

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF THE TRIAL COURTS**

SUFFOLK, SS.

**SUFFOLK COUNTY SUPERIOR COURT
DOCKET NO.**

**BRENT CARLTON and BRANDON COMBS
PLAINTIFFS**

vs.

**MASSACHUSETTS OFFICE OF THE
ATTORNEY GENERAL and MAURA HEALEY,
in her official capacity as Attorney General of the
Commonwealth of Massachusetts
DEFENDANT**

COMPLAINT

The defendant, MAURA HEALEY, in her official capacity as Attorney General of the Commonwealth of Massachusetts, has failed to provide a valid substantive response to public records requests made by the plaintiffs. Defendant has improperly asserted privilege and/or exemption under G.L. c. 66 § 10 in an invalid and overbroad manner to avoid producing records properly the subject of the Massachusetts Public Records Law. Defendant's response and refusal to comply with the plaintiffs' public records requests constitutes a breach of its obligations as set forth in Massachusetts General Laws chapter 66, section 10.

PARTIES

1. The plaintiff, Brent Carlton ("Carlton"), is an individual residing in the Commonwealth of Massachusetts, with a primary address in Boston, MA.

2. The plaintiff, Brandon Combs (“Combs”), is an individual with a primary address in the State of California.

3. Defendant, Massachusetts Office of the Attorney General, is an executive agency of the Commonwealth of Massachusetts, and Maura Healey is the Attorney General of the Commonwealth of Massachusetts. As Attorney General, Defendant Healey is the executive and administrative officer in charge of supervising the Office of the Attorney General.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction pursuant to M.G.L. ch. 66, § 10(b).

5. This Court has personal jurisdiction over the Defendant because, inter alia, they acted under the color of laws, policies, customs, and/or practices of the Commonwealth of Massachusetts and/or within the geographic confines of the Suffolk County, Commonwealth of Massachusetts.

6. Venue is proper pursuant to M.G.L. ch. 66, § 10(b) and M.G.L. ch. 212, § 14 because at least one of the parties reside or can be found in Suffolk County.

MASSACHUSETTS PUBLIC RECORDS LAW

7. Every record that is made or received by a government entity or employee is presumed to be a public record unless a specific statutory or common law exemption permits or requires it to be withheld in whole or in part. *See, e.g., William Francis Galvin, Secretary of the Commonwealth Division of Public Records, “A Guide to the Massachusetts Public Records Law,” at www.sec.state.ma.us/pre/prepdf/guide.pdf, p. 1.*

8. If a government agency’s Records Access Officer (“RAO”) claims an exemption and withholds a record, the RAO must prove with specificity why it should be

allowed to withhold the public record. The RAO has the burden of showing how the claimed exemption applies to the withheld record and why it should be withheld. *See id.*; *see also, M.G.L. ch. 66, § 10(c).*

9. In an agency's response to a public record request,

If the agency . . . does not intend to permit inspection or furnish a copy of a requested record . . . [its] written response shall be made and *shall* . . . identify any records, categories of records or portions of records that the agency or municipality intends to withhold, and provide the specific reasons for such withholding, including the specific exemption or exemptions upon which the withholding is based, provided that nothing in the written response shall limit an agency's or municipality's ability to redact or withhold information in accordance with state or federal law. *M.G.L. c. 66 § 10(b)(iv)(emphasis added).*

10. M.G.L. ch. 66, § 10(a) requires in part that “[e]very person having custody of any public record, as defined in clause Twenty-sixth of section seven of chapter four, shall, at reasonable times and without unreasonable delay, permit it, *or any segregable portion of a record* which is an independent public record, to be inspected and examined by any person, under his supervision, and shall furnish one copy thereof upon payment of a reasonable fee. Every person for whom a search of public records is made shall, at the direction of the person having custody of such records, pay the actual expense of such search.” *Id. (emphasis added).*

11. To obtain a copy of a public record, the requester must make the request to the RAO for the state agency that the requester believes has the record.

