

IPSWICH
- Depo - James Foley
7428.0

Jones Reporting Company, Inc.**Invoice**Please visit our website at www.jonesreporters.com

Two Oliver Street, Suite 804

Boston, MA 02109

Phone: (617) 451-8900

Fax: (617) 451-3535

Invoice Date

Friday, December 02, 2011

Invoice #

32813FR

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

Phone:

Fax:

Witness: Sched Deposition of James Foley, pp 1-8**Case:** Mulholland vs. Attorney General of MA**Venue:****Case #:****Date:** 12/1/2011**Start Time:** 10:00 AM**End Time:** 10:01 AM**Reporter:** *Lisa Moreira**Claim #:****File #:**

29328FR

Item	Description	Each	Quan	Total
MIN	Original Transcript, Minimum fee	\$175.00	1	\$175.00
DE	Delivery	\$12.00	1	\$12.00
Sub Total				\$187.00
Payments				\$0.00
Balance Due				\$187.00

Fed. I.D. # 86-1100261

1% interest accrued monthly on all balances over 30 days.

Need ASAP ☐ YES ☒ NO

If yes, time of day

Submission Date 12/6/11

CASNER & EDWARDS, LLP

REBILLABLE CLIENT EXPENDITURES

Client/Matter No. 7428 - 0

Client Name Ipswich

Requesting Person's Initials SMP

Expense Code 60

Amount \$187.00

Cash ☐ Check ☐ Invoice ☒

Payable To: Jones Reporting Company, Inc.

Billing Description (REQUIRED): (scheduled) deposition of James Foley - SMP statement after multiple cancellations

***** Please check expense category and enter expense code number above *****

Codes

Codes

- | | |
|---|---|
| <input type="checkbox"/> 02 Photocopying – in house | <input type="checkbox"/> 66 Patent |
| <input type="checkbox"/> 03 Telephone | <input type="checkbox"/> 67 Printing |
| <input type="checkbox"/> 04 Postage | <input type="checkbox"/> 68 Professional Services |
| <input type="checkbox"/> 05 Closing Adjustment | <input type="checkbox"/> 69 Reserve Corporate Name |
| <input type="checkbox"/> 42 Fax Transmissions | <input type="checkbox"/> 70 Service of Process |
| <input type="checkbox"/> 43 Federal Express | <input type="checkbox"/> 71 Title Examination |
| <input type="checkbox"/> 45 Rush Messenger Delivery | <input type="checkbox"/> 72 Witness Fee |
| <input type="checkbox"/> 46 UPS Delivery | <input type="checkbox"/> 73 Publication of Citation |
| <input type="checkbox"/> 48 Medical Records | <input type="checkbox"/> 74 Certificate of Appointment |
| <input type="checkbox"/> 49 CSC (f/k/a Prentice-Hall) | <input type="checkbox"/> 75 Probate Filing Fees |
| <input type="checkbox"/> 51 PACER on-line search | <input type="checkbox"/> 76 Estate Tax Filing Fees |
| <input type="checkbox"/> 52 Certs. of good Standing/Legal Existence | <input type="checkbox"/> 77 Guardian <u>ad litem</u> |
| <input type="checkbox"/> 53 West CD_ROM Legal Research | <input type="checkbox"/> 78 Expert Witness/Consultant Fee |
| <input type="checkbox"/> 54 Mediation | <input type="checkbox"/> 79 Private Investigator's Fee |
| <input type="checkbox"/> 55 Filing Fees | <input type="checkbox"/> 80 Removal Bond – Federal |
| <input type="checkbox"/> 56 Recording Fees | <input type="checkbox"/> 81 Removal Bond – State |
| <input type="checkbox"/> 57 Secretarial Overtime | <input type="checkbox"/> 82 LEXIS |
| <input type="checkbox"/> 58 Delivery/Messenger Service | <input type="checkbox"/> 83 W.R. Grace Photocopy Project |
| <input type="checkbox"/> 59 Office Manager | <input type="checkbox"/> 84 Travel |
| <input checked="" type="checkbox"/> 60 Stenographer/Transcript | <input type="checkbox"/> 85 Photocopying – outside |
| <input type="checkbox"/> 61 Bond | <input type="checkbox"/> 86 Certified Copies |
| <input type="checkbox"/> 62 CT Corporation | <input type="checkbox"/> 90 Westlaw Research |
| <input type="checkbox"/> 63 Computax | <input type="checkbox"/> 91 Secretary of State Searches |
| <input type="checkbox"/> 64 Corporate Seal | <input type="checkbox"/> 92 THOMSON & THOMSON |
| <input type="checkbox"/> 65 Newspaper Advertising | <input type="checkbox"/> 97 Miscellaneous |

