



The Commonwealth of Massachusetts  
SUPREME JUDICIAL COURT  
FOR SUFFOLK COUNTY  
JOHN ADAMS COURTHOUSE

ONE PEMBERTON SQUARE, SUITE 1300  
BOSTON, MASSACHUSETTS 02108-1707

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July 10, 2020

CASE INFORMATION (617) 557-1100  
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MAURA S. DOYLE  
CLERK

Danielle Webb, Esquire  
Huntley PC  
One Boston Place, Suite 2600  
Boston, MA 02108

RE: No. SJ-2020-0505

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

Worcester Superior Court  
No.2085CV00570

In accordance with the Rules of Appellate Procedure, Nos. 9(e) and 10(a) and (b), the enclosed copy of the Reservation and Report and the Notice of Assembly of the Record on Appeal or on Reservation and Report to the Full Court in the above-entitled case are hereby mailed to you.

In compliance with these rules, the appealing party must enter the case in the Supreme Judicial Court for the Commonwealth within ten (10) days of receipt of this notice.

Entry of the case will be made in the Clerk's Office, Supreme Judicial Court for the Commonwealth, John Adams Courthouse, One Pemberton Square, Room 1400, Boston, Massachusetts 02108-1724, upon receipt of the filing fee of \$300.00

A copy of the record is available from this office for a fee of \$.20 per page.

Very truly yours,

Maura S. Doyle, Clerk



To: Amy Spector, Assistant Attorney General  
Douglas S. Martland, Assistant Attorney General  
Julia Kobick, Assistant Attorney General  
Danielle Webb, Esquire  
Michael P. DeGrandis, Esquire  
Worcester Superior Court Dept.  
Clerk - SJC for the Commonwealth

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT  
FOR SUFFOLK COUNTY  
No. SJ-2020-0505

DAWN DESROSIERS & others<sup>1</sup>

vs.

CHARLES D. BAKER, in his official capacity as GOVERNOR of the  
COMMONWEALTH of MASSACHUSETTS

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

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<sup>1</sup> Dawn Desrosiers, Dawn Desrosiers d/b/a/ Hair 4 You, Susan Kupelian, Nazareth Kupelian, Naz Kupelian Salon, Carla Agrippino-Gomes, Terramia, Inc., Antico Forno, Inc., James P. Montoro, Pioneer Valley Baptist Church Inc., Kelli Fallon, Bare Bottom Tanning Salon, Thomas E. Fallon, Thomas E. Fallon d/b/a/ Union Street Boxing, Robert Walker, Apex Entertainment LLC, Devens Common Conference Center LLC, Luis Morales, Vida Real Evangelical Center, Ben Haskell, Trinity Christian Academy of Cape Cod.

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 G. L. c. 211, § 4A, and to reserve and report the matter to the full court.

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.

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.

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.

By the Court, *BAJ*

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Barbara A. Lenk  
Associate Justice

Entered: July 10, 2020