

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN,SS

SUPERIOR COURT DEPARTMENT  
Civil Action # 09-0935

Town of Holland Fire Department )  
Plaintiff )  
Vs. )  
James P. LaMountain and )  
Northeast Concepts, Inc )  
Defendants )

AFFIDAVIT OF  
JAMES LAMOUNTAIN

**A HISTORY OF HOSTILE BAD FAITH LITIGATION BY THE TOWN OF HOLLAND  
AS WELL AS OTHER IMPROPER OFFICAL CONDUCT**

NOVEMBER 2002; Palmer District Court:

Criminal charges filed by the police chief of the Town of Holland against James P. LaMountain for failure to register as a sex offender. The Holland Police came to Mr. LaMountain's home to arrest him on November 6, 2002. When they did not find him at home Mr. LaMountain was called on his cell phone and told that if he did not immediately come to the police station they would come at 3:00AM and kick the doors in and arrest him. Mr. LaMountain went to the police station and was arrested and brought to the Sturbridge State Police Barracks. Mr. LaMountain was arraigned and the case was nolle proquod by the prosecutor when it was discovered that Mr. LaMountain had registered as required.

JANUARY 2006; Palmer District Court:

Holland Police Chief Kevin Gleason refused to execute a restraining order against Leonard Robertson, a live in care taker for the LaMountain family. As a result of the refusal Leonard Robertson later assaulted Karrie Geoffrey in the home.

MAY 2006; Town Hall:

James LaMountain sent Declaration and Notice of Agricultural intent to conduct agriculture on the 75 plus acre Mashapaug road Holland Property with all appropriate MGL and CMR regarding rights to conduct agriculture. Selectman Johnson and Wettlaufer and Conservation commissioner Howard Fife who is a friend a co worker of Wettlaufer did publicly state we are not a farm and cannot farm the land.

MAY 2006; Holland:

Pet developer and good friend of Selectman Wettlaufer, Anthony Grossi, tries to buy our farm for development. We turn him down.

JUNE 2006; Holland:

Selectmen Wettlaufer and Johnson make motions to abandon town roads that access the rear of our farm.

JULY 2006; private dwelling of Selectman Wettlaufer:

At the July 4<sup>th</sup> party at Selectman Wettlaufer's private home, Selectman James Wettlaufer declared to numerous town officials and guests that James P. LaMountain was public enemy #1, a sex offender. James Wettlaufer told Jesse Henke-Reilly that no work could be done at the Holland farm. The Police and the DEP subsequently refused Mr. LaMountain access to his property by way of his access road on Mashapaug Road. Wettlaufer further refused to acknowledge the status of the property as a farm. And scoffed when given provenance of the farm.

JULY 2006; Housing Court:

James P. LaMountain/ Huguenot Farms requested agricultural burning permits to assist in land clearing at the Holland Farm located on Mashapaug Road in Holland. After Holland Selectman James Wettlaufer complained to the Fire Chief for the Town of Holland, Paul Foster, about the burning which was occurring, the Fire Chief refused to issue any further permits. This refusal was in violation of law, because James P. LaMountain/ Huguenot Farms was entitled to conduct burns under MGL Chapter 111 section 142L. Wettlaufer threatened to not reappoint the Fire Chief if he granted any further permits. The matter was brought before the Housing Court and Judge Dina Fein issued the attached judgment. This order requires the Fire Chief to issue agricultural burning permits based solely on whether or not appropriate meteorological conditions exist for burning. Justice Fein also issued a permanent injunction against James LaMountain conducting agricultural burns without a permit issued by the Chief of the Fire Department for the Town of Holland. Judge Fein ruled that the property was a farm as was entitled to that status and exemptions.

JULY 2006; Hampden Superior Court:

James P. LaMountain and others filed a law suit against the town of Holland complaining that the Town refused to issue agricultural burning permits a required by law. Judge Moriarty's issued a decision on the Town of Holland's motion to dismiss. This decision informed the Town of Holland that Mr. LaMountain's allegation of a refusal to issue a permit constituted a violation of his civil rights under 42 U.S.C. section 1983. Plaintiff dismissed this case after the Town of Holland issued permits to burn.

