

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|---------------------------|---|------------------|
| JAMES M. ATKINSON, |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | CIVIL ACTION |
| |) | NO. 11-11073-NMG |
| TOWN OF ROCKPORT, et al., |) | |
| |) | |
| Defendants. |) | |

**REPORT AND RECOMMENDATION ON
LYONS DEFENDANTS' MOTION TO DISMISS**

January 31, 2012

DEIN, U.S.M.J.

I. INTRODUCTION

The plaintiff, James M. Atkinson ("Atkinson"), has filed a 474-page *pro se* complaint naming well over 100 defendants, including Lyons Ambulance Service LLC, its owner Kevin Lyons, its Director of Operations Frank Carabello, and several of its EMT Instructors, namely Henry Michalski, Darrell Moore, Robert Piepiora and David Raymond, all of whom have been sued in their "official capacity and individually." They will be collectively referred to as the "Lyons Defendants." This matter is presently before the court on the Lyons Defendants' Motion to Dismiss (Docket No. 234), pursuant to which these Defendants are seeking to have the Third Amended Complaint ("Compl.")¹ dismissed as against them for failure to comply with the pleading require-

¹ On July 19, 2011, the court ordered that the Third Amended Complaint (Docket No. 6) is the operative pleading in this case.

*After consideration of plaintiffs' objection thereto,
Report and Recommendation accepted and adopted.
S/ Boston, USDJ 3/14/12*