

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO. 07-3389 -B

1-8-CF ✓ 11
1-2-09 ✓
JAN 05 2009

CITY OF NEWTON,
Plaintiff

v.

CIVIL SERVICE COMMISSION and
LAMONT DAVIS,
Defendants

Notice sent
1/02/2009
D. B. L. K.
R. L. Q., JR.
C. A. C.

(sc)

2009 JAN -4 PM 12:06

Motion denied. There has been no showing that this agency's decision was arbitrary & capricious or based on an error of law. 12/15/11

**CITY OF NEWTON'S
MOTION FOR JUDGMENT ON THE PLEADINGS**

The City of Newton (the "City"), hereby moves pursuant to Mass. R. Civ. P. 12(c), for judgment in the above-captioned matter. A claim for judicial review of a Civil Service Commission proceedings, as this, is required to be resolved through a Rule 12 (c) motion, and confined to the administrative agency's record pursuant to Superior Court Standing Order I-96(4) and M.G.L. c. 30A, §14.

In support of this Motion, the City submits herewith its Memorandum of Law with appropriate citations to the Administrative Record.

WHEREFORE, the City respectfully requests that this motion be ALLOWED, that the decision of the Civil Service Commission be reversed, and that the City's decision to terminate appellant firefighter Lamont Davis be upheld.