

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NUMBER:

22-2490H

ROBERT O'SHEA, CHAIRMAN OF )  
THE WARD 6 DEMOCRATIC )  
COMMITTEE, ET AL, )  
Plaintiffs )

v. )

THE BOSTON CITY COUNCIL )  
Defendant )

SUFFOLK SUPERIOR COURT  
CIVIL CLERK'S OFFICE  
2022 NOV -2 A 11: 17  
MICHAEL JOSEPH DONOVAN  
CLERK / MAGISTRATE

**AFFIDAVIT OF ROBERT O'SHEA**

Now comes Robert O'Shea, Chairman of the Boston Ward 6 Democratic Committee and South Boston resident based on personal knowledge do hereby state and affirm that:

1. I am the Chairman of the Boston Ward 6 Democratic Committee in South Boston, Massachusetts.
2. I am a resident of South Boston, Massachusetts.
3. On Oct 10, 2022, four (4) members of the Boston City Council Redistricting Committee and seven (7) members of the Boston City Council met at the Bruce C. Bolling Municipal Building to discuss the topic of Legislative Redistricting in the City of Boston without giving notice pursuant to the Open Meeting Law, Chapter 30A of the Massachusetts General Law.
4. On Oct. 18, 2022, four (4) members of the Boston City Council Redistricting Committee and five (5) members of the Boston City Council were present at City Hall Plaza to meet and discuss the topic of Legislative Redistricting in the City of Boston without giving notice pursuant to the Open Meeting Law, Chapter 30A of the Massachusetts General Law.

5. On Oct. 19, 2022, four (4) members of the Boston City Council Redistricting Committee and seven (7) members of the Boston City Council met at the Condon School in South Boston, MA to discuss the topic of Legislative Redistricting in the City of Boston without giving notice pursuant to the Open Meeting Law, Chapter 30A of the Massachusetts General Law.

6. The Open Meeting Law Complaint, a copy of which is attached hereto, was served on both the Clerk of the Boston City Council and the Boston City Council President on October 25, 2022.

7. On October 26, 2022, the Boston City Council met for its regularly scheduled meeting.

8. Due to the Open Meeting Law Complaint noted above, the Boston City Council withdrew its anticipated vote on any proposed Redistricting Maps.

9. Although there was mention of the October 25, 2022 filed Open Meeting Law Violations, the Boston City Council neither reviewed any of the alleged violations nor did they review all the proposed remedies listed therein.

10. The Boston City Council members only mentioned that they were waiting for their legal counsel to respond to the Complaint.

11. As of this date, the Boston City Council hasn't responded in writing to the Open Meeting Law Complaint filed on October 25, 2022.

12. It's anticipated that other residents of the City of Boston will file new Open Meeting Law Complaints prior to the November 2, 2022 scheduled meeting of the Boston City Council.

13. The Attorney General's Office is in possession of the Open Meeting Law Complaint; they will not address the issue until on or after November 24, 2022.


14. The Boston City Council has indicated that they would be voting on a Redistricting Map at their next scheduled meeting on Wednesday, November 2, 2022.

15. Although the Boston City Council has not responded to the Open Meeting Law Complaint, (Exhibit "A"), the Boston City Council has indicated that they plan to vote on a Redistricting Map at their next scheduled meeting on Wednesday, November 2, 2022.

16. Should the Boston City Council take a vote on the proposed Redistricting Map prior to responding to the Open Meeting Law Complaint, and prior to the Attorney General's Office response to that Complaint, (which is not required until November 24, 2022), the Plaintiffs will be irreparably harmed, as the remedies pursuant to M.G.L.c. 30A section 23(c) and 23(f) will be insufficient to remedy the Plaintiffs claims arising out of the deliberations of the elected officials which took place in violation of the Open Meeting Law in advance of any such vote.

17. The Defendant will not be prejudiced in any way from a delay in the vote as the City is under no express statutory deadline to take a vote on this issue at this time, or prior to November 2<sup>nd</sup>.

Signed under the pain and penalties of perjury on this 2nd day November 2022.



Robert O'Shea



# OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

## Your Contact Information:

First Name: Paul Last Name: Gannon, Esq.

