

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, SS.

SUPERIOR COURT DEPARTMENT
CASE NO.

TOWN OF NORTH ATTLEBOROUGH,

Plaintiff,

v.

STEVEN R. BANKERT, DEUTSCHE BANK
NATIONAL TRUST COMPANY, as Trustee
for Morgan Stanley ABS Capital I Inc. Trust
2006-HE4, Mortgage Pass-Through
Certificates, Series 2006-HE4, and JOHN
DOES,

Defendants.

PLAINTIFF'S MOTION
FOR AUTHORIZATION OF
SUBSTITUTE SERVICE AND
ISSUANCE OF ORDER OF
NOTICE FOR PUBLICATION AS
TO JOHN DOE DEFENDANTS

NOW COMES Plaintiff Town of North Attleborough (the "Town") and moves, pursuant to Mass. R. Civ. P. 4(d) and the Court's general equity powers pursuant to Gulda v. Second National Bank of Boston, 323 Mass. 100 (1948), for authorization of substitute service and issuance of a corresponding order of notice for publication as to the Defendants John Does, who are the potential unidentified owner(s) of the 24-foot "pirate ship" floating structure that is the subject of this quasi in rem action. In light of the request to consolidate a hearing on the Town's Motion for Preliminary Injunction, filed herewith, with a trial on the merits of this matter pursuant to Mass. R. Civ. P. 65(b)(2), the Town respectfully requests that the order of notice for publication issue in a form noticing the Defendants John Does to appear for such a consolidated proceeding.

Further support for this motion is set forth in the accompanying memorandum of law.

WHEREFORE, the Town respectfully requests that the Court allow this motion, authorize substitute service on Defendants John Does, and issue a corresponding order of notice for publication.

Respectfully submitted,

TOWN OF NORTH ATTLEBOROUGH

By its attorneys,

A handwritten signature in blue ink, appearing to be 'B L S', is written over a horizontal line.

Carolyn M. Murray (BBO# 653873)

Roger L. Smerage (BBO# 675388)

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Town Counsel

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Date: December 20, 2023

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