

Timber Cove

October 2021

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Background for Newcomers

A core of volunteers stepped forward to finance and stand as plaintiffs for a legal action to protect and preserve our private, deeded walking trails in Timber Cove, filed on October 2, 2018. This action came after four years of unsupported claims and harassment by **Defendant 1** and a group of her friends, who are attempting to take away Timber Cove property owners' rights to use and maintain these trails, established in 1965.

Delays were encouraged by the defendants' attorney, who made agreement on proposed deposition and discovery dates difficult by demanding a strict order for six plaintiffs (cancelling all if one could not make his date), filing an unsuccessful motion (demurrer) demanding that we name 63 other Timber Cove property owners in the suit, and filing an unsuccessful motion for a continuation (postponement).

The onset of COVID-19 caused the cancellation of our original April 2020 trial date, followed by a one-year delay in all court proceedings. The backlog in court cases due to COVID also caused the cancellation of our next trial date, June 25, 2021.

In the interim three of the original five defendants have conceded the validity of the trails and are no longer litigants. **Defendants One and Two** are the sole remaining defendants.

Latest Update

At the August 17, 2021, hearing to set a new trial date our attorney, Lewis Warren, made a plea to the judge to expedite our case that has been left pending for three years. Judge Jennifer Dollard offered parties new possible dates in October and November 2021. The remaining defendants' attorney, Peter Mallon, **stated** that a medical emergency made him unavailable for any October or November dates. December, January, and February dates were ruled out by Judge Dollard as too impacted.

Mr. Mallon's refusal of the October and November trial dates resulted in the judge setting a **new trial date of March 25, 2022.**

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TCCWD Board Member Kilgore Endorsed

Trail supporter Kris Kilgore is running for re-election to the Timber Cove County Water District on a platform of science, transparency, and experience. She is by far the most highly qualified of the candidates for this position.

Most importantly, Kris has served the TCCWD in several capacities, and was very involved in planning for the new ultra-filtration plant and the remedial work needed for our aging and undersized water distribution system. She is also a staunch supporter of the excellent fire abatement ordinance that the community instituted after a decade of research, legal work, and review by county fire agencies in 2017.

The other three candidates, Chris Feddersohn, **Defendant 2** and John Gray, are members of the same group that oppose our hiking trails, the fire abatement ordinance, and once argued for dissolution of the TCHA. They have taken over both the TCHA and the TCCWD boards.

As a TCHA board member John Gray co-authored the board's publications claiming to abolish our community trails and he vandalized our historic trail signs. He participated in the personal harassment of both of our attorneys in the legal action to save our trails. All three have committed numerous aggressive acts of harassment of trail supporters, all of which you will find documented on the [Facts and Issues](#) page of the timbercovetrails.org website.

Although the Timber Cove Homes Association board's Totalitarian decrees and elections can be ignored, the elections for the Timber Cove County Water District are serious business. Leadership on that board affects the future of our community drinking water and the protection of our watershed.

Our walking trails are both valuable recreation and an important fire abatement protection in case of wildfire. They help to protect not only our watershed, but our homes and our lives.

We endorse ONLY KRIS KILGORE for the Timber Cove County Water District Board. We will not vote for those who hurt good people and threaten our community assets and resources.

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