

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT

HAMPDEN, SS

HOUSING COURT DEPARTMENT
WESTERN DIVISION

DOCKET NO. 10-SP-913

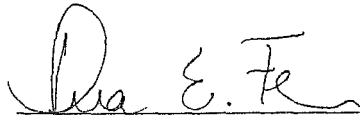
STEVEN ROVITHIS, Plaintiff v. JARRETT HEBERT and JESSICA TOWER, Defendants

RULING AND ORDER ON
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

The above-captioned matter came before the court on March 2, 2012, for hearing on the defendants' motion for summary judgment. Based upon the stipulated facts, judgment shall enter in favor of the defendants. As a matter of law, the facts, which establish that a portion of a single marijuana cigarette was observed at the defendants' apartment on a single occasion, do not suffice to establish that the defendants were engaged in the "illegal keeping, sale or manufacture of controlled substances," in violation of G.L. c. 139, §19.

Having ruled on the basis articulated above, I need not and do not reach the defendants' argument that G.L. c. 94C, §32L prevents the landlord from seeking eviction on the facts of this case.

So entered this _____ day of March, 2012.



Dina E. Fein, First Justice