

Summary of Current Legal Actions
October 14, 2015

1. Ashley, Chandler, Babcock, et al vs. Town of Williston, (Superior Court 134-10-13 Vtec)
 - October 11, 2013 – An appeal was filed by Attorney Popick on behalf of the appellants, concerning the Selectboard’s decision to grant a Certificate of Approved Location for All Metals Recycling, Inc.3
 - January 31, 2014 – Discovery/ADR Stipulation and Order signed by Attorney Gillies on behalf of Town.
 - March 31, 2014 – Town’s responses to All Metal’s Discovery Requests was served.
 - May 7, 2014 – Stipulated amendment to January 31 Discovery/ADR Stipulation and Order was submitted by appellant. Stipulation cancels pre-trial conference and scheduled merits hearing and stays further depositions.
 - May 12, 2014 – Town signed Stipulation Amendment.
 - August 7, 2014 – Appellant’s motion in opposition to Appellee’s motion for Summary Judgment and cross motion for Summary Judgment filed.
 - **September 30, 2014 – Motion by All Metals to stay action by court was granted by Judge Walsh.**
 - May 1, 2015 – Progress report stated All Cycle is abandoning plans to move to new location even though most permits are now in place for new location.
 - July 1, 2015 – Motion in opposition to cross motion for summary judgment filed by appellee.
 - July 21, 2015 – Appellants reply to cross motion filed with court.
2. North Country Sportsmen’s Club vs. Town of Williston (Superior Court 124-8-14 Vtec)
 - August 18, 2014 – Appeal filed.
 - September 12, 2014 – Notice of Appearance filed on behalf of town by Paul Gillies, Esq.
 - September 29, 2014 – Status conference held with Judge Durkin. 60 days was set for discovery and selecting and mediator with mediation to be completed by January 19, 2015.
 - November 6, 2014 – Motion filed by appellant to amend appeal.
 - November 25, 2014 – Response to motion to amend filed by Mr. Gillies on behalf of Town.
 - December 23, 2014 – Stipulation signed by the Town to request relief from order to mediate.
 - December 24, 2014 – **Motion for relief of order to mediate was granted.**
 - January 28, 2015 – Gillies responded to Appellant’s first set of Discovery Requests.
 - February 2, 2015 – Status conference held.
 - February 3, 2015 – All parties stipulate that potential groundwater contamination associated with NCSC’s use of non-conforming soil shall not be a basis for requiring removal of any non-conforming fill.
 - March 18, 2015 – Scheduling order issued by Judge Durkin. Discovery to be completed by September 1st with trial to be held in October or November. Judge agreed to coordinate case with Docket No. 12-2-15 Vtec

