

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT  
CIVIL ACTION NO. 07-0675 E

\_\_\_\_\_  
THE ARBORWAY COMMITTEE, et al )  
 )  
Plaintiff )  
 )  
v. )  
 )  
THE EXECUTIVE OFFICE OF )  
TRANSPORTATION AND CONSTRUCTION, )  
et al., )  
 )  
Defendants. \_\_\_\_\_ )

**ANSWER OF THE CONSERVATION LAW FOUNDATION**

The Defendant Conservation Law Foundation (“CLF”) answers the allegations of the Complaint as follows:

1. Defendant CLF states that the allegations contained in Paragraph 1 constitute a description of the Plaintiff’s purported cause of action to which no response is required.
2. Defendant CLF lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in Paragraph 2 and 2.1-2.14.
3. Defendant CLF states that the allegations contained in Paragraph 3.1 are directed at defendants other than Defendant CLF and, therefore, no response is required.
4. Defendant CLF states that the allegations contained in Paragraph 3.2 are directed at defendants other than Defendant CLF and, therefore, no response is required.
5. Defendant CLF admits the allegations contained in the first and second sentences of Paragraph 3.3. Defendant CLF states, in response to the third sentence of

Paragraph 3.3, that CLF advocated for a number of transit and other mitigation projects to offset the environmental impacts of the Central Artery/Tunnel Project, but further answering admits that CLF believes cities and towns to be as important environmental constituencies as forests and rivers and that CLF advocated for the Green Line Arborway Rail Restoration project in order to mitigate environmental impacts of the Central Artery/Tunnel Project, but denies that these actions were taken on behalf of the Plaintiffs. By way of further answer to the third sentence of Paragraph 3.3, Defendant CLF states that CLF undertakes all advocacy activity on behalf of its membership. Defendant CLF states that the allegations contained in the fourth sentence of Paragraph 3.3 constitute conclusions of law and/or legal arguments to which no response is required.

6. Defendant CLF states that the allegations contained in Paragraph 4 constitute conclusions of law and/or legal arguments to which no response is required.

7. Defendant CLF states that the allegations contained in Paragraph 5 constitute conclusions of law and/or legal arguments to which no response is required.

8. Defendant CLF states that the allegations contained in Paragraph 6 constitute conclusions of law and/or legal arguments to which no response is required.

9. Defendant CLF admits the allegations contained in Paragraph 7.

10. Defendant CLF lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in Paragraph 8.

11. In response to the allegations contained in Paragraph 9, Defendant CLF admits that a true and accurate copy of the Memorandum of Understanding: Traffic and Air Quality Mitigation for the Central Artery/Third Harbor Tunnel Project between the Conservation Law Foundation, Inc and the other defendants, dated December 19, 1990

(the "Agreement") is attached to the Complaint as Exhibit "A" and states that the Agreement is a written document that speaks for itself.

12. In response to the allegations contained in Paragraph 10, Defendant CLF states that a true and correct copy of the Agreement is attached to the Complaint as Exhibit A, which document is in writing and speaks for itself.

13. In response to the allegations contained in Paragraph 11, Defendant CLF states that a true and correct copy of the Agreement is attached to the Complaint as Exhibit A, which document is in writing and speaks for itself.

14. In response to the allegations contained in Paragraph 12, Defendant CLF states that a true and correct copy of the Agreement is attached to the Complaint as Exhibit A, which document is in writing and speaks for itself.

15. Defendant CLF states that the allegations contained in Paragraph 13 constitute conclusions of law and/or legal arguments to which no response is required.

16. Defendant CLF states that the allegations contained in Paragraph 14 constitute conclusions of law and/or legal arguments to which no response is required.

17. Defendant CLF states that the allegations contained in Paragraph 15 constitute conclusions of law and/or legal arguments to which no response is required.

18. Defendant CLF denies the allegations contained in Paragraph 16.

19. Defendant CLF admits the allegations contained in Paragraph 17.

20. Defendant CLF lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in Paragraph 18.

21. Defendant CLF lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in Paragraph 19, except that Defendant CLF admits that the MBTA has been operating Route 39 bus service since 1985.

22. Defendant CLF lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in Paragraph 20.

23. Defendant CLF lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in Paragraph 21.

24. Defendant CLF lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in Paragraph 22.

25. Defendant CLF lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in Paragraph 23.

26. In response to the allegations contained in Paragraph 24, Defendant CLF states that a true and correct copy of the Agreement is attached to the Complaint as Exhibit A, which document is in writing and speaks for itself.

