

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX:SS

3

SUPERIOR COURT
NO. 75-2051

GIBBS OIL COMPANY)
VS.)
CITY OF MALDEN, and)
LEO P. DeMARCO, C.S.)

MOTION TO DISMISS

Now come the defendants, City of Malden and Leo P. DeMarco, City Solicitor of the City of Malden, in the above entitled action and move this Honorable Court to dismiss the Complaint filed in this matter, and for reason assign the following:

- 1. The Complaint fails to state a claim.

FILED
IN THE COURT OF THE
CLERK OF THE COURTS
FOR THE COUNTY OF MIDDLESEX
APR 22 1975
[Signature]
CLERK

By its/his Attorney,

Thomas H. Fallon
Thomas H. Fallon
Assistant City Solicitor
City of Malden Law Dept.
6 Pleasant Street, Rm. 522
Malden, Massachusetts 02118

ATTACH THIS AFFIDAVIT TO THE MOTION.

No. 75-2051

MIDDLESEX, SS.

Commonwealth of Massachusetts.

AFFIDAVIT OF NOTICE OF MOTION.

SUPERIOR COURT.

Gibbs Oil Company

I, Thomas H. Fallon

on the 17th

day of April

Plff. vs. City of Malden, et al Def. s

{ Attorney for } the above named defendants
{ in behalf of }

plaintiff—~~the defendant~~—

I should make a motion { for } Dismiss
to }

A.D. 1975, gave notice in writing to the
in the above entitled action that

in the First Jury Session at 9:30 A. M.—Session without Jury at 9:30 A. M.,—at Cambridge, on the 23rd
day of April A. D. 1975, such notice was given

by mailing a letter, postage prepaid, containing a copy of proposed motion directed to
Richard D. Gilman, Esquire, 1 Salem Street, Malden, Massachusetts
by delivering personally to—

This statement is made under the penalties of perjury.
Cambridge, Malden, April 17, 1975

Thomas H. Fallon

Attorney for Plaintiff—Defendants

1975 Apr 23.
Herald in your case
RPH sd.
Plu. St. Paul
Dor. Clerk
Herald

O-206

Gibbs Oil Co. VS. City of Malden and Leo P.
DeMarco C.S. Motion to dismiss re: an
ordinance on self-service gas stations.

April 5, 1976