

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss.

SUPERIOR COURT
C.A. NO. 2679CV00453

USPB JV, LLC and SPRINGFIELD TOWER
SQUARE, LLC,
Plaintiffs,

v.

MASSACHUSETTS DIVISION OF CAPITAL
ASSET MANAGEMENT AND MAINTENANCE
and FDS MA LIBERTY JUNCTION, LLC,
Defendants.

**SPECIALLY ASSIGNED TO THE
HONORABLE DAVID M. HODGE**

**DEFENDANT MASSACHUSETTS DIVISION OF CAPITAL ASSET
MANAGEMENT AND MAINTENANCE’S MOTION TO DISMISS**

Defendant Division of Capital Asset Management and Maintenance (“DCAMM”) hereby moves to dismiss Plaintiffs’ complaint pursuant to Mass. R. Civ. P. 12(b)(1) and 12(b)(6). This Court has already identified “myriad difficulties,” in the Complaint, noting that “[t]here is no logical or legal support for plaintiffs’ convoluted theory,” and has further determined that Plaintiffs have not articulated any “tenable basis for relief.” Dkt. No. 27 at 13, 22. None of Plaintiffs’ claims against DCAMM can survive in the face of these serious legal deficiencies.

As this Court is aware, the operative Complaint has been brought by two disgruntled proposers seeking to overturn DCAMM’s discretionary decision that Liberty Junction’s proposal for the new Springfield Regional Justice Center (“SRJC”) provided the best value to the Commonwealth (i.e., the Trial Court) by approximately \$300 million. In their Complaint, Plaintiffs have asserted incorrect and inapplicable legal claims and theories against DCAMM. Plaintiffs’ Complaint is based on: (1) legal mistakes in its assertions that the state ethics laws create a cause of action against DCAMM, and that the certiorari and declaratory judgment statutes apply

to the case at hand; and (2) allegations that do not plausibly state a claim because Plaintiffs have not identified any facts indicating that DCAMM has violated the law. These fatal flaws doom the Complaint and require its dismissal.

For these reasons, which are more fully articulated in the accompanying memorandum, DCAMM respectfully requests that this Honorable Court dismiss all claims against DCAMM with prejudice.

Defendant

MASSACHUSETTS DIVISION OF CAPITAL
ASSET MANAGEMENT AND MAINTENANCE

By its Attorneys,

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CERTIFICATE OF SERVICE

I, Hannah Vail, Assistant Attorney General, hereby certify that I have this day, August 27, 2026, served the foregoing document upon all parties by emailing a copy to:

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