

FILED APR 18 2012

COMMONWEALTH OF MASSACHUSETTS
PROBATE AND FAMILY COURT DEPARTMENT

ESSEX, ss.

Docket No. ES09E0094QC

ALEXANDER E. C. MURPHY, JR., et al.
Plaintiffs,

v.

ATTORNEY GENERAL OF THE
COMMONWEALTH OF MASSACHUSETTS,
et al.
Defendants.

ESSEX, ss. PROBATE & FAMILY COURT

May 14 2012
allowed

The within action is hereby denied.

Justice of Probate & Family Court

**MOTION OF PLAINTIFFS TO STRIKE PORTION OF
WOULD-BE INTERVENORS' NOTICE OF APPEAL**

Plaintiffs, Feoffees of the Grammar School in the Town of Ipswich ("Feoffees"), hereby move to strike the portion of the would-be intervenors' Notice of Appeal which purports to appeal "[t]his Court's Judgment on Complaint for Deviation Pursuant to G.L. c. 214 §10B, entered on January 12, 2012." For the reasons set forth herein, the would-be intervenors are not parties to this action and cannot appeal the Judgment.

1. On December 23, 2012, the Feoffees and defendants Ipswich School Committee and Superintendent of Schools filed an Agreement for Judgment, which agreement was assented to by the defendant Attorney General of the Commonwealth of Massachusetts. **Exhibits 1 and 2, respectively.** The Agreement for Judgment was incorporated into a Judgment, which Judgment entered on the docket in this action on January 12, 2012. **Exhibit 3.**

2. By order dated February 6, 2012, this Court denied a motion by the would-be intervenors to intervene in this action. **Exhibit 4.**

3. On February 15, 2012 the would-be intervenors filed a Notice of Appeal in which they purport to appeal from both the denial of their motion to intervene and the Judgment. **Exhibit 5.**