

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MAURA O'NEILL, as administrator)
Of the Estate of Madelyn E. Linsenmeir,)
Plaintiff,)
v.)
)
CITY OF SPRINGFIELD, MOISES)
ZANAZANIAN, REMINGTON MCNABB,)
SHEILA RODRIGUEZ, HAMPDEN)
COUNTY SHERIFF'S DEPARTMENT,)
And JOHN/JANE DOES NOS. 1-5,)
Defendants)
)

Civil Action No.: 3:20-cv-30036

**MUNICIPAL DEFENDANTS' MOTION TO CERTIFY AND AMEND THIS COURT'S
ORDER OF MAY 5, 2021 UNDER 28 U.S.C. S 1292(b) and FED. R. APP. P. 5(a)(3)**

The City of Springfield, Moises Zanazanian, Remington McNabb and Sheila Rodriguez (hereinafter "Municipal Defendants") request that this Honorable Court, pursuant to 28 U.S.C. § 1292(b) and F. R. APP. P. 5(a)(3) amend the order of May 5, 2021 by certifying that so much of the order that requires the case against the City of Springfield to be bifurcated and tried before the remaining issues is appropriate for interlocutory review under §1292(b). Specifically, the Defendants ask that the Court certify that the designated section of the order involves a controlling question of law, which appears to be a matter of first impression, and as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation.

In support of this motion the Defendants rely upon the attached memorandum of law.

The Defendants,
City of Springfield, Moises Zanazanian,
Remington McNabb and Sheila Rodriguez,
By their attorneys,

Date: May 18, 2021

By: /s/ Lisa C. deSousa
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CERTIFICATE OF SERVICE

I, the undersigned hereby certify that a true copy of the within document was this day served upon Plaintiff via the Federal District Court ECF to all parties. I am unaware of any party who is a non-registered participant and therefore electronic filing is the sole means of this document.

SIGNED under the pains and penalties of perjury.

Dated: May 18, 2021

/s/ Lisa C. deSousa
Lisa C. deSousa, Esq.