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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
NO. 2484CV03009-C

SHANNON O'BRIEN

v.

DEBORAH GOLDBERG¹

SCHEDULING ORDER

Following the filing of the administrative record and accompanying Provisional Motion to Impound by Defendant Deborah Goldberg, Treasurer and Receiver General of the Commonwealth of Massachusetts ("Defendant" or the "Treasurer"), the Court has received several informal, e-mail requests from third parties seeking to review the segregated portion of the administrative record. To facilitate resolution of the issues raised by the Treasurer's Provisional Motion to Impound and the competing requests to access such materials, the Court hereby orders as follows:

I. PROCEEDINGS ON MOTION TO IMPOUND

- (1) **Any third party seeking review** of the segregated portion of the administrative record shall submit a formal request, in writing and by mail, directed to the Civil Session C Clerk, Michael O'Loughlin, Courtroom 313, Suffolk Superior Court, 3 Pemberton Square, Boston, MA 02108. Receipt of such requests shall be acknowledged on the case docket.
- (2) **The Treasurer and/or Cannabis Control Commission (CCC)** shall provide notice to any and all third-party data subjects whom they maintain are identified in the administrative record **within twenty-one (21) days of the issuance of this Order**

¹ Treasurer and Receiver General of the Commonwealth of Massachusetts, in her official capacity.

(viz., by March 7, 2025).²

- (3) **Any third-party data subjects** who seek redaction and/or impoundment of their personal identifying information above and beyond that which is already subject to protection under SJC Rule 1:24 may file and serve upon all parties of record: (a) a motion to intervene as an interested party, and (b) a motion and accompanying memorandum of law,³ setting forth the grounds for the privacy relief requested. Third-party data subjects shall file these pleadings **no later than twenty-one (21) days after the Treasurer/CCC's deadline to notify such individuals (viz., by March 28, 2025).**
- (4) **Plaintiff and any third party opposing impoundment or redaction** shall file and serve upon all parties of record such opposition to a data subject's motion for privacy relief within **fourteen (14) days thereafter (viz., by April 11, 2025).** Any such filing by a third party shall be accompanied by a motion to intervene as an interested party.
- (5) **The Treasurer, CCC, and/or any third-party data subject** who has moved for privacy relief shall file and serve upon all parties of record any reply memorandum (not to exceed five pages in length) **within seven (7) days thereafter (viz., by April 18, 2025).**

Any and all filings referenced above shall be provisionally impounded pending the Court's ruling on the Treasurer's Provisional Motion to Impound Administrative Record and the intervenors' related motions. The Court will schedule a hearing pursuant to Trial Court Rule VIII following its receipt of such filings.

II. MERITS PROCEEDINGS

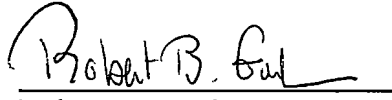
Adjudication of the merits of Plaintiff's claim shall proceed in accordance with Superior Court Standing Order 1-96. Plaintiff must serve, in accordance with Superior Court Rule 9A, any preliminary motion under Standing Order 1-96, part 3, no later than twenty (20) days after service of the record. Plaintiff must serve a motion for judgment on the pleadings, see Mass. R.

² The CCC has previously entered an appearance in this matter as an interested third party, and its counsel remains an attorney of record in the case. Accordingly, the CCC shall work cooperatively with the Treasurer to provide notice to all identified third-party data subjects of the terms of this order and the requests by other third parties to review the segregated portion of the administrative record.

³ Third-party data subjects may, in lieu of filing a motion and memorandum of law, adopt by reference in their motion to intervene the arguments of the Treasurer advanced in her Provisional Motion to Impound.

Civ. P. 12(c), in accordance with Superior Court Rule 9A, within thirty (30) days of service of the record or of the Court's decision on any motion specified in part 3, whichever is later. The Treasurer's response shall be served within thirty (30) days after service of the Plaintiff's motion and memorandum.

SO ORDERED.


Robert B. Gordon
Justice of the Superior Court

Dated: February 14, 2025