

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

STEFANO GRANATA, JUDSON THOMAS, COLBY  
CANNIZZARO, CAMERON PROSPERI, THE GUN  
RUNNER, LCC, and FIREARMS POLICY COALITION,  
INC.,

Plaintiffs,

v.

MAURA HEALEY, in her official capacity as Attorney  
General of Massachusetts, and THOMAS TURCO, in his  
official capacity as Secretary of Executive Office of Public  
Safety and Security of Massachusetts,

Defendants.

CIVIL ACTION  
NO. 1:21-CV-10960-RWZ

**DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants, Attorney General Maura Healey in her official capacity as the Attorney General of Massachusetts, and Thomas Turco, in his official capacity as Secretary of the Executive Office of Public Safety and Security, move to dismiss Count I of Plaintiffs' Complaint.

In support of their motion, Defendants state as follows:

1. Plaintiffs bring a single claim under 42 U.S.C. § 1983 and the United States Constitution, alleging that the statutory requirements for the commercial sale of handguns established by Mass. Gen. Laws ch. 140, § 123, the Approved Firearms Roster established by Mass. Gen. Laws ch. 140, § 131-3/4, and its related regulations, 501 Code Mass. Regs. §§ 7.00 *et seq.*, and the Attorney General's handgun sales regulations, 940 Code Mass. Regs. §§ 16.00 *et seq.*, (collectively, the "handgun safety regulations"), deprive them of their right to keep and bear arms under the Second Amendment.

2. This claim should be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted because the handgun safety regulations do not implicate the Second Amendment, and, even assuming that the handgun safety regulations implicate Second Amendment rights, they are valid under intermediate scrutiny.

WHEREFORE, for these reasons and the reasons set forth in their supporting memorandum of law, Defendants respectfully request that the Court dismiss Count I of the Complaint and close the case.

Respectfully submitted,

MAURA HEALEY, ATTORNEY GENERAL,  
and SECRETARY THOMAS TURCO,

By their attorneys,

/s/ Phoebe Fischer-Groban  
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Dated: August 20, 2021

**CERTIFICATE PURSUANT TO LOCAL RULE 7.1(A)(2)**

I hereby certify that, on August 20, 2021, I and Assistant Attorney General Grace Gohlke conferred with counsel for the Plaintiffs, and we were unable to resolve the issues presented in this motion.

/s/ Phoebe Fischer-Groban

Phoebe Fischer-Groban  
Assistant Attorney General

**CERTIFICATE OF SERVICE**

I certify that this document filed through the CM/ECF system will be sent electronically to registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 20, 2021.

/s/ Phoebe Fischer-Groban

Phoebe Fischer-Groban  
Assistant Attorney General