

STATE OF MAINE
ANDROSCOGGIN, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. RE-01-19\
JAW - AND - 2/23/2010

DAVID A. DALPHONSE and
SYRILLYN L. DALPHONSE,

Plaintiffs

v.

ST. LAURENT & SONS, INC.,

Defendant

AMENDED
ORDER OF CONTEMPT

RECEIVED & FILED

FEB 23 2010

ANDROSCOGGIN
SUPERIOR COURT

The following Amended Order of Contempt is to vacate the Court's Order of Contempt dated February 18, 2010 and hereby enter this new Order of Contempt.

This matter came before the Court on St. Laurent's motion for contempt. Notice having been duly given and both Plaintiffs having appeared in court and testified, this contempt matter is ready for decision. St. Laurent seeks to enforce the Court's April 17, 2009 Order adopting the parties' Stipulated Order that required Dalphonse to execute the contract with the reclamation contractor. The parties had entered a Stipulated Order in the courtroom on December 4, 2008 and subsequently filed with the Court a signed Stipulated Order, which was entered by the Court on April 17, 2009. Under the Stipulated Order, a Special Master was to be appointed to oversee the reclamation work and to report back to the Court once the reclamation work was completed. The Stipulated Order, as endorsed by the Court, also required Dalphonse's counsel to hold in escrow

\$104,915 for reclamation. Stipulated Order, ¶ 4. These funds were not delivered to Plaintiff's counsel because Dalphonse refused to proceed with the reclamation plan.¹

This is not the first time that St. Laurent sought the enforcement of the Stipulated Order. Previously, St. Laurent had filed a motion to enforce the Stipulated Order and that motion was granted in this Court's Order, dated July 28, 2009, ordering the Dalphonses to execute the contract with the reclamation contractor within 10 days, to thereafter cooperate fully in the reclamation work and comply with all terms of the Stipulated Order.

The Court² finds the following by clear and convincing evidence:

A. David Dalphonse has refused to sign the contract with the reclamation contractor and he does not intend to comply with this Court's Orders.

B. Syrillyn Dalphonse has refused to sign the contract with the reclamation contractor and she does not intend to comply with this Court's Orders.

C. Part of the reclamation work will have to be performed on the property of the Dalphonses. David Dalphonse will not let anyone on his property to perform any reclamation work and he "will do everything in [his] power to prevent the reclamation work from taking place." Syrillyn Dalphonse does not know if she will permit anyone onto her property to perform reclamation work, but she "stands by her husband."

¹ The Defendant had paid over to Plaintiffs \$91,773.90 in satisfaction of other damages (including pre- and post-judgment interest) awarded to Plaintiffs. These funds are separate from the funds that were to be delivered to Plaintiff's counsel for payment of the cost of the reclamation plan.

² The court learned during the hearing today that the Plaintiffs have filed a complaint with the Committee on Judicial Responsibility and Disability. The court does not know what the nature of the complaint is. The court also does not believe that she must recuse herself from this matter. She is aware that the Plaintiffs believe that her decision was wrong but the court is not aware of any matter that would in any way affect this court's ability to decide this matter fairly and impartially. The court further observes that the Plaintiffs have not asked the court to recuse but only asked that the court not issue a decision on the motion for contempt until the Committee renders its decision. The court declines this invitation from the Plaintiffs.

D. David Dalphonse decided *after* entering into the Stipulated Order that he no longer agreed with the Order because he learned that “the Defendant tortfeasor stands to gain a windfall at the expense of his insurance company for the damage he caused the Plaintiffs.” Pltf.’s Motion to Amend or Alter Under M.R.Civ.P. 59(e) of the Order dated July 28, 2009.

The background to this case is set forth in *Dalphonse v. St. Laurent & Son, Inc.*, 2007 ME 53, and in *Dalphonse v. St. Laurent & Sons, Inc.*, Androscoggin Superior Court, Docket No. RE-01-019, Judgment, March 16, 2009 (Wheeler, J). The Dalphonse ignore the fact that this is court-ordered reclamation work that has not been changed in any court order. Indeed, the Law Court stated, “Nor do we disturb the terms of the reclamation plan described by the court in its judgment.” 2007 ME ¶ 22. The only change from the original order relating to reclamation was the cost of additional fill necessary to execute the reclamation. *Id.* This is a case in which the only issue with respect to reclamation is who should do the work and how much it will cost. The Stipulated Order provided answers to that question by requiring a Special Master to oversee the reclamation project. The cost of reclamation continues to be an issue in this case because there is no information whether the delay caused by Plaintiffs will cause the reclamation plan to cost more or less than originally anticipated.

Based on the foregoing, it is hereby ORDERED and ADJUDGED as follows:

1. David Dalphonse has failed and refused to comply with this Court’s orders dated April 17, 2009 and July 28, 2009 requiring that he execute the reclamation contract and is therefore adjudged in contempt.

2. Syrillyn Dalphonse has failed and refused to comply with this Court's Orders dated April 17, 2009 and July 28, 2009 requiring that she execute the reclamation contract and is therefore adjudged in contempt.

3. David Dalphonse has failed and refused to comply with this Court's Order dated July 28, 2009 requiring that he cooperate fully in the reclamation work and comply with all terms of the Stipulated Order and is therefore adjudged in contempt.

4. Syrillyn Dalphonse has failed and refused to comply with this Court's Order dated July 28, 2009 requiring that she cooperative fully in the reclamation work and comply with all terms of the Stipulated Order and is therefore adjudged in contempt.

5. David and Syrillyn Dalphonse have until Wednesday, March 3, 2010 to sign the reclamation contract.

6. In the event that they fail to sign the reclamation contract, the Court hereby appoints Julia Pitney, Esquire, or another attorney in the firm of Drummond and Drummond, Portland, Maine, to execute the contract pursuant to Rule 70 of the Maine Rules of Civil Procedure.³

7. David and Syrillyn Dalphonse shall fully cooperate with the reclamation project that shall be performed as anticipated by the parties in the Stipulated Order. The Court finds that at the time of the hearing on February 18, 2010, the Defendant failed to demonstrate that the Plaintiffs have the present financial capacity to participate in the cost

³ Rule 70 provides as follows:

If a Judgment directs a party to execute a conveyance of land or to deliver deeds or other documents or to perform any other specific act and the party fails to comply within the time specified, the court may after notice and opportunity to be heard, direct the act to be done by some other person appointed by the court and the act when so done has like effect as if done by the party, except that the appointee of the court shall have no authority to execute a conveyance of land located outside the State of Maine. The court may also in proper cases adjudge the party in contempt.

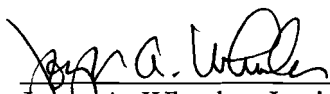
of the reclamation work.⁴ The court reserves for further hearing whether any additional sanctions and orders shall issue in connection with the reclamation plan.

8. If the Plaintiffs fail and refuse to cooperate with the reclamation project and take any steps to interfere with the reclamation project, Defendant shall file an affidavit outlining Plaintiffs' actions and Plaintiffs shall have 10 days thereafter to respond to Defendant's affidavit. In the event that the Court finds that the Plaintiffs either individually or in concert are interfering with the reclamation project, the Court shall enter an Order finding each Plaintiff found to be in violation of this Order and ordering each Plaintiff be incarcerated in the Androscoggin County Jail until the reclamation project is complete, subject to either Plaintiff's right to be released if he or she advises the court that he or she will fully comply with the reclamation project or upon the completion of the reclamation project.

9. The Court reserves the right to award attorney's fees in connection with the enforcement of the Court's prior orders. Within 10 days of this Order of Contempt, Counsel for St. Laurent shall submit an affidavit of counsel fees so incurred.

The Clerk shall enter this Contempt Order by reference.

Date: February 23, 2010



Joyce A. Wheeler, Justice

⁴ David Dalphonse testified that he no longer has the funds that were previously disbursed to Plaintiffs by Defendant, having used them to rebuild their house; however, he cannot name to which contractors he paid these funds or how much was paid to each contractor. He contends that he has less than \$500 in any of his bank accounts and receives only his income from part-time employment with the Post Office, his social security and his wife's unemployment compensation.

