

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT
C.A. NO. 09-2799-G

PAUL W. COTE, WILLIAM E. GANNON, II, *
MICHAEL D. LONGTIN, VINCENT A. SILVIA, *
AND LAWRENCE CAHILL, *

Plaintiffs *

V. *

CITY OF BOSTON, MASSACHUSETTS, *
THOMAS M. MENINO, in his official *
capacity as Mayor of the City of Boston, *
BOSTON CITY COUNCIL: *
SALVATORE LAMATTINA, BILL *
LINEHAN, MAUREEN FEENEY, *
CHARLES C. YANCEY, ROB CONSALVO, *
JOHN TOBIN, CHUCK TURNER, *
MICHAEL P. ROSS, MARK CIOMMO, *
MICHAEL FLAHERTY, JOHN R. CONNOLLY, *
STEPHEN J. MURPHY, SAM MOON, in their *
official capacity as Councilors of the City of *
Boston; BOSTON POLICE DEPARTMENT, *
EDWARD DAVIS, in his official capacity as City *
of Boston Police Commissioner, JOHN DOE AND *
JANE DOE, fictitious names of Officials who are *
not known to the Plaintiffs at this time, *

Defendants *

**PLAINTIFFS PAUL W. COTE’S REQUEST FOR PRODUCTION OF
DOCUMENTS TO DEFENDANT SALVATORE LAMATTINA**

Now comes the Plaintiff, Paul W. Cote, and serves upon the Defendant, Salvatore LaMattina, the following Request for Production of Documents in accordance with Mass. R. Civ. P., Rule 34, to be answered by the Defendant under oath, within 30 days, to Plaintiff’s Counsel of record.

Please produce:

1.) Copies of all written, recorded or transcribed documents, including letters, faxes, e-mails, notes of phone conversations, inter-departmental memos, minutes of meetings, notes of meetings, and the like, prior to the commencement of this action, being July 3, 2009, regarding your investigation and research of and for the validity of what City of Boston Docket No. 0658, An Ordinance regulating the noise levels of motorcycles, and/or its enforcement, between yourself, and any employees, servants, agents and officials of:

- a.) The Federal Environmental Protection Agency;
- b.) The Massachusetts Department of Environmental Protection;
- c.) The Massachusetts Office of Environmental Police;
- d.) The Massachusetts Registry of Motor Vehicles;
- e.) The Massachusetts State Police;
- f.) The Boston Police Department;
- g.) Any Police Department within the Commonwealth of Massachusetts;
- h.) Any media outlet;
- i.) The Office of the Mayor of the City of Boston;
- j.) Any other Boston City Councillors and/or their staff;
- k.) The office of the Clerk of the City of Boston;
- l.) Any person in the City of Denver, Colorado;
- m.) Any person in the City of Green Bay, Wisconsin;
- n.) Any person in the City of New York City, New York;
- o.) Any person within the American Motorcyclists Association;
- p.) Any person within the Massachusetts Motorcycle Association;
- q.) Any citizen advocacy group, (e.g., NoiseOff.org);
- r.) Any citizens within the City of Boston.
- s.) Any Commonwealth of Massachusetts employee.

2.) Copies of all written, recorded or transcribed documents, including letters, faxes, e-mails, notes of phone conversations, inter-departmental memos, minutes of meetings, notes of meetings, and the like, subsequent to this action being filed July 3, 2009, regarding your investigation and research of and for the validity of what City of Boston Docket No. 0658, An Ordinance regulating the noise levels of motorcycles, and/or its enforcement, between yourself, and any employees, servants, agents and officials of:

- a.) The Federal Environmental Protection Agency;
- b.) The Massachusetts Department of Environmental Protection;
- c.) The Massachusetts Office of Environmental Police;
- d.) The Massachusetts Registry of Motor Vehicles;
- e.) The Massachusetts State Police;
- f.) The Boston Police Department;
- g.) Any Police Department within the Commonwealth of
Massachusetts;
- h.) Any media outlet;
- i.) The Office of the Mayor of the City of Boston;
- j.) Any other Boston City Councillors and/or their staff;
- k.) The office of the Clerk of the City of Boston;
- l.) Any person in the City of Denver, Colorado;
- m.) Any person in the City of Green Bay, Wisconsin;
- n.) Any person in the City of New York City, New York;
- o.) Any person within the American Motorcyclists Association;
- p.) Any person within the Massachusetts Motorcycle Association;
- q.) Any citizen advocacy group, (e.g., NoiseOff.org);
- r.) Any citizens within the City of Boston.

