

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX COUNTY, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION NO.

COPY

FILED
IN THE OFFICE OF THE
CLERK OF COURTS
FOR THE COUNTY OF MIDDLESEX
SEP 09 2013
[Signature]
CLERK

TOWN OF HOPKINTON,

Plaintiff,

v.

THE MASSACHUSETTS GAMING
COMMISSION

Defendant.

13-3930

COMPLAINT

INTRODUCTION

1. The Town of Hopkinton brings this action in the nature of *mandamus* pursuant to *M.G.L. c.66, §10(b)* and *M.G.L. c.249 §5* to compel the Massachusetts Gaming Commission (MGC) to comply with the Town's Public Records Request, dated January 29, 2013, for copies of a certain Gaming License Phase I application submitted to the MGC by Crossroads Massachusetts LLC ("Crossroads") on or before January 15, 2013 (the "Application"). Specifically, the Town, by this action, seeks to challenge the MGC's redaction of substantial portions of the documents it provided to the Town for Crossroads and its associated qualifiers on April 23, 2013 and July 29, 2013, purportedly pursuant to *M.G.L. c.23K §9(b)* and *M.G.L. c.4 §7 cl. 26*.

JURISDICTION

2. This Court has jurisdiction to hear this action and to grant the relief requested pursuant to *M.G.L. c.66, §10(b)*.

PARTIES

2. The Plaintiff, Town of Hopkinton, is a municipal corporation, duly organized under the laws of the Commonwealth. The Town's offices are located at 18 Main Street, Hopkinton, Massachusetts 01748.

3. The Defendant, the Massachusetts Gaming Commission is a Massachusetts administrative agency with principal offices located at 84 State Street, 10th Floor, Boston, Massachusetts 02109.

STATUTORY AND REGULATORY BACKGROUND

4. *M.G.L. c.4, §7 cl.26* states that "all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data regardless of physical form or characteristics" made or received by any government entity or employee are presumed to be public records.

5. When a person requests a public record, the custodian of the record has a mandatory duty to permit the inspection and examination of a record at reasonable times and without unreasonable delay. *M.G.L. c.66§10(a)*. The custodian of the record must comply with a public records request within ten days of receipt. *M.G.L. c.c.66, §10(b)*.

6. Only records that meet one of the exceptions listed in *M.G.L. c.4, §7(26)* are exempt from the *Public Records Law* and therefore not subject to disclosure.

7. *M.G.L. c.4, §7 cl.26(a)* sets forth an exception to the disclosure requirement for materials "specifically or by necessary implication exempted from disclosure by statute."

8. The *Gaming Act, M.G.L. c.23K*, provides, in pertinent part:

Applications for licenses shall be public records under section 10 of chapter 66; provided however, that trade secrets, competitively-sensitive or other proprietary information provided in the course of an application for a gaming license under this chapter, the disclosure of which would place the applicant at a competitive disadvantage, may be withheld from disclosure under chapter 66.

M.G.L. c.23K, §9(b).

9. The MGC's regulations issued pursuant to *M.G.L. c.23K, §5*, provided, at 205 CMR 110.02, that applications for "Category 1 Licenses" for destination resort casinos, shall be divided into two Phases.

10. During Phase I, each application is referred to the MGC's Investigations and Enforcement Bureau (IEB) for "an investigation into the qualifications and suitability of all applicants and qualifiers, as provided for in *M.G.L. c.23K, §§12 and 16.*" 205 CMR 115.03.

11. If the IEB determines that the applicant is suitable to receive a Gaming License, it will issue a report recommending that the MGC commence a review of the applicant's Phase II application. *M.G.L. c.23K, §12(c).*

12. Only those applicants found to be qualified pursuant to a determination of suitability are permitted to proceed to Phase II. 205 CMR 110.01. The IEB will issue a report recommending that the MGC deny the application if it determines that the applicant has failed to:

- (i) establish the applicant's integrity or the integrity of any...person to be qualified by the commission;
- (ii) demonstrate responsible business practices in any jurisdiction; or
- (iii) overcome any reason, as determined by the commission, as to why it would be injurious to the interests of the commonwealth in awarding the applicant a gaming license....

M.G.L. c.23K, §12(b).

13. Pursuant to 205 CMR 115.04, the MGC must hold either a "public hearing" or an "adjudicatory hearing" on the suitability of each applicant, within 30 days of the issuance of the IEB's report on the applicant and associated qualifiers.

