

**COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT**

ESSEX COUNTY

SITTING 2026

(APPEALS COURT NO. 2026-P-0849)

**JOHN AMENDOLA, JANICE MIRABASSI, RICHARD CARTER,
DONALD FRANCIS, SUSAN SIEBEKING, DENIS DEVINE, WILLIAM
JOHNSON, CHRISTINE McCARTHY, RACHEL STAVIS, BARRIE
STAVIS, GRACE MCCARTHY, CAROLYN TUCKER, RACHEL
TUCKER, JANE FOX-DOBSON, and SUSAN DOWD**

Plaintiffs/Appellants

v.

BOARD OF REGISTRARS OF VOTERS OF THE TOWN OF ROCKPORT
Defendant/Appellee

**ON APPEAL FROM A JUDGMENT OF THE SUPERIOR COURT,
ESSEX COUNTY, DOCKET NO. 2477CV01085**

**PLAINTIFFS/APPELLANTS' APPLICATION
FOR DIRECT APPELLATE REVIEW**

**William H. Sheehan III, BBO #457060
Thomas J. Flannagan, BBO #564328
MacLean Holloway Doherty & Sheehan, P.C.
8 Essex Center Drive
Peabody, MA 01960
978-774-7123
wsheehan@mhdpc.com
tflannagan@mhdpc.com
Attorneys for the Appellants-Applicants**

Dated: July 6, 2026

TABLE OF CONTENTS

I.	REQUEST FOR DIRECT APPELLATE REVIEW	3
II.	STATEMENT OF PRIOR PROCEEDINGS IN THE CASE	4
III.	SHORT STATEMENT OF FACTS RELEVANT TO THE APPEAL	5
IV.	STATEMENT OF THE ISSUE OF LAW RAISED BY THE APPEAL, TOGETHER WITH STATEMENT INDICATING WHETHER THE ISSUE WAS RAISED AND PROPERLY PRESERVED IN THE SUPERIOR COURT	7
V.	ARGUMENT IN SUPPORT OF EACH APPELLANT’S POSITION THAT HE OR SHE HAS THE RIGHT TO CHOOSE ROCKPORT, WHERE ONE OF HIS OR HER HOMES IS LOCATED, OR THE MUNICIPALITY WHERE HIS OR HER OTHER HOME IS LOCATED AS HIS OR HER DOMICIL FOR VOTING PURPOSES	7
VI.	STATEMENT OF REASONS WHY DIRECT APPELLATE REVIEW IS APPROPRIATE	14
VII.	CONCLUSION	15
	APPENDIX	18
	Copy of Docket Entries	19
	Memorandum of Decision and Order on Plaintiffs’ Motion for Judgment on the Pleadings and Defendant’s Cross-Motion for Judgment on the Pleadings	30

I. REQUEST FOR DIRECT APPELLATE REVIEW

Pursuant to Mass.R.App.P. 11, Plaintiffs/Appellants (“Appellants”) John Amendola, Janice Mirabassi, Richard Carter, Donald Francis, Susan Siebeking, Denis Devine, William Johnson, Christine McCarthy, Rachel Stavis, Barrie Stavis, Grace McCarthy, Carolyn Tucker, Rachel Tucker, Jane Fox-Dobson, and Susan Dowd, seek direct appellate review of the Judgment entered on December 22, 2025, as ordered in the Memorandum of Decision and Order (“Decision”) of the Essex County Superior Court (Fraser, J.) on Plaintiffs’ Motion for Judgment on the Pleadings and Defendant’s Cross-Motion for Judgment on the Pleadings.¹

The Judgment states the following:

After hearing and consideration thereof; the Court having DENIED the Plaintiffs' Motion for Judgment on the Pleadings and having ALLOWED the defendant's Cross-Motion for Judgment on the Pleadings; It is ORDERED and ADJUDGED: That, the decisions of the Town of Rockport Board of Registrars on August 21, 2024, August 22, 2024 and August 23, 2024 (as set forth in the transcripts of the hearings held as well as the Approved Minutes of the hearings of the Board of Registrars of the Town of Rockport, dated January 13, 2025), that the Plaintiffs, Carolyn Tucker, Rachel Tucker, John Amendola, Janice Mirabassi, Susan Siebeking, Denis Devine, William Johnson, Donald Francis, Richard Carter, Susan Dowd, Jane Fox-Dobson, William Dobson, Rachel Stavis, Barrie Stavis, Christine McCarthy, Christine Grammas, and Grace McCarthy, were not properly registered to vote in the Town of Rockport and

¹ The Decision and docket entries are appended to this Application.

striking their names from the Town of Rockport's voter list, are AFFIRMED, and the Complaint is DISMISSED.

See Appendix. p. 28.

II. STATEMENT OF PRIOR PROCEEDINGS IN THE CASE

In the summer of 2024, Appellee Board of Registrars of Voters of the Town of Rockport (“Appellee” or “Board”) initiated the process to challenge the Appellants’ right to vote in Rockport, Massachusetts (“Rockport” or “the Town”). On August 21-23, 2024, the Board conducted hearings, pursuant to G.L. c. 51, § 49, and disqualified each of the Appellants as Rockport voters and struck their names from the Rockport list of registered voters.

The Appellants commenced an action in the Essex County Superior Court in the nature of certiorari to correct and reverse the Board’s disqualification of each of the Appellants as a Rockport voter, to restore each of them to the list of registered voters in Rockport and to obtain such other relief as justice may require, all pursuant to G.L. c. 249, § 4, and G.L. c. 56, § 59.

The Appellants filed a motion for judgment on the pleadings with the Superior Court. The Board cross-moved for judgment on the pleadings. The two motions were heard by the Superior Court (Fraser, J.) on August 28, 2025. On December 16, 2025, the Court issued its decision denying the Appellants’ motion for judgment on the pleadings and allowing the Board’s cross-motion for judgment on the pleadings. Judgment entered on December 22, 2025. The Appellants filed

their Notice of Appeal on January 13, 2026. After the parties received notice of assembly of the record from the Superior Court Clerk, the Appellants' appeal was docketed in the Appeals Court on June 12, 2026.

III. SHORT STATEMENT OF FACTS RELEVANT TO THE APPEAL

The lower court correctly found that the Appellants all have homes in the Long Beach section of Rockport where they registered to vote and did vote at an April 2024 Town Meeting: "The Plaintiffs are seventeen individuals who have homes in the Long Beach section of Rockport, which sit on land leased to them by the Town." See Appendix, p. 30.² One of the warrant articles dealt with repair of the Long Beach seawall which protects the Appellants' Long Beach homes. Most of the Appellants are Long Beach homeowners or spouses of homeowners, individually or as trustee or as a trust beneficiary; two others, Grace McCarthy and Rachel Tucker, are the daughters of the owners of their respective homes. Their residential structures are located on land they lease from the Town. Collectively, the Appellants pay annual Base Rent to the Town of approximately \$200,000. Collectively, the Appellants have obligated themselves under the Leases to pay Base Rent to the Town of approximately \$2,000,000 over ten years, plus real estate taxes, personal property taxes and other charges. The Town's lease requires that

² Two individuals chose to forego an appeal.

the Appellants absent themselves from their Rockport homes each year for the months of December through March.

The Appellants are deeply invested in the Town of Rockport. Many of them reside at Long Beach for half or more of the eight months that are allowed by the Leases: Amendola (80-85%); Mirabassi (all); Siebeking (nearly all); Devine (60%); Johnson (50%); Francis (all); Carter (all); Fox-Dobson (all days and evenings); Barrie Stavis (early Spring through end of October); and Grace McCarthy (50%). Each detailed for the Board the importance of Long Beach and Rockport to their lives and how, when in Rockport, his or her Long Beach home is the center of his or her domestic, social, and civic life: they eat, sleep, cook, clean, entertain, gather with family and friends, shop, attend parades and social and cultural events, volunteer, garden, belong to clubs and civic associations, subscribe to the local newspaper, visit local attractions, golf, boat, and walk the beach at and from their Rockport homes. Many detailed their roots in the Long Beach/Rockport community, some going back to the 1800's. Even the Appellants who do not spend half or more of their eight months at Long Beach are invested in Rockport and in their homes there.

The Appellants' care of their Long Beach homes is a twelve-month, not eight-month, endeavor. They described at their hearings their many visits to Rockport during the winter months, not merely to check on their homes, but also to

catch up with their friends in Rockport and engage in some winter beach use. One brave soul swims in the Atlantic Ocean year-round. For the Appellants, their Long Beach homes are special and worthy of year-round attention, even when the Town forbids occupancy thereof.

In response to the Town Meeting vote approving the repair of the seawall, the Board initiated the process to challenge the Appellants' right to vote in Rockport and struck their names from the Rockport list of registered voters.

IV. STATEMENT OF THE ISSUE OF LAW RAISED BY THE APPEAL, TOGETHER WITH STATEMENT INDICATING WHETHER THE ISSUE WAS RAISED AND PROPERLY PRESERVED IN THE SUPERIOR COURT

The legal issue raised by the appeal is the following: Can a resident of Massachusetts who owns two homes in different municipalities in the Commonwealth choose which of those two homes will be his or her domicile for voting purposes?

This issue was raised by the Appellants with, and properly preserved in, the Superior Court.

V. ARGUMENT IN SUPPORT OF EACH APPELLANT'S POSITION THAT HE OR SHE HAS THE RIGHT TO CHOOSE ROCKPORT, WHERE ONE OF HIS OR HER HOMES IS LOCATED, OR THE MUNICIPALITY WHERE HIS OR HER OTHER HOME IS LOCATED AS HIS OR HER DOMICIL FOR VOTING PURPOSES

This case of first impression will decide the voting rights of Massachusetts residents who have two homes in different municipalities in Massachusetts - - not a

primary home and a second, casually-used vacation spot - - but two homes where residents spend large and significant amounts of time each year. May such an individual choose to register to vote in either municipality just as a prisoner may choose the location of his or her cell, a college student may choose the location of his or her dorm room, and a patient may choose the location of his or her hospital room as his or her domicil for voting purposes? To answer that question in the negative, as the lower court did, is to defy common sense and ignore years of case law.

G.L. c. 51, § 1 provides, in pertinent part, as follows:

Every citizen eighteen years of age or older, ... who is a resident in the city or town where he claims the right to vote at the time he registers, ... may have his name entered on the list of voters in such city or town, and may vote therein in any such election, or ... in any meeting held for the transaction of town affairs.

Nothing in that section admits of the interpretation that where, as here, a citizen is a resident of two municipalities, the citizen is not free to select either municipality as his residence, his domicil, for voting purposes so long as the voter has sufficient attachments to the municipality the voter selects. Indeed, that the citizen can “claim” the city or town where he or she seeks to vote suggests the basic premise of the Appellants’ case: they have the right to vote in Rockport so long as they have a residence there, as the term residence has been interpreted in

the context of voter registration. No other section of Chapter 51 discusses where a citizen may vote if he resides in multiple homes in the Commonwealth.

A voter's freedom to choose his or her domicile for voting purposes is well-recognized in the Commonwealth. "*Voters have a certain amount of freedom to choose their domicile*, ... and our courts recognize a 'strong tradition of resolving voting disputes, where at all possible, in favor of the voter...'" Lay v. City of Lowell, 101 Mass.App.Ct. 15, 25 (2022), quoting Santana v. Registrars of Voters of Worcester, 384 Mass. 487, 491 (1974)(emphasis supplied). See also Hershkoff v. Board of Registrars of Voters of Worcester, 366 Mass. 570, 577 (1974), where, in discussing college students' rights to register to vote, the Supreme Judicial Court said: "It seems to us, as it seemed to the Attorney General, that it is a corollary of eighteen-year old voting that the young voter is to be independent for voting purposes and therefore *must have capacity to choose his domicile for voting purposes*, regardless of his emancipation for other purposes." (emphasis supplied). Accord Dane v. Registrars of Voters of Concord, 374 Mass. 152, 165-166 (1978)("We think the capacity of prisoners thus *to change their domicile for voting purposes* is 'implicit in [their] eligibility to vote.'" (emphasis supplied); and Coulombre v. Board of Registrars of Voters of Worcester, 3 Mass.App.Ct. 206, 209 (1975)(Patient not precluded "from choosing a new domicile for voting purposes.")

