

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|                                   |   |                                |
|-----------------------------------|---|--------------------------------|
| MASS DYNAMICS, LLC, BOSTON        | ) | CIVIL ACTION NO. 19-12035      |
| VAPOR, LLC, LINDA AND JEFFREY     | ) |                                |
| VICK d/b/a VICK’S VAPE SHOP,      | ) |                                |
| JIMBUDDY’S INCORPORATED, and,     | ) | <b>ORAL ARGUMENT REQUESTED</b> |
| JERALD MOLLMAN d/b/a J’S VAPOR    | ) |                                |
| DEN,                              | ) |                                |
| Plaintiffs,                       | ) |                                |
|                                   | ) |                                |
| v.                                | ) |                                |
|                                   | ) |                                |
| CHARLES D. BAKER, in his official | ) |                                |
| capacity as GOVERNOR OF THE       | ) |                                |
| COMMONWEALTH OF                   | ) |                                |
| MASSACHUSETTS, MONICA BHAREL,     | ) |                                |
| M.D., in her official capacity as | ) |                                |
| DEPARTMENT OF PUBLIC HEALTH       | ) |                                |
| COMMISSIONER, and                 | ) |                                |
| COMMONWEALTH OF                   | ) |                                |
| MASSACHUSETTS,                    | ) |                                |
| Defendants.                       | ) |                                |

**PLAINTIFFS’ EMERGENCY MOTION FOR HEARING ON  
TEMPORARY RESTRAINING ORDER**

Plaintiffs, Mass Dynamics, LLC (“Mass Dynamics”), Boston Vapor, LLC (“Boston Vapor”), Linda and Jeffrey Vick d/b/a Vick’s Vape Shop (“Vick’s”), JimBuddy’s Incorporated (“JimBuddy’s”), and Jerald Mollman d/b/a J’s Vapor Den (“J’s Vapor Den”) (collectively, the “Plaintiffs”, hereby move this Court to schedule an immediate hearing, on Friday, October 4, 2019, at 11:00 A.M., in Courtroom 9, before Judge Talwani, on Plaintiffs’ Motion for a Temporary Restraining Order. As grounds for this Motion, the Plaintiffs state that a case arising out of the same set of facts and legal issues that is pending before this Court, and is styled, Vapor Technology Association, et al. v. Baker, et al., C.A. No. 1:19-cv-12048, is scheduled for a hearing on a motion for a

temporary restraining order on Friday, October 4, 2019, at 11:00 A.M., in Courtroom 9, before Judge Talwani.

As such, for the sake of judicial economy, the Plaintiffs respectfully request a hearing on their motion for a temporary restraining order be heard on Friday, October 4, 2019, at 11:00 A.M., in Courtroom 9, before Judge Talwani.

As more fully laid out in the Plaintiffs' Memorandum of Law in Support of its Motion for a Temporary Restraining Order, in the absence of an immediate hearing on the requested temporary restraining order the Plaintiffs will suffer incalculable and irreparable harm to their businesses including, but not limited to, substantial lost business opportunities resulting from the ban imposed by the Defendants on the marketing and sale of electronic nicotine delivery systems ("ENDS") products and so-called "e-liquids." The loss of revenue from these products has been devastating to these small family run businesses.

In light of the foregoing and the substantial risk of irreparable injury to the Plaintiffs if the status quo ex ante is not preserved pending a disposition on the merits of the claim, the Plaintiffs respectfully request an immediate hearing to scheduled on Friday, October 4, 2019, at 11:00 A.M., in Courtroom 9, before Judge Talwani, along with the motions presented in connection with Vapor Technology Association, et al. v. Baker, et al., C.A. No. 1:19-cv-12048-IT.

Respectfully submitted,

PLAINTIFFS,  
MASS DYNAMICS, LCC,  
BOSTON VAPOR, LLC,  
LINDA AND JEFFREY VICK d/b/a  
VICK'S VAPE SHOP,  
JIMBUDDY'S INCORPORATED,  
and JERALD MOLLMAN d/b/a  
J'S VAPOR DEN,  
By their attorney,

/s/ Craig E. Rourke

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Dated: October \_\_, 2019



**LOCAL RULE 7.1(A)(2) CERTIFICATION**  
**AND CERTIFICATE OF SERVICE**

I, Craig E. Rourke, hereby certify that Attorney Cheryl Jacques of my office conferred with counsel from the Office of the Massachusetts Attorney General on or around October 1, 2019 in an effort to resolve or narrow the issues presented in this motion prior to filing.

/s/ Craig E. Rourke

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Craig E. Rourke