FACTS

12. Defendant maintains a website that outlines the procedures for a requester to request public records from the Attorney General's Office. *See <http://bit.ly/mass-ag-pra>.*

13. On August 7, 2018, Plaintiff Combs, used the procedure set forth on Defendant's website to submit a public record request electronically to Defendant. *See Combs First Electronic Record Request attached as Exhibit 1.*

14. Combs's First Electronic Record Request was received and first viewed by the RAO on August 8, 2018.

15. On August 7, 2018, Plaintiff Combs sent an identical paper copy of its electronic request via FedEx overnight addressed to Defendant Healey and Defendant's RAO, which was received by the RAO on August 8, 2018. *See Combs Paper Record Request attached as Exhibit 2.*

16. On or about August 8, 2018, Plaintiff Carlton, used the procedure set forth on Defendant's website to submit a public record request electronically to Defendant. *See Carlton's First Electronic Record Request attached as Exhibit 3.*

17. On August 9, 2018, Plaintiff Carlton sent an identical paper copy of its electronic request via FedEx addressed to Defendant's RAO, which was received by the RAO on August 10, 2018. *See Carlton's Paper Record Request attached as Exhibit 4.*

18. On August 10, 2018, Plaintiff Combs used the procedure set forth on Defendant's website to submit a second public record request electronically to Defendant. *See Combs's Second Electronic Record Request attached as Exhibit 5.*

19. The request was received and first viewed by the RAO on August 10, 2018.

20. On or about August 10, 2018, Plaintiff Carlton used the procedure set forth on Defendant's website to submit a second public record request electronically to Defendant. *See Carlton's Second Electronic Record Request attached as Exhibit 6.*

Plaintiff Carlton's second request is materially and substantively the same as Plaintiff Combs's second request.

21. On August 10, 2018, Plaintiff Carlton sent an identical paper copy of his electronic request via FedEx addressed to Defendant's RAO, which was received by the RAO on August 13, 2018. *See Carlton's Second Paper Record Request attached as Exhibit 7.*

22. On August 29, 2018, Defendant Healey responded to Plaintiff Combs's two valid records requests with a blanket refusal to provide *any* records whatsoever. Defendant Healey denied Plaintiff Combs's access to every possible document responsive to his valid requests, including publicly available documents, on the basis that:

. . .the AGO is currently involved in litigation and one or more investigations concerning '3Dprinted guns.' The disclosure of any records related to these ongoing matters that have been and continue to be compiled by this Office would divulge our litigation, prelitigation, and investigative strategies and reveal our sources of information such that our legal and enforcement positions would be compromised. Records responsive to your requests are therefore exempt from disclosure under the deliberative process and investigative exemptions to the public records law, G.L. c. 4, § 7, cl. 26(d)3 and (f). We cannot provide any more specificity about the requested records without disclosing these AGO legal and investigative strategies. *Defendant's Records Response to Plaintiff Combs, attached hereto as Exhibit 8.*

23. Defendant's overbroad and complete refusal to provide *any and all* responsive public records to Plaintiff Combs is unlawful, arbitrary and capricious, and in violation of M.G.L. c. 66 § 10.

24. On August 29, 2018, Defendant Healey responded to Plaintiff Carlton's two valid records requests with a blanket refusal to provide *any* records whatsoever. Defendant Healey's claimed exemptions for every possible document responsive to Plaintiff Carlton's valid requests was identical to the exemptions claimed in response to

Plaintiff Combs's requests. *Defendant's Records Response to Carlton, attached hereto as Exhibit 9.*

25. Defendants overbroad and complete refusal to provide *any and all* responsive public records to Plaintiff Carlton is unlawful, arbitrary and capricious, and in violation of M.G.L. c. 66 § 10, *et seq.*

COUNT I
Violation of Mass. Gen. L. c. 66, § 10(b)

26. The plaintiff realleges and reasserts paragraphs 1 through 25 of this Complaint, which are incorporated herein by reference.

27. Defendant Healey's refusal to provide public records responses to the plaintiffs' lawful records requests constitutes a violation of 950 CMR 32.02 and M.G.L. ch. 66, § 10.

28. Defendant Healey has not and cannot meet her burden to overcome the legal presumption that the records sought are public records.

29. Defendant Healey has not and cannot meet her burden to prove with specificity why she should be allowed to withhold *each and every* responsive document to Plaintiffs' public records requests. Defendant has not met her burden of showing how the claimed exemption applies to each responsive record withheld.

30. Defendant Healey failed and refused to identify any and all responsive documents that it intends to withhold and failed to state with specifically the basis for withholding each public document.

