ANN ADAMS, ANNIE W. FENKER, HERBERT OSCAR BERGDAHL, EARL W. HUBBARD, EDGAR FRY, JOSEPH W. MALLACH, AGATHA MALLACH, RALPH McLELLAN, FLORENCE McLELLAN, JACK OLSEN, ANNIE M. OLSEN, GRACE BERGDAHL, HERBERT O. BERGDAHL, JR., AMY FRY, EDITH STONE, IRMA VARADY, ELIZABETH HETHERINGTON, LILLIAN H. ROBERTS, MORITZ WALLACH, WALTER VERRIER, IDA BELLE THOMAS, BENJAMIN S. ARNSTEIN and GRACE DUNBAR, all of the Town of Salisbury, County of Litchfield and State of Connecticut, ELEANOR LAKE, of the Town of Sharon, County of Litchfield and State of Connecticut, MARY LAMBERT, of the Town of Canaan, in said County and State, HELEN HEFFNER, of Suffern, County of Rockland and State of New York, THE LIME ROCK CEMETERY IMPROVEMENT ASSOCIATION, a voluntary cemetery association organized and existing under the laws of the State of Connecticut and located in Lime Rock, in said Town of Salisbury, and TRINITY EPISCOPAL CHURCH OF LIME ROCK, a parish of the Protestant Episcopal Church in Connecticut, located in Lime Rock in said Town of Salisbury,

SUPERIOR COURT

VS.

LITCHFIELD COUNTY

B. FRANKLIN VAILL, of said Town of Salisbury, and THE LIME ROCK CORPORATION, a Connecticut corporation having its office and principal place of business in said Town of Salisbury,

MAY 12, 1959

Present: Hon. William J. Shea, Judge

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This action, by writ and complaint, dated August 20, 1958, claiming a permanent injunction abating an alleged nuisance and such other and further relief as to equity might belong, came to this court on the first Tuesday of September, 1958, and thence to September 9, 1958 when by stipulation of the parties said writ and complaint were amended and Trinity Episcopal Church of Lime Rock was added as a party plaintiff, and thence to the present time, when the parties appeared and were at issue to the court as on file.

The court, having heard the parties, finds the issues for the plaintiffs and that the use of the defendants hard surface race track for sport car racing should be subject to the following limitations:

- All activity upon the track shall be prohibited on Sundays.
- II. Mufflered activity shall be permitted as follows:
 - (A) On any weekday between 9:00 a.m. and 10:00 p.m. provided, however, that such activity may continue beyond the hour of 10:00 p.m. without limitation on not more than six (6) occasions during any one calendar year.
 - (B) Permissible mufflers are those which meet the standards set forth in Section 14-80 (c) of the General Statutes of Connecticut, Revision of 1959, or as the same may be amended from time to time.
- III. Activity with unmufflered engines may be permitted as follows:
 - (A) On Tuesday afternoon of each week between 12:00 noon and 6:00 p.m.
 - (B) On Saturdays, not more than ten (10) in number in each calendar year between the hours of 9:00 a.m. and 6:00 p.m.
 - (C) On the ten (10) Fridays which precede the said ten (10) Saturdays between the hours of 10:00 a.m. and 6:00 p.m. for the purpose of testing, qualifying or performing such other activities as may be necessary or incidental to the direct preparation for races on the Saturdays specified.
 - (D) In the event the scheduled activity for any of the said ten (10) Saturdays must be rescheduled for a "rain date", then the said "rain date" and the Friday preceding it shall not be considered as one of the ten (10) days referred to in paragraphs (B) and (C) above.
 - (E) On Memorial Day, Fourth of July and Labor Day between the hours of 9:00 a.m. and 6:00 p.m.
 - (1) In the event any of said holidays falls on a Tuesday, Thursday, or a Friday, there may be unmufflered activity on the day preceding the holiday between the hours of 12:00 noon and 6:00 p. m., but in that event the permissible unmufflered activity of the Tuesday next preceding the holiday shall be forfeited.
 - (2) In the event any of said holidays falls on a Sunday, the next day (Monday) will be considered the holiday for these purposes.

(3) In no event shall any such holiday increase the number of Saturdays of permissible unmufflered activity beyond ten as provided in paragraph (B) above.

