

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT
CIVIL ACTION NO. 2012-

**ARISE FOR SOCIAL JUSTICE,
COALITION FOR SOCIAL JUSTICE,
MASSACHUSETTS COALITION FOR THE HOMELESS,
and
NEIGHBOR TO NEIGHBOR-MASSACHUSETTS,
Plaintiffs,**

v.

**THE DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT, et al.,
Defendants.**

PLAINTIFFS' EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
AND/OR PRELIMINARY INJUNCTION

Pursuant to Superior Court Rule 9A(e)(1), plaintiffs by their attorneys move this Court pursuant to Rule 65 of the Massachusetts Rules of Civil Procedure for a temporary restraining order and/or preliminary injunction enjoining the defendant from implementing "health and safety" regulations and policies on Thursday, August 2, 2012 and until the defendants have given 60 days' advance notice of the proposed rules to the Legislature as required by St. 2012, c. 139, § 2, item 7004-0101, have complied with the statutory requirements for the issuance of regulations in G.L. c. 30A, §§ 2, 3, and/or until the proposed rules comply with the substantive requirements of St. 2012, c. 139, § 2, item 7004-0101, and G.L. c. 23B, § 30.

In support of this motion, plaintiffs aver that:

1. The plaintiff organizations and the families who are their members will suffer irreparable injury if regulations and policies drastically restricting access to shelter

are implemented on August 2, 2012 without adequate advance notice and if they are denied their statutory rights to prior notice and opportunity to comment;

2. The balance of harms strongly favors the granting of preliminary relief;
3. Plaintiffs are likely to succeed on the merits of their procedural and substantive claims;
4. Plaintiffs have no adequate remedy at law.

In support of this Motion, plaintiffs submit a Memorandum of law and the Affidavit of Kelly Turley (together with exhibits).

Wherefore, plaintiffs respectfully request that the Court enter a temporary restraining order and/or preliminary injunction prohibiting the defendant from implementing proposed “health and safety” regulations and policies pending further order of the Court.

Respectfully submitted on behalf of plaintiffs,

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