

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SAMANTHA J. COMFORT, on behalf of her  
minor child and next friend, ELIZABETH  
NEUMYER, et al.

*Plaintiffs,*

v.

LYNN SCHOOL COMMITTEE, et al.

*Defendants,*

*and*

COMMONWEALTH OF MASSACHUSETTS

*Defendant-Intervenor.*

Civil Action No. 99-cv-11811 NG (Lead)

TODD and LAURIE BOLLEN, on behalf  
of their minor child and next friend  
MATTHEW BOLLEN, et al.

*Plaintiffs,*

v.

LYNN SCHOOL COMMITTEE, et al.

*Defendants.*

Civil Action No. 01-cv-10365 NG

**PLAINTIFFS' MOTION FOR RELIEF FROM FINAL JUDGMENT**

Pursuant to Rule 60(b)(5) of the Federal Rules of Civil Procedure, the Plaintiffs in the above captioned consolidated matters move this Court for relief from the final judgment entered on September 5, 2003 and sustained by a mandate of the Court of Appeals dated July 15, 2005. As grounds for this motion, the Plaintiffs note that the decisional law upon which this Court and the Court of Appeals based their decisions has been altered by the decision of the Supreme Court of the United States in *Parents Involved in Community Schools v. Seattle School District No. 1*, No. 05-908.

**Wherefore**, for the reasons stated in the *Memorandum In Support of Plaintiff's Motion for Relief from Final Judgment*, this Honorable Court should set aside the final judgment entered in these consolidated matters and enter a new judgment consistent with the new legal standard articulated by the Supreme Court in *Parents Involved in Community Schools v. Seattle School District No. 1*.

**REQUEST FOR ORAL ARGUMENT**

It is believed that oral argument may assist the Court in its consideration of this motion. Oral argument is respectfully requested.

Dated: July 3, 2007

Respectfully submitted,

SAMANTHA J. COMFORT, *et al.*,

By their Attorneys,

/s/ Michael Williams

Chester Darling (BBO# 114320)

Michael Williams (BBO# 634062)

Robert J. Roughsedge (BBO# 638180)

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**LOCAL RULE 7.1 CERTIFICATION**

I hereby certify that I conferred with counsel for the Defendants, Attorney John Mihos (Lynn) and Assistant Attorney General Maura Healey (Commonwealth), on July 3, 2007 in a good-faith effort to resolve this motion.

/s/ Michael Williams

**CERTIFICATE OF SERVICE**

I hereby certify that this Document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on July 3, 2007.

/s/ Michael Williams