WHEREFORE, the plaintiffs pray that this Court:

1. Enter judgment for Plaintiffs Combs and Carlton against Defendant;

2. Award equitable relief in the form of an Order compelling Defendant to produce the public records requested by Plaintiffs; and,
3. Award such other relief as this Court deems just and proper, including attorney's fees and costs.

Respectfully submitted,
Brandon Combs and Brent Carlton,
By their Attorney,



Jeffrey T. Scrimo (BBO# 649864)
Lynch Scrimo —Attorneys
68 Main Street, PO Box 1787
Lenox, MA 01240
Phone: 413-637-1300
Fax: 866-230-7304
jeff@lenoxattorney.com

Dated: September 13, 2018

EXHIBIT 1

From: policy@fpchq.org
To: agorecordsaccessofficer@state.ma.us
Date: Aug 7, 9:14am
Subject: Request for Public Records and Information

Dear Attorney General Healy, Attorney General's Office (AGO), AGO Records Access Officer, and staff:

In accordance with the instructions on the Mass.gov Web page entitled How to submit a public records request with the Attorney General's Office (online at <http://bit.ly/mass-ag-pra>) and the posted Guidance for making a public records request (online at <http://bit.ly/ma-ag-pra>), please consider this a formal request for access to and copies of public records and information.

RECORDS REQUESTED

1) For the period of July 30, 2018, to the present, records and information containing or about any of the following terms: CodelsFreeSpeech.com; Firearms Policy Coalition; FPC; Firearms Policy Foundation; FPF; The Calguns Foundation; CGF; California Association of Federal Firearms Licensees; CAL-FFL; Brandon Combs; Gene Hoffman.

2) For the period of July 30, 2018, to the present, records and information that are or refer to communications with Amazon AWS or Amazon Web Services (including but not limited to communications to or from ec2-abuse@amazon.com) about CodelsFreeSpeech.com, the term "Liberator", or the term "liberator_complete.zip".

"CodelsFreeSpeech.com is a publicly-available Web site for truthful, non-misleading, non-commercial speech and information that is protected under the United States Constitution. The purpose of this project is to allow people to share knowledge and empower them to exercise their fundamental, individual rights. CodelsFreeSpeech.com is a project of Firearms Policy Coalition, Firearms Policy Foundation, The Calguns Foundation, California Association of Federal Firearms Licensees, and a number of individuals who are passionate about the Constitution and individual liberties." See, e.g., About This Project, online at <https://www.codeisfreespeech.com>.

To reduce delays, please provide responsive records to us on a "rolling production" basis. Please provide all records and information responsive to this request via e-mail attachment(s) sent to policy@fpchq.org; if the files are too large to e-mail, please let us know and we will make arrangements for an alternative means of transmitting the responsive records and information.

If you anticipate that this request will require the payment of fees or costs, please provide us with information so that we can make a deposit payment and production of records can begin immediately. If you believe that the fees and costs will exceed \$100, please provide us with an estimate and the basis of your estimate. However, we respectfully request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute

significantly to the public's understanding of the AGO's conduct of the people's business. This information is not being sought for commercial purposes.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify us of the appeal procedures available to us under the law.

Please e-mail us at policy@fpchq.org if you have any questions or to provide us with the requested information and records.

Thank you for your prompt consideration and fulfillment of this request.

EXHIBIT 2



August 29, 2018

Dear Customer:

The following is the proof-of-delivery for tracking number 782192268829.

Delivery Information:

Status:	Delivered	Delivered to:	Mailroom
Signed for by:	J.BARNES	Delivery location:	Boston, MA
Service type:	FedEx Priority Overnight	Delivery date:	Aug 8, 2018 12:42
Special Handling:	Deliver Weekday		
	Direct Signature Required		

Signature image is available. In order to view image and detailed information, the shipper or payor account number of the shipment must be provided.

Shipping Information:

Tracking number:	782192268829	Ship date:	Aug 7, 2018
		Weight:	0.5 lbs/0.2 kg

Recipient:
Boston, MA US

Shipper:
SACRAMENTO, CA US

Thank you for choosing FedEx.