DAVID A. DALPHONSE - PLAINTIFF
P.O. BOX 775
SABATTUS ME 04280
Attorney for: DAVID A. DALPHONSE
ELLIOTT EPSTEIN - WITHDRAWN 07/09/2009
PICKUS & EPSTEIN
980 FOREST AVENUE SUITE 207
PORTLAND ME 04103

Attorney for: DAVID A. DALPHONSE
DAVID PIERSON - WITHDRAWN 11/03/2008
EATON PEABODY
167 PARK ROW
PO BOX 9
BRUNSWICK ME 04011-0009

Attorney for: DAVID A. DALPHONSE
DONALD S LAWSON-STOPPS - WITHDRAWN 02/18/2010
STINSON LAW OFFICES
280 FRONT STREET
BATH ME 04530-2697

SYRILLYN L. DALPHONSE - PLAINTIFF

Attorney for: SYRILLYN L. DALPHONSE
ELLIOTT EPSTEIN - WITHDRAWN 11/03/2008
PICKUS & EPSTEIN
980 FOREST AVENUE SUITE 207
PORTLAND ME 04103

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167 PARK ROW
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BRUNSWICK ME 04011-0009

Attorney for: SYRILLYN L. DALPHONSE
DONALD S LAWSON-STOPPS - WITHDRAWN 02/18/2010
STINSON LAW OFFICES
280 FRONT STREET
BATH ME 04530-2697

vs
ST LAURENT & SON, INC. - DEFENDANT

Attorney for: ST LAURENT & SON, INC.
JAMES MARTEMUCCI - RETAINED 09/19/2001
GERMANI MARTEMUCCI RIGGLE & HILL
43 DEERING STREET

PORTLAND ME 04101

Attorney for: ST LAURENT & SON, INC.
L JOHN TOPCHIK - RETAINED 03/05/2008

SUPERIOR COURT
ANDROSCOGGIN, ss.
Docket No AUBSC-RE-2001-00019

DOCKET RECORD

43 DEERING STREETI RIGGLE & HILL

PORTLAND ME 04101

Filing Document: COMPLAINT
Filing Date: 06/18/2001

Minor Case Type: BOUNDARIES

Docket Events:

- 09/11/2001 FILING DOCUMENT - COMPLAINT FILED ON 06/18/2001
WITH ATTACHED EXHIBIT A
- 09/11/2001 Party(s): DAVID A. DALPHONSE
ATTORNEY - RETAINED ENTERED ON 06/18/2001
Plaintiff's Attorney: ELLIOTT EPSTEIN
- 09/11/2001 Party(s): SYRILLYN L. DALPHONSE
ATTORNEY - RETAINED ENTERED ON 06/18/2001
Plaintiff's Attorney: ELLIOTT EPSTEIN
- 09/11/2001 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
MOTION - TEMP RESTRAINING ORDER FILED ON 06/18/2001
MEMORANDUM OF LAW IN SUPPORT
- 09/11/2001 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
OTHER FILING - AFFIDAVIT FILED ON 06/18/2001
ATTACHED EXHIBITS A THROUGH K
- 09/11/2001 CERTIFY/NOTIFICATION - CASE FILE NOTICE SENT ON 06/19/2001
- 09/12/2001 CERTIFY/NOTIFICATION - LIS PENDENS CERTIFICATE ISSUED ON 06/19/2001
WITH ATTACHED EXHIBITS A&B GIVEN IN HAND TO ELLIOTT EPSTEIN'S SECRETARY TO BE RECORDED AT
THE ANDROSCOGGIN COUNTY REGISTRY OF DEEDS
- 09/12/2001 Party(s): ANTHONY CROWLEY (DISMISSED 7-30-02), ST LAURENT & SON, INC., JOYCE R. SALK (COMP. AMENDED
6-26-01)
SUMMONS/SERVICE - CIVIL SUMMONS FILED ON 06/20/2001
- 09/12/2001 Party(s): ST LAURENT & SON, INC.
OTHER FILING - OPPOSING MEMORANDUM FILED ON 06/22/2001
IN OPPOSITION TO PLAINTIFFS' APPLICATION FOR A TEMPORARY RESTRAINING ORDER
- 09/12/2001 Party(s): ST LAURENT & SON, INC.
OTHER FILING - AFFIDAVIT FILED ON 06/22/2001
GARY ST. LAURENT, NORMAN ST. LAURENT WITH ATTACHED EXHIBITS A, B, C RICHARD BEHR
- 09/12/2001 OTHER FILING - OTHER DOCUMENT FILED ON 06/25/2001
TEMPORARY CONSENT AGREEMENT
- 09/12/2001 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
SUPPLEMENTAL FILING - AMENDED COMPLAINT FILED ON 06/26/2001
- 09/12/2001 Party(s): ST LAURENT & SON, INC.
RESPONSIVE PLEADING - ANSWER FILED ON 07/11/2001

09/12/2001 Party(s): ST LAURENT & SON, INC.
ATTORNEY - RETAINED ENTERED ON 07/11/2001

09/12/2001 Party(s): ANTHONY CROWLEY (DISMISSED 7-30-02)
RESPONSIVE PLEADING - ANSWER & AFFIRMATIVE DEFENSE FILED ON 07/16/2001

09/12/2001 Party(s): ANTHONY CROWLEY (DISMISSED 7-30-02)
ATTORNEY - RETAINED ENTERED ON 07/16/2001

09/12/2001 Party(s): ANTHONY CROWLEY (DISMISSED 7-30-02)
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 07/16/2001
FIRST SET OF INTERROGATORIES PROPOUNDED UPON PLAINTIFFS SERVED ON ELLIOTT EPSTEIN, ESQ ON
07-13-01

09/12/2001 Party(s): MARCEL CHAMBERLAND (DISMISSED 8-26-03
SUMMONS/SERVICE - CIVIL SUMMONS FILED ON 07/18/2001

09/12/2001 Party(s): MARCEL CHAMBERLAND (DISMISSED 8-26-03
RESPONSIVE PLEADING - ANSWER & COUNTERCLAIM FILED ON 07/24/2001

09/12/2001 Party(s): MARCEL CHAMBERLAND (DISMISSED 8-26-03
RESPONSIVE PLEADING - CROSSCLAIM FILED ON 07/24/2001

09/12/2001 Party(s): MARCEL CHAMBERLAND (DISMISSED 8-26-03
ATTORNEY - RETAINED ENTERED ON 07/24/2001
Defendant's Attorney: LLOYD MARTIN

09/12/2001 Party(s): MARCEL CHAMBERLAND (DISMISSED 8-26-03
ATTORNEY - RETAINED ENTERED ON 07/24/2001
Defendant's Attorney: ROBERT LASKOFF

09/12/2001 Party(s): ST LAURENT & SON, INC.
RESPONSIVE PLEADING - ANSWER TO CROSSCLAIM FILED ON 07/30/2001

09/12/2001 Party(s): ST LAURENT & SON, INC.
RESPONSIVE PLEADING - CROSSCLAIM FILED ON 07/30/2001
AGAINST MARCEL CHAMBERLAND WITH ATTACHED EXHIBITS A&B

09/12/2001 Party(s): ST LAURENT & SON, INC.
MOTION - MOTION TO DISMISS FILED ON 07/30/2001
DEFENDANT/CROSS-CLAIM PLAINTIFF MARCEL CHAMBERLAND'S CROSS-CLAIM FOR
CONTRIBUTION/INDEMNIFICATION WITH INCORPORATED MEMORANDUM OF LAW

09/12/2001 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
RESPONSIVE PLEADING - RESPONSE FILED ON 08/06/2001
TO DEFENDANT CHAMBERLAND'S COUNTERCLAIM/CROSS-CLAIM FOR DECLARATORY JUDGMENT

09/12/2001 Party(s): ANTHONY CROWLEY (DISMISSED 7-30-02)
RESPONSIVE PLEADING - ANSWER & COUNTERCLAIM FILED ON 08/09/2001
TO DEFENDANT MARCEL CHAMBERLAND'S CROSS-CLAIM

09/12/2001 Party(s): MARCEL CHAMBERLAND (DISMISSED 8-26-03

RESPONSIVE PLEADING - ANSWER TO CROSSCLAIM FILED ON 08/16/2001
TO ST. LAURENT & SONS, INC.

- 09/12/2001 Party(s): MARCEL CHAMBERLAND (DISMISSED 8-26-03
LETTER - FROM PARTY FILED ON 08/20/2001
REQUESTING COURT TO REFRAIN FROM TAKING ANY ACTION OF ST. LAURENT MOTION TO DISMISS CROSS-
CLAIM TROUGH AUGUST 22, 2001
- 09/12/2001 Party(s): MARCEL CHAMBERLAND (DISMISSED 8-26-03
MOTION - MOTION TO DISMISS FILED ON 08/21/2001
OF CROSS-CLAIM
- 09/12/2001 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 08/22/2001
PLAINTIFF'S ANSWERS TO DEFENDANT CROWELY'S INTERROGATORIES SERVED ON SUSAN ORAM, ESQ ON
08-21-01
- 09/12/2001 ORDER - SCHEDULING ORDER ENTERED ON 09/12/2001
THOMAS E DELAHANTY II, JUSTICE
DISCOVERY DEADLINE IS MAY 12, 2002. COPIES TO COUNSEL --- REC'D 4-22-02 ORDER -
DISCOVERY DEADLINE EXTENDED TO AUG. 24, 2002.
- 09/20/2001 Party(s): ST LAURENT & SON, INC.
OTHER FILING - ENTRY OF APPEARANCE FILED ON 09/19/2001
- 09/20/2001 Party(s): ST LAURENT & SON, INC.
ATTORNEY - RETAINED ENTERED ON 09/19/2001
Defendant's Attorney: JAMES MARTEMUCCI
- 09/25/2001 Party(s): ST LAURENT & SON, INC.
MOTION - MOTION FOR WITHDRAWAL OF CNSL FILED ON 09/20/2001
JAMES E. BELLEAU, ESQ.'S MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT ST. LAURENT & SON,
INC. PROPOSED ORDER, FILED.
- 09/25/2001 ASSIGNMENT - SINGLE JUDGE/JUSTICE ASSIGNED TO JUSTICE ON 09/12/2001
THOMAS E DELAHANTY II, JUSTICE
- 10/04/2001 Party(s): ST LAURENT & SON, INC.
ORDER - ORDER ON MOTION TO WITHDRAW ENTERED ON 10/02/2001
ELLEN A GORMAN , JUSTICE
MOTION TO WITHDRAW IS GRANTED. UPON COMPLIANCE WITH THIS ORDER, JAMES E. BELLEAU,
ESQ., SHALL BE RELIEVED OF FURTHER OBLIGATION TO THE COURT ON BEHALF OF THE CLIENT, ST.
LAURENT & SON, INC., IN THIS MATTER. COPIES MAILED ALL COUNSEL OF RECORD ON 10-3-01.
- 10/04/2001 ATTORNEY - WITHDRAWN ORDERED ON 10/02/2001
- 10/31/2001 Party(s): MARCEL CHAMBERLAND (DISMISSED 8-26-03
LETTER - FROM PARTY FILED ON 10/26/2001
CORRESPONDENCE WITH ATTACHMENTS FROM ROBERT LASKOFF AND LLOYD MARTIN RE; REQUESTING
COURT TO VACATE ORDER DATED 10-16-01 DISMISSING CHAMBERLAND'S CROSS-CLAIM
FOR INDEMNIFICATION AND/OR CONTRIBUTION FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN
BE GRANTED. BELIEVE THIS ORDER WAS SIGNED IN ERROR.

- 11/01/2001 Party(s): DAVID A. DALPHONSE,SYRILLYN L. DALPHONSE
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 11/01/2001
NOTICE TO TAKE ORAL DEPOSITION OF MARCEL CHAMBERLAND AND NORMAND ST. LAURENT SERVED ON
LLOYN MARTIN, ESQ. AND JAMES MARTEMUCCI, ESQ. ON OCTOBER 31, 2001.
- 11/06/2001 Party(s): ST LAURENT & SON, INC.
MOTION - MOTION TO DISMISS VACATED ON 11/01/2001
THOMAS E DELAHANTY II, JUSTICE
THIS ORDER IS VACATED NUNC PRO TUNC. COPIES MAILED 11-6-01.
- 11/06/2001 ATTORNEY - WITHDRAWN ORDERED ON 10/02/2001
Defendant's Attorney: JAMES MARTEMUCCI
- 11/13/2001 Party(s): ST LAURENT & SON, INC.
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 11/09/2001
DEFENDANT ST. LAURENT & SONS INC'S NOTICE TO TAKE DEPOSITION OF PLAINTIFF SYRILLYN L.
DALPHONSE; DEF ST. LAURENT & SON, INC.'S NOTICE TO TAKE DEPOSITION OF PLAINTIFF DAVID A.
DALPHONSE SERVED ON ELLIOTT L. EPSTEIN, ESQ. ON 11-8-01.
- 12/06/2001 Party(s): DAVID A. DALPHONSE,SYRILLYN L. DALPHONSE
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 12/06/2001
AMENDED NOTICE TO TAKE ORAL DEPOSITION OF MARCEL CHAMBERLAND; AND AMENDED NOTICE TO TAKE
ORAL DEPOSTIION OF NORMAND ST.LAURENT SERVED ON LLOYD MARTIN, ESQ. AND JAMES MARTEMUCCI,
ESQ. ON DECEMBER 5, 2001.
- 12/10/2001 Party(s): ST LAURENT & SON, INC.
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 12/07/2001
DEFENDANT ST. LAURENT & SON, INC.'S AMENDED NOTICE TO TAKE DEPOSITION OF PLAINTIFF
SYRILLYN L. DALPHONSE; AND DEFENDANT ST.LAURENT & SON, INC.'S AMENDED NOTICE TO TAKE
DEPOSITION OF PLAINTIFF DAVID A. DALPHONSE SERVED ON ELLIOTT L. EPSTEIN, ESQ. ON 12-6-01.
- 01/31/2002 Party(s): ST LAURENT & SON, INC.
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 01/30/2002
DEFENDANT ST.LAURENT & SONS, INC'S FIRST REQUEST FOR PRODUCTION OF DOC. PROPOUNDED UPON
PLAINTIFFS SERVED ON ELLIOTT L. EPSTEIN, ESQ. AND DEF. ST. LAURENT & SON, INC.'S FIRST
REQUEST FOR PROD. OF DOC. PROPOUNDED UPON DEF. MARCEL CHAMBERLAND SERVED ON LLOYD N.
MARTIN, ESQ. ON 1-28-02.
- 02/11/2002 Party(s): DAVID A. DALPHONSE,SYRILLYN L. DALPHONSE
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 02/11/2002
PLAINTIFFS' REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT ST. LAURENT & SONS, INC.
SERVED ON JAMES MARTEMUCCI, ESQ. ON FEBRUARY 8, 2002.
- 02/28/2002 Party(s): DAVID A. DALPHONSE,SYRILLYN L. DALPHONSE
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 02/28/2002
PLAINTIFFS' RESPONSE TO REQUEST DEFENDANT ST.LAURENT & SONS, INC.'S REQUEST FOR PRODUCTION
OF DOCUMENTS SERVED ON JAMES MARTEMUCCI, ESQ. ON FEBRUARY 26, 2002.
- 03/04/2002 Party(s): DAVID A. DALPHONSE,SYRILLYN L. DALPHONSE
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 03/01/2002
PLAINTIFFS' SUPPLEMENTAL RESPONSE TO REQUEST DEFENDANT ST. LAURENT & SONS, INC.'S REQUEST
FOR PRODUCTION OF DOCUMENTS SERVED ON JAMES MARTEMUCCI, ESQ. ON FEBRUARY 28, 2002.

03/18/2002 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 03/18/2002
PLAINTIFFS' SECOND SUPPLEMENTAL RESPONSE TO DEFENDANT ST. LAURENT & SONS, INC.'S REQUEST
FOR PRODUCTION OF DOCUMENTS SERVED ON JAMES MARTEMUCCI, ESQ. ON MARCH 15, 2002.

03/19/2002 Party(s): ST LAURENT & SON, INC.
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 03/19/2002
DEFENDANT ST. LAURENT & SON, INC.'S RESPONSE TO PLAINTIFFS' REQUEST FOR PRODUCTION OF
DOCUMENTS SERVED ON ELLIOTT L. EPSTEIN, ESQ. ON 3-18-02.

04/09/2002 Party(s): ST LAURENT & SON, INC.
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 04/05/2002
DEFENDANT ST. LAURENT & SON, INC.'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS PROPOUNDED
UPON DEFENDANT MARCEL CHAMBERLAND SERVED ON LLOYD MARTIN, ESQ. ON 4-4-02.

04/12/2002 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
MOTION - MOTION FOR ENLARGEMENT OF TIME FILED ON 04/05/2002
PLAINTIFFS' MOTION TO EXTEND DEADLINE FOR DESIGNATION OF EXPERT WITNESSES. PROPOSED ORDER,
FILED.

04/22/2002 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
MOTION - MOTION FOR ENLARGEMENT OF TIME GRANTED ON 04/22/2002
THOMAS E DELAHANTY II, JUSTICE
PLT'S M-TO EXTEND DEADLINE FOR DESIGNATING EXPERT WITNESSES IS HEREBY EXTENDED TO MAY 24,
2002. THE DEF'S DEADLINE IS EXTENDED TO JULY 24, 2002. DISCOVERY DEADLINE IS EXTENDED TO
AUG. 24, 2002. COPIES MAILED 4-22-02.

05/30/2002 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 05/29/2002
PLAINTIFFS' THIRD SUPPLEMENTAL RESPONSE TO DEFENDANT ST. LAURENT & SONS, INC.'S REQUEST FOR
PRODUCTION OF DOCUMENTS SERVED ON JAMES MARTEMUCCI, ESQ. ON MAY 28, 2002.

06/14/2002 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
MOTION - TEMP RESTRAINING ORDER FILED ON 06/13/2002
WITH MEMORANDUM OF LAW, AFFIDAVIT OF DAVID DALPHONSE WITH ATTACHMENTS, DRAFT ORDER AND
NOTICE OF EXPEDITED HEARING. ---6-28-02 - D'ST. LAURENT & SON'S OPPOSITION, FILED.

06/19/2002 Party(s): ST LAURENT & SON, INC.
ATTORNEY - RETAINED ENTERED ON 09/19/2001
Defendant's Attorney: JAMES MARTEMUCCI

06/19/2002 HEARING - TEMP RESTRAINING ORDER SCHEDULED FOR 07/01/2002 @ 9:30

06/19/2002 HEARING - TEMP RESTRAINING ORDER NOTICE SENT ON 06/19/2002

07/01/2002 Party(s): ANTHONY CROWLEY (DISMISSED 7-30-02)
LETTER - FROM PARTY FILED ON 06/27/2002
CORRESPONDENCE FROM SUSAN E. ORAM, ESQ. RE: DISMISSAL OF DEF. ANTHONY CROWLEY.

07/01/2002 HEARING - TEMP RESTRAINING ORDER HELD ON 07/01/2002
THOMAS E DELAHANTY II, JUSTICE
Defendant's Attorney: JAMES MARTEMUCCI
Plaintiff's Attorney: ELLIOTT EPSTEIN

ATTORNEY LLOYD MARTIN WAS PRESENT FOR DEFENDANT CHAMBERLAND BUT DID NOT PARTICIPATE.
AFTER HEARING HELD, COURT TAKES MATTER UNDER ADVISEMENT. ELECTRONIC RECORDING, TAPE #237,
INDEX #2155 - #3045 (AFFIDAVIT OF MICHAEL GOTTO FILED IN COURT.)

- 07/03/2002 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
MOTION - TEMP RESTRAINING ORDER GRANTED ON 07/02/2002
THOMAS E DELAHANTY II, JUSTICE
THIS TEMPORARY RESTRAINING ORDER SHALL BE EFFECTIVE UNTIL 12:00 P.M. ON JULY 12, 2002, BUT
SHALL CONTINUE IN EFFECT UNTIL THE CLERK CAN SCHEDULE THIS MATTER FOR A PRELIMINARY
INJUNCTION HEARING, OR FOR A HEARING ON THE MERITS. COPIES MAILED ALL COUNSEL OF RECORD
ON 7-3-02.
- 07/11/2002 Party(s): ST LAURENT & SON, INC.
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 07/10/2002
DEFENDANT ST. LAURENT & SON, INC.'S NOTICE TO TAKE DEPOSITION OF CHRISTOPHER BALDWIN; AND
DEFENDANT ST. LAURENT & SON, INC.'S NOTICE TO TAKE DEPOSITION OF GEORGE COURBRON SERVED ON
ELLIOTT L. EPSTEIN, ESQ. ON 7-9-02.
- 07/22/2002 Party(s): ANTHONY CROWLEY(DISMISSED 7-30-02)
FINDING - PARTIAL DISMISS W/O PREJUDICE ENTERED ON 07/22/2002
PARTIAL DISMISSAL AS TO DEF. ANTHONY CROWLEY - NOT ACTED UPON- PER TELEPHONE CALL TO SUSAN
ORAM'S OFFICE TO FILE AGREED TO MOTION TO DISMISS ONE PARTY.
- 07/26/2002 Party(s): ANTHONY CROWLEY(DISMISSED 7-30-02)
MOTION - MOTION TO DISMISS FILED ON 07/24/2002
MOTION TO DISMISS ANTHONY CROWLEY WITH INCORPORATED MEMORANDUM OF LAW, (WITH ATTACHMENT)
AND PROPOSED ORDER, FILED.
- 07/29/2002 Party(s): ST LAURENT & SON, INC.
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 07/26/2002
DEFENDANT ST. LAURENT & SONS, INC.'S EXPERT WITNESS DESIGNATION SERVED ON ELLIOTT L.
EPSTEIN, ESQ. ON 7-25-02.
- 08/01/2002 Party(s): ST LAURENT & SON, INC.
DISCOVERY FILING - RULE 26(G) LETTER FILED ON 07/26/2002
D-ST. LAURENT & SON, INC.'S REQUEST FOR DISCOVERY DISPUTE CONFERENCE REGARDING FAIULRE OF
DEF-M. CHAMBERLAND TO RESPOND TO REQUEST FOR PRODUCTION OF DOCUMENTS.
- 08/01/2002 ORDER - ORDER COMPEL INTERROG/DOCUMENT ENTERED ON 07/30/2002
THOMAS E DELAHANTY II, JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES MAILED
7-31-02.
- 08/01/2002 Party(s): ANTHONY CROWLEY(DISMISSED 7-30-02)
MOTION - MOTION TO DISMISS GRANTED ON 07/30/2002
THOMAS E DELAHANTY II, JUSTICE
PLAINTIFFS' COMPLAINT AGAINST ANTHONY CROWLEY IS DISMISSED, WITHOUT PREJUDICE. COPIES
MAILED 7-31-02.
- 08/01/2002 Party(s): ANTHONY CROWLEY(DISMISSED 7-30-02)
ATTORNEY - WITHDRAWN ORDERED ON 07/30/2002
- 08/06/2002 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE

DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 08/06/2002
NOTICE TO TAKE ORAL DEPOSITION OF MICHAEL F. GOTTO, P.L.S. SERVED ON JAMES MARTEMUCCI,
ESQ. ON AUGUST 5, 2002.

08/15/2002 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 08/15/2002
AMENDED NOTICE TO TAKE ORAL DEPOSITION OF MICHAEL F. GOTTO, P.L.S. SERVED ON JAMES
MARTEMUCCI, ESQ. ON AUGUST 14, 2002.

08/15/2002 Party(s): MARCEL CHAMBERLAND (DISMISSED 8-26-03
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 08/15/2002
DEFENDANT MARCEL CHAMBERLAND'S RESPONSE TO FIRST REQUEST FOR PRODUCTION OF DOCUMENTS BY
ST. LAURENT & SON; AND DEFENDANT MARCEL CHAMBERLAND'S RESPONSE TO SECOND REQUEST FOR
PRODUCTION OF DOCUMENTS BY ST. LAURENT & SON SERVED ON JAMES MARTEMUCCI, ESQ. ON AUGUST 14,
2002.

08/26/2002 Party(s): ST LAURENT & SON, INC.
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 08/26/2002
DEF ST. LAURENT & SON, INC.'S AMENDED NOTICE TO TAKE DEPOSITION OF CHRISTOPHER BALDWIN;
AND DEF. ST. LAURENT & SON, INC.'S AMENDED NOTICE TO TAKE DEPOSITION OF GEORGE COURBRON
SERVED ON ELLIOTT L. EPSTEIN, ESQ. ON 8-22-02.

08/29/2002 Party(s): ST LAURENT & SON, INC.
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 08/28/2002
DEFENDANT ST. LAURENT & SON, INC.'S SECOND AMENDED NOTICE TO TAKE DEPOSITION OF CHRISTOPHER
BALDWIN; AND DEFENDANT ST. LAURENT & SON, INC.'S SECOND AMENDED NOTICE TO TAKE DEPOSITION
OF GEORGE COURBRON SERVED ON ELLIOTT L. EPSTEIN, ESQ. ON 8-27-02.

08/29/2002 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 08/29/2002
SECOND AMENDED NOTICE TO TAKE ORAL DEPOSITION OF MICHAEL F. GOTTO, P.L.S. SERVED ON JAMES
MARTEMUCCI, ESQ. ON AUGUST 28, 2002.

09/27/2002 ORDER - FAIL FILE STATEMENT OF COUNSEL ENTERED ON 09/25/2002
THOMAS E DELAHANTY II, JUSTICE
ORDER FOR FAILURE TO FILE STATEMENT OF COUNSEL ENTERED. SANCTIONS OF \$75.00 IMPOSED.
COPIES TO PARTIES.

09/30/2002 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
OTHER FILING - STATEMENT OF TIME FOR TRIAL FILED ON 09/30/2002
ESTIMATED TIME IS 2 1/2 TO 3 DAYS.