The Appellants' right to choose between Rockport and their non-Rockport municipalities for the purpose of voting is not unconstrained. Each Appellant must still establish that he or she is an inhabitant of Rockport. The meaning of the word "inhabitant" in the voting context is detailed in Opinion of the Justices, 365 Mass. 661, 663 (1974), and summarized as follows: inhabitancy is synonymous with domicil and based on where a person "hath his home." Domicil is "the place of one's actual residence with intention to remain permanently or for an indefinite time and without any certain purpose to return to a former place of abode." (citations omitted). "The elements of actual residence and intent must both exist. White v. Stowell, 229 Mass. 594, 598 (1918). Katz v. Katz, 274 Mass. 77, 80-81 (1931). Commonwealth v. Davis, 284 Mass. 41, 50 (1933)."

The Hershkoff Court explained the concept of "residence" as appearing in G.L. c. 51, § 1 in terms of domicil:

Every person must have a domicil, and he can have only one domicil at a time, at least for the same purpose. Restatement 2d: Conflict of Laws, Section 11 (1971). A person's domicil is usually *the place where he has his home*. *Id.*, at comment a. '*Home* is the place where a person dwells and which is the center of his domestic, social and civil life.' *Id.* at Section 12. A change of domicil takes place when a person with capacity to change his domicil is physically present in a place and *intends to make that place his home for the time at least*; the fact and intent must concur.

366 Mass. at 576-577 (1974)(internal quotations and citations omitted; and emphasis added). Thus, so long as a person has a home – a domicil - in a particular location and intends to remain there, he or she may register to vote and vote in that location. Here, all of the Appellants have been denied that fundamental constitutional right.

It is beyond peradventure that each Appellant has a residence, *a home*, at Long Beach in Rockport and the lower Court so found. The Appellants have established their strong, indeed overwhelming, attachments to the Long Beach/Rockport Community. Their testimony, supported by the ten-year leases they have only recently signed, answers any question about the intended duration of residence of which the Hershkoff Court said: “[W]e have often said that domicil is the place of one’s actual residence ‘with intention to remain permanently or for an indefinite time and without any certain purpose to return to a former place of abode.’” 366 Mass. at 578. The Appellants have homes in Rockport and they intend to remain in those homes.

In the end, this case is controlled by Hershkoff. A corollary of the capacity to vote is the “capacity to choose his domicil for voting purposes...” Hershkoff, 366 Mass. at 577. Here, as in Hershkoff, the Appellants exercised their capacity to choose Rockport as their domicil for voting purposes.

The Superior Court, like the Board before it, failed to recognize a voter's freedom to choose his or her domicile for voting purposes and to uphold each Appellant's choice to vote in Rockport. See Dane, *supra*, 374 Mass. 152; Hershkoff, *supra*, 366 Mass. 570; and Coulombre, *supra*, 3 Mass.App.Ct. 206. The Superior Court, like the Board before it, did not determine whether each Appellant adduced facts before the Board sufficient to warrant the conclusion that he or she had sufficient attachments to Rockport to meet the actual presence and intent requirements to establish domicile for voting purposes. Such a determination would have struck the proper balance between the voters' "certain amount of freedom to choose their domicile [for voting purposes]," Lay, *supra*, 101 Mass.App.Ct. at 25, and the Board's statutory obligation to strike from the voter register persons who are not qualified voters. Instead, the Superior Court adopted the Board's claim that it had the right to compare facts which they believed supported a conclusion of domicile in a voter's non-Rockport municipality with facts which supported a conclusion of domicile in Rockport, all without regard whatsoever to a voter's choice. Put another way, the Board took the position, and the lower Court approved, that, in essence, the Board had the power to decide which municipality was most of a "home" for voting purposes. The Board does not have that power. It assuredly had the power to determine whether each Appellant had a home in Rockport, without which an Appellant could not vote in

Rockport. However, once the Appellant has established he or she has a home in Rockport, and all of the Appellants did so according to the lower Court, the Appellant, not the Board, chooses domicile for voting purposes.

“The object of election laws is to secure the rights of duly qualified electors, and not to defeat them..., and the presumption is that they are enacted to prevent fraud and to secure freedom of choice, and not by technical obstructions to make the right of voting insecure.” Santana, *supra*, 384 Mass. at 491. See also Swift v. Board of Registrars of Quincy, 281 Mass. 271, 277 (1932)(“election laws are framed to afford opportunity for the orderly expression by duly qualified voters of their preferences among candidates for office, not to frustrate such expression.”). “[T]he legislative concern for safeguarding the electoral process from fraud, negligence, or other systemic malfunction is evident throughout the State election laws...”, and, “[i]n light of such concern, the Legislature assuredly did not intend to leave the question whether an individual is illegally or incorrectly registered to the sole unreviewable discretion of the local registrars.” Dane, *supra*, 374 Mass. at 159, citing McCarthy v. Secretary of the Commonwealth, 371 Mass. 667, 679 (1977).

Voting disputes are to be resolved, where possible, in favor of the voter: “We note further our strong tradition of resolving voting disputes, where at all possible, in favor of the voter.” Santana, *supra*, 384 Mass. at 491.

VI. STATEMENT OF REASONS WHY DIRECT APPELLATE REVIEW IS APPROPRIATE

Direct Appellate Review is appropriate if any one of three predicates is satisfied. This case satisfies all three predicates.

First, in the realm of voting rights, this case involves a novel question of law which is also question of first impression. This case involves fifteen citizens, each of whom has, by reason of the terms of his or her lease agreement with the Town, two *homes*³ in the Commonwealth, each of which satisfies the requirements for domicile for voting purposes set down by this Court and the Appeals Court in various decisions. The voting rights of prisoners, hospital patients, and college students has been settled, but not the rights of citizens who have two homes in the Commonwealth.

Second, this case involves questions of law concerning a most fundamental right – the right to vote - protected by both the Constitution of the Commonwealth and the Constitution of the United States.

Third, this case involves a question of general applicability and public interest, *i.e.*, the fundamental right of citizens to vote in the domicile of their choosing, such that justice requires a final determination by this Court.

³ The Town should not be heard to quarrel now with the conclusion that each Appellant has two homes in the Commonwealth. The lower court expressly found that each Appellant has a home in Rockport and the Board concluded that each Appellant's other, non-Rockport home, was his or her home for voting purposes.

VII. CONCLUSION

For the reasons set forth above, the Appellants respectfully suggest that the issue presented by this appeal should be decided directly by the Supreme Judicial Court.

Respectfully submitted,

/s/ William H. Sheehan III

William H. Sheehan III, BBO #457060

Thomas J. Flannagan, BBO #564328

MacLean Holloway Doherty & Sheehan, P.C.

8 Essex Center Drive

Peabody, MA 01960

978-774-7123

wsheehan@mhdpc.com

tflannagan@mhdpc.com

Attorneys for the Appellant-Applicant

Dated: July 6, 2026

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the foregoing Application for Direct Appellate Review complies with the rules of the court that pertain to the filing of same including, as applicable: MASS.R.A.P. 11 (direct appellate review); MASS.R.A.P. 16(k)(length); MASS.R.A.P. 20(a)(2)(F)(length); and MASS.R.A.P. 21 (redaction). Pursuant to MASS.R.A.P. 16(k), I also certify that the length of the brief argument (MASS.R.A.P. 11(b)(5)) was ascertained by use of the word-counting function of Microsoft Word (version 2013). The proportionally-spaced font name and size used is Times New Roman 14-point. The total number of all non-excluded words in the brief argument section (Section V) is 1,587.

/s/ Thomas J. Flannagan

Thomas J. Flannagan, BBO# 564328

MacLEAN HOLLOWAY DOHERTY & SHEEHAN, P.C.

8 Essex Center Drive

Peabody, MA 01960

(978) 774-7123

tflannagan@mhdpc.com

Date: July 6, 2026

COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT

ESSEX COUNTY

SITTING 2026

(APPEALS COURT NO. 2026-P-0849)

JOHN AMENDOLA, JANICE MIRABASSI, RICHARD CARTER, DONALD
FRANCIS, SUSAN SIEBEKING, DENIS DEVINE, WILLIAM JOHNSON,
CHRISTINE McCARTHY, RACHEL STAVIS, BARRIE STAVIS, GRACE
McCCARTHY, CAROLYN TUCKER, RACHEL TUCKER, JANE FOX-
DOBSON, and SUSAN DOWD

Plaintiffs/Appellants

v.

BOARD OF REGISTRARS OF VOTERS OF THE TOWN OF ROCKPORT
Defendant/Appellee

CERTIFICATE OF SERVICE

I, Thomas J. Flannagan, attorney for the Plaintiffs/Appellants, hereby certify that on this date I served one copy of the within Application for Direct Appellate Review via electronic mail, to the following attorneys: Lauren F. Goldberg, Esq. (lgoldberg@k-plaw.com), Gregg J. Corbo, Esq. (gcorbo@k-plaw.com), Devan C. Braun, Esq. (dbraun@k-plaw.com), KP Law, P.C., 101 Arch Street, 12th Floor, Boston, MA 02110.

/s/ Thomas J. Flannagan

Thomas J. Flannagan, BBO# 564328

MacLEAN HOLLOWAY DOHERTY & SHEEHAN, P.C.

8 Essex Center Drive

Peabody, MA 01960

(978) 774-7123

tflannagan@mhdpc.com

Dated: July 6, 2026

APPENDIX

Copy of Docket Entries	19
Memorandum of Decision and Order on Plaintiffs' Motion for Judgment on the Pleadings and Defendant's Cross-Motion for Judgment on the Pleadings	30

2477CV01085 Tucker, Carolyn et al vs. Board Registrars of Voters of the Town of Rockport

- Case Type:
- Administrative Civil Actions
- Case Status:
- Closed
- File Date
- 10/18/2024
- DCM Track:
- X - Accelerated
- Initiating Action:
- Certiorari Action, G. L. c. 249 § 4
- Status Date:
- 10/18/2024
- Case Judge:
-
- Next Event:
-

All Information Party Event Tickler Docket Disposition

Party Information

Tucker, Carolyn
- Plaintiff

Alias

Party Attorney

- Attorney
- Flannagan, Esq., Thomas J
- Bar Code
- 564328
- Address
- MacLean Holloway Doherty and Sheehan, PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123
- Attorney
- Sheehan, III, Esq., William H
- Bar Code
- 457060
- Address
- MacLean, Holloway, Doherty and Sheehan PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123

[More Party Information](#)

Tucker, Rachel
- Plaintiff

Alias

Party Attorney

- Attorney
- Flannagan, Esq., Thomas J
- Bar Code
- 564328
- Address
- MacLean Holloway Doherty and Sheehan, PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123
- Attorney
- Sheehan, III, Esq., William H
- Bar Code
- 457060
- Address
- MacLean, Holloway, Doherty and Sheehan PC
- 8 Essex Center Drive
- Peabody, MA 01960

- Phone Number
- (978)774-7123

[More Party Information](#)

Amendola, John
- Plaintiff

Alias

Party Attorney

- Attorney
- Flannagan, Esq., Thomas J
- Bar Code
- 564328
- Address
- MacLean Holloway Doherty and Sheehan, PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123
- Attorney
- Sheehan, III, Esq., William H
- Bar Code
- 457060
- Address
- MacLean, Holloway, Doherty and Sheehan PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123

[More Party Information](#)

Mirabassi, Janice
- Plaintiff

Alias

Party Attorney

- Attorney
- Flannagan, Esq., Thomas J
- Bar Code
- 564328
- Address
- MacLean Holloway Doherty and Sheehan, PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123
- Attorney
- Sheehan, III, Esq., William H
- Bar Code
- 457060
- Address
- MacLean, Holloway, Doherty and Sheehan PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123

[More Party Information](#)

