

Message to Timber Cove Trail Supporters May 14, 2019

We are happy to report that Timber Cove Trail Supporters have won the first legal point in the court case brought to clear the way for the restoration and enjoyment of our community walking trails.

Defendants **Defendants 1 & 2** had filed a "demurrer" or objection to our first amended complaint, **demanding among other points, that plaintiffs must name 63 other Timber Cove property owners in this action as defendants.** That is every property owner who has a pedestrian easement on their property.

On May 14, 2019, Judge Jennifer Dollard made public a tentative ruling that has OVERRULED all points of defendants' objection (demurrer). The defendants' attorney, Robert Haroche, did not appeal the judge's tentative ruling.

In her ruling Judge Dollard stated:

...In this action, each of the plaintiffs has an independent right to use the private easements and the named defendants are the only parcel owners who are challenging the alleged easements...

...If defendants ultimately prevail, it is unlikely other parcel owners will find it worth their time and money to re-litigate the very same issues. Furthermore, there is no reason to believe the current parties will not adequately represent the interests of the other parcel owners who favor the validity of the easements in line with plaintiffs, or those who align with the opposite position taken by defendants...

The link to that ruling is below, and we will inform you of future hearings to litigate the stated facts of our case.

Thanks to all who have given us their support in this important action to defend our property and civil rights.

Our **First Amended Complaint** to support our private Timber Cove hiking trails was filed February 7, 2019. Our **opposition to the defendant demurrer** was filed May 2, 2019 and our **objection to the "Declarations"** of John Gray was filed May 9, 2019. Judge Jennifer Dollard's approved **order OVERRULING defendants' demurrer**, is dated May 15, 2019.

We also offer **two relevant case summaries and a list of some relevant court cases** that support our position on the trails as powerful legal precedents.

Thanks for your generous donations!

It is a sad commentary that we choose not to divulge the names of our donors to protect them from becoming targets of harassment and intimidation by two of the defendants and their supporters. We count at least 15 trail supporters who have been harassed and intimidated since 2014, one suffering repeated vandalism of his property. We hope the resolution of this case will make it safe for us to once again enjoy the walking trails that are rightfully ours.

We have collected over \$60,000 in individual private donations to preserve our trails. We expect costs to run over \$100,000. Please make your tax-deductible donation to:

Timber Cove Foundation
Lorrie Uribe, Treasurer
22142 Amanita Circle
Jenner, CA 95450

(Please note on check memo: Timber Cove Trails Preservation Fund (for legal costs) or Timber Cove Trails Restoration Fund (for trail construction).