

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' MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT

Now come all Defendants in the above-captioned complaint and, in accordance with Federal Rule of Civil Procedure 12 (b)(6), move that the plaintiff's complaint be dismissed in its entirety as it fails to state a claim upon which relief can be granted. As grounds for their motion, the Defendants state that:

1. Plaintiff will be unable to show that the causation element required for his 42 U.S.C. § 1983 claims;
2. Plaintiff's claims against the SJC and the BBE are barred by sovereign immunity;
3. Plaintiff's claims against Defendants Marshall, Ireland, Cowin and Greaney are barred by judicial immunity;
4. Plaintiff's claims against Defendants Marshall, Ireland, Cowin and Greaney fail because §1983 does not allow for respondeat superior liability;
5. Plaintiff's claims are barred by the Rooker-Feldman doctrine;
6. Plaintiff's claims against the individual BBE defendants fail because they have taken no action to deprive the Plaintiff of his rights; and

7. Plaintiff's complaint fails to state a cause of action upon which relief may be granted.

Respectfully submitted,
COMMONWEALTH OF MASSACHUSETTS

By their Attorney,

MARTHA COAKLEY
ATTORNEY GENERAL

/s/ Anne Sterman
Anne Sterman, BBO # 650426
Assistant Attorney General
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Date: July 30, 2007

CERTIFICATION UNDER LOCAL RULE 7.1

Counsel for all defendants hereby certifies, pursuant to Local Rule 7.1(A)(2), that on July 26, 2007, I conferred by telephone with the *pro se* plaintiff, Stephen Dunne, concerning the issues set forth in Defendants' Motion to Dismiss.

/s/ Anne Sterman
Anne Sterman, Assistant Attorney General
Government Bureau/Trial Division

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 July 30, 2007.

/s/ Anne Sterman
Anne Sterman
Assistant Attorney General