Siebeking, Susan
- Plaintiff

Alias

Party Attorney

- Attorney
- Flannagan, Esq., Thomas J
- Bar Code
- 564328
- Address
- MacLean Holloway Doherty and Sheehan, PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123
- Attorney
- Sheehan, III, Esq., William H
- Bar Code
- 457060
- Address
- MacLean, Holloway, Doherty and Sheehan PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123

[More Party Information](#)

Devine, Denis
- Plaintiff

Alias

Party Attorney

- Attorney
- Flannagan, Esq., Thomas J
- Bar Code
- 564328
- Address
- MacLean Holloway Doherty and Sheehan, PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123
- Attorney
- Sheehan, III, Esq., William H
- Bar Code
- 457060
- Address
- MacLean, Holloway, Doherty and Sheehan PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123

[More Party Information](#)

Johnson, William
- Plaintiff

Alias

Party Attorney

- Attorney
- Flannagan, Esq., Thomas J
- Bar Code
- 564328
- Address
- MacLean Holloway Doherty and Sheehan, PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123
- Attorney
- Sheehan, III, Esq., William H
- Bar Code
- 457060
- Address
- MacLean, Holloway, Doherty and Sheehan PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123

[More Party Information](#)

Francis, Donald
- Plaintiff

Alias

Party Attorney

- Attorney
- Flannagan, Esq., Thomas J
- Bar Code
- 564328
- Address
- MacLean Holloway Doherty and Sheehan, PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123
- Attorney
- Sheehan, III, Esq., William H
- Bar Code
- 457060
- Address
- MacLean, Holloway, Doherty and Sheehan PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123

[More Party Information](#)

Carter, Richard

021

- Plaintiff

Alias

Party Attorney

- Attorney
- Flannagan, Esq., Thomas J
- Bar Code
- 564328
- Address
- MacLean Holloway Doherty and Sheehan, PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123
- Attorney
- Sheehan, III, Esq., William H
- Bar Code
- 457060
- Address
- MacLean, Holloway, Doherty and Sheehan PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123

[More Party Information](#)Dowd, Susan
- Plaintiff

Alias

Party Attorney

- Attorney
- Flannagan, Esq., Thomas J
- Bar Code
- 564328
- Address
- MacLean Holloway Doherty and Sheehan, PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123
- Attorney
- Sheehan, III, Esq., William H
- Bar Code
- 457060
- Address
- MacLean, Holloway, Doherty and Sheehan PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123

[More Party Information](#)Fox-Dobson, Jane
- Plaintiff

Alias

Party Attorney

- Attorney
- Flannagan, Esq., Thomas J
- Bar Code
- 564328
- Address
- MacLean Holloway Doherty and Sheehan, PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123
- Attorney
- Sheehan, III, Esq., William H
- Bar Code
- 457060
- Address
- MacLean, Holloway, Doherty and Sheehan PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123

[More Party Information](#)Dobson, William
- Plaintiff

Alias

Party Attorney

022

- Attorney
- Flannagan, Esq., Thomas J
- Bar Code
- 564328
- Address
- MacLean Holloway Doherty and Sheehan, PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123
- Attorney
- Sheehan, III, Esq., William H
- Bar Code
- 457060
- Address
- MacLean, Holloway, Doherty and Sheehan PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123

[More Party Information](#)

Stavis, Rachel
- Plaintiff

Alias

Party Attorney

- Attorney
- Flannagan, Esq., Thomas J
- Bar Code
- 564328
- Address
- MacLean Holloway Doherty and Sheehan, PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123
- Attorney
- Sheehan, III, Esq., William H
- Bar Code
- 457060
- Address
- MacLean, Holloway, Doherty and Sheehan PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123

[More Party Information](#)

Stavis, Barrie
- Plaintiff

Alias

Party Attorney

- Attorney
- Flannagan, Esq., Thomas J
- Bar Code
- 564328
- Address
- MacLean Holloway Doherty and Sheehan, PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123
- Attorney
- Sheehan, III, Esq., William H
- Bar Code
- 457060
- Address
- MacLean, Holloway, Doherty and Sheehan PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123

[More Party Information](#)

McCarthy, Christine
- Plaintiff

Alias

Party Attorney

- Attorney
- Flannagan, Esq., Thomas J
- Bar Code

- 564328
- Address
- MacLean Holloway Doherty and Sheehan, PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123
- Attorney
- Sheehan, III, Esq., William H
- Bar Code
- 457060
- Address
- MacLean, Holloway, Doherty and Sheehan PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123

[More Party Information](#)**Grammas, Christine**

- Plaintiff

Alias

Party Attorney

- Attorney
- Flannagan, Esq., Thomas J
- Bar Code
- 564328
- Address
- MacLean Holloway Doherty and Sheehan, PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123
- Attorney
- Sheehan, III, Esq., William H
- Bar Code
- 457060
- Address
- MacLean, Holloway, Doherty and Sheehan PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123

[More Party Information](#)**McCarthy, Grace**

- Plaintiff

Alias

Party Attorney

- Attorney
- Flannagan, Esq., Thomas J
- Bar Code
- 564328
- Address
- MacLean Holloway Doherty and Sheehan, PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123
- Attorney
- Sheehan, III, Esq., William H
- Bar Code
- 457060
- Address
- MacLean, Holloway, Doherty and Sheehan PC
- 8 Essex Center Drive
- Peabody, MA 01960
- Phone Number
- (978)774-7123

[More Party Information](#)**Board Registrars of Voters of the Town of Rockport**

- Defendant

Alias

Party Attorney

- Attorney
- Braun, Esq., Devan C
- Bar Code
- 703243
- Address
- KP Law, PC

- 101 Arch St
Boston, MA 02110
- Phone Number
(617)654-1703
- Attorney
Corbo, Esq., Gregg J
- Bar Code
641459
- Address
KP Law, P.C.
101 Arch St 12th Floor
Boston, MA 02110
- Phone Number
(617)556-0007
- Attorney
Goldberg, Esq., Lauren Feldman
- Bar Code
631013
- Address
KP Law, P.C.
101 Arch St
Boston, MA 02110
- Phone Number
(617)556-0007

[More Party Information](#)**Events**

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
10/24/2024 02:00 PM	Civil C	LAWRENCE-2nd FL, CR 2 (SC)	Hearing on Preliminary Injunction		Held as Scheduled
08/07/2025 02:00 PM	Civil C	LAWRENCE-2nd FL, CR 2 (SC)	Hearing for Judgment on Pleading	Fraser, Hon. John C	Rescheduled
08/28/2025 02:00 PM	Civil C	LAWRENCE-2nd FL, CR 2 (SC)	Hearing for Judgment on Pleading	Fraser, Hon. John C	Held - Under advisement

Ticklers

<u>Tickler</u>	<u>Start Date</u>	<u>Due Date</u>	<u>Days Due</u>	<u>Completed Date</u>
Service	10/18/2024	01/16/2025	90	10/21/2024
Judgment	10/18/2024	10/20/2025	367	12/16/2025
Under Advisement	08/28/2025	09/27/2025	30	12/16/2025
Review Appeals Filed	01/14/2026	05/27/2026	133	06/01/2026

Docket Information

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
10/18/2024	Attorney appearance On this date William H Sheehan, III, Esq. added for Plaintiff Carolyn Tucker		
10/18/2024	Case assigned to: DCM Track X - Accelerated was added on 10/18/2024		
10/18/2024	Original civil complaint filed.	1	
10/18/2024	William H Sheehan, III, Esq.'s Memorandum in support of Plaintiffs' Prayers for Preliminary Injunctive Relief	1.1	
10/18/2024	Civil action cover sheet filed.	2	
10/18/2024	Carolyn Tucker's EX PARTE MOTION for appointment of Special Process Server.	3	

025

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
10/18/2024	Endorsement on Motion for Appointment of Special Process Server (#3.0): ALLOWED		 Image
10/18/2024	Endorsement on Complaint A Short Order of Notice shall issue for October 24, 2024. Judge: Howe, Hon. Janice W		 Image
10/18/2024	Summons and order of notice issued on a Motion for a Preliminary Injunction , returnable on 10/24/2024 02:00 PM Hearing on Preliminary Injunction. Judge: Howe, Hon. Janice W	4	 Image
10/18/2024	Exhibits/Appendix Appendix of Exhibits to Complaint	5	 Image
10/18/2024	Exhibits/Appendix A-C of Complaint		 Image
10/18/2024	Exhibits/Appendix D-G of Complaint		 Image
10/18/2024	Exhibits/Appendix H-L of Complaint		 Image
10/18/2024	Exhibits/Appendix Exhibits M-P to Complaint		 Image
10/18/2024	Exhibits/Appendix Exhibits Q-S to Complaint		 Image
10/21/2024	Service Returned for Defendant Board Registrars of Voters of the Town of Rockport: Service accepted by counsel on October 21, 2024	6	 Image
10/24/2024	Opposition to Plaintiffs' prayers for Preliminary Injunction filed by Board Registrars of Voters of the Town of Rockport	7	 Image
10/24/2024	Affidavit of Melanie J. Waddell, Town of Rockport, Town Clerk	7.1	 Image
10/24/2024	Attorney appearance electronically filed. Applies To: Goldberg, Esq., Lauren Feldman (Attorney) on behalf of Board Registrars of Voters of the Town of Rockport (Defendant); Corbo, Esq., Gregg J (Attorney) on behalf of Board Registrars of Voters of the Town of Rockport (Defendant)		 Image
10/24/2024	Exhibits/Appendix to Opposition		 Image
10/24/2024	Event Result:: Hearing on Preliminary Injunction scheduled on: 10/24/2024 02:00 PM Has been: Held as Scheduled Comments: Matter was taken under advisement with a decision being issued the following day. Hon. Janice W Howe, Presiding Staff: Stefano J Cornelio, Assistant Clerk Magistrate		
10/25/2024	ORDER: ORDER ON PLAINTIFFS' PRAYERS FOR PRELIMINARY INJUNCTIVE RELIEF CONCLUSION AND ORDER: For the reasons explained, it is hereby ORDERED that Plaintiffs' Prayers for Preliminary Injunctive Relief are DENIED. (For full text see scanned image)	8	 Image
01/16/2025	Administrative record filed: Volume I Applies To: Board Registrars of Voters of the Town of Rockport (Defendant)	9	 Image
01/16/2025	Administrative record filed: Volume II Applies To: Board Registrars of Voters of the Town of Rockport (Defendant)	9.1	 Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
01/16/2025	Administrative record filed: Volume III Applies To: Board Registrars of Voters of the Town of Rockport (Defendant)	9.2	 Image
01/21/2025	Received from Defendant Board Registrars of Voters of the Town of Rockport: Answer to original complaint; (Administrative Record comprised of Three (3) Bound Volumes attached)	10	 Image
02/10/2025	Plaintiffs Carolyn Tucker, Rachel Tucker, John Amendola, Janice Mirabassi, Susan Siebeking, Denis Devine, William Johnson, Donald Francis, Richard Carter, Susan Dowd, Jane Fox-Dobson, William Dobson, Rachel Stavis, Barrie Stavis, Christine McCarthy, Christine Grammas, Grace McCarthy's Motion to Extend Deadline for Service of Motion for Judgment on the Pleadings and the Deadline for the Defendant to Serve Its Opposition/Cross-Motion	11	 Image
02/11/2025	Endorsement on Motion to extend time for (#11.0): ALLOWED After review, the assented to motion is ALLOWED		 Image
02/28/2025	Plaintiffs Carolyn Tucker, Rachel Tucker, John Amendola, Janice Mirabassi, Susan Siebeking, Denis Devine, William Johnson, Donald Francis, Richard Carter, Susan Dowd, Jane Fox-Dobson, William Dobson, Rachel Stavis, Barrie Stavis, Christine McCarthy, Christine Grammas, Grace McCarthy's Motion to extend deadline for service of motion for judgment on the pleadings and the deadline for the defendant to serve its opposition/ cross-motion	12	 Image
03/03/2025	Endorsement on Motion to extend time for service of motion for judgment on the pleadings and the deadline for the defendant to serve its opposition/ cross-motion (#12.0): ALLOWED After review, the motion is ALLOWED. Judge: Howe, Hon. Janice W		 Image
03/11/2025	Plaintiff's Notice of intent to file motion Notice of Service of Motion for Judgment on the Pleadings Applies To: Tucker, Carolyn (Plaintiff)	13	 Image
03/24/2025	Plaintiffs Carolyn Tucker, Rachel Tucker, John Amendola, Janice Mirabassi, Susan Siebeking, Denis Devine, William Johnson, Donald Francis, Richard Carter, Susan Dowd, Jane Fox-Dobson, William Dobson, Rachel Stavis, Barrie Stavis, Christine McCarthy, Christine Grammas, Grace McCarthy's Motion for Leave of Court to Exceed Page Limit of Superior Court Rule 9A(a)(5)(iv)	14	 Image
03/25/2025	Opposition to Plaintiffs' Motion for Leave to Exceed Page Limit of Superior Court Rule 9A filed by Board Registrars of Voters of the Town of Rockport	15	 Image
03/26/2025	Reply/Sur-reply Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for Leave of Court to Exceed Page Limit of Superior Court Rule 9A(a)(5)(iv)	16	 Image
03/28/2025	Endorsement on Motion to (#14.0): ALLOWED After review, the motion to exceed the twenty-page limit is ALLOWED; however, the memorandum of law shall not exceed twenty-five (25) pages. The defendant shall have an additional forty-five (45) days to oppose or otherwise respond.		 Image
05/09/2025	Defendant Board Registrars of Voters of the Town of Rockport's EMERGENCY Motion for leave to submit memorandum in support of its cross-motion for judgment on the pleadings in excess of 20 pages	17	 Image
05/09/2025	Plaintiff Carolyn Tucker, Rachel Tucker, John Amendola, Janice Mirabassi, Susan Siebeking, Denis Devine, William Johnson, Donald Francis, Richard Carter, Susan Dowd, Jane Fox-Dobson, William Dobson, Rachel Stavis, Barrie Stavis, Christine McCarthy, Christine Grammas, Grace McCarthy's Response to Defendant's Emergency Motion for Leave to Submit Memorandum in Support of Its Cross-Motion for Judgment on the Pleadings in Excess of 20 Pages	18	 Image
05/14/2025	Endorsement on Motion to file brief in excess of 20 pages (#17.0): Defendant Board Registrars of Voters of the Town of Rockport's EMERGENCY Motion for leave to submit memorandum in support of its cross-motion for judgment on the pleadings in excess of 20 pages Other action taken Motion ALLOWED in part, DENIED in part. Defendants may exceed the 20 page limit by 5 pages. Plaintiff's motion and Defendant's Opposition/Cross Motion are both limited to 25 pages each. Dated 5/13/2025.		 Image
06/23/2025	Plaintiffs Carolyn Tucker's Motion for judgment on the pleadings	19	 Image
06/23/2025	Carolyn Tucker's Memorandum of Law in support of plaintiffs' motion for judgment on the pleadings	19.1	 Image
06/23/2025	Opposition to plaintiffs' motion for judgment on the pleadings and defendant's cross-motion for judgment on the pleadings filed by Board Registrars of Voters of the Town of Rockport	19.2	 Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
06/23/2025	Board Registrars of Voters of the Town of Rockport's Memorandum of law in support of its Opposition to plaintiffs' motion for judgment on the pleadings and defendant's cross-motion for judgment on the pleadings	19.3	 Image
06/23/2025	Rule 9A list of documents filed. *Efiled	19.4	 Image
07/17/2025	ORDER: Rescheduling Order Due to a scheduling issue, the Motion hearing scheduled on August 7, 2025 at 2:00 p.m. has been rescheduled. The Motion hearing is rescheduled to August 28, 2025 at 2:00 p.m. Please see the new notice with the court date information that is served concurrently with this Rescheduling Order. Dated July 17, 2025.	20	 Image
07/17/2025	Event Result:: Hearing for Judgment on Pleading scheduled on: 08/07/2025 02:00 PM Has been: Rescheduled For the following reason: By Court prior to date Comments: See July 17, 2025 Rescheduling Order at Paper No. 20. Hon. John C Fraser, Presiding Staff: Nancy Keller, Assistant Clerk Magistrate		
08/05/2025	Defendant Board Registrars of Voters of the Town of Rockport's EMERGENCY Motion to Consolidate and Transfer	21	 Image
08/06/2025	Endorsement on Motion to consolidate and transfer (#21.0): DENIED DENIED without prejudice for failure to comply with Rule 9A. The moving party may refile in compliance with Rule 9A.		 Image
08/28/2025	Matter taken under advisement: Hearing for Judgment on Pleading scheduled on: 08/28/2025 02:00 PM Has been: Held - Under advisement Comments: FTR Law(2) 2:46-3:50 Hon. John C Fraser, Presiding Staff: Nancy Keller, Assistant Clerk Magistrate		
12/16/2025	MEMORANDUM & ORDER: on Plaintiffs' Motion for Judgment on the Pleadings (Paper No. 19) and Defendant's Cross-Motion for Judgment on the Pleadings (Paper No. 19.3) "... For the reasons stated above, it is hereby ORDERED that: 1. the Plaintiffs' Motion for Judgment on the Pleadings (Paper No. 19) is DENIED; and 2. the Defendant's Cross-Motion for Judgment on the Pleadings (Paper No. 19.3) is ALLOWED..." ***For full text of Memorandum of Decision and Order, see Paper No. 22.*** Judge: Fraser, Hon. John C	22	 Image
12/16/2025	Endorsement on Motion for judgment on the pleadings MRCP 12(c) (#19.0): DENIED See Memorandum of Decision and Order at Paper No. 22.		 Image
12/16/2025	Endorsement on Motion for judgment on the pleadings MRCP 12(c) (#19.2): ALLOWED See Memorandum of Decision and Order at Paper No. 22.		 Image
12/16/2025	JUDGMENT on the Pleadings entered: After hearing and consideration thereof; That the vote of the defendant, Board of Registrars of Voters of the Town of Rockport, on April 6, 2024 "Passed - 431/142 article M (17): vote for a sum of money for FEMA Project #73018 Long Beach Seawall (2/3rds)" is AFFIRMED, and the Complaint is DISMISSED. It is ORDERED and ADJUDGED:	23	 Image
12/16/2025	Docket Note: On 12/16/25 Clerk Keller emailed Paper Nos. 22 and 23 to all counsel of record.		
12/22/2025	CORRECTED JUDGMENT on the Pleadings entered: After hearing and consideration thereof; the Court having DENIED the Plaintiffs' Motion for Judgment on the Pleadings and having ALLOWED the defendant's Cross-Motion for Judgment on the Pleadings; It is ORDERED and ADJUDGED: That, the decisions of the Town of Rockport Board of Registrars on August 21, 2024, August 22, 2024 and August 23, 2024 (as set forth in the transcripts of the hearings held as well as the Approved Minutes of the hearings of the Board of Registrars of the Town of Rockport, dated January 13, 2025), that the Plaintiffs, Carolyn Tucker, Rachel Tucker, John Amendola, Janice Mirabassi, Susan Siebeking, Denis Devine, William Johnson, Donald Francis, Richard Carter, Susan Dowd, Jane Fox-Dobson, William Dobson, Rachel Stavis, Barrie Stavis, Christine McCarthy, Christine Grammas, and Grace McCarthy, were not properly registered to vote in the Town of Rockport and striking their names from the Town of Rockport's voter list, are AFFIRMED, and the Complaint is DISMISSED.	24	 Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
12/22/2025	Docket Note: Corrected Judgment issued due to clerical error and emailed to counsel on this date		
01/13/2026	Notice of appeal filed. *Efiled Applies To: Tucker, Carolyn (Plaintiff); Tucker, Rachel (Plaintiff); Amendola, John (Plaintiff); Mirabassi, Janice (Plaintiff); Siebeking, Susan (Plaintiff); Devine, Denis (Plaintiff); Johnson, William (Plaintiff); Francis, Donald (Plaintiff); Carter, Richard (Plaintiff); Dowd, Susan (Plaintiff); Fox-Dobson, Jane (Plaintiff); Dobson, William (Plaintiff); Stavis, Rachel (Plaintiff); Stavis, Barrie (Plaintiff); McCarthy, Christine (Plaintiff); Grammas, Christine (Plaintiff); McCarthy, Grace (Plaintiff)	25	 Image
01/14/2026	Notice of Appeal Filed sent to all counsel/parties of record	26	 Image
01/22/2026	Plaintiffs Carolyn Tucker, John Amendola, Janice Mirabassi, Susan Siebeking, Denis Devine, William Johnson, Donald Francis, Richard Carter, Susan Dowd, Jane Fox-Dobson, William Dobson, Rachel Stavis, Barrie Stavis, Christine McCarthy, Christine Grammas, Grace McCarthy's Submission of Certification Pursuant to Mass. R. A. P. 8(b)(1) and 9(d)(2)	27	 Image
06/01/2026	Appeal: Statement of the Case on Appeal (Cover Sheet).	28	 Image
06/01/2026	Notice of assembly of record sent to Counsel	29	 Image
06/01/2026	Notice to Clerk of the Appeals Court of Assembly of Record	30	 Image
06/17/2026	Appeal entered in Appeals Court on 06/12/2026 docket number 2026-P-0849	31	 Image

Case Disposition

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Dismissed	12/16/2025	

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

SUPERIOR COURT
CIVIL ACTION
NO. 2477CV01085CAROLYN TUCKER & others¹vs.

BOARD OF REGISTRARS OF VOTERS OF THE TOWN OF ROCKPORT

MEMORANDUM OF DECISION AND ORDER ON PLAINTIFFS' MOTION FOR
JUDGMENT ON THE PLEADINGS (Paper No. 19) AND DEFENDANT'S CROSS-
MOTION FOR JUDGMENT ON THE PLEADINGS (Paper No. 19.3)

I. INTRODUCTION

This is an action in the nature of certiorari in which the plaintiffs seek review pursuant to G. L. c. 249, § 4, and G. L. c. 56, § 59, of the decisions of the defendant, Board of Registrars of Voters of the Town of Rockport (the "Board"), to strike the names of the plaintiffs from the register of voters for the Town of Rockport ("Rockport" or the "Town"). The plaintiffs are seventeen individuals who have homes in the Long Beach section of Rockport, which sit on land leased to them by the Town.

This matter is now before the court on the Plaintiffs' Motion for Judgment on the Pleadings (the "Plaintiffs' Motion") (Paper No. 19) and the Defendant's Cross-Motion for Judgment on the Pleadings (the "Defendant's Cross-Motion") (Paper No. 19.3). For the reasons set forth below, the Plaintiffs' Motion is **DENIED** and the Defendant's Cross-Motion is **ALLOWED**.

¹ John Amendola, Richard Carter, Jane Fox-Dobson, William Dobson, Susan Dowd, Christine McCarthy, William Johnson, Christine Grammas, Donald Francis, Grace McCarthy, Denis Devine, Susan Siebeking, Rachel Tucker, Rachel Stavis, Barrie Stavis, and Janice Mirabassi

II. BACKGROUND

Rockport's Annual Town Meeting was scheduled for April 6, 2024. One of the items on the agenda was a vote on whether the Town would appropriate funding for the improvement and replacement of a portion of the Long Beach seawall.

Each of the plaintiffs submitted a voter registration to the Town Clerk between December 2023 and March 2024. In the voter registrations, each of the plaintiffs affirmed that they were living in Rockport. The plaintiffs' Long Beach homes sit on land leased to them by the Town under a ten-year lease (the "Lease"). Some of the Lease tenants ("Tenants") are individuals, others are trusts. The terms of the Leases are, to the best of the court's information, identical.

