

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
C.A. No. 2012-00963

OURWAY REALTY, LLC, d/b/a)
PLAINRIDGE RACECOURSE,)
)
Plaintiff,)
)
v.)
)
THOMAS KEEN,)
)
Defendant.)

**SPECIAL MOTION TO DISMISS PURSUANT TO G.L. c. 231 § 59H
(Hearing Requested)**

Defendant Thomas Keen respectfully submits this Special Motion to Dismiss pursuant to the Anti-SLAPP statute, G.L. c. 231 § 59H. Plaintiff Ourway Realty, LLC has filed a defamation complaint against Keen based solely on activities that amount to the exercise of the right to petition the government. Because Ourway cannot prove by a preponderance of the evidence that the petitioning activities were devoid of factual or legal basis, nor that Ourway has suffered “actual damages,” the complaint must be dismissed, and Keen must be awarded his reasonable attorneys’ fees and costs.

In accordance with the Anti-SLAPP law, Keen requests that the Court advance his motion "so that it may be heard and determined as expeditiously as possible." G.L. c. 231 § 59H. Keen further requests that a hearing be held on his motion.

THOMAS KEEN

By His Attorneys,



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Certificate of Service

I, Jeffrey J. Pyle, hereby certify that the above document was served on counsel for plaintiff on July 20, 2012, by first-class mail and e-mail.



Jeffrey J. Pyle