

Commonwealth of Massachusetts
County of Middlesex
The Superior Court

Civil Docket MICV2011-00572

RE: Smith et al v City Of Newton, Acting As The Newton Public Schools

TO: David Duncan, Esquire
Zalkind Rodriguez Lunt & Duncan
65A Atlantic Avenue
Boston, MA 02110

CLERK'S NOTICE

This is to notify you that in the above referenced case the Court's action on **09/09/2011**:

RE: Defendant City Of Newton, Acting As The Newton Public Schools's MOTION to Dismiss (MRCP 12b), Memorandum in support, Plffs' opposition, Appendix of parties' electronic opinions, certificate of service.

is as follows:

Motion (P#7) After hearing at this stage based on the 4 corners of the plaintiffs' complaint and the stated status of the records in issue as a "public record" which is the plaintiffs' assertion in the complaint. The motion to dismiss pursuant to Rule 12-b-6 is DENIED. (Daniel M. Wrenn, Justice, Dated: 9-8-11) Notices mailed 9/9/2011

Dated at Woburn, Massachusetts this 9th day of September, 2011.

Michael A. Sullivan,
Clerk of the Courts

BY:

Patricia McCann
Assistant Clerk

Telephone: 781-939-2748

Copies mailed 09/09/2011