

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

Superior Court Department  
Civil Action No.

_____	)
TOWN OF ACTON, and	)
JANET K. ADACHI, MIKE GOWING,	)
KATIE GREEN, DAVID CLOUGH AND	)
JOHN SONNER AS THEY ARE THE	)
MEMBERS OF THE	)
BOARD OF SELECTMEN OF THE	)
TOWN OF ACTON,	)
	)
Plaintiffs,	)
	)
v.	)
	)
W.R. GRACE & CO. — CONN.	)
	)
Defendant.	)
_____	)

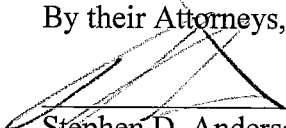
**PLAINTIFFS' *EX PARTE* MOTION FOR TEMPORARY RESTRAINING ORDER AND  
SHORT ORDER OF NOTICE**

Pursuant to Mass. R. Civ. P 65(a) and Superior Court Rule 9A(e)(1), the Plaintiff Town of Acton (the "Town") moves *ex parte* for a Temporary Restraining Order to preserve the *status quo* by restraining and enjoining the Defendant W.R. Grace & Co.-Conn. ("Grace") and those acting in concert with it from prematurely shutting down the Northeast Area Remedial Action groundwater pumping and treatment system (hereafter the "Treatment System") installed and operated by Grace to remediate a plume of groundwater contamination from Grace's property (the "Site"), because Grace's proposed shutdown of the Treatment System violates the Town's Groundwater Cleanup Standards Bylaw (the "Bylaw"); will cause irreparable harm to the Town, the public, and the environment; and will endanger for an extended period of time a public drinking water supply aquifer within the Town which has been contaminated but not fully remediated by Grace as required by the Bylaw. In support of this Motion, the Town relies on the Verified Complaint and Exhibits submitted herewith.

The Town further requests that the Court issue a short order of notice to Grace to show cause why the Court should not issue a preliminary injunction enjoining Grace and those acting in concert with it from shutting down the Treatment System until such time as Grace has in accordance with the Bylaw on a permanent basis met the Groundwater Cleanup Standards established by the Bylaw throughout the affected Resource Area.

The Town respectfully requests that its Motion be allowed and that a Temporary Restraining Order and Short Order of Notice be entered in the proposed form attached hereto.

The Plaintiffs  
By their Attorneys,



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Stephen D. Anderson (BBO #018700)  
Mina S. Makarious (BBO #675779)  
ANDERSON & KREIGER LLP  
One Canal Park, Suite 200  
Cambridge, MA 02141  
Telephone: 617-621-6500  
Fax: 617-621-6625  
sanderson@andersonkreiger.com  
mmakarious@andersonkreiger.com

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