

COMMONWEALTH OF MASSACHUSETTS

Hampden, SS

HAMPDEN COUNTY
SUPERIOR COURT
FILED

APR - 7 2010

Superior Court
C.A. No. 08-0748RECEIVED
2010 APR 12 A 10:05
COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSIONEdward Eckert,
Plaintiff,

v.

Massachusetts Civil Service
Commission and City of Holyoke,
Defendants,

Plaintiff's Rule 12 (c) Motion

Now comes the Plaintiff, Edward Eckert, and respectfully moves this Honorable Court pursuant to Mass R. Civ. P. 12 (c) and Standing Order No. 1-96 for judgment on the pleadings against the Defendants, Massachusetts Civil Service Commission and City of Holyoke. The basis for Plaintiffs Motion is the assembled Administrative Record and the Transcript of the Civil Service Hearing D-07-181. In Support of this Motion, the Plaintiff has submitted a Memorandum In Support.

Wherefore, the Plaintiff requests that this Court allow its Motion on the Pleadings against Defendants, Civil Service Commission and City of Holyoke.

After review of the pleadings and the administrative record, I conclude that the decision by the Massachusetts Civil Service Commission upholding the City of Holyoke's determination that there was just cause to issue a three-day suspension to the plaintiff, was (1) supported by substantial evidence, (2) was not based on an error of law, and (3) was not arbitrary and capricious. Accordingly, the Plaintiff's motion for judgment on the pleadings is DENIED, and the Defendant City of Holyoke's cross motion for judgment on the pleadings is ALLOWED. J. Kuder 3/24/10 MHA F. 3.19.10

Commonwealth of Massachusetts
County of Hampden
The Superior Court

CIVIL DOCKET# HDCV2008-00748

Edward Eckert
Plaintiff

vs

Civil Service Commission,
City of Holyoke
Defendants

JUDGMENT

This action came on for hearing before the Court, C. Jeffrey Kinder, Justice presiding, on the Plaintiff's Motion for Judgment on the Pleadings and upon consideration thereof,

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

The Plaintiff's Motion for Judgment on the Pleadings is **Denied** and the Defendant's, City of Holyoke, Cross Motion for Judgment on the Pleadings is **Allowed**.

Dated at Springfield, Massachusetts this 29th day of March, 2010.

HAMPDEN COUNTY
SUPERIOR COURT
FILED

MAR 29 2010

Brian P. Lees
CLERK-MAGISTRATE

Brian P. Lees,
Clerk of the Courts

By *Stephanie Roscoe*
Assistant Clerk