

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

Superior Court Department  
Civil Action No. 2013-04131-J

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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. )

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**HEARING REQUESTED**

**PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Mass. R. Civ. P 65(b) and Superior Court Rule 9A(e)(1), the Plaintiff Town of Acton, acting by and through its Board of Selectmen (the “Town”), moves for a preliminary injunction restraining and enjoining the Defendant W.R. Grace & Co.-Conn. (“Grace”) from 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 property owned and formerly operated by Grace (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 remediated by Grace as required by the Bylaw.

In support of this Motion, the Town relies on the Verified Complaint and its Exhibits, as well as Plaintiffs' Memorandum in Support of Motion for Preliminary Injunction and the Affidavit of James Okun submitted herewith.

The Town respectfully requests a hearing on its Motion and that an Order for Preliminary Injunction be entered in the proposed form attached hereto.

By their attorneys,

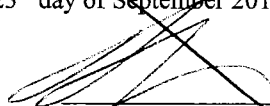


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Dated: September 23, 2013

**CERTIFICATE OF SERVICE**

I certify that I caused this Memorandum to be served on the Defendant's Registered Agent by sending it by hand to the Civil Process Division of the Suffolk County Sheriff's Department for service of process with the Summons and Complaint in this matter on this 23<sup>rd</sup> day of September 2013.



Mina S. Makarious

