

Docketed 06/12/2025

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

SUPERIOR COURT DEPARTMENT
C.A. NO. 2482CV00615

MICHAEL BARRY & DIANNE BARRY,)
Plaintiffs,)
)
VS.)
)
HELENA RAFFERTY,)
Defendant.)

DEFENDANT HELENA RAFFERTY'S STATEMENT OF MATERIAL FACTS
WITH PLAINTIFF'S RESPONSES IN SUPPORT OF HER
MOTION FOR SUMMARY JUDGMENT

1. Ms. Rafferty has been the Canton Police Chief since June 14th, 2022. See Chief Rafferty's deposition as Ex. A at p. 4, ln. 3-4.

Response: Admitted.

2. The Town assigned Chief Rafferty a Ford explorer in November 2023. Id. at p. 10, ln 13-14.

Response: The Plaintiff is not with enough knowledge to admit nor deny.

3. Charles E. Doody is the Town Administrator of Canton, MA. See Affidavit of Mr. Doody as Ex. B, ln. 3.

Response: Admitted

4. The Canton Police Chief is assigned a Town owned vehicle. Id. at ln.4.

Response: Admitted.

5. The Police Chief's assigned vehicle is equipped with lights, sirens, radio, and everything else needed to respond to an emergency call. Id. at ln.5.

Response: The Plaintiff is not with enough knowledge to admit nor deny.

6. It is the Town of Canton's policy that Chief Rafferty is on duty any time she is operating her Town assigned vehicle. Id. at ln.6.

Response: Denied (See Ex. E)

7. The Chief's job requires her to respond to emergencies throughout the day and night, so she is assigned a vehicle that is equipped with the necessary equipment to do so from wherever she may be at the time she receives an emergency call. Id. at ln.7.

Response: The Plaintiff is not with enough knowledge to admit nor deny.

8. The Canton Police Chief, Canton Fire Chief, Deputy Police Chief, Deputy Fire Chief and Town Administrator are the only Town employees who are assigned a Town owned vehicle approved for personal use and all are considered to be on duty any time either are driving their assigned vehicle. Id. at ln.8.

Response: The Plaintiff is not with enough knowledge to admit nor deny.

9. On the date of the incident Chief Rafferty left the Canton Police station and drove to TJ MAXX in Plainville to return some items. See Chief Rafferty's deposition as Ex. A at p. 11, ln. 11-21.

Response: Admitted

10. While driving towards TJ Maxx Chief Rafferty was having a work related phone call and once she was in the store parking lot she was sending work related e-mails. Id.

Response: The Plaintiff is not with enough knowledge to admit nor deny.

11. After leaving TJ Maxx, on her way to her home in Norfolk, she was involved in a collision with a pedestrian at the intersection of South and Creek Street in Wrentham. Id. at p. 13, ln. 3-8.

Response: Admitted

The Defendant,
HELENA RAFFERTY,
By her Attorneys,

PIERCE DAVIS & PERRITANO LLP

/s/ Jason W. Crotty

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CERTIFICATE OF SERVICE

I, Jason W. Crotty, certify that on the 9th day of June 2025, a true copy of the above document was served by electronic mail on the following attorneys of record:

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/s/ Jason W. Crotty

Jason W. Crotty