

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
Civil Action No.

GLORIA ALCARRAZ; SORONX DE LA CRUZ;
and DIEULA ALECTINE,

Plaintiffs,

v.

EXECUTIVE OFFICE OF HOUSING AND
LIVABLE COMMUNITIES; and EDWARD M.
AUGUSTUS, SECRETARY OF THE EXECUTIVE
OFFICE OF HOUSING AND LIVABLE
COMMUNITIES,

Defendants.

**PLAINTIFFS’ EMERGENCY MOTION FOR A TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

Pursuant to Mass. R. Civ. P. 65, Plaintiffs hereby move this court for a temporary restraining order and preliminary injunction preventing Defendants from implementing announced changes to the emergency housing assistance program, which are set to take effect on November 1, 2023. Plaintiffs are entitled to the requested relief for the reasons stated in the complaint, the declarations and exhibits filed therewith, and the accompanying memorandum of law.

Those reasons include that: Plaintiffs have established a strong likelihood of success on their claims that Defendants’ announced changes to the emergency housing assistance program have violated the Administrative Procedure Act and a legislative budget mandate; Plaintiffs, and those similarly situated, will suffer immediate and irreparable harm due to the denial of emergency shelter if those changes are allowed to go into effect on November 1, 2023; and the public interest

would be served by compelling Defendants to comply with public notice requirements under State law before adopting the announced changes.

Pursuant to Superior Court Rule 9A, Plaintiffs also request an emergency hearing on this motion to be scheduled at the earliest possible date before November 1, 2023. Plaintiffs' request for relief is emergent because, if Defendants' announced changes to the emergency housing assistance program are allowed to take effect on November 1, 2023, Plaintiffs, and those similarly situated without access to housing, will be denied shelter placement.

WHEREFORE, based on the complaint, the declarations and exhibits filed therewith, as well as the accompanying memorandum of law, Plaintiffs respectfully request an emergency hearing on this motion, and that the Court enter the requested temporary restraining order and preliminary injunction.

Dated: October 27, 2023

Respectfully submitted,

/s/ Jacob M. Love

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Attorneys for Plaintiffs

Superior Court Rule 9C Certification

The undersigned hereby certifies that on October 27, 2023, at 7:35 pm, undersigned counsel sent an email to Abigail B. Taylor, Deputy Attorney General, and Robert Toone, Government Bureau Chief in the Office of the Attorney General. That email informed recipients that Plaintiffs planned to file this motion, noted the emergency nature of the requested relief, and sought to confer regarding Defendants’ position on the motion in a good faith attempt to narrow or resolve the issues presented. At the time of filing, the parties have been unable to do so.

Dated: October 27, 2023

/s/ Jacob M. Love

Certificate of Service

I, Jacob M. Love, of Lawyers for Civil Rights, do hereby certify that, on October 27, 2023, a true copy of this document was served upon the following attorneys by email:

Abigail B. Taylor
Deputy Attorney General
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Dated: October 27, 2023

/s/ Jacob M. Love