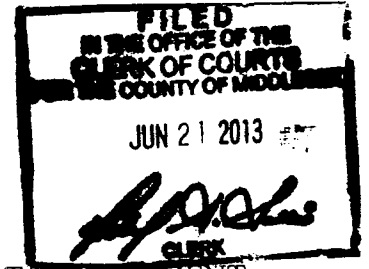


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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

<p>TWENTY WAYLAND, LLC</p> <p>Plaintiff,</p> <p>v.</p> <p>TOWN OF WAYLAND and WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION,</p> <p>Defendants.</p>
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CIVIL ACTION NO. 11-04095-F  
After review, this motion is ALLOWED.

FOR THE COURT,

6/23/13

DENNIS J. CURRAN  
Associate Justice

sent  
6/24/13

**TWENTY WAYLAND'S MOTION FOR ENTRY OF PROPOSED JUDGMENT**

Twenty Wayland moves for the Court to enter Final Judgment in accordance with the attached Judgment [Proposed by Twenty Wayland] (Tab A, with accompanying disk).

The proposed Judgment reflects the findings made by the jury after hearing evidence on June 10 and 11, 2013, per the Jury Verdict form (Tab B).

Twenty Wayland is entitled to pre-judgment statutory interest. Its calculations are at Tab C.

Twenty Wayland is entitled to its costs. An accounting of its costs is at Tab D.

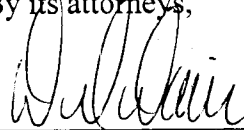
There were also two questions for the Court. First, is Twenty Wayland entitled to specific performance as to the 1999 Memorandum of Agreement provision that defendants "shall provide 45,000 GPD (gallons per day of maximum daily design flow as defined in 310 CMR 15.000) of sewage treatment capacity"? Second, is Twenty Wayland entitled to a declaration that going forward, in order to comply with the 1999 Memorandum of Agreement provision that any "sewage treatment capacity" was to be provided "at a pro-rated cost of operation and amortized acquisition costs, but excluding all costs in any way related to installations made for service to

others and services provided to others,” the Commission may only take into account “sewage treatment capacity” actually available and useable by Twenty Wayland, currently 28,000 gallons per day? These two questions were effectively answered by the jury, which found that defendants had breached both of these provisions from the 1999 Memorandum of Agreement.

Respectfully submitted,

TWENTY WAYLAND, LLC,

By its attorneys,



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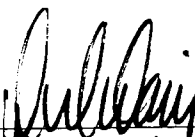
Daniel P. Dain (BBO No. 632411)  
Michael J. McDermott (BBO No. 685223)  
Brennan, Dain, Le Ray, Wiest, Torpy &  
Garner, P.C.  
129 South Street, 3<sup>rd</sup> Floor  
Boston, MA 02111  
Tel: 617-542-4800  
Fax: 617-542-4808  
ddain@bdlwtg.com  
mmcdermott@bdlwtg.com

June 14, 2013

## CERTIFICATE OF SERVICE

I, Daniel P. Dain, certify that on the 14th day of June 2013, a copy of Twenty Wayland's Motion for Entry of Proposed Judgment, with exhibits, was served on all counsel of record by electronic mail.

Mark J. Lanza  
Town Building  
41 Cochituate Road  
Wayland, MA 01778  
mjlanza@comcast.net



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Daniel P. Dain



BRENNAN · DAIN  
LE RAY · WIEST  
TORPY · GARNER PC

Daniel P. Dain  
617.542.4850  
ddain@bdlwtg.com

June 21, 2013

**By Hand**

Martha Fulham-Brennan  
Courtroom 510  
Middlesex Superior Court  
200 Trade Center  
Woburn, MA 01801

**Re: Twenty Wayland, LLC v. Town of Wayland et al.; Docket No. MICV2011-4095-F**

Dear Ms. Fulham-Brennan:

When the parties last appeared before Justice Curran on June 11, 2013, at the close of trial, he directed Twenty Wayland to draft a proposed judgment and to send it to Mark Lanza, counsel for defendants, by June 14, 2013. Justice Curran then directed defendants to provide any comments or opposition to me, as counsel for the plaintiff, and I would then file the whole package under Rule 9A by today, June 21, 2013. In accordance with this directive, I did serve Twenty Wayland's proposed judgment last Friday, June 14.

Yesterday, Mr. Lanza contacted me to say that he had not gotten to Twenty Wayland's proposed judgment yet and that he might need more time. I spoke to him today and he said that he had called the Court to request an extension, until July 8, but had not heard back. Given that it is now late in the day on June 21, and there has been no confirmation of an extension, I am proceeding with the filing under Rule 9A of the proposed judgment without Mr. Lanza's comments or opposition, which as noted he has not gotten to me.

Accordingly, I am enclosing for filing under Superior Court Rule 9A:

1. Rule 9A(b)(2) List of Filings;
2. Motion for Entry of Proposed Judgment with Exhibits;
  - A. Proposed Judgment;
  - B. Jury Verdict;
  - C. Calculation of Prejudgment Interest; and,
  - D. Affidavit of Daniel P. Dain, documenting costs;
3. Copy of Notice of Filing in Compliance with Rule 9A(b)(2).



BRENNAN · DAIN  
LE RAY · WIEST  
TORPY · GARNER PC

Middlesex Superior Court

June 21, 2013

Page 2

Please acknowledge receipt by date-stamping the copy of the cover letter and returning it to me via the enclosed self-addressed, stamped envelope.

Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Daniel P. Dain'.

Daniel P. Dain