

State of Vermont
Superior Court—Environmental Division

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ENTRY REGARDING MOTION

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In re Wood NOV and Permit Applications
(Appeal from Town of Hartford Zoning Board of Adjustment decision)

Docket No. 138-8-10 Vtec

Town of Hartford v. Wood
(Municipal enforcement action)

Docket No. 1-1-11 Vtec

Title: Motion to Reconsider/Amend (Filing No. 5)

Filed: May 10, 2011

Filed By: Paul S. Gillies, Attorney for Appellant/Applicant Marc Wood

Response in Opposition filed on 5/19/11 by William F. Ellis, Attorney for Appellee Town of Hartford

 X Granted Denied Other

Before the Court is a motion asking us, in the interest of fairness, to allow Mr. Wood the opportunity to respond to the Town of Hartford's ("Town") filing of May 13, 2011. The Town's May 13 filing is the latest filing by the Town responding to Mr. Wood's motion for summary judgment, which is also pending before the Court and which we addressed in a separate Entry Order issued today. Mr. Wood requests, if we do not allow him to reply, that we disregard the Town's May 13 filing and issue a ruling on the motion for summary judgment based solely on the motion, the Town's original response of April 1, and Mr. Wood's subsequent reply.

In ruling on Mr. Wood's motion for summary judgment, we elected to not consider the Town's filing of May 13; we only took into consideration Mr. Wood's February 18 motion, the Town's April 1 response, and Mr. Wood's subsequent April 12 reply, plus any associated attachments. Therefore, we hereby **GRANT** Mr. Wood's request that we only consider these documents in ruling on his motion. This negates the need to allow Mr. Wood to submit a subsequent reply memorandum.

In issuing this Entry Order we are not ruling on any arguments Mr. Wood includes in this motion to reconsider or alter that address the qualifications of the Town's engineering expert. Mr. Wood is permitted to raise these arguments at trial, as discussed in our Entry Order, also issued today, responding to Mr. Wood's motion in limine.

Thomas S. Durkin, Judge

May 20, 2011
Date

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Date copies sent to: _____

Clerk's Initials _____

Copies sent to:

Paul S. Gillies, Attorney for Appellant/Applicant Marc Wood

William F. Ellis, Attorney for Appellee Town of Hartford

Kimberlee Sturtevant, Co-counsel for Appellee