

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

Brian Dalton; New England Firearms	)	
Academy, Inc.; John Troisi; Big Jack's Auto	)	
Service and Towing, on behalf of themselves	)	C.A. No. 1:23-cv-11216-WGY
and a class of similarly situated persons,	)	
	)	
Plaintiffs,	)	
v.	)	
	)	
Yvonne Hao, in her official capacity as	)	
Secretary of Economic Development,	)	
Massachusetts Growth Capital Corporation,	)	
and Lawrence D. Andrews, in his official	)	
capacity as President and CEO of	)	
Massachusetts Growth Capital Corporation,	)	
	)	
Defendants.	)	

**PLAINTIFFS' NOTICE OF VOLUNTARY DISMISSAL
PURSUANT TO F.R.C.P. 41(a)(1)(A)(i)**

On September 7, 2023, counsel for Defendants informed counsel for Plaintiffs that Defendants will not award grant funds under the Inclusive Recovery Grant Program to applicants who only indicated that their business is minority-owned, woman-owned, or LGBTQ+-owned, and that funds will only be given to applicants who indicated that their business focuses on reaching markets predominantly made up of socially and economically disadvantaged and historically underrepresented groups or underserved markets. Plaintiffs Brian Dalton; New England Firearms Academy, Inc.; John Troisi; and Big Jack's Auto Service and Towing hereby give notice that this action is voluntary dismissed. Defendants have not served an answer or motion for summary judgment in this action. Accordingly, Plaintiffs voluntarily dismiss this action, without prejudice. *See* Fed. R. Civ. P. 41(a)(1)(B).

DATED: September 22, 2023.

Respectfully submitted,

PACIFIC LEGAL FOUNDATION

By: /s/ Jonathan M. Houghton

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**Pro Hac Vice*

CERTIFICATE OF SERVICE

I, Jonathan M. Houghton, hereby certify that on September 22, 2023, I caused the foregoing Notice to be electronically filed with the Clerk of Court, using the CM/ECF system. The foregoing Notice was served by the CM/ECF system on all counsel of record.

/s/ JONATHAN M. HOUGHTON
JONATHAN M. HOUGHTON
(BBO 641688)