

Timber Cove

May 2019

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Can defendants force us to name 63 Timber Cove property owners?

The first hearing for the defense of our local trails in Sonoma County Superior Court will be: **Wednesday, May 15, 3 p.m.**
3055 Cleveland Ave., Santa Rosa, CA 95403

We urge all trail supporters to attend. At this hearing the judge will rule on a "demurrer," or objection, to our first amended complaint. Lacking a substantive factual basis for objection, attorney Robert Haroche attempts to draw the rest of the community in as defensive cover for his clients **Defendant 2** and **Defendant 1** the source of the controversy. They will try to force us to name all property owners with a trail easement on their property.

TCHA board member John Gray, a retired Safeway store manager not named in the complaint, also filed his legal "Declaration" to the judge, informing her of his board's "unequivocal determination that no public or private pedestrian easements exist within the Subdivision." His "exhibits" (one of which was labeled a "6,500-word tome" by a reporter from the *Independent Coast Observer* April 26, 2019), are considered hearsay and most likely will be stricken.

Defendant Russell Smith concedes

Defendant Russell Smith has conceded the legality of the pedestrian and equestrian easements on his property, and in consideration has been removed from liability in the legal action. He will also remove all signs that are impediments to pedestrians on the portion of the John Sperry Trail that runs along his property.

Mr. Smith has long conceded these points, the only delay being a determination of a simple way to end his involvement before the entire complaint is adjudicated.

Defendants McCabe and Black have difficulty finding counsel

Defendants Merin McCabe and Scott Black have claimed difficulty in finding an attorney who would take their case, and so have been granted a second extension to file their response, with a deadline now set for May 20. We have been informed that they have hired Bert Terreri, a Healdsburg attorney.

You can view a copy of our first amended complaint and other important documents at the website below.

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 private donations to save our trails and we expect legal costs to reach \$100,000. Please make your tax-deductible donation to:

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