

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

PROBATE & FAMILY COURT
DOCKET NO. ES09E0094QC

ALEXANDER B.C. MULHOLLAND, JR., et al.)
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.)

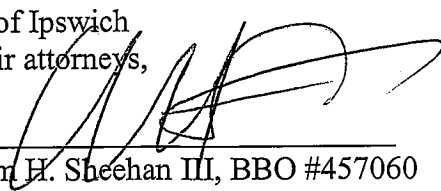
**PLAINTIFFS' MOTION TO STRIKE PORTIONS OF THE
AFFIDAVIT OF CATHERINE T.J. HOWE**

The Feoffees of the Grammar School in the Town of Ipswich ("the Feoffees") hereby move to strike portions of the Affidavit of Catherine T.J. Howe filed in support of her motion to intervene in this action because, as detailed herein, those portions sought to be struck contain, or rely upon, hearsay, belief, opinion, and conclusory statements, are irrelevant, and are unsupported by facts made on the affiant's personal knowledge.

Specifically, the Feoffees move to strike the following:

1. Paragraphs 5, 6, and 8 contain belief, not fact, and constitute inadmissible opinion and conclusion testimony.
2. Paragraphs 4 and 7 purport to recite what others understand and are aware of; as such, those paragraphs constitute inadmissible speculation.

Respectfully submitted,
Alexander B.C. Mulholland, Jr., et al.,
Feoffees of the Grammar School in the
Town of Ipswich
By their attorneys,



William H. Sheehan III, BBO #457060
MacLean Holloway Doherty
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Dated: January 25, 2012

CERTIFICATE OF SERVICE

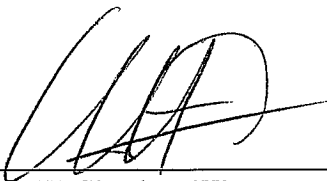
I, William H. Sheehan III, attorney for the Plaintiffs, hereby certify that I have served a copy of the above document upon all parties or counsel of record, by mailing the same, first class mail, postage prepaid, to the following attorneys:

Stephen M. Perry, Esq.
Casner & Edwards, LLP
303 Congress Street
Boston, MA 02210

Johanna Soris, Esq.
Commonwealth of Massachusetts
Office of the Attorney General
Public Charities Division
One Ashburton Place
Boston, MA 02108

And to the would be intervener:

Mark E. Swirbalus
Day Pitney LLP
One International Place
Boston, MA 02110



William H. Sheehan III

Dated: January 25, 2012

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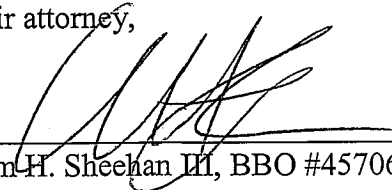
**PLAINTIFFS' MOTION TO STRIKE PORTIONS OF THE
AFFIDAVIT OF ROBERT WEATHERALL, JR.**

The Feoffees of the Grammar School in the Town of Ipswich ("the Feoffees") hereby move to strike portions of the Affidavit of Robert Weatherall, Jr. filed in support of his motion to intervene in this action because, as detailed herein, those portions sought to be struck contain, or rely upon, hearsay and conclusory statements, are irrelevant, and are unsupported by facts made on the affiant's personal knowledge.

Specifically, the Feoffees move to strike the following:

1. Paragraph 4, inclusive of Exhibit A, contains inadmissible hearsay and opinions of the Ipswich Planning Board, not facts. Furthermore, Exhibit A is expressly dependent upon assumptions and presumptions not supported, or sought to be supported, by the affiant.
2. Paragraphs 5 and 6 contain belief, not fact, and constitute inadmissible opinion and conclusion testimony.

Respectfully submitted,
Alexander B.C. Mulholland, Jr., et al.,
Feoffees of the Grammar School in the
Town of Ipswich
By their attorney,



William H. Sheehan III, BBO #457060
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wsheehan@mhdpc.com

Dated: January 25, 2012.

