



THE COMMONWEALTH OF MASSACHUSETTS  
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July 16, 2008

Angela McConney  
General Counsel  
Civil Service Commission  
One Ashburton Place, 5<sup>th</sup> Floor  
Boston, MA 02108

RECEIVED  
2008 JUL 17 A 10:03  
COMMONWEALTH OF MASS  
CIVIL SERVICE COMMISSION

Re: Mark F. Zielinski v. Massachusetts Civil Service Commission and City of Everett,  
Suffolk Superior Court Docket No. 07-1904-H, CSC No. G2-04-133

Dear Angela:

Enclosed please find a copy of the Superior Court's recent decision in the above named matter.

Thank you for your attention to this matter.

Very truly yours,

Julie Collins  
Sr. Paralegal, Government Bureau  
(617) 727-2200, ext. 2094

Enclosures



Commonwealth of Massachusetts  
County of Suffolk  
The Superior Court

CIVIL DOCKET#: SUCV2007-01904-H

JUL 16 2008

RE: Zielinski v Civil Service Commission et al

TO: Juliana deHaan Rice, Esquire  
Arlington (Town of)  
50 Pleasant Street  
Arlington, MA 02476-1698

RECEIVED  
2008 JUL 17 A 10: 03  
COMMONWEALTH OF MASS  
CIVIL SERVICE COMMISSION

NOTICE OF DOCKET ENTRY

You are hereby notified that on 07/10/2008 the following entry was made on the above referenced docket:

**JUDGMENT** Plff's motion for Judgment on the pleadings is **DENIED** Judgment is hereby Order for the debts **APPROVED ( Holtz J)** entered on docket pursuant to Mass R Civ P 58(a) and notice sent to parties pursuant to Mass R Civ P 77(d)  
Dated at Boston, Massachusetts this 10th day of July, 2008.

Michael Joseph Donovan,  
Clerk of the Courts

BY: Nancy E. Goldrick  
Assistant Clerk

Telephone: 617-788-8147

Disabled individuals who need handicap accommodations should contact the Administrative Office of the Superior Court at (617) 788-8130

Commonwealth of Massachusetts  
County of Suffolk  
The Superior Court

CIVIL DOCKET# SUCV2007-01904

Mark Zielinski  
vs  
Civil Service Commission,  
City of Everett

Noted Sent  
7/10/08  
FRH  
DDR  
MJM

JUDGMENT

This action came on before the Court, Nancy Staffier Holtz, Justice, presiding,  
and upon consideration thereof,

It is **ORDERED** and **ADJUDGED**:

Plaintiff Mark Zielinski's MOTION for Judgment on pleadings is **DENIED**.  
Judgment is hereby **Ordered** for the Defendants

Dated at Boston, Massachusetts this 3rd day of July, 2008.

Michael Joseph Donovan,  
Clerk of the Courts

Approved as to Form:

By.....

*[Signature]*  
Assistant Clerk

.....Holtz, J.,.....  
Justice of the Superior Court

Copies mailed

cvdjudgen\_1.wpd 3227657 motjudpl goldrick

JUDGMENT ENTERED ON DOCKET 7/10 20 08  
PURSUANT TO THE PROVISIONS OF MASS. R. CIV. P. 58(a)  
AND NOTICE SENT TO PARTIES PURSUANT TO THE PRO-  
VISIONS OF MASS. R. CIV. P. 77(d) AS FOLLOWS

A TRUE COPY OF JUDGEMENT DULY ENTERED ON 7/10 20 08

NOTED

11.12

7-7-7

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET NO. 07-1904 - H

MARK F. ZIELINSKI,  
Plaintiff,

vs.

CIVIL SERVICE COMMISSION,  
AND CITY OF EVERETT  
Defendants.

NOTED  
7/10/08  
FRH  
JHR  
MDM

PLAINTIFF'S MOTION FOR JUDGMENT ON THE PLEADINGS

Now comes the Plaintiff, Mark Zielinski, who hereby moves this Honorable Court, pursuant to G.L. c. 31 §44 and G.L. c. 30A §14 to enter judgment in his favor and to grant him specific requested relief, all as pursuant to his MEMORANDUM IN SUPPORT OF HIS MOTION FOR JUDGMENT, filed herewith. This motion and its supporting memorandum have been prepared to comport with Superior Court Standing Order 1-96, as amended, pertaining to judicial review of a final agency decision.

claim. However, this Court does not draw such an inference nor did the Civil Service Commission. This is not against the substantiated evidence, arbitrary, capricious or otherwise unlawful.

Respectfully submitted,  
Mark F. Zielinski,  
By his attorney,

F. Robert Houlihan  
F. Robert Houlihan  
Heavey, Houlihan, Kraft & Cardinal  
229 Harvard Street  
Brookline, MA 02446  
(617) 277-3477  
B.B.O. # 241260

Dated: September 19, 2007

Holty. J.  
7/2/08