

No. 11-2281

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IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

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STACEY HIGHTOWER  
Plaintiff-Appellant,  
v.  
CITY OF BOSTON; EDWARD DAVIS, Boston Police Commissioner;  
COMMONWEALTH OF MASSACHUSETTS  
Defendants-Appellees

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DEFENDANTS-APPELLEES ASSENTED-TO MOTION TO EXTEND  
EXISTING BRIEFING SCHEDULE

NOW come Defendants-Appellees City of Boston, Edward Davis, Boston Police Commissioner, and the Commonwealth of Massachusetts, (collectively, the “Defendants-Appellees”) and respectfully seek an additional thirty (30) day extension of time by which to file their brief in appeal No. 11-2281 from March 12, 2012 up to and including, April 12, 2012. As grounds for this motion, Defendants-Appellees state as follows:

Counsel for the City of Boston and Boston Police Commissioner Edward Davis (the “City”) is currently preparing for mediation that is scheduled for March 5, 2012 in the case of *Glik v. Cunniffe, et al.*, USDC Docket No. 10-10150-LTS. Counsel for the City is also scheduled to begin trial in Massachusetts Superior Court on March 27, 2012 in the case of *Commerce Insurance Company as consolidated with Velasquez v. City of Boston*, Docket No. SUCV2009-01929. Finally, the Plaintiff-Appellant is challenging the constitutionality of the City of Boston’s revocation of the Plaintiff-Appellants’ unrestricted firearm license. Allowing the City additional time will assist its counsel in thoroughly addressing Plaintiff-Appellants’ claims.

The Commonwealth also requests a 30-day extension of time to file its brief. As grounds for this request, the Commonwealth states that plaintiff is challenging the constitutionality of certain provisions of the Massachusetts firearms licensing statute, that the requested extension is needed to permit the Massachusetts Attorney General to properly address plaintiff's claims, and that the Commonwealth's counsel has other commitments that will prevent him from completing the Commonwealth's brief without the requested extension. Those commitments include, but are not limited to: (1) preparing for and on March 6, 2012, participating in oral argument before the Massachusetts Supreme Judicial Court in *Beneficiaries of the Massachusetts Turnpike Toll Equity Trust v. Massachusetts Turnpike Authority*, no. SJC-10987, regarding constitutional challenges to certain turnpike tolls in a case seeking a \$440 million refund on behalf of a putative class; (2) in counsel's capacity as Appeals Coordinator for the Attorney General's Government Bureau, preparing for and participating in moot courts concerning four separate appeals during the week of February 27, 2012; (3) preparing and by March 23, 2012, serving summary judgment papers in *Ten Persons of the Commonwealth v. Fellsway Development LLC*, Middlesex Superior Court no. MICV2009-03934, regarding application of the anti-segmentation requirements of the Massachusetts Environmental Policy Act; and (4) preparing for and participating in an argument tentatively scheduled by the Massachusetts Supreme Judicial Court in early April in *Boston Medical Center Corp. v. Secretary of Executive Office of Health and Human Services*, no. SJC-11139, regarding claims that plaintiffs' Medicaid payment rates were too low and that plaintiff are entitled to \$193 million in damages.

Counsel for the Plaintiff-Appellant has assented to the allowance of this motion and the parties will not be prejudiced by the same.

Respectfully submitted,  
DEFENDANT-APPELLEE,  
COMMONWEALTH OF  
MASSACHUSETTS

Martha Coakley  
Attorney General

By its Attorney

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Respectfully submitted,  
DEFENDANTS-APPELLEES, CITY OF  
BOSTON and BOSTON POLICE  
COMMISSIONER EDWARD DAVIS

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By their attorneys,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this day, a copy of this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants.

2/24/12    /s/ Lisa Skehill Maki  
Date        Lisa Skehill Maki