

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT  
CIVIL ACTION NO. 06-0790 C

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff,

v.

NEW VENTURES ASSOCIATES, LLC,

Defendant.

**COMMONWEALTH'S MOTION FOR AN ORDER DECLARING THAT  
DEFENDANT NEW VENTURES IS IN CONTEMPT OF THIS COURT'S  
MARCH 30, 2010 DEFAULT ORDER**

As pled in the Commonwealth's complaint for civil contempt, filed herewith, defendant New Ventures Associates, LLC ("New Ventures") is in contempt of this Court's (Cratsley, J.) March 30, 2010 Order ("Default Order") declaring that New Ventures defaulted on its obligations to close the Crow Lane Landfill and, further, ordering that New Ventures submit for Massachusetts Department of Environmental Protection ("MassDEP") approval a full and complete revision of the closure and post-closure costs estimates for the Landfill. *See* Default Order, p. 2, ¶ 4. As demonstrated by the Commonwealth's affidavits, as of the date of this motion, New Ventures has not submitted to MassDEP any revised closure or post-closure cost estimate.

The Commonwealth respectfully requests that this Court declare that New Ventures is in contempt of its March 30, 2010 Default Order, and also declare that New Ventures has further defaulted on its Landfill closure obligations by its contempt of this Court's order. This Court should order that New Ventures comply with the Default Order, and the Commonwealth requests that New Ventures be ordered to pay a daily penalty for each and every day during which it remains in contempt in order to compel compliance.

In the alternative, the Court could order that, pursuant to paragraph 6(a) of the FAM Trust Agreement, MassDEP is authorized to control and direct the FAM funds to pay its contractor to prepare the revised Landfill closure and post-closure cost estimates required by this Court's Default Order and the Commonwealth's solid waste regulations for landfill closure.

Respectfully submitted,

COMMONWEALTH OF MASSACHUSETTS  
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Dated May 19, 2010