

**LITIGATION DISCLOSURE**  
**SUMMER VILLAGE CONDOMINIUM ASSOCIATION, WESTORD, MA**  
**May, 2020**

JOHN J. CALLAHAN and LEAH M. CATALDO (“Plaintiffs”) v. TOWN OF WESTFORD CONSERVATION COMMISSION, SUMMER VILLAGE CONDOMINIUM ASSOCIATION TRUST, and WESCON, INC. (“Defendants”), Middlesex Superior Court, Civil Action No. 2081CV00328 (“Matter”).

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The Matter concerns the rights and obligations of the parties regarding the issuance of an Order of Conditions by the Town of Westford Conservation Commission on December 12, 2019 issued to the Summer Village Condominium Association (“Association”) for certain work to be performed on the Summer Village property (“Order”). The Order states that the work to be performed is the joint responsibility of the Association and one of the original developers of the Condominium, Wescon, Inc. The Plaintiffs own the seasonal cottage located at 33 Waterview Drive. Special Condition 26 of the Order mandates that the sandy beach abutting the Plaintiffs’ property be removed and re-vegetated with native plants growing in the area.

The Plaintiffs did not allege that they suffered, or is seeking, any monetary damages resulting from any acts of the Association. Instead, the Plaintiffs are seeking removal of Special Condition 26 from the Order in order to leave the beach intact and in its current state. In addition to the Superior Court appeal, the Plaintiffs are making an identical appeal to the Massachusetts Department of Environmental Protection. If the Plaintiffs are successful in the appeals, there will be no adverse impact to the Association’s finances. In fact, if the Plaintiffs are successful, the Association will not be required to incur the costs of removing and re-vegetating the beach area.

As litigation counsel for the Association, Dain Torpy provides this disclosure for informational purposes only and it is not intended to be relied upon as a definitive statement on whether the Matter will be resolved in a manner advantageous to the Association. The party receiving this disclosure agrees that it will not disclose the information provided in this disclosure, in whole, or in part, to any third parties, except bona fide potential buyers and lenders providing financing for the specific transaction that required this disclosure.