

FILED JAN 25 2011

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

PROBATE & FAMILY COURT
NO. ES09E0094QC

ALEXANDER B.C. MULHOLLAND, JR,
PETER FOOTE, DONALD WHISTON,
JAMES FOLEY, ELIZABETH KILCOYNE,
PATRICK J. McNALLY, AND
INGRID MILES AS THEY ARE THE
FEOFFEEES OF THE GRAMMAR SCHOOL
IN THE TOWN OF IPSWICH,
Plaintiffs,

v.

ATTORNEY GENERAL OF THE
COMMONWEALTH OF MASSACHUSETTS,
IPSWICH SCHOOL COMMITTEE, AND
RICHARD KORB, AS HE IS
SUPERINTENDENT OF SCHOOLS IN THE
TOWN OF IPSWICH,
Defendants.

ESSEX, ss. PROBATE & FAMILY COURT

Feb 16 2011

The within action is hereby denied

Justice of Probate & Family Court

allowed as to substitution
but demand as to
request to join parties
as Defendants

**MOTION TO SUBSTITUTE PARTIES AND
TO JOIN PARTIES AS DEFENDANTS**

Plaintiff Patrick J. McNally ("McNally"), and proposed substitute parties Raymond Morley ("Morley") and Charles Surpitski ("Surpitski"), now hereby move that the Court substitute Morley and Surpitski in this action for Plaintiffs Elizabeth Kilcoyne and Ingrid Miles, and that the Court realign McNally, Morley and Surpitski as Defendants in this action. As reason for this motion, McNally, Morley and Surpitski state the following:

FACTS

Plaintiffs Alexander B.C. Mulholland, Jr., Peter Foote, Donald Whiston, James Foley, Elizabeth Kilcoyne, Patrick J. McNally and Ingrid Miles were the Feoffees of the Grammar School in the Town of Ipswich (the "Feoffees") at the time that this Civil Action was filed. The