

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO: 2181CV01458

Malden Public Schools,)
)
Plaintiff,)
)
v.)
)
Rebecca S. Murray, Supervisor of Records)
of the Public Records Division of the Office of)
William Francis Galvin, Secretary of the)
Commonwealth and William Francis Galvin,)
Secretary of the Commonwealth and)
Bruce Friedman,)
)
Defendants.)

**PLAINTIFF MALDEN PUBLIC SCHOOL’S EMERGENCY MOTION TO STAY
DECISION OF DEFENDANT SUPERVISOR OF RECORDS, AND REQUEST FOR A
HEARING**

The Plaintiff Malden Public Schools, hereinafter (“Malden”), submits this Emergency Motion to Stay the May 31, 2024 decision of the Defendant Manza Arthur, as Supervisor of Records of the Public Records Division of the Office of William Francis Galvin (“Supervisor”), issued following a remand by this Court.¹ As grounds therefore, Malden contends that it will suffer an immediate and substantial injury or injustice if the Supervisor’s decision is enforced. Specifically, the Supervisor’s decision both requiring Malden to justify its fee estimate through submittal of a custodial index of more than 80,000 emails and denying Malden’s request to be relieved of its obligation to produce these records, is arbitrary, capricious, and inconsistent with the course of common law and demand review by the Superior Court.

¹ At the time of the original complaint, the Supervisor of Records of the Public Records Division of the Office of William Francis Galvin was Rebecca S. Murray, but has since changed to Manza Arthur.

Moreover, the decision at issue came from a remand order from this Court. As a result, there was never a final order relative to the Supervisor's decisions that were the subject of Malden's original complaint. Wylde v. Plan. Bd. of Williamstown, 91 Mass. App. Ct. 1117 (2017). Malden should have an opportunity to object to the Supervisor's response to the remand. The parties require the court's direction on how to proceed on briefing the remand order. That being said, Malden would recommend that the parties follow Standing Order No. 1-96 relative to this Remand Order.

Malden is filing this motion on an emergency basis to ensure that it is adhering to all timelines and proper procedures in appealing the remand order. If Malden needs to take further steps, it wants to do so and make sure they are done in a timely fashion.

Accordingly, and as further argued in Malden's accompanying Motion for Leave to File an Amended Complaint, incorporated herein, Malden seeks to return this matter to the docket for consideration of the Supervisor's order by this Court and requests a hearing before this Court to determine the appropriate procedure for such.

Respectfully Submitted,
Plaintiff Malden Public Schools,
By its attorneys,

/s/ Felicia S. Vasudevan

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Dated: June 18, 2024

CERTIFICATE OF SERVICE

I, Felicia S. Vasudevan, counsel for Malden Public Schools, in the above-captioned case, certify that on this date I served the attached document filed through the Odyssey Electronic Filing System, via email and first-class mail to the following recipients:

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/s/ Felicia S. Vasudevan
Felicia S. Vasudevan

Dated: June 18, 2024