TO BE COMPLETED BY BOOKKEEPING DEPT.

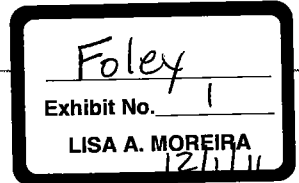
Bookkeeper Initials _____

Date _____

Check No. _____

Perry, Stephen M.

From: William H. Sheehan III [Wsheehan@mhdpc.com]
Sent: Wednesday, November 09, 2011 5:15 PM
To: Perry, Stephen M.; Brewer, Donna M
Subject: Feoffees/Foley depo



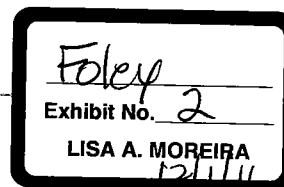
Foley is not available next week, but is good for Nov 22 or 23. I can depose Ms. Dietz late in the day on the 16th or 17th.

IRS Circular 230 Notice (MacLean Holloway Doherty Ardiffe & Morse P.C.): Any tax advice included in the text of this message, or in any attachment, (i) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of avoiding any tax penalties that may be imposed under the Internal Revenue Code and (ii) should not be used in promoting, marketing, or recommending to another party any transaction or matter addressed herein.

This communication is intended only for the use of the individual or entity named as the addressee. It may contain information which is privileged and/or confidential under applicable law. If you are not the intended recipient or such recipient's employee or agent, you are hereby notified that any dissemination, copy or disclosure of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately at (978) 774-7123 or via return internet email to sender and expunge this communication without making any copies. Thank you for your cooperation.

12/1/2011

Perry, Stephen M.



From: William H. Sheehan III [Wsheehan@mhdpc.com]

Sent: Monday, November 21, 2011 8:08 PM

To: Perry, Stephen M.

Subject: Feoffees

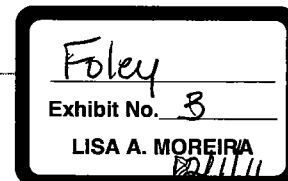
Steve, I received a call from Jim Foley tonight. He is unable to attend his depo tomorrow due to the illness of his mother for whom he must care tomorrow. Let's try next Monday or Tuesday. Sorry for the late notice.

IRS Circular 230 Notice (MacLean Holloway Doherty Ardiffe & Morse P.C.): Any tax advice included in the text of this message, or in any attachment, (i) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of avoiding any tax penalties that may be imposed under the Internal Revenue Code and (ii) should not be used in promoting, marketing, or recommending to another party any transaction or matter addressed herein.

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12/1/2011

Perry, Stephen M.



From: Perry, Stephen M.
Sent: Tuesday, November 22, 2011 12:54 PM
To: William H. Sheehan III
Cc: Brewer, Donna M; Imbriglio, Andrew; 'rstein@mhdpc.com'
Subject: Foley and Feoffee minutes

Bill,
I write to close the loop on two discovery matters.

First, we have asked several times for a complete set of the Feoffee minutes. The response from you and/or Robin has been that we have them. But we have repeatedly searched and have not located them and do not believe we have other than incidental excerpts. We need these right away -- ahead of Foley's deposition. Could you please have these copied and overnighted to us, so they arrive by Friday?

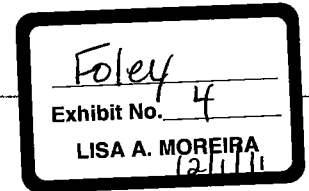
Second, given Mr. Foley's unilateral cancellation of his deposition (which I first noticed in the spring), this time due to a health issue of his mother, let's set a new deposition date of November 29 at 10:00 a.m. at my office -- which you said yesterday would be available.

