

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT  
C.A. No. 1884-cv-01808 (BLS2)

COMMONWEALTH OF MASSACHUSETTS, )

vs. )

PURDUE PHARMA, L.P., *et al.* )

Oral Argument Requested

**DEFENDANT RUSSELL J. GASDIA’S MOTION  
TO DISMISS THE FIRST AMENDED COMPLAINT**

Defendant Russell J. Gasdia respectfully submits this Motion to Dismiss the First Amended Complaint for failure to state a claim pursuant to Rule 12(b)(6) of the Massachusetts Rules of Civil Procedure. Mr. Gasdia contends that the Attorney General for the Commonwealth does not have the legal authority to bring claims against him under G. L. c. 93A or for alleged public nuisance. The Attorney General is empowered to bring actions under the Massachusetts Unfair and Deceptive Acts and Practices statute, and to enjoin or abate public nuisances, only when there is ongoing or imminent misconduct. Mr. Gasdia retired from Purdue over four years ago. The Commonwealth does not, and could not, allege that he is engaging in any misconduct that this Court can enjoin. Further, the statute of limitations has run on the claims that the Commonwealth seeks to bring against Mr. Gasdia. Both counts against Mr. Gasdia should be dismissed for failure to state a claim, pursuant to Massachusetts Rule of Civil Procedure 12(b)(6).

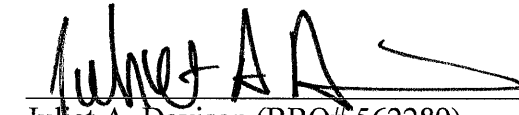
## CONCLUSION

For the foregoing reasons and for the reasons set forth in the supporting Memorandum of Law submitted herewith, Defendant Russell J. Gasdia respectfully requests that Counts One and Two against him be dismissed with prejudice.

Respectfully submitted,

RUSSELL J. GASDIA,

By his attorneys,

  
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## SUPERIOR COURT RULE 9C CERTIFICATION

Prior to service of this Motion, on March 20, 2019 at 3:45 pm, counsel for Plaintiff and counsel for Mr. Gasdia conferred by telephone (and further conferred subsequently through an exchange of emails) in a good faith effort to narrow areas of disagreement to the fullest extent, but were unable to narrow the parties' disagreement.

## REQUEST FOR HEARING

Pursuant to Superior Court Rules 9A(c)(2) and 9A(c)(3), Mr. Gasdia respectfully requests a hearing on this Motion because a hearing would aid the Court in resolving, in an efficient and thorough manner, the factual and legal issues presented so as to avoid protracted litigation against Mr. Gasdia where he respectfully submits that the Attorney General lacks authority to assert the claims in the First Amended Complaint against him.

CERTIFICATE OF SERVICE

I, Juliet A. Davison, hereby certify that on April 1, 2019 I caused a copy of the Motion to Dismiss of Defendant Russell J. Gasdia to be served by email upon counsel for all parties, as follows:

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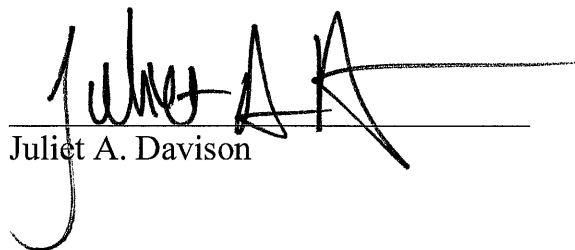
Dated: April 1, 2019

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