10/03/2002 Party(s): ST LAURENT & SON, INC.
OTHER FILING - WITNESS LIST FILED ON 10/02/2002

10/03/2002 Party(s): ST LAURENT & SON, INC.
OTHER FILING - EXHIBIT LIST FILED ON 10/02/2002

11/12/2002 Party(s): MARCEL CHAMBERLAND (DISMISSED 8-26-03
OTHER FILING - WITNESS & EXHIBIT LIST FILED ON 11/08/2002

11/14/2002 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
OTHER FILING - WITNESS & EXHIBIT LIST FILED ON 11/14/2002

11/15/2002 HEARING - SETTLEMENT CONFERENCE REQUESTED ON 11/14/2002
COPY OF LETTER AND REFERRAL FORM FAXED TO CONNIE IN PORTLAND. RECEIVED 11-22-02: LETTER
FROM LLOYD MARTIN, ESQ. JOINING IN REQUEST FOR SETTLEMENT CONFERENCE

03/11/2003 ORDER - PRETRIAL/STATUS ENTERED ON 03/06/2003
THOMAS E DELAHANTY II, JUSTICE
RUL 16(B) PRETRIAL ORDER ENTERED. COPIES TO PARTIES.

03/11/2003 TRIAL - BENCH SCHEDULED FOR 04/14/2003

04/07/2003 Party(s): MARCEL CHAMBERLAND (DISMISSED 8-26-03
OTHER FILING - WITNESS & EXHIBIT LIST FILED ON 04/07/2003
DEFENDANT MARCEL CHAMBERLAND.

05/06/2003 TRIAL - BENCH NOT REACHED ON 05/01/2003

05/06/2003 TRIAL - BENCH SCHEDULED FOR 06/11/2003

06/23/2003 TRIAL - BENCH NOT REACHED ON 06/17/2003

07/01/2003 TRIAL - BENCH SCHEDULED FOR 08/11/2003

07/01/2003 HEARING - SETTLEMENT CONFERENCE SCHEDULED FOR 07/02/2003
NOTICE TO PARTIES/COUNSEL

07/07/2003 HEARING - SETTLEMENT CONFERENCE HELD ON 07/02/2003
ELLEN A GORMAN , JUSTICE
CASE NOT RESOLVED.

07/24/2003 HEARING - TRIAL MANAGEMENT CONFERENCE HELD ON 07/23/2003
THOMAS E DELAHANTY II, JUSTICE
Defendant's Attorney: JAMES MARTEMUCCI
Plaintiff's Attorney: ELLIOTT EPSTEIN
LLOYD MARTIN, ESQ. FOR THE DEFENDANT

07/24/2003 ORDER - CONFERENCE REPORT & ORDER ENTERED ON 07/23/2003
THOMAS E DELAHANTY II, JUSTICE
CASE IS SET FOR TRIAL ON AUGUST 14, 2003. COPIES GIVEN TO COUNSEL.

08/05/2003 Party(s): DAVID A. DALPHONSE,SYRILLYN L. DALPHONSE
SUBPOENA - SUBPOENA TO TESTIFY FILED ON 08/05/2003

08/05/2003 Party(s): DAVID A. DALPHONSE,SYRILLYN L. DALPHONSE
SUBPOENA - SUBPOENA TO TESTIFY SERVED ON 08/01/2003
ON MARCHEL CHAMBERLAND ON BEHALF OF DAVID AND SYRILLYN DALPHONSE.

08/12/2003 Party(s): DAVID A. DALPHONSE,SYRILLYN L. DALPHONSE
OTHER FILING - WITNESS & EXHIBIT LIST FILED ON 08/12/2003
PLAINTIFFS' AMENDED LISTS.

08/13/2003 Party(s): DAVID A. DALPHONSE,SYRILLYN L. DALPHONSE
OTHER FILING - TRIAL BRIEF FILED ON 08/13/2003

08/13/2003 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
DISCOVERY FILING - DEPOSITION TRANSCRIPT FILED ON 08/13/2003
NORMAND ST. LAURENT AND MARCEL CHAMBERLAND

08/14/2003 Party(s): ST LAURENT & SON, INC.
OTHER FILING - EXHIBIT LIST FILED ON 08/13/2003
DEF. ST. LAURENT & SON, INC.'S.

08/14/2003 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
SUBPOENA - SUBPOENA TO TESTIFY FILED ON 08/13/2003
TO MARTY MAILHOT ON BEHALF OF DALPHONSE.

08/14/2003 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
SUBPOENA - SUBPOENA TO TESTIFY SERVED ON 08/12/2003
MARTY MAILHOT.

08/22/2003 TRIAL - BENCH HELD ON 08/14/2003
THOMAS E DELAHANTY II, JUSTICE
Defendant's Attorney: JAMES MARTEMUCCI
Plaintiff's Attorney: ELLIOTT EPSTEIN
Reporter: PEGGY STOCKFORD
FIRST DAY OF JURY WAIVED TRIAL BEGINS. OPENING ARGUMENTS WAIVED. TESTIMONY BEGINS. TRIAL
CONTINUES TO AUGUST 15, 2003.

08/22/2003 TRIAL - BENCH HELD ON 08/15/2003
THOMAS E DELAHANTY II, JUSTICE
Defendant's Attorney: JAMES MARTEMUCCI
Plaintiff's Attorney: ELLIOTT EPSTEIN
Reporter: PEGGY STOCKFORD
SECOND DAY OF JURY WAIVED TRIAL BEGINS. TESTIMONY CONTINUES. PLAINTIFF RESTS. DEFENDANT
MOVES FOR DIRECTED VERDICT AT TO COUNTS 1,2. PLAINTIFF MAKES MOTION JUDGMENT AS A MATTER
OF LAW. COURT TAKES MATTERS UNDER ADVISEMENT. DEFENDANT RESTS.

08/22/2003 CASE STATUS - DECISION UNDER ADVISEMENT ON 08/15/2003
THOMAS E DELAHANTY II, JUSTICE
JURY WAIVED TRIAL

08/25/2003 Party(s): MARCEL CHAMBERLAND (DISMISSED 8-26-03
MOTION - MOTION TO DISMISS FILED ON 08/22/2003
MOTION FOR APPROVAL OF DISMISSAL OF MARCEL CHAMBERLAND AS A PARTY (WITH PROPOSED
STIPULATION OF DISMISSAL)

08/26/2003 Party(s): MARCEL CHAMBERLAND (DISMISSED 8-26-03
MOTION - MOTION TO DISMISS GRANTED ON 08/26/2003
THOMAS E DELAHANTY II, JUSTICE
THE COURT HEREBY ORDERS THAT THE CLAIMS OF DAVID DALPHONSE AND SYRILLYN DALPHONSE AGAINST
MARCEL CHAMBERLAND ARE DISMISSED WITH PREJUDICE, AND THE CROSS-CLAIMS OF ST. LAURENT &
SON, INC. AGAINST MARCEL CHAMBERLAND ARE DISMISSED WITH PREJUDICE. COPIES MAILED 8-26-03.

09/17/2003 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
OTHER FILING - BILL OF COSTS FILED ON 09/16/2003

06/22/2004 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
LETTER - FROM PARTY FILED ON 06/21/2004

