

COMMONWEALTH OF MASSACHUSETTS

REC'D JUL 06 2004

SUFFOLK, ss.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY

RAYMOND L. FLYNN, et al.,

Plaintiffs,

No. SJ-2004-0232

v.

DOUGLAS JOHNSTONE, et al.

Defendants.

**DEFENDANT JOHN J. LONG'S MOTION TO DISMISS THE
AMENDED COMPLAINT PURSUANT TO
MASS. R. CIV. P. 12(b)(1) and (6)**

Pursuant to Mass. R. Civil Procedure 12(b)(1) and (6), Defendant John J. Long, Somerville City Clerk, moves to dismiss the Amended Complaint on the grounds that the plaintiffs lack standing. As a result, the Court lacks subject matter jurisdiction and the complaint fails to state a claim for which relief may be granted. In support of this motion, defendant Long relies on his Memorandum of Law and the attached affidavits of Sarah Wunsch and John J. Long.

JOHN J. LONG, Somerville City Clerk

By his attorneys,

Sarah Wunsch

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Dated: June 30, 2004

CERTIFICATE OF SERVICE

I, Sarah Wunsch, hereby certify that on this 30th day of June, 2004, I served copies of the foregoing document by sending a copy by first class mail addressed to each of the following:

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