

Notify

11

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPERIOR COURT
CIVIL ACTION NO. SUCV2008-3807-E

PHYLLIS IGOE,
Plaintiff

v.

BOSTON POLICE DEPARTMENT, and
CIVIL SERVICE COMMISSION
Defendants

) Notice sent
) 8/16/2010
) N. L. T.
) P. I.
) R. Q.

(sc)

**DEFENDANT, BOSTON POLICE DEPARTMENT'S, MOTION IN OPPOSITION TO
PLAINTIFF'S MOTION FOR JUDGMENT ON THE PLEADINGS AND CROSS
MOTION FOR JUDGMENT ON THE PLEADINGS**

The Defendant, Boston Police Department, hereby moves this Court for an order denying the Plaintiff's Motion for Judgment on the Pleadings, granting its Cross Motion for Judgment on the Pleadings, and confirming the Civil Service Commission's decision upholding the suspension of the Plaintiff. In support of this motion, the Defendant submits the accompanying Memorandum In Opposition to Plaintiffs Motion for Judgment on the Pleadings and Cross Motion for Judgment on the Pleadings.

Respectfully submitted,
Boston Police Department,
By its attorney,

Nicole I. Taub

Nicole I. Taub, BBO#663517
Staff Attorney
Boston Police Department
Office of the Legal Advisor
One Schroeder Plaza
Boston, MA 02120
(617) 343-4550

Date: June 7, 2010

Follow hearing, Cross-motion by a for judgment on the pleadings
is submitted. Judgment shall enter in favor of Defendant and the
Complaint shall be dismissed w/ prejudice. One Rose 8/12/2010

Notify Fellow hearing this day, motion denied.
Pursuant to G.L.C. 30A § 14(7) I rule the
Agency decision was based on substantial evidence, and was
not arbitrary or capricious, or based on an erroneous
law. I may not consider the materials plaintiff has
May 6, 2010 sought to submit in supplementation of the
Record, and I do not re-weigh the credibility
determinations made by the hearing officer. 6.L.C.
Phyllis Igoe vs. Civil Service
Summary of Events Leading Up to My Suspensions
30A § 14(5)
On Request
8/12/2010 *Motion for a judgement for the pleading*

For several years my supervisor was CSO Officer Bridget Kaskesky. We had a very good working relationship. Officer Kaskesky reported up to Sergeant Roy Chambers until he retired in June of 2003. Unfortunately, Officer Kaskesky was transferred in November of 2003, and it was at that time Officer Luis Vasquez became my supervisor. Luis Vasquez reported into Sergeant Jameson.

In 2003, Donna Bell, a former traffic supervisor claimed to be harassed by Sergeant Jameson in 2003. Donna Bell was put on administrative leave on January 16, 2004. According to an affidavit drawn up by Donna Bell, she got so fed up she resigned on May 13, 2004. (Exhibit A)

I was also continuously harassed by Sergeant Jameson. He was also verbally abusive to me. He changed my crossings approximately three times for no apparent reason. For example, for more than a year, I worked with no incident at Lagrange Street and Redgate Road crossing in West Roxbury until I received a letter from Sergeant Jameson dated April 2, 2005. (Exhibit B) The letter read that Principal Mrs. Gibbons and he decided to relocate me to St. Theresa Avenue and Homewood Road in West Roxbury which was just around the corner from the original crossing of Lagrange Street and Redgate Road.

A new traffic supervisor was not assigned to the original location even though it was an extremely dangerous intersection that had no traffic lights and accidents occurred there often. The new location at St. Theresa Avenue and Homeward Road, however was a dead end street and had just three houses on each side. Traffic was minimal. Taking me off Lagrange Street and Redgate Road left no one to cross the children at this location and jeopardized the children's safety each and every day that they came to school.

A number of complaints were then filed following the incident above. At the Civil Service Appeal Commission on March 20, 2008, Mrs. Gibbons, when questioned whether the crossing guard (Phyllis Igoe) was at the crossing on November 6, 2006 and November 7, 2006, Mrs. Gibbons said that based on her personal observation, the crossing guard was not there. Then when further questioned, she admitted to giving false testimony. (Exhibit C - Civil Service Commission Appeal Hearing - p. 113-122) In October 30, 2008 Officer Vasquez testified that he saw Phyllis Igoe on the crossing Nov. 7 2006. (Exhibit D - Transcript of Proceedings - p. 101 to 103)

I was also accused of not being at my crossing on the following dates: March 15, 2006;

Notice sent
8/16/2010
N. I. T.
P. I. I.
R. Q.

(sc)

RECEIVED

AUG 17 2010

OFFICE OF THE ATTORNEY GENERAL
ADMINISTRATIVE LAW DIVISION