STATEMENT OF FACTS

14. On or before January 15, 2013, the MGC received 11 Gaming License Phase 1 applications. These were submitted by MGM Springfield; Penn National Gaming, Inc.; Plainridge Racecourse; Hard Rock MA; Wynn, LLC; Mohegan Sun; Sterling Suffolk Racecourse; Raynham Park; Mass Gaming Entertainment, LLC; PPE Casino Resorts; and Crossroads.

15. Each application consists of forms created and issued by the MGC. Specifically the forms include the Business Entity Disclosure (BED) forms for the named applicant and its associated business entity qualifiers, and Personal History Disclosure (PHD) forms and Massachusetts Supplemental (Mass Supp) forms for each associated individual qualifier. Qualifiers for an applicant that is an LLC include all members, transferees of a member's interest, directors, managers, lenders, holders of evidence of indebtedness, underwriters, close associates, executives and agents. See 205 CMR 116.02.

16. Crossroads is proposing to construct and operate a resort casino just beyond the Town line from Hopkinton in Milford, Massachusetts.

17. The Town of Hopkinton qualifies as a "Surrounding Community" for the proposed Milford resort casino within the meaning of *M.G.L. c.23K, §2* because it is "a municipality in proximity to a host community which...[will] experience or [is] likely to experience impacts from the development or operation of a gaming establishment [and its] transportation infrastructure provides ready access to [a] proposed gaming establishment."

18. The Town of Hopkinton wishes to be able to participate in the public hearing on Crossroads' suitability. If the MGC elects to conduct an adjudicatory hearing on the suitability of Crossroads, the Town of Hopkinton wishes to be able to intervene in such adjudicatory proceeding.

19. In preparation for such participation or intervention in the Crossroads suitability hearing, the Town of Hopkinton made a Public Records Request to the MGC on January 29, 2013, pursuant to *M.G.L. c.66, §10*, seeking copies of the 11 Gaming License Phase 1 applications submitted to the MGC. See Letter from J.R. Miyares to S. Crosby (January 29, 2013), attached hereto as “Exhibit A.”

20. By email dated February 1, 2013, Todd Grossman, staff attorney for the MGC, acknowledged the Town’s request and agreed to provide the materials that are “public in nature” after gathering the “redacted specimen forms and any additional requests for confidentiality, from the applicants.” See Email from T. Grossman to J.R. Miyares (February 1, 2013), attached hereto as “Exhibit B.”

21. By letter dated April 8, 2013, Mr. Grossman informed the Town that redacted BED forms would be released to the Town within 14 days, and that the remaining components of the applications would be released in approximately 45 days. See Letter from T. Grossman to J.R. Miyares (April 8, 2013), attached hereto as “Exhibit C.”

22. By letter dated April 23, 2013, Artem Shtatnov, another staff attorney for the MGC, transmitted to the Town a CD containing electronic copies of redacted BED forms submitted by the 11 Applicants and certain of their associated business entity qualifiers. See Letter from A. Shtatnov to J.R. Miyares (April 23, 2013), attached hereto as “Exhibit D,” and enclosed CD, attached hereto as “Exhibit E.”

23. Among the BED forms transmitted to the Town were those for Crossroads and nine of its associated business entity qualifiers:

- 2001 A&A Trust (“A&A”)
- Ajax Gaming Venture (“Ajax”)
- Etkin Massachusetts Gaming (“Etkin”)
- Five Trees LLLP (“Five Tree”)

- RMP Massachusetts Gaming LLC (“RMP”)
- Warner Gaming LLC (“Warner Gaming”)
- Warner Gaming Trust (“Warner Gaming Trust”)
- WG Massachusetts LLC (“WG”) and
- White River Gaming (“White River”)

24. By letter dated July 29, 2013, Mr. Shtatnov transmitted to the Town a CD containing electronic copies of redacted PHD forms and Mass Supp forms submitted by the 11 Applicants and their associated individual qualifiers and another CD containing BED forms for FCX Massachusetts LLC (“FCX”) and the Mashantucket Pequot Gaming Enterprise (“MPGE”) as additional business entity qualifiers for Crossroads. See Letter from A. Shtatnov to J.R. Miyares (July 29, 2013), attached hereto as “Exhibit F,” and enclosed CDs, attached hereto as “Exhibit G” and “Exhibit H.”