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- April 15, 2015 – Notice of hearing pre-trial telephone conference hearing. Hearing scheduled for September 17, 2015 and a merits hearing is scheduled for October 1, 2015.
 - September 21, 2015 – Formal notice of hearing set for October 1, 2015.
 - September 25, 2015 – Pre-hearing memorandum, stipulated facts and exhibit list submitted
 - **October 7, 2015 – Judge Durkin reversed the DRB’s directive that the club remove all noncompliant fill and in docket 12-2-15 Vtec, strikes the notice of violation issued to the club.**
3. North Country Sportsmen’s Club vs. Town of Williston (Superior Court 12-2-15 Vtec)
- February 5, 2015 – Appeal of Zoning Violation filed along with motion to consolidate with above appeal.
 - February 9, 2015 – Notice of appearance filed on behalf of town by Paul Gillies, Esq.
 - **Refer to 124-8-14 Vtec**
4. Churchview Estates LLC NOV vs. Town of Williston (Superior Court 9-1-15 Vtec)
- Appeal was filed by developer concerning a DRB Notice of Violation.
 - Town is represented by Paul Gillies and the appellant is represented by Attorney Guy Babb.
 - March 31, 2015 – Statement of Questions provided by appellant.
 - April 3, 2015 – Informal meeting held to see if there is common ground to settle appeals
 - April 17, 2015 – Telephone status conference is scheduled
 - June 2, 2015 – Motion to withdraw as counsel submitted by Attorney Babb.
5. Neagley and Chase vs. Town of Williston (Superior Court)
- April 24, 2015 – Complaint filed against the Town for damages incurred by Neagley and Chase relating to the collapse of the salt shed. Complaint has been referred to insurance carrier who has committed to defending suit on behalf of Town.
 - April 24, 2015 – Acceptance of Services filed on behalf of Town by Joe Fallon, Esq.
 - June 9, 2015 – Notice of Appearance filed by Phil Woodward, Esq. on behalf of Town.
 - June 9, 2015 – Response to complaint and demand for jury trial filed by Woodward.
 - June 11, 2015 – First Discovery Request filed by Woodward.
6. Town of Williston vs. Brookside Properties LLC (Superior Court 50-5-15 Vtec)
- May 6, 2015 – Complaint filed by Town to enforce un-appealed notice of violation against Brookside Properties, LLC
 - May 14, 2015 – Initial Notification received from Superior Court, Environmental Division.
 - September 16, 2015 – Motion for Default Judgment file by Attorney Gillies on behalf of Town.
 - October 6, 2015 – Affidavit from Ken Belliveau with proposed Entry Order sent to Court.

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7. Brochu et al. vs. Town of Williston (Superior Court 54-5-15 Vtec)
 - May 18, 2015 - Notice of appeal filed concerning a Development Review Board decision to approve a project known as the Alex Pintair Growth Management application.
 - May 19, 2015 – Notice of appearance filed by Paul Gillies on behalf of Town with motion to dismiss one party to complaint.
 - June 1, 2015 – Response to motion to dismiss filed by appellant representing themselves
 - June 2, 2015 – Statement of Questions filed by appellants
 - **July 14, 2015 – Motion by Town to dismiss one party as an appellant from suit was granted but judge decided they can participate as an interested party.**
 - July 15, 2015 – Hearing tentatively scheduled for late October or early November. Deadline for pre-trial motions set for August 14th.
 - September 11, 2015 – Motion for Summary Judgment submitted by Town.
 - September 14, 2015 – Summary Judgment Notice was sent to appellants advising them of their rights as unrepresented litigants.
8. Town of Williston vs. North Country Sportman’s Club (Superior Court – Judicial Bureau)

Two tickets were issued to the Club by a Williston Police Officer for violation of the Town’s noise ordinance on two separate occasions.

 - June 19, 2015 - Notice of possible hearing dates sent to town by Judicial Bureau.
 - June 22, 2015 – Motion to continue filed by Town
 - July 6, 2015 – **Court granted motion.**
9. North Country Sportsmans Club vs. Town of Williston (Superior Court)
 - June 18, 2015 – Complaint filed by Club alleging violation malicious prosecution, infringement on right to bear arms, and seeking declaratory relief.
 - June 22, 2015 – Motion to continue hearing before judicial bureau filed by Attorney Gillies concerning two issued tickets.
 - June 29, 2015 – Service accepted by Attorney Gillies on behalf of Town
 - July 1, 2015 – Town response and demand for jury trial filed by Attorney Woodward Esq. on behalf of Town as defendant.
 - July 16, 2105 – Plaintiff’s first set of discovery requests submitted
10. Williston v. State of Vermont (Superior Court)
 - September 11, 2015 – Complaint filed on behalf of town by Paul Gillies, Esq.
 - September 25, 2015 – Waiver of service signed by Susanne Young, Deputy Attorney General

Legal Services Budget: \$35,000 (FY 2016)

Spent to date: \$3,721 (FY 2016)

Spent FY 2015: \$ 18,972

Note: Legal services expenditures include other issues beyond those listed above, including labor relations, tax collection expenses, and other miscellaneous matters.