The term "Premises" is defined in the Lease as a designated parcel of land and the single-family dwelling and other structures and improvements constructed thereon. Several provisions of the Lease address use and occupancy of the Premises and, in each of those provisions, the Tenants agreed that they would use the Premises only during the period from April 1 through December 1 (the "Permitted Use Period").² Every year, the Town shuts off the water to Long Beach from December 1 through March 31, such that there is no water or sewer service to the

² Section 2.3 of the Lease states, in relevant part, "Tenant shall use the Premises solely for seasonal single-family residential purposes ("Permitted Use") only from April 1 to December 1 of each Lease Year ("Permitted Use Period"). . . . Section 2.2 of the Leases grants the Tenants parking rights to two spaces "for use by Tenant and Tenant's guests only during the Permitted Use Period (defined in Section 2.3)." Section 2.6 addresses use of the land by others and states, "Tenant . . . acknowledges that members of the public may cross the Land for pedestrian access only to and from the beach when Tenant is not occupying the Premises between December 1 and March 31." Section 6.1(h) states, "[b]etween December 2 and March 30, and during any extended period during the Permitted Use Period when Tenant is not using the Premises, Tenant shall: (i) not store or keep any boats, vehicles, or equipment on the Premises or the Parking Spaces and/or (ii) keep any objects indoors, or, if left outdoors, properly secure the same."

homes. In the Leases, the Tenants agreed that they would not occupy the homes when there is no water supply available.³

The Town Clerk was aware that the Leases prohibited Tenants from living in the Long Beach homes during the period in which the plaintiffs submitted their voter registrations. The Town Clerk provided this information to the Board and, in turn, the Board examined the voter registrations of each of the plaintiffs. In August, 2024, the Board brought complaints pursuant to G. L. c. 51, § 47B, against the plaintiffs challenging their qualifications to vote in the Town and scheduled hearings to determine their domicile for voting purposes in accordance with G. L. c. 51, §§ 47B, 48, and 49. The hearings were held from August 21, 2024 through August 23, 2024. At the hearings, the Board considered documentary evidence and questioned the plaintiffs to determine their qualifications to vote in Rockport. The Board determined that each of the plaintiffs was not domiciled in Rockport such that they were not qualified to vote in Rockport and struck their names from the list of registered voters.

The plaintiffs commenced this action on October 18, 2024, claiming that they are entitled to certiorari review under G. L. c. 249, § 4, and judicial review of the Board's decisions under G. L. c. 56, § 59. Each plaintiff seeks a declaration that the Board's decision was not supported by substantial evidence, and that the evidence before the Board was not sufficient to warrant striking their names from the roll of registered voters. They also request an order quashing the Board's decisions regarding each plaintiff's voter registration and ordering the Board to register them as voters in the Town.

³ Section 5.1 states, in relevant part, "[t]he Premises are served by Town water. Tenant acknowledges and agrees that the Premises shall be occupied only during the period of time that public water supply is available, which the parties acknowledge is generally between April 1 through November 30 during the Lease Term."

III. STANDARD OF REVIEW

Superior Court Standing Order 1-96 establishes the procedures for both proceedings and provides that claims for judicial review shall be resolved through a motion for judgment on the pleadings under Mass. R. Civ. P. 12(c). The Board has filed the Administrative Record of the Proceedings (“A.R.”) (Paper Nos. 9, 9.1, and 9.2).⁴ As an initial matter, the court must determine the appropriate standard of review.

A. Nature and scope of certiorari review under G. L. c. 249, § 4

A petition for writ of certiorari under G. L. c. 249, § 4, “allows the petitioner to contend that ‘the evidence which formed the basis of the action complained of . . . was as a matter of law insufficient’” Boston Edison Co. v. Board of Selectmen of Concord, 355 Mass. 79, 92 (1968). “Generally, the standard of review for a certiorari action is calibrated to the nature of the action for which review is sought.” City of Revere v. Massachusetts Gaming Comm’n, 476 Mass. 591, 604 (2017).

“‘Ordinarily, where the action being reviewed is a decision made in an adjudicatory proceeding where evidence is presented and due process protections are afforded, a court applies the “substantial evidence” standard.’” Id. at 604-605. It is “a limited procedure which may be used to correct substantial errors of law committed by a judicial or quasi-judicial tribunal.” St. Botolph Citizens Comm., Inc. v. Boston Redev. Auth., 429 Mass. 1, 7 (1999). Additionally, review in the nature of certiorari is not *de novo* review; rather, it is limited to the record before the decision-making body and simply asks whether the decision was “legally tenable and

⁴ The Administrative Record consists of three volumes. The court will refer to them as “A.R. I,” “A.R. II,” and “A.R. III.”

supported by substantial evidence.” Bielawski v. Personnel Adm’r of Div. of Personnel Admin., 422 Mass. 459, 464 (1996).

B. Nature of review under G. L. c. 56, § 59

Pursuant to G. L. c. 56, § 59, the Superior Court has “broad equity power to enforce the election laws.” See Lay v. City of Lowell, 101 Mass. App. Ct. 15, 21 (2022), citing McCarthy v. Secretary of the Commonwealth, 371 Mass. 667, 676 (1977). The court “is not limited by the restriction on the scope of judicial review of administrative action contained in the State Administrative Procedure Act, G. L. c. 30A,” and it “is not bound by ‘those provisions limiting the court to consideration of the record before the administrative agency, . . . and the limitations as to the grounds for overturning an agency decision (citations omitted).’” Id. “Nonetheless, the Superior Court’s review of local election officials’ decisions [under G. L. c. 56, § 59] regarding . . . voters’ domicils will most often mirror typical review of State agency actions. The pertinent questions will most frequently be . . . whether the evidence before the officials ‘was sufficient as [a] matter of law to warrant their decision’ and whether they applied the appropriate ‘legal standards’ or instead based their decision ‘on an incorrect interpretation of the election laws.’” Id. at 21-22, quoting Dane v. Board of Registrars of Voters of Concord, 374 Mass. 152, 157 (1978); see Hershkoff v. Board of Registrars of Voters of Worcester, 366 Mass. 570, 574 (1974) (stating that “[t]he applicable standard is ‘substantial evidence,’ or ‘such evidence as a reasonable mind might accept as adequate to support a conclusion’”). Given these principles, the court will apply the substantial evidence test to its review of the Board’s decisions regarding whether the plaintiffs were qualified to vote in Rockport.

IV. RESIDENCE FOR VOTING PURPOSES

General Laws c. 51, § 1, states, in relevant part:

Every citizen eighteen years of age or older . . . who is a resident in the city or town where he claims the right to vote at the time he registers, and who has complied with the requirements of this chapter, may have his name entered on the list of voters in such city or town, and may vote therein in any such election, or except insofar as restricted in any town in which a representative town meeting form of government has been established, in any meeting held for the transaction of town affairs.

It is well settled that a citizen's residency or inhabitancy for voting is that person's "domicil" and that a person has only one residence for voting purposes See Hershkoff, 366 Mass. at 576 (stating "[e]very person must have a domicil, and he can have only one domicil at a time, at least for the same purpose"); Coulombre v. Board of Registrars of Voters of Worcester, 3 Mass. App. Ct. 206, 208 (1975) (stating that "[a] determination of residency for voting purposes requires a voter to have his domicil in the city or town in which he seeks to register"); Elections Division, Secretary of the Commonwealth, Residence for Voting Purposes (Rev. 2017), p. 3.

In Tuelle v. Flint, the Supreme Judicial Court noted that while "[g]eneral principals governing the nature, acquisition and change of domicil are settled. An exact and comprehensive definition of domicil is difficult." 283 Mass. 106, 109 (1933). The SJC went on to state:

In general it is said to be the place of one's actual residence with intention to remain permanently or for an indefinite time and without any certain purpose to return to a former place of abode. Every one must have a domicil somewhere. Every one has a domicil of origin. A domicil once established continues until a new one is acquired regardless of changes in temporary sojourn. Mere absences from home even for somewhat prolonged periods do not work a change of domicil. Intention without the concurrence of the fact of residence is not sufficient to change or to create domicil. Both must coexist. Aspiration, hope, desire or mere verbal assertion, although evidence of intention, cannot overcome the force of irrefutable facts. Cases arise in which there is a distinction between domicil and residence. A person may have a residence in one place for various reasons comparatively temporary in nature such as performing the duties of an office, transacting a business, seeking improvement in health, pursuing pleasure or visiting relatives, and yet have his permanent home or domicil in a different place.

Id.

According to the Elections Division of the Secretary of the Commonwealth:

[R]esidence is an objective concept and not a subjective concept . . . [W]hat counts is not where someone thinks his or her residence is or wants it to be, but rather, where the objective facts show it is. Of course, a person's statements and expressed desires, especially when they are not self-serving, may be evidence of residence, because they are facts themselves. Perhaps more important, however, is **evidence of a person's actions**. Some of those actions may be the amount of time spent in various places; former residences and voter registrations; future plans; income taxes; bank accounts; telephone listings; places of employments; and religious, social and political affiliations.

Residence for Voting Purposes, p. 3. More recently, in Lay v. City of Lowell, the SJC stated the following legal standards for determining an individual's domicile:

The concept of "residence" for the purpose of voting and holding office equates with the concept of "domicil." . . . "A person's domicil is usually the place where he has his home. Home is the place where a person dwells and which is the center of his domestic, social and civil life. A change of domicil takes place when a person with capacity to change his domicil is physically present in a place and intends to make that place his home for the time at least; the fact and intent must concur."

"Although where a person is domiciled is mainly a question of fact, the elements to be considered in locating a domicil present a question of law." . . . Those elements include residential addresses, voter registrations, places of employment, drivers' licenses, car registrations, bank accounts, tax payments, future plans, and any other facts evidencing "attachment to the community and . . . desire and intent to remain." . . . Generally no single element or combination of elements is dispositive.

101 Mass. App. Ct. at 22-23 (citations omitted). The SJC has stated that "[d]omicil determinations ask, at bottom, whether individuals are being truthful about where they call 'home,'" and recognized that "[v]oters have a certain amount of freedom to choose their domicil" . . . and that there is a "strong tradition of resolving voting disputes, where at all possible, in favor of the voter." Lay, 101 Mass. App. Ct. at 24-25, citing Santana v. Registrars of Voters of Worcester, 384 Mass. 487, 491 (1981) and Hershkoff, 366 Mass. at 578.

V. DISCUSSION

A. Summary of the Plaintiffs' Arguments

The plaintiffs argue that the Board committed three errors. First, they claim that the Board failed to recognize a voter's freedom to choose his or her domicile for voting purposes and failed to credit each plaintiff's choice to vote in Rockport. Next, they argue that, despite stipulated-to facts, the Board considered factors which were not appropriate and gave them improper weight. Finally, the plaintiffs argue that the Board's decisions are not supported by substantial evidence because the evidence is either neutral or supports a finding that the plaintiffs were domiciled in Rockport.

The plaintiffs' first argument goes to whether the Board applied the correct legal standards in reaching its decisions as to each plaintiff. The second and third arguments challenge the sufficiency of the evidence before the Board. The court will address these arguments in turn.

B. Whether the Board applied the correct legal standard

The plaintiffs contend that, where a voter owns multiple homes, the voter decides which of those homes is their domicile for voting purposes. They argue that the Board improperly compared facts which supported a finding of a non-Rockport domicile to those which supported a finding of Rockport domicile, without regard to a plaintiff's choice. See Mem. Law Supp. Pls., Mot. J. Pleadings, p. 11. The plaintiffs' arguments are not supported by the law or by the Administrative Record.

"[W]here a person is domiciled is mainly a question of fact," and "the elements to be considered in locating a domicile present a question of law." Lay, 101 Mass. App. Ct. at 22. A voter's declared domicile is but one of the many facts considered in determining a person's domicile. See Residence for Voting Purposes, p. 3 ("[a] person's statements and expressed

desires, especially when they are not self-serving, may be evidence of residence, because they are facts themselves. Perhaps more important, however, is **evidence of a person's actions**"). Other facts to consider include: residential addresses; former residences and voter registrations; places of employment; drivers' licenses; car registrations; bank accounts; tax payments; the amount of time spent in various places; future plans; telephone listings; religious, social, and political affiliations; and any other facts evidencing "attachment to the community . . . and desire and intent to remain." See Lay, 101 Mass. App. Ct. at 22-23, citing Dane, 374 Mass. at 172; Residence for Voting Purposes, p. 3 (listing possible evidence of residence including the amount of time spent in various places, former residences and voter registrations, future plans, income taxes, bank accounts, telephone listings, places of employment, and religious, social and political affiliations). "Generally, no single element or combination of elements is dispositive." Lay, 101 Mass. App. Ct. at 23.

