

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

MICHAEL OKOSI,

Plaintiff,

v.

SCOTT ROBY

Defendant.

Civil Action No. \_\_\_\_\_

**COMPLAINT AND JURY DEMAND**

**INTRODUCTION**

1. In November 2018, defendant Scott Roby, acting as a police officer in the Boston Police Department (“BPD”), violently arrested plaintiff Michael Okosi in the entryway of his own home. The police report alleged that Officer Roby did this because Mr. Okosi “clenched his fists and attempted to push Officer Roby to the side with his right hand and then hit Officer Roby in the chest with a closed fist.” Mr. Okosi was charged with assault and battery on a police officer and disorderly conduct. But Mr. Okosi did not in fact do what Officer Roby alleged, and both the arrest and the ensuing charges were improper.

2. The events immediately preceding Mr. Okosi’s arrest were recorded by a security camera installed in his entryway. The Suffolk County District Attorney’s Office dismissed the charges against Mr. Okosi after reviewing this exculpatory video.

3. In reality, as depicted on the video, Mr. Okosi did not hit anybody, and he committed no crimes. Nevertheless, Officer Roby and other BPD officers threw Mr. Okosi against the door, handcuffed him tightly, and forcibly propelled him out to a police cruiser. The

key allegations in the police report were false, and there was no basis to arrest Mr. Okosi or use force against him.

4. As a result of the defendant's unlawful actions, Mr. Okosi was jailed, faced false charges and a potential mandatory minimum sentence, suffered physical injuries to his feet and wrists, and was emotionally traumatized. In this lawsuit, Mr. Okosi seeks damages to compensate him for these and other harms.

### **JURISDICTION AND VENUE**

5. Subject matter jurisdiction is proper under 28 U.S.C. §§ 1331, 1343, and 1367.

6. Venue is proper in the District of Massachusetts pursuant to 28 U.S.C. § 1391 because the facts giving rise to the claims occurred within this district.

### **PARTIES**

7. Plaintiff Michael Okosi is an individual residing in Dorchester, Massachusetts.

8. Defendant Scott Roby is a police officer with the BPD. Officer Roby acted at all relevant times as an on duty BPD officer. Officer Roby is sued in his individual and personal capacity.

### **FACTS ALLEGED**

#### **BPD Officers Unlawfully Arrested Mr. Okosi In His Home**

9. Mr. Michael Okosi is from the Boston area. He is a graduate of Morehouse College. In November 2018, he was 30 years old. He is right handed.

10. Mr. Okosi owns a three-family home in a residential neighborhood in Dorchester, Massachusetts. He resides in the home, principally, but not exclusively, on an upper floor. There is a living area on the first floor. The door to this first floor living area is adjacent to the

front door to the building, as well as to an entryway area and staircase. At the relevant time, the first floor living area was not occupied by a tenant.

11. On Friday, November 23, 2018, Mr. Okosi was at home. It was a cold day, and the building heat was on. Mr. Okosi pays to heat the building.

12. Mr. Okosi's fiancé encountered a woman she did not recognize in the first floor living area. Mr. Okosi's fiancé called the police and reported the other woman had a knife. The other woman departed the home.

13. Police responding to the call encountered the other woman on the street, frisked her, and did not locate a knife.

14. By this time, a large number of police officers—on information and belief, eight or more—had entered Mr. Okosi's entryway and the first floor living area.

15. Mr. Okosi had also come downstairs. Mr. Okosi was scared and upset that there were a large number of police officers in his house. He asked them to leave. They did not.

16. Shortly before Mr. Okosi's arrest, Officers Roby, Stephan Lockwood, and Michael Mastroardi were present in the first floor living area or the entryway. Officer Roby was standing in the doorway to the first floor living area, adjacent to the entryway and the front door of the building. Officer Mastroardi was standing in the entryway. On information and belief, Officer Lockwood was standing inside the first floor living area, in proximity to Mr. Okosi.

17. Shortly before Mr. Okosi's arrest, Mr. Okosi said, among other things, "Yo, can you close my front door, bro? I... I... I pay for the heat." and "Can you close my front door, please? I'll close it myself."