Whereupon it is adjudged that the defendants, and their servants and agents, be and they hereby are enjoined, each under a penalty of ten thousand dollars, against any further use of said race track for any purpose at any time in violation of the following limitations and restrictions:

- All activity upon the track shall be prohibited on Sundays.
- II. Mufflered activity shall be permitted as follows:
 - (A) On any weekday between 9:00 a.m. and 10:00 p.m. provided, however, that such activity may continue beyond the hour of 10:00 p.m. without limitation on not more than six (6) occasions during any one calendar year.
 - (B) Permissible mufflers are those which meet the standards set forth in Section 14-80 (c) of the General Statutes of Connecticut, Revision of 1959, or as the same may be amended from time to time.
- III. Activity with unmufflered engines may be permitted as follows:
 - (A) On Tuesday afternoon of each week between 12:00 noon and 6:00 p.m.
 - (B) On Saturdays, not more than ten (10) in number in each calendar year between the hours of 9:00 a.m. and 6:00 p.m.
 - (C) On the ten (10) Fridays which precede the said ten (10) Saturdays between the hours of 10:00 a.m. and 6:00 p.m. for the purpose of testing, qualifying or performing such other activities as may be necessary or incidental to the direct preparation for races on the Saturdays specified.
 - (D) In the event the scheduled activity for any of the said ten (10) Saturdays must be rescheduled for a "rain date", then the said "rain date" and the Friday preceding it shall not be considered as one of the ten (10) days referred to in paragraphs (B) and (C) above.
 - (E) On Memorial Day, Fourth of July and Labor Day between the hours of 9:00 a.m. and 6:00 p.m.

- (1) In the event any of said holidays falls on a Tuesday, Thursday, or a Friday, there may be unmufflered activity on the day preceding the holiday between the hours of 12:00 noon and 6:00 p.m., but in that event the permissible unmufflered activity of the Tuesday next preceding the holiday shall be forfeited.
- (2) In the event any of said holidays falls on a Sunday, the next day (Monday) will be considered the holiday for these purposes.
- (3) In no event shall any such holiday increase the number of Saturdays of permissible unmufflered activity beyond ten as provided in paragraph (B) above.

and that the plaintiffs recover of the defendants their costs, taxed at \$181.85.

By the Court,

Tomle

No. 15,459

ANN ADAMS ET AL

vs.

B. FRANKLIN VAILL ET AL

SUPERIOR COURT LITCHFIELD COUNTY MARCH 2, 1966

STIPULATION

The plaintiffs and the defendants in the above entitled action hereby stipulate and request that the judgment and injunctive order of May 12, 1959 be amended to read as follows:

The defendants and their servants and agents are hereby enjoined, each under a penalty of ten thousand dollars, against any further use of the sports car race track property at Lime Rock for any purpose at any time in violation of the following limitations and restrictions:

- All activity of mufflered or unmufflered racing cars upon the asphalt track or in the paddock areas shall be prohibited on Sundays.
- II. Activity with mufflered racing car engines shall be permitted as follows:
 - (A) On any weekday between 9:00 a.m. and 10:00 p.m. provided, however, that such activity may continue beyond the hour of 10:00 p.m. without limitation on not more than six (5) occasions during any one calendar year.
 - (B) Permissible mufflers are those which meet the standards set forth in Section 14-80 (c) of the General Statutes of Connecticut, Revision of 1959, or as the same may be amended from time to time.
- III. Activity with unmufflered racing car engines shall be permitted as follows:
 - (A) On Tuesday afternoon of each week between 12:00 noon and 5:00 p.m.
 - (B) On Saturdays, not more than ten (10) in number in each calendar year, between the hours of 9:00 a.m. and 6:00 p.m.
 - (C) On the ten (10) Fridays which precede the said ten (10) Saturdays between the hours of 10:00 a.m. and 6:00 p.m. for the purpose of testing, qualifying or performing such other activities as may be necessary or incidental to the direct preparation for races on the Saturdays specified, provided that no qualifying heats or races shall be permitted on such Fridays.

