

**HDCV2008-01123**

**Commonwealth of Massachusetts v Northeast Concepts Inc et al**

<b>File Date</b>	12/03/2008	<b>Status</b>	Active (under advisement) (acunder)	
<b>Status Date</b>	05/18/2009	<b>Session</b>	B - Civil B - Ctrm 4	
<b>Origin</b>	1 - Complaint	<b>Case Type</b>	D99 - Misc equitable remedy	
<b>Track</b>	F - Fast track	<b>Lead Case</b>		<b>Jury Trial</b> No

**DEADLINES**

	Service	Answer	Rule12/19/20	Rule 15	Discovery	Rule 56	Final PTC	Judgment
<b>Served By</b>			04/02/2009	04/02/2009	03/15/2009	10/29/2009		
<b>Filed By</b>	03/03/2009	04/02/2009	05/02/2009	05/02/2009		04/15/2009		09/24/2010
<b>Heard By</b>			06/01/2009	06/01/2009			04/13/2009	

**PARTIES**

**Plaintiff**

Commonwealth of Massachusetts  
 by and through its Department of Environmental  
 Protection  
 Active 12/03/2008

**Private Counsel 549404**

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 Active 12/03/2008 Notify

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 Withdrawn 10/19/2009

**Alias plaintiff name**

Department of Environmental Protection  
 Active 12/04/2008

**Defendant**

Northeast Concepts Inc  
 Service pending 12/04/2008

**Private Counsel 564457**

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 Law Office Gregory A Hession  
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 Withdrawn 02/24/2009

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**Defendant**

James LaMountain  
41 Lakeridge Drive  
Holland, MA 01521  
Phone: 413-245-4502  
Service pending 12/22/2008

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Active 09/09/2009 Notify

**Other interested party**

Town of Holland  
Active 02/04/2009

**Private Counsel 329020**  
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Active 02/04/2009 Notify

**ENTRIES**

Date	Paper	Text
12/03/2008	1.0	Complaint & civil action cover sheet filed
12/03/2008		Origin 1, Type D99, Track F.
12/03/2008	2.0	Affidavit of Howard Fife, Paul Foster, Kevin Gleason, Kristin LaPlante, Robert J. McCollum, Timothy McKenna, Kerry Strayer and James E. Wettlaufer
12/03/2008	3.0	Plaintiff Commonwealth of Massachusetts's MOTION for Attachment of Real Estate
12/03/2008	4.0	Plaintiff Commonwealth of Massachusetts's MOTION for Preliminary Injunction
12/03/2008	5.0	Memorandum of law in support of motion for P.I. filed by Commonwealth of Massachusetts

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Date	Paper	Text
12/03/2008	6.0	Plaintiff Commonwealth of Massachusetts's MOTION for appointment of special process server Quinton B. Dale
12/04/2008		Motion (P#3) A Short Order of notice may issue. Returnable 12/10/08 @ 2:00 p.m. (Daniel A. Ford, Justice). Notices in hand 12/4/2008
12/04/2008		Motion (P#4) A short order of notice may issue. Returnable 12/10/08 @ 2:00 p.m. (Daniel A. Ford, Justice). Notices in hand 12/4/2008
12/04/2008		Motion (P#6) ALLOWED (Daniel A. Ford, Justice) Notices in hand 12/4/2008
12/04/2008	7.0	Summons and order of notice issued; returnable 12/10/2008
12/10/2008		(#7) SERVICE RETURNED (order of notice): Commonwealth of Massachusetts, Northeast Concepts Inc, James LaMountain
12/10/2008	8.0	Atty Gregory A Hession's notice of appearance for Northeast Concepts Inc, James LaMountain
12/10/2008	9.0	Affidavit of James P. LaMountain
12/10/2008		Motion (P#3) ALLOWED in the amount of \$250,000. (Daniel A. Ford, Justice) faxed & in hand
12/10/2008		Motion (P#4) ALLOWED only insofar that the DEP may enter the site to conduct inspections. (Daniel A. Ford, Justice) faxed & in hand
12/10/2008	10.0	ORDER approving attachment in amount of \$250,000.00 (Daniel A. Ford, Justice) writ of attachment issued re: Northeast Concepts Inc, James LaMountain
12/11/2008	11.0	Preliminary injunction. (Daniel A. Ford, Justice)
12/22/2008	12.0	Notice of Pro Se appearance of defendant James Lamountain.
01/21/2009	13.0	Atty Timothy M Jones's notice of appearance for Commonwealth of Massachusetts, Department of Environmental Protection
01/21/2009	14.0	Atty Michael J Walsh Jr's notice of appearance for Northeast Concepts Inc
01/21/2009	15.0	Defendant Northeast Concepts Inc's emergency ex-parte MOTION for short order of notice.
01/21/2009	16.0	Defendant James LaMountain's MOTION and request to recognize James P Lamountain dba Huguenot Farms @ Bondet Hill circa 1687, & Huguenot Farms Inc as defendants
01/21/2009	17.0	Defendant James LaMountain's MOTION to remove attachment from defendants Agriculturally zoned property to prevent irreperable harm.
01/21/2009	18.0	Defendant James LaMountain's MOTION to Dismiss for lack of jurisdiction, collateral estoppel, & misconduct by the plaintiffs.
02/02/2009	19.0	Court received Defendant James LaMountain's Request for leave to file supplemental papers with an Affidavit.
02/02/2009	20.0	Plaintiff's response to defendant, Northeast Concepts, Inc's emergency ex parte motion for short order of notice. #15
02/03/2009	20.1	Court received Commonwealths response to defendant Northeast Concepts Incs emergency ex parte motion for short order of notice (corrected).
02/04/2009	21.0	Emergency motion of The Town of Holland and its various "Keepers of Records" to quash or modify subpoena for certain documents.
02/12/2009		(P#21)(dated 2/9/09) The LaMountain request for production of documents is allowed as modified with the cost of the same to be

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		borne by LaMountain (plaintiff) and said document requests to be specifically delineated. Production and copying is to be effectuated at a public office to be agreed upon by the parties within the town structure. "Costs" are to be construed as copying costs only until further order of the court. (Peter A. Velis, Justice). Notices faxed 2/12/2009
02/13/2009	21.1	Court received a letter from Assistant Attorney General Kerry Strayer regarding Judge Velis's request that the parties provide the courts with a scheduling order by 2/13/09
02/23/2009		Pleading, Notice of withdrawal of counsel., returned to Gregory A Hession, Esq., for Northeast Concepts Inc.: Per our conversation the body of this pleading refers to Huguenot Farms, Inc. and is not a party defendant in this case. Both caption and body must refer to the same party defendants.
02/24/2009	22.0	Atty Gregory A Hession's withdrawal of appearance filed re: Northeast Concepts Inc
03/06/2009	23.0	Affidavit of local sponsor in support of admission pro hac vice of foreign counsel.
03/10/2009	24.0	Plaintiff Commonwealth of Massachusetts's MOTION to compel production of documents by defendants.
03/13/2009		(P#23) (dated 3/9/09) Motion (per se not filed) ALLOWED (Peter A. Velis, Justice) Notices faxed 3/13/2009
03/26/2009	25.0	Application (33a) of Plaintiff, Commonwealth of Massachusetts for Final Judgment and affidavit.
03/30/2009	26.0	JUDGMENT (33a) for plaintiff(s), Commonwealth of Massachusetts vs. defendants Northeast Concepts, Inc. and James LaMountain on LIABILITY ONLY. faxed/mailed 3/30/2009
03/30/2009	27.0	Defendants' emergency MOTION to stay summary judgment proceedings.
04/01/2009		(P#27) The motion for stay is scheduled for heaing on April 8, 2009. (Wednesday) (Peter A. Velis, Justice). Notices fx: & m. 4/2/09
04/02/2009	28.0	Notice sent to appear on 4/8/2009 at 2:00 p.m. for a hearing on #27
04/07/2009	29.0	Request of defendant, Northeast Concepts, Inc. for relief from judgment (pursuant to Rule 60 (b) - Hard copy to follow
04/08/2009		Hearing on (P#27 & 29) stay summary judgment proceedings & relief from judgment held, matter taken under advisement. (Peter A. Velis, Justice)
04/15/2009	30.0	(dated 4/8/2009) ORDER denying request for special assignment. (Barbara J. Rouse, Chief Justice Superior Court). faxed/mailed 4/15/2009
04/16/2009	31.0	Defendant James LaMountain's MOTION to stay Proceedings
04/16/2009	31.1	Affidavit of David "Tall Pine" White and Larry "Spotted Crow" Mann in consideration as a request for intervention.
04/16/2009	32.0	Defendant James LaMountain's MOTION to VACATE clerks judgment under rule (60b)]
04/29/2009	33.0	Plaintiff Commonwealth of Massachusetts, Department of Environmental Protection's MOTION for Assessment of Damages.

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05/08/2009	34.0	Emergency Request to file additional papers in support of defendants' motion to dismiss for lack of jurisdiction.
05/11/2009		(P#34) No Action - I fail to see the emergency. (Daniel A. Ford, Justice). Notices faxed/mailed 5/12/2009
05/18/2009	35.0	Plaintiff's emergency MOTION for preliminary injunction.
05/19/2009	36.0	Opposition to petition for preliminary injunction filed by defendant, James LaMountain.
05/19/2009		Motion (P#35) ALLOWED- See separate order (Daniel A. Ford, Justice) fx and mailed 5/20/2009
05/19/2009	37.0	Preliminary Injunction Order (Ford, J.) fx and mailed 5/20/09
05/19/2009	38.0	Opposition to defendants' emergency motion to stay summary judgment filed by Commonwealth of Massachusetts.
05/19/2009	39.0	Opposition to to defendant Northeast Concepts, Inc.'s request for relief from judgment and in support of Commonwealth's opposition to defendant LaMountain's MOTION to vacate clerks judgment under rule 60B filed by Commonwealth of Massachusetts.
05/20/2009		Pleading, Commonwealth second supplemental answers to defendant James LaMountain's interrogatories., returned to Kerry David Strayer, Esq.: This office does not accept any discovery materials, these are filed between attorneys of record.
05/22/2009		(P#24) (dated 5/19/09) The motion stands moot as judgment has been entered (Peter A. Velis, Justice). Notices mailed/faxed 5/22/2009
05/22/2009		(P#29) (dated 5/19/09) DENIED, see pleading No.32 (Peter A. Velis, Justice) Notices mailed/faxed 5/22/2009
05/22/2009		(P#32) (dated 5/19/09) DENIED. There is no basis to establish excusable, inadvertent or excusable neglect pursuant to Rule 60(B as an avenue of relief for the defendant. See opposition of the plaintiff, Commonwealth of Massachusetts, (DEP). Judgment has entered for the Commonwealth, There is no standing for the LaMountain motion. LaMountain has not complied with Rule 9A, the motion is redundant due to previous rulings. (Peter A. Velis, Justice) Notices mailed/faxed 5/22/2009
06/11/2009	40.0	Defendants Northeast Concepts Inc, James LaMountain's MOTION for reconsideration of motion (P#29). (Referred to Velis, J.).
06/12/2009	41.0	Jury claim filed by Northeast Concepts Inc, James LaMountain
07/27/2009		(P#18) (dated 6/19/09) DENIED (Peter A. Velis, Justice) Notices faxed 7/27/2009
07/31/2009		(P#40)(dated 6/19/2009) DENIED. See previous rulings of the court dated 5/9/09 and 5/22/2009. Also see Defendant's opposition to the subject motion dated June 11, 2009. (Peter A. Velis, Justice) Notices faxed 7/31/2009
08/06/2009		(P#16)(dated 8/3/09) Denied. See order this date. (C. Brian McDonald, Justice) faxed/mailed 8/6/2009
08/06/2009		(P#17)(dated 8/3/09) Denied. See order this date. (C. Brian McDonald, Justice) faxed/mailed 8/6/2009
08/06/2009		(P#18) (dated 8/3/09) Denied. See order. (C. Brian McDonald, Justice)

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		faxed/mailed 8/6/2009
08/06/2009		(P#31)(dated 8/3/09) Denied. See order this date. (C. Brian McDonald, Justice) faxed/mailed 8/6/2009
08/06/2009	42.0	(dated 8/3/09 filed 8/5/09) ORDER (C. Brian McDonald, Justice) faxed 8/6/09
08/12/2009	43.0	Notice of Appeal filed by defendants, Northeast Concepts Inc, James LaMountain from entry of judgment on 3/30/09 as well as denial of their motion to reconsider. (stricken - see pl. #46)
08/14/2009	44.0	Plaintiff Commonwealth of Massachusetts's MOTION to strike jury demand
08/19/2009		(P#44) Allowed. See order this date. (C. Brian McDonald, Justice) faxed 8/21/2009
08/20/2009	45.0	(dated 8/19/09) ORDER re: Strike Jury Demand. (C. Brian McDonald, Justice) faxed 8/21/09
09/09/2009	46.0	Plaintiff's MOTION to strike Notice of Appeal.
09/11/2009	47.0	Notice of docket entry received from Appeals Court - with respect to the petition purs to GLc 231, s. 118 filed by defendants - Denied.
09/24/2009		(dated 9/11/09)(P#46) ALLOWED (C. Brian McDonald, Justice) Notices faxed 9/24/2009
10/05/2009	48.0	Defendant Northeast Concepts Inc, James LaMountain's MOTION to re-schedule trial/hearing on damages.
10/06/2009		(P#48) DENIED (Daniel A. Ford, Justice) Notices fx: 10/6/09
10/13/2009	49.0	Plaintiff Commonwealth of Massachusetts's MOTION in limine to be heard at the evidentiary hearing on assessment of damages to issues pertaining to damages
10/13/2009	50.0	Defendant Northeast Concepts Inc, James LaMountain's MOTION for leave for viewing
10/13/2009	51.0	Request for hearing filed by Northeast Concepts Inc, James LaMountain to determine agricultural exemptions
10/13/2009	52.0	Defendant Northeast Concepts Inc, James LaMountain's MOTION to compel The Town of Holland and Mass Department of Enviornmental Protection to produce documents
10/13/2009	53.0	Defendants request for an order to compel the dep to cease using this instant action to interfere with a housing court case filed by the defendants to utilize a pre existing curbcut/driveway
10/13/2009	54.0	Defendants request to modify orders for stability inspections
10/13/2009	55.0	Defendants request for an order to the dep to issue an order of conditions as required
10/19/2009	55.1	Atty Timothy M Jones's withdrawal of appearance filed re: Department of Environmental Protection
11/02/2009		(P#49)(dated 10/20/2009) ALLOWED (Daniel A. Ford, Justice) Notices faxed 11/2/2009
11/02/2009		(P#50)(dated 10/22/2009) ALLOWED (Daniel A. Ford, Justice) Notices faxed 11/2/2009
11/02/2009		(P#51)(dated 10/20/2009) DENIED (Daniel A. Ford, Justice) Notices faxed 11/2/2009
11/02/2009		(P#52)(dated 10/20/2009) DENIED (Daniel A. Ford, Justice) Notices

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11/02/2009		faxed 11/2/2009 (P#53)(fdated 10/20/2009) DENIED (Daniel A. Ford, Justice) Notices
11/02/2009		faxed 11/2/2009 (P#55)(dated 10/20/09) DENIED (Daniel A. Ford, Justice) Notices faxed 11/2/2009
11/02/2009	56.0	(dated 10/30/2009) MEMORANDUM OF DECISION AND ORDER and Judgment (Daniel A. Ford, Justice). Copies faxed 11/2/2009

**EVENTS**

Date	Session	Event	Result
12/04/2008	Civil B - Ctrm 4	Motion/Hearing: miscellaneous (3) MOTION FOR R.E. ATTACHMENT (4) MOTION FOR P.I. (6) MOTION TO APPOINT SPECIAL PROCESS SERVER	Event held as scheduled
12/10/2008	Civil B - Ctrm 4	Motion/Hearing: R E attachmnt (3) (4) MOTION FOR P.I.	Event held as scheduled
02/03/2009	Civil B - Ctrm 4	TRIAL: non-jury	Event rescheduled by court prior to date
02/03/2009	Civil B - Ctrm 4	Conf: review status #15 - Motion for SON #16 - Recognize James P. Lamountain DBA Huguenot Farms @ Bondet Hill cira 1687, & Huguenot Fams Inc, as Defendants #17 - Motion to remove attachment from defendants agriculturally zoned property to prevent irreperable harm #18 - Dismiss for lack of jurisdiction, collateral estoppel, & misconduct by the plaintiffs #20, Plff's. response to emerg. ex parte motion for SON	Event held as scheduled
04/01/2009	Civil B - Ctrm 4	Motion/Hearing: miscellaneous #27, Defendants' emergency motion to stay summary judgment proceedings. (Scheduled for hearing on 4/8/09)	Event held as scheduled
04/08/2009	Civil B - Ctrm 4	Motion/Hearing: miscellaneous #27, Defendants' emergency motion to stay summary judgment proceedings. #29, Request of defendant, Northeast Concepts, Inc. for relief from judgment pursuant to Rule 60 (b)	Event held as scheduled
04/13/2009	Civil B - Ctrm 4	Conf: review status	Event held as scheduled
04/30/2009	Civil B - Ctrm 4	Motion/Hearing: Rule56 (see motion list 2/3/09)	Unknown event status
05/06/2009	Civil B - Ctrm 4	Motion/Hearing: Assess damages (33)	Event canceled not re-scheduled
05/13/2009	Civil B - Ctrm 4	TRIAL: non-jury	Event not reached by Court
05/19/2009	Civil B - Ctrm 4	Motion/Hearing: prel inj (#35) Emergency motion for preliminary injunction (#36) Opposition to motion for Preliminary Injunction	Event held as scheduled
06/09/2009	Civil B - Ctrm 4	Motion/Hearing: Assess damages #33, Commonwealth's motion for assessment of damages. - See 26	Event rescheduled by court prior to date
06/19/2009	Civil B - Ctrm 4	Motion/Hearing: miscellaneous (18)MOTION TO DISMISS FOR LACK OF JURISDICTION, COLLATERAL ESTOPPEL & MISCONDUCT BY PLAINTIFFS	Event held as scheduled
07/31/2009	Civil B - Ctrm 4	Conference: Trial Assignment	Event held as scheduled
08/03/2009	Civil B - Ctrm 4	Motion/Hearing: miscellaneous #16 - Recognize James P. LaMountain d/b/a #17 - Remove attachment #18 - Motion to dismiss for lack of jurisdiction #31 - Motion to stay proceedings	Event held as scheduled
08/19/2009	Civil B - Ctrm 4	Motion/Hearing: miscellaneous #44 - strike jury demand	Event held as scheduled

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10/06/2009	Civil B - Ctrm 4	Motion/Hearing: miscellaneous	Event held as scheduled
10/19/2009	Civil B - Ctrm 4	#48, Defs.' motion to re-schedule trial/hearings on damages. TRIAL: by jury	Event not held-req of Plaintiff
10/19/2009	Civil B - Ctrm 4	4 days TRIAL: jury waived	Event not held-req of Defendant
		Defendant LaMountain complained of chest pains and was dismissed to go to the doctor's office. Defendant to provide the Court with note from doctor if unable to go forward.	
10/20/2009	Civil B - Ctrm 4	TRIAL: jury waived	Trial begins
10/21/2009	Civil B - Ctrm 4	TRIAL: jury waived	Event continues over Multiple Days
10/22/2009	Civil B - Ctrm 4	TRIAL: jury waived	Event held--Under Advisement