

## -----EXHIBIT !

[Subject:] Law Department to Represent Trustees  
 Thursday, June 28, 2012 11:54 AM  
 From: "Friedrich Lu" <x2flu@yahoo.com>  
 To: Caroline.Driscoll@cityofboston.gov  
 Cc: ngrilk@bpl.org

I have doubts that City of Boston, through its Law Department, can represent Trustees of Boston Public Library ("Trustees") and Mr George Hulme. Due to the doubts, the email is copied to the Trustees, via secretary Nancy Grilk.

I have studied law materials on this issue since 9 AM this morning (more than two and a half hours ago).

- (1) What is the legal authority for such representation?
- (2) Does the city deem Trustees a separate legal entity or subsumed under the city?
- (3) Should the city represent (serve as lawyer, that is) by operation of law? Can it? Or Does it just want to?
- (4) Have the city represented Trustees before?
- (5) Have the city represented Boston Housing Authority? Or Boston Redevelopment Authority? Or Boston Public Health Commission, to name a few?
- (6) Have the city represented another city or town within the Commonwealth, such as City of Quincy?
- (7) Can or should attorney general's office of Commonwealth represent the Trustees?

I intend to file a motion to disqualify counsel, or alternately, to certify a question to Supreme Judicial Court, whether the city can represent Trustees and/or its employees?

I also think about going to Suffolk County Court (single justice section) of Supreme Judicial Court to enjoin the city from such representation?

## -----EXHIBIT 2

RE: Law Department to Represent Trustees  
 Thursday, June 28, 2012 1:21 PM  
 From: "Driscoll, Caroline" <Caroline.Driscoll@cityofboston.gov>  
 To: "x2flu@yahoo.com" <x2flu@yahoo.com>  
 Cc: "Grilk, Nancy" <ngrilk@bpl.org>  
 Message contains attachments 2 Files (31KB) | COB 5-8.pdf[;] COB 11-8.pdf

Mr. Lu,

Please refer to City of Boston Code, Ordinance 5-8 and 11-8. I've attached copies for your convenience.

The Law Department represents all city departments, including the Boston Public Library and its Trustees, who are appointed by the Mayor. As a BPL employee, Mr Hulme is a city employee; therefore, we will be representing him as well.

Regards,

Caroline O. Driscoll  
 Assistant Corporation Counsel  
 City of Boston -- Law Department  
 City Hall, Room 615  
 Boston, MA 02201  
 (617) 635-4925  
 Caroline.Driscoll@cityofboston.gov

## -----EXHIBIT 3

RE: Law Department to Represent Trustees  
Thursday, June 28, 2012 3:52 PM  
From: "Friedrich Lu" <x2flu@yahoo.com>  
To: "CarolineDriscoll" <Caroline.Driscoll@cityofboston.gov>

Thanks for your quick reply. I had gone through the Municipal Code (ordinance), in Boston City Council web page, before I wrote you this morning.

"The Library Department shall be under the charge of a Board of nine (9) Trustees." 11-8

Do you have any authoritative interpretation of that sentence?

Indeed "City of Boston Library Department" (617) 436-8214 has a distinct address: 690 Washington St, Boston, MA 02111.

According to the city, what is the relationship between the Trustees and Library Department?

Still there is no answer from you if the Trustees is a legal entity separate from the city?

You indicate, "Mr Hulme is a city employee." How so? Is he an employee of the Trustees? Or both? In any event, the city can supply the pertinent information in the discovery process.

[Regarding TRO]

(Please be satisfied that I have always done my homework before asking questions. I do not mean to ask you to do it for me.)

-----EXHIBIT 4

RE: Law Department to Represent Trustees  
Thursday, June 28, 2012 5:07 PM  
From: "Driscoll, Caroline" <Caroline.Driscoll@cityofboston.gov>  
To: "Friedrich Lu" <x2flu@yahoo.com>

Mr Lu,

By their enabling legislation, the Trustees are entrusted with the care and control of the Boston Public Library, which is a department of the City. The Law Department advises and represents the Trustees in all matters concerning the BPL, including all of its branches. The Trustees themselves are a separate legal entity by statute. That said, they are considered special municipal employees of the City of Boston under Massachusetts law. As for Mr. Hulme, all library employees are City of Boston employees.

Due to other pending matters today, I have not had a chance to look for an authoritative interpretation of the sentence that you mention below, but you may wish to look at its legislative history.

[Regarding notice of appearance]

Regards,

Caroline O. Driscoll  
Assistant Corporation Counsel  
City of Boston -- Law Department  
City Hall, Room 615

Boston, MA 02201  
(617) 635-4925  
Caroline.Driscoll@cityofboston.gov

Civil Action No.: 1:12-CV-11117-MLW

FILED  
PROOF OF SERVICE CLERKS OFFICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for (name of individual and title, if any) NICK GRIMES

was received by me on (date) \_\_\_\_\_

2012 JUN 29 4:08  
U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

I personally served the summons on the individual at (place) Boston Public Library  
3rd floor, Facilities Deck on (date) June 27, 2012; or

I left the summons at the individuals residence or usual place of abode with (name) \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on (date) \_\_\_\_\_, and mailed a copy to the individuals last known address; or

I served the summons on (name of individual) \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of (name of organization) \_\_\_\_\_  
\_\_\_\_\_ on (date) \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other (specify) :

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

6/27/2012  
Date

  
Server's Signature

NICK GRIMES  
Printed name and title

\_\_\_\_\_  
Server's Address

Additional information regarding attempted service, etc: