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JUDGMENT ON THE PLEADINGS	Trial Court of Massachusetts The Superior Court
DOCKET NUMBER 1583CV00161	Robert S. Creedon, Jr., Clerk of Courts
CASE NAME Town of Hull, Board of Selectmen et al vs. Maura Healey	COURT NAME & ADDRESS Plymouth County Superior Court - Plymouth 52 Obery Street - Suite 2041 Plymouth, MA 02360

This action came before the Court, Hon. Michael D Ricciuti, presiding, upon a motion for judgment on the pleadings,

After hearing or consideration thereof;

The Board's Motion for Judgment on the Pleadings is ALLOWED, the Attorney General's Cross-Motion for Judgment on the Pleadings is DENIED, the Attorney General's order that the Board amend its minutes reflecting the meetings in dispute is VACATED, and this matter is REMANDED to the Attorney General for further review consistent with this decision. The Town's Motion for further declaratory relief is DENIED.

It is **ORDERED AND ADJUDGED**:

See Memorandum of Decision and Order on Cross-Motions for Judgment on the Pleadings, dated December 14, 2017.

A TRUE COPY ATTEST
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DATE JUDGMENT ENTERED	CLERK OF COURTS/ASST. CLERK
12/18/2017	X Mary B. McDonald

Date/Time Printed: 12-18-2017 11:01:56

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COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

SUPERIOR COURT
CIVIL ACTION
NO. 15-00161

BOARD OF SELECTMEN OF THE TOWN OF HULL & THE TOWN MANAGER OF THE TOWN OF HULL

vs.

MAURA HEALEY, ATTORNEY GENERAL

MEMORANDUM OF DECISION AND ORDER ON CROSS-MOTIONS FOR JUDGMENT ON THE PLEADINGS

In this action, plaintiffs Board of Selectmen of the Board of Hull and the Board Manager of the Board of Hull (collectively "the Board") seek certiorari review under G. L. c. 249, §4, of a decision made by defendant Attorney General, Maura Healey ("the Attorney General") that the Board violated Opening Meeting Law, G. L. c. 30A, §21(b)(3), by failing to publicly identify unions in collective bargaining disputes and a claimant in a matter in civil litigation prior to entering executive session to discuss strategy with respect to these matters.

Before the Court are cross-motions for judgment on the pleadings. The Board seeks an order reversing the Attorney General's decision and for declaratory relief, and the Attorney General seeks affirmation of her determination.

In consideration of the parties' memoranda of law and oral arguments, and for the reasons that follow, the Board's motion for judgment on the pleadings is **ALLOWED,** the Attorney General's cross-motion for judgment on the pleadings is **DENIED**, the Attorney General's order that the Board amend its minutes reflecting the meetings in dispute is **VACATED,** and this matter is **REMANDED** to the Attorney General for further review consistent with this decision. The Town's motion for further declaratory relief is **DENIED**.

FACTS

Claims for judicial review of administrative agency proceedings are resolved through motions for judgment on the pleadings under Mass. R. Civ. P. 12(c). See Massachusetts Superior Court Standing Order 1-96, §4. The Court's "review shall be confined to the record." Id. at §5. "Such record 'shall consist of ... the entire proceedings.'" Id. at §2, quoting G. L. c. 30A, §14.

The record in this case, and the relevant law, show the following.

Plaintiff Board is a public body, and plaintiff Town Manager of the Town of Hull is the Chief Administrative Officer of the Town of Hull. Defendant Maura Healey is the Attorney General of the Commonwealth of Massachusetts.

The Open Meeting Law, G. L. c. 30A, §§18-25 ("OML"), requires that, "[e]xcept as provided in section 21, all meetings of a public body shall be open to the public." G.L. c. 30A, §20(a). Section 21 of the OML allows "[a] public body [to] meet in executive session" for an enumerated purpose, which includes "[t]o discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares." G. L. c. 30A, §21(a)(3). To meet in such an executive session, in addition to declaration from the chair, the public body must also satisfy further conditions under §21(b), including that "before the executive session, the chair shall state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called." G. L. c. 30A, §21(b)(3).