18. Officer Roby then made a gesture instructing Officer Mastroardi to close the front door. Officer Roby said, among other things, "Calm down. It's already closing."



*Figure 1: Defendant Roby instructs Officer Mastroardi to shut Mr. Okosi's front door (redacted)*

19. Officer Mastroardi closed the front door most of the way.
20. Using his right hand, Mr. Okosi reached past Officer Roby and shut the door the rest of the way. Mr. Okosi did not touch or attempt to touch Officer Roby.



*Figure 2: Mr. Okosi reaches past defendant Roby to finish shutting his front door*

21. Officer Lockwood was in proximity to Mr. Okosi and witnessed Mr. Okosi use his right hand to shut the front door. Officer Lockwood did not observe Mr. Okosi attempt to push or strike Officer Roby.

22. When the front door came into contact with the door frame, it made a noise. Officer Roby suddenly grabbed Mr. Okosi and forcefully pushed him against the inside of the front door.

23. Officer Mastroardi and other officers assisted Officer Roby in restraining Mr. Okosi. Officer Roby and the other officers forcefully held Mr. Okosi against the inside of his front door and twisted Mr. Okosi's arms and hands behind his back.



*Figure 3: Officer Roby pushing Mr. Okosi against his front door and yelling in his face*

24. Mr. Okosi was surprised to be arrested and repeatedly said “I didn’t do shit to you!” and “What did I do?”



25. Mr. Okosi also repeatedly informed Officer Roby and the other officers that they were being recorded by an installed security camera. Among other things, Mr. Okosi said, “Yo, I got a camera right there. That has everything. I didn’t do shit to you.”



*Figure 4: Mr. Okosi observes his camera recording the BPD Officers*

26. Officer Roby and other officers cuffed Mr. Okosi very tightly and forced him out of his home. Mr. Okosi was not wearing shoes and sustained abrasions to his feet from the outdoor terrain. Additionally, the handcuffs were clasped so tightly that they bruised Mr. Okosi’s wrists and caused his hands to swell.

27. Officer Roby had no probable cause to arrest Mr. Okosi.

28. Officer Roby’s use of force against Mr. Okosi was unnecessary, unjustified, and unreasonable.

29. BPD officers booked Mr. Okosi at B3 Morton Street Station.

30. Mr. Okosi was held in a cell overnight. Mr. Okosi remained in the lockup from Friday until bail was posted later that weekend. While in the lockup, Mr. Okosi experienced extreme anxiety and emotional distress.

**BPD Officers Included False Allegations In The Police Report**

31. After Mr. Okosi was arrested, Officer Lockwood was responsible for drafting the police report.

32. Officer Roby told Officer Lockwood that Mr. Okosi “clenched his fists and attempted to push Officer Roby to the side with his right hand and then hit Officer Roby in the chest with a closed fist,” and thereby caused these allegations to be included in the report. These allegations were false, and Officer Roby knew they were false.

33. As the result of these false allegations, Mr. Okosi was charged with assault and battery on a police officer and disorderly conduct.

34. In general, assault and battery on a police officer is punishable by a mandatory minimum sentence of 90 days’ incarceration and a fine of \$500, and a maximum sentence of up to two and half years’ incarceration and a fine of up to \$5,000.

35. Mr. Okosi was aware that he faced serious, life-altering penalties and collateral consequences as a result of these false charges, and this knowledge caused him to suffer extreme emotional distress.

**BPD Officers Admitted The Inaccuracy Of The Police Report**

36. On or around November 27, 2018—just days after the incident in his home—Mr. Okosi made an administrative complaint to the BPD concerning the circumstances of his arrest and the misconduct of the arresting officers.

37. Even though Mr. Okosi faced pending charges arising from his arrest, he voluntarily provided at least one recorded interview about the incident to BPD Internal Affairs investigators in November or December 2018.

38. Mr. Okosi also voluntarily provided BPD Internal Affairs investigators with the video recording of his arrest and the events immediately preceding it, and with photographs of the injuries to his feet and wrists.

