

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 HEALY, STEVEN HOFFMAN, CHRIS CECCHINI, ADELE AUDET, JAMES PAIKOS AND LORETTA KISH COOKE'S OPPOSITION TO PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT AGAINST DEFENDANTS HEALEY, HOFFMAN, CECCHINI, PAIKOS, COOKE AND AUDET

Now come Defendants Maura Healey, Steven Hoffman, Chris Cecchini, Adele Audet, James Paikos, and Loretta Kish Cooke (collectively "Commonwealth Defendants") and respectfully oppose Plaintiff's motion for default against the Commonwealth Defendants based on the following grounds:

1. This court allowed the Commonwealth Defendants' motion to enlarge the time period to respond to Plaintiff's complaint to November 15, 2015. Docket Entry No. 7.
2. On Sunday, November 15, 2015, Plaintiff sent an e-mail to Assistant Attorney General Adam LaGrassa stating he intended to default the Commonwealth Defendants because answers had not been filed.

3. On Monday, November 16, 2015, the undersigned attorney advised Plaintiff by e-mail that the answer was not due until Monday, November 16, 2015, because the due date of November 15, 2015 occurred on a Sunday.
4. Under Fed.R.Civ.P. 6(a)(1)(C) COMPUTING AND EXTENDING TIME; TIME FOR MOTION PAPERS, “if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.”
5. The Commonwealth Defendants’ motion to dismiss filed on Monday, November 16, 2015 is timely pursuant to Fed.R.Civ.P. 6(a)(1)(C).

Wherefor, Plaintiff’s motion for entry of default should be denied.

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 17, 2015

CERTIFICATE OF SERVICE

I, Mark P. Sutliff, Assistant Attorney General, hereby certify that I have this day, November 17, 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
Assistant Attorney General