

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 11-10844-GAO

LORETTA CUBBERLEY,
Plaintiff,

v.

JAN EGLESON, FUND FOR THEATRE AND FILM, INC., and ROBERT PATTON-
SPRUILL and PATRICIA MORENO d/b/a FILMSHACK, INC.,
Defendants.

OPINION AND ORDER

March 26, 2012

O'TOOLE, D.J.

The pending motions to dismiss (dkt. nos. 12 and 13) are premised on the proposition that the relevant agreements unambiguously foreclose the plaintiff's claims. The agreements are not unambiguous. At the very least, their proper interpretation may be profitably informed by industry custom and practice. Consequently, it cannot be said that the plaintiff has failed to state claims upon which relief can be granted. The motions are therefore DENIED.

Prior versions of the present motions (dkt. nos. 8 and 9) were mooted by the filing of the second motions.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge