

REC'D MAY 1 1984

COMMONWEALTH OF MASSACHUSETTS

5/15/84
EVERGREEN FUNDING CORP.

CAMBRIDGE TAXI COMPANY,

and

MARY E. CALNAN, ANTHONY G.
PAOLILLO, and THOMAS V. SCOTT,
individually, as they are Commis-
sioners of the License Commission
of the City of Cambridge,

and

DANIEL J. CLINTON, THOMAS W.
DANEHY, FRANCIS H. DUEHAY, SAUNDRA
GRAHAM, DAVID E. SULLIVAN, ALFRED
E. VELLUCCI, and ALICE WOLF, indi-
vidually, and as they are members
of the Cambridge City Council

APPEALS COURT NO. 5-1-84 CL-1
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APPEALS COURT

NO.

A.C. 84-0174-0
#80.2
A.B.

EVERGREEN'S PETITION SEEK-
ING RELIEF FROM THE REFUSAL
OF THE TRIAL COURT TO GRANT
PRELIMINARY INJUNCTIONS

Evergreen files this petition under c. 231 §118 seeking immediate appellate relief from the Order of the Trial Court, Superior Court Department No. 84-2384, Judge Joseph Mitchell presiding, which dissolved a Temporary Restraining Order and denied Evergreen's requests for preliminary injunctions.

The basis for relief is that there has been an abuse of discretion by the Trial Court and a clear error of law. Therefore, Evergreen requests that preliminary injunctions issue under prayers 2, 5, 8, 12, 14, and 16 of the Complaint.

Evergreen attaches copies of relevant documents:

1. Complaint, Ex. A.
2. Temporary Restraining Order and Order of Notice, Ex. B.
3. Counter Affidavit, Ex. C.
4. Evergreen's Memorandum submitted to Trial Court, Ex. D.
5. Affidavit of Edward B. Ginn, Ex. E.
6. Evergreen's Memorandum supporting relief under c. 231
§118, Ex. F.

By its Attorney,



Edward B. Ginn
KLINE & GORDON
33 Broad Street
Boston, MA 02109
(617) 723-3600

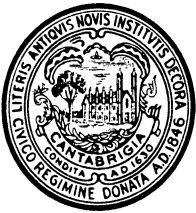
APPEALS COURT

*After hearing, the
within requested relief
is denied. Smith, J.*

May 9, 1984

ATTEST:

Mary Turch Foley
Assistant Clerk



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

May 21, 1984

To the Honorable, the City Council:

Enclosed for your information is a copy of the Evergreen Funding Corporation's Petition Seeking Relief from the Refusal of the Trial Court to Grant Preliminary Injunctions. The Appeals Court (Smith, J.) denied plaintiff's Petition on May 9, 1984.

Very truly yours,

Robert W. Healy
City Manager

RWH/mbf
Enc.

Agenda Item Number Two

5-355

RE: enclosing for informational purposes a copy of the Evergreen Funding Corporation's petition seeking relief from the refusal of the Trail Court to grant a preliminary injunctions.

In City Council,

May 21, 1984

5/21/84

Placed on File