

**Commonwealth of Massachusetts  
County of Suffolk  
The Superior Court**

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CIVIL DOCKET#: SUCV2010-01238-E

2013 APR -5 A 10:22  
RE: Boston Police Department v Fitzgibbon et al

COMMONWEALTH OF MASS  
CIVIL SERVICE COMMISSION  
TO: Iraida J Alvarez, Esquire  
Mass Atty General's Office  
1 Ashburton Place  
20th Floor  
Boston, MA 02108-1698

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APR 08 2013

OFFICE OF THE ATTORNEY GENERAL  
ADMINISTRATIVE SERVICES

**NOTICE OF DOCKET ENTRY**

You are hereby notified that on **11/29/2010** the following entry was made on the above referenced docket:

**Plaintiff Boston Police Department's MOTION for Judgment on pleadings (Rule 12) (w/opp)**

Dated at Boston, Massachusetts this 1st day of April, 2013.

Michael Joseph Donovan,  
Clerk of the Courts

BY: Margaret M. Buckley  
Assistant Clerk

Telephone: 617-788-8144

Notify

Boston Police Department v. Daniel Fitzgibbon, et al, SUCV2010-01238-E

Re: Motions of the parties for judgment on the pleadings (Paper #13)

3/21/13: The plaintiff Boston Police Department's (the "Department's") motion is ALLOWED. The defendants' cross-motions are DENIED. In substance, the defendant Civil Service Commission (the "Commission") substituted its judgment for that of the Department as to the soundness of the testifying specialists' opinion with regard to the fitness of the defendant Daniel Fitzgibbon ("Fitzgibbon") for appointment as a police officer. It is not permitted to do so. *Town of Falmouth v. Civil Service Commission*, 61 Mass.App.Ct. 796, 800 (2004). "The Commission's role, while important, is relatively narrow in scope: reviewing the legitimacy and reasonableness of the appointing authority's actions." *City of Beverly v. Civil Service Commission*, 78 Mass. App. Ct. 182, 187 (2010). "Such deference is especially appropriate with respect to the hiring of police officers. In light of the high standards to which police officers appropriately are held, appointing authorities are given significant latitude in screening candidates." *Id.* at 188. In the Court's view, the Commission went beyond its legally circumscribed role when it decided which of the testifying specialists' opinions were more compelling in the context of the decision whether Fitzgibbon should be appointed as a police officer.

Uyghur Randamly, D.

Notice sent

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S.G.

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