

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

PROBATE AND FAMILY COURT
NO. ES09E0094QC

ALEXANDER B.C. MULHOLLAND, JR.)
et al.,)
 Plaintiffs,)
)
v.) Appeals Court No.
) 2012-J-0059
ATTORNEY GENERAL of the)
Commonwealth of Massachusetts,)
et al.,)
 Defendants.)

**PLAINTIFFS'/APPELLEES' RESPONSE TO
APPELLANTS' STATUS REPORT**

Plaintiffs/Appellees Feoffees of the Grammar School in the Town of Ipswich ("Feoffees") hereby respond to the July 24, 2012 Status Report filed by the appellants in this action as follows:

1. The appellees are a group of would-be intervenors who unsuccessfully sought to intervene in the Essex Probate and Family Court action styled Mulholland et al. v. Attorney General et al., Docket No. ES09E0094QC, after that action was reported settled. The Probate Court concluded that the would-be intervenors lacked standing.

2. On February 14, 2012, the appellees filed a notice of appeal purporting to appeal from both (1) the Probate Court's denial of their motion to

intervene and (2) the Probate Court Judgment ("Judgment").

3. Subsequently the would-be intervenors moved a Single Justice of this Court to stay the Judgment pending their appeal.

4. On March 12, 2012, the Single Justice (Agnes, J.) denied the would-be intervenors' motion for stay, also citing their lack of standing under settled case law.

5. On April 3, 2012, the would-be intervenors filed a notice of appeal from the Single Justice's March 12, 2012 Order. The record was assembled and the appeal from the Single Justice's order was docketed on April 17, 2012. This response is filed in that appeal from the Single Justice's March 12, 2012 Order.

6. On May 14, 2012, acting on a motion filed by the Feoffees, the Probate Court struck that portion of the would-be intervenors' February 14, 2012 Notice of Appeal which purported to appeal from the Judgment. The basis of the Feoffees' motion was that the would-be intervenors could appeal only from the denial of the motion to intervene and had no right, as non-parties, to appeal from the Judgment. The would-be

intervenorors have filed a notice of appeal purporting to appeal from the May 14, 2012 order of the Probate Court striking that portion of their notice of appeal.

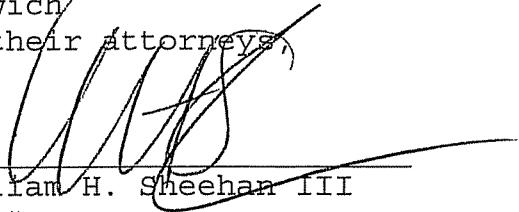
7. In their July 24, 2012 Status Report, the appellants take the position that the appeal of "the underlying Probate Court action"¹ will be consolidated with this appeal.

8. The Feoffees have no objection to the appeal from the Single Justice order being consolidated with the appeal from the denial by the Probate Court of the would-be intervenors' motion to intervene and with the purported appeal from the Probate Court's May 14, 2012 order striking a portion of the would-be intervenors' notice of appeal, to the extent such an appeal lies, but the Feoffees disagree with, and object to, the position taken by the would-be intervenors that they can appeal, and have appealed, from the Judgment.

9. The Feoffees contend that there is no appeal from the Judgment to be consolidated with the other appeals of the would-be intervenors.

¹ The Feoffees take it that the would-be intervenors' reference to "the underlying Probate Court action" is to the Judgment of the Probate Court.

Respectfully submitted,
Feoffees of the Grammar
School in the Town of
Ipswich
By their attorneys,



William H. Sheehan III

BBO #457060

Robin Stein

BBO #654829

MacLean Holloway Doherty

Ardiff & Morse, P.C.

8 Essex Center Drive

Peabody, MA 01960

(978) 774-7123

wsheehan@mhdpc.com

rstein@mhdpc.com

July 26, 2012

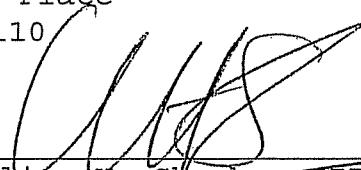
CERTIFICATE OF SERVICE

I, William H. Sheehan III, attorney for the Feoffees of the Grammar School in the Town of Ipswich, hereby certify that I have served a copy of the instant response upon all parties or counsel of record, by mailing the same, first class mail, postage prepaid, to the following attorneys:

Stephen M. Perry, Esq.
Casner & Edwards, LLP
303 Congress Street
Boston, MA 02210

Johanna Soris, Esq.
Commonwealth of Massachusetts
Office of the Attorney General
Public Charities Division
One Ashburton Place
Boston, MA 02108

Catherine J. Savoie, Esq.
Posternak Blankstein & Lund LLP
The Prudential Tower
800 Boylston Street
Boston, MA 02199
Mark E. Swirbalus
Day Pitney LLP
One International Place
Boston, MA 02110



William H. Sheehan III

Dated: July 26, 2012