

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. _____

JUDICIAL WATCH, INC.,)
)
Plaintiff,)
)
v.)
)
CITY OF BOSTON)
)
Defendant.)
_____)

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiff Judicial Watch, Inc. brings this action against Defendant City of Boston to compel compliance with the Massachusetts Public Records Law, G.L. c. 66, § 10. As grounds therefor, Plaintiff alleges as follows:

Jurisdiction and Venue

1. Jurisdiction and venue are proper pursuant to G.L. c. 66, § 10A(c).

Parties

2. Plaintiff Judicial Watch, Inc. is a not-for-profit, educational organization incorporated under the laws of and headquartered in Washington, DC. Plaintiff seeks to promote transparency, integrity, and accountability in government and fidelity to the rule of law. As part of its mission, Judicial Watch regularly requests records under federal and state “open records” laws, analyzes the responses and any records it receives, and disseminates its findings and the records to the public to inform them about their government.

3. Defendant the City of Boston is a municipal corporation that is subject to suit and the Massachusetts Public Records Law. On information and belief, the Defendant has custody of public records requested by Plaintiffs.

Statement of Facts

5. On April 28, 2022, Plaintiff submitted a public records request to Defendant seeking access to the following:

- A. Records concerning the enforcement of City of Boston Ordinance Section 16-63 (An Ordinance Regarding Targeted Residential Picketing). Such records include, but are not limited to, guidance, training materials, instructions, communications, and memoranda. The timeframe for this request is March 31, 2022 to April 27, 2022.
- B. Records concerning the enforcement of City of Boston Ordinance Section 16-63 (An Ordinance Regarding Targeted Residential Picketing) outside 17 Augustus Avenue, Roslindale, MA 02131. Such records include, but are not limited to, guidance, training materials, instructions, communications, and memoranda. The timeframe for this request is March 31, 2022 to April 27, 2022.
- C. Records of the E626D Unit concerning the enforcement of City of Boston Ordinance Section 16-63 (An Ordinance Regarding Targeted Residential Picketing) outside 17 Augustus Avenue, Roslindale, MA 02131. Such records include, but are not limited to, guidance, training materials, instructions, communications, and memoranda. The timeframe for this request is March 31, 2022 to April 27, 2022.
- D. Records and/or communications of Officer Matthew Pieroway concerning the enforcement of City of Boston Ordinance Section 16-63 (An Ordinance Regarding Targeted Residential Picketing). The timeframe for this request is March 31, 2022 to April 27, 2022.
- E. Records and/or communications of Patrol Supervisor E901 Sgt. O'Brien concerning the enforcement of Ordinance Section 16-63 (An Ordinance Regarding Targeted Residential Picketing). The timeframe for this request is March 31, 2022 to April 27, 2022.

6. By email dated April 28, 2022, Defendant informed Plaintiff that its request had been received and was being processed. Defendant also stated that it was assigned reference number B001096-042822 for tracking purposes.

7. Pursuant to G. L. c. 66, § 10(a), Defendant was required to respond to Plaintiff's request by May 12, 2022.

8. On May 26, 2022, Plaintiff still had not received a response from Defendant. Plaintiff therefore filed an appeal petition with the supervisor of records pursuant to G. L. c. 66, § 10A(a).

9. By letter dated May 26, 2022, the supervisor of records acknowledged receipt of the administrative appeal and assigned it Case Number SPR22/1233.

10. By letter dated June 10, 2022, the supervisor of records informed Plaintiff that:
the City intends to provide [Plaintiff] with a response to his request. The City is ordered to provide said response to [Plaintiff] in compliance with the Public Records Law and its Regulations within 10 business days.

11. As of the date of this Complaint, Defendant has not provided Plaintiff with a response to its public records request.

Count I – Violation of the Massachusetts Public Records Law

12. Plaintiff realleges paragraphs 1 through 11 as if fully stated herein.

13. Defendant has failed to provide a written response with the information required under G.L. c. 66, § 10(b) to Plaintiff's request within 10 business days of the submission of the request or the supervisor of records' appeal determination.

14. On information and belief, Defendant has failed to conduct an adequate search for records responsive to Plaintiff's request.

15. Defendant has failed to provide records responsive to Plaintiff's request within the timeframe mandated by the Public Records Law.

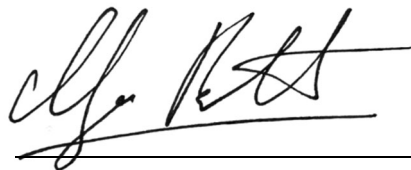
16. Defendant is violating the Public Records Law by failing to produce all records responsive to Plaintiff's request or demonstrate that the requested records are lawfully exempt from production.

17. Plaintiff is being irreparably harmed by reason of Defendant's violation of the Public Records Law, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to comply with the law.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to search for all records responsive to Plaintiff's request; (2) order Defendant to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's request; (3) order Defendant to waive any fee assessed for the production of any and all non-exempt records; (4) enjoin Defendant from continuing to withhold any and all non-exempt records responsive to Plaintiff's request; (5) grant Plaintiff an award of attorneys' fees and other litigation costs reasonably incurred in this action pursuant to G. L. c. 66, § 10A(d)(2), and (6) grant Plaintiff such other relief as the Court deems just and proper.

Dated: August 3, 2022

Respectfully submitted,



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