Tuesday, August 7, 2018

VIA E-MAIL (agorecordsaccessofficer@state.ma.us) & FEDEX

Attorney General Maura Healy
Lorraine A.G. Tarrow, Records Access Officer
Office of the Attorney General
One Ashburton Place, 18th Floor
Boston, Massachusetts 02108

Dear Attorney General Healy, Attorney General's Office (AGO), AGO Records Access Officer, and staff:

In accordance with the instructions on the Mass.gov Web page entitled *How to submit a public records request with the Attorney General's Office* (online at <http://bit.ly/mass-ag-pra>) and the posted *Guidance for making a public records request* (online at <http://bit.ly/ma-ag-pra>), please consider this a formal request for access to and copies of public records and information.

RECORDS REQUESTED

- 1) For the period of July 30, 2018, to the present, records and information containing or about any of the following terms: CodeIsFreeSpeech.com; Firearms Policy Coalition; FPC; Firearms Policy Foundation; FPF; The Calguns Foundation; CGF; California Association of Federal Firearms Licensees; CAL-FFL; Brandon Combs; Gene Hoffman.
- 2) For the period of July 30, 2018, to the present, records and information that are or refer to communications with Amazon AWS or Amazon Web Services (including but not limited to communications to or from ec2-abuse@amazon.com) about CodeIsFreeSpeech.com, the term "Liberator", or the term "liberator_complete.zip".

"CodeIsFreeSpeech.com is a publicly-available Web site for truthful, non-misleading, non-commercial speech and information that is protected under the United States Constitution. The purpose of this project is to allow people to share knowledge and empower them to exercise their fundamental, individual rights. CodeIsFreeSpeech.com is a project of Firearms Policy Coalition, Firearms Policy Foundation, The Calguns Foundation, California Association of Federal Firearms Licensees, and a number of individuals who are passionate about the Constitution and individual liberties." See, e.g., About This Project, online at <https://www.codeisfreespeech.com>.

To reduce delays, please provide responsive records to us on a "rolling production" basis. Please provide all records and information responsive to this request via e-mail attachment(s) sent to policy@fpchq.org; if the files are too large to e-mail, please let us know and we will make arrangements for an alternative means of transmitting the responsive records and information.

If you anticipate that this request will require the payment of fees or costs, please provide us with information so that we can make a deposit payment and production of records

Tuesday, August 7, 2018
Attorney General Maura Healy
Lorraine A.G. Tarrow, Records Access Officer
Office of the Attorney General

can begin immediately. If you believe that the fees and costs will exceed \$100, please provide us with an estimate and the basis of your estimate. However, we respectfully request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the AGO's conduct of the people's business. This information is not being sought for commercial purposes.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify us of the appeal procedures available to us under the law.

Please e-mail us at policy@fpchq.org if you have any questions or to provide us with the requested information and records.

Thank you for your prompt consideration and fulfillment of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brandon Combs', with a horizontal line underneath.

Brandon Combs
Firearms Policy Coalition
Firearms Policy Coalition
The Calguns Foundation
California Association of Federal Firearms Licensees

EXHIBIT 3

Wednesday, August 8, 2018

VIA E-MAIL (agorecordsaccessofficer@state.ma.us) & FEDEX

Attorney General Maura Healy
Lorraine A.G. Tarrow, Records Access Officer
Office of the Attorney General
One Ashburton Place, 18th Floor
Boston, Massachusetts 02108

Dear Attorney General Healy, Attorney General's Office (AGO), AGO Records Access Officer, and staff:

In accordance with the instructions on the Mass.gov Web page entitled *How to submit a public records request with the Attorney General's Office* (online at <http://bit.ly/mass-ag-pra>) and the posted *Guidance for making a public records request* (online at <http://bit.ly/ma-ag-pra>), please consider this a formal request for access to and copies of public records and information.

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To reduce delays, please provide responsive records to us on a "rolling production" basis. Please provide all records and information responsive to this request via e-mail attachment(s) sent to bcarlton@comm2a.org; if the files are too large to e-mail, please let us know and we will make arrangements for an alternative means of transmitting the responsive records and information.

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Wednesday, August 8, 2018
Attorney General Maura Healy
Lorraine A.G. Tarrow, Records Access Officer
Office of the Attorney General

Please e-mail me at bcarlton@comm2a.org if you have any questions or to provide us with the requested information and records.

Thank you for your prompt consideration and fulfillment of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent Carlton". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Brent Carlton
Commonwealth Second Amendment, Inc.

EXHIBIT 4



August 10, 2018

Dear Customer:

The following is the proof-of-delivery for tracking number **772930908365**.

Delivery Information:

Status:	Delivered	Delivered to:	Mailroom
Signed for by:	N.MORALES	Delivery location:	BOSTON, MA
Service type:	FedEx Priority Overnight	Delivery date:	Aug 10, 2018 10:17
Special Handling:	Deliver Weekday		

Signature image is available. In order to view image and detailed information, the shipper or payor account number of the shipment must be provided.

Shipping Information:

Tracking number:	772930908365	Ship date:	Aug 9, 2018
		Weight:	0.5 lbs/0.2 kg

Recipient:
BOSTON, MA US

Shipper:
Jamaica Plain, MA US

Thank you for choosing FedEx.

Wednesday, August 8, 2018

VIA E-MAIL (agorecordsaccessofficer@state.ma.us) & FEDEX

Attorney General Maura Healy
Lorraine A.G. Tarrow, Records Access Officer
Office of the Attorney General
One Ashburton Place, 18th Floor
Boston, Massachusetts 02108

Dear Attorney General Healy, Attorney General's Office (AGO), AGO Records Access Officer, and staff:

In accordance with the instructions on the Mass.gov Web page entitled *How to submit a public records request with the Attorney General's Office* (online at <http://bit.ly/mass-ag-pra>) and the posted *Guidance for making a public records request* (online at <http://bit.ly/ma-ag-pra>), please consider this a formal request for access to and copies of public records and information.

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- 1) For the period of July 30, 2018, to the present, records and information containing or about any of the following terms: CodeIsFreeSpeech.com; Firearms Policy Coalition; FPC; Firearms Policy Foundation; FPF; The Calguns Foundation; CGF; California Association of Federal Firearms Licensees; CAL-FFL; Brandon Combs; Gene Hoffman.
- 2) For the period of July 30, 2018, to the present, records and information that are or refer to communications with Amazon AWS or Amazon Web Services (including but not limited to communications to or from ec2-abuse@amazon.com) about CodeIsFreeSpeech.com, the term "Liberator", or the term "liberator_complete.zip".

To reduce delays, please provide responsive records to us on a "rolling production" basis. Please provide all records and information responsive to this request via e-mail attachment(s) sent to bcarlton@comm2a.org; if the files are too large to e-mail, please let us know and we will make arrangements for an alternative means of transmitting the responsive records and information.

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If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify us of the appeal procedures available to us under the law.

Wednesday, August 8, 2018
Attorney General Maura Healy
Lorraine A.G. Tarrow, Records Access Officer
Office of the Attorney General

Please e-mail me at bcarlton@comm2a.org if you have any questions or to provide us with the requested information and records.

Thank you for your prompt consideration and fulfillment of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent Carlton". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Brent Carlton
Commonwealth Second Amendment, Inc.

EXHIBIT 5

From: policy@fpchq.org
To: agorecordsaccessofficer@state.ma.us
Date: Aug 10, 9:54am
Subject: Request for Public Records and Information

Dear Attorney General Healy, Attorney General's Office (AGO), AGO Records Access Officer, and staff:

In accordance with the instructions on the Mass.gov Web page entitled How to submit a public records request with the Attorney General's Office (online at <http://bit.ly/mass-ag-pra>) and the posted Guidance for making a public records request (online at <http://bit.ly/ma-ag-pra>), please consider this a formal request for access to and copies of public records and information.

RECORDS REQUESTED

1) For the period of July 30, 2018, to the present, all records and information containing or about any of the following terms: Defense Distributed; ghostgunner.net; Shopify; Ghost Gunner; Ghost Gunner 2; CNC; 80% lower.

To reduce delays, please provide responsive records to us on a "rolling production" basis. Please provide all records and information responsive to this request via e-mail attachment(s) sent to policy@fpchq.org; if the files are too large to e-mail, please let us know and we will make arrangements for an alternative means of transmitting the responsive records and information.

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Please e-mail us at policy@fpchq.org if you have any questions or to provide us with the requested information and records.

Thank you for your prompt consideration and fulfillment of this request.

