

NOTIFY

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT
CIVIL ACTION NO. 19-1806-E

Notice Sent
03.12.20 (NJ)
- CMY/R.L.Q.
- AL/H.L.G.
- FR.

FERRUCCIO ROMEO

VS.

CIVIL SERVICE COMMISSION and TOWN OF WINTHROP

RECEIVED
MAR 18 2020
Office of Attorney General
Administrative Law Division

MEMORANDUM OF DECISION AND ORDER FOR JUDGMENT
ON DEFENDANTS' JOINT MOTION TO DISMISS G. L. c. 30A
APPEAL FOR FAILURE TO PROSECUTE

On June 6, 2019, the *pro se* plaintiff, Ferruccio Romeo ("plaintiff"), who is an attorney, filed a complaint for judicial review pursuant to G. L. c. 30A, § 14(7) and G. L. c. 31, § 44 against the defendants, the Civil Service Commission ("Commission") and the Town of Winthrop ("Town") (collectively, "defendants"). The plaintiff is seeking a review of the Commission's decision to dismiss his appeal concerning his promotional appointments with the Town's police department, the Commission having found that the relief he sought already had been granted.

The defendants have moved to dismiss the complaint, arguing that the plaintiff has failed to prosecute his Chapter 30A appeal in a timely fashion. The plaintiff opposes the motion. After hearing, and for the reasons set forth below, the motion is **ALLOWED**.

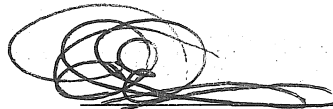
Winthrop filed and served its answer to the complaint on August 21, 2019; and the Commission filed and served its answer on September 23, 2019, and the Administrative Record on November 1, 2019. Pursuant to Superior Court Standing Order 1-96, which governs actions for judicial review of administrative proceedings, a claim for judicial review shall be resolved

through a motion for judgment on the pleadings pursuant to Mass. R. Civ. P. 12(c), which motion must be served within thirty (30) days of the service of the Administrative Record. Sup. Ct. Standing Order 1-96. Now over 127 days after the filing of the Administrative Record, the plaintiff has yet to file his motion for judgment on the pleadings.

In his thirteen-paged opposition, the plaintiff goes on at length about the history of his dispute with the Town and cites his pending "Motion for the Application of Collateral Estoppel" in another action of his against the Town, *Romeo v. Town of Winthrop, et al.*, Suffolk Sup. Ct. Civil Action No. 1584CV02140. However, the resolution of that motion in the other case has no bearing on the plaintiff's obligation to comply with the clear requirements of Standing Order 1-96. Moreover, the plaintiff has not proffered any excuse for his failure to file timely his motion for judgment on the pleading, nor even filed a motion requesting an extension of time for filing such a motion.

ORDER FOR JUDGMENT

For all the foregoing reasons, it is hereby **ORDERED AND ADJUDGED** that the defendants' motion to dismiss be **ALLOWED** and that the complaint be **DISMISSED**.



Linda E. Giles,
Justice of the Superior Court

Dated: March 6, 2020

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