- s.) Any Commonwealth of Massachusetts employee.
- 3.) Any photographs or other documents depicting motorcycle exhaust systems that you used in making your decision to support City of Boston Docket No. 0658, An Ordinance regulating the noise levels of motorcycles.
- 4.) Any communication to any source regarding the enforcement, which you used in support of your decision to support the enactment of the City of Boston Docket No. 0658, An Ordinance regulating the noise levels of motorcycles.
- 5.) Any communication to any source describing how enactment of City of Boston Docket No. 0658, An Ordinance regulating the noise levels of motorcycles, regarding how “notice” of its enactment would be given to the 180,000 owners of registered motorcycles in the Commonwealth of Massachusetts, and the 250,000 owners of registered motorcycles in the give (5) area other New England states.
- 6.) Any document, including Federal Codes, State Statutes, and/or local Codes, you relied upon, prior to your vote to support enactment of City of Boston, Docket No. 0658, evidencing what you believed gave the City’s authority to impose City of Boston Docket No. 0658, An Ordinance regulating the noise levels of motorcycles, upon residents of the City of Boston.
- 7.) Any document, including Federal Codes, State Statutes, and/or local Codes, you relied upon, prior to your vote to support City of Boston Docket No. 0658, An Ordinance regulating the noise levels of motorcycles, evidencing the City’s authority to impose City of Boston Docket No. 0658, An Ordinance regulating the noise levels of motorcycles, upon non-residents of the City of Boston.
- 8.) Any document showing the number of motorcycles you personally inspected, for the purpose of determining whether a motorcycle had a “readily visible” EPA stamp or imprint, and the results and/or tally of your inspection results, prior to your vote to support enactment of City of Boston Docket No. 0658, An Ordinance regulating the noise levels of motorcycles,.
- 9.) If you are licensed to operator a motorcycle, please produce a copy of both sides of your Drivers License.
- 10.) Any evidence showing you had contact and/or visited any motorcycle dealer and/or motorcycle shop, for the purpose of inspecting and attempting to locate, the EPA stamp or imprint upon any motorcycle exhaust system, and the results and/or tally of your inspection results, prior to your vote to support enactment of City of Boston Docket No. 0658, An Ordinance regulating the noise levels of motorcycles.
- 11.) A copy of Title 40 of the Code of Federal Regulations, Section 205, subparts A, B, C, and D, which you reviewed and made notes upon that document, prior

to your vote to support enactment of City of Boston Docket No. 0658, An Ordinance regulating the noise levels of motorcycles.

12.) A copy of Massachusetts General Laws, Chapter 90, Sections 7T, 7S and 7U, that you reviewed and made notes upon that document, prior to your vote to support enactment of City of Boston Docket No. 0658, An Ordinance regulating the noise levels of motorcycles.

13.) A copy of the 540 Massachusetts Code of Regulations, 3.00, 3.01, 3.02, and 3.03, that you reviewed and made notes upon that document, prior to your vote to support enactment of City of Boston Docket No. 0658, An Ordinance regulating the noise levels of motorcycles.

14.) A copy of the 540 Massachusetts Code of Regulation, Section 4.06, which you reviewed and made notes upon that document, prior to your vote to support enactment of City of Boston Docket No. 0658, An Ordinance regulating the noise levels of motorcycles.

15.) A document showing any calculations of expected revenue, benefit and/or rewards to the City of Boston, generated by you or anyone else, prior to your vote to support enactment of City of Boston Docket No. 0658, An Ordinance regulating the noise levels of motorcycles.

16.) Any document evidencing 40 CRF Section 205, subparts A, B, C and D, are “consumer standards” vs. “manufacturer standards.”

17.) Any document evidencing motorcycle manufacturers and exhaust manufacturers do not add other equipment to exhaust systems which may cover a motorcycle exhaust system after the exhaust system is installed upon the motorcycle.

18.) Any document evidencing after an “acoustic assurance period” of one (1) year or 3,730 miles, the exhaust system still meetings the decibel levels contained within 40 CFR 205, subparts C and D.

19.) Any document evidencing that City of Boston Docket No. 0658, An Ordinance regulating the noise levels of motorcycles, do not conflict with existing State Statutes, after the acoustic assurance period.

20.) Any document evidencing the City of Boston Docket No. 0658, An Ordinance regulating the noise levels of motorcycles, is consistent with existing State Statutes, after the acoustic assurance period.

21.) Any document evidencing the safety methods and/or procedures the City Employees should take in the enforcement City of Boston Docket No. 0658, An Ordinance regulating the noise levels of motorcycles.

22.) Any document showing the appeal process of citizens issued citations as a result of alleged violations City of Boston Docket No. 0658, An Ordinance regulating the noise levels of motorcycles.

23.) Any document showing the cost to the City of Boston for the enforcement of and defense of appeals, for alleged violations of City of Boston Docket No. 0658, An Ordinance regulating the noise levels of motorcycles.

24.) All documents you intend to introduce into evidence at Trial.

Respectfully submitted,
The Plaintiff, Paul W. Cote,
By His Attorney,

Joseph S. Provanzano, Esquire
BBO # 407400
Law Offices Of
Joseph S. Provanzano
16 Bourbon Street, Suite C
Peabody, MA 01960-1338

Tel. : (978) 535 - 8222
Date : Monday, July 20, 2009
File : P09-2066

CERTIFICATE OF SERVICE

I, Joseph S. Provanzano, Esquire, hereby certify that on Monday, July 20, 2009, I served a copy of the foregoing pleadings upon the Defendant's Counsel of Record, by mailing same, via first class, postage prepaid to:

City of Boston Law Department
Attn: Sean Nehill , Esquire
Melissa A. Potvin, Esquire
1 City Hall Plaza, Room 616
Boston, MA 02201

Signed and sealed this Monday, July 20, 2009.

Joseph S. Provanzano, Esquire