

COMMONWEALTH OF MASSACHUSETTS

FRANKLIN, SS

SUPERIOR COURT DEPARTMENT OF
THE TRIAL COURT

MARK HEALY and DIANE E. HEALY,

Plaintiffs,

v.

BANK OF AMERICA, N.A., and BAC HOME
LOANS SERVICING, L.P., f/k/a
COUNTRYWIDE HOME LOANS
SERVICING, L.P.,

Defendants.

Civ. A. No. 10-044

DEFENDANTS' MOTION TO DISMISS

Defendant Bank of America, N.A., and BAC Home Loans Servicing (“Defendants” or “Bank of America”) hereby moves, pursuant to Massachusetts Rule of Civil Procedure 12(b)(6), to dismiss Plaintiffs Mark and Diane Healy’s complaint in this action. The reasons in support of Defendants’ motion are set forth in Defendants’ Memorandum of Law.

REQUEST FOR HEARING

Pursuant to Superior Court Rule 9A(a)(1), Defendants request a hearing on this Motion. Defendants submit that a hearing shall assist the Court in its consideration and resolution of the issues presented in this Motion.

CONCLUSION

WHEREFORE, for the reasons set forth herein and in the accompanying memorandum in support of this motion, Defendants respectfully request that this Court:

1. Dismiss this action pursuant to Massachusetts Rule of Civil Procedure 12(b)(6);

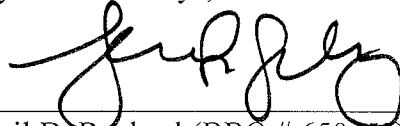
and,

2. Award such other relief as the Court deems reasonable and just.

Respectfully submitted,

BANK OF AMERICA, N.A., and BAC
HOME LOANS SERVICING, L.P.,

By their attorneys,



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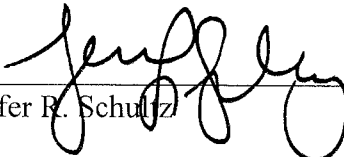
Boston, Massachusetts 02109

617.570.1000

Dated: May 14, 2010

CERTIFICATE OF SERVICE

I, Jennifer R. Schultz, hereby certify that a true copy of the foregoing document was served upon all counsel of record by U.S. First Class Mail, postage pre-paid, on May 14, 2010.



Jennifer R. Schultz