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August 11, 2022

Nicole J. Costanzo
ncostanzo@k-plaw.com

BY ELECTRONIC FILING

Berkshire County Superior Court
Attn: Civil Clerk
76 East Street
Pittsfield, MA 01201

Re: City of North Adams, by and through its Mayor v. New England Alchemy LLC, et al.
Berkshire Superior Court, Docket No. 2276CV00053

Dear Sir or Madam:

In regard to the above-referenced matter, please find enclosed for filing an Agreement for Judgment, along with a Certificate of Service. Kindly endorse the Agreement for Judgment and provide a copy of said endorsement to the parties.

If you have any questions, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Nicole J. Costanzo', is written over a faint, larger blue outline of the signature.

Nicole J. Costanzo

NJC/lmk

Enc.

cc: Mayor
Planning Board
Kyle Sosebee, Esq.

825878/20900/0021

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, SS.

SUPERIOR COURT DEPARTMENT
CASE NO. 2276CV00053

CITY OF NORTH ADAMS, by and through
its Mayor,

Plaintiff

v.

NEW ENGLAND ALCHEMY LLC; RUSTIN
KLUGE; and BRIAN MIKSIC, JESSE LEE
EAGAN POIRER, LISA BLACKMER,
LYNETTE RITLAND BOND, ROBERT
BURDICK, KYLE HANLON, KAYLA
HOLLINS, PAUL SENEAL, and RYE
HOWARD, in their official capacities as
members of the CITY OF NORTH ADAMS
PLANNING BOARD

Defendants

AGREEMENT FOR JUDGMENT

NOW COME the Plaintiff, the City of North Adams, by and through its Mayor (the “City”), and the Defendants, New England Alchemy LLC and Rustin Kluge (the “Defendants”)(the City and the Defendants, collectively, the “Parties”), and hereby stipulate and agree to the entry of Judgment in the above captioned matter, as follows:

1. Judgment shall enter on this date for the Plaintiff pursuant to the terms of this agreement.
2. The Planning Board’s special permit decision, filed with the City Clerk on March 15, 2022, is hereby annulled. It was issued to the Defendants to allow for an adult-use outdoor marijuana cultivation establishment and an adult-use marijuana product manufacturing establishment on approximately 1.204 acres of land on property located at 537 Ashland Street, North Adams, Massachusetts, numbered Lots 245-0-3A, 245-0-4, and 245-0-5 in the Assessor’s database. The special permit is hereby null and void.

3. The City and the Defendants hereby dismiss any and all claims, other than the City's claim regarding the special permit, and any and all counterclaims that they may have, or may have had, against each other in the above-captioned action, with prejudice and without costs.
4. The City and Defendants hereby waive all rights of appeal in this action.

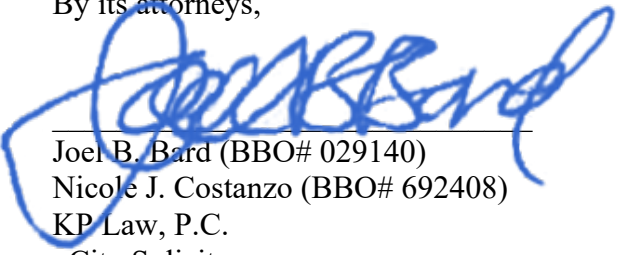
Respectfully submitted,

CITY OF NORTH ADAMS, by and through
its Mayor,

NEW ENGLAND ALCHEMY LLC and
RUSTIN KLUGE,

By its attorneys,

By their attorneys,



Joel B. Bard (BBO# 029140)
Nicole J. Costanzo (BBO# 692408)
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City Solicitor
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Kyle Sosebee (BBO# 703961)
Law Offices of Marvin Cable
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Northampton, MA 01060
(413) 268-6500
marvin@marvincable.com
sosebee@sosebeelaw.com

Date: 8/11/2022

Date: 8/6/22

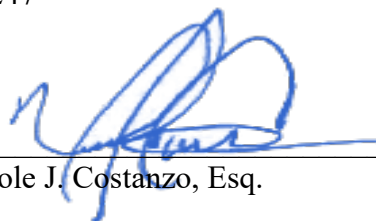
CERTIFICATE OF SERVICE

I, Nicole J. Costanzo, hereby certify that on the below date, I served a copy of the foregoing *Agreement for Judgment*, by electronic mail and first class mail, postage prepaid, to the following counsel of record:

Kyle Sosebee, Esq.
Law Offices of Marvin Cable
76 Gothic Street
Northampton, MA 01060
sosebee@sosebeelaw.com

City of North Adams Planning Board
North Adams City Hall
10 Main Street
North Adams, MA 01247

Dated: August 11, 2022



Nicole J. Costanzo, Esq.