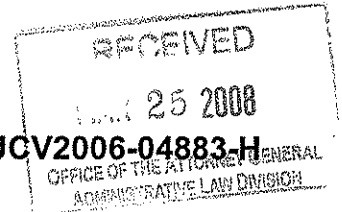


Commonwealth of Massachusetts

**County of Suffolk
The Superior Court**

CIVIL DOCKET#: **SUCV2006-04883-H**



RE: Ameal et al v Somerville Police Department et al

TO: Juliana deHaan Rice, Esquire
Mass Atty General's Office
1 Ashburton Place
Room 2019
Boston, MA 02108-1698

RECEIVED
2008 MAR 28 A 9:59
COMMONWEALTH OF MASS
CIVIL SERVICE COMMISSION

NOTICE OF DOCKET ENTRY

You are hereby notified that on **03/24/2008** the following entry was made on the above referenced docket:

JUDGMENT Pliffs motion for Judgment on the pleadings After having and review of the papers motion is denied for the reasons set forth on the record And defts motion for Cross-motion for Judgment on the pleadings is allowed after review of the papers and for the reasons set forth on the record Judgment to enter affirming the Decision of the Civil Service Commission Judgment for the defts **APPROVED** (Brassard J) entered on docket pursuant to Mass R Civ P 58(a) and notice sent to parties pursuant to Mass R Civ P 77(d)

Dated at Boston, Massachusetts this 24th day of March, 2008.

Michael Joseph Donovan,
Clerk of the Courts

BY: Nancy E. Goldrick
Assistant Clerk

Telephone: 617-788-8147

Disabled individuals who need handicap accommodations should contact the Administrative Office of the Superior Court at (617) 788-8130

Commonwealth of Massachusetts
County of Suffolk
The Superior Court

11

CIVIL DOCKET# SUCV2006-04883

Michael Ameral,
Michael Kiely
vs
Somerville Police Department,
Civil Service Commission

JUDGMENT

This action came on before the Court, Raymond J. Brassard, Justice, presiding, and upon consideration thereof,

It is **ORDERED** and **ADJUDGED**:

Plaintiffs motion for Judgment on the Pleadings, After having and review of the papers motion is **DENIED** for the reasons set forth on the record. And, Defendants motion for Cross-Motion for Judgment on the Pleadings is **ALLOWED** after review of the papers and for the reasons set forth on the record. **Judgment to enter affirming the Decision of the Civil Service Commission, Judgment for the Defendants.**

Dated at Boston, Massachusetts this 20th day of March, 2008.

Michael Joseph Donovan,
Clerk of the Courts

Approved as to Form:

Brassard, J., Justice of the Superior Court

By:

Assistant Clerk

cvdjudgen.wpd 3249041 opmemfi goldrick

JUDGMENT ENTERED ON DOCKET March 20 2008
PURSUANT TO THE PROVISIONS OF MASS. R. CIV. P. 58(a)
AND NOTICE SENT TO PARTIES PURSUANT TO THE PRO-
VISIONS OF MASS. R. CIV. P. 77(d) AS FOLLOWS

THIS CASE IS IMPROPERLY ENTERED ON

Notice
sent
3/24/08
SCP
MJC
DIL
MJC
BAS
JEF
DIUBD
JLR
MABO
P

3/24/08
20

add after motion 3/20/08
NOTIFY
COMMONWEALTH OF MASSACHUSETTS
SUFFOLK, ss
SUPERIOR COURT DEPT.
CIVIL ACTION NO. SUCV2006-04883-H
P-14

MICHAEL AMERAL and
MICHAEL KIELY,
Plaintiffs,

v.

SOMERVILLE POLICE DEPARTMENT and
CIVIL SERVICE COMMISSION
Defendants.

*After hearing, and after
review of the papers,
denied for the
reasons set forth
on the record.*

*Paul J. [unclear]
2007 DEC 12 AM 11:55
CLERK/CIS RATE*

PLAINTIFFS MICHAEL AMERAL AND MICHAEL KIELY'S
MOTION FOR JUDGMENT ON THE PLEADINGS
PURSUANT TO SUPERIOR COURT STANDING ORDER 1-96(4)

Now come the plaintiffs, Ameral and Kiely and hereby move this Honorable Court to
allow their Motion for Judgment on the Pleadings.

