

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 /
Plaintiffs in Counterclaim for Indemnification /
Third Party Plaintiffs

v.

THE TOWN OF WAREHAM

Defendant / Plaintiff in Counterclaim /
Defendant in Counterclaim for Indemnification

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.

MIIA PROPERTY AND CASUALTY GROUP, INC.

Third Party Defendant

INITIAL DISCLOSURES BY
THE WAREHAM LIBRARY FOUNDATION, INC.
AND ITS INDIVIDUALLY NAMED OFFICERS AND DIRECTORS

I. Rule 26(a)(1)(A) Disclosures:

A. Plaintiffs / Defendants in Counterclaim / Plaintiffs in Counterclaim for Indemnification / Third Party Plaintiffs

1. Priscilla Porter
2. Mary Nyman
3. Hazel Taber
4. Michelle Baum
5. Sandra Wheeler
6. John Lanci
7. Martha Maguire
8. Yelena Farioli-Beaupre
9. Diane Lazarus

B. Defendants

10. Brenda Eckstrom
11. Bruce Sauvageau
12. John Cronan
13. James Potter
14. M. Jane Donahue

C. Current and/or former Trustees of Wareham Free Library, Inc., Officers and Directors of The Wareham Library Foundation, Inc. and/or Friends of the Wareham Free Library, Inc. (other than individually named plaintiffs)

15. Ann Bower
16. Kerry Mello

17. Nora Bicki
18. Joavina Dean
19. Marcine Fernandes
20. Kathleen Gleason
21. Deena Kinsky
22. Lynn Fischer
23. Susan Pizzolatto (currently, Acting Director of Wareham Free Library)

E. Agents and employees of the Town of Wareham

24. Mary Jane Pillsbury – former Director of Wareham Free Library, and former member of the Board of Selectmen
25. John Foster – former Acting Town Administrator
26. John T. Donahue – former Town Moderator
27. R. Renee Fernandes – former member and Chairman of the Board of Selectmen
28. Patrick G. Tropeano – former member and Chairman of the Board of Selectmen
29. Elizabeth R. Corbo – Town counsel, attorney with Kopelman & Paige, P.C.

II. Rule 26(a)(1)(B) Disclosures:

1. Articles of Organization of Wareham Free Library, Inc., dated August 15, 1891
2. Certificate of legal existence of Wareham Free Library, Inc., issued by the Secretary of the Commonwealth, dated August 10, 2007
3. Bylaws of Wareham Free Library, Inc., effective April 11, 1979
4. Records of private donations to Wareham Free Library, Inc. in 1980s and 1990s
5. Financial records of Wareham Free Library, Inc., including tax returns

6. Fidelity Bond of Wareham Free Library, Inc. with Western Surety Company
7. Records relating to the partial transition of the Library into the town government system in late 1970s / early 1980s, as described in paragraphs 10, 11, and 12 of the Complaint, including records of the Library Transition Committee, numerous correspondences, etc.
8. Trustee appointment letters, issued by the Town of Wareham:
 - 1) Letter appointing Priscilla Porter (June 27, 2006)
 - 2) Letter appointing Mary Nyman (June 8, 2004)
 - 3) Letter appointing Hazel Taber (June 21, 2005)
 - 4) Letter appointing Michelle Baum (June 8, 2004)
 - 5) Letter appointing Sandra Wheeler (June 20, 2004)
 - 6) Letter appointing John Lanci (June 27, 2006)
 - 7) Letter appointing Martha Maguire (June 20, 2004)
 - 8) Letter appointing Yelena Farioli-Beaupre (June 27, 2006)
 - 9) Letter appointing Diane Lazarus (July 19, 2005)
9. Letters sent by Friends of The Wareham Free Library, Inc. to Wareham residents in April 2007, urging them to vote against the proposed cut in the Library budget
10. Donation agreement between The Spinney Memorial, Inc., Friends of the Wareham Free Library, Inc. and the Town of Wareham, acting by and through its Board of Selectmen, dated June 9, 2005
11. Minutes of meetings of the Board of Selectmen of the Town of Wareham on the following dates:
 - 1) December 5, 2006
 - 2) January 2, 2007
 - 3) February 6, 2007
 - 4) February 20, 2007
 - 5) March 27, 2007
 - 6) April 10, 2007
 - 7) April 17, 2007
 - 8) April 23, 2007
 - 9) May 7, 2007
 - 10) May 15, 2007
 - 11) May 22, 2007
 - 12) August 7, 2007
 - 13) November 7, 2007
12. Video recording of the meeting of the Board of Selectmen on July 24, 2007, on CD

13. Minutes of the meetings of the Board of Trustees of Wareham Free Library, Inc.
14. Letter from Elizabeth R. Corbo, as Town Counsel, to the Board of Selectmen of the Town of Wareham, dated July 16, 2007
15. Letter from Elizabeth R. Corbo, as Town Counsel, to John Lanci, dated July 26, 2007
16. Newspaper articles, from 2006 forward, concerning factual matters alleged in the Complaint, and concerning this lawsuit and plaintiffs

III. Rule 26(a)(1)(C) Disclosures:

Defendants in Counterclaim are claiming no damages, other than award of all their legal costs and fees for the defense of the Counterclaim brought against them by the Town of Wareham, including legal fees pursuant to M.G.L. c. 231, § 6F.

IV. Rule 26(a)(1)(D) Disclosures:

None.

Respectfully submitted by

DEFENDANTS IN COUNTERCLAIM,

The Wareham Library Foundation, Inc., and
Its individually named officers and directors,

By Their Attorneys,

LAW OFFICES OF
BEAUREGARD, BURKE & FRANCO

/ S / Timour Zoubaidouline

TIMOUR ZOUBAIDOUILLINE, BBO # 656212
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Dated: August 21, 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 August 21, 2008.

/ S / Timour Zoubaidouline

TIMOUR ZOUBAIDOULLINE, BBO # 656212