EXHIBIT 6

Friday, August 10, 2018

VIA E-MAIL (agorecordsaccessofficer@state.ma.us) & FEDEX

Attorney General Maura Healy
Lorraine A.G. Tarrow, Records Access Officer
Office of the Attorney General
One Ashburton Place, 18th Floor
Boston, Massachusetts 02108

Dear Attorney General Healy, Attorney General's Office (AGO), AGO Records Access Officer, and staff:

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Friday, August 10, 2018
Attorney General Maura Healy
Lorraine A.G. Tarrow, Records Access Officer
Office of the Attorney General

Sincerely,

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Brent Carlton
Commonwealth Second Amendment, Inc.

EXHIBIT 7

Friday, August 10, 2018

VIA E-MAIL (agorecordsaccessofficer@state.ma.us) & FEDEX

Attorney General Maura Healy
Lorraine A.G. Tarrow, Records Access Officer
Office of the Attorney General
One Ashburton Place, 18th Floor
Boston, Massachusetts 02108

Dear Attorney General Healy, Attorney General's Office (AGO), AGO Records Access Officer, and staff:

In accordance with the instructions on the Mass.gov Web page entitled *How to submit a public records request with the Attorney General's Office* (online at <http://bit.ly/mass-ag-pra>) and the posted *Guidance for making a public records request* (online at <http://bit.ly/ma-ag-pra>), please consider this a formal request for access to and copies of public records and information.

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Friday, August 10, 2018
Attorney General Maura Healy
Lorraine A.G. Tarrow, Records Access Officer
Office of the Attorney General

Sincerely,

A handwritten signature in black ink, appearing to read "Brent Carlton". The signature is written in a cursive style with a long horizontal stroke at the end.

Brent Carlton
Commonwealth Second Amendment, Inc.



Shipping

Tracking

Printing Services

Locations

Support

772948557401



Delivered
Monday 8/13/2018 at 9:59 am



DELIVERED

Signed for by: T.LEBLANC

GET STATUS UPDATES

OBTAIN PROOF OF DELIVERY

FROM

Jamaica Plain, MA US

TO

BOSTON, MA US

Travel History

Shipment Facts

8/13/2018 - Monday

9:59 am

Delivered

BOSTON, MA

7:38 am

On FedEx vehicle for delivery

SOUTH BOSTON, MA

6:43 am At local FedEx facility
SOUTH BOSTON, MA

8/11/2018 - Saturday

4:55 pm At local FedEx facility
Package not due for delivery
SOUTH BOSTON, MA

4:55 pm At local FedEx facility
SOUTH BOSTON, MA

8/10/2018 - Friday

8:32 pm At destination sort facility
EAST BOSTON, MA

8:05 pm Left FedEx origin facility
WILMINGTON, MA

5:38 pm Picked up
WILMINGTON, MA

12:32 pm Shipment information sent to
FedEx

Collapse History 

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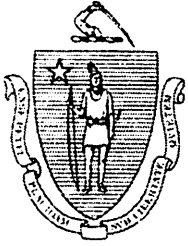
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EXHIBIT 8



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

TEL: (617) 727-2200
www.mass.gov/ago

August 29, 2018

VIA E-MAIL ONLY

Brandon Combs
Firearms Policy Coalition
policy@fpchq.org

Re: Your Public Records Request

Dear Mr. Combs:

I write in response to your two (2) public records requests received on August 8 and August 13, 2018,¹ and made pursuant to the Massachusetts public records law, G.L. c. 66, § 10. In e-mails sent to our Records Access Officer on August 7 and August 10,² you requested copies of records held by the Office of the Attorney General (AGO), specifically as follows:

Request 1

1) For the period of July 30, 2018, to the present, records and information containing or about any of the following terms: CodelsFreeSpeech.com; Firearms Policy Coalition; FPC; Firearms Policy Foundation; FPF; The Calguns Foundation; CGF; California Association of Federal Firearms Licensees; CAL-FFL; Brandon Combs; Gene Hoffman.

2) For the period of July 30, 2018, to the present, records and information that are or refer to communications with Amazon AWS or Amazon Web Services (including but not limited to communications to or from ec2-abuse@amazon.com) about CodelsFreeSpeech.com, the term "Liberator", or the term "liberator_complete.zip".

