

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

STEPHEN DUNNE, Plaintiff,)	
)	
)	
v.)	CIVIL ACTION
)	NO. 07-11166 DPW
)	
THE MASSACHUSETTS BOARD OF BAR EXAMINERS, et al.,)	
Defendants.)	
)	

**DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION TO
VOLUNTARILY DISMISS COMPLAINT**

On September 6, 2007, Plaintiff filed a "Motion to Voluntarily Dismiss Complaint" in which he seeks to dismiss his complaint without prejudice. Plaintiff may voluntarily dismiss his complaint without the assent or stipulation of the defendants at this stage of the litigation pursuant to Fed. R. Civ. Pro. 41(a)(1)(i) because the Defendants have not yet filed an answer or motion for summary judgment. However, the Defendants wish to make clear that they have not agreed to limit the content of any future bar examination questions. The Defendants do not agree with or adopt the Plaintiff's statement in his motion that "Defendants removal of the question is assurance that all future examinees taking the Massachusetts Bar Examination will not be forced to accept, support or promote a liberal ideology on a professional licensing examination." That Defendants elected not to ask the same question on both the February and July, 2007 bar examinations merely reflects their standard practice of not repeating questions on successive bar examinations. Defendants maintain that the question to which Plaintiff objects was a legitimate question regarding the current state of the law in the Commonwealth. The Board of Bar

Examiners maintains its right to test bar applicants on that same subject matter in future examinations.

Respectfully submitted,

MASSACHUSETTS BOARD OF BAR
EXAMINERS, et al.

By their Attorney,

MARTHA COAKLEY
ATTORNEY GENERAL

/s/ Anne Sterman
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Date: September 7, 2007

Certificate of Service

I hereby certify that this document(s) 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 sent to those indicated as non registered participants on September 7, 2007.

/s/ Anne Sterman
Anne Sterman
Assistant Attorney General