

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

COMMONWEALTH OF
MASSACHUSETTS *ex rel.* MYKEL
POWELL, *et al.*,

Plaintiffs,

v.

BRIAN HOLMES, *et al.*,

Defendants.

Docket No. 1:18-cv-11336-FDS

DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS

Now come Defendants, Chief of Stoughton Police Department Donna McNamara, Deputy Chief Brian Holmes, and Detective Sergeant James O'Connor, and hereby moves for judgment on the pleadings against the Plaintiffs.

In support, the Defendants submit herewith the (1) Memorandum of Law in support of this motion, setting out the reasons why judgment in their favor is appropriate.

WHEREFORE, the Defendants request that this Court allow this Motion and enter judgment on the pleadings in their favor.

[signatures on the next page]

Respectfully submitted,
The Defendants,
Brian Holmes, James O'Connor, and Donna A. McNamara,
By their attorneys,

/s/ Erica L. Brody

Thomas R. Donohue, BBO# 643483
Erica L. Brody, BBO# 681572
BRODY, HARDOON, PERKINS & KESTEN, LLP
699 Boylston Street, 12th Floor
Boston, MA 02116
(617) 880-7100
tdonohue@bhpklaw.com
ebrody@bhpklaw.com

DATED: February 2, 2022

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

Now comes counsel for the Defendants, Brian Holmes, James O'Connor, and Donna A. McNamara in the above-captioned matter and certifies that she has conferred with counsel for the plaintiff regarding this motion in a good faith attempt to resolve or narrow the issues raised in said motion.

/s/ Erica L. Brody

Erica L. Brody, BBO# 681572

DATED: February 2, 2022

CERTIFICATE OF SERVICE

I hereby certify that this document was filed through the ECF system and will therefore be sent electronically to the registered participants as identified on the Notice of Electric Filing (NEF) and paper copies will be sent this day to those participants indicated as non-registered participants.

/s/ Erica L. Brody

Erica L. Brody, BBO# 681572

DATED: February 2, 2022