39. During the subsequent investigation, BPD Internal Affairs investigators interviewed Officer Roby, Officer Lockwood, Officer Mastroardi, and at least one other officer who observed the circumstances immediately preceding Mr. Okosi's arrest.

40. When interviewed by BPD Internal Affairs investigators, Officer Lockwood, Officer Mastroardi, and the other officer all stated, in summary, that they did not recall seeing Mr. Okosi attempt to push Officer Roby or strike Officer Roby in the chest with a closed fist, as alleged in the police report.

41. When interviewed by BPD Internal Affairs investigators, Officer Roby stated, among other things, that the police report was not completely accurate, and that Mr. Okosi had used his right hand to close the door. Officer Roby nevertheless made a new false assertion that Mr. Okosi's left hand pushed him in the chest and sternum in the manner of "a stiff arm". The BPD did not discipline any officers for their actions in connection with Mr. Okosi arrest.

**Prosecutors Dismissed The Charges Against Mr. Okosi Following Disclosure Of The Exculpatory Video Recording**

42. The charges against Mr. Okosi arising from November 23, 2018, terminated in Mr. Okosi's favor. Specifically, as described below, the charges against Mr. Okosi were dismissed.



43. The Suffolk County District Attorney's Office ("SCDAO") prosecuted Mr. Okosi's case.

44. Following Mr. Okosi's arraignment, Mr. Okosi's defense attorney sent the exculpatory video of the events immediately preceding Mr. Okosi's arrest to the SCDAO prosecutors responsible for Mr. Okosi's prosecution.

45. According to notes in the prosecutor's file, by January 31, 2019, the Commonwealth was planning to "go over the video with the [Officer Roby] and discuss dismissal with him."

46. On information and belief, an SCDAO prosecutor subsequently spoke with Officer Roby and discussed the video with him.

47. According to notes in the prosecutor's file, SCDAO officials instructed the responsible prosecutor to "Move to dismiss outright after review of video."

48. On March 7, 2019, the charges against Mr. Okosi arising from November 23, 2018, were voluntarily dismissed at the request of the SCDAO on behalf of the Commonwealth. The docket records that "[a]fter viewing video, Comm. moves to dismiss."

**COUNT I**  
**42 U.S.C § 1983**  
**Unlawful Arrest in Violation of the Fourth Amendment**

49. Mr. Okosi restates and realleges the foregoing paragraphs.

50. Officer Roby, acting under color of law, intentionally and unlawfully arrested Plaintiff without probable cause, and without any warrant or other legal process, thereby depriving Mr. Okosi of the right to be free from unreasonable search and seizure as guaranteed by the Fourth Amendment to the United States Constitution.

51. As a direct result, Mr. Okosi was deprived of his liberty and suffered harm, including physical and emotional harm.

**COUNT II**  
**42 U.S.C § 1983**  
**Excessive Force in Violation of the Fourth Amendment**

52. Mr. Okosi restates and realleges the foregoing paragraphs.

53. At all relevant times, Officer Roby acted under color of law.

54. Officer Roby grabbed, shoved, and handcuffed Mr. Okosi, and forced him barefoot over outdoor terrain, all of which was unreasonable in the circumstances given that he knew no probable cause existed to arrest him.

55. This excessive force violated Mr. Okosi's rights under the Fourth Amendment.

**COUNT III**  
**Battery**

56. Mr. Okosi restates and realleges the foregoing paragraphs.

57. Officer Roby intentionally touched Mr. Okosi without consent when he grabbed, shoved, handcuffed, and forcibly moved Mr. Okosi while arresting him without probable cause.

58. This unconsented-to touching caused injury to Mr. Okosi, including injuries to his feet and wrists.

**COUNT IV**  
**False Arrest (Common Law)**

59. Mr. Okosi restates and realleges the foregoing paragraphs.

60. Officer Roby intentionally and unlawfully arrested and confined Mr. Okosi without probable cause, and without a warrant or any other legal process.

