

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

**Superior Court Department
Civil Action No. _____**

_____)
IAFF BOSTON FIREFIGHTERS)
LOCAL 718,)
)
Plaintiff,)
)
v.)
)
CITY OF BOSTON)
)
Defendant.)
_____)

COMPLAINT

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I. INTRODUCTION

1. This case arises out of the City of Boston’s refusal to answer IAFF Boston Firefighters Local 718’s two public records requests made pursuant to M.G.L. c. 66, § 10.

II. JURISDICTION AND VENUE

2. Jurisdiction is invoked pursuant to M.G.L. c. 66, § 10A.

3. The venue of this Court is proper in that the Plaintiff is an employee organization for firefighters employed with the Boston Fire Department, and the Defendant City is the City of Boston located in Suffolk County.

III. PARTIES

4. Plaintiff, IAFF Boston Firefighters Local 718 (“Union”) is the duly certified collective bargaining agent for its members, the uniformed firefighters in the City of Boston, Massachusetts. The Union represents its members regarding the hours, wages, and working

conditions of their employment. The Union is affiliated with the Professional Firefighters Association of Massachusetts and the International Association of Firefighters and is an unincorporated association under M.G.L. c. 150E.

5. Defendant, City of Boston (“City”) is a duly incorporated municipality in Suffolk Massachusetts with a city form of government.

IV. FACTS

6. On August 15, 2024, counsel for the Union submitted a public records request (“August Request”) on the City’s online public records request portal. The Union’s request stated in the relevant part:

“Any freedom of information requests submitted by Jonathan ‘Chip’ Goines to the City of Boston regarding any topic from January 2022 to date.”

7. On August 15, 2024, the City acknowledged receipt of the August Request.

8. On August 29, 2024, the City emailed counsel for the Union stating that the City would “need up to, but no more than fifteen (15) additional business days to review and process” the August Request.

9. The City failed to provide an answer to the request within the fifteen (15) day extension that it requested from the Union.

10. On September 23, 2024, counsel for the Union filed an appeal with the Secretary of the Commonwealth Public Records Department requesting it to order the City to comply with the Union’s request.

11. On October 7, 2024, the Secretary of the Commonwealth issued an order to the City stating in relevant part:

“The City is ordered to provide Attorney Kennedy with a response to her request in a manner consistent with this order, the Public Records Law, and its Regulations within ten (10) business days. A copy of any such response must be provided to this office.”

12. The City failed to provide a response to Union counsel within the timeline set forth in the Secretary's above October 7, 2024, Order.

13. On November 4, 2024, Union Counsel contacted the Secretary of the Commonwealth alerting them that the City had yet to reply pursuant to its October 7, 2024, Order.

14. On November 4, 2024, the Secretary of the Commonwealth emailed the City and Union counsel confirming the information provided to it by Union Counsel during the above-referenced November 4th telephone call.

15. On November 8, 2024, Union Counsel contacted the Secretary of the Commonwealth again stating that to date, the City had still not replied its October 7, 2024 Order.

16. To date, the City continues to ignore both the Union's original August 15th public records request and the Secretary of the Commonwealth's October 7th Order.

17. On January 29, 2025, Counsel for the Union submitted a second public records request ("January Request") on the City's online public records request portal. The Union's request stated in the relevant part:

"For the last five years, documents related to the number of instances that the City of Boston's police and fire departments sent employees to an independent medical examination. Appropriate redactions acceptable."

18. On January 29, 2025, the City acknowledged receipt of the January Request.

19. The City failed to provide an answer to the request within the statutory ten (10) business day period.

20. On February 13, 2025, Counsel for the Union filed an appeal with the Secretary of the Commonwealth Public Records Department requesting it to order the City to comply with the Union's January request.

21. On February 13, 2025, the City via the Boston Police Department emailed Union Counsel stating that “the Department is working diligently to locate records that may be a response to your request. However, the Department needs additional time to locate if any records exist. The Department will provide you with a response no later than March 6, 2025.”

22. On February 24, 2025, the Secretary of the Commonwealth issued an order to the City stating in the relevant part:

“It is my understanding that the City intends to provide a written response to Attorney Kennedy. Accordingly, the City is ordered to provide Attorney Kennedy with said response in accordance with Public Records Law, its Regulations, and this order within ten (10) business days. A copy of such response must be provided to this office.”

23. On March 7, 2025, one day after the City’s production deadline, Union Counsel contacted the Boston Police Department regarding its failure to comply with the Secretary of the Commonwealth’s February 24th Order.

24. On March 13, 2025, Union Counsel contacted the Secretary of the Commonwealth again stating that to date, the City had still not replied its February 24, 2025, Order.

25. On March 14, 2025, the Secretary of the Commonwealth emailed Union Counsel and the City stated ordering it to comply with the February 24, 2025, Order.

26. To date, the City continues to ignore both the Union’s original January 29th public records request and the Secretary of the Commonwealth’s February 24th Order.

COUNT I – VIOLATION OF M.G.L. c. 66, § 10

27. The Union realleges paragraphs 1 through 26 as if they were fully set forth herein.

28. The City’s actions, as set forth in paragraphs 1 through 26, violate M.G.L. c. 66, § 10.

V. PRAYER FOR RELIEF

WHEREFORE, the Union requests that this Honorable Court enter judgment in its favor and order:

1. The City reply to the Union's August Request with responsive documents.
2. The City reply to the Union's January Request with responsive documents.
3. Reasonable attorney's fees.
4. All other relief that this Court deems equitable and just.

Respectfully submitted,

IAFF BOSTON FIREFIGHTERS LOCAL 718,

By its attorney,

/s/ Laurel Kennedy

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Dated: March 19, 2025