- (D) In the event the scheduled activity for any of the said ten (10) Saturdays must be rescheduled for a "rain date", then the said "rain date" and the Friday preceding it shall not be considered as one of the ten (10) days referred to in Paragraphs (B) and (C) above.
- (E) On Memorial Day, Fourth of July and Labor Day between the hours of 9:00 a.m. and 6:00 p.m.
 - (1) In the event any of said holidays falls on a Tuesday, Thursday, or a Friday, there may be unmufflered activity on the day preceding the holiday between the hours of 12:00 noon and 6:00 p.m., but in that event the permissible unmufflered activity of the Tuesday next preceding the holiday shall be forfeited.
 - (2) In the event any of said holidays falls on a Sunday, the next day (Monday) will be considered the holiday for these purposes.
 - (3) In no event shall any such holidays increase the number of Saturdays of permissible unmufflered activity beyond ten as provided in Paragraph (B) above.
- IV. Prohibited activity upon the track property shall include the reving or testing of mufflered or unmufflered racing car engines on Saturdays and permitted holidays prior to 9:00 a.m. and after 6:00 p.m., excepting the transportation of said vehicles to and from the paddock areas or on or off their respective trailers, which transporting, unloading or loading shall not commence before 7:30 a.m. or extend beyond 7:30 p.m.
- V. The use of the track loudspeakers before 8:00 a.m. and after 7:00 p.m. is prohibited.
- VI. A "racing car" is defined as any car entered in an event on the asphalt track.

PLAINTIFFS

- By Robert, Robert & Polise
Their Attorneys

DEFENDANTS

Their Attorneys

STATE OF CONNECTICUT

ANN ADAMS, ANNIE W. FENKER, HERBERT OS CAR BERGDAHL, EARL W. HUBBARD, EDGAR FRY, JOSEPH W. MALLACH, AGATHA MALLACH, RALPH MCLELLAN, FLORENCE MCLELLAN, JACK OLSEN, ANNIE M. OLSEN, GRACE BERGDAHL, HERBERT O. BERGDAHL, JR., AMY FRY, EDITH STONE, IRMA VARADY, ELIZABETH HETHERINGTÓN, LILLIAN H. ROBERTS, MORITZ WALLACH, WALTER VERRIER, IDA BELLE THOMAS, BENJAMIN S. ARNSTEIN and GRACE DUNBAR, all of the Town of Salisbury, County of Litchfield and State of Connecticut, ELEANOR LAKE, of the Town of Sharon, County of Litchfield and State of Connecticut, MARY LAMBERT, of the Town of Canaan, in said County and State, HELEN HEFFNER, of Suffern, County of Rockland and State of New York, THE LIME ROCK CEMETERY IMPROVEMENT ASSOCIATION, a voluntary cemetery association organized and existing under the laws of the State of Connecticut and located in Lime Rock, in said Town of Salisbury, and TRINITY EPISCOPAL CHURCH OF LIME ROCK, a parish of the Protestant Episcopal Church in Connecticut, located in Lime Rock in said Town of Salisbury,

SUPERIOR COURT

VS.

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LITCHFIELD COUNTY

B. FRANKLIN VAILL, of said Town of Salisbury, and THE LIME ROCK CORPORATION, a Connecticut corporation having its office and principal place of business in said Town of Salisbury,

AUGUST 26, 1968

Present: Hon. Robert A. Wall, Judge

This action, by writ and complaint, dated August 20, 1958, claiming a permanent injunction abating an alleged nuisance and such other and further relief as to equity might belong, came to this court on the first Tuesday of September, 1958, and thence to September 9, 1958 when by stipulation of the parties said writ and complaint were amended and Trinity Episcopal Church of Lime Rock was added as a party plaintiff, and thence to the present time, when the parties appeared and were at issues to the court as on file.

The court, having heard the parties, finds the issues for the plaintiffs and that the use of the defendants' hard surface race track for sport car racing should be the subject to the following limitations:

- All activity upon the track shall be prohibited on. Sundays.
- II. Mufflered activity shall be permitted as follows:
 - (A) On any weekday between 9:00 a.m. and 10:00 p.m. provided, however, that such activity may continue beyond the hour of 10:00 p.m. without limitation on not more than six (6) occasions during any one calendar year
 - (B) Permissable mufflers are those which meet the standards set forth in Section 14-80 (c) of the General Statutes of Connecticut, Revision of 1959, or as the same may be amended from time to time.
- III. Activity with unmufflered engines may be permitted as follows:
 - (A) On Tuesday afternoon of each week between 12:00 noon and 6:00 p.m.
 - (B) On Saturdays, not more than ten (10) in number in each calendar year between the hours of 9:00 a.m. and 6:00 p.m.
 - (C) On the ten (10) Fridays which precede the said ten (10) Saturdays between the hours of 10:00 a.m. and 6:00 p.m. for the purpose of testing, qualifying or performing such other activities as may be necessary or incidental to the direct preparation for races on the Saturdays specified.
 - (D) In the event the scheduled activity for any of the said ten (10) Saturdays must be rescheduled for a "rain date", then the said "rain date" and the Friday preceding it shall not be considered as one of the ten (10) days referred to in paragraphs (B) and (C) above.
 - (E) On Memorial Day, Fourth of July and Labor Day between the hours of 9:00 a.m. and 6:00 p.m.
 - (1) In the event any of said holidays falls on a Tuesday, Thursday, or a Friday, there may be unmufflered activity on the day preceding the holiday between the hours of 12:00 noon and 6:00 p.m., but in that event the permissible unmufflered activity of the Tuesday next preceding the holiday shall be forfeited.
 - (2) In the event any of said holidays falls on a Sunday, the next day (Monday) will be considered the holiday for these purposes.

(3) In no event shall any such holiday increase the number of Saturdays, of permissible unmufflered activity beyond ten as provided in paragraph (B) above.

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Whereupon it is adjudged that the defendants, and their servants and agents, be and they hereby are enjoined, each under a penalty of ten thousand dollars, against any furtheruse of said race track for any purpose at any time in violation of the following limitations and restrictions:

- All activity upon the track shall be prohibited on Sundays.
- II. Mufflered activity shall be permitted as follows:
 - (A) On any weekday between 9:00 a.m. and 10:00 p.m. provided, however, that such activity may continue beyond the hour of 10:00 p.m. without limitation on not more than six (6) occasions during any one calendar year.
 - (B) Permissible mufflers are those which meet the standards set forth in Section 14-80 (c) of the General Statutes of Connecticut, Revision of 1959, or as the same may be amended from time to time.
- III. Activity with unmufflered engines may be permitted as follows:
 - (A) On Tuesday afternoon of each week between 12:00 noon and 6:00 p.m.
 - (B) On Saturdays, not more than ten (10) in number in each calendar year between the hours of 9:00 a.m. and 6:00 p.m.
 - (C) On the ten (10) Fridays which precede the said ten (10) Saturdays between the hours of 10:00 a.m. and 6:00 p.m. for the purpose of testing, qualifying or performing such other activities as may be necessary or incidental to the direct preparation for races on the Saturdays specified.
 - (D) In the event the scheduled activity for any of the said ten (10) Saturdays must be rescheduled for a "rain date" then the said "rain date" and the Friday preceding it shall not be considered as one of the ten (10) days referred to in paragraphs (B) and (C) above.
 - (E) On Memorial Day, Fourth of July, and Labor Day between the hours of 9:00 a.m. and 6:00 p.m.

- (1) In the event any of said holidays falls on a Tuesday, Thursday, or a Friday, there may be unmufflered activity on the day preceding the holiday between the hours of 12:00 noon and 6:00 p.m., but in that event the permissible unmufflered activity of the Tuesday next preceding the holiday shall be forfeited.
- (2) In the event any of said holidays falls on a Sunday, the next day (Monday) will be considered the holiday for these purposes.
 - (3) In no event shall any such holiday increase the number of Saturdays of permissible unmufflered activity beyond ten as provided in paragraph (B) above.

And thence to March 2, 1966 when the plaintiffs and the defendants appeared through counsel and stipulated that the judgment and injunctive order of May 12, 1959 be amended as follows:

The defendants and their servants and agents are hereby enjoined, each under a penalty of ten thousand dollars, against any further use of the sports car race track property at Lime Rock for any purpose at any time in violation of the following limitations and restrictions:

- All activity of mufflered or unmufflered racing cars upon the asphalt track or in the paddock areas shall be prohibited on Sundays.
- II. Activity with mufflered racing car engines shall be permitted as follows:
 - (A) On any weekday between 9:00 a.m. and 10:00 p.m. provided, however, that such activity may continue beyond the hour of 10:00 p.m. without limitation on not more than six (6) occasions during any one calendar year.
 - (B) Permissible mufflers are those which meet the standards set forth in Section 14-80 (c) of the General Statutes of Connecticut, Revision of 1959, or as the same may be amended from time to time.
- III. Activity with unmufflered racing car engines shall be permitted as follows:
 - (A) On Tuesday afternoon of each week between 12:00 noon and 6:00 p.m.
 - (B) On Saturdays, not more than ten (10) in number in each calendar year, between the hours of 9:00 a.m. and 6:00 p.m.

