

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EMMANUEL ANDRO
Plaintiff

v.

TOWN OF BROOKLINE, ET AL.
Defendants

Civil Action No. 15- 13030-NMG

**DEFENDANT STEVEN W. TOMPKINS'
MOTION FOR JUDGMENT ON THE PLEADINGS**

Now Comes the Defendant Steven W. Tompkins, and moves this honorable Court for judgment on the pleadings pursuant to Fed. R. Civ. P. 12 (c) and 12 (h)(2)(B).

As Grounds therefore, Defendant states the Complaint fails to state a claim on upon which relief can be granted with regard to Tompkins as the Complaint is void of facts to sustain a due process claim. Likewise, there are no facts to support an unreasonable seizure or false arrest against claim against Tompkins. Additionally, Tompkins is entitled to Eleventh Amendment immunity; qualified immunity, and is protected from personal liability under the Mass. Torts Claims Act, Mass. Gen. L. ch. 258 et seq.

In Support of this Motion, Defendant submits the attached memorandum of law.

Respectfully submitted
For Steven W. Tompkins
By,

MAURA HEALEY
ATTORNEY GENERAL

Motion allowed. JSM Gordon, USDJ 11/3/16
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