UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

Civil Action 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, JOHNCRONAN, JAMES PORTER, and M. JANE DONAHUE,Individually and As Members of The Board of Selectmanof Wareham,
Defendants,
v.)
FRIENDS OF THE WAREHAM FREE LIBRARY, INC., andWAREHAM LIBRARY FOUNDATION
Defendants in Counterclaim,
v.)
MIIA PROPERTY AND CASULATY GROUP, INC.
Third Party Defendant.

ASSENTED TO MOTION TO EXTEND SCHEDULING ORDER

NOW COMES THE DEFENDANT/PLAINTIFF IN COUNTERCLAIM, Town of

Wareham (the "Town") and moves, pursuant to Local Rule 26.2(B), that the deadlines in the Scheduling Order for taking of fact depositions, completing and exchanging expert disclosures, and filing and serving motions for summary judgment each be extended by approximately four months, as described in more detail below. Please note that all attorneys in this matter with the exception of Attorney Phillip Beauregard and Attorney Timour Zoubaidoulline (who represent the Wareham Free Library, Inc. and the individual plaintiffs,) assent to this motion.

This Honorable Court granted the parties' first request for an extension of approximately two months. Since the parties' first request, the parties have actively engaged in discovery and completed the depositions of Priscilla Porter, Sandra Wheeler, John Lanci, Diane Lazarus, Hazel Taber, Brenda Eckstrom and Bruce Sauvageau. The parties filed a second joint motion requesting an additional three months, which was granted in part by the Court. Since the filing of the second motion, the parties have deposed Jane Donahue and conducted one of the outstanding 30(b)(6) depositions. The deposition of John Cronan will proceed tomorrow, June 12, 2009. The discovery deadline is currently June 26, 2009.

In support of this motion, the Town states two grounds for its request for an additional four months extension of the scheduling order. First, the Town states that there are approximately two outstanding depositions to be completed, that of Nora Bicki and another 30(b)(6) deposition. The attorney representing the Town in its counterclaim, Elizabeth Corbo, was unexpectedly placed on a medical leave of absence from work effective June 5, 2009. (Exhibit A). Attorney Corbo is also due to have a child on July 1, 2009 and will not be available to assist with this case for several months. As a result, Attorney Michele Randazzo is filing a Notice of Appearance in this matter. However, there are approximately two outstanding

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depositions to be completed and Attorney Randazzo will need sufficient time to review the file materials, which are voluminous, and schedule the depositions. Additionally, Attorney Randazzo will need to review the discovery in this matter to prepare the Town's Motion for Summary Judgment. Second, now that the parties have substantially completed discovery, they are exploring the possibility of alternative dispute resolution and are currently discussing mediation options.

In light of the unexpected medical leave of Attorney Corbo and the parties' consideration of mediation options, the Town requests that the deadlines established by this Court's order of April 13, 2009 be enlarged as follows:

- Fact depositions already noticed completed by October 26, 2009;
- Mediation, if any, completed by October 26, 2009;
- Expert disclosures must be completed and exchanged by November 30, 2009; and
- Any motion for summary judgment must be filed by December 31, 2009.

WHEREFORE, the Defendant/Plaintiff in Counterclaim Town of Wareham respectfully

requests that the within motion be granted.

Defendant/Plaintiff in Counterclaim The Town of Wareham By its attorneys,

/s/ Elizabeth Corbo Michele E. Randazzo (BBO 564906) Elizabeth Corbo (BBO 640131) KOPELMAN & PAIGE 101 Arch Street, 12th Floor Boston, MA 02110 (617) 556-0007 <u>mrandazzo@k-plaw.com</u> ecorbo@k-plaw.com

ASSENTED TO:

Defendants, Officially and Individually Defendant in Counterclaim Friends of the Wareham Free Library, Inc.

By their attorneys,

By its attorney,

/s/ Peter E. Montgomery Leonard H. Kesten (BBO 542042) Peter E. Montgomery (BBO 632698) BRODY, HARDOON, PERKINS & KESTEN One Exeter Plaza Boston, MA 02116 (617) 880 7100 <u>lkesten@bhpklaw.com</u> pmontgomery@bhpklaw.com /s/ Thomas J. Gallitano Thomas J. Gallitano (BBO 550745) Lurleen A. Gannon (BBO 655109) CONN KAVANAUGH ROSENTHAL PEISCH & FORD Ten Post Office Square Boston, MA 02109 (617) 482-8200 tgallitano@ckrpf.com lgannon@ckrpf.com

Third Party Defendant MIIA PROPERTY AND CASULATY GROUP, INC. By its attorney,

/s/ Arthur E. Maravelis Arthur E. Maravelis (BBO 564673) TANG & MARAVELIS 50 Mall Road, Suite 111 Burlington, MA 01803 (781) 221-1400 amaravelis@tangmaravelis.com

Dated: June 11, 2009

CERTIFICATE OF SERVICE

I, Elizabeth R. Corbo, certify that the above document will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be served upon any party or counsel of record who is not a registered participant of the Court's ECF system upon notification by the Court of those individuals who will not be served electronically.

/s/ Elizabeth R. Corbo

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