- (C) On the ten (10) Fridays which precede the said ten (10) Saturdays between the hours of 10:00 a.m. and 6:00 p.m. for the purpose of testing, qualifying or performing such other activities as may be necessary or incidental to the direct preparation for races on the Saturdays specified, provided that no qualifying heats or races shall be permitted on such Fridays.
- (D) In the event the scheduled ractivity for any of the said ten (10) Saturdays must be rescheduled for a "rain date", then the said "rain date" and the Friday preceding it shall not be considered as one of the ten (10) days referred to in Paragraphs (B) and (C) above.
- (E) On Memorial Day, Fourth of July and Labor Day between the hours of 9:00 a.m. and 6:00 p.m.
 - (1) In the event any of said holidays falls on a Tuesday, Thursday, or a Friday, there may be unmufflered activity on the day preceding the holiday between the hours of 12:00 noon and 6:00 p.m., but in that event the permissible unmufflered activity of the Tuesday next preceding the holiday shall be forfeited.
 - (2) In the event any of said holidays falls on a Sunday, the next day (Monday) will be considered the holiday for these purposes.
 - (3) In no event shall any such holidays increase the number of Saturdays of permissible unmufflered activity beyond ten as provided in Paragraph (B) above.
- IV. Prohibited activity upon the tack property shall include the revving or testing of mufflered or unmufflered racing car engines on Saturdays and permitted holidays prior to 9:00 a.m. and after 6:00 p.m., excepting the transportation of said vehicles to and from the paddock areas or on or off their respective trailers, which transporting, unloading or loading shall not commence before 7:30 a.m. or extend beyond 7:30 p.m.
- V. The use of the track loudspeakers before 8:00 a.m. and after 7:00 p.m. is prohibited.
- VI. A "racing car" is defined as any car entered in an event on the asphalt track.

And thence by continuance to the 26th day of July, 1968 when the plaintiffs filed a motion for Modification of the Judgment and Injunctive Order entered by the Court on May 12, 1958 as amended by a stipulation entered into by the parties on March 2, 1966 and thence to the present time when the parties

appeared and were at issue to the Court as on file.

The Court having heard the parties finds the issues for the plaintiffs.

Whereupon it is adjudged that the Judgment and Injunctive Order of March 2, 1966 be modified to prohibit the operation and use of unmufflered motor vehicles on the Lime Rock Race Track and the defendants cease and desist immediately from sponsoring the racing of said unmufflered vehicles.

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 JUDGE

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District
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In Testimony Whereof I have hereunto set my hand and the Seal of said Superior Court at Litchfield, in said Judicial District, this 29th day of August 1986.

abul Sto. Clerk

Assistant Clerk.

SUPERIOR COURT

JUDICIAL DISTRICT OF LITCHFIELD

AT LITCHFIELD

B. FRANKLIN VAILL, ET AL : JANUARY 14, 1988

NO. 15,459

VS.

ANN ADAMS, ET AL

STIPULATION

WHEREAS, the court entered a judgment and injunctive order dated May 12, 1959, which order was amended on March 2, 1966 and on August 26, 1968 and

WHEREAS, the plaintiff, Lime Rock Protection Committee, Inc. and the defendant, Lime Rock Associates, Inc., desire to make certain changes in the judgment and injunctive order including adding a restriction against motorcycle racing, and modifying the injunction due to the 1969 change in language of Connecticut General Statute Sec. 14-80(c); and

WHEREAS, notice to all other parties has been provided by mail to all counsel of record;

NOW THEREFORE, the plaintiff, Lime Rock Protection Committee, Inc., and the defendant, Lime Rock Associates, Inc., hereby stipulate and request that the judgment and injunctive order dated (2) 1959 and amended March 2, 1966 and on August 26, 1968 be amended to read as follows:

