

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff,

v.

PENNY PRITZKER, et al.,

Defendants.

STATE OF NEW HAMPSHIRE by its
ATTORNEY GENERAL JOSEPH A. FOSTER,

Intervenor-Plaintiff.

CIVIL ACTION
NO. 13-cv-11301-RGS

**MOTION OF THE PLAINTIFF,
COMMONWEALTH OF MASSACHUSETTS,
FOR SUMMARY JUDGMENT**

The Commonwealth of Massachusetts (the “Commonwealth”), plaintiff in the above-captioned action, hereby moves, pursuant to Fed. R. Civ. P. 56(b), for summary judgment in its favor, and against all named defendants, on Counts II and III of its Complaint.¹

In support of its motion, and as grounds therefor, the Commonwealth relies upon its Memorandum of Law, filed simultaneously herewith.

Respectfully submitted,

COMMONWEALTH OF MASSACHUSETTS

By its attorney,

¹ The Commonwealth makes no argument in its accompanying memorandum of law regarding Count I of the Complaint (challenging Frameworks 48 and 50 under National Standard 1 of the Magnuson-Stevens Act). It does, however, adopt by reference the arguments in support of Count I advanced by the intervenor-plaintiff State of New Hampshire in its filing.

MARTHA COAKLEY
ATTORNEY GENERAL

/s/ Daniel J. Hammond

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DATED: December 3, 2013

CERTIFICATE OF SERVICE

I, Daniel J. Hammond, hereby certify that, this 3rd day of December, 2013, I filed the foregoing documents through the Electronic Case Filing (ECF) system and thus copies of the foregoing will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Daniel J. Hammond

Daniel J. Hammond
Assistant Attorney General