27. Defendant CLF admits the allegations contained in Paragraph 25.

28. Defendant CLF lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in Paragraph 26, except Defendant CLF admits that several of the transit projects described in the Agreement, including the Green Line Arborway Rail Restoration Project, have not been completed.

29. Defendant CLF states that the allegations contained in Paragraph 27 constitute conclusions of law and/or legal arguments to which no response is required.

30. Defendant CLF lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in Paragraph 28.

31. Defendant CLF lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in Paragraph 29.

32. Defendant CLF lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in Paragraph 30.

33. Defendant CLF lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in Paragraph 31.

34. In response to the allegations contained in Paragraph 32, Defendant CLF restates and incorporates by reference Paragraphs 1-33 of this Answer as if fully set forth herein.

35. Defendant CLF states that the allegations contained in Paragraph 33 constitute conclusions of law and/or legal arguments to which no response is required.

36. Defendant CLF states that the allegations contained in Paragraph 34 constitute conclusions of law and/or legal arguments to which no response is required.

37. In response to the allegations contained in Paragraph 35, Defendant CLF restates and incorporates by reference Paragraphs 1-36 of this Answer as if fully set forth herein.

38. Defendant CLF states that the allegations contained in Paragraph 36 constitute conclusions of law and/or legal arguments to which no response is required.

39. Defendant CLF states that the allegations contained in Paragraph 37 constitute conclusions of law and/or legal arguments to which no response is required.

40. Defendant CLF lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in Paragraph 38.

41. Defendant CLF states that the allegations contained in Paragraph 39 constitute conclusions of law and/or legal arguments to which no response is required.

42. In response to the allegations contained in Paragraph 40, Defendant CLF restates and incorporates by reference Paragraphs 1-41 of this Answer as if fully set forth herein.

43. Defendant CLF states that the allegations contained in Paragraph 41 are directed at defendants other than Defendant CLF and, therefore, no response is required, but to the extent the allegations are directed at Defendant CLF, denies the allegations in Paragraph 41.

44. Defendant CLF states that the allegations contained in Paragraph 42 are directed at defendants other than Defendant CLF and, therefore, no response is required, but to the extent the allegations are directed at Defendant CLF, denies the allegations in Paragraph 42.

45. Defendant CLF states that the allegations contained in Paragraph 43 are directed at defendants other than Defendant CLF and, therefore, no response is required, but to the extent the allegations are directed at Defendant CLF, denies the allegations in Paragraph 43.

46. Defendant CLF states that the allegations contained in Paragraph 44 are directed at defendants other than Defendant CLF and, therefore, no response is required, but to the extent the allegations are directed at Defendant CLF, denies the allegations in Paragraph 44.

47. Defendant CLF states that the allegations contained in Paragraph 45 are directed at defendants other than Defendant CLF and, therefore, no response is required,

but to the extent the allegations are directed at Defendant CLF, denies the allegations in Paragraph 45.

48. Defendant CLF states that the allegations contained in Paragraph 46 are directed at defendants other than Defendant CLF and, therefore, no response is required, but to the extent the allegations are directed at Defendant CLF, denies the allegations in Paragraph 46.

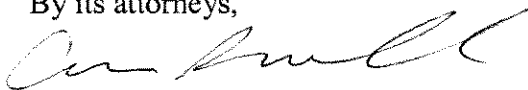
49. Defendant CLF states that the allegations contained in Paragraph 47 are directed at defendants other than Defendant CLF and, therefore, no response is required, but to the extent the allegations are directed at Defendant CLF, denies the allegations in Paragraph 47.

50. Defendant CLF states that the allegations contained in Paragraph 48 constitute conclusions of law and/or legal arguments to which no response is required.

Respectfully submitted,

CONSERVATION LAW FOUNDATION,  
Defendant,

By its attorneys,



Carrie Russell, BBO # 660442  
Peter Shelley, BBO # 544334  
Eloise Lawrence, BBO # 655764  
Conservation Law Foundation  
62 Summer Street  
Boston, MA 02110  
617-350-0990

DATED: APRIL 5, 2007

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by hand on April 5, 2007.

A handwritten signature in cursive script, appearing to read "Carrie Russell".

Carrie Russell