

....., Plaintiff(s)

v.

....., Defendant(s)

SUMMONS AND ORDER OF NOTICE

To the above-named Defendant: S

You are hereby summoned and required to serve upon Richard D. Gilman, Esquire
....., plaintiff's attorney, whose address is 1 Salem Street
Malden, Massachusetts 02148....., an answer to the complaint which is herewith
served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If
you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.
You are also required to file your answer to the complaint in the office of the Clerk of this court at
Cambridge, Middlesex County either before service upon plaintiff's attorney or within a
reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which
you may have against the plaintiff which arises out of the transaction or occurrence that is the subject
matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

WE ALSO NOTIFY YOU that application has been made in said action, as appears in the complaint,
for a preliminary injunction

and that a hearing upon such application will be held at the court house at said Cambridge,
Middlesex County in the first session
without jury of our said court on Wednesday the
twenty-third day of April

A.D. 1975, at 9:30 o'clock A.M., at which you
may appear and show cause why such application should not be granted.

Witness, Walter H. McLaughlin, Esquire, at Cambridge, Middlesex County
the fourteenth day of April
....., in the year of our Lord one thousand nine hundred and seventy-five.

1975 Apr 27 Returned into Court
Walter H. McLaughlin
Assistant Clerk

Edward J. Sullivan
Clerk

NOTES.
1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is
used for each defendant, each should be addressed to the particular defendant.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX

[seal]

ss.

SUPERIOR COURT
CIVIL ACTION
No. 75-2051

Gibbs Oil Company, a duly existing Massachusetts corporation
with an usual place of business in Revere, in the County of
Suffolk, plaintiff

v.

City of Malden, a municipal corporation duly organized and
existing under the laws of the Commonwealth of Massachusetts,
and is located in the County of Middlesex; and Leo P. DeMarco,
the duly appointed and qualified City Solicitor of the City
of Malden, defendants

PROOF OF SERVICE OF PROCESS

u Middlesex ss.,

I hereby certify and return that on April 15, 1975, I served a copy of the within summons and order of notice together with a copy of the complaint in this action, upon the within named defendant, in the following manner (See Mass. R. Civ. P. 4 (d) (1-5):

City of Malden, by giving in hand to Ebert A. Holt, Treasurer and Officer in charge of business.

Leo P. DeMarco, City Solicitor of the City of Malden, by giving to him in hand.

Dated: April 15, 1975

N.B. TO PROCESS SERVER:

PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN THIS BOX ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT

Fees:

Service 16.00
Travel 1.00
Copy 4.00
Motor v. .75
15.75

Deputy Sheriff

April 15, 1975

117481

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX

SUPERIOR COURT
CIVIL ACTION
No. 75-2051

Gibbs Oil Company, Plaintiff

v.

City of Malden, et al., Defendants

SUMMONS
(Mass. R. Civ. P. 4)

AND

ORDER OF NOTICE

ON

APPLICATION FOR PRELIMINARY
INJUNCTION

Richard D. Gilman, Esquire
Attorney at Law
1 Salem Street
Malden, Massachusetts 02148

Signature of Deputy Sheriff

0-201

Gibbs Oil Co. vs. City of Malden re: ordinance
on self-service gas stations.

April 5, 1976