25. Among the PHD forms and Mass Supp forms transmitted to the Town were those for 13 individual qualifiers associated with Crossroads:

- Alan Potamkin
- Allan Kronberg
- Bruce Etkin
- Crystal Whipple
- David Nunes
- Jeffery Magee
- John Siedem
- Robert Potamkin
- Rodney Butler
- Scott Butera

- Timothy Bell
- Timothy Presutti
- William Warner.

26. Pursuant to *M.G.L. c.23K, §9(b)*, the BED forms, PHD forms and Mass Supp forms submitted by Crossroads and its associated qualifiers are public records subject to *M.G.L. c.66, §10*, except as otherwise provided in *M.G.L. c.23K, §9(b)*.

27. Pursuant to *M.G.L. c.66, §10*, as the custodian of the BED forms, PHD forms and Mass Supp forms submitted by Crossroads and its associated qualifiers, the MGC has a mandatory duty to make available all requested public records, as defined in *M.G.L. c.4, §7, cl. 26*, except as otherwise provided in *M.G.L. c.23K, §9(b)*.

28. The only exception to the Gaming Commission's mandatory duty is set forth in *M.G.L. c.23K, §9(b)*, which provides that "trade secrets, competitively-sensitive or other proprietary information provided in the course of such applications may be withheld from disclosure if disclosure would place the applicant at a competitive disadvantage."

29. The exceptions to the definition of "pubic records" set forth in *M.G.L. c.4, §7(26)* are rendered inapplicable to applications for gaming licenses by *M.G.L. c.23K, §9(b)*, which specifically provides that such applications are public records, except to the extent that such exceptions are preserved within the text of *M.G.L. c.23K, §9(b)*.

Count I
(Failure to Respond Completely to Public Records Request)

30. The Town of Hopkinton restates the allegations contained in Paragraphs 1 through 29 of this Complaint as if set forth in their entirety herein.

31. The BED forms transmitted to the Town for Crossroads and its associated business entity qualifiers omitted the following components:

- Attachment 9 of the BED form (Compensation of Officers and Directors) was omitted for business entity qualifiers A&A, Etkin, Five Tree, and RMP.
- Attachment 13 of the BED form (Voting Owners) was omitted for business entity qualifiers A&A and Five Tree.
- Item 15 of the BED form (Description of Long Term Debt) was omitted for business entity qualifier Ajax and for Crossroads.
- Attachment 16 of the BED form (Holders of Long Term Debt) was omitted for business entity qualifiers A&A, Etkin, Five Tree, and RMP.
- Attachment 17 of the BED form (Other Indebtedness and Security Devices) was omitted for business entity qualifiers Ajax, Crossroads, and FCX.
- Attachment 18 of the BED form (Holders of Other Indebtedness) was omitted for business entity qualifiers Etkin, Five Trees, and RMP.
- Attachment 22 of the BED form (Other Ownership Interest Held by the Entity) was omitted for business entity qualifier Etkin.
- Attachment 23 of the BED form (Insider Transactions) was omitted for business entity qualifiers A&A, Etkin, and RMP.
- Attachment 24 of the BED form (Criminal History) was omitted for business entity qualifier A&A.
- Attachment 26 of the BED form (Testimony, Investigations or Polygraphs) was omitted for business entity qualifier Five Trees.
- Attachment 32A of the BED form (Financial Statements) was omitted for business entity qualifiers A&A, Five Trees and RMP.

- Attachment 32B of the BED form (Financial Statements) was omitted for business entity qualifier RMP.
- Attachment 33A of the BED form (Annual Reports) was omitted for business entity qualifier Warner Gaming Trust.
- Attachment 34 of the BED form (Quarterly Reports) was omitted for business entity qualifier Warner Gaming Trust.
- Attachment 35 of the BED form (Interim Reports) was omitted for business entity qualifier Warner Gaming Trust.
- Attachment 38 of the BED form (Reports of Accountants) was omitted for business entity qualifiers Warner Gaming and Warner Gaming Trust.
- Attachments 40A and 40B of the BED form (Organizational Chart) was omitted for business entity qualifiers Ajax, FCX, MPGE and White River and for Crossroads.

32. The MGC's failure to provide complete copies of the documents requested, even in redacted form, for Crossroads and all associated business entity qualifiers is in violation of *M.G.L. c.66, §10* and is not authorized by the limited exemption contained in *M.G.L. c.23K, §9(b)*.

