

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO. 08-04641

JOHNSON GOLF MANAGEMENT, INC.)
Plaintiff,)
)
v.)
)
CALM GOLF, INC. and CHARLES LANZETTA,)
Defendant,)
)
and)
)
TOWN OF DUXBURY, and NORTH HILL)
ADVISORY COMMITTEE, consisting of)
MICHAEL DOOLIN, CHAIRMAN,)
SCOTT WHITCOMB,)
ROBERT M. MUSTARD, JR., MICHAEL)
MARLBOROUGH, ANTHONY FLOREANO,)
MICHAEL T. RUFO, THOMAS K. GARRITY,)
RICHARD MANNING, W. JAMES FORD,)
and GORDON CUSHING (EX OFFICIO),)
Defendants)

**ASSENTED TO MOTION OF DEFENDANT TOWN OF DUXBURY TO FILE A
THIRD PARTY COMPLAINT TO ADD ROBERT TROY AS A DEFENDANT**

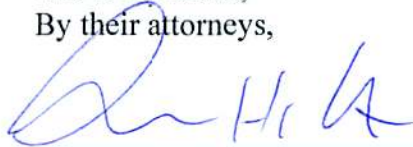
The defendant, Town of Duxbury (hereinafter "defendant"), hereby asks this Court that it be allowed to file the enclosed Third Party Complaint which adds former Town Counsel Robert Troy, (hereinafter "Troy"), as a third party defendant in this action. In support thereof, the defendant states:

1. This action arose out of a public bidding process conducted by the Town with regard to the management of the North Hill Country Club, a nine hole golf course owned by the Town.
2. The plaintiff filed his original complaint in December of 2008 and an amended complaint in January of 2009.
3. Troy represented the defendants in this matter until May of 2012.

4. The defendant learned certain facts regarding the negligence of Troy during the last four months as described in the attached complaint.
5. The defendant has a good faith belief that Troy, in the months leading to the filing of this lawsuit, and during his defense of this lawsuit, performed his duties as Town Counsel in a negligent manner and caused damages to the defendant.

Wherefore, the defendant asks that this Court allow the Town of Duxbury to file the enclosed Third Party Complaint. Plaintiff assents to this motion. Co-defendant, Calm Golf Inc., does not assent, but will not oppose.

Respectfully submitted,
The Defendants,
By their attorneys,



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Assented-to,
The Plaintiff,
By its attorneys,



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Dated: July 13, 2012

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the Attorney of Record for each other party by first class mail on July 13, 2012.

BY: 