

AO 441 (Rev. 8/01) Third Party Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of Massachusetts

PLAINTIFF

WAREHAM FREE LIBRARY, INC., et al.
V. DEFENDANT AND THIRD PARTY PLAINTIFF

THIRD PARTY SUMMONS IN A CIVIL ACTION

THE TOWN OF WAREHAM, and BRENDA ECKSTROM, BRUCE SAUVAGEAU, JOHN CRONAN, JAMES POTTER, and M. JANE DONAHUE, Individually and As Members of the Board of Selectmen of Wareham

Case Number: 07-CV-11807-RGS

V. THIRD PARTY DEFENDANT

WAREHAM LIBRARY FOUNDATION, INC. and WAREHAM FRIENDS OF THE LIBRARY, INC.

To: Name and address of Third Party Defendant

Nora Bicki
Treasurer
6 Lookout Lane
Wareham, MA 02571

YOU ARE HEREBY SUMMONED and required to serve on

PLAINTIFF'S ATTORNEY (name and address)

Richard Bowen
Elizabeth R. Corbo
Kopelman and Paige, P.C.
Town Counsel
101 Arch Street
Boston, MA 02110
(617) 556-0007

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY
(name and address)

Unknown - Believed to be:
Philip N. Beauregard
Law Offices of Beauregard, Burke & Franco
The Andrew Robeson House
P.O. Box 952
32 William Street
New Bedford, MA 02740

an answer to the third-party complaint which is served on you with this summons, within 20 days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, unless (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, and (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

SARAH A. THORNTON



2/15/2008

CLERK [Signature]
(B) DEPUTY CLERK



FEBRUARY 18, 2008

**RETURN OF SERVICE**

*I this day summoned the within named* NORA BICKI  
TREASURER

*to appear as within directed by delivering to* NORA BICKI, TREASURER, 10:00 AM. THIS IS A  
RESIDENCE.

X *in hand*

*No.* 6 LOOKOUT LANE  
*in the* WAREHAM *District of said* PLYMOUTH *County an attested*  
*copy of the* SUMMONS, ANSWER AND COUNTERCLAIM

*Service and travel* 28

*it being necessary I actually used a  
motor vehicle in the distance of  
50 miles in the service of  
this process*

*Charles C. Balboni*  
\_\_\_\_\_  
Process Server

UNITED STATES DISTRICT COURT

District of Massachusetts

PLAINTIFF

WAREHAM FREE LIBRARY, INC., et al.
V. DEFENDANT AND THIRD PARTY PLAINTIFF

THIRD PARTY SUMMONS IN A CIVIL ACTION

THE TOWN OF WAREHAM, and BRENDA ECKSTROM, BRUCE SAUVAGEAU, JOHN CRONAN, JAMES POTTER, and M. JANE DONAHUE, Individually and As Members of the Board of Selectmen of Wareham

Case Number: 07-CV-11807-RGS

V. THIRD PARTY DEFENDANT

WAREHAM LIBRARY FOUNDATION, INC. and WAREHAM FRIENDS OF THE LIBRARY, INC.

To: Name and address of Third Party Defendant

Kerry Mello
President
47 Parkwood Dr.,
Wareham, MA 02571

YOU ARE HEREBY SUMMONED and required to serve on

PLAINTIFF'S ATTORNEY (name and address)

Richard Bowen
Elizabeth R. Corbo
Kopelman and Paige, P.C.
Town Counsel
101 Arch Street
Boston, MA 02110
(617) 556-0007

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY
(name and address)

Unknown - Believed to be:
Philip N. Beauregard
Law Offices of Beauregard, Burke & Franco
The Andrew Robeson House
P.O. Box 952
32 William Street
New Bedford, MA 02740

an answer to the third-party complaint which is served on you with this summons, within 20 days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, unless (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, and (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

SARAH A. THORNTON



2/15/2008

CLERK

Signature of Sarah A. Thornton

(By) DEPUTY CLERK

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<p><input type="checkbox"/> Served personally upon the third-party defendant. Place where served:</p> <p><input type="checkbox"/> Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:</p> <p><input type="checkbox"/> Returned unexecuted:</p> <p><input type="checkbox"/> Other (specify):</p>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date</p> <p>_____ Signature of Server</p> <p>_____ Address of Server</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

FEBRUARY 18, 2008

**RETURN OF SERVICE**

*I this day summoned the within named* KERRY MELLO  
PRESIDENT

*to appear as within directed by delivering to* (2) ATTEMPTS. THIS IS A RESIDENCE. COPY  
LEFT TAPED TO DOOR, SECOND COPY  
MAILED.

X *leaving at last and usual place of abode, to wit:*

No. 47 PARKWOOD DRIVE  
*in the* WAREHAM *District of said* PLYMOUTH *County an attested*  
*copy of the* SUMMONS, ANSWER AND COUNTERCLAIM

*Service and travel* 28

*it being necessary I actually used a  
motor vehicle in the distance of  
50 miles in the service of  
this process*

*Charles C. Balboni*

\_\_\_\_\_  
Process Server

# UNITED STATES DISTRICT COURT

District of Massachusetts

PLAINTIFF

WAREHAM FREE LIBRARY, INC., et al.

V. DEFENDANT AND THIRD PARTY PLAINTIFF

THE TOWN OF WAREHAM, and BRENDA ECKSTROM, BRUCE SAUVAGEAU, JOHN CRONAN, JAMES POTTER, and M. JANE DONAHUE, Individually and As Members of the Board of Selectmen of Wareham

## THIRD PARTY SUMMONS IN A CIVIL ACTION

Case Number: 07-CV-11807-RGS

V. THIRD PARTY DEFENDANT

WAREHAM LIBRARY FOUNDATION, INC. and WAREHAM FRIENDS OF THE LIBRARY, INC.

To: Name and address of Third Party Defendant

Yelena Fariolo-Beaupre  
Secretary  
10 Gibbs Ave.  
Wareham, MA 02571

**YOU ARE HEREBY SUMMONED** and required to serve on

PLAINTIFF'S ATTORNEY (name and address)

Richard Bowen  
Elizabeth R. Corbo  
Kopelman and Paige, P.C.  
Town Counsel  
101 Arch Street  
Boston, MA 02110  
(617) 556-0007

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY

(name and address)

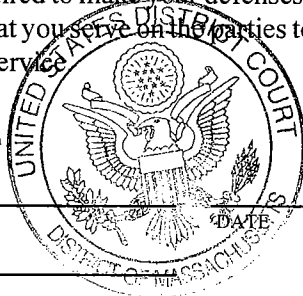
Unknown - Believed to be:  
Philip N. Beauregard  
Law Offices of Beauregard, Burke & Franco  
The Andrew Robeson House  
P.O. Box 952  
32 William Street  
New Bedford, MA 02740

an answer to the third-party complaint which is served on you with this summons, within 20 days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

SARAH A. THORNTON

CLERK

(By) DEPUTY CLERK



2/15/2008

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the third-party defendant. Place where served:  <input type="checkbox"/> Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:  <input type="checkbox"/> Returned unexecuted:  <input type="checkbox"/> Other (specify):		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p style="text-align: center;">I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____  <span style="margin-left: 100px;">Date</span> <span style="margin-left: 200px;">Signature of Server</span></p> <p style="text-align: center;">_____                      Address of Server</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.



FEBRUARY 18, 2008

**RETURN OF SERVICE**

*I this day summoned the within named* YELENA FARIOLO-BEAUPRE  
SECRETARY

*to appear as within directed by delivering to* LYNNE FISCHER, SISTER/CO-RESIDENT, 9:05  
AM. THIS IS A RESIDENCE.

X *in hand*

*No.* 10 GIBBS AVENUE  
*in the* WAREHAM *District of said* PLYMOUTH *County an attested*  
*copy of the* SUMMONS, ANSWER AND COUNTERCLAIM

*Service and travel* 28

*it being necessary I actually used a  
motor vehicle in the distance of  
50 miles in the service of  
this process*

*Charles C. Balboni*  
Process Server

UNITED STATES DISTRICT COURT

District of Massachusetts

PLAINTIFF

WAREHAM FREE LIBRARY, INC., et al.
V. DEFENDANT AND THIRD PARTY PLAINTIFF

THIRD PARTY SUMMONS IN A CIVIL ACTION

THE TOWN OF WAREHAM, and BRENDA ECKSTROM, BRUCE SAUVAGEAU, JOHN CRONAN, JAMES POTTER, and M. JANE DONAHUE, Individually and As Members of the Board of Selectmen of Wareham

Case Number: 07-CV-11807-RGS

V. THIRD PARTY DEFENDANT

WAREHAM LIBRARY FOUNDATION, INC. and WAREHAM FRIENDS OF THE LIBRARY, INC.