On July 15, 2014, the Board convened an open, public meeting in the Hull Municipal Building. Following dialogue on a wide range of issues, the Board's Chair moved to enter executive session as follows:

> [The Chair] requested a Motion to move to Executive Session to discuss strategy with respect to collective bargaining, and that I as Chair declare that an open meeting may have a detrimental effect on the bargaining position of the body, and move into Executive Session to discuss strategy with respect to litigation and that I, as Chair, declare that an open meeting may have a detrimental effect on the litigating position of the body, to comply with, or act under the authority of the Attorney-Client privilege and move to go into Executive Session to consult with legal counsel or obtain legal advice pursuant to the Attorney-Client Privilege and not be reconvening into open session.

Administrative Record ("AR") 29.

The Board voted publicly and unanimously to enter into executive session. Prior to entering into executive session, the Board identified the subjects it planned to discuss:

> Collective Bargaining, Sewer Plant Claims, Property Damage Claims; Chairman said he wanted to discuss a claim where a resident is threatening to sue the Board.

AR 30. The Board thereupon moved into executive session.

On July 19, 2014, Susan Ovans of The Hull Times filed a complaint ("Complaint') with the Board, alleging it had violated the OML by going into executive session as it did on July 15, 2014. Specifically, Ovans claimed that the Board violated the OML by failing to identify the union or other entity with which it was bargaining, by going into executive session about "'potential litigation' with an unnamed party," and by routinely citing as a reason for executive session that the Board's doing so was "'to comply with or act under the authority of attorney-client privilege' ... particularly as the board frequently does not say which specific matter will be discussed." AR 4-5.

By letter dated August 15, 2014, the Board, through counsel, responded to the Complaint and contended that he Board's motion to enter into executive session "complied precisely with the requirements of the OML." AR 10. As to Ovan's complaint that the Chair was not more specific about the matters to be addressed in executive session, the Board's counsel asserted that "the law does not require under these circumstances that the Board state the union whose

negotiations were being discussed. Similarly, the law does not require that details of the potential suit be stated." AR10. This was so, argued the Board's counsel, because

> the disclosure of which union negotiations the Board was discussing would compromise the permitted executive session and union bargaining. For example, were the Board to have identified the particular union or unions it was negotiating with would in the Board's judgment, and [in] my professional judgment, disclose or lead to the disclosure of information about the collective bargaining strategy and activities of the town leading to adverse consequences with those particular bargaining efforts and other bargaining that the town engages in. For example, ... the disclosure of which unions the board is discussing the town's bargaining strategy may likely cause other unions ... or interested parties to take certain actions that while [such actions] may be beneficial to those unions or parties would not necessarily be beneficial to the bargaining positions of the town.

As to the lawsuit, the Board's counsel argued:

> [t]he law, as noted above, permits the Chair to not disclose details of claims and other legal matters if doing so would compromise the purpose of the executive session. The matter in question related to property damage claims, a subject which was disclosed by the Chair. I was aware of the subject matter details and concur with the Chair's judgment in not releasing further details. The Town is negotiating with the involved parties and their legal counsel as well as taking steps to protect the town's interest and minimize or eliminate potential liabilities. To have stated more details would in my professional judgment have adverse consequences for the Town and likely, among other things, interfere and impede the actions being taken by the Town to protect the public interest.

AR 10-11.

By letter dated August 25, 2014, Ovans requested that the Attorney General review the Complaint and the Board's response. In response, the Attorney General commenced an investigation, during which the Attorney General and the Board engaged in several rounds of exchanges about the meeting at issue in Ovans' complaint.

On January 29, 2015, the Attorney General issued a written letter ruling in this matter. In it, the Attorney General indicated that she had reviewed Ovans' complaint filed with the Board, the Board's response, the complaint Ovans filed with the Attorney General's office, "the notice for, and open and executive session minutes of, the Board's July 15, 2014, meeting," and

correspondence between the Board and the Attorney General between October 2014 and January 2015, including five emails sent from the Board to the Attorney General, two telephone conversations, and one in person conversation. AR 36. Based on that review, the Attorney General found the Board violated G. L. c. 30A, § 21(b)(3).

The Attorney General ruled that the Board properly entered into executive session to discuss strategy with respect to collective bargaining and potential litigation pursuant to §21(a)(3), but violated §21(b)(3) by "failing to publicly identify the collective bargaining unit with which it was negotiating and failing to publicly identify one of the parties with whom it was involved in litigation before entering into the executive session." AR 36.

As to the collective bargaining issue, the Attorney General found that the Board "failed to publicly state 'all subjects that may be revealed without compromising the purpose for which the executive session as called'" as required under §21(b)(3). While recognizing that under §21(b)(3), "[a] public body may withhold the identity of the collective bargaining unit if publicly disclosing it would compromise the purpose for which the executive session was called," and that the Attorney General "generally defer[s] to public bodies' assessment of whether the inclusion of such details would compromise the purpose of an executive session," the Attorney General still expected the public body to "be able to demonstrate a reasonable basis for that claim if challenged." AR 38. In response to the Board's contention that such disclosure "might have alerted other collective bargaining units to the pending agreement, thus providing those collective bargaining units with the opportunity to interfere or use that information to advance their own negotiations," the Attorney General found that, while disclosure would cause "political inconvenience, the Board did not offer any specific information to demonstrate that disclosure of the identities of the collective bargaining units being discussed would have detrimentally

affected the Board's negotiating position." AR 38. The Attorney General thus concluded that, "while the Board did not need to disclose any substance about its negotiating strategy or position, it should have publicly identified which collective bargaining unit it was meeting to discuss." AR 38.[1]

As to the litigation, the Attorney General found that this was a proper subject for executive session under the OML, that the statute permitted non-disclosure of the opposing party if disclosure would compromise the purpose of the session, and that the Attorney General generally deferred to the "public bodies' assessment of whether the inclusion of such details would compromise the purpose for an executive session [so long as it can] ... demonstrate a reasonable basis for that claim if challenged." AR 39. The Attorney General further acknowledged that the property owner in the dispute at issue had sent a demand letter to the Board, and that "[t]he executive session was called so that the Board could confidentially discuss its litigation strategy in response to threatened litigation" with its legal counsel. AR 39. Nevertheless, the Attorney General concluded that:

> [i]dentifying the claimant would, indeed, have alerted the claimant and other interested parties to the fact that this matter was being discussed. However, we find that is precisely what the law required. That publicly disclosing the identity of the claimant could have encouraged others to come forward as claimants was not detrimental to the Board's litigation strategy, but rather was a consequence of its status as a public entity. Similarly, that the claimant may have taken further action in pursuit of the claim upon learning that the Board would be discussing the matter in executive session was a consequence of the same status. We therefore find that the minimal amount of information – the name of the claimant – was required, because it would have notified interested parties that this matter was being discussed behind closed doors and would not have compromised the Board's confidential discussion regarding its litigation strategy.

[1] The Attorney General added that "[w]e do not find this violation was intentional, and we acknowledge that the Board was acting on advice of counsel at the time." AR 36. (g); see also G. L. c. 30A, §23(g) ("It shall be a defense to the imposition of a penalty that the public body, after full disclosure, acted in good faith compliance with the advice of the public body's legal counsel").

AR 39.

Accordingly, and pursuant to §23(c), the Attorney General ordered the Board's "immediate and future compliance with the [OML]" and to "amend its July 15, 2014 open session meeting minutes to include the identity of the collective bargaining units and the litigation matter involving property damage that it discussed in executive session." AR 40.

The Town filed the instant action, seeking certiorari review of the Attorney General's determination, contending that the Attorney General's determination that the Board lacked a reasonable basis for failing to publicly disclose the identities of the collective bargaining unions and claimant is legally erroneous.

DISCUSSION

1. Applicable Standards

A public body aggrieved by an order issued by the Attorney General pursuant to §23 may seek judicial review of the order through an action in the nature of certiorari under G. L. c. 249, §4. See G. L. c. 30A, §23(d). In such circumstances, the Court's review is limited to correcting "substantial errors of law apparent on the record adversely affecting material rights." See Commissioner of Revenue v. Lawrence, 379 Mass. 205, 208 (1979); Police Comm'r of Boston v. Robinson, 47 Mass. App. Ct. 767, 770 (1999); Flemings v. Contributory Ret. Appeal Bd., 431 Mass. 374, 375 (2000); Murphy v. Contributory Retirement Appeal Bd., 463 Mass. 333, 344 (2012).