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- All activity of mufflered or unmufflered racing cars upon the asphalt track or in the paddock areas shall be prohibited on Sundays.
- II. Activity with mufflered racing car engines shall be permitted as follows:
 - a) On any weekday between 9:00 a.m. and 10:00 p.m. provided, however, that such activity may continue beyond the hour of 10:00 p.m. without limitation on not more than six (6) occasions during any one calendar year.
 - b) Permissible mufflers are those which meet the standards set forth in Section 14-80(c) of the General Statutes of Connecticut, Revision of 1959, or as the same may be amended from time to time.
- III. Activity with unmufflered racing car engines shall be permitted as follows:
 - a) On Tuesday afternoon of each week between 12:00 noon and 6:00 p.m.
 - b) On Saturdays, not more than ten (10) in number in each calendar year, between the hours of 9:00 a.m. and 6:00 p.m.
 - c) On the ten (10) Fridays which precede the said ten (10) Saturdays between the hours of 10:00 a.m. and 6:00 p.m. for the purpose of testing, qualifying or performing such other activities as may be necessary or incidental to the direct preparation for races on the Saturdays specified, provided that no qualifying heats or races shall be permitted on such Fridays.
 - d) In such event the scheduled activity for any of the said ten (10) Saturdays must be rescheduled for a "rain date", then the said "rain date" and the Friday preceding it shall not be considered as one of the ten (10) days referred to in Paragraphs b) and c) above.
 - e) On Memorial Day, Fourth of July and Labor Day between the hours of 9:00 a.m. and 6:00 p.m.
 - In the event any of said holidays falls on a Tuesday, Thursday or a Friday, there may be

unmufflered activity on the day preceding the holiday between the hours of 12:00 noon and 6:00 p.m., but in the event the permissible unmufflered activity of the Tuesday next preceding the holiday shall be forfeited.

- 2) In the event any of said holidays falls on a Sunday, the next day (Monday) will be considered the holiday for these purposes.
- 3) In no event shall any such holidays increase the number of Saturdays of permissible unmufflered activity beyond ten (10) as provided in Paragraph b) above.
- IV. Prohibited activity upon the track property shall include the revving or testing of mufflered or unmufflered car engines on Saturdays and permitted holidays prior to 9:00 a.m. and after 6:00 p.m., excepting the transportation of said vehicles to and from the paddock areas on or off their respective trailers, which transporting, unloading or loading shall not commence before 7:30 a.m. or extend beyond 7:30 p.m.
- V. The use of the track loudspeakers before 8:00 a.m. and after 7:00 p.m. is prohibited.
- VI. A "racing car" is defined as any car entered in an event on an asphalt track.
- VII. Racing of motorcycles is prohibited. Nevertheless, specifically permitted are non-racing motorcycle activities including but not limited to demonstrations, instruction, timing, testing, practice and photography.

LIME ROCK PROTECTION COMMITTEE, INC.

by Joan C. Begdall, Pres

LIME FOCK ASSOCIATES, INC.

ETHE HOCK ASSOCIATES, INC.

Howd, Lavieri & Finch 434 Prospect Street • Post Office Box 839 • Torrington Connecticut 06790-0849 Phone (203) 496-0889 • Jutis Nos 192150 NO. 15,459

ANN ADAMS, ET AL

VS.

B. FRANKLIN VAILL, ET AL

SUPERIOR COURT

JUDICIAL DISTRICT OF LITCHFIELD AT LITCHFIELD

MARCH 3, 1988

MOTION TO AMEND JUDGMENT

The defendant, Lime Rock Associates, Inc., moves that the judgment in this matter be amended in accordance with the Stipulation annexed hereto.

UNDICIAL DISTRICT OF LITCHINE OF CONNECTICUT

DEFENDANT, LIME ROCK ASSOCIATES, INC.:

John W. Pickard

ORDER MARCH 21,1988

The foregoing motion having been duly presented and heard, it is hereby ORDERED: GRANTED/DENSED.

JANO NETCE SENT 3/21/88 CLM BY THE COURT: (DEANGINIS, , J.)

RISCHOLD J. Faluroll

ALST Clerk

I hereby certify that a copy of the foregoing has been mailed to counsel of record this 3rd day of March, 1988. $\widehat{}$

John W. Pickard

March 8, 1988 *2500 pd. hecupt *003935 M. Cleveland

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