice Sent To: Vincent Cedrone 44 Arlington Street, Tewksbury, MA 01876 Notice Sent To: Phillip McLaine 15 Washington Avenue, Arlington, MA 02474 Notice Sent To: Joshua Ulrich 7 Grandview Road, Gloucester, MA 01930
06/16/2025	45	Plaintiffs Michael Bush, Amgad O. Mukhtar, Robert Egri, Katalin Egri, Edward Chisholm, Vincent Cedrone, Phillip McLaine, Joshua Ulrich's Notice of Supplemental Authority
06/20/2025	46	Plaintiff Amgad O. Mukhtar, Robert Egri, Katalin Egri, Michael Bush, Edward Chisholm, Vincent Cedrone, Phillip McLaine, Joshua Ulrich's Notice of Supplemental Authority (Second)
07/02/2025	47	Plaintiffs Amgad O. Mukhtar, Robert Egri, Katalin Egri, Michael Bush, Edward Chisholm, Vincent Cedrone, Phillip McLaine, Joshua Ulrich's Submission of 3rd Notice of Supplemental Authorities
08/11/2025	48	Plaintiffs Amgad O. Mukhtar, Robert Egri, Katalin Egri, Michael Bush, Edward Chisholm, Vincent Cedrone, Phillip McLaine, Joshua Ulrich's Motion for Case-Specific Management Pursuant to Superior Court Rule 20 and Recusal of Justice Hornstine
08/11/2025	48.1	Amgad O. Mukhtar, Robert Egri, Katalin Egri, Michael Bush, Edward Chisholm, Vincent Cedrone, Phillip McLaine, Joshua Ulrich's Memorandum in support of Plaintiffs' Motion For Individual Case Management and Recusal of Justice Hornstine
08/11/2025	48.2	Opposition to Plaintiffs' Motion to Amend filed by MA Governor Maura Healey, in her Official and Individual capacities, MA Attorney General Andrea Joy Campbell, in her Official and Individual Capacity, Colonel of the MA State Police Geoffrey D. Noble, in his official capacity, MA Gaming Commission Chair Jordon Maynard, in his official and individual capacities
08/11/2025	48.3	Opposition to Plaintiffs' Motion For Case-Specific Management Pursuant to Superior Court Rule 20 and Recusal of Justice Hornstine filed by Massachusetts Port Authority
08/11/2025	48.4	Plaintiffs Amgad O. Mukhtar, Robert Egri, Katalin Egri, Michael Bush, Edward Chisholm, Vincent Cedrone, Phillip McLaine, Joshua Ulrich's Reply to Defendants' Oppositions to Motion For Case-Specific Management and Recusal



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08/25/2025	49	ORDER: MEMORANDUM OF DECISION AND ORDER ON DEFENDANTS' MOTION TO DISMISS (which see pgs. 1-20) ORDER: For these reasons, it is hereby ORDERED that the Defendants' motions to dismiss (Paper Nos. 40 and 41) are ALLOWED. Plaintiffs' claims challenging the constitutionality and validity of the following laws are DISMISSED for lack of standing: a. G.L.c. 269, S. 10A (Silencers); b. G.L.c. 140 S. 121, 131 M(a) (threaded barrels); c. G.L.c. 269, S. 10(b) ("Dangerous Weapons"); d. G.L.c. 140 S. 131 1/2, 131 3/4 (roster of assault style weapons); e. G.L.c. 140 S. 121, 121C (Serialization requirements); f. G.L.c. 269, S. 10(j)-(k) (schools, polling places, and government controlled buildings); g. 205 Code Mass. Regs. S. 138.20 (gaming establishments); h. 740 Code Mass. Regs. S. 30.04 (airports); i. G.L.c. 269, S. 12D (Public ways); j. G.L.c. 258E, S. 4A-4C (Harassment Prevention Orders); k. G.L.c. 140, S. 131R-131Y (ERPOs); l. G.L.c. 140, S. 121B (registration and reporting) m. G.L.c. 140 S. 121F(o)-(p) (licensing); and n. 940 Code Mass. Regs. S. 16.00 (handgun sales); Plaintiffs' claims challenging the constitutionality and validity of G.L.c. 140, S. 121F(o) (licensing fee) are DISMISSED pursuant to Mass.R.Civ.P. 12(b)(6). So ordered (John C. Fraser, Justice) Dated 8/14/25 and copies mailed 8/25/25	Fraser
