

SUPREME JUDICIAL COURT

for Suffolk County

Case Docket

DAWN DESROSIERS, and DAWN DESROSIERS d/b/a HAIR 4 YOU, SUSAN KUPELIAN, and NAZARETH KUPELIAN, NAZ KUPELIAN SALON, and CARLA AGRIPPINO-GOMES, and TERRAMIA, INC., and ANTICO FORNO, INC., and JAMES P. MONTORO, and PIONEER VALLEY BAPTIST CHURCH INCORPORATED, and KELLI FALLON, and BARE BOTTOM TANNING SALON, and THOMAS E. FALLON, and THOMAS E. FALLON d/b/a UNION STREET BOXING, and ROBERT WALKER, and APEX ENTERTAINMENT LLC, and DEVENS COMMON CONFERENCE CENTER LLC, and LUIS MORALES, and VIDA REAL EVANGELICAL CENTER, and BEN HASKELL, and TRINITY CHRISTIAN ACADEMY OF CAPE COD v. CHARLES D. BAKER, JR., in his official capacity as Governor of Massachusetts
SJ-2020-0505

CASE HEADER

| | | | |
|----------------|---|----------------|------------|
| Case Status | Reserved and Reported to the Full Court | Status Date | 07/10/2020 |
| Nature | Transfer Case c. 211 s.4A | Entry Date | 07/02/2020 |
| Sub-Nature | Separation of Powers | Single Justice | Lenk, J. |
| TC Ruling | | TC Ruling Date | |
| SJ Ruling | | TC Number | |
| Pet Role Below | | Full Ct Number | |
| Lower Court | | Lower Ct Judge | |

INVOLVED PARTY

Charles D. Baker, Jr.
Defendant/Respondent

Dawn Desrosiers, and Dawn Desrosiers D/B/A Hair 4 You
Plaintiff/Petitioner

Susan Kupelian, and Nazareth Kupelian, Naz Kupelian Salon
Plaintiff/Petitioner

Carla Agrippino-Gomes,and Terramia, Inc., and Antico Forno, Inc.
Plaintiff/Petitioner

James P. Montoro, and Pioneer Valley Baptist Church Incorporated
Plaintiff/Petitioner

Kelli Fallon, and Bare Bottom Tanning Salon
Plaintiff/Petitioner

Thomas E. Fallon, and Thomas E. Fallon d/b/a Union Street Boxing
Plaintiff/Petitioner

Robert Walker, and Apex Enterent LLC, and Devens Common
Conference Center LLC
Plaintiff/Petitioner

Luis Morales, and Vida Real Evangelical Center
Plaintiff/Petitioner

Ben Haskell, and Trinity Christian Academy of Cape Cod
Plaintiff/Petitioner

Clerk - SJC for the Commonwealth
Clerk for Commonwealth

ATTORNEY APPEARANCE

[Amy Spector, Assistant Attorney General](#)
[Douglas S. Martland, Assistant Attorney General](#)
[Julia Kobick, Assistant Attorney General](#)

[Danielle Webb, Esquire](#)
Michael P. DeGrandis, Pro Hac Vice Attorney

[Danielle Webb, Esquire](#)
Michael P. DeGrandis, Pro Hac Vice Attorney

[Danielle Webb, Esquire](#)
Michael P. DeGrandis, Pro Hac Vice Attorney

[Danielle Webb, Esquire](#)
Michael P. DeGrandis, Pro Hac Vice Attorney

[Danielle Webb, Esquire](#)
Michael P. DeGrandis, Pro Hac Vice Attorney

[Danielle Webb, Esquire](#)
Michael P. DeGrandis, Pro Hac Vice Attorney

[Danielle Webb, Esquire](#)
Michael P. DeGrandis, Pro Hac Vice Attorney

[Danielle Webb, Esquire](#)
Michael P. DeGrandis, Pro Hac Vice Attorney

[Danielle Webb, Esquire](#)
Michael P. DeGrandis, Pro Hac Vice Attorney

DOCKET ENTRIES

| Entry Date | Paper | Entry Text |
|------------|-------|--|
| 07/02/2020 | | Case entered. |
| 07/02/2020 | #1 | Joint Petition To Transfer Case To Supreme Judicial Court For Suffolk County And To Reserve And Report Two Legal Issues To The Supreme Judicial Court For The Commonwealth with Certificate of Service and attachment filed by Atty. Danielle Huntley Webb, Atty. Michael DeGrandis, AAG Amy Spector, AAG Douglas Martland and AAG Julia Kobick. |
| 07/03/2020 | | Under advisement. (Lenk, J.). |

| | |
|---------------|---|
| 07/10/2020 #2 | <p>Reservation and Report: "The petitioners, individuals, business owners, schools, and religious organizations, filed in the Superior Court a complaint challenging the Governor's authority to declare a state of emergency relative to the COVID-19 pandemic under the Civil Defense Act, St. 1950, c. 639, ' 5, and to issue the related emergency orders he has issued. The petitioners also assert that the emergency orders violate their rights to substantive and procedural due process and to free assembly. This matter came before me on the parties' joint motion to transfer this case from the Superior Court to this court, pursuant to pursuant to G. L. c. 211, ' 4A, and to reserve and report the matter to the full court.</p> <p>Due to the nature of the questions raised, and the multiple pending cases in State and Federal courts related to these issues of State-wide significance, the parties' motion to transfer is the most expeditious way to resolve the questions presented in the petitioner's complaint. Upon consideration, I exercise my discretion, pursuant to G. L. c. 211, ' 4A, to order the Superior Court case be transferred to this court. Thereafter, I hereby reserve and report the matter to the full court for decision.</p> <p>In addition to their briefs in the full court, the parties are to prepare and file in the full court a sufficiently comprehensive statement of agreed facts that will enable the court to resolve the legal issues raised in the pleadings; they may choose to submit the statement of facts attached to their motion for transfer, may modify that statement to include identification of any specific orders they are challenging with respect to any specific petitioner individually, any specific types of businesses, or any religious organizations, or may provide a new statement.</p> <p>The matter shall be scheduled for argument in September, 2020. The parties shall consult with the Clerk of the Supreme Judicial Court for the Commonwealth regarding the designation of the parties and the service and filing of briefs; no extensions of time for filing are anticipated. This matter shall proceed in all respects in conformance with the Massachusetts Rules of Appellate Procedure." (Lenk, J.)</p> |
| 07/10/2020 #3 | Notice of assembly of the record. |
| 07/10/2020 #4 | Notice to counsel/parties, regarding paper #'s 2 & 3 filed. |

As of 07/13/2020 12:25pm