33. By failing to provide complete copies of the documents requested, even in redacted form, for Crossroads and all associated business entity qualifiers, the MGC has failed to comply with the Town's Public Record Request of January 29, 2013.

Count II
(Improper Redaction of Public Records)

34. The Town of Hopkinton restates the allegations contained in Paragraphs 1 through 33 of this Complaint as if set forth in their entirety herein.

35. The BED forms, PHD Forms and Mass Supp forms transmitted to the Town for Crossroads and its associated qualifiers contained substantial redactions, including numerous sections that are redacted in their entirety.

36. Except for items listed as omitted in their entirety in paragraph 31 of this Complaint, the BED Forms transmitted to the Town for Crossroads and its associated business entity qualifiers contain total redactions of the following Items and Attachments:

- Attachment 9 (Compensation of Officers and Directors) for Crossroads and all business entity qualifiers.
- Item 12 (Stock/Ownership Description) for Crossroads and all business entity qualifiers.
- Attachment 13 (Voting Owners) for Crossroads and all business entity qualifiers.
- Item 15 (Description of Long Term Debt) for Crossroads and all business entity qualifiers.
- Attachment 16 (Holders of Long Term Debt) for Crossroads and all business entity qualifiers.
- Item 17 and Attachment 17 (Other Indebtedness and Security Devices) for business entity qualifiers A&A, Warner Gaming and WG
- Attachment 18 (Holders of Other Indebtedness) for Crossroads and all business entity qualifiers.

- Attachment 22 (Other Ownership Interests Held by the Entity) for Crossroads and all business entity qualifiers.
- Attachment 23 (Insider Transaction) for Crossroads and all business entity qualifiers.
- Attachment 24 (Criminal History) for Crossroads and all business entity qualifiers.
- Item 25 and Attachment 25 (Testimony, Investigations or Polygraphs) for business entity qualifiers A&A, Ajax, MPGE, RMP, Warner Gaming, Warner Gaming Trust, WG and White River and for Crossroads.
- Item 26 and Attachment 26 (Testimony, Investigations or Polygraph Refusals) for business entity qualifiers Ajax, MPGE, Warner Gaming, Warner Gaming Trust, WG and White River and for Crossroads.
- Attachment 32A (Financial Statements) for business entity qualifiers Warner Gaming, Warner Gaming Trust and WG.
- Attachment 32B (Financial Statements) for business entity qualifiers A&A and Five Trees.
- Attachment 33 (Annual Reports) for Crossroads and all business entity qualifiers.
- Attachment 34 (Quarterly Reports) for Crossroads and all business entity qualifiers.
- Attachment 35 (Interim Reports) for Crossroads and all business entity qualifiers.
- Attachment 38 (Reports of Accountants) for Crossroads and all business entity qualifiers.

- Attachments 40A and 40B (Organizational Charts) for Crossroads and all business entity qualifiers.

37. The PHD Forms transmitted to the Town for the following Crossroads individual qualifiers contain total redactions of the responses to the following questions:

- Question 10 (Military Service Data) for Alan Potamkin, Allan Kronberg, Crystal Whipple, David Nunes, Rodney Butler and Scott Butera.
- Question 14 and 15 (Employment and Licensing Data) regarding “Reason for Leaving” for Alan Potamkin, Allan Kronberg, Crystal Whipple, David Nunes, Rodney Butler, and Scott Butera.
- Question 16 (Discharge, Suspension or Resignation from Employment) for all individual qualifiers.
- Question 23 (Ownership Interest in a Business of 5% or more) for Alan Potamkin, Allan Kronberg, Bruce Etkin, Crystal Whipple, David Nunes, Jeffery Magee, Rodney Butler, Scott Butera, and William Warner.
- Question 28 (Arrests or Charges with Any Crime) for all individual qualifiers.
- Question 29 (Criminal Indictment, Information or Complaint Filed) for all individual qualifiers.
- Question 30 (Subject of an Investigation) for all individual qualifiers.
- Question 31 (Testimony, Investigations or Polygraphs) for all individual qualifiers.
- Question 32 (Pardoned, Dismissed, Suspended or Deferred Investigation) for all individual qualifiers.