REQUESTING DECISION ON TRIAL

- 09/20/2005 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
MOTION - OTHER MOTION FILED ON 09/19/2005
PLAINTIFF'S MOTION TO REOPEN EVIDENCE WITH INCORPORATED MEMORANDUM OF LAW REC'D 10-03-05:
OPPOSITION FILED.
- 03/17/2006 Party(s): DAVID A. DALPHONSE
OTHER FILING - TRANSCRIPT ORDER FORM FILED ON 03/09/2006
WITH LETTER ASKING FOR TRANSCRIPT AT STATE EXPENSE. LETTER AND REQUEST FAXED TO J
DELAHANTY ON 3-17-06 ON 06-19-06: MOTION FOR TRANSCRIPT AT STATE EXPENSE GRANTED BY
JUSTICE HUMPHREY.
- 05/17/2006 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
MOTION - OTHER MOTION DENIED ON 05/16/2006
ELLEN A GORMAN , JUSTICE
PLAINTIFF'S MOTION TO REOPEN EVIDENCE WITH IS DENIED WITHOUT PREJUDICE. SO ORDERED.
COPIES TO COUNSEL ON 5-16-06.
- 05/17/2006 HEARING - SETTLEMENT CONFERENCE NOT HELD ON 05/16/2006
- 05/17/2006 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
MOTION - TEMP RESTRAINING ORDER MOOT ON 05/16/2006
- 05/17/2006 FINDING - JUDGMENT DETERMINATION ENTERED ON 05/16/2006
THOMAS E DELAHANTY II, JUSTICE
- ORDER - COURT JUDGMENT ENTERED ON 05/16/2006
THOMAS E DELAHANTY II, JUSTICE
Judgment entered for DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE and against ST LAURENT & SON,
INC. in the amount of \$64392.50. ON THE CLAIMS OF TRESPASS AND NUISANCE, THE COURT ENTERS
JUDGMENT FOR THE PLAINTIFFS DAVID AND SYRILLYN DALPHONSE AGAINST DEFENDANT ST. LAURENT & SONS,
INC., IN THE AMOUNT OF \$64,392.50. THE COURT ENTERS JUDGMENT FOR PLAINTIFFS DAVID AND SYRILLYN
DALPHONSE ON THE REQUEST FOR INJUNCTIVE RELIEF AS SET OUT IN PART V OF THIS JUDGMENT. THE
PLAINTIFFS ARE AWARDED INTEREST AND COSTS AS ALLOWED BY STATUTE AND RULE. SO ORDERED. COPIES
TO COUNSEL ON 5-16-06
- 06/07/2006 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
APPEAL - NOTICE OF APPEAL FILED ON 06/05/2006
PLT WITH STATEMENT OF ISSUES ON APPEAL \$120.00 APPEAL FEE PAID
- 06/07/2006 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
APPEAL - NOTICE OF APPEAL SENT TO LAW COURT ON 06/07/2006
COPIES OF NOTICE OF APPEAL, DOCKET ENTRIES AND TRANSCRIPT ORDER FORM MAILED TO THE CLERK
OF THE LAW COURT, DAVID DALPHONSE, JAMES MARTEMUCCI, ESQ. AND PEGGY STOCKFORD, COURT
REPORTER
- 06/23/2006 APPEAL - RECORD ON APPEAL DUE IN LAW COURT ON 06/13/2006
RECORD DUE ON JUNE 26, 2006. AND-06-357
- 06/23/2006 APPEAL - RECORD ON APPEAL SENT TO LAW COURT ON 06/23/2006
ORIGINAL FILE WITH DOCKET ENTRIES MAILED TO CLERK OF THE LAW COURT. COPIES OF DOCKET

ENTRIES MAILED TO COUNSEL AND PEGGY STOCKFORD

- 05/09/2007 APPEAL - MANDATE/ORDER FILED ON 05/04/2007
LEIGH I SAUFLEY , SUPREME COURT CHIEF JUSTICE
DENIAL OF MOTION TO REOPEN THE RECORD VACATED. AWARD OF DAMAGES FOR RECLAMATION VACATED.
IN ALL OTHER ASPECTS, THE JUDGMENT IS AFFIRMED. REMANDED FOR FURTHER PROCEEDINGS SOLEY TO
DETERMINE DAMAGES FOR THE COSTS OF THE ADDITIONAL FILL NECESSARY TO COMPLETE RECLAMATION
AS DESCRIBED IN THE COURT'S JUDGMENT AND TO ASSESS WHETHER TO AWARD ANY ADDITIONAL DAMAGES
INCURRED SINCE TRIAL AS REQUESTED IN THE MOTION TO REOPEN.
- 05/21/2007 Party(s): DAVID A. DALPHONSE
ATTORNEY - RETAINED ENTERED ON 05/01/2007
Plaintiff's Attorney: DAVID PIERSON
- Party(s): SYRILLYN L. DALPHONSE
ATTORNEY - RETAINED ENTERED ON 05/01/2007
Plaintiff's Attorney: DAVID PIERSON
- 08/21/2007 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
MOTION - MOTION FOR WITHDRAWAL OF CNSL FILED ON 08/21/2007
PLT
- 08/21/2007 HEARING - MOTION FOR WITHDRAWAL OF CNSL SCHEDULED FOR 08/30/2007 @ 1:30
- 08/21/2007 HEARING - MOTION FOR WITHDRAWAL OF CNSL NOTICE SENT ON 08/21/2007
- 08/31/2007 HEARING - MOTION FOR WITHDRAWAL OF CNSL HELD ON 08/30/2007
THOMAS E DELAHANTY II, JUSTICE
Plaintiff's Attorney: DAVID PIERSON Reporter: PENNY PHILBRICK-CARVER
- 08/31/2007 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
MOTION - MOTION FOR WITHDRAWAL OF CNSL GRANTED ON 08/30/2007
THOMAS E DELAHANTY II, JUSTICE
- 08/31/2007 MOTION - MOTION TO RECUSE FILED ON 08/29/2007
PLAINTIFF FILED PRO SE FOR RECUSAL OF JUSTICE DELAHANTY
- 08/31/2007 MOTION - MOTION TO RECUSE DENIED ON 08/30/2007
THOMAS E DELAHANTY II, JUSTICE
- 10/03/2007 Party(s): DAVID A. DALPHONSE
LETTER - FROM PARTY FILED ON 09/28/2007
ASKING FOR AN EXTENSION TO FIND COUNSEL. ON 10-03-07: REQUEST FOR EXTENSION IS APPROVED
TO OCTOBER 24, 2007. COPIES TO PARTIES ON 10-3-07.
- 10/24/2007 Party(s): DAVID A. DALPHONSE
ATTORNEY - RETAINED ENTERED ON 10/23/2007
Plaintiff's Attorney: DONALD S LAWSON-STOPPS
- Party(s): SYRILLYN L. DALPHONSE
ATTORNEY - RETAINED ENTERED ON 10/23/2007
Plaintiff's Attorney: DONALD S LAWSON-STOPPS

10/24/2007 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
MOTION - OTHER MOTION FILED ON 10/23/2007
MOTION FOR ORDER TO OBTAIN A SCHEDULING ORDER

11/08/2007 HEARING - PRETRIAL/STATUS HELD ON 11/07/2007
THOMAS E DELAHANTY II, JUSTICE
Defendant's Attorney: JAMES MARTEMUCCI
Plaintiff's Attorney: DONALD S LAWSON-STOPPS
COUNSEL TO DISCUSS AND PROPOSE SCHEDULING ORDER FOR LIMITED DISCOVERY AND FILING OF
MOTIONS. PROBABLE TRIAL AFTER JANUARY 1, 2008. COPIES TO COUNSEL ON 11-8-07

11/13/2007 OTHER FILING - TRANSCRIPT FILED ON 11/13/2007
REQUESTED BY DONALD LAWSON-STOPPS ESQ SENT TO PENNY CARVER

12/20/2007 OTHER FILING - TRANSCRIPT FILED ON 12/19/2007
MOTION FOR WITHDRAWAL OF COUNSEL MOTION TO RECUSE

01/02/2008 LETTER - FROM NON-PARTY FILED ON 01/02/2008
FROM JUSTICE DELAHANTY TO COUNSEL REGARDING STATUS OF CASE

01/09/2008 ORDER - SCHEDULING ORDER ENTERED ON 01/09/2008
THOMAS E DELAHANTY II, JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL

01/09/2008 DISCOVERY FILING - DISCOVERY DEADLINE ENTERED ON 03/03/2008

01/16/2008 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
DISCOVERY FILING - NOTIFICATION DISCOVERY SERVICE FILED ON 01/16/2008
NOTICE TO TAKE DEPOSITION OF DAVID A DALPHONSE SERVED TO DONALD LAWSON STOPPS ESQ ON
JANUARY 15, 2008

02/26/2008 Party(s): DAVID A. DALPHONSE
LETTER - FROM PARTY FILED ON 02/25/2008
FROM PLAINTIFF REQUESTING RECUSAL OF JUSTICE DELAHANTY

02/26/2008 Party(s): ST LAURENT & SON, INC.
MOTION - MOTION EXTEND DISCOVERY FILED ON 02/25/2008
DEFENDANTS

02/26/2008 Party(s): ST LAURENT & SON, INC.
MOTION - MOTION EXTEND DISCOVERY GRANTED ON 02/25/2008
THOMAS E DELAHANTY II, JUSTICE
AMENDED SCHEDULING ORDER FILED. ALL DISCOVERY SHALL BE COMPLETED ON OR BEFORE JUNE 1,
2008. COPIES TO COUNSEL ON 2-26-08

02/26/2008 DISCOVERY FILING - DISCOVERY DEADLINE ENTERED ON 06/01/2008

03/06/2008 Party(s): ST LAURENT & SON, INC.
ATTORNEY - RETAINED ENTERED ON 03/05/2008
Defendant's Attorney: L JOHN TOPCHIK

04/23/2008 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE

MOTION - MOTION EXTEND DISCOVERY FILED ON 04/23/2008
WITH DRAFT ORDER

04/24/2008 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
MOTION - MOTION EXTEND DISCOVERY GRANTED ON 04/23/2008
JOYCE A WHEELER, JUDGE
ALL DISCOVERY SHALL BE COMPLETED ON OR BEFORE JUNE 16, 2008. COPIES TO COUNSEL ON 4-24-08

04/24/2008 DISCOVERY FILING - DISCOVERY DEADLINE ENTERED ON 06/16/2008

05/19/2008 MOTION - MOTION FOR ENLARGEMENT OF TIME FILED ON 05/19/2008
MOTION TO ENLARGE DEADLINE FOR EXPERT FIELD WORK FILED BY PLT

05/22/2008 MOTION - MOTION FOR ENLARGEMENT OF TIME GRANTED ON 05/21/2008
THOMAS E DELAHANTY II, JUSTICE
COPIES TO PARTIES/COUNSEL

05/22/2008 DISCOVERY FILING - DISCOVERY DEADLINE ENTERED ON 07/02/2008

06/24/2008 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
OTHER FILING - DESIGNATION OF EXPERT WITNESS FILED ON 06/20/2008
PLT

07/17/2008 ORDER - PRETRIAL/STATUS ENTERED ON 07/17/2008
THOMAS E DELAHANTY II, JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL

08/20/2008 Party(s): ST LAURENT & SON, INC.
OTHER FILING - WITNESS & EXHIBIT LIST FILED ON 08/20/2008
ST LAURENT & SON, INC.'S

08/22/2008 HEARING - TRIAL MANAGEMENT CONFERENCE HELD ON 08/15/2008
THOMAS E DELAHANTY II, JUSTICE
Defendant's Attorney: L JOHN TOPCHIK
Plaintiff's Attorney: DONALD S LAWSON-STOPPS

08/22/2008 ORDER - CONFERENCE REPORT & ORDER ENTERED ON 08/20/2008
THOMAS E DELAHANTY II, JUSTICE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL

09/05/2008 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
MOTION - MOTION TO RECUSE FILED ON 09/04/2008
RENEWED ORANDUM OF LAW, DRAFT ORDER, NOTICE OF HEARING

09/15/2008 Party(s): ST LAURENT & SON, INC.
MOTION - MOTION IN LIMINE FILED ON 09/11/2008
DEFENDANT PRETRIAL MOTION

09/22/2008 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
MOTION - MOTION TO RECUSE GRANTED ON 09/19/2008
THOMAS E DELAHANTY II, JUSTICE

THIS COURT RECUSES ITSELF FROM THIS MATTER. AN ALTERNATE SUPERIOR COURT JUSTICE WILL BE ASSIGNED TO HEAR THE REMAND PROCEEDS. A HEARING DATE WILL BE SET BY THE NEW JUSTICE. COPIES TO COUNSEL ON 9-22-08.

- 10/31/2008 ORDER - SPECIAL ASSIGNMENT ENTERED ON 10/29/2008
JOYCE A WHEELER , JUDGE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO PARTIES/COUNSEL
- 11/03/2008 TRIAL - BENCH SCHEDULED FOR 12/04/2008 @ 9:00
- 11/03/2008 TRIAL - BENCH NOTICE SENT ON 11/03/2008
- 11/03/2008 Party(s): DAVID A. DALPHONSE
ATTORNEY - WITHDRAWN ORDERED ON 11/03/2008
Plaintiff's Attorney: ELLIOTT EPSTEIN
- 11/03/2008 Party(s): DAVID A. DALPHONSE
ATTORNEY - WITHDRAWN ORDERED ON 11/03/2008
Plaintiff's Attorney: DAVID PIERSON
- 11/03/2008 Party(s): SYRILLYN L. DALPHONSE
ATTORNEY - WITHDRAWN ORDERED ON 11/03/2008
Plaintiff's Attorney: ELLIOTT EPSTEIN
- 11/03/2008 Party(s): SYRILLYN L. DALPHONSE
ATTORNEY - WITHDRAWN ORDERED ON 11/03/2008
Plaintiff's Attorney: DAVID PIERSON
- 11/25/2008 HEARING - TRIAL MANAGEMENT CONFERENCE HELD ON 11/24/2008
JOYCE A WHEELER , JUDGE
Defendant's Attorney: L JOHN TOPCHIK
Plaintiff's Attorney: DONALD S LAWSON-STOPPS
- 12/05/2008 TRIAL - BENCH HELD ON 12/04/2008
JOYCE A WHEELER , JUDGE
Defendant's Attorney: L JOHN TOPCHIK
Plaintiff's Attorney: DONALD S LAWSON-STOPPS
STIPULATION READ. TESTIMONY GIVEN. POST TRIAL BRIEFS TO BE FILED. PLT'S TO BE FILED ON 1-9-09, DEF 1-26-09 REBUTTAL BY 2-2-09. MATTER TO BE TAKEN UNDER ADVISEMENT.
ER TAPE 313 INDEX 1-3347
- 01/02/2009 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
OTHER FILING - BILL OF COSTS FILED ON 01/02/2009
WITH MEMORANDUM AND AFFIDAVIT (PLT'S)
- 01/28/2009 Party(s): ST LAURENT & SON, INC.
MOTION - MOTION FOR ENLARGEMENT OF TIME FILED ON 01/26/2009
TO EXTEND DEADLINE TO RESPOND TO PLAINTIFF'S BILL OF COSTS AND RELATED FILINGS
- 01/30/2009 Party(s): ST LAURENT & SON, INC.
MOTION - MOTION FOR ENLARGEMENT OF TIME GRANTED ON 01/30/2009
JOYCE A WHEELER , JUDGE

COPIES TO PARTIES/COUNSEL

- 02/03/2009 Party(s): ST LAURENT & SON, INC.
MOTION - OTHER MOTION FILED ON 02/03/2009
DEFENDANT'S PETITION FOR WAIVER OF INTEREST REC'D 02-10-09: PLT'S REPLY FILED.
- 03/19/2009 Party(s): ST LAURENT & SON, INC.
MOTION - OTHER MOTION DENIED ON 03/16/2009
JOYCE A WHEELER , JUDGE
DEFENDANT'S PETITION FOR WAIVER OF INTEREST REC'D 02-10-09: PLT'S REPLY FILED.
- 03/19/2009 FINDING - JUDGMENT DETERMINATION ENTERED ON 03/16/2009
JOYCE A WHEELER , JUDGE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL
- 03/19/2009 ORDER - COURT JUDGMENT ENTERED ON 03/16/2009
JOYCE A WHEELER , JUDGE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL
Judgment entered for DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE and against ST LAURENT & SON,
INC. in the amount of \$91230.00, Interest in the amount of \$34000.00, Cost of \$1861.22,
Attorney fee of \$11798.00.
- 03/19/2009 FINDING - FINAL JUDGMENT CASE CLOSED ON 03/19/2009
- 04/17/2009 ORDER - COURT ORDER ENTERED ON 04/17/2009
JOYCE A WHEELER , JUDGE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL
- 06/02/2009 Party(s): ANTHONY CROWLEY(DISMISSED 7-30-02)
MOTION - MOTION TO ENFORCE FILED WITH AFFIDAVIT ON 05/28/2009
TO ENFORCE STIPULATED ORDER WITH PROPOSED ORDER (NO AFFIDAVIT FILED) REC'D 07-09-09:
RESPONSE FILED. REC'D 07-13-09: DEF REPLY FILED.
- 06/08/2009 Party(s): DAVID A. DALPHONSE,SYRILLYN L. DALPHONSE
MOTION - MOTION FOR WITHDRAWAL OF CNSL FILED ON 06/08/2009
PLT
- 06/08/2009 Party(s): DAVID A. DALPHONSE,SYRILLYN L. DALPHONSE
MOTION - MOTION FOR ENLARGEMENT OF TIME FILED ON 06/08/2009
TO RESPOND TO DEFENDANT'S MOTION TO ENFORCE
- 06/22/2009 Party(s): DAVID A. DALPHONSE,SYRILLYN L. DALPHONSE
MOTION - MOTION FOR ENLARGEMENT OF TIME GRANTED ON 06/22/2009
JOYCE A WHEELER , JUDGE
PARTIES TO RESPOND TO DEFENDANT'S MOTION TO ENFORCE BY JULY 9, 2009. COPIES TO PARTIES ON
6-22-09
- 06/22/2009 Party(s): DAVID A. DALPHONSE,SYRILLYN L. DALPHONSE
MOTION - MOTION FOR WITHDRAWAL OF CNSL GRANTED ON 06/22/2009

JOYCE A WHEELER , JUDGE

ATTY DONALD LAWSON STOPPS, ESQ. IS PERMITTED TO WITHDRAW. COPIES TO COUNSEL ON 6-22-09

06/22/2009 Party(s): DAVID A. DALPHONSE
ATTORNEY - WITHDRAWN ORDERED ON 06/22/2009
Plaintiff's Attorney: DONALD S LAWSON-STOPPS

06/22/2009 Party(s): SYRILLYN L. DALPHONSE
ATTORNEY - WITHDRAWN ORDERED ON 06/22/2009
Plaintiff's Attorney: DONALD S LAWSON-STOPPS

07/09/2009 Party(s): DAVID A. DALPHONSE, SYRILLYN L. DALPHONSE
OTHER FILING - ENTRY OF APPEARANCE FILED ON 07/09/2009
OF DONALD LAWSON STOPPS, ESQ. FOR PLTS

07/09/2009 Party(s): DAVID A. DALPHONSE
ATTORNEY - RETAINED ENTERED ON 07/09/2009
Plaintiff's Attorney: ELLIOTT EPSTEIN

07/09/2009 Party(s): SYRILLYN L. DALPHONSE
ATTORNEY - RETAINED ENTERED ON 07/09/2009
Plaintiff's Attorney: DONALD S LAWSON-STOPPS

07/09/2009 Party(s): DAVID A. DALPHONSE
ATTORNEY - RETAINED ENTERED ON 07/09/2009
Plaintiff's Attorney: DONALD S LAWSON-STOPPS

07/09/2009 Party(s): DAVID A. DALPHONSE
ATTORNEY - WITHDRAWN ORDERED ON 07/09/2009
Plaintiff's Attorney: ELLIOTT EPSTEIN

07/29/2009 Party(s): ANTHONY CROWLEY (DISMISSED 7-30-02)
MOTION - MOTION TO ENFORCE GRANTED ON 07/29/2009
JOYCE A WHEELER , JUDGE
COPIES TO COUNSEL ON 7-29-09

08/04/2009 Party(s): DAVID A. DALPHONSE
MOTION - MOTION ALTER/AMEND ORDER/JUDG FILED ON 07/31/2009
PLT ORDER DATED JULY 28, 2009 REC'D 08-11-09: DEFENDANT'S OBJECTION FILED.

12/21/2009 Party(s): DAVID A. DALPHONSE
MOTION - MOTION ALTER/AMEND ORDER/JUDG DENIED ON 12/16/2009
JOYCE A WHEELER , JUDGE
AS UNTIMELY. THE PARTIES REACHED AN AGREEMENT PLACED ON THE RECORD AS EARLY AS DECEMBER
4, 2008, AND SUBSEQUENTLEY THE COURT ENTERED A WRITTEN ORDER ON MARCH 19, 2009. THE ORDER
OF JULY 28, 2009 DOES NOTHER MORE THAN ENFORCE THE ORDER THAT PLAINTIFF SEEKS NOW TO UNDO.
COPIES TO COUNSEL ON 12-18-09

01/07/2010 Party(s): ST LAURENT & SON, INC.
MOTION - MOTION FOR CONTEMPT FILED ON 01/06/2010
DEF'S

01/12/2010 Party(s): DAVID A. DALPHONSE

SUBPOENA - CONTEMPT ORDER FILED ON 01/12/2010
AMY CARMEN , ASSOCIATE CLERK
WITH ORDER SIGNED BY CARL O. BRADFORD FOR HEARING SET FOR 2/10/10 AT 8:30

01/12/2010 HEARING - CONTEMPT HEARING SCHEDULED FOR 02/10/2010 @ 8:30

02/03/2010 Party(s): DAVID A. DALPHONSE
MOTION - MOTION TO CONTINUE FILED ON 02/03/2010
PLT'S (UNOPPOSED)

02/04/2010 Party(s): DAVID A. DALPHONSE
MOTION - MOTION TO CONTINUE GRANTED ON 02/04/2010
JOYCE A WHEELER , JUDGE

02/04/2010 HEARING - CONTEMPT HEARING CONTINUED ON 02/04/2010

02/04/2010 HEARING - CONTEMPT HEARING SCHEDULED FOR 02/18/2010 @ 8:30

02/04/2010 HEARING - CONTEMPT HEARING NOTICE SENT ON 02/04/2010

02/05/2010 Party(s): DAVID A. DALPHONSE
LETTER - FROM PARTY FILED ON 02/04/2010
LETTER FROM DAVID DALPHONSE

02/18/2010 HEARING - CONTEMPT HEARING HELD ON 02/18/2010
JOYCE A WHEELER , JUDGE
Defendant's Attorney: L JOHN TOPCHIK
TAPE NO 345 INDEX NO'S 4914-7084 DAVID DALPHONSE APPEARED PRO SE

02/18/2010 Party(s): DAVID A. DALPHONSE
MOTION - MOTION FOR WITHDRAWAL OF CNSL FILED ON 02/18/2010
FILED BY DONALD LAWSON-STOPPS, ESQ.

02/18/2010 Party(s): DAVID A. DALPHONSE
MOTION - MOTION FOR WITHDRAWAL OF CNSL GRANTED ON 02/18/2010
JOYCE A WHEELER , JUDGE

02/19/2010 Party(s): ST LAURENT & SON, INC.
MOTION - MOTION FOR CONTEMPT GRANTED ON 02/18/2010
JOYCE A WHEELER , JUDGE
CONTEMPT ORDER FILED

02/19/2010 ORDER - COURT ORDER ENTERED ON 02/18/2010
JOYCE A WHEELER , JUDGE
DAVID DALPHONSE HAS FAILED AND REFUSED TO COMPLY WITH THIS COURT'S ORDERS DATED 3/17/09
AND 7/28/09 REQUIRING THAT HE EXECUTE THE RECLAMATION CONTRACT AND IS THEREFORE ADJUDGED
IN CONTEMPT. DAVID AND SYRILLYN DALPHONSE HAVE UNTIL FRIDAY 2/926/10 TO SIGN THE
RECLAMATION CONTRACT. IN THE EVENT THAT THEY FAIL TO SIGN THE RECLAMATION CONTRACT THE
COURT HEREBY APPOINTS JULIA PITNEY, ESQ. TO EXECUTE THE CONTRACT PURSUANT TORULE 70 OF THE
M.R.CIV.P. ORDER IS INCORPORATED BY REFERENCE

02/24/2010 ORDER - COURT ORDER VACATED ON 02/23/2010
JOYCE A WHEELER , JUDGE

02/24/2010 Party(s): ST LAURENT & SON, INC.
MOTION - MOTION ALTER/AMEND ORDER/JUDG FILED ON 02/23/2010
DEFENDANT'S MOTION TO MODIFY AND AMEND ORDER OF CONTEMPT

02/24/2010 Party(s): ST LAURENT & SON, INC.
MOTION - MOTION ALTER/AMEND ORDER/JUDG GRANTED ON 02/23/2010
JOYCE A WHEELER , JUDGE
GRANTED IN PART. SEE TODAY'S AMENDED ORDER. COPIES TO PARTIES ON 2-24-10

02/24/2010 ORDER - COURT ORDER ENTERED ON 02/23/2010
JOYCE A WHEELER , JUDGE
ORDERED INCORPORATED BY REFERENCE AT THE SPECIFIC DIRECTION OF THE COURT. COPIES TO
PARTIES/COUNSEL

02/24/2010 Party(s): DAVID A. DALPHONSE
ATTORNEY - WITHDRAWN ORDERED ON 02/18/2010
Plaintiff's Attorney: DONALD S LAWSON-STOPPS

02/24/2010 Party(s): SYRILLYN L. DALPHONSE
ATTORNEY - WITHDRAWN ORDERED ON 02/18/2010
Plaintiff's Attorney: DONALD S LAWSON-STOPPS

02/25/2010 Party(s): DAVID A. DALPHONSE,SYRILLYN L. DALPHONSE,ST LAURENT & SON, INC.
OTHER FILING - TRANSCRIPT ORDER FORM FILED ON 02/24/2010
TRANSCRIPT OF DECEMBER 8, 2009 TRIAL ORDERED BY JUSTICE WHEELER

02/25/2010 Party(s): DAVID A. DALPHONSE,SYRILLYN L. DALPHONSE,ST LAURENT & SON, INC.
OTHER FILING - TRANSCRIPT ORDER FORM SENT TO REPORTER/ER ON 02/25/2010

A TRUE COPY

ATTEST: _____
Clerk