

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH COUNTY, ss.

SUPERIOR COURT DEPT.  
OF THE TRIAL COURT  
C.A. NO. 2283CV00032

CYNTHIA BEARD, JOSHUA BEARD, MADELINE  
JOYCE, HELEN LITTIG, JACQUELINE LITTIG,  
KEVIN LITTIG, ANGELA MOORE, CHAD MOORE,  
DOROTHY POLLITT, THOMAS POLLITT, DEBORAH  
ROONEY, JAMES ROONEY, and LISA SIMMONS,

Plaintiffs,

v.

JAMES NAUEN, MICHAEL C. HARRISON, ROBERT  
J. IERONIMO, RICHARD WARD, DARLENE  
WHITTEMORE, and WILLIAM GARNETT as they are  
the members of the EARTH REMOVAL COMMITTEE  
of the TOWN of CARVER, SLT CONSTRUCTION  
CORPORATION, and MAROB TRUST c/o MARY  
McGRATH,

Defendants.

**PLAINTIFFS' MOTION FOR JUDGMENT ON THE PLEADINGS**

Pursuant to Mass. R. Civ. P. 12(c) and Super. Ct. Standing Order 1-96, Plaintiffs Cynthia Beard, Joshua Beard, Madeline Joyce, Helen Littig, Jacqueline Littig, Kevin Littig, Angela Moore, Chad Moore, Dorothy Pollitt, Thomas Pollitt, Deborah Rooney, James Rooney, and Lisa Simmons, respectfully request that this Honorable Court enter judgment on behalf of the Plaintiffs against the Defendants. Based on the administrative record accepted into the case on April 11, 2023 and supplemented on May 4, 2023, it cannot reasonably be disputed that the Town of Carver Earth Removal Committee failed to comply with the Town of Carver Earth

Removal Bylaw when it granted an earth removal permit to defendant Marob Trust for work conducted by defendant SLT Construction Corporation.

In support of this Motion, the Plaintiffs submit their Memorandum in Support of Their Motion for Judgment on the Pleadings. For the reasons set forth in this Motion and accompanying memorandum, Plaintiffs respectfully request that judgment be entered in their favor, and that the Court invalidate the improperly granted earth removal permit and enjoin defendant SLT Construction Corporation from further earth removal operations.

Respectfully submitted,

PLAINTIFFS CYNTHIA BEARD,  
JOSHUA BEARD, MADELINE JOYCE,  
HELEN LITTIG, JACQUELINE LITTIG,  
KEVIN LITTIG, ANGELA MOORE,  
CHAD MOORE, DOROTHY POLLITT,  
THOMAS POLLITT, DEBORAH  
ROONEY, JAMES ROONEY, and LISA  
SIMMONS,  
By their attorneys,



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Donna M. Brewer, BBO#545254  
Maurica D. Miller, BBO#693445  
Miyares and Harrington LLP  
40 Grove Street • Suite 190  
Wellesley, MA 02482  
(617) 489-1600  
(617) 489-1630 (fax)  
dbrewer@miyares-harrington.com  
mmiller@miyares-harrington.com

#### CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2023, I served a copy of the foregoing Plaintiffs' Motion for Judgment on the Pleadings on all counsel of record by email.



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Maurica D. Miller