

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

THOMAS MASON,

Plaintiff,

v.

MASSACHUSETTS DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,  
et al.,

Defendants.

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Civil Action No. 09-12078-JLT

ORDER

March 29, 2011

TAURO, J.

After a Motion Hearing held on February 17, 2011, this court hereby orders that, for the reasons set forth in the accompanying Memorandum, the Department of Environmental Protection’s Motion to Dismiss [#8] is ALLOWED and the Individual Defendants’ Motion to Dismiss [#4] is ALLOWED IN PART and DENIED IN PART. The Individual Defendants’ Motion is ALLOWED insofar as Plaintiff’s suit against the Individual Defendants in their official capacities is dismissed. The Individual Defendants’ Motion is DENIED insofar as Plaintiff’s suit against the Individual Defendants in their individual capacities is not dismissed.

IT IS SO ORDERED.

/s/ Joseph L. Tauro  
United States District Judge