

10-5
V.2

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss

Superior Court

Docket No. SUCV2012-00977-F

Charlene Phillips,
Plaintiff

vs.

Civil Service Commission and
the Department of Public
Health,
Defendant

Motion for Judgment on the Pleadings

Mass. Rules of Civil Procedure 12(c)

Notice sent
8/05/2013
G. G.
J. M. S.

(sc)

8/2/13 After a hearing and careful consideration of the parties' submissions, this motion is denied as the court finds that the Commission's decision was based on substantial evidence in the record and was neither arbitrary nor capricious, based on the facts and applicable law. *Brieger, J.*

Charlene Phillips moves for judgment on the pleadings. Such judgment should hold that she is entitled to civil service protection under G.L. ch.30, §9B, and that the Civil Service Commission should have ordered the Human Resources Division to delete the examination of civil service positions within the Department of Public Health to that agency.

The parties have agreed that a hearing transcript is unnecessary for their arguments, and there has been no effort to prepare one.

Dated: July 17, 2012

Charlene Phillips
By her attorney,

Galen Gilbert
Galen Gilbert, BBO #191500
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CERTIFICATE OF SERVICE

August 17, 2012

I have mailed a copy of this motion for judgment on the pleadings and the associated Memorandum to John Stephan, attorney for the Civil Service Commission.

Galen Gilbert
Galen Gilbert