

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION**

DAVID BONIFACE,  
NISSANDÈRE MARTYR, and  
JUDERS YSEMÉ,  
  
Plaintiffs,

v.

JEAN MOROSE VILIENA  
(a.k.a. JEAN MOROSE VILLIENA),  
  
Defendant.

Case No. 1:17-cv-10477-ADB

**MOTION FOR PARTIAL SUMMARY JUDGMENT OF PLAINTIFFS  
DAVID BONIFACE, NISSANDÈRE MARTYR AND JUDERS YSEMÉ**

Pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.1, plaintiffs David Boniface, Nissandère Martyr, and Juders Ysemé (collectively “Plaintiffs”) hereby move for partial summary judgment on defendant Jean Morose Viliena’s (“Defendant”) affirmative defense of failure to exhaust local remedies, asserted in his First Amended Answer (Dkt. 131).

This motion is based on the accompanying memorandum of law, statement of undisputed material facts, declarations of Bonnie Lau and Brian Concannon Jr. and supporting evidence, as well as all pleadings and documents on file in this action.

**REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1(d), Plaintiffs respectfully request oral argument on this motion.

WHEREFORE, Plaintiffs respectfully request that this Court grant partial summary judgment in their favor on Defendant’s exhaustion affirmative defense.

Dated: March 28, 2022

Respectfully submitted,

DAVID BONIFACE, NISSANDÈRE  
MARTYR, AND JUDERS YSEMÉ

By their attorneys,

/s/ Bonnie Lau

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**LOCAL RULE 7.1(a)(2) CERTIFICATION**

I hereby certify that counsel for the parties met and conferred in good faith on March 24, 2022, but were unable to resolve or narrow the issues in this motion.

/s/ Bonnie Lau

**CERTIFICATE OF SERVICE**

I hereby certify that on March 28, 2022, I caused to be filed electronically a true copy of the foregoing document with the Clerk of the Court using the CM/ECF system, which will notify the parties of record via electronic notification.

*/s/ Bonnie Lau*

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