

COMMONWEALTH OF MASSACHUSETTS

(SEAL)

LAND COURT

DEPARTMENT OF THE TRIAL COURT

COUNTY OF DUKES, ss

97 MISC 238738 (CWT)

MARIA A. KITRAS, as Trustee of BEAR REALTY TRUST, *et al.*,

Plaintiffs

v.

TOWN OF AQUINNAH, *et al.*,

Defendants

5617

RECEIVED

AUG 19 2009

Nicholas J. Decoulos

ORDER ALLOWING DEFENDANTS, VINEYARD CONSERVATION SOCIETY, *ET AL.*'S MOTION FOR RECONSIDERATION AND DENYING DEFENDANTS, GOSSAMER WING REALTY TRUST, *ET AL.*'S CROSS-MOTION FOR RECONSIDERATION

This case comes before the court on Cross-Motions for Reconsideration of this court's April 27, 2009 Order striking certain proposed exhibits of the parties. On June 15, 2009, Defendants, Vineyard Conservation Society, Inc., the Town of Aquinnah, Caroline Kennedy, Edwin Schlossberg, The Martha's Vineyard Land Bank, Cthe Commonwealth of Massachusetts, David Wice, and Betsy Wice (VCS), filed a Motion for Reconsideration, seeking to reinstate proposed exhibits 69, 71, 72, and 73. Defendants, Gossamer Wing Realty Trust, Benjamin L. Hall, Jr., as Trustee of Gossamer Wing Realty Trust, and Brian M. Hall, as Trustee of Barons Land Trust (Trusts), opposed the motion on August 3, 2009, and filed a Cross-Motion for Reconsideration, seeking to reinstate their proposed exhibits and seeking also to strike the Defendant's proposed exhibit 85. Plaintiffs opposed VCS's motion on August 7, 2009.

After considering the papers, it is hereby:

ORDERED that the VCS Motion for Reconsideration is ALLOWED. Proposed exhibits 69, 71, 72, and 73 are reinstated and not stricken from the record; and it is further

ORDERED that the Trusts Cross-Motion for Reconsideration is DENIED.

So Ordered.

By the court (Trombly, J.).

Attest:

Deborah J. Patterson Recorder

Dated: August 18, 2009

A TRUE COPY ATTEST:

Deborah J. Patterson RECORDER

CWT