



JUDY METCALF LAW

NOTIFICATION OF DISCOVERY SERVICE

To: Fred Bopp, Esquire
Bopp & Guecia
121 Main Street
Yarmouth, ME 04096

Re: GFG 401K Trust, Plaintiff

v.

S.R. Griffin Construction, Inc., Defendant

Civil Action CV-22-32
County of LINCOLN

This is to notify you that the following discovery papers were served by the undersigned counsel for Defendant on the party and on the date indicated:

Papers Served: Defendant's Requests for Admission Propounded on Plaintiff
Defendant's Second Set of Interrogatories to Plaintiff
Defendant's Third Request for Production of Documents to Plaintiff

Date Served: Via email, May 30, 2024

/s/ Jonathan R. Liberman

Jonathan R. Liberman, Esquire, Bar No. 4716
Attorney for Defendant

Judy Metcalf Law

76 Union Street
Brunswick, ME 04011
(207)721-2200
jon@judymetcalf.com

STATE OF MAINE
LINCOLN, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-22-32

TIMOTHY L. HARRINGTON, IN HIS)
CAPACITY AS TRUSTEE OF THE)
GFG 401K TRUST,)

Plaintiff,)

vs.)

S.R. GRIFFIN CONSTRUCTION, INC.,)

Defendant)

DEFENDANT'S REQUESTS FOR
ADMISSION PROPOUNDED ON
PLAINTIFF

Pursuant to and in accordance with the provisions of Maine Rules of Civil Procedure 26 and 36, Defendant, by and through counsel undersigned, hereby serves upon Plaintiff the following Requests for Admission ("Requests"), for purposes of this pending action only, concerning the truth of the matters set forth in the numbered Requests below. Defendant requests that Plaintiff admit, deny, or otherwise answer or respond to the numbered Requests below separately and fully, in writing under oath, and serve Plaintiff's written response to these Requests via electronic means on undersigned counsel for Defendant within 30 days after service of these Requests. If, in answering a Request, Plaintiff states Plaintiff is unable to admit or deny the Request due to lack of information or knowledge, then Plaintiff (a) must identify and describe in detail any and all efforts and inquiries Plaintiff made to inform Plaintiff of and/or obtain the facts, circumstances, and/or information necessary to admit or deny said Request and (b) state why and how the information known or readily obtainable by Plaintiff is insufficient to enable Plaintiff to admit or deny. If Plaintiff objects that a term or phrase used in a Request is vague or ambiguous, then Plaintiff shall respond by specifying her understanding of the term or phrase and by admitting or denying the Request.

REQUESTS FOR ADMISSION

1. Vehicles and/or equipment, other than those owned, operated or controlled by Defendant or persons or entities acting on behalf of Defendant, have operated in the area of the black arrow as seen on Exhibit 1.

2. Vehicles and/or equipment, other than those owned, operated or controlled by Defendant or persons or entities acting on behalf of Defendant, had operated in the area of the black arrow as seen on Exhibit 1 prior to August 1, 2022.
3. Vehicles and/or equipment, other than those owned, operated or controlled by Defendant or persons or entities acting on behalf of Defendant, have operated in the area of the black arrow as seen on Exhibit 1 after August 31, 2022.
4. Vehicles and/or equipment, other than those owned, operated or controlled by Defendant or persons or entities acting on behalf of Defendant, have operated in the area of the CMP Easement, marked by the black arrow, and extending back to the telephone pole and/or power pole as shown on Exhibit 2.
5. Vehicles and/or equipment, other than those owned, operated or controlled by Defendant or persons or entities acting on behalf of Defendant, had operated on the CMP Easement marked by the black arrow, extending back to the telephone pole and/or power pole as shown on Exhibit 2 prior to August 1, 2022.
6. Vehicles and/or equipment, other than those owned, operated or controlled by Defendant or persons or entities acting on behalf of Defendant, have operated on the CMP Easement marked by the black arrow, extending back to the telephone pole and/or power pole as shown on Exhibit 2 after August 31, 2022.
7. Activities of individuals or entities other than Defendant or those acting on Defendant's behalf may have damaged the "Tree" referenced in ¶ 7 of Plaintiff's Third Amended Complaint prior to August 1, 2022.

8. Activities of individuals or entities other than Defendant or those acting on Defendant's behalf may have damaged the "Tree" referenced in ¶ 7 of Plaintiff's Third Amended Complaint during August of 2022.

9. Activities of individuals or entities other than Defendant or those acting on Defendant's behalf may have damaged the "Tree" referenced in ¶ 7 of Plaintiff's Third Amended Complaint after August 31, 2022.

10. As of May 30, 2024, neither Plaintiff nor any of Plaintiff's representatives, attorneys, or agents possess a report from any experts identifying the cause of damage to the "Tree" referenced in ¶ 7 of Plaintiff's Third Amended Complaint.

11. As of May 30, 2024, Timothy Harrington possesses no report from any experts identifying the cause of damage to the "Tree" referenced in ¶ 7 of Plaintiff's Third Amended Complaint.

12. Timothy Harrington filed the Complaint identified in Exhibit 3 before consulting with any expert regarding the cause of damage to the "Tree" referenced in ¶ 7 of Plaintiff's Third Amended Complaint.

13. Timothy Harrington filed the Second Amended Complaint identified in Exhibit 4 before consulting with any expert regarding the cause of damage to the "Tree" referenced in ¶ 7 of Plaintiff's Third Amended Complaint.

14. Timothy Harrington filed the first Complaint identified in Exhibit 3 before any expert he had consulted with had identified the cause of damage to the "Tree" referenced in ¶ 7 of Plaintiff's Third Amended Complaint.

15. Timothy Harrington filed the Second Amended Complaint identified in Exhibit 4 before any expert he had consulted with had identified the cause of damage to the “Tree” referenced in ¶ 7 of Plaintiff’s Third Amended Complaint.

16. Neither Plaintiff nor any of Plaintiff’s representatives, attorneys, or agents possess any photos, videos or images taken before August 1, 2022 which show the “Tree” referenced in ¶ 7 of Plaintiff’s Third Amended Complaint.

17. As of May 30, 2024, Plaintiff’s designated expert has conducted no site visits to view the “Tree” referenced in ¶ 7 of Plaintiff’s Third Amended Complaint.

Dated: May 30, 2024

/s/ Jonathan R. Liberman
Jonathan R. Liberman, Esquire, Bar No. 4716
Attorney for Defendants

Judy Metcalf Law
76 Union Street
Brunswick, ME 04011
(207)721-2200
jon@judymetcalflaw.com

