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COMMONWEALTH OF MASSACHUSETTS

Dukes County, ss.

Superior Court
Civil Action 97-0028

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Vineyard Conservation Society, Inc., :

Plaintiff :

v.

Klaus F. Broscheit, Victoria B. Broscheit, et al.:

Defendants :

-----X

**MOTION TO TAKE
DEPOSITION BY TELEPHONE**

Defendants, Victoria Broscheit and Klaus Broscheit, hereby move pursuant to Rule 30 (b) (7) of the Massachusetts Rules of Civil Procedure and all other applicable Rules to take the deposition of James Reynolds, Esq. ("Reynolds") by telephone for the reasons set forth below:

1. This is an action to enjoin said Defendants from reaching their land (Lots 561 and 714 of the Gay Head Set Offs) by passing over the lands of both the plaintiff and the Town of Gay Head. The trial is set down for October 8, 1997.

2. Trial counsel for said defendants, Paul Sulla, Esq., ("Sulla") is currently in Hawaii and will be there until the afternoon of October 6, 1997.

3. Said Sulla is seeking to conduct personally the deposition of said Reynolds by telephone on October 1, 1997, at 2:00 p.m.

4. Reynolds is a member of the firm of Reynolds, Rappaport & Kaplan, which represents the Town of Gay head in its attempt to deny Defendants access to their said land.

5. At the time Defendants purchased their said land, Reynolds represented the seller of that land.

6. On information and belief, in connection with that sale Reynolds made positive representations or guarantees to Defendants concerning the availability of the very access his firm is now seeking to deny to Defendants.

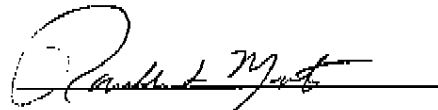
7. On information and belief, Reynolds made these representations or guarantees with the intention of inducing Defendants to increase their offer for said land, and in reliance on these representations or guarantees, Defendants did increase their said offer.

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8. Sulla , as lead counsel and trial counsel for Defendants wishes to conduct personally the deposition of Reynolds in order to determine to his satisfaction several important issues including whether or not Defendants have grounds to move to disqualify the firm of Reynolds, Rappaport & Kaplan from this action and/or to name Reynolds and his said firm as third party defendants, if that course of action should be deemed in Defendants' best interest at this stage of the proceedings.

9. Defendants' undersigned counsel is also from Edgartown, Massachusetts, as is Reynolds, and said undersigned counsel would prefer that this deposition be conducted by Sulla.

WHEREFORE, the above described Defendants ask that Paul Sulla be allowed to conduct the deposition of James Reynolds by telephone on October 1, 1997, at 2:00 p.m., or at such other time as the court shall permit.



Ronald L. Monterosso, Esq.
Attorney for Defendants
P.O. Box 433
One Handy Avenue
Edgartown, MA 02539
508-627-7399

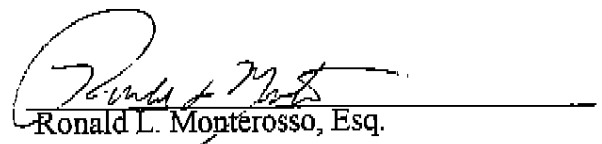
September 23, 1997

CERTIFICATION

The undersigned hereby certifies that I have this 24th day of September, 1997, served the foregoing upon all parties by sending a copy of the same to all parties by facsimile and by mailing a copy of the same, postage prepaid to:

Jennifer S.D. Roberts, Esq.
886 Main Street
P.O. Box 1026
Osterville, MA 02655

Ronald H. Rappaport, Esq.
Reynolds Rappaport & Kaplan
P.O. Box 2540
Edgartown, MA 02539



Ronald L. Monterosso, Esq.

COMMONWEALTH OF MASSACHUSETTS

DUKES COUNTY, SS.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO. 97-0028

VINEYARD CONSERVATION
SOCIETY, INC.,

Plaintiff

vs.

KLAUS BROSCHEIT and
VICTORIA B. BROSCHEIT, and
TOWN OF GAY HEAD,

Defendants

WITHDRAWAL OF APPEARANCE

I, Ronald H. Rappaport of Reynolds, Rappaport & Kaplan, 106
Cooke Street, Edgartown, MA 02539 hereby withdraw my appearance
on behalf of the Plaintiff Town of Gay Head.

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TOWN OF GAY HEAD

By its attorney,

[Signature]

Ronald H. Rappaport

BBO No. 412260

Carol E. Willoughby

BBO No. 630869

Reynolds, Rappaport & Kaplan

106 Cooke Street

Edgartown, MA 02539

(508) 627-3711

Dated: September 30, 1997

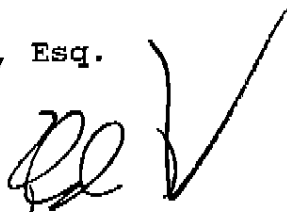
CERTIFICATE OF SERVICE

I, Ronald H. Rappaport hereby certify that I have this 30th day of September, 1997 caused copies of the within Withdrawal of Appearance and Notice of Appearance to be served, by mailing a copy of the same via first class mail, postage prepaid, to:

Brian M. Hurley, Esq.
Rackemann, Sawyer & Brewster
One Financial Center
Boston, MA 02111

Jennifer S.D. Roberts, Esq.
886 Main Street
P.O. Box 1026
Osterville, MA 02655

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Ronald H. Rappaport, Esq.