Thanks.
Steve

Stephen M. Perry
CASNER & EDWARDS, LLP
303 Congress St.
Boston, MA 02210
(617) 426-5900 x. 315
Direct Dial: (857) 241-1315

12/1/2011

Perry, Stephen M.



From: William H. Sheehan III [Wsheehan@mhdpc.com]

Sent: Tuesday, November 29, 2011 7:08 AM

To: Perry, Stephen M.; Brewer, Donna M

Cc: Robin Stein; Robin Stein

Subject: Feoffees

Good morning, Steve and Donna. I just received a phone call from Mr. Foley telling me that his girls are sick and unable to go to school today. He must stay home with them. May I suggest that his deposition go forward this Thursday. I am on trial in Lawrence that day, but will have Robin cover the deposition. I apologize for the last-minute postponement and inconvenience. I will tell you that I met with Mr. Foley last night and he was ready to go this morning, but for the illness of his children. Thank you for your consideration.

IRS Circular 230 Notice (MacLean Holloway Doherty Ardiff & Morse P.C.): Any tax advice included in the text of this message, or in any attachment, (i) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of avoiding any tax penalties that may be imposed under the Internal Revenue Code and (ii) should not be used in promoting, marketing, or recommending to another party any transaction or matter addressed herein.

This communication is intended only for the use of the individual or entity named as the addressee. It may contain information which is privileged and/or confidential under applicable law. If you are not the intended recipient or such recipient's employee or agent, you are hereby notified that any dissemination, copy or disclosure of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately at (978) 774-7123 or via return internet email to sender and expunge this communication without making any copies. Thank you for your cooperation.

12/1/2011

Scheduled Deposition of James Foley

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Volume: I
Pages: 1 to 8
Exhibits: 1 to 4

COMMONWEALTH OF MASSACHUSETTS

Essex, ss. Probate & Family Court
Docket No. ES09E0094QC

- - - - - x

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

v.

ATTORNEY GENERAL of the COMMONWEALTH OF
MASSACHUSETTS,

Defendants.

- - - - - x

SCHEDULED DEPOSITION OF JAMES FOLEY

Thursday, December 1, 2011

9:56 a.m. to 10:01 a.m.

CASNER & EDWARDS, LLP

303 Congress Street

Boston, Massachusetts

Reporter: Lisa A. Moreira, RDR, CRR

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A P P E A R A N C E S

(No one appeared on behalf of the
Plaintiffs)

CASNER & EDWARDS, LLP

(BY: STEPHEN M. PERRY, ESQ.)

303 Congress Street

Boston, Massachusetts 02210

617.426.5900

perry@casneredwards.com

Counsel for the Defendants

Scheduled Deposition of James Foley

3

I N D E X

WITNESS: DIRECT CROSS REDIRECT RECROSS
JAMES FOLEY,
Scheduled

E X H I B I T S

NO.	DESCRIPTION	PAGE
Exhibit 1	E-mail from Mr. Sheehan to Mr. Perry, 11/9/11	5
Exhibit 2	E-mail from Mr. Sheehan to Mr. Perry, 11/21/11	5
Exhibit 3	E-mail from Mr. Perry to Mr. Sheehan, 11/22/11	6
Exhibit 4	E-mail from Mr. Sheehan to Mr. Perry, 11/29/11	6

*Original exhibits returned to Attorney Perry

Scheduled Deposition of James Foley

4

P R O C E E D I N G S

1
2 MR. PERRY: We are here for the
3 deposition of James Foley. The deposition
4 was originally noticed in the spring of
5 2011. It was postponed due to the filing of
6 a motion for a protective order by counsel
7 for the plaintiffs.

8 After the court denied the motion for
9 protective order, we re-noticed the
10 deposition to occur on August 31, 2011 by a
11 notice dated August 2, 2011. I was notified
12 by counsel for Mr. Foley that counsel was
13 unavailable on that date.

14 After which, we re-noticed the
15 deposition by a written notice of taking
16 deposition to September 28, 2011. In
17 advance of that date, I was again notified
18 that either Mr. Foley or his counsel would
19 not be available that date, and the
20 deposition did not occur.

