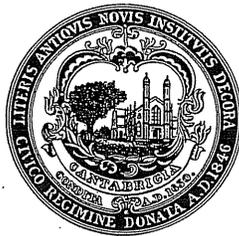


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CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

April 1, 2013

Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

***Re: Awaiting Report No. 13-25 Re: Report on the Details of the Lawsuit with
Idenix Pharmaceuticals and on Revising the Noise Ordinance***

Dear Mr. Healy:

The above-referenced Council Order asks that the Law Department inform the City Council about the details of the lawsuit between Idenix Pharmaceuticals and the City of Cambridge and that the City evaluate and revise the City's noise ordinance.

In 2008 Idenix Pharmaceuticals, Inc. ("Idenix") brought an action against the Cambridge License Commission appealing a decision of the License Commission that had determined that Idenix was operating at its facility at 60 Hampshire Street in Cambridge in violation of the Cambridge Noise Ordinance. Idenix later amended its Complaint to add a count appealing the decision of the License Commission to deny its first application for a Special Variance. In its Complaint, Idenix did not challenge the authority of the City to regulate noise by way of its Noise Ordinance.

During the course of the action Idenix implemented several sound attenuation measures to its building, and also applied to the License Commission a second time for a Special Variance. The new application was based on the purported noise reductions Idenix had achieved by the sound attenuation measures it had taken. The litigation was stayed pending the decision of the License Commission on Idenix's second application for a Special Variance. Ultimately, the License Commission granted Idenix's application for a Special Variance with conditions. Idenix then agreed to dismiss the action it had brought because the litigation had essentially become moot once Idenix was granted a Special Variance.

With respect to the City Council's request that the Noise Ordinance be evaluated and revised, it would be helpful if the City Council could provide guidance as to what provisions or sections of the Noise Ordinance the City Council believes need revision. The Noise Ordinance is lengthy and many provisions are quite complex, even requiring the assistance of acoustical engineers and other noise/sound experts. Therefore, guidance by the City Council would help to narrow the review and also assist in evaluating whether expert assistance in any revisions would be necessary.

Please advise whether further information is requested.

Very truly yours,

A handwritten signature in black ink, appearing to read 'N. Glowa', with a long horizontal flourish extending to the right.

Nancy E. Glowa
City Solicitor