To: Name and address of Third Party Defendant

John Lanci
Director
33 Raspberry Rd.
Wareham, MA 02571

YOU ARE HEREBY SUMMONED and required to serve on

PLAINTIFF'S ATTORNEY (name and address)

Richard Bowen
Elizabeth R. Corbo
Kopelman and Paige, P.C.
Town Counsel
101 Arch Street
Boston, MA 02110
(617) 556-0007

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY

(name and address)

Uknown - Believed to be:
Philip N. Beauregard
Law Offices of Beauregard, Burke & Franco
The Andrew Robeson House
P.O. Box 952
32 William Street
New Bedford, MA 02740

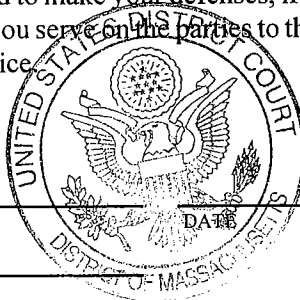
an answer to the third-party complaint which is served on you with this summons, within 20 days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, unless (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, and (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

SARAH A. THORNTON

CLERK

[Handwritten signature]

(By) DEPUTY CLERK



2/15/2008

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<p><input type="checkbox"/> Served personally upon the third-party defendant. Place where served:</p> <p><input type="checkbox"/> Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:</p> <p><input type="checkbox"/> Returned unexecuted:</p> <p><input type="checkbox"/> Other (specify):</p>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p style="text-align: center;">I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date</p> <p style="text-align: right;">_____ <i>Signature of Server</i></p> <p style="text-align: right;">_____ <i>Address of Server</i></p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

FEBRUARY 18, 2008

**RETURN OF SERVICE**

*I this day summoned the within named* JOHN LANCI  
DIRECTOR

*to appear as within directed by delivering to* JOHN LANCI, 9:40 AM. THIS IS A RESIDENCE.

X *in hand*

No. 33 RASPBERRY ROAD  
*in the* WAREHAM *District of said* PLYMOUTH *County an attested*  
*copy of the* SUMMONS, ANSWER AND COUNTERCLAIM

*Service and travel* 28

*it being necessary I actually used a  
motor vehicle in the distance of  
50 miles in the service of  
this process*

*Charles C. Balboni*

Process Server

UNITED STATES DISTRICT COURT

District of Massachusetts

PLAINTIFF

WAREHAM FREE LIBRARY, INC., et al.
V. DEFENDANT AND THIRD PARTY PLAINTIFF

THIRD PARTY SUMMONS IN A CIVIL ACTION

THE TOWN OF WAREHAM, and BRENDA ECKSTROM, BRUCE SAUVAGEAU, JOHN CRONAN, JAMES POTTER, and M. JANE DONAHUE, Individually and As Members of the Board of Selectmen of Wareham

Case Number: 07-CV-11807-RGS

V. THIRD PARTY DEFENDANT

WAREHAM LIBRARY FOUNDATION, INC. and WAREHAM FRIENDS OF THE LIBRARY, INC.

To: Name and address of Third Party Defendant

Wareham Library Foundation, Inc.
59 Marion Rd.
Wareham, MA

YOU ARE HEREBY SUMMONED and required to serve on

PLAINTIFF'S ATTORNEY (name and address)

Richard Bowen
Elizabeth R. Corbo
Kopelman and Paige, P.C.
Town Counsel
101 Arch Street
Boston, MA 02110
(617) 556-0007

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY

(name and address)

Unknown - Believed to be:
Philip N. Beauregard
Law Offices of Beauregard, Burke & Franco
The Andrew Robeson House
P.O. Box 952
32 William Street
New Bedford, MA 02740

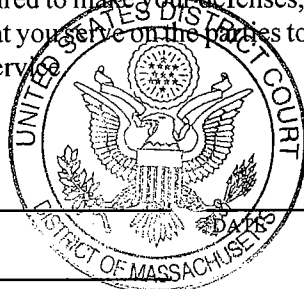
an answer to the third-party complaint which is served on you with this summons, within 20 days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, unless (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, and (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

SARAH A. THORNTON

CLERK

[Signature]

(By) DEPUTY CLERK



2/15/2008

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<p><input type="checkbox"/> Served personally upon the third-party defendant. Place where served:</p> <p><input type="checkbox"/> Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:</p> <p><input type="checkbox"/> Returned unexecuted:</p> <p><input type="checkbox"/> Other (specify):</p>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date</p> <p>_____ <i>Signature of Server</i></p> <p>_____ <i>Address of Server</i></p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

FEBRUARY 18, 2008

**RETURN OF SERVICE**

*I this day summoned the within named* WAREHAM LIBRARY  
FOUNDATION, INC.

*to appear as within directed by delivering to* NORA BICKI, TREASURER, AUTHORIZED TO  
ACCEPT SERVICE, 10:00 AM. ADDRESS  
CORRECTION – NO OFFICERS AVAILABLE TO  
ACCEPT SERVICE AT ORIGINAL ADDRESS  
PROVIDED; SERVED AT MS. BICKI'S  
RESIDENCE.

X *in hand*

No. 6 LOOKOUT LANE  
*in the* WAREHAM *District of said* PLYMOUTH *County an attested*  
*copy of the SUMMONS, ANSWER AND COUNTERCLAIM*

*Service and travel* 28

*it being necessary I actually used a  
motor vehicle in the distance of  
50 miles in the service of  
this process*

*Charles C. Balbonis*

\_\_\_\_\_  
Process Server