21 Attempts were made to reschedule the
22 deposition, and on November 9, 2011, I
23 received an e-mail from counsel for
24 Mr. Foley stating that Mr. Foley would not

Scheduled Deposition of James Foley

5

1 be available the week of November 14th, but
2 would be available on either November 22nd
3 or 23rd. And that e-mail has been marked as
4 Exhibit 1 to this deposition.

5 (Exhibit 1, E-mail from Mr. Sheehan to
6 Mr. Perry, 11/9/11, marked for
7 identification)

8 MR. PERRY: It was agreed that
9 Mr. Foley would appear for his deposition
10 on November 22, 2011, and a court reporter
11 was present at my office on that date.
12 However, we received an e-mail at 8:00
13 p.m. the night before as well as a phone
14 call from Mr. Sheehan indicating that Mr.
15 Foley would not be appearing for his
16 deposition due to the illness of his mother.
17 Mr. Sheehan's e-mail to me stated that we
18 should try to do the deposition on the
19 following Monday or Tuesday, which would be
20 November 28th or 29th, and his e-mail is
21 marked as Exhibit 2.

22 (Exhibit 2, E-mail from Mr. Sheehan to
23 Mr. Perry, 11/21/11, marked for
24 identification)

Scheduled Deposition of James Foley

6

1 (Exhibit 3, E-mail from Mr. Perry to
2 Mr. Sheehan, 11/22/11, marked for
3 identification)

4 MR. PERRY: I responded with the
5 e-mail which has been marked as Exhibit 3
6 confirming the deposition for November 29th
7 at 10:00 a.m., one of the dates that had
8 been offered. We, again, had a court
9 reporter in my office or scheduled to come
10 to my office on November 29th for that
11 deposition, but that morning, at 7:00 a.m.,
12 I received an e-mail from Mr. Sheehan, a
13 copy of which is marked as Exhibit 4,
14 stating that Mr. Foley could not come
15 because his two girls were sick and unable
16 to go to school.

17 (Exhibit 4, E-mail from Mr. Sheehan to
18 Mr. Perry, 11/29/11, marked for
19 identification)

20 MR. PERRY: Mr. Sheehan suggested
21 in his e-mail that the deposition go forward
22 this Thursday, which would be December 1st,
23 and I confirmed that with him. And that's
24 today. However, this morning, between 9:00

Scheduled Deposition of James Foley

7

1 and 10:00 a.m., I received a call from
2 Mr. Sheehan stating that he had called
3 Mr. Foley just to confirm that Mr. Foley
4 would be here today at 10:00 and was
5 informed that Mr. Foley hadn't been notified
6 ostensibly by Mr. Sheehan or somebody in his
7 office of the deposition and would not be
8 here today. Mr. Sheehan then offered to
9 have Mr. Foley here tomorrow, December 2, at
10 10:00.

11 So we've now been trying to take this
12 deposition since the spring and have had
13 last-minute cancellations with court
14 reporter fees on November 22nd, November
15 29th, and December 1.

16 I told Mr. Sheehan that I would be
17 going on the record to reflect what has
18 occurred, and he said that he had no problem
19 with my doing that, and nobody from his
20 office intended to be here for that purpose.

21 (Whereupon we went off the record at
22 10:01 a.m.)

C E R T I F I C A T E

I, Lisa A. Moreira, Registered Diplomate
Reporter, Certified Real-Time Reporter, CSR
No. 146299 and Notary Public, do hereby
certify that the foregoing transcript,
Volume I, is a true and accurate
transcription of my stenographic notes taken
on December 1, 2011.



