

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DOCKET NO. 07-CV-11807 RGS

WAREHAM FREE LIBRARY, INC. and
PRISCILLA PORTER, MARY NYMAN, HAZEL TABER,
MICHELLE BAUM, SANDRA WHEELER, JOHN LANCI,
MARTHA MAGUIRE, YELENA FARIOLI-BEAUPRE, and
DIANE LAZARUS, Individually and As Trustees of Wareham
Free Library, Inc.

Plaintiffs / Defendants in Counterclaim /
Third Party Plaintiffs

v.

THE TOWN OF WAREHAM

Defendant / Plaintiff in Counterclaim

and

BRENDA ECKSTROM, BRUCE SAUVAGEAU, JOHN
CRONAN, JAMES POTTER, and M. JANE DONAHUE,
Individually and As Members of The Board of Selectmen of
Wareham

Defendants

v.

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

Defendants in Counterclaim

v.

MASSACHUSETTS INTERLOCAL INSURANCE
ASSOCIATION

Third Party Defendant

MOTION FOR LEAVE OF COURT TO FILE
AMENDED ANSWER TO COUNTERCLAIM BY PLAINTIFFS,
WAREHAM FREE LIBRARY, INC. AND ITS INDIVIDUALLY NAMED TRUSTEES

Pursuant to F.R.C.P. 15(a) and this Court's scheduling order of June 18, 2008, plaintiffs Wareham Free Library, Inc. and its individually named Trustees, in their individual and official capacities, seek leave of Court to file Amended Answer to Counterclaim, to include additional affirmative defenses under M.G.L. c. 180, § 6C, M.G.L. c. 180A, § 8, and M.G.L. c. 231, §§ 85K and 85W.

Also, plaintiffs seek to amend their original responses to paragraphs 2, 31, 37, 44, 46, 47, 49, 51, 52, 54, 55, and 61 of the Counterclaim, in order to more accurately state their position as to the allegations contained therein. The proposed amendments are not substantive, but mainly a rewording of plaintiffs' original responses.

Plaintiffs' proposed Amended Answer to Counterclaim is filed together with the instant motion for the Court's review.

WHEREFORE, plaintiffs respectfully request that their instant motion be allowed.

Respectfully submitted by

PLAINTIFFS /
DEFENDANTS IN COUNTERCLAIM /
THIRD PARTY PLAINTIFFS

By their Attorneys,
BEAUREGARD, BURKE & FRANCO

/ S / Timour Zoubaidouline

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Dated: July 22, 2008

CERTIFICATE OF SERVICE

In accordance with the Electronic Case Filing (“ECF”) Administrative Procedures of the United States District Court for the District of Massachusetts, I, Timour Zoubaidouline, hereby certify that the foregoing document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (“NEF”) and that paper copies will be sent to those indicated as non-registered participants by first class mail on July 22, 2008.

/ S / Timour Zoubaidouline

TIMOUR ZOUBAIDOULINE, BBO # 656212