

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT DEPARTMENT

OF THE TRIAL COURT

ERNEST ORTIZ,) Case No.: C.A. 06-1092-B
)
)
Plaintiff,)
)
vs.)
)
ALAN LeBOVIDGE, COMMISSIONER,)
)
MASSACHUSETTS DEPARTMENT OF)
)
REVENUE,)
)
(In his official)
)
capacity), and CATHERINE J.)
ORTIZ,)
Defendants)

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Now comes Plaintiff, Ernest Ortiz, in the above-captioned matter and, pursuant to Mass. R. Civ. P.56, respectfully moves this Honorable Court to grant Summary Judgment in favor of Plaintiff and against Defendants, on Plaintiff's Complaint for Action for Declaratory Judgment and Injunctive Relief G.L. c. 208 34 (Alimony) Impermissibly Infringes Declaration of Rights

Massachusetts Constitution art. 10, (Due Process, Right of Privacy) art. 30, (Separation of Powers), art 106, (Basic Rights), G.L. 214 1B (Right of Privacy), dated September 1, 2006.

Plaintiff herewith attaches a Memorandum of Law in Support of Plaintiff's Motion for Summary Judgment and an Affidavit of Undisputed Facts as required by Rule 56.

Wherefore, Plaintiff respectfully requests that this Honorable Court enter Summary Judgment in favor of Plaintiff and against Defendants.

REQUEST FOR HEARING

Pursuant to Superior Court rule 9A(2), Plaintiff submits that the written documents provide the court with the necessary law to rule on this motion. If the court wishes a hearing, the Plaintiff is prepared to appear.

Respectfully Submitted,

November 10, 2006

Ernest Ortiz, pro se, with assistance of counsel
90 Weeden Road
Fairhaven, MA 02719
508-997-0920
llswedel12@aol.com