Lisa A. Moreira

Registered Diplomate Reporter

Certified Real-Time Reporter

CSR No. 146299

Notary Public

My commission expires

December 2, 2016

ORIGINAL

- - - - -

COPY

KNOW ALL MEN BY THESE PRESENTS

That, I, JAMES L. FOLEY, of Salem, Essex County, Massachusetts, in consideration of \$1.00 and other valuable consideration paid by PAMELA M. FOLEY, Trustee, with a mailing address of P. O. Box 14, Ipswich, Massachusetts, the receipt whereof is hereby acknowledged, do hereby grant, sell, transfer and deliver unto PAMELA M. FOLEY, Trustee of The Foley Cottage Trust, u/d/t September 6th, 1994, the following goods and chattels:

Personal property consisting of a cottage and other improvements, and the furniture and furnishings therein, located upon Lot 11B, as shown upon a plan entitled "Plan of Lots at Little Neck, at Ipswich, made by John W. Nourse for the Feoffees, September, 1902, enlarged by Charles E. Goodhue, Jr., and copies by Mr. Chas. Arthur July 1931".

By rules adopted by the Feoffees of the Grammar School in Ipswich the owner of the cottage is granted a tenancy at will arrangement to use and occupy the land. The land is owned by the Feoffees of the Grammar School in Ipswich.

Property Address: 39 River Road, Ipswich, MA 01938
Ipswich Assessors' Map 24C, Parcel 16

To have and to hold all and singular the said goods and chattels to PAMELA M. FOLEY, Trustee, and her assigns, to her own use and behoof forever.

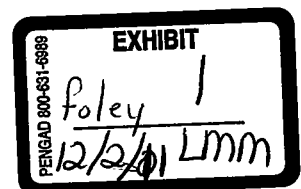
And I hereby covenant with PAMELA M. FOLEY, Trustee, that I am the lawful owner of the said goods and chattels; that they are free from all encumbrances, that I have good right to sell the same as aforesaid; and that I will warrant and defend the same against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, I, JAMES L. FOLEY hereunto set my hand and seal this 6th day of September, 1994.

JAMES L. FOLEY
JAMES L. FOLEY

SEP 12 2 23 PM '94

RECEIVED
TOWNSHIP
IPSWICH



COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

September 6, 1994

Then personally appeared the above named JAMES L. FOLEY and acknowledged the foregoing instrument to be his free act and deed, before me

Marion D. D'Ambrosio
NOTARY PUBLIC

My commission expires:

April 6, 2001

KNOW ALL MEN BY THESE PRESENTS

That, I, PAMELA M. FOLEY, Trustee of The Foley Cottage Trust, u/d/t September 6th, 1994, with a mailing address of P.O. Box 14, Ipswich, Massachusetts 01938, in consideration of \$240,000.00, and other valuable consideration paid by ROBERT A. SCHLESS and ~~CRISTINE~~ ^{CHRISTINE} HAWRYLAK, with a mailing address of 43 Mary Catherine Lane, Sudbury, Massachusetts 01776-1057, the receipt whereof is hereby acknowledged, do hereby grant, sell, transfer and deliver unto ROBERT A. SCHLESS and ~~CRISTINE~~ ^{CHRISTINE} HAWRYLAK, husband and wife as tenants by the entirety, the following goods and chattels:

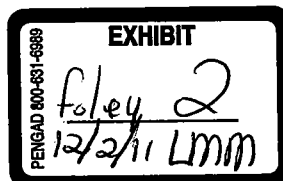
Personal property consisting of a cottage and other improvements, and the furniture and furnishings therein, located upon Lot 11B, as shown upon the plan entitled "Plan of Lots at Little Neck, at Ipswich, made by John W. Nourse for the Feoffees, September, 1902, enlarged by Charles E. Goodhue, Jr., and copied by Mr. Chas. Arthur July 1931".

By rules adopted by the Feoffees of the Grammar School in Ipswich the owner of the cottage is granted a tenancy at will arrangement to use and occupy the land. The land is owned by the Feoffees of the Grammar School in Ipswich.

Property Address: 39 River Road, Ipswich, MA 01938
Ipswich Assessors' Map 24C, Parcel 16

To have and to hold all and singular the said goods and chattels to ROBERT A. SCHLESS and ~~CRISTINE~~ ^{CHRISTINE} HAWRYLAK, and their executors, administrators, and assigns, to their own use and behoof forever.

And I hereby covenant with ROBERT A. SCHLESS and ~~CRISTINE~~ ^{CHRISTINE} HAWRYLAK, that I am the lawful owner of the said goods and chattels; that they are free from all encumbrances, that I have good right to sell the same as aforesaid; and that I will warrant and defend the same against the lawful claims and demands of all persons.



