



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

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THOMAS F. REILLY  
ATTORNEY GENERAL

October 31, 2006

Clerk for Civil Business  
Taunton Superior Court  
9 Court Street, Room 13  
Taunton, Massachusetts 02780

Re: *Ortiz v. Commissioner of Department of Revenue*, Bristol Superior Court  
No. BRCV 2006-01092-B

Dear Madam or Sir:

Please docket and file the enclosed five documents: (1) Motion to Dismiss by Defendant Alan LeBovidge; (2) Memorandum of Law in Support of Motion to Dismiss by Alan LeBovidge, as He is Commissioner of the Massachusetts Department of Revenue; (3) Separate Document Accompanying Defendant's Motion to Dismiss; (4) Plaintiff's Motion [*sic*] to Deny Motion to Dismiss; and (5) Memorandum of Law in Support to Deny Motion to Dismiss [and Grant Summary Judgment for Plaintiff].

Please note that plaintiff's motion for summary judgment was rejected for filing for failure to comply with Superior Court Rule 9A. The two documents from plaintiffs are included solely in connection with defendant's motion to dismiss.

Thank you for your consideration.

Very truly yours,

David A. Guberman  
Assistant Attorney General  
(617) 727-2200, Ext. 2072

Enclosures

cc: Mr. Ernest Ortiz (w/encs.) ✓  
William J. Quaglia, Esquire (w/encs.)



COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT

ERNEST ORTIZ,

Plaintiff

v.

ALAN LeBOVIDGE, as he is  
COMMISSIONER OF THE  
MASSACHUSETTS DEPARTMENT OF  
REVENUE, and CATHERINE J. ORTIZ,

Defendants.

C.A. 06-1092-B

SEPARATE DOCUMENT ACCOMPANYING  
DEFENDANT'S MOTION TO DISMISS

1. Motion to Dismiss by Defendant Alan LeBovidge.
2. Memorandum of Law in Support of Motion to Dismiss by Alan LeBovidge,  
as He is Commissioner of the Massachusetts Department of Revenue.
3. Plaintiff's Motion to Deny Motion to Dismiss.
4. Memorandum of Law in Support to Deny Motion to Dismiss [and Grant  
Summary Judgment for Plaintiff].

Respectfully submitted,

ALAN LeBOVIDGE, as he is  
Commissioner of the Massachusetts  
Department of Revenue,

By his attorney,

THOMAS F. REILLY  
ATTORNEY GENERAL,

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David A. Guberman BBO# 214020  
Assistant Attorneys General  
Government Bureau  
One Ashburton Place, Room 2019  
Boston, Massachusetts 02108  
(617) 727-2200, ext. 2072

Dated: October 31, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above  
document was served upon the attorney of  
record for each other party by mail (by hand)

on 31 October 2006

