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COMMONWEALTH OF MASSACHUSETTS

Essex

PROBATE & FAMILY COURT

Docket No: ES09E0094QC

Alexander B.C. Mulholland, Jr., Peter Foote,)
Donald Whiston, James Foley, Elizabeth)
Kilcoyne, Patrick J. McNally, and Ingrid)
Miles as they are the Feoffees of the Grammar)
School in the Town of Ipswich)
Plaintiffs,)
v.)
Attorney General of the Commonwealth of)
Massachusetts, and Richard Korb, as he is)
Superintendent of Schools in the Town of)
Ipswich)
Defendants.)

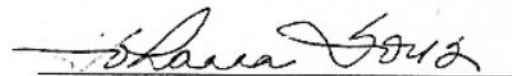
ATTORNEY GENERAL'S SUBMISSION TO THE COURT
ON HER ROLE IN THE TRIAL OF THE
ABOVE CAPTIONED MATTER

The Attorney General is a party in all matters implicating her mandate to see to the due application of charitable funds. The Attorney General has the discretion to exercise that mandate to different degrees and to increase or decrease her level of involvement as well. M.G. L. c. 12, §8G. In this case, the Attorney General is a named party defendant and initially exercised her discretion to monitor the litigation because the stakeholders, the School Committee and the Feoffees are ably represented by counsel. Moreover, it is a matter of public record that the School Committee and the Feoffees have been working toward a mutually satisfactory resolution

of the challenges facing the trust and its beneficiaries for several years. Also a matter of public record, the parties ultimately were not able to agree on a negotiated settlement.

The Attorney General asks the court's permission to observe and monitor the trial proceedings through her Nonprofit Organization/Public Charities Division. The Attorney General believes that observation is a valuable use of time. The Attorney General is especially interested in seeing that the principals governing the application of equitable deviation and governance of the trust going forward be fully briefed from the prospective of the indefinite public served by the Attorney General. That special Attorney General interest *may possibly* entail a written submission when the trial is concluded. Observing the proceedings is necessary in order to assess whether to submit a written document for the court's consideration.

RESPECTFULLY SUBMITTED
MARTHA COAKLEY
ATTORNEY GENERAL



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Dated: December 7, 2011