

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CHARLES CARDILLO PLUMBING,  
HEATING AND HVAC, INC.  
Plaintiff,

v.

C.A. No. 3:11-CV-30158 (MAP)

LITCO SUPPLY COMPANY, INC.,  
JRS-MTS, INC. and LITCO SUPPLY  
OF PITTSFIELD, INC.  
Defendants.

DEFENDANTS' MOTION TO DISMISS  
OR IN THE ALTERNATIVE  
MOTION FOR A MORE DEFINITE STATEMENT

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendants Litco Supply Company, Inc. ("Litco"), JRS-MTS, Inc. ("JRS-MTS") and Litco Supply Company of Pittsfield, Inc. ("Litco Pittsfield") (collectively referred to as "Defendants"), hereby move to dismiss the Second Amended Complaint filed by Plaintiff Charles Cardillo Heating, Plumbing and HVAC, Inc. ("Cardillo") on June 28, 2011. In the alternative, pursuant to Fed. R. Civ. P. 12(e), Defendants move for a more definite statement of the Second Amended Complaint to allow Defendants to reasonably respond to the allegations contained therein. In support of its Motion, Defendants submit the accompanying *Memorandum of Law in support of Defendants' Motion to Dismiss or in the Alternative Motion for a More Definite Statement*.

As grounds for its Motion to Dismiss, the Defendants respectfully state the following arguments:

- (1) The Second Amended Complaint should be dismissed as to Defendant Litco Pittsfield as it is not a proper defendant in this action. Litco Pittsfield's corporate

DENIED. The complaint presents its allegations sufficiently and with enough clarity to allow Defendants to respond. Michael B. Posner vsmf 1.24.12 So ordered.