

10/20/82

ANNE ANDERSON, ET AL.,)
)
 Plaintiffs)
)
 v.)
)
 CRYOVAC, INC., ET AL.,)
)
 Defendants.)
)
)

IN RE:)
 CIVIL ACTION)
 NO. 82-1072-S)
 U.S. DISTRICT COURT)
 DISTRICT OF MASS.)
 1672

MOTION TO QUASH
SUBPOENA

The U.S. Environmental Protection Agency, (EPA) by and through its attorney, William F. Weld, United States Attorney for the District of Massachusetts moves to quash the subpoena issued to it seeking testimony and documents in connection with the above-entitled action to which neither the United States nor EPA is a party. A copy of the subpoena is attached hereto. The deposition date contained in the subpoena has been postponed pending resolution of this motion.

This motion is based on the grounds, inter alia, of immunity, relevance and privilege, and EPA requests leave to file a memorandum within the following week to which opposing counsel has assented in support of the motion.

By its attorney,

WILLIAM F. WELD
 United States Attorney

by:

Nancy Serventi
 NANCY SERVENTI
 Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I, Nancy Serventi, Assistant U.S. Attorney, hereby certify that the above Motion to Quash Subpoena was mailed this 3rd day of November, 1982 to William Cheeseman, Foley, Hoag & Eliot, One Post Office Square, Boston, MA 02109.

Nancy Serventi
 NANCY SERVENTI
 Assistant U.S. Attorney

ANNE ANDERSON, et al., Plaintiffs, vs. CRYOVAC, INC., et al., Defendants.

TO Environmental Protection Agency

YOU ARE COMMANDED to appear at Foley, Hoag & Eliot, One Post Office Square, in the city of Boston, Mass. on the 5th day of November, 1982, at ten o'clock A.M. to testify on behalf of W.R. Grace & Co.

at the taking of a deposition in the above entitled action pending in the United States District Court for the District of Massachusetts and bring with you the documents described in Appendix A.

This deposition is noticed pursuant to Rule 30(b)(6), Fed. R. Civ. P., and requires the deponent to designate a person or persons to testify on the subjects listed in Appendix B.

Dated 11/2, 1982

GEORGE F. McGRATH

William J. Chessman, Attorney for W.R. Grace Co., Foley, Hoag & Eliot, Address One Post Office Square Boston, Massachusetts 02109

By [Signature] Deputy Clerk.

Any subpoenaed organization not a party to this suit is hereby admonished pursuant to Rule 30 (b) (6), Federal Rules of Civil Procedure, to file a designation with the court specifying one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and shall set forth, for each person designated, the matters on which he will testify or produce documents or things. The persons so designated shall testify as to matters known or reasonably available to the organization.

1. Strike the words "and bring with you" above the subpoena, to require the production of documents or tangible things, in which case the documents and things should be designated in the blank space provided for that purpose. If testimony by an organization representative or designee is requested, describe with reasonable particularity the matters on which examination is requested.

RETURN ON SERVICE

Received this subpoena at [] and on [] served it on the within named [] by delivering a copy to h [] and tendering to h [] the fee for one day's attendance and the mileage allowed by law.

Dated: [] 19 []

Service Fees: Travel \$ [] Services [] Total \$ []

By []

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on [] 19 []

2. Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the United States or an officer or agency thereof, or upon service of a subpoena issued on behalf of a party authorized to proceed in forma pauperis, where the payment thereof is to be made by the United States Marshal, as authorized by Section 1823 of title 28, U.S.C.

NOTE: Certification required only if served by a person other than a United States Marshal or his deputy.