08/25/2025		EDocument sent: Clerk's Notice (eDoc) Sent On: 08/25/2025 11:46:27 Notice Sent To: Arjun K Jaikumar, Esq. arjun.k.jaikumar@mass.gov Notice Sent To: Aaron Macris, Esq. aaron.macris@mass.gov Notice Sent To: David Stephen Mackey, Esq. dmackey@andersonkreiger.com Notice Sent To: Christina Marshall, Esq. cmarshall@andersonkreiger.com Notice Sent To: Carlos R Rosende, Esq. crosende12@gmail.com Notice Sent To: Amgad O. Mukhtar 13 Murdock Drive, Peabody, MA 01960 Notice Sent To: Robert Egri 80 Wildwood Drive, Carlisle, MA 01741 Notice Sent To: Katalin Egri 80 Wildwood Drive, Carlisle, MA 01741 Notice Sent To: Michael Bush 280 Lowell Street, Carlisle, MA 01741 Notice Sent To: Edward Chisholm 5 Playstead Avenue, Woburn, MA 01801 Notice Sent To: Vincent Cedrone 44 Arlington Street, Tewksbury, MA 01876 Notice Sent To: Phillip McLaine 15 Washington Avenue, Arlington, MA 02474 Notice Sent To: Joshua Ulrich 7 Grandview Road, Gloucester, MA 01930	



**COMMONWEALTH OF MASSACHUSETTS
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08/25/2025	50	JUDGMENT on Defendants, MA Governor Maura Healey, in her Official and Individual capacities, MA Attorney General Andrea Joy Campbell, in her Official and Individual Capacity, Colonel of the MA State Police Geoffrey D. Noble, in his official capacity, MA Gaming Commission Chair Jordon Maynard, in his official and individual capacities, Massachusetts Port Authority, Secretary of Executive Office of Public Safety and Security Terrence M Reidy, in his official and individual capacities 12(b) motion to dismiss against Plaintiff(s) Amgad O. Mukhtar, Robert Egri, Katalin Egri, Michael Bush, Edward Chisholm, Vincent Cedrone, Phillip McLaine, Joshua Ulrich. It is ORDERED and ADJUDGED: Plaintiffs' claims challenging the constitutionality and validity of the following laws are DISMISSED for lack of standing: a. G.L.c. 269, S. 10A (Silencers); b. G.L.c. 140 S. 121, 131 M(a) (threaded barrels); c. G.L.c. 269, S. 10(b) ("Dangerous Weapons"); d. G.L.c. 140 S. 131 1/2, 131 3/4 (roster of assault style weapons); e. G.L.c. 140 S. 121, 121C (Serialization requirements); f. G.L.c. 269, S. 10(j)-(k) (schools, polling places, and government controlled buildings); g. 205 Code Mass. Regs. S. 138.20 (gaming establishments); h. 740 Code Mass. Regs. S. 30.04 (airports); i. G.L.c. 269, S. 12D (Public ways); j. G.L.c. 258E, S. 4A-4C (Harassment Prevention Orders); k. G.L.c. 140, S. 131R-131Y (ERPOs); l. G.L.c. 140, S. 121B (registration and reporting) m. G.L.c. 140 S. 121F(o)-(p) (licensing); and n. 940 Code Mass. Regs. S. 16.00 (handgun sales); Plaintiffs' claims challenging the constitutionality and validity of G.L.c. 140, S. 121F(o) (licensing fee) are DISMISSED pursuant to Mass.R.Civ.P. 12(b)(6).	Fraser
08/25/2025		Disp for statistical purposes	
09/03/2025	51	NOTICE OF APPEAL The Plaintiffs give notice that they appeal from the order dismissing all of their claims that entered against them on August 25, 2025. Applies To: Mukhtar, Amgad O. (Plaintiff); Egri, Robert (Plaintiff); Egri, Katalin (Plaintiff); Bush, Michael (Plaintiff); Chisholm, Edward (Plaintiff); Cedrone, Vincent (Plaintiff); McLaine, Phillip (Plaintiff); Ulrich, Joshua (Plaintiff)	