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One International Place
Boston, MA 02110



William H. Sheehan III

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**PLAINTIFFS' MOTION TO STRIKE PORTIONS OF THE
AFFIDAVIT OF SUSAN BRENGLE**

The Feoffees of the Grammar School in the Town of Ipswich ("the Feoffees") hereby move to strike portions of the Affidavit of Susan Brengle filed in support of her motion to intervene in this action because, as detailed herein, those portions sought to be struck contain, or rely upon, hearsay and conclusory statements and are unsupported by facts made on the affiant's personal knowledge.

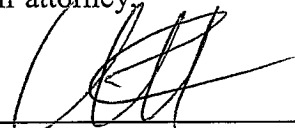
Specifically, the Feoffees move to strike the following:

1. The portion of paragraph 3 reading: "who are (or have been) beneficiaries of the William Paine Trust ("Trust")" and all other references in this affidavit (paragraphs 6, 7, and 11) to the beneficiary being someone other than the Ipswich Public Schools, as inadmissible, non-factual, opinion and conclusion testimony.

2. The portion of paragraph 5 reading: "due in part, I believe to the mismanagement of the Trust by the Feoffees" which contains belief, not fact, and constitutes inadmissible opinion and conclusion testimony. In addition, there are no proffered facts to support the stated belief.

3. Paragraphs 8, 10, inclusive of Exhibit A, 11, 13, and 14 contain belief, not fact, and constitute inadmissible opinion and conclusion testimony. Exhibit A also constitutes inadmissible hearsay.

Respectfully submitted,
Alexander B.C. Mulholland, Jr., et al.,
Feoffees of the Grammar School in the
Town of Ipswich
By their attorney,



William H. Sheehan III, BBO #457060
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Dated: January 28, 2012

CERTIFICATE OF SERVICE

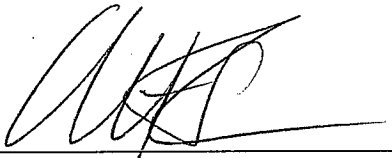
I, William H. Sheehan III, attorney for the Plaintiffs, hereby certify that I have served a copy of the above document upon all parties or counsel of record, by mailing the same, first class mail, postage prepaid, to the following attorneys:

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Public Charities Division
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And to the would be intervener:

Mark E. Swirbalus
Day Pitney LLP
One International Place
Boston, MA 02110



William H. Sheehan III

Dated: January 25, 2012

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RICHARD KORB, as he is Superintendent of)
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**PLAINTIFFS' MOTION TO STRIKE PORTIONS OF THE
AFFIDAVIT OF DOUGLAS J. DEANGELIS**

The Feoffees of the Grammar School in the Town of Ipswich ("the Feoffees") hereby move to strike portions of the Affidavit of Douglas J. DeAngelis filed in support of his motion to intervene in this action because, as detailed herein, those portions sought to be struck contain, or rely upon, hearsay and conclusory statements, are irrelevant, are unsupported by facts made on the affiant's personal knowledge, and are protected by the attorney-client privilege.

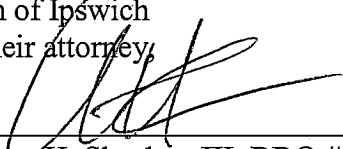
Specifically, the Feoffees move to strike the following:

1. As inadmissible hearsay: Exhibits A, C, and D; Paragraphs 10, 12, 21, and 23.
2. As inadmissible non-factual, opinion and conclusion testimony: Exhibits A, B, C, and D; Paragraphs 7, 10, 15, 26, and 27.
3. As inadmissible speculation: Exhibit B and Paragraph 18.

4. As privileged information within the attorney-client privilege: Exhibit E and Paragraph 20. Exhibit E, Feoffees' meeting minutes which include privileged communications between attorney and client, was made public by one of the Selectmen Feoffees without authority. The attorney client privilege belongs to the Feoffees as a group and cannot be waived by one individual member of that group. See Evidentiary Privileges, MAEV MA-CLE 4.3.3(b) ("When the client is an organization, the privilege belongs to the organization, and the laws determining governance of the organization will determine who may claim the privilege.")

5. As irrelevant and immaterial: Exhibit F and Paragraphs 21, 22, and 23: The statements of an individual School Committee member are inadmissible and not binding on the School Committee. (Law of the case based upon ruling on School Committee's motion in limine).