Notification and Certification of Service

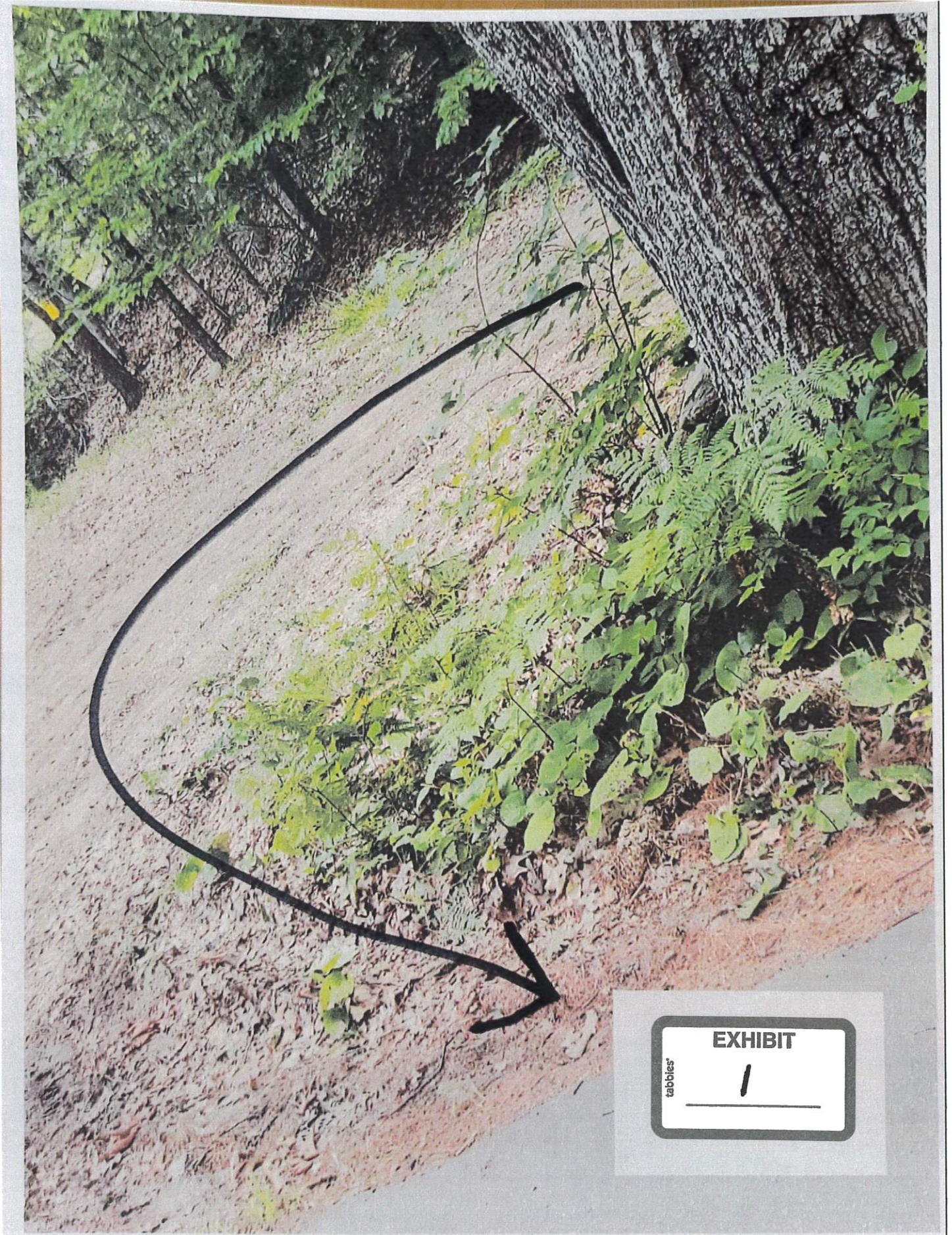
Pursuant to M.R. Civ. P. 26(f)(1), notification of the method and date on which true copies of the foregoing discovery papers were served is hereby provided; I hereby certify that service of a true copy of the foregoing discovery papers has been made on the date indicated below by Electronic Service as provided, specified, and defined in M.R. Civ. P. 5(b)(2) upon the following attorney by sending a true copy thereof to the last known electronic mail address of the attorney as indicated in parentheses:

Fred W. Bopp III, Esquire (fbopp@boppguecia.com) Attorney for Plaintiff. .

Dated: May 30, 2024

/s/ Jonathan R. Liberman
Jonathan R. Liberman, Esquire, Bar No. 4716
Attorney for Defendants

Judy Metcalf Law
76 Union Street
Brunswick, ME 04011
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EXHIBIT

1



EXHIBIT
2

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STATE OF MAINE
LINCOLN, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET No: CV-22-32

GFG 401K TRUST, of Edgecomb,)
Lincoln County, State of Maine,)
Plaintiff)

COMPLAINT

v.

S.R. GRIFFIN CONSTRUCTION,)
INC.)
of Wiscasset, State of Maine)
and Edgecomb)

NOW COMES GFG 401K TRUST, by and through its sole company administrator, Timothy Harrington, Pro Se.