Request 2

1) For the period of July 30, 2018, to the present, all records and information containing or about any of the following terms: Defense Distributed; ghostgunner.net; Shopify; Ghost Gunner; Ghost Gunner 2; CNC; 80% lower.

¹ See 950 CMR 32.03(3).

² We note that you also sent copies of these requests via overnight mail.



Brandon Combs
August 29, 2018
page 2

Please be advised that the AGO is currently involved in litigation and one or more investigations concerning "3D-printed guns." The disclosure of any records related to these ongoing matters that have been and continue to be compiled by this Office would divulge our litigation, pre-litigation, and investigative strategies and reveal our sources of information such that our legal and enforcement positions would be compromised. Records responsive to your requests are therefore exempt from disclosure under the deliberative process and investigative exemptions to the public records law, G.L. c. 4, § 7, cl. 26(d)³ and (f). We cannot provide any more specificity about the requested records without disclosing these AGO legal and investigative strategies.

You have the right to appeal this response to the Supervisor of Records pursuant to G.L. c. 66, § 10A(a), and to seek judicial review of an unfavorable decision by commencing a civil action in the superior court under G.L. c. 66, § 10A(c).

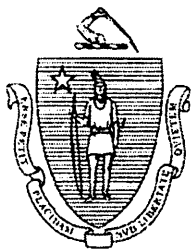
Very truly yours,



Lorraine A.G. Tarrow
Assistant Attorney General & Records Access Officer
General Counsel's Office

³ See also DaRosa v. City of New Bedford, 471 Mass. 446 (2015)

EXHIBIT 9



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

(617) 727-2200
www.mass.gov/ago

August 29, 2018

VIA E-MAIL ONLY

Brent Carlton
Commonwealth Second Amendment, Inc
bcarlton@comm2a.org

Re: Your Public Records Request

Dear Mr. Carlton:

I write in response to your two (2) public records requests received on August 9 and August 16, 2018,¹ and made pursuant to the Massachusetts public records law, G.L. c. 66, § 10. In letters dated August 8 and August 10 sent via e-mail to our Records Access Officer,² you requested copies of records from the Office of the Attorney General (AGO), specifically as follows:

Request 1

1) For the period of July 30, 2018, to the present, records and information containing or about any of the following terms: CodelsFreeSpeech.com; Firearms Policy Coalition; FPC; Firearms Policy Foundation; FPF; The Calguns Foundation; CGF; California Association of Federal Firearms Licensees; CAL-FFL; Brandon Combs; Gene Hoffman.

2) For the period of July 30, 2018, to the present, records and information that are or refer to communications with Amazon AWS or Amazon Web Services (including but not limited to communications to or from ec2-abuse@amazon.com) about CodelsFreeSpeech.com, the term "Liberator", or the term "liberator_complete.zip".

Request 2

1) For the period of July 30, 2018, to the present, all records and information containing or about any of the following terms: Defense Distributed; ghostgunner.net; Shopify; Ghost Gunner; Ghost Gunner 2; CNC; 80% lower.

¹ See 950 CMR 32.03(3).

² We note that you also sent copies of these requests via overnight mail.



Brent Carlton
August 29, 2018
page 2

Please be advised that the AGO is currently involved in litigation and one or more investigations concerning "3D-printed guns." The disclosure of any records related to these ongoing matters that have been and continue to be compiled by this Office would divulge our litigation, pre-litigation, and investigative strategies and reveal our sources of information such that our legal and enforcement positions would be compromised. Records responsive to your requests are therefore exempt from disclosure under the deliberative process and investigative exemptions to the public records law, G.L. c. 4, § 7, cl. 26(d)³ and (f). We cannot provide any more specificity about the requested records without disclosing these AGO legal and investigative strategies.

You have the right to appeal this response to the Supervisor of Records pursuant to G.L. c. 66, § 10A(a), and to seek judicial review of an unfavorable decision by commencing a civil action in the superior court under G.L. c. 66, § 10A(c).

Very truly yours,

A handwritten signature in black ink, appearing to read "Lorraine A.G. Tarrow", with a long horizontal flourish extending to the right.

Lorraine A.G. Tarrow
Assistant Attorney General & Records Access Officer
General Counsel's Office

³ See also DaRosa v. City of New Bedford, 471 Mass. 446 (2015)