RECEIVED
TOWN CLERK
IPSWICH, MASS.

2001 NOV 30 A 11:4

IN WITNESS WHEREOF, I hereunto set my hand and seal this 30th
day of November, 2001.

Pamela M Foley
PAMELA M. FOLEY, Trustee

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

November 30, 2001

Then personally appeared the above named PAMELA M. FOLEY,
Trustee aforesaid, and acknowledged the foregoing instrument to be
her free act and deed, before me

Abel Bellme
NOTARY PUBLIC

My commission expires: 6/9/06

November 28, 2011

William H. Sheehan III, Esq.
MacLean Holloway Doherty Ardiff
& Morse, P.C.
8 Essex Center Drive
Peabody, MA 01960

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

Dear Bill:

I am enclosing an invoice from Jones Reporting Company regarding the stenographer's fee for the late cancellation of James Foley's deposition. I called the office as soon as it opened but the reporter leaves from the south shore at 7:00 a.m.

Please submit payment directly to Jones Reporting at your earliest convenience.

Very truly yours,



Stephen M. Perry

SMP/lnm
Enclosure

Jones Reporting Company, Inc.**Invoice**Please visit our website at www.jonesreporters.com

Two Oliver Street, Suite 804

Boston, MA 02109

Phone: (617) 451-8900

Fax: (617) 451-3535

Invoice Date

Tuesday, November 22, 2011

Invoice #

32741FR

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

Phone:

Fax:

Witness: James Foley-late cancellation**Case:** Mulholland vs. Attorney General of MA**Venue:****Case #:****Date:** 11/22/2011**Start Time:** 10:00 AM**End Time:** : 0**Reporter:** *Cynthia Craig**Claim #:****File #:**

29228FR

Item	Description	Each	Quan	Total
CANC	Late Cancellation	\$150.00	1	\$150.00
Sub Total				\$150.00
Payments				\$0.00
Balance Due				\$150.00

Fed. I.D. # 86-1100261

1% interest accrued monthly on all balances over 30 days.

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

PROBATE & FAMILY COURT
NO. ES09E0094QC

ALEXANDER B.C. MULHOLLAND, JR,
et als., as they are THE FEOFFEES
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

NOTICE OF TAKING DEPOSITION

TO: William H. Sheehan, Esq.
MacLean, Holloway, Doherty, Ardiffe & Morse, P.C.
8 Essex Center Drive
Peabody, MA 01960

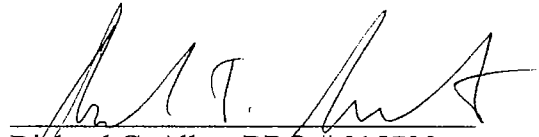
Johanna Soris, Esq.
Commonwealth of Massachusetts
Office of the Attorney General
Public Charities Division
One Ashburton Place
Boston, MA 02108

PLEASE TAKE NOTICE that on September 28, 2011 at 10:00 a.m., Counsel for Defendant, Ipswich School Committee will take the deposition of **James Foley**, before a Notary Public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. The deposition will take place at the offices of Casner & Edwards, LLP, 303 Congress St., Boston, MA 02210.

You are invited to attend and cross-examine. The deposition will continue from day to day until completed.

Respectfully submitted,

Ipswich School Committee
By its attorneys,

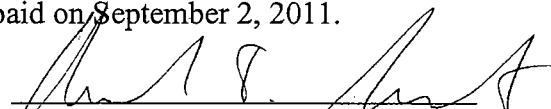


Richard C. Allen, BBO # 015720
Stephen M. Perry, BBO # 395955
Donna M. Brewer, BBO #545254
Andrew T. Imbriglio, BBO #676049
CASNER & EDWARDS, LLP
303 Congress Street
Boston, MA 02210
Phone: 617-426-5900
allen@casneredwards.com
perry@casneredwards.com
brewer@casneredwards.com
imbriglio@casneredwards.com

Dated: September 2, 2011

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon counsel for all parties by first class mail, postage pre-paid on September 2, 2011.


Andrew T. Imbriglio