AUGUST 2006; DEP:

The Town of Holland told us we cannot use the existing driveway to access the existing structures on our farm and also reported to the DEP that we were violating the wetland protection act by using the pre existing driveway. The DEP issued an enforcement action that stated we are allowed to use the woods road to access upland portions of our farm, the town refused to recognize this DEP directive and continues to deny us access to this day.

OCTOBER 2006, Town Hall:

James LaMountain did meet with Brian Johnson to discuss using Chaffee Road which also abutted the farm for alternate access. The Town refused to allow access from Chaffee Road to the LaMountains’.

*Note: The land abutting Chaffee Road was later divested from the main farm property and Wettlaufer and Johnson immediately issued a driveway permit to the buyers who were friends with town officials.*

OCTOBER 2006, Holland:

The Holland Fire Chief did issue an agricultural burning permit to James LaMountain/Huguenot Farms for agricultural land clearing operations. He said he would renew the permit monthly without charge and then he attached restrictions to the permit other than allowed by MGL, ch 111 sec 142L and 310 CMR 7.07 (3) (c). Holland Selectman Wettlaufer who has a full view of our land from his house across the lake complained continuously to the fire chief and the DEP about our burning making several false reports and statements and did order the fire chief not to renew our permit for agricultural burning. Wettlaufer then conspired with the DEP Chief Steven Ellis to bust us for open burning without a permit as the fire chief never told us our permit would not be renewed as per Selectmen Wettlaufer and Johnson.

NOVEMBER 2006, DEP:

The DEP did charge James LaMountain for open burning on November 1, without a permit and issued fines for 2,000 dollars. Fines were appealed and vacated against James LaMountain in August 2009.

NOVEMBER 2006, Holland:

James Wettlaufer did order the town council Vincent McCaughey to seek 25 thousand dollars in civil damages in the housing court for the same burn that DEP had initiated 2000 dollars in penalties which he was previously seeking also. The town agreed to settle the matter based solely on whether or not James LaMountain was involved in agriculture. *Note: In June 2007 Housing Court subsequently ruled that the only activity on the property is agricultural in nature and ordered the town fire department to issue agricultural burning permits based solely on meteorological conditions as per 310 CMR 7.07 (3). Selectmen Wettlaufer publicly through the newspaper said he did not agree with the Judge or her ruling.*

DECEMBER 2006, Hampden Superior Court Springfield:

Honorable Judge Moriarty did make a ruling where he stated that the denial of a burning permit for agriculture was a denial of due process and a deprivation of protected property rights thus constituting a cause of action for a Federal Civil Rights Complaint.

JANUARY 2007, Housing Court:

Town offers settlement. Offer was “we will not tell anyone you are a bad guy and forget the past. We will facilitate permitting and treat you like the other developers in town if you give up your claim to damages.” I told them to introduce at town meeting a right to farm bylaw based on the model provided by the Attorney General and by the

Mass. Department of Agricultural Resources. Town Council rejected my counter proposal.

FEBRUARY 2007, Holland Conservation Commission, (HCC):

James LaMountain went to a meeting of the Holland Conservation commission to remind the town that the DEP said we could use our access road and to inform the town we would be doing work on our adjacent parcel of land to store the harvest from our farm and this would involve cutting of brush. We also told the town that there was a plume of silt in the lake from sand and silt from town storm water running across our land and asked the town to take action to stop the runoff as it was causing severe erosion on our land. Holland conservation commissioner Howard Fife did sneak across the hall and called the State Police saying, I was threatening them, which I was not.

FEBRUARY 2007, Palmer District Court:

James LaMountain did file an application for criminal charges in the Palmer District Court against James Wettlaufer after he continued to falsely report to anyone who would listen that I am a Child Molester which I am not.

FEBRUARY 2007; Mass. DEP:

HCC member James Wettlaufer and Howard Fife did issue an enforcement order for working to construct a storage area for our harvest on our farm property and did deny us agricultural exemptions we are entitled to, to perform the work. Subsequently the DEP did issue penalties exceeding 12,000 dollars based on the false reports without ever hearing the merits of the matter. Howard Fife did trespass at my home with papers to serve that were not addressed to me and I ordered him off the land.

Note: *Fine is currently under appeal in the appeals court.*

FEBRUARY 2007, Palmer District Court:

Holland Police did file for criminal charges against me after Wettlaufer and Fife falsely reported that I threatened and attacked Fife with my dog after I ordered him off my land. Fife and a police officer came to my home without warrant or permission, Fife is not a constable, and the papers were addressed to an address other than mine.

Note: *The case was later dismissed.*

The Judge had assigned council to me because I met the requirements and Wettlaufer sent a letter to the Judge telling her I was not indigent and was lying. The Judge held a hearing examining all my bank statements and tax returns based on Wettlaufer's lies and again ruled that I met the requirements for a Court appointed attorney. Earl Johnson did personally meet with District Attorney Mike Walsh in the Palmer Court to discuss me.

Note: *This case was later used in an attempt to have me held without bail by the DA after I was arrested without probable cause in August of 07.*

FEBRUARY 2007, Town Hall:

I applied for an agricultural preservation restriction that would prohibit forever none agricultural development on the land, as part of the application the town must sign saying they were notified of the application. Wettlaufer, Fife and the rest of the HCC refused to sign the application as mandated.

FEBRUARY 2007, USDA:

James LaMountain requests technical assistance from the United States Department of agriculture and assistance is provided. USDA has issued farm registration 1577 for the Holland Property. Commonwealth has issued farm #3180 for the property.

MARCH 2007, Housing Court:

LaMountain and Holland agree that their dispute would hinge on and be settled by a ruling as to whether or not LaMountain was engaged in agriculture on the property and therefore exempt. An evidentiary hearing and viewing were scheduled and conducted.

MARCH APRIL 2007, Town Hall:

March 28, 2007, E. Johnson and the defendant town officials falsely manufactured a dog bite complaint against J. LaMountain's dog and then conducted a hearing on the complaint in a televised public hearing without giving J. LaMountain notice of the complaint and further denied J. LaMountain an opportunity to be heard.

March 29, 2007 E. Johnson sent J. LaMountain notice that the dog had been a declared a public nuisance. The declaration was in violation of MGL, c. 140, s.157, because E. Johnson and town officials did not follow the procedure for declaring my dog a dog nuisance.

April 2, 2007, J. LaMountain filed a request for an emergency injunction in Hampden Superior Court in Springfield to order the defendants E. Johnson and Wettlaufer not to take part in any dog hearings.

April 4, 2007, E. Johnson was served with a notice preventing Wettlaufer and E. Johnson from taking part in any town hearing regarding J. LaMountain's dog. Subsequently, E. Johnson, Wettlaufer and Petersen held a televised hearing regarding J. LaMountain's dog, in a manner other than prescribed by MGL Ch140, s.157. Meier and Fife gave false testimony at the hearing. Despite witnesses that stated the dog was harmless and a lack of evidence to support that the dog was violent, the Board of Selectmen voted and declared the dog to be a nuisance and ordered the dog be removed from Holland within 10 days. Note: *An appeal was filed in the Palmer Court to stop the town from forcing me to remove my dog. It cost close to 9 thousand dollars to hire attorney Lisa McGann. The town agreed to rescind their order 1 day before the matter was scheduled to be heard in the Palmer Court in Sept2007.*

APRIL 2007, DALA:

Division of Administrative Law Appeals (DALA) Magistrate Judge Rooney did find we were in compliance with the wetland protection act with our forest cut plan (*which demonstrates an agricultural exemption to the wetland protection act,*) and vacated the enforcement order initiated at DEP by the town of Holland in June 2006.

APRIL 2007, Town Caucus:

Farm hands and principals announce candidacy to run against Earl Johnson, Brian Johnson and Howard Fife for elected positions in the 2007 election for the town of Holland.

APRIL 2007, Town Hall:

Brian Johnson orders James LaMountain to get out of town or else.

MAY 2007, Town Hall:

James LaMountain presents documentation of a fraudulent conveyance of 12 acres of landlocked town property by Selectman Earl Johnson to his mother in law. Johnson Children including Brian Johnson with the help of other town officials subsequently illegally subdivided the landlocked property and illegally built homes on the landlocked property. LaMountain asked Engineer Allen Paige to review the documentation. Page affixed his seal to a letter stating the homes were constructed in violation of MGL and town By Laws. Johnson called the engineer on the phone. The engineer stood by his stamped and sealed findings and Earl Johnson told him that I am a child molester.

MAY 2007, Federal Court:

James LaMountain did notify town residents and workers that attorneys for the Town Insurance company did settle with payment a Federal Lawsuit against the Town of Holland and Earl Johnson and Police Chief Kevin Gleason who were named as defendants, filed by a Former Holland Police officer ,who alleged she was threatened with bodily harm, discriminated against, intimidated and harassed continuously by Earl Johnson and Chief Gleason after she announced her candidacy to run against Earl Johnson in 2004 Elections.

JUNE 2007, Housing Court:

Justice Dina Fein ruled that we were in fact solely conducting agriculture on the property and did order the town to issue agricultural burning permits as required by law. Wettlaufer publicly declared in the newspaper that he did not agree with the Judge.

JUNE 2007, Town Polling Place:

On election day, town officials, including the Police Chief Kevin Gleason, did author and post or allowed to be posted, at the Holland Elementary School, Holland Town Hall , Holland Athletic and Recreation Fields , inside the locked Senior Center, as well as at the Town Polling Place, and all over the roadways of Holland, lime green flyers with false information notifying the public that LaMountain is a sex offender who served time for the “forcible rape of a young girl.” This flyer was supported by Earl Johnson, Brian Johnson, Howard Fife, and Christine McCooe who were all candidates running against our farmhands and family members. Earl Johnson won the election and stated publicly it was “the beginning of the end” for me and my family.

*Note: James LaMountain was convicted of statutory rape in 1985 after having relations with a girl who was two weeks shy of the age of consent, Force was never an element of the charges.*

JULY 2007, DEP, HCC :

Earl Johnson and Kevin Gleason falsely report that I am digging in the lake with a backhoe at 6:30 am.

JULY 2007, DEP:

Elected Town Highway surveyor Brian Johnson who stated he was acting on orders of his Father, Selectman Earl Johnson did with the help of the Holland Police Chief Kevin Gleason barricade without Court Order or supporting law the access to our property in Holland stating it was to keep us from violating environmental laws and Selectman Wettlaufer and Fife did trespass on our farm and report to the DEP that we were not farmers contrary to a fresh ruling by the Housing Court. The two Holland Officials then told the DEP that we were not entitled to agricultural exemptions and initiated an enforcement order that was identical to one that had just been vacated by magistrate of the Division of DALA, (Administrative Law Appeals.)

AUGUST 2007, Palmer District Court:

Police Chief Gleason did file for criminal charges against J. LaMountain for removing post type barricades installed in the access of our land by the Johnsons'.

AUGUST 2007, Town Hall:

During a selectmen's meeting, LaMountain requested in writing to the selectman that a crosswalk be installed between the farm properties which had land on both sides of the busy Mashapaug Road where children had to cross. LaMountain then filed a bond with the town to work in the road and laid out the proposed crosswalk for approval using contractors marking paint which disappears after a few weeks.

AUGUST 2007, Palmer District Court:

LaMountain is arrested on his land without probable cause and charged with malicious destruction of town property for the crosswalk layout. Chief Kevin Gleason did then falsely report that I threatened to kill the Children of Brian Johnson who was pressure washing the road. I told Brian that his actions put Children at risk of Death and that there would be tears in town if a child was killed because he barricaded our land thus forcing us to park across the street which caused our children to cross it to get to our beach.

Note: *This was not a threat.*

Chief Gleason then tried to have me held without bail because of the pending charges filed against me for telling Fife to get off the land in the spring were yet to be heard. The judge denied the motion to hold me without bail and released me on 200 dollars bail.

AUGUST 2007, Palmer District Court:

Magistrate Barns refuses to issue charges against LaMountain for removing post barricades installed by the Johnsons' to block access to our land.

AUGUST 2007, LaMountain property:

Brian Johnson re-installs post barricades in our access.

SEPTEMBER 2007, Palmer District Court:

Farmhands remove post barricades again. Gleason arrests Chad Brigham on the beach for removing the barricades even though he knew it was not a crime to remove them. Gleason then charges me again with removing the barricades without cause. Gleason and Johnson then use the new charges to schedule a hearing to have my bail revoked in the crosswalk case because they say I removed the posts. The motion to revoke bail was

made by Mike Walsh district attorney who had private and personal contact with Earl Johnson.

SEPTEMBER 2007, LaMountain property:

Brian Johnson installs concrete New Jersey Barrier type barricade in the access to our land.

SEPTEMBER 2007, Housing Court:

LaMountain requests order in the Housing Court to compel the town to remove the New Jersey barricades.

*Note: A few months later and five minutes before motion is to be heard the town agrees to remove the barricade.*

NOVEMBER 2007, DEP:

After nonstop false reports by Holland town officials, DEP WEST adopts Holland's position that we were not farmers and initiates enforcement actions based on lies by Earl and Brian Johnson, James Wettlaufer, Howard Fife, Mary Vandenberg, all whom stated we were developers using agricultural exemptions to circumvent environmental laws on development.

*Note: This position by Holland town officials was in violation of their agreement to abide by the Housing Court ruling of Justice Fein with regards to agriculture.*

DECEMBER 2007, DEP:

Wettlaufer report tells DEP the huge plume of silt in the lake was put there by activities from our farm.

*Note: Subsequent investigations and reports by renowned prestigious environmental scientists would place responsibility for this environmental catastrophe on town owned and maintained road erosion and runoff not farm activities on our land.*

MARCH 2008, Palmer District Court:

Trial by jury is scheduled for the issue that had happened in spring 20007, when Fife trespassed on my property and I was charged with threats to assault after ordering him off our land. The DA withdraws the case just minutes before the jury selection was to begin.

MARCH 2008, Town of Holland:

Complaints alleging misconduct by Chief Gleason are filed by me and my family with the Holland Selectman, Mass State Police, Inspector Generals Office, and the Palmer District Court.

APRIL 2008, Town of Holland:

Complaint and petition filed with the Zoning officer to perform his duties and order Illegal Homes of the Johnsons' removed.

APRIL 2008, Palmer District Court:

Complaint that was dismissed for Fife's trespassing is re-filed by the Holland Police Chief Kevin Gleason.



Note: *Complaint would later be dismissed again for lack of prosecution.*

MAY 2008, DEP:

Brian Johnson initiates complaint with DEP and Holland Board of Health stating I am working on a septic system without permits or license. State Police are dispatched. It was discovered that I hired a licensed title 5 inspector who was conducting a state inspection on the property. Brian Johnson also reported to DEP that we were working in a wetland resource area and followed my truck into the deep woods of Holland where he blocked my way and threatened me.

MAY 2008, Palmer District Court:

I filed an application for a complaint against Brian Johnson for threatening me. The matter was scheduled for hearing and I showed up at the time scheduled with four witnesses. I was told the case was cancelled and would be rescheduled. It never was rescheduled.

JUNE 2008, DEP:

Massive deluge hits Central Massachusetts. All town residents with silt runoff from the storm are offered grant monies to clean up. Town runoff devastates our land and Wettlaufer reports to DEP that the damage came from our land. This report by Wettlaufer led to environmental police being dispatched and a lawsuit in Superior Court by the DEP against me.

Note: *Subsequent environmental investigations and critical review of the investigation by third party scientists determined the town to be the responsible party for the silt laden runoff and erosion in the lake.*

JULY 2008, Hampden Superior Court in Springfield:

Lawsuit initiated against 12 town officials for the illegal construction of the Johnson houses on the fraudulently conveyed former town land (Johnson Landgate). Lawsuit seeks to have illegal houses of the Johnson family built on land without road frontage removed, dismantled, or demolished.

AUGUST 2008, Town Hall:

Driveway permit application filed with Town Highway surveyor Brian Johnson to use our pre existing driveway to access our proposed reconstructed farmhouse. Johnson refuses to act in a timely manner depriving us our right to live on our land.

SEPTEMBER 2008, Palmer District Court:

I admit in Palmer Court that if Chief Kevin Gleason gets in front of a jury and makes false statements then I could be found guilty of a misdemeanor. DA offers to dismiss the malicious destruction of property and the resisting arrest charges and continue without a finding the charges that I made a threat. I receive six months unsupervised probation. This was for the crosswalk layout.

NOVEMBER 2008, US District Court:

Federal Civil rights lawsuit filed in US District Court against Earl and Brian Johnson, James Wettlaufer, Howard Fife, Holland Police and Fire Chiefs, Town of Holland, and other officials of Holland.

NOVEMBER 2008, Town Hall:

Highway surveyor Brian Johnson refuses to grant the driveway permit as required by law stating I would have to drop the Federal Case before he would act.

DECEMBER 2008, HCC:

Town of Holland Conservation Commission refuses to issue order of conditions for access and maintenance stating that they could take no action until I dropped the federal case.

DECEMBER 2008, DEP:

Based on false affidavits submitted by the town of Holland officials Wettlaufer, and Fife the DEP files a lawsuit seeking 300 thousand dollars in damages stating we are not farmers entitled to exemptions. An attachment of 250 thousand dollars is placed on our property.

JANUARY 2009, Palmer District Court:

Brian Johnson and wife make false unsubstantiated reports that I am driving by their house on Stafford road in a threatening manner thus putting me in violation of the probation from the crosswalk incident. I get a 6 month suspended sentence without a trial based on the false reports, and supervised probation for a year. Other than Johnson's testimony there was no evidence presented but the substitute judge believed the Johnsons' and was unaware of the underlying elements. Ms Johnson who I never met said I was stopping at her driveway or that my son or friends drove by her. I never stopped by her driveway or took any action whatsoever to bother her or her children . I am quite active politically and post on the Holland Blog [www.01521.com](http://www.01521.com) quite often and use the blog to document and shine the light on the activities of our corrupt officials in this town especially the Johnsons' and their LandGate scandal.

FEBRUARY 2009, Hampden Superior Court in Springfield:

I filed a lawsuit against Brian Johnson and the Town for an order to the town of Holland to issue driveway permits and cease denying us legal access to our farm.

MARCH 2009, Hampden Superior Court in Springfield:

Default Judgment on liability enters in DEP case against me for being three days late to answer interrogatory questions even though I had been deposed for three days and answered all the questions asked in the interrogatories. The attorney charged with answering had a major death in her office and was unable to answer on time. This matter is now on appeal before the Massachusetts Appeals Court.

MAY 2009, Town Hall:

Investigations initiated by myself , my family , Peter Frei, and Carolyn Reardon as well as pressure from our blog [www.01521.com](http://www.01521.com) causes Holland Police Chief Kevin Gleason

to resign under duress. Wettlaufer and Johnson tell residents that Gleason resigned for health reasons. We know the inner sanctum story of the resignation because Gleason's girlfriend at the time of the resignation was a confidential source of the Holland Blog after dating the Chief. Johnson and Gleason were great friends spending time together quite often.

*Note: Former Holland Police Chief Kevin Gleason was later sentenced two 2 and a half years in prison.*

JUNE 2009, DEP, Hampden Superior Court Springfield:

Holland officials Johnson and Wettlaufer did initiate action with DEP and superior court action to have us shut down our farm irrigation system thus causing our crops to fail for the 2009 growing season.

JUNE 200, Dudley District Court:

Wettlaufer stated in a newspaper article commenting on the resignation of the police chief that I had better watch out who I messed with because there could be "tragic consequences." I filed an application for a criminal complaint and was denied.

JUNE 2009, Town Hall:

Wettlaufer has what he calls a "good friend" Anthony Grossi who is attempting to build a Flying J Truckstop on "special conservatory" land in the town of Holland next to our lake. Although there are no permits, work has already begun on the property. Wettlaufer has attended meetings with abutting town selectmen, Mass. DEP, and other officials to fast track the truck stop for his friend. We at the Holland Blog [www.01521.com](http://www.01521.com) have become a rallying point for residents in opposition of this environmental time bomb next to our lake. The Selectmen called and stacked a special town meeting to re zone this environmentally sensitive area to facilitate the construction of this truck stop and I feel it is this Truck Stop issue that Wettlaufer was talking about when he said I had better watch out who I messed with. I take that statement to be a threat.

AUGUST 2009, DEP, Holland, Palmer District Court:

DEP does arrest me without probable cause for possessing wild turkeys and conducting cook fires on the farm in Holland to provide embers for our earth ovens and grills.

Town of Holland extinguishes our embers even though they have been burning all year without incident or action by the fire chief.

The wild turkeys and fire were not mine nor were they in my control. I am not a land owner just a spokesman. This matter is scheduled for a jury trial in the Palmer District Court in April of 2010.

AUGUST 2009, Palmer District Court:

A probation violation notice is given to me because of the wild turkey and fire incident. Hearings are scheduled for December 2009.

OCTOBER 2009, Hampden Superior Court in Springfield:

Wettlaufer and Town of Holland initiates a superior court lawsuit against me for burning without a permit even though the fire chief knows the fires are for cooking by our farm

hands and that cook fires do not need a permit according to MGL Ch. 48 s 13. and 310 CMR 7.07 (1).

OCTOBER 2009; Holland:

The fire chief submitted an affidavit to the superior court under the pains and penalties of perjury where he stated there is no law or regulation that allows burning on the property. This is perjury as the chief was a party to the housing court case that stated the laws and regulations that allow open burning. Plus the Chief inspected our cook fires on several occasions during 2008 and 2009 and never issued a citation. He actually told our farm hand that it was ok to continue after one inspection.

OCTOBER 2009, Hampden Superior Court in Springfield:

Superior Court assesses 150,000 dollar fines against us based on the false reports of the Johnsons' and Wettlaufer ( who say we are not and can not be farmers) and issues an injunction stating we can not burn without a permit. This is currently under appeal.

DECEMBER 2009, US District Court:

I file a Federal Civil rights case naming the town of Holland and Wettlaufer as defendants for their actions in denying me my protected right to conduct agriculture and their false reports and affidavits submitted to the courts several times.

### **PENDING CASES**

Palmer District Court, criminal division:

Violation of Probation hearing 17 December.  
Jury trial for the cook fires and turkeys on the farm

Massachusetts Appeals Court:

Fines and injunction by Judge Ford.

Hampden Superior Court, civil division:

Town's action on alleged illegal fires and counterclaim by LaMountain

Housing Court:

LaMountain's action to compel town of Holland to stop dumping water across our land and also to issue driveway permit.

US District Court:

Civil rights Complaint filed by LaMountain in 2008.  
Second civil rights complaint filed by LaMountain in 2009.

I state the above information is true under the pains and penalties of perjury

James P LaMountain