

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
WESTERN DIVISION**

CONNOR B., by his next friend, ROCHELLE  
VIGURS, et al.,

Plaintiffs,

v.

DEVAL L. PATRICK, et al.,

Defendants.

CIVIL ACTION  
NO. 10-CV-30073-MAP

**THE MOTION OF THE HON. DEVAL L. PATRICK  
TO DISMISS THE COMPLAINT AGAINST HIM  
PURSUANT TO FED. R. CIV. P. 12(b)(1) AND 12(b)(6)**

Defendant Deval L. Patrick, in his official capacity as Governor of the Commonwealth of Massachusetts, moves to dismiss plaintiffs' complaint against him pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).

Because the Complaint fails to set forth any factual allegations establishing a sufficient connection between the Governor and the challenged conduct, which concerns administration of the Commonwealth's foster care system, the claims against the Governor are barred by the Eleventh Amendment to the United States Constitution. The grounds for the motion are set forth at greater length in the Memorandum of Law in Support of Defendants' Motion to Dismiss the Complaint (Argument Section III).

Accordingly, the Complaint as against the Governor should be dismissed.

**REQUEST FOR HEARING**

Pursuant to Local Rule 7.1(D), defendants request a hearing on the merits of this motion.

Respectfully submitted,

THE HON. DEVAL L. PATRICK,  
GOVERNOR, SECRETARY JUDYANN  
BIGBY, AND COMMISSIONER ANGELO  
MCCLAIN,

By their attorneys,

MARTHA COAKLEY  
ATTORNEY GENERAL

/s/ Amy Spector  
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August 20, 2010

**Certification Pursuant to Local Rule 7.1(A)(2)**

I certify that co-counsel Robert L. Quinan and I have conferred with counsel for plaintiffs, prior to the filing of this motion, but we did not reach agreement with plaintiffs' counsel on the issues presented in the motion.

/s/ Amy Spector  
Amy Spector

**Certificate of Service**

I hereby certify that the above motion was filed through the Electronic Case Filing (ECF) system on August 20, 2010, and thus copies will be sent electronically to plaintiffs' counsel, who are identified as registered participants on the Court's Notice of Electronic Filing.

/s/ Amy Spector  
Amy Spector