

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss

SUPERIOR COURT

Civil Action No. 10-0657

Town of Tewksbury and Tewksbury
Police Department,
Plaintiffs

v.

Massachusetts Civil Service Commission
and Peter Cyrus,
Defendants

Not a sent
06.09.10

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LTD, LLP

RLQjn
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RT ASSOC PC

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PLAINTIFF'S MOTION TO STAY ENFORCEMENT OF THE CIVIL SERVICE
COMMISSION'S DECISION GRANTING DEFENDANT, PETER CYRUS, RELIEF

Pursuant to Mass. R. Civ. P. 65 and G.L. c.30A §14(3), the Plaintiff, Town of Tewksbury and Tewksbury Police Department, moves for this Honorable Court to stay enforcement of the Decision and Order of the Civil Service Commission in the underlying matter of Peter Cyrus v. Tewksbury Police Department, Commission Docket No. G1-08-107, which is the subject of the pending petition for judicial review.

The Plaintiff further moves to enjoin the Commonwealth of Massachusetts Human Resources Division from placing Mr. Cyrus' name at the top of any current certification list and/or the next certification list from which the next original appointment to the position of Tewksbury Police Officer shall be made. In support thereof, the Plaintiffs refer to the attached

memorandum of Law. *I have reviewed the Commission's decision and the DHEA decision. I find a substantive likelihood that upon judicial review it will be decided the Commission exceeded its authority and substituted its judgment for the Appointing Authority. The harm to the public interest if an inappropriate candidate is hired as a police officer is greater than the harm to Mr. Cyrus if his appointment is DELAYED. Motion for STAY IS ALLOWED*

Francis G. The Judge 6.7.2010