The standard of review to be applied under G. L. c. 249, §4, depends on "the nature of the action sought to be reviewed." Black Rose, Inc. v. City of Boston, 433 Mass. 501, 503 (2001), quoting Boston Edison Co. v. Boston Redevelopment Auth., 374 Mass. 37, 49 (1977). In this instance, the Attorney General determined that the Board did not comply with the OML. The

OML provides no fixed criteria by which the Attorney General is to make a determination as to whether the statute has been violated; as such, the Attorney General's determination is an exercise of discretion. Under these circumstances, the Court reviews the Attorney General's decision under an arbitrary and capricious standard of review. See, e.g., Frawley v. Police Comm'r of Cambridge, 473 Mass. 716, 728 (2016); Forsyth School for Dental Hygienists v. Board of Registration in Dentistry, 404 Mass. 211, 217 (1989); T.D.J. Development Corp. v. Conservation Comm'n of North Andover, 36 Mass. App. Ct. 124, 128 (1994). In applying the arbitrary and capricious standard, the Court does not weigh evidence, find facts, exercise discretion, or substitute its judgment for that of the administrative body, but rather determines if the decision is legally erroneous or without factual support. FIC Homes of Blackstone, Inc. v. Conservation Comm'n of Blackstone, 41 Mass. App. Ct. 681, 684-685 (1996).

The Attorney General has both a legislative mandate and substantive expertise under the OML[2] such that her judgments regarding the OML, including regarding the application of its exceptions, are generally subject to deference by this Court where the statute is silent or ambiguous. See Providence & Worcester R.R. Co. v. Energy Facilities Siting Bd., 453 Mass. 135, 141 (2009) (citations omitted) ("[i]n general, we give 'substantial deference' to an agency's interpretation of those statutes which it is charged with enforcing"); Goldberg v. Board of Health of Granby, 444 Mass. 627, 633-34 (2005) (deference appropriate where statute is silent or ambiguous); Biogen IDEC MA, Inc. v. Treasurer and Receiver General, 454 Mass. 174, 186–187 (2009) (same). The Court, however, is not bound by the Attorney General's interpretation of the OML. See, e.g., Massachusetts Organization of State Engrs. & Scientists v. Labor Relations

[2] The Legislature specifically empowered the Attorney General with the authority to "interpret and enforce" the OML, G. L. c. 30A, §23, to "promulgate rules and regulations" and "issue written letter rulings or advisory opinions" under the statute, id., §25, and may issue written guidance to address common requests for interpretation. 940 Mass. Code Regs. §29.08.

Comm'n., 389 Mass. 920, 924 (1983). Further, "where the statute's meaning is clear and unambiguous, we give effect to the Legislature's expressed intent. An incorrect interpretation of a statute by an administrative agency is not entitled to deference." Providence & Worcester R.R. Co., 453 Mass. at 141 (citations omitted). In such circumstances, the Court must follow the law, even if doing so conflicts with an agency's interpretation of it. See Ellis v. Department of Industrial Accidents, 463 Mass. 541, 552 (2012), quoting Goldberg v. Board of Health of Granby, 444 Mass. 627, 632–633 (2005).

2. Analysis

Pursuant to G. L. c. 30A, §21(a)(3), the Board was authorized to meet in executive session "[t]o discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares." Procedurally, before entering executive session, the chair was required to "state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called." See G. L. c. 30A, §21(b)(3). In this instance, the Chair did state the purpose for and subject of the executive session – strategy for the collective bargaining and litigation. There is no dispute that this purpose and these subjects were within the scope of the §21(a)(3) exception. The issue posed in this case is whether, under §21(b)(3) and these facts, the Chair was also required to publicly identify the unions and the litigant concerning which it sought an executive session.

A. The Collective Bargaining Disclosure

The Board contends that the statute expressly permitted it to withhold the identity of the union or unions involved in the collective bargaining disputes at issue if, in the Board's judgment, doing so would "compromis[e] the purpose for which the executive session was

called." G. L. c. 30A, §21(b)(3). The Board reasoned that disclosure of the identity of the unions would result in such compromise because it would likely cause "other unions or interested parties to take certain actions" that would "not necessarily be beneficial to the bargaining positions of the Board." See Administrative Record Impounded Portion ("ARIP") at 3.