The law also clearly establishes that a voter's declared domicile is not dispositive and may be challenged. See G. L. c. 51, §§ 47B, 48, 49 (authorizing questioning of voter after registration); Dane, 374 Mass. at 172 (holding that registrars are entitled to inquire as to facts which would substantiate prison inmates' declarations of domicil and intent); Lay, 101 Mass. App. Ct. at 24 ("[d]omicil determinations ask, at bottom, whether individuals are being truthful about where they call 'home'"); Residence for Voting Purposes, p. 2 (stating that "concept of a person's residence is fact specific" and "residence is an objective concept and not a subjective concept . . . what counts is not where someone thinks his or her residence is or wants it to be, but rather, what the objective facts show it is"). "The [initial] burden of proof is on the person filing the complaint. She or he must submit evidence showing the voter to be incorrectly or

illegally registered in the city or town.” Residence for Voting Purposes, p. 16. General Laws, c.

51, § 49, states in relevant part:

If a person summoned before the registrars to answer such complaint appears before them, they shall examine him under oath, and shall receive such other evidence which may be offered in regard to the matters set forth in the complaint and, if satisfied that he is properly registered as a qualified voter, they shall enter in the register a statement of their determination of the facts required for registration. If the registrars are satisfied that he is not a qualified voter, they shall strike his name from the register.

Thus, “once a registrant is challenged, the burden is on him to satisfy the registrars that he is properly registered.” Dane, 374 Mass. at 174.

The plaintiffs argue that the Board erred in its approach to considering the evidence before it. They claim that the Board improperly “compare[d] the facts which it believed supported a conclusion of domicile in a voter’s non-Rockport municipality with the facts which supported a conclusion of a domicile in Rockport, wholly without regard to a voter’s choice.” See Mem. Supp. Pls.’ Mot. J. Pleadings, p. 2. Instead, the plaintiffs contend that the Board “should have determined . . . whether each voter adduced facts sufficient to warrant the conclusion that he or she had sufficient attachments to Rockport to meet the actual presence and intent requirements to establish domicile for voting purposes.” See id. The court does not agree.

The plaintiffs do not cite any authority which holds that, to satisfy the actual presence and intent requirements to establish a domicile, they need only present “facts sufficient to warrant the conclusion that he or she had sufficient attachments to Rockport.” According to the law, once challenged, the voter has the burden to satisfy the registrars that he is properly registered. See G. L. c. 51, § 49; Dane, 374 Mass. at 174; see Residence for Voting Purposes, p. 17 (“[i]f at the hearing the registrars are satisfied that the voter is properly registered and qualified, they will enter a statement of their findings”).

The court has not found any authority which explains what “satisfy” means in the context of G. L. c. 51, § 49, or whether a particular standard of proof applies to a domicile determination. In any event, here, the hearing transcripts show that the Board applied a “preponderance of the evidence” standard, see A.R. I 170, 179, 184,⁵ which the court notes is more stringent than the “substantial evidence” standard applied in this proceeding. See Duggan v. Board of Registration in Nursing, 456 Mass. 666, 674 (2010) (stating that “substantial evidence” standard “is more stringent than abuse of discretion, and less than preponderance of the evidence”); Dotson v. Commissioner of Revenue, 82 Mass. App. Ct. 378, 385 (2012) (“[s]ubstantial evidence . . . need not amount to preponderant evidence”).

Based upon its review of the hearing transcripts of the proceedings, the court concludes that the Board correctly interpreted the election laws and applied the appropriate legal standards in its domicil determination for each plaintiff.

C. Evidence considered by the Board

Next, the plaintiffs argue that the Board erred by considering “factors which were not appropriate to consider” and by giving “improper weight to certain factors . . . in light of certain facts stipulated in all of the Plaintiffs’ hearings.” Mem. Supp. Pls.’ Mot. J. Pleadings, p. 2. The

⁵ At the outset of the hearings, counsel for the Town explained, “[o]nce the Board meets its burden of going forward, the burden then shifts to the respondent, or the voter to answer to [sic] the questions in the complaint. And the Board has to meet its burden by a preponderance of the evidence. And what that means is that it is more likely than not, based on the evidence that is presented, that a person is not properly registered in the town.” A.R. I. 170; see also A.R. I. 237 (“[t]he Board has to demonstrate its proof by a preponderance of the evidence, means demonstrating that it is more likely than not that a person is not properly registered in the town”); Later in the hearing, counsel for the Town said, “and the reason that we’re having these hearings is that you have to make a decision based on the preponderance of the evidence. You have to look at all the facts and determine where the center of a person’s domestic, social and civil life is.” A.R. I. 179.

Stipulated Facts are included in the Administrative Record.⁶ See A.R. I, 120-121. The court does not agree that the Board was limited in the evidence it could consider.

In Dane v. Board of Registrars of Voters of Concord, the SJC held that “registrars had the right and duty” to hold a hearing required by G. L. c. 51, §§ 48 and 49, and to ask questions of each of nineteen inmates whose voter registration was challenged. 374 Mass. 152, 175 (1978). The SJC also stated that “[t]here is nothing in any of the election statutes . . . to indicate that . . . the registrar is compelled . . . to ‘rubber stamp’ the application and register the applicant without further inquiry.” Id. at 169-170; see Lay, 101 Mass. App. Ct. at 24 (ruling that election commission erred by disregarding facts concerning an individual’s actions which “evidenced where he conducted his civil life”).

The plaintiffs do not cite any authority to support their argument that the Board could not consider evidence outside of the Stipulated Facts. And there is no merit to the plaintiffs’ continued insistence that a voter, who has more than one residence, gets to unilaterally decide which residence constitutes the voter’s domicile for voting purposes. The plaintiffs also do not cite to any record evidence which shows that the Board gave improper weight to any particular facts. See e.g., Lay, 101 Mass. App. Ct. at 23 (finding that election commission erred by treating evidence that individual received residential tax exemption and was assessed excise taxes as “prima facie” evidence creating a presumption of residency in Boston). Instead, the record demonstrates that the Board engaged in a separate inquiry of facts and discussion for each plaintiff.

⁶ The Stipulated Facts summarize certain Lease provisions and information concerning the Annual Town Meeting and mail delivery to the Long Beach homes.

D. Sufficiency of the Evidence

The plaintiffs argue that the Board improperly relied on certain facts in its domicile determination; specifically, that: (1) each plaintiff has a second residence; (2) each plaintiff registered to vote in the Town during the period when residence is not permitted under the Leases; (3) each plaintiff pays personal property taxes to the Town; (4) some of the plaintiffs declared homestead exemptions in connection with their non-Rockport homes; and (5) the plaintiffs receive their mail at their non-Rockport homes and use their non-Rockport addresses on their driver's licenses, vehicle registrations, bank statements, and other important papers.

The plaintiffs argue that the fact they were not living in Rockport when they registered to vote is not a sufficient basis to disqualify them from registering to vote. The court agrees with this proposition; however, the court concludes that the fact that the plaintiffs registered to vote when they were not living in Rockport was sufficient to satisfy the Board's initial burden to challenge their voter registration.

The plaintiffs do not cite any authority which states that the Board cannot consider a declaration of homestead or tax payments in a domicile determination. Although in Lay, the SJC held that a declaration of homestead and tax documents are not "prima facie" evidence that creates a presumption of domicile, the record does not show that the Board treated homestead declarations or tax payments as such or gave more weight to those facts than it gave to other record evidence. See 101 Mass. App. Ct. at 24 (stating "[f]ar from creating a presumption of domicile, what appears on such tax documents is 'less likely to be a persuasive indicator of domicile than the physical, business, social, and civic activities of the person whose domicile is in question'"). Furthermore, whether a declaration of homestead is relevant in a domicile inquiry depends on the facts for each plaintiff; it is relevant if the plaintiff continues to own and occupy

the homestead property and it is less relevant if the homestead was sold several years ago. In this case, the Board was free to determine what weight to attribute to the declarations of homestead and tax payments, if any. Seales v. Boston Housing Auth., 88 Mass. App. Ct. 643, 649 (2015) (“[i]n reviewing an appeal of a decision in a certiorari proceeding, the reviewing court may not make de novo determinations or draw different inferences from the facts . . . ‘even if it might justifiably make a different choice were the case before it de novo’”).

The plaintiffs also argue that the Board improperly relied on the fact that they use their non-Rockport addresses on their driver’s licenses, car registrations, and bank statements, as evidence that they are domiciled in other towns. The plaintiffs explain that they used their non-Rockport addresses because the mail cannot be delivered to the Long Beach homes during ten months of the year and, when it is delivered to Rockport, there are significant delays. The hearing transcripts show that the Board did not rely solely on this evidence in their determinations. The transcripts also reflect that the Board fully appreciated the challenges associated with mail delivery, such that it focused on the plaintiffs’ social and other ties to Rockport. See A.R. I, 226-227. It is within the Board’s discretion to determine whether a voter’s non-Rockport address is simply a mailing address or whether they considered it “home.”

The underlying theme in the plaintiffs’ argument is that the Board should not have considered these factors because the plaintiffs’ actions were justified. The court is not persuaded, and it does not agree with the plaintiffs’ one-sided characterization of the circumstances. The plaintiffs assert that: “the Town forbids year-round use” of the Long Beach homes; “it is inevitable” that they have second residences that are the focal point of their lives because they are “necessarily absent” from Rockport; and they “have no choice whether to pay” personal property taxes. See Mem. Supp. Pls.’ Mot. J. Pleadings, p. 12. The plaintiffs ignore the fact that

they voluntarily entered into the Leases and agreed to all of the specific terms about which they now complain.

Instead, the Administrative Record shows that the Board reached its domicile determinations after engaging in a separate and extensive factual inquiry and discussion for each plaintiff. For example, the Board considered whether a plaintiff is a party to the Lease, who else has access to the Premises, how the Premises is used, a plaintiff's voting history, the circumstances which brought about a plaintiff's decision to change their voter registration, a plaintiff's day-to-day life during the summer and winter months, and future plans. Again, the plaintiffs had the burden of satisfying the Board that he or she was properly registered. See Dane, 374 Mass. at 174. Stated another way, the plaintiffs had the burden to show that Rockport was the center of their "domestic, social and civil life." Lay, 101 Mass. App. Ct. at 22.

The court has reviewed the evidence in the Administrative Record and concludes that there was substantial evidence to support the Board's decisions that the plaintiffs were not domiciled in Rockport and, therefore, were not properly registered to vote in Rockport. The court summarizes such evidence as to each plaintiff below.

1. John Amendola

Mr. Amendola signed the Lease for #22 Old County Road with his wife and a friend. Mr. Amendola registered to vote in Rockport in March 2024. On his registration, he listed a Woburn address as the address at which to receive official election materials and ballots.

Mr. Amendola and his wife live in Rockport approximately 6.8 months of the year. During the other 5.2 months, he lives in a basement apartment in Woburn. He is not connected to any social groups, churches, or sports leagues in Rockport. His wife is registered to vote in Woburn. A.R. I, 202.

Mr. Amendola owned property in Woburn and he filed a declaration of homestead on that property. Mr. Amendola sold that property in 2020. He rents an apartment in Woburn and has a Woburn address on his driver's license. His vehicle is registered, garaged and insured in Woburn. He works in Woburn as the manager of a landscaping business. His primary care physician and his pet's veterinarian are located in Woburn, and he gets his hair cut in Woburn. His financial account statements are sent to the Woburn address. During the hearing, when asked how he receives mail when in Rockport, Mr. Amendola testified that he "drive[s] home" to Woburn. A.R. I. 206-205.

All of these facts are sufficient to support the Board's conclusion that Mr. Amendola was not domiciled in Rockport when he registered to vote and that he was not properly registered to vote in Rockport.