Address: 546 East Broadway

City: South Boston State: MA Zip Code: 02127

Phone Number: +1 (617) 269-1993 Ext. \_\_\_\_\_

Email: pgannon@paulgannonlaw.com

Organization or Media Affiliation (if any): 1. Boston Ward 6 Democratic Committee (see attached for add'l names)

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual  Organization  Media

## Public Body that is the subject of this complaint:

City/Town  County  Regional/District  State

Name of Public Body (including city/town, county or region, if applicable): Boston City Council and Boston City Council Committee on Redistricting

Specific person(s), if any, you allege committed the violation: Councilor Elizabeth Breadon (see attached for add'l names)

Date of alleged violation: (see attached)

**Organization or Media Affiliation (Continued from pg. 1)**

2. South Boston Citizens Association;
3. Martin F. McDonough American Legion Post;
4. St. Vincent's Lower End Neighborhood Association; and
5. Old Colony Tenant Association.

**Specific person(s), if any, you allege committed the violation (Continued from pg. 1):**

2. Councilor Julia Mejia;
3. Councilor Brian Worrell;
4. Councilor Ruthzee Louijeune;
5. Councilor Ricardo Arroyo;
6. Councilor Erin Murphy;
7. Councilor Frank Baker;
8. Councilor Michael Flaherty;
9. Councilor Edward Flynn; and
10. Councilor Tania Fernandes Anderson.

**Date of alleged violation (Continued from pg. 1):**

1. October 10, 2022;
2. October 18, 2022; and
3. October 19, 2022.

**Description of alleged violation:**

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Oct 10, 2022 - Four (4) members of the Boston City Council Redistricting Committee and seven (7) members of the Boston City Council met at the Bruce C. Building Municipal Building to discuss the topic of Legislative Redistricting in the City of Boston without giving notice pursuant to the Open Meeting Law.

Oct. 18, 2022 - Four (4) members of the Boston City Council Redistricting Committee and five (5) members of the Boston City Council were present at City Hall Plaza to meet and discuss the topic of Legislative Redistricting in the City of Boston without giving notice pursuant to the Open Meeting Law.

Oct. 19, 2022 - Four (4) members of the Boston City Council Redistricting Committee and seven (7) members of the Boston City Council met at the Condon School in South Boston, MA to discuss the topic of Legislative Redistricting in the City of Boston without giving notice pursuant to the Open Meeting Law.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

1. The Boston City Council Committee on redistricting shall conduct a minimum of five (5) properly noticed public hearings in neighborhoods impacted by the proposal including South Boston, Dorchester, Mattapan, South End and Roslindale neighborhoods prior to any vote on redistricting in the Boston City Council.

(See attached)

**Review, sign, and submit your complaint**

**I. Disclosure of Your Complaint.**

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

**Publication to Website.** As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

**II. Consulting With a Private Attorney.**

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

**III. Submit Your Complaint to the Public Body.**

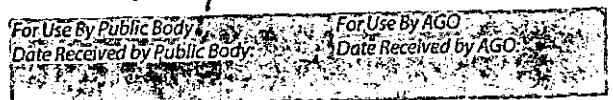
The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

10/25/22



**What action do you want the public body to take in response to your complaint?**  
**(Continued from pg. 2)**

2. To require the Boston City Council to vote on the criteria as outlined in the memo from Jeffrey M. Wice, Esq. who was contracted and retained by the City of Boston Corp. Counsel to promulgate criteria for the Boston City Council to utilize in redrawing City Council District maps.

3. To require the Boston City Council to vote on the Boston City Council District redistricting map for the City of Boston in accordance with the criteria noted in paragraph 2 above.



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SUPERIOR COURT DEPARMTENT  
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Defendant )

**TEMPORARY RESTRAINING ORDER ON PLAINTIFFS' EMERGENCY EX PARTE  
MOTION FOR A TEMPORARY RESTRAINING ORDER AND MOTION FOR A  
PRELIMINARY INJUNCTION, AND MOTION FOR SHORT ORDER OF NOTICE**

Following an ex parte hearing it is hereby Ordered that the Defendant, the Boston City Council, and its members are restrained from taking any vote on a "Redistricting Plan", or any other final action resulting in the redrawing of Boston City Council Districts at a meeting on Wednesday, November 2, 2022 or any time thereafter pending further Order of this Court.

\_\_\_\_\_  
Honorable  
Justice, Suffolk Superior Court

Dated: \_\_\_\_\_