- Question 36 (Cited or Charged with Violation of Statute or Regulation) for all individual qualifiers.
- Question 39 (Lien/Debts) for all individual qualifiers.
- Question 40 (Personal Petition for Bankruptcy, Insolvency or Liquidation) for all individual qualifiers.
- Question 41 (Business Entity Petition for Bankruptcy or Insolvency) for all individual qualifiers.
- Question 43 (Wages or Earnings Subject to Garnishment) for all individual qualifiers.
- Question 44 (Repossessed Property) for all individual qualifiers.
- Question 45 (Executor, Beneficiary or Grantor) for all individual qualifiers.
- Question 46 (Ownership or Interest in Assets in a Trust) for all individual qualifiers.
- Question 47 (Manage or Control Assets for Other Person) for all individual qualifiers.
- Question 48 (Bank Accounts Outside Country of Residence) for all individual qualifiers.
- Question 49 (Receipt of Loans in Excess of \$25,000) for all individual qualifiers.
- Question 50 (Grant of Loans in Excess of \$10,000) for all individual qualifiers.
- Question 51 (Change of Currency in excess of \$10,000USD) for all individual qualifiers.

- Question 53 (Claims filed in excess of \$10,000 USD) for all individual qualifiers.
- Question 54 (Gifts in excess of \$10,000 USD) for all individual qualifiers.
- Question 57 (Co-sign or Guarantee on Loan) for all individual qualifiers.
- Question 75 (References) for all individual qualifiers.

38. All of the Mass Supp Forms transmitted to the Town for Crossroads' individual qualifiers contain total redactions of the responses to the following questions:

- Question 3 (Ownership or Financial Interest in Business Entity Applying for Licensing by the MGC).
- Question 8 (5% or Greater Interest in Entity).
- Question 19 (Placement on a Self-Exclusion List by Gaming Agency or Gaming Establishment).
- Question 20 (References).

39. By letter dated May 3, 2013, the Town objected to the redactions that the MGC made to the documents transmitted on April 23, 2013. See Letter from J.R. Miyares to S. Crosby (May 3, 2013), attached hereto as "Exhibit I."

40. By letter dated May 14, 2013, Catherine Blue, General Counsel for the MGC, stated that redacting the BED forms was necessary to "balance compliance with chapters 4 and 23K [against] the Commission's need for information to evaluate suitability and protection of the applicant's competitively sensitive and sometimes personal information." See Letter from C. Blue to J.R. Miyares (May 14, 2013), attached hereto as "Exhibit J." In particular, Ms. Blue stated that "[t]he public interest in obtaining this information does not substantially outweigh the seriousness of the invasion of privacy...." *Id.*

41. *M.G.L. c.66, §10* specifically states that the mandatory duty of the custodian of public records to make all requested public records available includes “any segregable portion of a record that is an independent public record.”

42. Upon information and belief, the Town of Hopkinton alleges that the redacted items in the BED forms, PHD forms and Mass Supp forms contain segregable portions that do not contain trade secrets, competitively-sensitive or other proprietary information.

43. No representative of the MGC has claimed that disclosure of the redacted information in the BED Forms, PHD Form and Mass Supp forms would place Crossroads or any other applicant at a competitive disadvantage within the terms of *M.G.L. c.23K §9(b)*.

44. Upon information and belief, the Town of Hopkinton alleges that the redacted items in the BED forms, PHD forms and Mass Supp forms contain segregable portions, the release of which would not place Crossroads or any other applicant at a competitive disadvantage within the terms of *M.G.L. c.23K §9(b)*.

45. Upon information and belief, the Town of Hopkinton alleges that the redacted items in the BED forms, PHD forms and Mass Supp forms contain segregable portions that are independent public records.

46. The redactions of the BED forms, PHD forms and Mass Supp forms made by the MGC are not authorized by *M.G.L. c.23K, §9(b)* and have resulted in the unlawful withholding of public records in violation of *M.G.L. c.66, §10*.

47. By failing to provide segregable portions of Crossroads’ application that do not contain trade secrets, competitively-sensitive or other proprietary information, the disclosure of which would place the applicant at a competitive disadvantage, the MGC has failed to comply with the Town’s Public Record Request of January 29, 2013

Count III
(Criminal History of Applicants Not Subject to Privacy Exemption)

48. The Town restates the allegations contained in paragraphs 1 through 47 as if set forth in their entirety herein.

49. The BED forms transmitted to the Town for Crossroads and its associated business entity qualifiers contained total redactions of Attachment 24 (Criminal History).

50. In her May 14, 2013 letter, Ms. Blue, stated that "Item 24A asks for information regarding criminal history and requests disclosure of charges and convictions relating to the entity and/or its officers, directors and trustees. Disclosure of a compilation of charges and convictions violates the privacy rights of the individuals involved." See Exhibit J.

52. The criminal history of an applicant or associated business entity qualifier, as set forth in Item 24A of the BED form submitted therefor, does not qualify as a trade secret because it is neither competitively sensitive nor proprietary information within the meaning of *M.G.L. c.23K, §9(b)*.

53. Even if the exemptions to the definition of a public record under *M.G.L. c.4 §7 cl.26(a)-(u)* were deemed applicable to gaming license applications, the criminal history of an applicant or associated business entity qualifier, as set forth in Attachment 24A of the BED form submitted therefor, is a public record, as it does not fall within the terms of any such exemption.

56. By failing to provide unredacted copies of Attachment 24 of the BED forms for Crossroads and its associated business entity qualifiers, the MGC has failed to comply with the Town's Public Record Request of January 29, 2013.

COUNT IV
(Unlawful Practice of “Uniform” Treatment)

57. The Town restates the allegations contained in paragraphs 1 through 56 as if set forth in their entirety herein.

58. In responding to the Town’s inquiry on the release of the PHD forms and Mass Supp forms, Catherine Blue, general counsel to the MGC asserted:

[A]pplicants can request confidentiality for a record or records and they must provide the Commission with the reasons that they believe the record or records should be kept confidential....

It is the Commission’s practice to treat all applicants fairly and uniformly. If the Commission’s decision impacts records of the same type supplied by other applicants, those applicants will be treated in accordance with the Commission’s decision.

See Exhibit J.

59. No provision of *M.G.L. c.66, §10* or *M.G.L. c.23K, §9(b)* authorizes the Commission to treat a segregable portion of a gaming license application as exempt from disclosure under either such section merely because the corresponding portion of a different application contains exempt material.

60. The Commission’s purported practice, as described in Paragraph 58 of this Complaint is *ultra vires* and contrary to law; and does not provide an exemption from the mandatory duty of disclosure for any public record to which such practice applies.

61. Even if such purported practice were not *ultra vires* and contrary to law, it cannot be relied upon as an Agency interpretation of its own enabling statute or regulations, since it has not been consistently and uniformly applied. Specifically:

- Contrary to Ms. Blue’s description of the Commission’s “practice,” the documents provided to the Town of Hopkinton include redacted copies of Attachment 3 of the BED form (Description of Present Business) for business entity qualifiers A&A, Etkin, Five Trees, RMP, Warner Gaming,

Warner Gaming Trust, and WG but an unredacted copy of Attachment 3 for business entity qualifier FCX.

- Contrary to Ms. Blue's description of the Commission's "practice," the documents provided to the Town of Hopkinton include fully or partially redacted copies of Attachment 5 of the BED form (Directors and Trustees) for business entity qualifiers A&A, Ajax, FCX, MPGE, RMP, Warner Gaming, Warner Gaming Trust, and WG but unredacted copies for business entity qualifier White River and for Crossroads.
- Contrary to Ms. Blue's description of the Commission's "practice," the documents provided to the Town of Hopkinton include fully or partially redacted copies of Attachment 6 of the BED form (Former Directors and Trustees) for business entity qualifiers FCX, MPGE and Warner Gaming Trust but unredacted copies for business entity qualifiers Ajax, Warner Gaming, WG, White River and for Crossroads.

62. Application of the Commission's purported practice, as described in Paragraph 58 of this Complaint, has resulted in the unlawful withholding of public records in violation of *M.G.L. c.66, §10*.

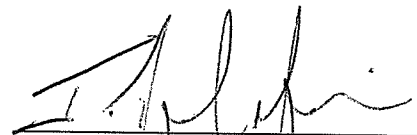
63. By failing to provide segregable portions of Crossroads' gaming application that were redacted pursuant to the MGC's purported practice, as described in Paragraph 58 of this Complaint, the MGC has failed to comply with the Town's Public Record Request of January 29, 2013.

REQUEST FOR RELIEF

WHEREFORE, the Town respectfully requests that this Court grant the following relief:

1. Issue an order in the nature of *mandamus* requiring Defendant to comply fully with the Town's Public Records Request, subject only to such redactions as the Court determines are properly exempt from disclosure.
2. Order such other relief as the Court shall deem to be just and equitable.

Respectfully submitted,
TOWN OF HOPKINTON
By its attorneys,



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