



January 28, 2011

**Via Hand Delivery**

Register of Probate  
Essex County Probate & Family Court  
36 Federal Street  
Salem, MA 01970

Re: *Alexander B.C. Mulholland, Jr., et al. v.*  
*Attorney General of the Commonwealth of Massachusetts, et al.*  
No. ES09E0094QC (Essex Probate Court)

Dear Sir or Madam:

I am enclosing for filing and docketing Ipswich School Committee's Statement in Support of Motion of Selectmen Feoffees to Substitute Parties and to Join Parties as Defendants.

Please note that this matter is scheduled for hearing before Judge Sahagian on Monday, January 31, at 8:00 a.m.

Very truly yours,

Stephen M. Perry

SMP/lmm

Enclosures

cc: William H. Sheehan III, Esq. *(via email & first class mail)*  
Johanna Soris, Assistant Attorney General *(via email & first class mail)*  
George Hall, Esq. *(via email & first class mail)*  
Richard Korb *(via email & first class mail)*  
Mark E. Swirbalus, Esq. *(via email & first class mail)*

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

PROBATE & FAMILY COURT  
NO. ES09E0094QC

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

Plaintiffs,

v.

ATTORNEY GENERAL of the  
Commonwealth of Massachusetts, et al.;

Defendants

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**IPSWICH SCHOOL COMMITTEE'S STATEMENT  
IN SUPPORT OF MOTION OF SELECTMEN FEOFFEEES TO  
SUBSTITUTE PARTIES AND TO JOIN PARTIES AS DEFENDANTS**

The three Town of Ipswich Selectmen who currently serve as Feoffees (the "Selectmen-Feoffees") have filed a motion to substitute parties so as to replace two former Selectmen, who no longer serve in that capacity, and therefore no longer serve as Feoffees, with the two Selectmen who have replaced them as Feoffees. In addition, the three Selectmen-Feoffees have moved to be realigned in the case as defendants, rather than plaintiffs, because they oppose plaintiffs' motion for partial summary judgment and, based on the information that has now been made available to them, do not necessarily support the proposed sale.

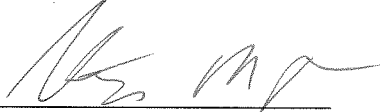
The Ipswich School Committee hereby supports the selectmen-Feoffees' motion for the reasons stated therein. The three selectmen-Feoffees, none of whom signed the Settlement Agreement, must act solely in the best interest of the beneficiaries. They have a right to retain counsel of their choice. Furthermore, to the extent they determine based on a full airing of the facts that the proposed sale is unnecessary and/or improvident, they have a right and duty, as co-

Trustees, to be heard on the matter. Although they are necessary parties to the case, they should not continue to be aligned in the case as plaintiffs if they do not support the positions that the majority of the Trustees are taking.

Respectfully submitted,

Dated: January 28, 2011

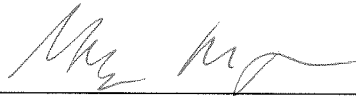
Defendants and Counterclaim Plaintiffs,  
IPSWICH SCHOOL COMMITTEE AND RICHARD  
KORB, SUPERINTENDENT  
By their attorneys,



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CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2011, I caused a copy of the foregoing document to be served by via first class mail upon all counsel of record.



Stephen M. Perry