The Attorney General does not appear to contest that the identity of the unions could be withheld under the OML under appropriate circumstances. Instead, she argues that in this case, the Chair was required to provide "specific information" to show that identifying the collective bargaining entity would detrimentally impact the Board's negotiating position, contending that "the Board never explained to the Attorney General how identifying these specific unions would adversely affect the particular bargaining efforts discussed at the July 15, 2014 meeting. Rather it provided examples of how disclosure of the identity of a union with which the board was negotiating might in general be adverse to bargaining efforts." Brief at 6. In essence, the Attorney General argues that the determinations of the Board and its counsel that the disclosure of the identity of the unions is not enough under the statute, and that the Board had to adduce specific details evidencing a specific detrimental impact on the Board's negotiating position to satisfy the requirements of the statute.

The Attorney General's interpretation of the OML is not found in the statute and does not fill in a silent or ambiguous provision in it. Instead, it imposes an additional requirement not found in the statute.

The record shows – and it appears to be undisputed – that the Board adduced support for its conclusion (and, not insignificantly, that of its counsel) that disclosure of the identity of the collective bargaining units at issue "would compromise the permitted executive session and

union bargaining" and would likely cause "other unions or interested parties to take certain actions" that would "not necessarily be beneficial to the bargaining positions of the Board." See ARIP at 3, 16. The Attorney General's role was not to supplant the Board's judgment but to determine whether there was a reasonable basis for the Board to have reached the conclusion that it did. Cf. Town of Watertown v. Arria, 16 Mass. App. Ct. 331, 334 (1983) (where commission was directed by statute to affirm an administrative action if it determined the action to be justified, the "strong tendency" of the statutory language "indicate[s] that the question before the commission was not whether it would have acted as the [agency] had acted, but whether, on the facts found by the commission, there was reasonable justification for the action taken ... in the circumstances found by the commission to have existed" at the time of the decision). While adducing specific facts to support its judgment was one way in which the Board could satisfy its burden under the OML, the Attorney General erred by insisting that adducing such proof was the only way it could do so. Thus, while the exceptions to the openness required by the OML crafted by the Legislature must be "construed narrowly in keeping with the law's overriding purpose," McCrea v. Flaherty, 71 Mass. App. Ct. 637, 641 (2008), and while the Attorney General's expertise regarding the OML is to be respected, neither the Attorney General nor the Court may not "read into the statute a provision which the Legislature did not see fit to put there, whether the omission came from inadvertence or of set purpose." Provencal v. Commonwealth Health Ins. Connector Auth., 456 Mass. 506, 516 (2010), quoting General Elec. Co. v. Department of Envtl. Protection, 429 Mass. 798, 803 (1999); see also School Committee of Wayland, 455 Mass. at 563, quoting McCrea, 71 Mass. App. Ct. 637, 640 (2008) ("the Legislature has recognized that 'not everything done by public officials and employees can or should occur in a public meeting'").

This is not to discount the Attorney General's view that a public body should adduce specific facts of a detrimental impact in cases like these where such evidence is available. Indeed, she points to letter rulings of hers which support that conclusion. But at argument in this matter, the Board contended that the Attorney General did not make it clear at the outset of the investigation in this matter that she was looking for such specific facts. In fact, the Board noted that the Attorney General's guidance on the OML in place at the time of the 2014 meeting at issue[3] specifically advised public entities that "the body is not required to demonstrate or specify a definite harm that would have arisen" from non-disclosure such is at issue here.[4] While, as discussed above, such specific evidence is not required to satisfy the statute, it is certainly relevant to whether the Board complied with the OML, and there is some doubt that the Board presented all of the facts on this point.

Because the Attorney General misapplied the law, and because it is unclear whether the record was fully developed in this case, the Court remands this matter to the Attorney General pursuant to G.L. 30A, §14(7) for it to determine, pursuant to G.L. 30A, §23(c), whether there has been a violation of the OML in light of this decision. In this regard, the Court rejects the Board's argument that a hearing is necessary; Section §23(c) of the OML permits the Attorney General to resolve an OML complaint without a hearing unless it imposes a civil penalty. No hearing is thus required if no civil penalty is assessed.[5]

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[3] See Attorney General's Open Meeting Law Guide (2011), at 8, available at http://archives.lib.state.ma.us/bitstream/handle/2452/113757/ocn769688330.pdf?sequence=1&isAllowed=y.

