

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DONNA WEST, Individually and as)	
Executrix of the Estate of Russell)	
West, Plaintiff)	
)	
v.)	CIVIL ACTION NO. 12-30069-MAP
)	
FIRSTLIGHT POWER ENTERPRISES,)	
INC., ET AL., Defendants)	

DEFENDANT, ABINGTON GROUP, INC.'S, MOTION TO DISMISS
COUNT IX OF PLAINTIFF'S AMENDED COMPLAINT

Now comes the Defendant, Abington Group, Inc., and moves the Court to dismiss Count IX (Ultrahazardous Activity--Strict Liability) of the Plaintiff's Amended Complaint, on the ground it fails to state a claim upon which relief may be granted. In support of this motion, the Defendant files herewith Defendant, Abington Group, Inc.'s, Memorandum in Support of its Motion to Dismiss Count XI of Plaintiff's Amended Complaint.

WHEREFORE, the Defendant, Abington Group, Inc., respectfully requests the Court to Dismiss Count IX of the Plaintiff's Amended Complaint.

ABINGTON GROUP, INC. (NH), Defendant

*DENIED as moot.
The Court in question
has been voluntarily
dismissed.*

By /s/ Thomas P. Schuler
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