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U.S. DISTRICT COURT  
DISTRICT OF MASS

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

**DOCKETED**

.....  
ANNE ANDERSON, et al.,  
Plaintiffs,  
v.  
W. R. GRACE & CO., et al.,  
Defendants.  
.....

CIVIL ACTION  
NO. 82-1672-S

MOTION OF W. R. GRACE & CO. FOR NEW TRIAL

W. R. Grace & Co. ("Grace") moves the Court to order a new trial, if it does not enter a judgment in Grace's favor, as Grace seeks in its post-Phase I motions. This motion is filed without waiving Grace's right to submit further post-verdict motions.

As grounds for its motion, Grace states that the Court committed errors of law prejudicial to Grace by: 1) ordering the case to trial over Grace's objections that Grace had not been afforded adequate time to prepare its defense, for a variety of


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reasons, including that relevant evidence remained to be discovered and relevant EPA and USGS test results would be forthcoming and had not yet been made public; and 2) refusing to reopen the record to admit into evidence the June 1985 test results of the Environmental Protection Agency. The rush to trial and the refusal to admit highly relevant evidence newly discovered and offered before closing arguments affected Grace's substantial rights by depriving it of a fair trial.

Further, if the Court does not grant Grace's motion for entry of judgment, Grace asks the Court to order a new trial on the grounds that the jury's answers were against the weight of the evidence and that the answers, unless understood to require entry of judgment for Grace, are inconsistent. Other grounds in support of the motion will be described in a supporting memorandum of law.

Grace asks the Court for leave to submit its memorandum in support of this motion on August 25, 1986 which is the date set by the Court for submission of post-verdict briefs concerning Phase I.

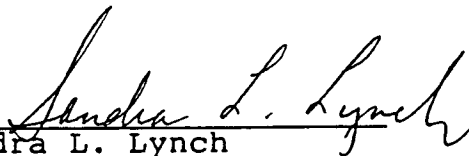
W. R. Grace & Co.  
by its attorneys

  
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CERTIFICATE OF SERVICE

I, Sandra L. Lynch, hereby certify that I this day served W. R. Grace & Co.'s Motion For New Trial upon all of the other parties to the above-entitled action, by causing copies thereof to be delivered by hand to the office of their counsel of record as set forth below.

Jan Richard Schlichtmann, Esq.  
Schlichtmann, Conway & Crowley  
171 Milk Street  
Boston, MA 02109

  
Sandra L. Lynch

Dated: August 8, 1986