

January 22, 2020

Feruccio Romeo  
9 Hitching Hill Road  
Saugus, MA 01906

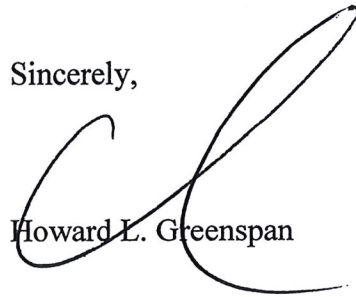
Re: Ferruccio Romeo v. Civil Service Commission and Town of Winthrop  
Superior Court No.: 1984CV01806

Dear Attorney Romeo:

In accordance with Rule 9A of the Superior Court please find:

1. Defendant's Joint Motion To Dismiss; and
2. Defendant's Request For Hearing.

Sincerely,



Howard L. Greenspan

cc: Robert L. Quinan, Jr., Assistant Attorney General  
Austin Faison, Town Manager  
Chief Terence Delehanty

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT

NO. 2003-P-426

1984CV01806

FERRUCCIO ROMEO,

Plaintiff

V.

CIVIL SERVICE COMMISSION

and TOWN OF WINTHROP,

Defendants

**JOINT MOTION TO DISMISS G.L. c. 30A APPEAL  
FOR FAILURE TO PROSECUTE**

Now come the Defendants, Town of Winthrop and Civil Service Commission, in the above entitled action and move this this Honorable Court pursuant to G.L. c. 30A, § 14 and Superior Court Standing Order 1-96 to dismiss the Complaint of the Plaintiff, Ferruccio Romeo, for failure to prosecute the appeal of the decision of the Civil Service Commission under the statute.

As grounds for this motion the Defendant states:

1. The Plaintiff, Ferruccio Romeo, filed the Complaint in this case on June 6, 2019 in the Suffolk Superior Court, Docket Number 1984CV01806, seeking judicial review of a decision of the Civil Service Commission issued on May 9, 2019, pursuant G.L. c. 30A, §14(7) and G.L. c. 31, § 44.
2. The Defendant, Town of Winthrop, filed and served its Answer to the Complaint on August 21, 2019 and the Defendant, Civil Service Commission, filed and served its Answer on September 23, 2019 and the Administrative Record on November 1, 2019.

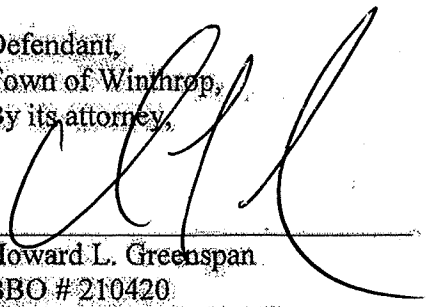
3. Pursuant to Mass. Super Ct. Standing Order 1-96, which governs the judicial review of administrative agency proceedings, the "claim for judicial review shall be resolved through a motion for judgment on the pleadings, Mass. R. Civ. P. 12(c), in accordance with Superior Court Rule 9A. . . [and the] plaintiff's Rule 12(c) motion and supporting memorandum shall be served within thirty (30) days of the service of the record. . . ." As such, the Plaintiff's Motion for Judgment on the Pleadings was to be served on the Defendants on or before December 2, 2019.

4. It has been over seventy (70) days since the filing of the record and the Plaintiff has failed to serve the Motion for Judgment on the Pleadings on the Defendants, Town of Winthrop or Civil Service Commission, or any other pleading in this action within the time allowed.

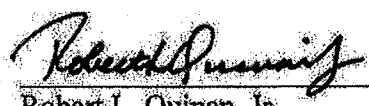
WHEREFORE, the Defendant, Town of Winthrop and Civil Service Commission, request that the court dismiss the above-captioned Complaint based on the failure of the Plaintiff to prosecute the G.L. c. 30A appeal.

Signed under the pains and penalties of perjury this 27 day of January, 2020.

Defendant,  
Town of Winthrop,  
By its attorney,

  
Howard L. Greenspan  
BBO # 210420  
200 Broadway, Suite 304  
Lynnfield, MA 01940  
(781) 598-4545  
hgreenspan@greenspanlawyers.com

Defendant,  
Civil Service Commission,  
By its attorney,

  
Robert L. Quinan, Jr.  
BBO # 553010  
Assistant Attorney General  
Government Bureau  
One Ashburton Place, 20th Fl.  
Boston, MA 02108  
(617) 963-2554  
robert.quinan@mass.gov

**COMMONWEALTH OF MASSACHUSETTS**

**DEPARTMENT OF LABOR RELATIONS**

SUFFOLK, SS

SUPERIOR COURT

NO. 1984CV01806

\_\_\_\_\_  
FERRUCCIO ROMEO  
Plaintiff

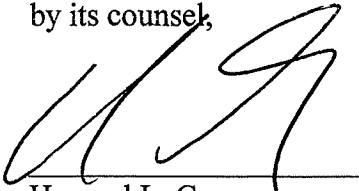
v.

\_\_\_\_\_  
CIVIL SERVICE COMMISSION  
and TOWN OF WINTHROP  
\_\_\_\_\_

**PLAINTIFF'S REQUEST FOR HEARING**

Now, comes the Defendant and moves this Honorable Court for a Motion To Dismiss.  
The Motion is filed pursuant to Rule 9A of the Superior Court Rules and Procedure.

Respectfully submitted,  
The Town of Winthrop  
by its counsel,



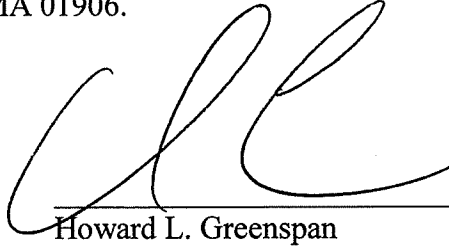
Howard L. Greenspan  
200 Broadway, Suite 304  
Lynnfield, MA 01940  
(718) 598-4545  
Hgreenspan@greenspanlawyers.com

Dated:

1/30/20

CERTIFICATE OF SERVICE

A copy of the foregoing Defendant's Joint Motion To Dismiss and Defendant's Request For Hearing has been sent via First Class Mail this 22<sup>nd</sup> day of January, 2020 to Ferruccio Romeo, 9 Hitching Hill Road, Saugus, MA 01906.



Howard L. Greenspan