2. Richard Carter

Mr. Carter is not a party to the Lease, his wife signed the Lease for #32 Long Beach. He owns a home in Reading. He is an attorney and his law office is located on Main Street in Reading. His Reading address is listed on his driver's license, his W-2 tax document, and his financial statements. His vehicle is garaged in Reading and his insurance information has Reading as his address. He receives mail and other bills in Reading. His doctor is located in North Reading. Mr. Carter belongs to clubs and organizations which are located in Gloucester and he is a member of a country club in Reading.

Mr. Carter recently selected Rockport as his new domicile. When asked why he selected Rockport, Mr. Carter testified "I just think my vote's more important in the Rockport area . . . there's a lot going on . . . it's a valuable asset that we have out there" and he wanted to "have

some part of the process and the decision making on what's going on with the property." See A.R. I, 337.

All of these facts are sufficient to support the Board's conclusion that Mr. Carter was not domiciled in Rockport when he registered to vote and that he was not properly registered to vote in Rockport.

3. Jane Fox-Dobson and William Dobson

Mrs. Fox-Dobson is a tenant under the Lease for #77 Long Beach along with six other people, as Trustees of the Fox Family Beach House Trust. Mr. Dobson is not on the Lease. Since 1990, the Dobsons have owned a home in Gloucester. They have three vehicles which are registered at the Gloucester address. The Dobsons are responsible for the maintenance of the Long Beach home.

Mrs. Dobson's driver's license and her 2023 W-2 Tax Statement list Gloucester as her address. Her financial statements and bills are mailed to the Gloucester address. Her mother resides at the Long Beach home from May through October and Mrs. Dobson visits her almost every day. She sometimes sleeps at the Long Beach home if she needs to help her mother with a medical issue, but she stays in Gloucester if other people come to the Long Beach home. She does not store clothes or valuables at the Long Beach home. Mrs. Dobson testified that there are forty-two people who come and visit the Long Beach home. A.R. I, 427.

Mr. Dobson's driver's license lists Gloucester as his address. He keeps only a bathing suit and flip flops at the Long Beach house and the rest of his personal property is in Gloucester. He has occasionally stayed overnight at the Long Beach home when he was working on the property.

From 1996 through 2023, Mr. Dobson was registered to vote and voted in Gloucester. When asked why he registered to vote in Rockport, Mr. Dobson answered, "Because I wanted to save the seawall That's why I registered to vote, to save the seawall." See A.R. I, 504.

All of these facts are sufficient to support the Board's conclusion that the Dobsons were not domiciled in Rockport when they registered to vote and that they were not properly registered to vote in Rockport.

4. Susan Dowd

Mrs. Dowd is a signatory to the Lease for #58 Long Beach along with her husband. She and her husband own a home in Topsfield where they reside with their four children. She has recorded a declaration of homestead on the Topsfield home. Their children do not attend school in Rockport. Their newly renovated kitchen was featured in an August 2024 magazine article which described their Topsfield home as "a two-decade-old home that the Dowds plan to stay in for the long haul, even after all four children go off to college." A.R. II, 039. Mrs. Dowd is also on the board of directors of a food pantry in Topsfield. She testified that she receives her mail in Topsfield because they have experienced delays with mail being forwarded from the Rockport address.

Mrs. Dowd testified that her family shops, dines, and attends events in Rockport. The family spends as much time as they can in Rockport in the spring and fall, and they are in Rockport full time for three months out of the year, from June 1 through August 30.

From 2000 to 2022, Mrs. Dowd was registered to vote in Topsfield. Mrs. Dowd testified that she registered to vote in Rockport in 2024 for the purpose of participating in the local town meeting regarding the seawall. See A.R. II, 061-062. She testified that she needed to vote because it was the best way for her voice to be heard and to protect her home. See A.R. II, 055.

She also testified that nothing had changed in terms of the amount of time she spent in Rockport between 2022 and 2024. She is not a member of any clubs, associations or churches in Rockport. See A.R. II, 064.

All of these facts are sufficient to support the Board's conclusion that Mrs. Dowd was not domiciled in Rockport when she registered to vote and that she was not properly registered to vote in Rockport.

5. Christine McCarthy

The McCarthy Family Long Beach Trust is a signatory under the Lease for #108 Long Beach. Ms. McCarthy and five of her siblings are beneficiaries of the trust. She owns a home in Wakefield and she recorded a declaration of homestead on the Wakefield home.

From 2012 through 2022, Ms. McCarthy was registered to vote in Wakefield. According to the street listing for the Town of Wakefield, Ms. McCarthy is a resident and registered voter in Wakefield. According to her social media presence, Ms. McCarthy lives in Wakefield. Ms. McCarthy's husband was in the Navy and they have lived in many places around the country.

Ms. McCarthy testified that she shares the Long Beach house with her siblings and that they "each get a week there" during the off season and, during the summer, family members and friends rent the house. See A.R. II 127, 131. She testified that "usually it's just one family there at a time . . . there can be overlap." See A.R. II, 135-136. Her husband's family also has a house at Long Beach, which he shares with his two siblings. Ms. McCarthy testified that when she is at Long Beach, she is either at her house or her husband's house. She testified that she has suitcases and clothing in her car that travel between the Long Beach homes and the Wakefield home. See A.R. II, 127. Ms. McCarthy testified that they plan to list the Wakefield property for sale after they finish renovations on a home that they purchased in Annapolis, Maryland. See A.R. II, 132.

All of these facts sufficient to support the Board's conclusion that Ms. McCarthy was not domiciled in Rockport and that she was not properly registered to vote in Rockport.

6. William Johnson

Mr. Johnson is the manager of 8 Long Beach LLC, which is the signatory under the Lease for #8 Long Beach. He owns three homes in Massachusetts; one in Woburn, the home at Long Beach, and another home at Mount Pleasant Street in Rockport. Mr. Johnson testified that he and his family "bounce back and forth" between Woburn and Rockport and split their time "50/50" between the towns. See A.R. II, 197. His mother and other family members live in Woburn. His children attend public school in Woburn and his wife is a teacher in Woburn. Starting in September, his children are in school and they spend the weekdays in Woburn. If their schedule permits, they come to Rockport on the weekends. He testified that "our desire is to trend more to Rockport over time." See A.R. II, 197.

Mr. Johnson described the Long Beach home as a "sort of central meeting place for our entire family." A.R. II, 198. He testified that his extended family also uses the Long Beach house and that someone from the family (cousins, aunts, uncles, his brother or sister) are at the home from April through November. The house at Mount Pleasant is also shared with his extended family members.

Mr. Johnson has changed his voter registration six times within four years. In 2020, he voted in Rockport. In 2021, he voted in Woburn. At that time, he was involved in the Board of Directors in Woburn. In 2022, he voted in a state election in Rockport. Mr. Johnson testified that in 2023, his voter registration was changed to Woburn when he obtained a real ID. In September 2023, he voted two city elections in Woburn. In the beginning of 2024, he switched his voter registration to Rockport and voted in the presidential primary and in the annual town meeting.

Mr. Johnson testified that "from time to time . . . events would necessitate voting in Woburn versus Rockport. So we would make an assessment when elections came where I should appropriately vote." See A.R. II, 204.

All of these facts are sufficient to support the Board's conclusion that Mr. Johnson was not domiciled in Rockport when he registered to vote and that he was not properly registered to vote in Rockport.

7. Christine Grammas

The Nancy J. Grammas Revocable Trust and its trustees, Peter Grammas, Jr., and Andrea Grant, are the signatories under the Lease for #113 Long Beach. Christine Grammas is Peter Grammas's wife. Mrs. Grammas and her husband own three homes; the home at Long Beach, a home in Hamilton, and a home in Bartlett, New Hampshire. They spend time at the various houses depending on the season. They have recorded a declaration of homestead on the home in Hamilton. She uses the Hamilton address as her mailing address. They intend to sell the Hamilton house and split their time between Long Beach and Bartlett, but they have not yet listed the Hamilton house. See A.R. II 271, 284-285.

Mrs. Grammas and her husband have taken over maintenance of the Long Beach house from her mother-in-law. Mrs. Grammas, her husband, and their son use the Long Beach house from April through at least October. She often leaves Long Beach to work in Hamilton where she is a realtor. After work, she returns to Long Beach for dinner and sleeps there. Her sister-in-law, Andrea Grant, occasionally uses the Long Beach house in the summer, and she can come and go as she chooses.

In 2023, Mrs. Grammas voted in a local election in Hamilton. She registered to vote in Rockport in February, 2024, due to the fact that her mother-in-law had turned over the Long

Beach house to them and they were now responsible for the payments under the Lease, the bills, and utilities. See A.R. II, 283. Mrs. Grammas did not identify any other change in circumstance between 2023 and 2024 other than that her mother-in-law purchased a condo in Gloucester and changed her voter registration from Rockport to Gloucester. See A.R. II, 288.

All of these facts are sufficient to support the Board's conclusion that Mrs. Grammas was not domiciled in Rockport when she registered to vote and that she was not properly registered to vote in Rockport.

8. Donald Francis

The Patricia L. Francis Family Revocable Trust and its trustee Patricia L. Francis are the Tenants under the Lease for #20 Long Beach. Donald Francis is married to Patricia L. Francis (a/k/a Patricia F. Francis).

Mr. Francis and his wife own a home in Gloucester. He has recorded a declaration of homestead on the Gloucester home. His driver's license address is the Gloucester home and his vehicle registration is in Gloucester. The Francis family use the Long Beach home from April through the second week of November, several nights a week. During the summer, they rent out the Long Beach house for about two weeks.

From 1996 through March 5, 2024, Mr. Francis was registered to vote in Gloucester. On March 5, 2024, he voted in the presidential primary in Gloucester. At some point after March 5, 2024, he registered to vote in Rockport and he participated in the April 6 Annual Town Meeting in Rockport. See A.R. II, 322. When asked if there was any change in circumstance between the beginning of March and the beginning of April in their use of the Long Beach home, Mr. Francis answered that they were "reluctantly thinking of selling the Gloucester home, staying at Long

Beach.” See A.R. II, 348. They have not listed the Gloucester house and are probably a year or two years away from selling it. See A.R. II, 348.

All of these facts are sufficient to support the Board’s conclusion that Mr. Francis was not domiciled in Rockport when he registered to vote and that he was not properly registered to vote in Rockport.

9. Grace McCarthy

The Lease for #117 Long Beach is signed by Michael P. McCarthy and John J. McCarthy, Jr. Grace McCarthy is the daughter of John J. McCarthy, Jr., and the niece of Michael P. McCarthy.

Ms. McCarthy testified that she has been coming to Rockport since she was born and stayed all summer long, from when school ended to when school started. Ms. McCarthy testified that she now works in Cambridge and that she lives in Rockport from Thursday to Monday when the house is open. She sometimes stays an entire week. She lives in Saugus with her fiancé’s family when she is not in Rockport. A.R. II, 412. She receives her mail at her parents’ house in Wakefield and in Saugus. She estimated that she spends 30% of her time in Rockport. A.R. II, 413.

From 2016 through 2022, Ms. McCarthy was registered to vote in Wakefield. She registered to vote in Rockport in December 2023. She testified that she did not change her voter registration until recently because she “just didn’t feel like it was necessary.” A.R. II, 415. She originally registered to vote in Wakefield because her parents were registered to vote there. She testified that since she has “gotten older, I’ve really realized that my vote counts and that I should use it where I care, and here is where I care. And here is where I call my home.” A.R. II,

415. Ms. McCarthy's parents are registered to vote in Wakefield and her father is an elected official in Wakefield.

All of these facts are sufficient to support the Board's conclusion that Ms. McCarthy was not domiciled in Rockport when she registered to vote and that she was not properly registered to vote in Rockport.

10. Denis Devine

The Amended and Restated Devine Family Realty Trust is the tenant under the Lease for #6 Long Beach. Denis Devine is the trustee of the trust. Mr. Devine, his sister and two brothers are the beneficiaries of the trust. Mr. Devine's family owned a home in Woburn and he also owned a condo in Woburn. In 2017, he purchased a mobile home in Hudson; he owns the trailer and he rents the land. His vehicle is registered in Hudson. He receives all of his mail in Hudson. Mr. Devine estimates that he spends 60% of his time in Rockport. He comes to Rockport when the water is on and spends the week in Rockport. He goes to Uxbridge on Tuesdays to babysit his grandchildren.