61. As a direct result, Mr. Okosi was deprived of his liberty and suffered harm, including physical and emotional harm.

**COUNT V**  
**Malicious Prosecution (Common Law)**

62. Mr. Okosi restates and realleges the foregoing paragraphs.

63. Officer Roby intentionally, maliciously and without probable cause caused a criminal case to be initiated against Mr. Okosi. Officer Roby made false allegations that Mr. Okosi assaulted him to justify the charges against Mr. Okosi.

64. Mr. Okosi's criminal case was finally and favorably terminated when the Commonwealth voluntarily dismissed the charges against him based on its determination that he was innocent or, at a minimum, that it lacked reasonable grounds to prosecute the case.

65. Officer Roby's actions in maliciously prosecuting the baseless criminal case against Mr. Okosi have caused him harm.

**COUNT VI**  
**Abuse of Process (Common Law)**

66. Mr. Okosi restates and realleges the foregoing paragraphs.

67. Officer Roby intentionally and unlawfully used process against Mr. Okosi for an ulterior or illegitimate purpose, resulting in harm to Mr. Okosi.

**COUNT VII**  
**False Imprisonment (Common Law)**

68. Mr. Okosi restates and realleges the foregoing paragraphs.

69. Officer Roby, acting under color of law, intentionally and unlawfully arrested Mr. Okosi without probable cause, and without a warrant or any other legal process, and thereby directly confined Mr. Okosi against his will.

70. Mr. Okosi was conscious of this unconsented-to confinement, deprived of his liberty, and suffered harm as a result.

WHEREFORE, Mr. Okosi respectfully requests that the Court grant the following relief:

- A. Enter judgment in favor of Mr. Okosi and against Officer Roby on all counts of the Complaint;
- B. Award compensatory damages and punitive damages in an amount to be determined by the jury;
- C. Award Mr. Okosi his attorneys' fees, costs, and interest as permitted by law; and
- D. Grant such further and other relief as may be just and proper.

**JURY DEMAND**

Plaintiff demands a trial by jury on all claims and issues so triable.

Respectfully submitted,

MICHAEL OKOSI,

By his attorneys,

/s/Alycia M. Kennedy

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Areeba Jibril (*Pro Hac Vice* motion forthcoming)

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## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Michael Okosi

(b) County of Residence of First Listed Plaintiff Suffolk  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Todd & Weld LLP, 1 Federal Street, Boston MA (617)  
724-2626

**DEFENDANTS**

Scott Roby

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 USC 1983

Brief description of cause:

Michael Okosi was falsely arrested without probable cause and charged with assault and battery on a police officer based on the Defendant's fabric

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** \_\_\_\_\_ CHECK YES only if demanded in complaint:  
**JURY DEMAND:** ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE

SIGNATURE OF ATTORNEY OF RECORD

11/19/2021

/s/Alycia M. Kennedy

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS1. Title of case (name of first party on each side only) Okosi v. Roby

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

☐

I. 160, 400, 410, 441, 535, 830\*, 835\*, 850, 880, 891, 893, R.23, REGARDLESS OF NATURE OF SUIT.

☒

II. 110, 130, 190, 196, 370, 375, 376, 440, 442, 443, 445, 446, 448, 470, 751, 820\*, 840\*, 895, 896, 899.

☐

III. 120, 140, 150, 151, 152, 153, 195, 210, 220, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 367, 368, 371, 380, 385, 422, 423, 430, 450, 460, 462, 463, 465, 480, 485, 490, 510, 530, 540, 550, 555, 560, 625, 690, 710, 720, 740, 790, 791, 861-865, 870, 871, 890, 950.

\*Also complete AO 120 or AO 121. for patent, trademark or copyright cases.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES

☐

NO

☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES

☐

NO

☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES

☐

NO

☒

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES

☐

NO

☒7. Do all of the parties in this action, excluding governmental agencies of the United States and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES

☒

NO

☐A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division

☒

Central Division

☐

Western Division

☐

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division

☐

Central Division

☐

Western Division

☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES

☐

NO

☒

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Alycia M. KennedyADDRESS 1 Federal Street, Boston, MA 02110TELEPHONE NO. 617 724 2626