

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

---

EMMANUEL ANDRO,

Plaintiff,

v.

TOWN OF BROOKLINE, DANIEL O'LEARY,  
MICHAEL JOHN MCCARTHY, PAUL CAMPBELL,  
JENNIFER PASTER, ILYA D. GRUBER,  
RUSSELL TO LLOYD, JOSEPH CAPUCCIO,  
DOREEN GALLAGHER, RAY RICHARDS,  
MATTHEW BARONAS, KELLY CHAMBLIS,  
PARTICK DOBER, BROOKLINE DOES 1-10,  
MICHAEL W. MORRISSEY, PAMELA FRIEDMAN,  
ERICA L. MARATHAS, STEVEN G. NELSON,  
NORFOLK DOES 11-20, SEAN GALLAGHER,  
TODD TURLOW, FRANCK SAPIA,  
ROBERT MCNIECE, WILLIAM CHAMBERS,  
CHRISTOPHER MILLEY, JAY GILBERT,  
I.C.E. DOES 21-30, STEVEN W. TOMPKINS,  
SUFFOLK DOES 31-40, NORFOLK COUNTY,  
and the UNITED STATES.)

Defendants.

---

CIVIL ACTION  
NO.: 15CV13030-NMG

**DEFENDANT NORFOLK COUNTY'S ANSWER  
TO PLAINTIFF'S COMPLAINT FOR INJUNCTIVE AND  
DECLARATORY RELIEF AND MONETARY DAMAGES**

---

Defendant Norfolk County ("County") responds to the allegations in plaintiff's  
as follows:

**INTRODUCTION**

1. County lacks knowledge or information sufficient to form a belief about  
the truth of the allegations in this paragraph.

2. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

3. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

4. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

5. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

6. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

#### **JURISDICTION AND VENUE**

7. Admitted that plaintiff purports to bring this action under the identified statutes and that the Court has subject matter jurisdiction and pendent jurisdiction.

8. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

9. Admitted.

#### **PARTIES**

10. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

11. County admits that the Town of Brookline is a political subdivision of the Commonwealth. County lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph.

12. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

13. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

14. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

15. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

16. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

17. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

18. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

19. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

20. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

21. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

22. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

23. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

24. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

25. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

26. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

27. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

28. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

29. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

30. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

31. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

32. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

33. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

34. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

35. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

36. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

37. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

38. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

39. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

40. County admits that it is a political subdivision of the Commonwealth of Massachusetts. County lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph. Answering further, County has no responsibility for the arrest or detention of individuals in the Town of Brookline.

41. County admits that Michael Morrissey was the District Attorney for Norfolk County in March, 2014. County lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph.

42. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

43. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

44. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

45. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph. Answering further, defendants Morrissey, Friedman, Marathas, and Nelson are not County employees.

46. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

47. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

#### **ALLEGED FACTS**

48. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

49. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

50. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

51. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

52. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

53. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

54. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

55. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

56. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

57. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

58. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

59. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

60. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

61. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

62. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

63. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

64. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

65. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

66. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

67. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

68. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

69. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

70. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

71. County denies the allegations in this paragraph.

72. County denies the allegations in this paragraph.



73. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

74. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

75. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

76. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

77. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

78. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

79. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

80. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

81. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

82. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

83. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

84. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

85. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

86. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and denies any discriminatory purpose or effect. Answering further, County had no role in plaintiff's arrest or detention.

87. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

88. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph. Answering further, County had no role in plaintiff's arrest or detention.

89. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

90. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

91. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

92. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

93. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

94. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

95. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph. Answering further, County had no role in plaintiff's arrest or detention.

96. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph. Answering further, County had no role in plaintiff's arrest or detention.

97. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

98. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

99. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

100. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

101. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

102. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

103. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

104. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

105. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

106. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

107. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

108. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

109. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

110. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

111. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

112. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

113. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph. Answering further, County had no role in plaintiff's arrest or detention.

114. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph. Answering further, County had no role in plaintiff's arrest or detention.

115. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph. Answering further, County had no role in plaintiff's arrest or detention.

116. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph. Answering further, County had no role in plaintiff's arrest or detention.

117. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph. Answering further, County had no role in plaintiff's arrest or detention.

118. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph. Answering further, County had no role in plaintiff's arrest or detention.

119. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph. Answering further, County had no role in plaintiff's arrest or detention.

120. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph. Answering further, County had no role in plaintiff's arrest or detention.

121. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph. Answering further, County had no role in plaintiff's arrest or detention.

### **COUNT I**

122. To the extent that this paragraph calls for a response, County repeats its responses from the preceding paragraphs 1-121 as if fully set forth herein. Answering further, the allegations in Count I do not pertain to County and, accordingly, County need not respond to these allegations. However, to the extent the Court deems it necessary to respond, the County responds as follows.

123. Admitted.

124. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

125. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

126. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

127. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

128. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

129. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

130. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

### **COUNT II**

131. To the extent that this paragraph calls for a response, County repeats its responses from the preceding paragraphs 1-130 as if fully set forth herein. Answering further, the allegations in Count II do not pertain to County, and, accordingly, County need not respond to these allegations. However, to the extent the Court deems it necessary to respond, the County responds as follows.

132. The allegations set forth in this paragraph state a legal conclusion that that requires no response. However, to the extent the Court deems are response necessary, County admits that the Fifth Amendment speaks for itself.

133. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

134. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

### **COUNT III**

135. To the extent that this paragraph calls for a response, County repeats its responses from the preceding paragraphs 1-134 as if fully set forth herein.

Answering further, the allegations in Count III do not pertain to County, and, accordingly, County need not respond to these allegations. However, to the extent the Court deems it necessary to respond, the County responds as follows.

136. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

137. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

138. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

139. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

140. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

#### **COUNT IV**

141. To the extent that this paragraph calls for a response, County repeats its responses from the preceding paragraphs 1-140 as if fully set forth herein. Answering further, the allegations in Count IV do not pertain to County, and, accordingly, County need not respond to these allegations. However, to the extent the Court deems it necessary to respond, the County responds as follows.

142. The allegations set forth in this paragraph state legal conclusions that require no response. However, to the extent the Court deems are response



necessary, the County admits that the Fourth and Fourteenth Amendment prohibit unreasonable seizures.

143. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

144. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

145. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

146. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

147. The allegations set forth in this paragraph state legal conclusions that require no response. However, to the extent the Court deems are response necessary, County admits the Fourth Amendment applies to all seizures.

148. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

#### **COUNT V**

149. To the extent that this paragraph calls for a response, County repeats its responses from the preceding paragraphs 1-148 as if fully set forth herein. Answering further, the allegations in Count V do not pertain to County, and, accordingly, County need not respond to these allegations. However, to the extent the Court deems it necessary to respond, the County responds as follows.

150. The allegations set forth in this paragraph state legal conclusions that require no response. However, to the extent the Court deems a response necessary, the County admits that the Fourteenth Amendment speaks for itself.

151. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

152. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

153. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

154. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

155. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

## **COUNT VI**

156. To the extent that this paragraph calls for a response, County repeats its responses from the preceding paragraphs 1-155 as if fully set forth herein. Answering further, except for paragraphs 164 and 166, the allegations in Count VI do not pertain to County, and, accordingly, County need not respond to the other paragraphs in Count VI. However, to the extent the Court deems it necessary to respond, the County responds as follows.

157. The allegations set forth in this paragraph state legal conclusions that require no response. However, to the extent the Court deems a response necessary, the County admits that the Fourteenth Amendment speaks for itself.

158. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

159. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

160. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

161. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

162. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

163. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

164. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph. Answering further, County had no role in plaintiff's arrest or detention.

165. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

166. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph. Answering further, County had no role in plaintiff's arrest or detention.

167. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

168. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

### **COUNT VII**

169. To the extent that this paragraph calls for a response, County repeats its responses from the preceding paragraphs 1-168 as if fully set forth herein. Answering further, the allegations in Count VII do not pertain to County, and, accordingly, County need not respond to the other paragraphs in Count VI. However, to the extent the Court deems it necessary to respond, the County responds as follows.

170. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

171. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

172. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

173. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

**COUNT VIII**

174. To the extent that this paragraph calls for a response, County repeats its responses from the preceding paragraphs 1-173 as if fully set forth herein.

175. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

176. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

**COUNT IX**

177. To the extent that this paragraph calls for a response, County repeats its responses from the preceding paragraphs 1-176 as if fully set forth herein. Answering further, the allegations in Count IX do not pertain to County, and, accordingly, County need not respond to the other paragraphs in Count IX. However, to the extent the Court deems it necessary to respond, the County responds as follows.

178. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

179. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

180. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

181. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

182. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

**COUNT X**

183. To the extent that this paragraph calls for a response, County repeats its responses from the preceding paragraphs 1-182 as if fully set forth herein. Answering further, the allegations in Count X do not pertain to County, and, accordingly, County need not respond to the other paragraphs in Count X. However, to the extent the Court deems it necessary to respond, the County responds as follows.

184. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

185. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

186. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

**COUNT XI**

187. The allegations set forth in this paragraph state legal conclusions that require no response. However, to the extent the Court deems are response necessary, the County admits that the Administrative Procedure Act speaks for itself.

188. County lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

**AFFIRMATIVE DEFENSES**

**SECOND DEFENSE**

Plaintiff has failed to state a claim upon which relief can be granted.

**THIRD DEFENSE**

Plaintiff's injuries, if any, were directly and proximately caused by his own conduct.

**FOURTH DEFENSE**

County's conduct was not the direct or proximate cause of plaintiff's injuries or damage, if any.

**FIFTH DEFENSE**

Plaintiff's injuries, if any, were directly and proximately caused by the actions of third parties for whom County is not legally responsible.

**SIXTH DEFENSE**

The actions or inactions alleged in the complaint were committed or omitted, if at all, by parties for whose conduct or inaction County was not and is not legally responsible.

**SEVENTH DEFENSE**

At all times material hereto, County acted in accordance with all relevant laws of the United States and the Commonwealth of Massachusetts.

**EIGHTH DEFENSE**

At all times material hereto, County acted in good faith and upon a reasonable belief that its actions were in compliance with all relevant laws of the United States and the Commonwealth of Massachusetts.

**NINTH DEFENSE**

Plaintiff's exercise or enjoyment of rights secured by the Constitution or the laws of either the United States or of the Commonwealth were not interfered with, or attempted to be interfered with by County.

**TENTH DEFENSE**

Plaintiff's exercise or enjoyment of rights secured by the Constitution or the laws of either the United States or of the Commonwealth were not interfered with, or attempted to be interfered with by threats, intimidation or coercion by County.

**ELEVENTH DEFENSE**

Plaintiff's Complaint fails to state a claim against County for which punitive damages can be awarded.

**TWELFTH DEFENSE**

Neither County nor its employees had any role, responsibility or involvement in plaintiff's arrest or detention.

**THIRTEENTH DEFENSE**

Plaintiff's claims must be dismissed for plaintiff's failure to give proper notice pursuant to M.G.L. c. 258, § 4, as County has been prejudiced in effectively



defending itself against these claims due to the lack of proper presentment of plaintiff's claim.

**FOURTEENTH DEFENSE**

Plaintiff's claims are barred by the applicable statute of limitations.

**FIFTEENTH DEFENSE**

County reserves the right to amend this Answer and Jury Demand and add additional affirmative defenses as discovery and investigation may warrant.

**PRAYER FOR RELIEF**

WHEREFORE, defendant prays that this Court will enter:

1. A judgment of dismissal on plaintiff's claims;
2. An award of attorney's fees and costs; and
3. Any other relief this Court deems just.

**JURY DEMAND**

**DEFENDANT HEREBY CLAIMS A JURY TRIAL  
ON ALL ISSUES SO TRIABLE.**

Respectfully submitted,

NORFOLK COUNTY

By its attorneys,  
LAWSON & WEITZEN, LLP

/s/ Scott P. Lopez  
\_\_\_\_\_  
Scott P. Lopez (BBO# 549556)  
splopez@lawson-weitzen.com  
Lawson & Weitzen, LLP  
88 Black Falcon Avenue, Suite 345  
Boston, MA 02210  
Tel: (617) 439-4990  
Fax: (617) 439-3987

Dated: May 27, 2016

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be served upon non-registered participants.

/s/ Scott P. Lopez  
\_\_\_\_\_  
Scott P. Lopez