

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH COUNTY, ss.

SUPERIOR COURT DEPT.
OF THE TRIAL COURT
C.A. NO. 2383 CV 00304

JOSEPHINE BEADLING and KEITH
BEADLING,

Plaintiffs,

v.

ROBERT IERONIMO,
MICHAEL C. HARRISON, RICHARD
WARD, JOHN MASON and WILLIAM
GARNETT as they are the members of the
EARTH REMOVAL COMMITTEE of the
TOWN of CARVER, BETTE MAKI and
THE LOPES COMPANIES, LLC,

Defendants.

**PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION,
SHORT ORDER OF NOTICE AND WAIVER OF SECURITY**

Pursuant to Mass. R. Civ. P. 65(b) and Superior Court Rule 9A(e)(1) and Plaintiffs
Josephine Beadling and Keith Beadling ("Plaintiffs") for a preliminary injunction to:

- (1) Restrain Defendant Bette Maki (“Maki”) and those acting in concert with her, including but not limited to her contractors, subcontractors, agents, servants, employees and attorneys, from engaging in any activities on the land owned by Maki on Meadow Street in the Town of Carver, Massachusetts known as Carver Assessor’s Map 83, Lot 6 and Map 84, Lot 1 (“the Site”) for “Removal” of “Earth” defined as, “All forms of soil, including but not limited to clay, gravel, hard pan, loam, peat, rock or sand” including but not limited to:
 - (a) Stripping, excavating, commercial mining, agricultural excavation, excavation due to construction or blasting earth and rearranging it on the same lot or carrying it away from that lot, cutting trees, removing vegetation, excavating earth materials including sand, gravel, and rocks, or
 - (b) Conducting the sorting, processing, crushing, sifting of Earth materials, or any quarrying activities.

- (2) Restrain Defendant The Lopes Companies (“Lopes”) those acting in concert with Lopes, including but not limited to its affiliates and subsidiaries including G. Lopes Construction Corp., its contractors, subcontractors, agents, servants, employees and attorneys, from engaging in any activities on the land owned by Maki on Meadow Street in the Town of Carver, Massachusetts known as Carver Assessor’s Map 83, Lot 6 and Map 84, Lot 1 for “Removal” of “Earth” defined as, “All forms of soil, including but not limited to clay, gravel, hard pan, loam, peat, rock or sand” including but not limited to:
 - (a) Stripping, excavating, commercial mining, agricultural excavation, excavation due to construction or blasting earth and rearranging it on the same lot or carrying

it away from that lot, cutting trees, removing vegetation, excavating earth materials including sand, gravel, and rocks, or

- (b) Conducting the sorting, processing, crushing, sifting of Earth materials, or any quarrying activities.
- (3) Defendants Michael Harrison, Richard Ward, John Mason and William Garnett as they are members of the Carver Earth Removal Committee (“ERC”) from taking any action to authorize, approve, renew or extend any earth removal permit, plan, conditions or reports under the Carver Earth Removal Bylaw, Chapter 9.1 (“Bylaw”) with regard to the Site.

In support of this Motion, Plaintiffs rely on the Affidavits and Exhibits submitted herewith showing the likelihood of success on the merits, irreparable harm to Plaintiffs and the absence of harm to Defendants Maki and Lopes and no likelihood that Defendants will succeed on the merits.

Request for emergency hearing

The Plaintiff further requests that the Court schedule an emergency hearing and issuance of a short order of notice.

Waiver of Security

Plaintiffs move pursuant to Mass. R. Civ. P. 65(c) to waive the giving of security for good cause shown in the accompanying Memorandum.

PLAINTIFFS

Josephine Beadling and Keith
Beadling

Margaret E. Sheehan

By: Margaret E. Sheehan,
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