Date Filed 11/19/2026 1:39 PM
Superior Court - Middlesex
Docket Number 2181CV01458

J

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT
C.A. NO. 2181CV01458

MALDEN PUBLIC SCHOOLS,

Plaintiff,

v.

MANZA ARTHUR,[1] SUPERVISOR OF RECORDS OF THE PUBLIC RECORDS DIVISION OF THE OFFICE OF WILLIAM FRANCIS GALVIN, SECRETARY OF THE COMMONWEALTH; WILLIAM GALVIN, SECRETARY OF THE COMMONWEALTH; and BRUCE FRIEDMAN,

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/s/ Claire M. Specht
Claire M. Specht
Assistant Attorney General

Dated: November 19, 2026

Date Filed 11/19/2026 1:39 PM
Superior Court - Middlesex
Docket Number 2181CV01458

J

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT
C.A. NO. 2181CV01458

MALDEN PUBLIC SCHOOLS,

Plaintiff,

v.

MANZA ARTHUR,[1] SUPERVISOR OF RECORDS OF THE PUBLIC RECORDS DIVISION OF THE OFFICE OF WILLIAM FRANCIS GALVIN, SECRETARY OF THE COMMONWEALTH; WILLIAM GALVIN, SECRETARY OF THE COMMONWEALTH; and BRUCE FRIEDMAN,

Defendants.

RECEIVED

11/19/2026

STATE DEFENDANTS' UNOPPOSED MOTION TO CONTINUE DECEMBER 2, 2026 HEARING

Defendants Manza Arthur (in her official capacity as Supervisor of Records of the Public Records Division of the Office of William Francis Galvin) ("Supervisor") and William Galvin (in his official capacity as Secretary of the Commonwealth) (together, "State Defendants") respectfully request that the Court continue the hearing presently scheduled for December 2, 2026, to January 19, 2027, or at the Court's convenience thereafter. As grounds for this Motion, the State Defendants state as follows:

1. On November 9, 2026, the Court rescheduled a hearing on pending motions from November 10, 2026, to December 2, 2026. Two of the pending motions include Plaintiff Malden

[1] Manza Arthur is the current Supervisor of Records of the Public Records Division and is substituted as a defendant under Mass. R. Civ. P. 25(d).

Public Schools' ("MPS") and the State Defendants' cross-motions for judgment on the pleadings. *See* Dkts. 104, 104.1, 104.2, 104.3, 104.3.

2. On November 3, 2026, the Appeals Court issued a published decision in a consolidated appeal involving three cases where the City of Malden sought review of the Supervisor's determinations related to public records requests from Bruce Friedman (or Mr. Friedman d/b/a OpenCommonwealth). *See generally City of Malden v. Supervisor of Pub. Recs. of the Commonwealth*, 107 Mass. App. Ct. 524 (2026) (attached hereto as Exhibit 1).

3. In its decision, the Appeals Court held that a records custodian does not have standing to initiate an action seeking judicial review of a Supervisor's decision, and that the Public Records Law does not provide a private right of action to a records custodian to challenge a decision by the Supervisor. *City of Malden*, 107 Mass. App. Ct. at 531-532.

4. The Appeals Court also held that each claim the City of Malden asserted in those cases—declaratory judgment under G.L. c. 231A, review under G.L. c. 30A, and certiorari review under G.L. c. 249, § 4—is unavailable to a records custodian. *City of Malden*, 107 Mass. App. Ct. at 533-535.

5. In this case, MPS seeks review of certain decisions by the Supervisor related to public records requests from Mr. Friedman and has asserted claims for declaratory judgment under G.L. c. 231A, review under G.L. c. 30A, and certiorari review under G.L. c. 249, § 4. Dkt. 93 (Second Amended Complaint) ¶¶ 98-118.

6. By e-mail on November 12, 2026, counsel for MPS indicated that the City of Malden would be applying for further appellate review in connection with the *City of Malden v. Supervisor of Public Records of the Commonwealth* decision. *See also* No. 2481CV02456, Dkt. 30 ¶ 6 (Mass. Super. Ct. (Middlesex)).

7. Because the Appeals Court's decision in *City of Malden*, 107 Mass. App. Ct. at 531-535, addresses threshold issues related to the propriety of MPS's claims in this case, those issues should be decided before addressing the merits of MPS's and the State Defendants' cross-motions for judgment on the pleadings. *See, e.g.*, *HSBC Bank USA, N.A. v. Matt*, 464 Mass. 193, 199 (2013) ("standing is a question of subject matter jurisdiction"). Moreover, the City of Malden intends to apply for further appellate review in connection with the *City of Malden v. Supervisor of Public Records of the Commonwealth* decision (*supra* ¶ 6), such that appellate proceedings may remain pending in those cases.[2] Accordingly, it would promote judicial economy to continue the December 2, 2026 hearing.

8. Furthermore, on November 10, 2026, Mr. Friedman filed a notice with the Court requesting that the Court reschedule the December 2, 2026 hearing because he is unavailable on that date. *See* Dkt. 112.

9. Undersigned counsel conferred with counsel for MPS and with Mr. Friedman on the relief sought in this Motion.

10. On November 16, 2026, undersigned counsel conferred with MPS by telephone, and the parties further conferred via email. Counsel for MPS does not oppose continuing the hearing to January 2027, and indicated that counsel for MPS is unavailable on the currently-scheduled hearing date of December 2, 2026.

11. On November 19, 2026, undersigned counsel conferred with Mr. Friedman by telephone. Mr. Friedman assents to continuing the December 2, 2026 hearing, and requested that

[2] The State Defendants expressly reserve their right to serve and file motions pursuant to Superior Court Rule 9A in this case, including motions to dismiss, based on the Appeals Court's decision in *City of Malden*, 107 Mass. App. Ct. 524, or any decision by the Supreme Judicial Court should the Supreme Judicial Court agree to grant further appellate review.

any hearing be rescheduled for January 19, 2027, or thereafter, based on preexisting commitments earlier in January 2027.

WHEREFORE the State Defendants respectfully request that the Court continue the December 2, 2026 hearing date to January 19, 2027, or at the Court's convenience thereafter.

Respectfully submitted,

MANZA ARTHUR, in her official capacity as Supervisor of Records of the Public Records Division of the Office of William Francis Galvin, Secretary of the Commonwealth,
and
WILLIAM FRANCIS GALVIN, in his official capacity as Secretary of the Commonwealth,

By their attorneys:

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

/s/ Claire M. Specht

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Claire.Specht@mass.gov

Dated: November 19, 2026

SUPERIOR COURT RULE 9C CERTIFICATION

Pursuant to Superior Court Rule 9C, I, Claire M. Specht, hereby certify that I conferred with counsel for Plaintiff Malden Public Schools and with Defendant Bruce Friedman regarding the relief sought in this Motion. I conferred with counsel for Malden Public Schools via telephone on November 16, 2026, and the parties further conferred via email following that teleconference. Malden Public Schools does not oppose the relief sought in this Motion and indicated that counsel for Malden Public Schools is unavailable on the currently-scheduled December 2, 2026 hearing date. I conferred with Mr. Friedman via telephone on November 19, 2026. Mr. Friedman assents to the relief sought in this Motion.

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Claire M. Specht
Assistant Attorney General

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I, Claire M. Specht, hereby certify that I caused the foregoing document to be served on Plaintiff Malden Public Schools' counsel of record and on Defendant Bruce Friedman by e-mail as follows:

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and
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By their attorneys:

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

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