

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____		)	
BHARANIDHARAN PADMANABHAN,	)		
MD, PhD,	)		
	)		
Plaintiff,	)		
	)	1:15-cv-13297-NMG	
v.	)		
	)		
MAURA HEALEY, STEVEN HOFFMAN,	)		
CHRIS CECCHINI, ADELE AUDET,	)		
JAMES PAIKOS, LORETTA KISH	)		
COOKE, JOHN DOES, and JANE DOES	)		
	)		
Defendants.	)		
_____		)	

**DEFENDANTS MAURA HEALEY, STEVEN HOFFMAN, CHRIS CECCHINI, ADELE AUDET, JAMES PAIKOS, AND LORETTA KISH COOKE’S MOTION TO DISMISS**

Defendants Maura Healey, Steven Hoffman, Chris Cecchini, Adele Audet, James Paikos, and Loretta Kish Cooke (collectively hereinafter “Defendants”) move to Dismiss Plaintiff’s claims pursuant to Fed. R. Civ. P. 12(b)(6). Each of the claims asserted by Plaintiff must be dismissed pursuant to Fed. R. Civ. P. 12(b)(6) because the Plaintiff has failed to allege factual allegations that support any claim upon which relief may be granted.

First, Plaintiff Fails to State Claims for Either Violation of the CFAA (Count I) or Violation of the SCA (Count II). Plaintiff fails to allege sufficient facts to support his belief that the PMP database was accessed by the Defendants. Even if the Court were to accept the claim that the PMP database was accessed by the Defendants, Plaintiff’s claims for violation of the CFAA and the SCA still must fail. These statutes have no applicability to Plaintiff’s claim that the PMP database was accessed. Even if they were applicable, Plaintiff fails to meet the requirements to bring a civil action for an alleged violation. Further, any access to the PMP

database as alleged by Plaintiff would not exceed that which is authorized by law.

Second, because Plaintiff has failed to State Viable Claims for Violations of the CFAA or the SCA the Claims for Civil Conspiracy and Equitable Relief must also be dismissed.

Defendants incorporate and rely on the authorities and arguments in the accompanying memorandum of law as support for this motion.

Wherefor, defendants respectfully request this court to dismiss all claims asserted against them pursuant to Fed. R. Civ. P. 12(b)(6).

Respectfully submitted,

MAURA HEALY, STEVEN HOFFMAN,  
CHRIS CECCHINI, ADELE AUDET, JAMES  
PAIKOS, and LORETTA KISH COOKE,

By their Attorneys,

MAURA HEALEY  
ATTORNEY GENERAL

/s/ Mark P. Sutliff

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Date: November 16, 2015

**CERTIFICATE OF SERVICE**

I, Mark P. Sutliff, Assistant Attorney General, hereby certify that I have this day, November 16, 2015, served the foregoing document, upon all parties, by electronically filing to all ECF registered parties and by sending a copy, first class mail, postage prepaid to all unregistered parties.

/s/ Mark P. Sutliff \_\_\_\_\_  
Mark P. Sutliff