

dismiss, plaintiffs also moved to strike the Town's affirmative defenses 9, 12 and 16 and a portion of the Town's prayer for relief with respect to its request for remedy of quiet title and award for attorneys' fees and costs.

3. The Town's Counterclaim substantially broadened the nature and scope of the action, in that as part of its Count I, the Town claims to hold fee simple title to Goose Rock Beach.

4. Two additional owners now seek to join as party plaintiff in this action: Anne E. Robinson, Thomas D. Robinson, II, and Christian Barner, Successor Co-Trustees of The Louise S. De Mallie Revocable Trust, whose property is situated at 287 Kings Highway, Kennebunkport, Maine (Tax Map/Lot: 35-10-14)(the "De Mallie" property) and Steven H. Wilson and Shawn B. McCarthy, Co-Trustees of The Twombly Family Trust w/d/t dated January 24, 2002, as amended, whose property is situated at 165 Kings Highway, Kennebunkport, Maine (Tax Map/Lot: 33-1-3)(the "Twombly" property).

5. The De Mallie and Twombly own ocean front properties situated on Goose Rocks Beach and the respective trustees wish to join as party plaintiffs to protect their interests in their ocean front properties.

6. Plaintiffs seek only to amend their complaint as stated above. Plaintiffs' do not seek to amend any of the factual allegations or claims of their original complaint. Defendant will only be required to analyze and answer only the new party allegations of the amended complaint with respect to the above.

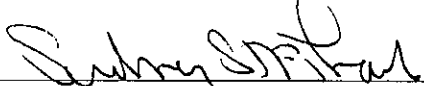
7. M. R. Civ. P. 15(a) provides that "leave shall be freely given when justice so requires" for a party to amend a pleading. That standard is easily satisfied in this

matter; the granting of this motion will cause no delay or prejudice.

8. The undersigned counsel represents that this motion is made in good faith and not for the purposes of delay and that no undue prejudice will result in the granting of this motion.

WHEREFORE, based on the foregoing, plaintiffs respectfully request the Court grant it leave to file a First Amended Complaint to add as plaintiff parties: Anne E. Robinson, Thomas D. Robinson, II, and Christian Barner, Successor Co-Trustees of The Louise S. De Mallie Revocable Trust, and Steven H. Wilson and Shawn B. McCarthy, Co-Trustees of The Twombly Family Trust u/d/t dated January 24, 2002, as amended.

Dated: February 9, 2010


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NOTICE

Pursuant to Rule 7 of the Maine Rules of Civil Procedure, opposition to this motion must be filed not later than 21 days after the filing of the motion, unless another time is provided by the Rules of Court. Failure to file a timely objection will be deemed a waiver of all objections to this motion which may be granted without further notice or hearing.

