

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MEREDITH O'NEIL, JESSICA
SVEDINE, DEANNA CORBY, NICK
ROCCO, JENNA ROCCO, and ROBERTO
SILVA,

Plaintiffs,

v.

CANTON POLICE DEPARTMENT, the
TOWN OF CANTON,
MASSACHUSETTS, HELENA
RAFFERTY, as Chief of the Canton Police
Department and in her personal capacity,
and OFFICER ROBERT ZEPF, OFFICER
MICHAEL CHIN, OFFICER ANTHONY
PASCARELLI, and SERGEANT JOSEPH
SILVASY, in their official and individual
capacities,

Defendants.

Civil Action No. 1:23-cv-12685

**PLAINTIFFS' EMERGENCY
MOTION FOR A TEMPORARY
RESTRAINING ORDER AND FOR
A PRELIMINARY INJUNCTION**

Plaintiffs in the above-captioned proceeding file this emergency motion for a temporary restraining order and preliminary injunction to enjoin Defendants from interfering with Plaintiffs' right to lawfully engage in constitutionally protected expression and activity. A temporary restraining order is necessary to permit Plaintiffs to peacefully protest **this upcoming Sunday, November 12, 2023**, and thereafter, until a preliminary injunction may issue. A preliminary injunction is needed to generally avoid the threat of arrest to Plaintiffs for lawfully engaging in constitutionally protected expression and activity during this litigation. Plaintiffs agree they will not engage in blocking, impeding, inhibiting, or in any other manner obstructing or interfering with access to, ingress into and egress from any building or parking lot of the business they plan to protest.

As set forth in the accompanying memorandum, the threat of arrest and enforcement of Mass. Gen. Laws, ch. 268, §§ 13A & 13B, violates the First Amendment and the Fourteenth Amendment. This motion is based on all pleadings and papers on file herein and the attached Memorandum of Points and Authorities, and any further argument and evidence as may be presented at hearing. A proposed temporary restraining order is filed herewith.

REQUEST FOR ORAL ARGUMENT ON PRELIMINARY INJUNCTION ONLY

Pursuant to L.R. 7.1(d), Plaintiffs hereby requests oral argument and evidentiary hearing on the preliminary injunction request; the temporary restraining order to permit the November 12, 2023, protest and preserve the *status quo ex ante*, should be resolved without a hearing—there is no prejudice to Defendants to issuing the temporary restraining order. Hearing may facilitate this Court’s understanding of the factual and legal issues given the exigency of this motion, or other purported evidence in response, but it should not delay issuance of a temporary restraining order.

WHEREFORE, Plaintiffs respectfully request this Honorable Court issue the requested emergency Temporary Restraining Order and Preliminary Injunction.

Dated: November 8, 2023

Respectfully Submitted,

/s/ Jay M. Wolman

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