

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

MAURA O'NEILL, AS ADMINISTRATOR OF THE
ESTATE OF MADELYN E. LINSENMEIR,
PLAINTIFF

v.

CIVIL ACTION No. 3:20-CV-30036

CITY OF SPRINGFIELD, MOISES ZANAZANIAN,
REMINGTON MCNABB, SHEILA RODRIGUEZ,
HAMPDEN COUNTY SHERIFF'S DEPARTMENT
AND JOHN/JANE DOES NOS. 1-5,
DEFENDANTS

**DEFENDANTS, HAMPDEN COUNTY SHERIFF'S DEPARTMENT AND
JOHN/JANE DOES NOS. 1-5'S MOTION TO DISMISS COUNTS II, III, AND IV OF THE COMPLAINT**

Now come the defendants, Hampden County Sheriff's Department and John/Jane Does Nos. 1-5 (hereinafter collectively referred to as "HCSD Defendants"), and hereby move this Honorable Court to dismiss Counts II, III, and IV of the Complaint in this action on the grounds that this Court lacks subject matter jurisdiction of the claims brought pursuant to Title II of the Americans with Disabilities Act (Count II) as against the Hampden County Sheriff's Department, pursuant to the provisions of the Eleventh Amendment to the United States Constitution. Counts III, and IV should be dismissed for failure to state a claim upon which relief may be granted. In further support of this Motion, the HCSD Defendants rely upon the arguments set forth in their Memorandum of Law, filed herewith.

WHEREFORE, for the foregoing reasons and the reasons set forth in the Memorandum of Law filed herewith, the defendants, Hampden County Sheriff's Department and John/Jane Does Nos. 1-5 request that their Motion to Dismiss be granted.

THE DEFENDANTS,
HAMPDEN COUNTY SHERIFF'S
DEPARTMENT AND
JOHN/JANE DOES NOS. 1-5,
By Their Attorney,

/s/ Thomas E. Day

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CERTIFICATE PURSUANT TO LOCAL RULE 7.1

I certify that on May 1, 2020, prior to filing this motion, I conferred with all counsel for the plaintiff in a good faith effort to resolve or narrow the issues raised herein without success.

/s/ Thomas E. Day

Thomas E. Day

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies of this document will be mailed, first-class mail, postage prepaid, to any unregistered participants on May 4, 2020.

/s/ Thomas E. Day

Thomas E. Day

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