As grounds therefore, the plaintiffs have attached a Memorandum of Law in Support of their
Motion.

Plaintiffs,
By their attorney,

Stephen C. Pfaff
Douglas I. Louison (BBO # 545191)
Stephen C. Pfaff (BBO # 553057)
MERRICK, LOUISON & COSTELLO
67 Batterymarch Street
Boston, MA 02110
(617) 439-0305

*Notice
sent 3/24/08*

CERTIFICATE OF SERVICE

I, Stephen C. Pfaff, hereby certify that on the 5th of December 2007, I served the foregoing on the **Civil Service Commission**, One Ashburton Place, Room 503, Boston, Massachusetts 02108 and John Foscett, Esq., Deutsch Williams Brooks DeRensis & Holland, P.C., One Design Center Place, Suite 600, Boston, MA 02210.



Stephen C. Pfaff

12.14
3/20/08 9
12.14
3/20/08 9
COMMONWEALTH OF MASSACHUSETTS
SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION NO. 06-4883-H

MICHAEL AMERAL and MICHAEL KIELY)

Plaintiffs,)

v.)

SOMERVILLE POLICE DEPARTMENT and)
CIVIL SERVICE COMMISSION)

Defendants.)

After review of the papers, and after hearing, Allowed for the reasons set forth in the record. Judgment for enter affirming the decision of the

**DEFENDANT SOMERVILLE POLICE DEPARTMENT'S OPPOSITION TO
PLAINTIFFS' MOTION FOR JUDGMENT ON THE PLEADINGS/DEFENDANT'S
CROSS-MOTION FOR JUDGMENT ON THE PLEADINGS**

Pursuant to Mass.R.Civ.P. 12(c) and Standing Order 1-96, defendant Somerville Police Department opposes Plaintiffs' Motion for Judgment on the Pleadings and moves for an order entering judgment on the pleadings in its favor. As grounds, defendant states that plaintiffs cannot show that the decision by defendant Civil Service Commission, which sustained plaintiffs' 15-day suspensions from their duties as police officers based on the filing of false reports about a firearms discharge and other violations, is subject to annulment or reversal by this court pursuant to the standard of review required by G.L. c. 31, § 44 and G.L. c. 30A, § 14(7). Instead, based on the administrative record of proceedings before the Commission, defendant is

Commission.

Mark J. 20 March 08

Opp and cross motion for judgment
12.14
3/20/08 9

SUFFOLK, ss.

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION NO. 06-4883-H

MICHAEL AMERAL and MICHAEL KIELY)

Plaintiffs,)

v.)

SOMERVILLE POLICE DEPARTMENT and)
CIVIL SERVICE COMMISSION)

Defendants.)

After review of the papers, and after hearing, Allowed for the reasons set forth in the record. Judgment for enter affirming the decision of the

2007 DEC 18 PM 12:00
CLERK/REGISTRAR

**DEFENDANT SOMERVILLE POLICE DEPARTMENT'S OPPOSITION TO
PLAINTIFFS' MOTION FOR JUDGMENT ON THE PLEADINGS/DEFENDANT'S
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Commission.

*Paul J.
20 March*

entitled to a judgment affirming the Commission's decision. These grounds are set forth in greater detail in the Memorandum of Law filed herewith.

SOMERVILLE POLICE DEPARTMENT
By its attorneys,



John Foscett, BBO# 175540
DEUTSCH WILLIAMS BROOKS
DERENSIS & HOLLAND, P.C.
99 Summer Street
Boston, MA 02110-1213
(617) 951-2300

Date: December 5, 2007

DWLIBDB 217389v1
1029/00

CERTIFICATE OF SERVICE
I hereby certify that a true copy of the above
document was served upon the attorney of record for each
party by first class mail on this date.