[4] The parties cite to a subsequent version of this Guidance, but both agree it was not in effect at the time of the July 15, 2014 meeting. It is thus irrelevant here.

[5] The Court does not reach the Board's contention that at the meeting following the one in dispute, the Board openly discussed details of the executive session with respect to one of the unions with which it was bargaining and that it would disclose the identity of the other union once an agreement was finalized. ARIP at 4. Thus, even had the Board violated the statute by improperly withholding the names of the unions, that violation may well have been cured by the Board's "independent deliberative action" taken at the subsequent meeting. See Pearson v. Bd. of

B. The Litigation Disclosure

The Court reaches the same result regarding the Attorney General's objections to the Board's declination to identify the litigant it wanted to discuss in executive session.

The Attorney General's objections to the Board's decision not to identify the litigant in the matter it wanted to discuss in executive session are unfounded in the statute. The OML specifically permitted the Board to withhold that information if doing so would preserve the purpose of the executive session – to discuss litigation strategy. As the Board argues, part of that strategic discussion was focused on avoiding further litigation from this or other parties and the attendant costs to the Town. A fair reading of §21 shows that the Legislature did not intend to deny public bodies the ability to engage in such strategic planning much like a private entity. Cf. Suffolk Const. Co. v. Div. of Capital Asset Mgmt., 449 Mass. 444, 450–51 (attorney-client privilege applies over communications between public agencies and their counsel because it serves "the same salutary purposes in the public as in the private realm"). Under a given set of the facts, confidentiality is often necessary to formulate such strategies, and may require the public body to maintain in confidence the identity of the counterparty in such a dispute. The OML does not prevent a public body from withholding from public disclosure the name of a litigant if the facts warrant it doing so to preserve the purpose of the executive session in light of adverse impacts that would otherwise result from such disclosure.[6]

Selectmen of Longmeadow, 49 Mass. App. Ct. 119, 125 (2000) (court found that subsequent notice at a public meeting could cure any open meeting law violations of previous, improperly held executive session). The Court leaves this issue for the Attorney General's consideration on remand.

[6] Under §21(a)(9), a public body is required to publicly identify the parties in any mediation in which the public entity engages, but is not specifically required to make such disclosure when the public body wishes to go into executive session to discuss litigation or collective bargaining strategy under §21(a)(3). This distinction makes sense. The decision to mediate reflects a fully-formed strategy, and its public disclosure does not interfere with the public body's ability to defend itself. In contrast, the development of that strategy – including the decision whether to mediate at all – requires confidential discussions which are often necessary.

The Attorney General's determination that the Board was prohibited from considering the damage to the Town that may result from public disclosure of the name of the litigant, and her corollary finding that public disclosure of the identity of the claimant was required by the OML even where such disclosure "could have encouraged others to come forward as claimants ... [or encourage] the claimant ... [to] take[] further action in pursuit of the claim upon learning that the Board would be discussing the matter in executive session," undercuts the statutory exception and, in fact, may render it meaningless. Indeed, the Attorney General's own guidance did not require as much; it merely reflected the OML's requirement that a public body which otherwise properly convenes in executive session under the litigation exception must show that "an open meeting may have a detrimental effect on the litigating position of the public body."[7]

Because the Attorney General misapplied the law in evaluating whether the Board properly declined to disclose the identity of its litigation opponent, and because as noted above there is some doubt that the record is not complete in this case, the Court remands this matter to the Attorney General for review of the Board's decision in light of this decision.

[7] See Attorney General's Open Meeting Law Guide (2011), at 8.

ORDER

The motion for judgment on the pleadings filed by plaintiffs Board of Selectmen of the Board of Hull and the Board Manager of the Board of Hull is **ALLOWED**. The motion for judgment on the pleadings filed by defendant Attorney General is **DENIED**. The Attorney General's order that the Board amend its minutes reflecting the meetings in dispute is **VACATED** and this matter is **REMANDED** to the Attorney General for further review consistent with this decision. Plaintiffs' motion for further declaratory relief is **DENIED**.

SO ORDERED.

MICHAEL D. RICCIUTI
Justice of the Superior Court

Dated: December 14, 2017

12/19/17
CC: JBL & KGH

A TRUE COPY ATTEST
Clerk of Courts