Mr. Devine was a firefighter for the City of Woburn for over thirty-two years. He is currently on the Woburn Retirement Board. It is an elected position elected by the City of Woburn employees. A.R. II, 499.

From 1998 to 2016, Mr. Devine was registered to vote in Woburn. In 2018, he was registered to vote in Rockport. From 2019 to 2023, he was registered to vote in Woburn. He explained that his voter registration changed to Woburn because his sister filled out a census form. A.R. II, 503. In 2024, he changed his voter registration to Rockport. Mr. Devine testified that he switched his voter registration from Woburn to Rockport because "he never meant to

leave” and because he had extensively rehabbed the Long Beach house by adding insulation, a new ceiling, heat, new windows, and a new roof, and removed a fireplace. A.R. II, 504.

Mr. Devine’s sister was in charge of the Long Beach house and Mr. Devine maintained the house. About three years ago, she turned the property over to Mr. Devine. He shares the Long Beach home with his two brothers. Mr. Devine has the house for two weeks in July and two weeks in August. His brothers split the remaining four weeks in July and August. A.R. II, 512.

All of these facts are sufficient to support the Board’s conclusion that Mr. Devine was not domiciled in Rockport when he registered to vote and that he was not properly registered to vote in Rockport.

11. Susan Siebeking

Ms. Siebeking is a tenant under the Lease for #26 Old County Road at Long Beach. She owns a home in Wakefield which she purchased in 2015. She worked as a nurse in the Wakefield Public School system and retired in 2017. She has a declaration of homestead recorded on her Wakefield house and she does not intend to sell it. A.R. III, 067.

Since retiring in 2017, she spends time in Long Beach from April through October. From December 2 through March 31, she sleeps in Wakefield. She belongs to a polar plunge group in Gloucester, so she comes to Rockport three to four times a week to be in the water and she goes to the Long Beach house to change out of her bathing suit and check on the house. She is also a member of the Rockport Art Association and participates in art events. Her brother and sister also have houses on Long Beach. Her daughter and her grandchildren stayed in the Long Beach home from May through September during the COVID-19 pandemic.

Ms. Siebeking keeps most of her important documents at her Wakefield home. Her Wakefield address is listed on her driver's license and on her W-2 tax form. All of her bills are sent to Wakefield. Her car is registered in Wakefield.

From 1996 to 2023, Ms. Siebeking was registered to vote in Wakefield. She testified that she voted in Wakefield because it was easier to vote in Wakefield during the winter months. A.R. III, 069. She changed her voter registration to Rockport in 2024. She testified that she changed it to Rockport because she pays more taxes in Rockport. A.R. III, 069. When asked why she changed her voter registration to Rockport in 2024, she testified that she wanted to vote to support the seawall. When asked why she waited until 2024 to change her voter registration to Rockport, Ms. Siebeking answered that it was a "[m]atter of convenience." A.R. III, 081.

All of these facts are sufficient to support the Board's conclusion that Ms. Siebeking was not domiciled in Rockport when she registered to vote and that she was not properly registered to vote in Rockport.

12. Carolyn Tucker

Carolyn Tucker and her husband are the Tenants under the Lease for #70 Long Beach. They have owned their Long Beach home since 2013. The Tuckers also own a home in Middleton. She has a declaration of homestead recorded on the Middleton home.

The Tuckers open their Long Beach home in April and they move in in June. Her brother-in-law also has a house on Long Beach and they have family gatherings on Long Beach. They have a child who attends high school and plays sports in South Hamilton. After Labor Day, they live in Middleton. Two of their children live with them in Middleton. Mrs. Tucker's driver's license lists the Middleton address and her vehicle is registered in Middleton. Mrs. Tucker's husband is registered to vote in Middleton.

Prior to 2006, Mrs. Tucker was registered to vote in North Reading and in Wakefield. From 2006 until 2022, Ms. Tucker was registered to vote in Middleton. She registered to vote in Rockport in 2024. Mrs. Tucker testified that she wanted to vote on the seawall grant. When asked if there was a change in life circumstances between 2022, when she voted in Middleton, and 2024, when she voted in Rockport, Mrs. Tucker answered, no. A.R. III, 149.

All of these facts are sufficient to support the Board's conclusion that Mrs. Tucker was not domiciled in Rockport when she registered to vote and that she was not properly registered to vote in Rockport.

13. Rachel Tucker

Rachel Tucker is the daughter of Carolyn Tucker and she is a recent college graduate. She spends the summer months in Rockport. She has plans to teach in Madrid for nine months, starting in September, 2024. She testified that she considers Middleton her home for most of the year, but not during the summer. A.R. III, 208-209. Her driver's license and vehicle registration list the Middleton address, and her cell phone bill is sent to Middleton.

From 2020 to 2022, Ms. Tucker voted in Middleton. She registered to vote in Rockport in 2024. When asked why she registered to vote in Rockport, Ms. Tucker answered that she wanted to participate in the town meeting and vote because of the seawall issue to protect the Long Beach house. A.R. III 207.

All of these facts are sufficient to support the Board's conclusion that Ms. Tucker was not domiciled in Rockport when she registered to vote and that she was not properly registered to vote in Rockport.

14. Rachel Stavis

Robyn A. Stavis is the tenant under the Lease for #96 Long Beach. Rachel Stavis (“Rachel”)⁷ is the daughter of Robyn A. Stavis. She also lives in a property in Boston, which is owned by an LLC. Her father was a Rockport resident and her family has a long history in Cape Ann. She is the fifth generation of her family to live in the house at Long Beach. She has a strong personal connection to Rockport. She belongs to a temple in Gloucester. Her driver’s license has her Boston address and her car is registered in Boston. Rachel testified that, between April and November, some weeks she stays in Rockport seven nights a week and sometimes she is in Boston half of the time. A.R. III, 275. She has attended a few Rockport town meetings when they were available via Zoom. During the COVID-19 pandemic, she lived in Rockport from April through the end of October.

From 2012 through 2022, Rachel was registered to vote in Boston. She registered to vote in Rockport in December 2023. When asked why she changed her voter registration to Rockport, Rachel testified that her life changed; she is no longer working in Boston, she feels more connected to Rockport, and she tends to spend most of her time in Rockport. A.R. III, 267. She testified that she wanted to participate in the April 6, 2024 town meeting because the seawall grant was being discussed. See A.R. III, 269-270. Her family had recently purchased another home on Long Beach and it was important to protect the two homes. See A.R. III, 270.

Rachel is newly married and she is expecting their first child. She is preparing a nursery in Boston and in Rockport. She testified that she and her husband are “still kind of making

⁷ Because Rachel Stavis shares a last name with another plaintiff, Barrie Stavis, the court will refer to them by their first names.

family decisions,” A.R. III, 273, and “exploring where we would want to raise a family and where we would eventually want to purchase another home.” A.R. III, 274.

All of these facts are sufficient to support the Board’s conclusion that Rachel was not domiciled in Rockport when she registered to vote and that she was not properly registered to vote in Rockport.

15. Barrie Stavis

Robyn A. Stavis is the tenant under the Lease for #96 Long Beach. Barrie Stavis (“Barrie”) is the daughter of Robyn A. Stavis and the sister of Rachel Stavis. Barrie also lives in Boston, in property owned by an LLC. Her driver’s license has her Boston address and her car is registered in Boston. She testified that “it is much easier to park without a resident sticker [in Rockport] than it is to park without a resident sticker in Boston.” A.R. III, 351.

Barrie testified that 96 Long Beach has been the most consistent address in her life. Her father, who passed away in June of 2018, was a Rockport resident. She comes to Rockport “quite a bit” during the summer months and often during the shoulder season. A.R. III, 341. She belongs to a temple in Gloucester. She spends time in Rockport with her family and friends at their home or at other people’s homes. She testified that she is in Rockport “in an inconsistent way, and each week can be different.” A.R. III 341. She is a member of the Long Beach Association and she attends its meetings.

Her family purchased the home at 98 Long Beach and built a completely new home. She testified that “we put in a probably unwise investment into a beach that might not be protected.” A.R. III, 346. All of her family’s real estate is “collectively owned” and they all share the real estate. A.R. III, 346.

Barrie registered to vote in Rockport on March 27, 2024, and she participated in the April 6, 2024 town meeting. She testified that she had intended to switch her registration after her father passed away in 2018 and that “it was something on my personal to-do list that I just never got around to doing.” A.R. III, 344. She also testified that she intends to vote in Rockport and that she wanted to participate in that [April 6, 2024] town meeting, specifically.” A.R. III, 344. She testified that she voted at the town meeting because “[i]f the seawall isn’t repaired and if the cottages are at risk of damage . . . we just lost pretty significant, not only financial investments, but more importantly in some ways, personal and sentimental investments.” A.R. III, 348. When asked if anything changed in March of 2024, that made her want to change her domicile, Barrie testified that she had intended to change it sooner, but did not get to it, and that she intends to continue to vote in Rockport. A.R. III, 349.

All of these facts are sufficient to support the Board’s conclusion that Barrie was not domiciled in Rockport when she registered to vote and that she was not properly registered to vote in Rockport.

16. Janice Mirabassi

Janice Mirabassi and her husband are tenants under the Lease for #24 Old County Road at Long Beach. Previously, Ms. Mirabassi co-owned a Long Beach home at 18 Old County Road with her brother. Her sister owns the house next door. She also has a home in Wakefield, which is owned by a family trust. Ms. Mirabassi is listed a “Non-titled spouse of Beneficiary” on a declaration of homestead recorded on the Wakefield home. Ms. Mirabassi testified that their Wakefield house was undergoing a renovation and that she would likely move in with her sister for a period of time. She testified that they do not have any plans to sell the Wakefield house. A.R. III, 431.

Ms. Mirabassi retired in October 2023 from her job as a program coordinator at the Department of Public Health in Boston. When she was working, she lived at Long Beach from April through mid-November and she would commute between Rockport and Boston by train. She and her husband live in Wakefield full-time from November until the beginning of April. All year round, she shops and dines in Rockport and she gets her hair cut in Rockport. She testified that she knows more people in Rockport than in Wakefield, and that her children did not go to school in Wakefield.

Ms. Mirabassi is the Commission Clerk for the Wakefield Commission on Disabilities and her term ends on April 30, 2027. Her Wakefield address is listed on her driver's license, her vehicle registration and 2023 W-2 tax form.

From 2008 through March 5, 2024, Ms. Mirabassi was registered to vote in Wakefield. She voted in the presidential primary in Wakefield on March 5, 2024. On March 20, 2024, she changed her voter registration to Rockport. Ms. Mirabassi testified that she registered to vote in Rockport "very specifically because of the wall vote." A.R. III, 428. She testified that she intends to continue to vote in Rockport.

All of these facts are sufficient to support the Board's conclusion that Ms. Mirabassi was not domiciled in Rockport when she registered to vote and that she was not properly registered to vote in Rockport.

CONCLUSION

While, in each instance, there is evidence which weighs in favor and against a finding that each plaintiff was domiciled in Rockport, it is not the court's job to displace the Board's decision where there is sufficient substantial evidence to support its decision. It is clear from the Administrative Record that each plaintiff has strong family and personal ties to Rockport;

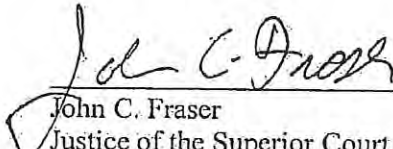
however, the plaintiffs' desire to vote on the seawall issue to protect their Long Beach homes is not a factor which demonstrates domicile. Accordingly, the court concludes that the Board's determination that each plaintiff was not domiciled in Rockport for voting purposes was sufficient as a matter of law.

ORDER

For the reasons stated above, it is hereby ORDERED that:

1. the Plaintiffs' Motion for Judgment on the Pleadings (Paper No. 19) is **DENIED**; and
2. the Defendant's Cross-Motion for Judgment on the Pleadings (Paper No. 19.3) is **ALLOWED**.

SO ORDERED. .


John C. Fraser
Justice of the Superior Court

Dated: December 16, 2025