

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JACK M. LITOWSKY,)
)
 Plaintiff,)
)
 v.)
)
 ASCO POWER TECHNOLOGIES, L.P.,)
 AMETEK, INC.,)
 GUSTAVO PRESTON COMPANY, INC.,)
 ADAMS PLUMBING & HEATING, INC.,)
 DOUGLAS WILBER D E WILBER,)
 ELECTRICAL CONTRACTOR, LLC and)
 BERKSHIRE HILLS REGIONAL SCHOOL)
 DISTRICT,)
)
 Defendants.)

No. 3:13-cv-30127-MAP

AMETEK, INC.'S MOTION FOR JUDGMENT ON THE PLEADINGS

The defendant, Ametek, Inc. ("Ametek"), pursuant to Fed.R.Civ.P. 12(c) moves this Court to enter judgment on the pleadings in favor of Ametek as to all Counts plead against it in Plaintiff's Second Amended Complaint. As grounds therefore, Ametek states that the allegations in Plaintiff's Second Amended Complaint fail to demonstrate either that Ametek owed a duty to the Plaintiff or that Ametek proximately caused Plaintiff's injuries which is fatal to his negligence and breach of warranty causes of action and therefore judgment must enter in favor of Ametek on Counts IV and VI. Further, the Commonwealth does not recognize a "strict liability" cause of action and thus Count V fails as a matter of law. Furthermore, Ametek incorporates by reference its memorandum in support of this Motion filed concurrently herewith.

WHEREFORE, Ametek requests that the Court enter judgment in Ametek's favor as to all Counts plead against it in Plaintiff's Second Amended Complaint.

ALLOWED for the reasons set forth in the court's memo of 3/14/14, Dkt. 96. The clerk will enter judgment for Defendants. This case may now be closed. Sordered, Michael B. Power USDT 3-24-14