Respectfully submitted,
Alexander B.C. Mulholland, Jr., et al.,
Feoffees of the Grammar School in the
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By their attorney,



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Dated: January 25, 2012

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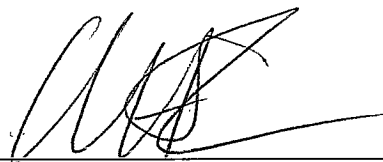
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William H. Sheehan III

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**PLAINTIFFS' MOTION TO STRIKE PORTIONS OF THE
AFFIDAVIT OF CLARK ZIEGLER**

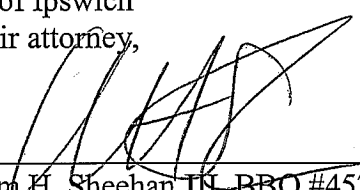
The Feoffees of the Grammar School in the Town of Ipswich ("the Feoffees") hereby move to strike portions of the Affidavit of Clark Ziegler filed in support of his motion to intervene in this action because, as detailed herein, those portions sought to be struck contain, or rely upon, hearsay, opinion, belief, and conclusory statements, are irrelevant, and are unsupported by facts made on the affiant's personal knowledge.

Specifically, the Feoffees move to strike the following:

1. The portion of paragraph 4 reading: "and forced to immediately intervene to protect the interests of our children, the true beneficiaries of the Trust" and all other references in this affidavit (paragraphs 7, 11, 17, and 18) to the beneficiary being someone other than the Ipswich Public Schools, which constitute inadmissible opinion and conclusion testimony, and not fact.

2. As inadmissible hearsay: Exhibit A and Paragraphs 6, 10, and 11.
3. As inadmissible non-factual, opinion and conclusion testimony: Paragraphs 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, and 18.
4. As inadmissible speculation: Paragraphs 12, 13, and 14.

Respectfully submitted,
Alexander B.C. Mulholland, Jr., et al.,
Feoffees of the Grammar School in the
Town of Ipswich
By their attorney,



William H. Sheehan III, BBO #457060
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Dated: January 25, 2012

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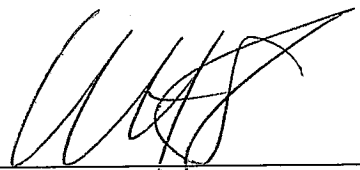
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William H. Sheehan III

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**PLAINTIFFS' MOTION TO STRIKE PORTIONS OF THE
AFFIDAVIT OF MICHELE WERTZ**

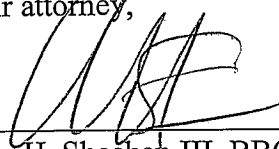
The Feoffees of the Grammar School in the Town of Ipswich ("the Feoffees") hereby move to strike portions of the Affidavit of Michele Wertz filed in support of her motion to intervene in this action because, as detailed herein, those portions sought to be struck contain, or rely upon, hearsay, belief, opinion and conclusory statements and are unsupported by facts made on the affiant's personal knowledge.

Specifically, the Feoffees move to strike the following:

1. Paragraph 4 reading; "However, it is my observation ... might impact the school system." That portion of paragraph 4 contains belief, not fact, and constitutes inadmissible opinion and conclusion testimony. It also constitutes inadmissible speculation.
2. Paragraphs 5, 7, and 8 contain belief, not fact, and constitute inadmissible opinion and conclusion testimony.

3. The portion of paragraph 9 reading: "could no longer rely... the true beneficiaries of the Trust" which contains belief, not fact, and constitutes inadmissible opinion and conclusion testimony as to the beneficiary being someone other than the Ipswich Public Schools.

Respectfully submitted,
Alexander B.C. Mulholland, Jr., et al.,
Feoffees of the Grammar School in the
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By their attorney,



William H. Sheehan III, BBO #457060
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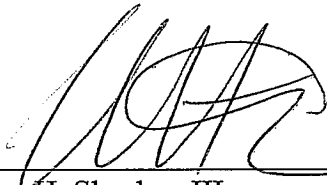
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William H. Sheehan III

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