

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 12-11351-GAO

DENISE WOOLF, DARREN WOOLF,
and DARREN M. WOOLF,
Plaintiffs,

v.

UNITED STATES OF AMERICA,
Defendant.

ORDER
March 9, 2016

O'TOOLE, D.J.

The government has moved for summary judgment in this negligence case under the Federal Tort Claims Act on two grounds: (1) that its employees were not acting within the scope of their employment at the time of the plaintiff's injury and (2) that the Feres doctrine bars Sergeant, First Class, Darren Woolf's derivative claim for relief, see Feres v. United States, 340 U.S. 135 (1950). As to the first issue, there is clearly a dispute of material fact concerning the scope of employment. This case should proceed to trial. The government's motion for dismissal of SFC Woolf's claim on account of the Feres doctrine is denied without prejudice. The government may seek renewal of its motion on the Feres doctrine at the end of trial. The government's Motion for Summary Judgment (dkt. no. 43) is DENIED.

It is SO ORDERED.

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