1. GFG 401K Trust owns 90 acres abutting the Merry Island Road containing a house used primarily as an Airbnb rental.
2. SR Griffin construction is a private construction company located in Edgecomb and Wiscasset Maine and operated by Scott Griffin. Scott Griffin is also the Road Commissioner for the Town of Edgecomb.
3. At the beginning of August of 2022 and ending around August 26th, SR GRIFFIN CONSTRUCTION began excavating activities on a 4.1 Acre lot, Map R-6 Lot 29 on the Merry Island road in Edgecomb. Heavy equipment including multiple Tri-Axle trucks entered the Plaintiff's property and circled a Legacy Oak tree on the property. The property is clearly posted with 3 POSTED signs, stating, POSTED, PRIVATE PROPERTY, HUNTING, FISHING, TRAPPING OR TRESPASSING FOR ANY PURPOSE IS STRICTLY FORBIDDEN. VIOLATORS WILL BE PROSECUTED.

4. On August 16 2022 I, Timothy Harrington, called the Lincoln County Police Department and an officer arrived at the scene. The officer said no police report would be forthcoming because it was a civil matter. On that same night the Plaintiff called and left a message with the Lincoln County Sheriff. Soon thereafter, Lt Kane of the Lincoln County sheriff's department telephoned the Plaintiff and made a stop at the Plaintiffs home at 9 River Run Road in Edgecomb. Lt. Kane gave the Plaintiff his business card and instructed the Plaintiff to communicate with him if the Plaintiff wanted to move forward. Lt. Kane informed the Plaintiff that he would speak with Scott Griffin of SR Griffin Construction and a police report would follow.

COUNT I

TRESPASS

5. Plaintiff repeats as if set forth in full herewith the above Paragraphs 1 through 4.

6. Because of the actions of the Defendant, collectively, jointly, individually and or severally, GFG 401k land has been rutted and an oak tree root system has been trodden upon hastening its demise.

COUNT II

NEGLIGENCE

7. Plaintiff repeats as if set forth in full herewith the above Paragraphs 1 through 6.

8. The Defendant ordered or allowed employees to drive TRI-AXLE dump trucks on the Plaintiff's property with POSTED signs plainly visible. The Defendant allowed and directed employees from Maine Drilling and Blasting of Gardiner to park all manner of vehicles on the Plaintiffs property, again with 3 POSTED signs plainly visible.

COUNT III

DAMAGES

9. Plaintiff repeats as if set forth in full herewith the above Paragraphs 1 thru 8.

10. The Plaintiff requests the Court to order the Defendant to Compensate GFG 401K trust with Compensatory damages, Pain and suffering, and Punitive damages to the Plaintiff. The Plaintiff asks the court to compensate the Plaintiff for reasonable attorney fees and court costs.

Plaintiff Demands Trial by Jury.

Dated: 10/21/2022

Respectfully submitted

CC: S.R. GRIFFIN CONSTRUCTION, INC.

98 Old Sheepscott Rd, Wiscasset, ME

04578



Timothy Harrington

Pro Se

9 River Run Rd.

Edgecomb, Maine 04556

Tel: 281-381-7230

Timothy Harrington
9 River Run Rd
Edgecomb ME 04456
2813817230

Docket No.: WIS-CV-22-32

October 21, 2022

DECLARATION

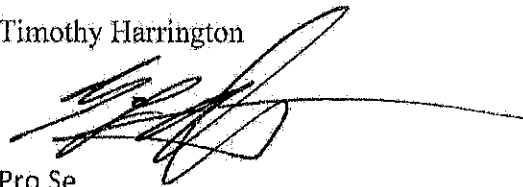
Clerk
Maine Superior Court
32 High St.
Wiscasset, ME 04578

Re: GFG 401K TRUST v. S.R. GRIFFIN CONSTRUCTION INC.

Dear Clerk:

Enclosed is a motion to amend the complaint filed on 10/08/2022

Timothy Harrington

A handwritten signature in black ink, appearing to read 'Timothy Harrington', with a long horizontal flourish extending to the right.

Pro Se

cc. S.R. GRIFFEN CONSTRUCTION, INC.
98 Old Sheepscot Rd Wiscasset, ME
04578

STATE OF MAINE

LINCOLN, SS.

SUPERIOR COURT

CIVIL ACTION

DOCKET No: CV-22-32

GFG 401K TRUST, of Edgecomb,)

Lincoln County, State of Maine,)

Plaintiff)

MOTION TO AMEND

v.

COMPLAINT

S.R. GRIFFIN CONSTRUCTION,)

INC.

of Wiscasset, State of Maine)

and Edgecomb

NOW COMES GFG 401K TRUST, by and through its sole company administrator, Timothy Harrington, Pro Se.

The Plaintiff requests that the business name of the Defendant be amended to read.

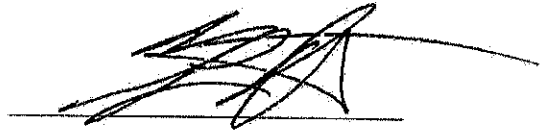
S.R. GRIFFIN CONSTRUCTION, INC.

Dated: 10/21/2022

Respectfully submitted

cc. S.R. GRIFFIN CONSTRUCTION, INC.

98 Old Sheepscot Rd Wiscasset, ME 04578

A handwritten signature in black ink, appearing to read 'Timothy Harrington', written over a horizontal line.

Timothy Harrington

Pro Se

9 River Run Rd.

Edgecomb, Maine 04556

Tel: 281-381-7230

STATE OF MAINE
LINCOLN, SS.



SUPERIOR COURT
CIVIL ACTION
DOCKET No: CV-22-32

GFG 401K TRUST)

)

)

2nd Amended
COMPLAINT

v.

S.R. GRIFFIN CONSTRUCTION,)

INC.

)

NOW COMES GFG 401K TRUST, by and through its sole TRUSTEE, Timothy Harrington, Pro Se.

1. GFG 401K Trust owns 90 acres abutting the Merry Island Road containing a house used primarily as an Airbnb rental.

2. SR Griffin construction is a private construction company located in Edgecomb and Wiscasset Maine and operated by Scott Griffin. Scott Griffin is also the Road Commissioner for the Town of Edgecomb.

3. At the beginning of August of 2022 and ending around August 26th, SR GRIFFIN CONSTRUCTION began excavating activities on a 4.1 Acre lot, Map R-6 Lot 29 on the Merry Island road in Edgecomb. Heavy equipment including multiple Tri-Axle trucks entered the Plaintiff's property and circled a Legacy Oak tree on the property. The property is clearly posted with 3 POSTED signs, stating, POSTED, PRIVATE PROPERTY, HUNTING, FISHING, TRAPPING OR TRESPASSING FOR ANY PURPOSE IS STRICTLY FORBIDDEN. VIOLATORS WILL BE PROSECUTED.

4. On August 16 2022 I, Timothy Harrington, called the Lincoln County Police Department and an officer arrived at the scene. The officer said no police report would be forthcoming because it was a civil matter. On that same night the Plaintiff called and left a message with the Lincoln County Sheriff. Soon thereafter, Lt Kane of the Lincoln County sheriff's department telephoned the Plaintiff and made a stop at the Plaintiffs home at 9 River Run Road in Edgecomb. Lt. Kane gave the Plaintiff his business card and instructed the Plaintiff to communicate with him if the Plaintiff wanted to move forward. Lt. Kane informed the Plaintiff that he would speak with Scott Griffin of SR Griffin Construction and a police report would follow.

COUNT I

TRESPASS

5. Plaintiff repeats as if set forth in full herewith the above Paragraphs 1 through 4.

6. Because of the actions of the Defendant, collectively, jointly, individually and or severally, GFG 401k land has been rutted and an oak tree root system has been trodden upon hastening its demise.

COUNT II

NEGLIGENCE

7. Plaintiff repeats as if set forth in full herewith the above Paragraphs 1 through 6.

8. The Defendant ordered or allowed employees to drive TRI-AXLE dump trucks on the Plaintiff's property with POSTED signs plainly visible. The Defendant allowed and directed employees from Maine Drilling and Blasting of Gardiner to park all manner of vehicles on the Plaintiffs property, again with 3 POSTED signs plainly visible.

COUNT III

DAMAGES

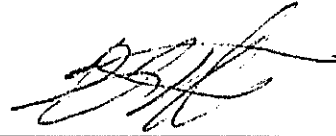
9. Plaintiff repeats as if set forth in full herewith the above Paragraphs 1 thru 8.

10. The Plaintiff requests the Court to order the Defendant to Compensate GFG 401K trust with Compensatory damages, Pain and suffering, and Punitive damages to the Plaintiff. The Plaintiff asks the court to compensate the Plaintiff for reasonable attorney fees and court costs.

Plaintiff Demands Trial by Jury.

Dated: January 17 2023

Respectfully submitted



Timothy Harrington

Pro Se

9 River Run Rd.

Edgecomb, Maine 04556

Tel: 281-381-7230

STATE OF MAINE
LINCOLN, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-22-32

GFG 401K TRUST,)
)
)
 Plaintiff)
)
 vs.)
)
 S.R. GRIFFIN CONSTRUCTION, INC.,)
)
 Defendant)
)

DEFENDANT'S SECOND SET
OF INTERROGATORIES TO
PLAINTIFF

Interrogatory No. 1. Describe in detail any activity involving vehicles or equipment weighing over one ton being operated within 300 feet of the "Tree" referenced in ¶ 7 of Plaintiff's Third Amended Complaint, including but not limited to activity relating to excavation, logging, road work, telephone poles and/or telephone/power lines, and/or construction. For each incident, list: the person/business involved; their contact information; the date of the activity; the nature of the activity; and the equipment used.

Interrogatory No. 2. Describe any and all cameras that have ever been located within 300 feet of the "Tree" referenced in ¶ 7 of Plaintiff's Third Amended Complaint, including the time period where each camera was in that location.

Interrogatory No. 3. Describe any and all instances where vehicles have operated or parked on the CMP easement in the vicinity of the "Tree" referenced in ¶ 7 of Plaintiff's Third Amended Complaint.

Interrogatory No. 4. If any land surveys have been completed which identify the boundaries of Plaintiff's property in Edgecomb that is the subject of Plaintiff's Third Amended Complaint, or which identify the ownership of the "Tree" referenced in ¶ 7 of Plaintiff's Third Amended Complaint, please identify: the person or entity who completed the survey; their

contact information; whether Plaintiff has possession or access to the survey; and the date the survey was completed.

Interrogatory No. 5. Describe in detail the incidents alleged in ¶¶7, 9 of Plaintiff's Third Amended Complaint, including but not limited to: the dates and times of these incidents; the identities of any individuals involved; whether Timothy Harrington saw these incidents as they were taking place; and any other witnesses to these incidents and their contact information.

Interrogatory No. 6. List and describe any dwellings, houses or residences within 400 feet of the "Tree" referenced in ¶ 7 of Plaintiff's Third Amended Complaint, including but not limited to their addresses, their owner(s), and a physical description.

Interrogatory No. 7. Identify any times in which Plaintiff or Timothy Harrington consulted with an expert or qualified professional regarding damage to the "Tree" referenced in ¶ 7 of Plaintiff's Third Amended Complaint.

Interrogatory No. 8. Identify any and all experts that Plaintiff or Timothy Harrington consulted with regarding damage to the "Tree" referenced in ¶ 7 of Plaintiff's Third Amended Complaint.

Dated: May 30, 2024

/s/ Jonathan R. Liberman

Jonathan R. Liberman, Esquire, Bar #4716
Attorney for Defendant

Judy Metcalf Law

76 Union Street
Brunswick, ME 04011
(207) 721-2200
jon@judymetcalflaw.com

**STATE OF MAINE
LINCOLN, SS.**

**SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-22-32**

GFG 401K TRUST,

Plaintiff

vs.

S.R. GRIFFIN CONSTRUCTION, INC.,

Defendant

**DEFENDANT’S THIRD
REQUEST FOR PRODUCTION
OF DOCUMENTS TO PLAINTIFF**

1. Any and all documents, photos, videos, statements, text messages, emails, communications, reports, notes, journal entries, logs, calendar entries or other writings evidencing that Defendant, or persons or entities acting on Defendant’s behalf:

- a. damaged or threw down any fence, bar, or gate on property owned by Plaintiff;
- b. left a gate open on property owned by Plaintiff;
- c. broke glass on property owned by Plaintiff;
- d. damaged any road on property owned by Plaintiff;
- e. damaged any drainage ditch, culvert, bridge, sign or paint marking on property owned by Plaintiff;
- f. damaged any structure on property owned by Plaintiff; or
- g. threw, dropped, deposited, discarded, dumped or otherwise disposed of litter as defined in 17 M.R.S. §2263(2) on property owned by Plaintiff.

2. Any and all documents relating to costs associated with damages on Plaintiff’s property allegedly caused by Defendant and/or persons or entities acting on Defendant’s behalf, including but not limited to: written correspondence, emails, text messages, quotes, invoices, estimates, bills, proposals, and/or bids.

3. Any and all documents reflecting the replacement value of the property that Plaintiff alleges was damaged in this case or the costs of repairing the property that Plaintiff alleges was damaged in this case, including but not limited to: written correspondence, emails, text messages, quotes, invoices, estimates, bills, proposals, and/or bids.

4. Any and all documents reflecting the market value of the "Tree" referenced in ¶ 7 of Plaintiff's Third Amended Complaint.

5. Any and all documents reflecting any claimed diminution in value of Plaintiff's real estate that Plaintiff claims resulted from actions of Defendant or persons or entities acting on Defendant's behalf.

6. If Plaintiff contends that the "Tree" referenced in ¶ 7 of Plaintiff's Third Amended Complaint was located within 400 feet of a dwelling, produce any and all documents which support this contention.

7. Any and all documents documenting the cost of replacing, replanting and/or restoring the "Tree" referenced in ¶ 7 of Plaintiff's Third Amended Complaint, including but not limited to written correspondence, emails, text messages, quotes, invoices, estimates, bills, proposals, reports (including expert reports) and/or bids.

8. Any and all documents reflecting Plaintiff's and/or Timothy Harrington's attorney's fees and costs for preparing this claim and bringing this court action.

9. Any and all documents reflecting Plaintiff's and/or Timothy Harrington's costs of professional services necessary for determining damages and proving Plaintiff's claims contained in ¶¶20-29 of Plaintiff's Third Amended Complaint.

10. Any and all land surveys which identify the boundaries of Plaintiff's property in Edgecomb that is the subject of Plaintiff's Third Amended Complaint.

11. Any and all photographs, videos or other images which show the condition of the "Tree" referenced in ¶ 7 of Plaintiff's Third Amended Complaint prior to August 1, 2022.

12. Any and all photographs, videos, or other images which show Defendant and/or persons or entities acting on Defendant's behalf operating vehicles within 200 feet of the "Tree" referenced in ¶ 7 of Plaintiff's Third Amended Complaint.

13. Any and all documents reflecting any logging activity, excavation, construction, work relating to telephone poles and/or telephone/power lines, or operation of equipment on Plaintiff's property in Edgecomb, including but not limited to: written correspondence, emails, text messages, quotes, invoices, estimates, bills, proposals, reports (including expert reports), bids, statements, diary entries, calendar entries, journal entries, and/or logs.

14. Any and all documents reflecting or discussing the "applicable standard of care" referenced in ¶ 34 of Plaintiff's Third Amended Complaint, including but not limited to cases, rules, statutes, ordinances, regulations, or code citations.

Dated: May 30, 2024

/s/ Jonathan R. Liberman
Jonathan R. Liberman, Esquire, Bar No. 4716
Attorney for Defendant

Judy Metcalf Law
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Brunswick, ME 04011
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