

Fw: Lawsuit summary - past email

1 message

Brad Meneilly esq. <amesmeneilly@msn.com>
To: Barbara Ames-Meneilly <amesmeneilly@gmail.com>

Wed, Oct 27, 2021 at 7:32 AM

FYI

From: Jim Bandstra <jpbandstra@fastmail.com>
Sent: Thursday, October 7, 2021 5:13 PM
To: Joe Piccini <jpiccini@oxforddevelopment.com>; Brad Meneilly <amesmeneilly@msn.com>; Marcia Rogish <mrogish@gmail.com>
Subject: Fwd: Lawsuit summary - past email

Joe, Brad, and Marcia,

In the board meeting on Friday Oct. 1, 2021, I mentioned I had an email sent out in May of 2020 which contained the original lawsuit complaint and related documents. I am attaching that email with its attachments. I leave it to the SVDC board about whether or how to distribute this.

Jim Bandstra

----- Original message -----

From: SVDC <palakestonycreek@gmail.com>
To: Jeff McGee <newton9255@gmail.com>, "A. Rehbogen" <ajrehbogen@aol.com>, Abby Stutzman <abby_stutz@yahoo.com>, Allison Watkins <watko2@hotmail.com>, Anne DeVore <annedevore13@gmail.com>, Beer Vicki <beervl.beer@gmail.com>, Ben Scheller <benmscheller@gmail.com>, Bill Blackburn <blackburn0305@gmail.com>, Bill Zottoli <Bill@coastallivingobx.com>, Blaine Lucas <bandtLucas@verizon.net>, Bob & Nancy Bowen <bowenfamily1@comcast.net>, Bob Carroll <bc0822@comcast.net>, Bob Gross <bobsgross@gmail.com>, Bob Sutter <j.robert.suter@gmail.com>, Brad Meneilly <amesmeneilly@msn.com>, Brandon Gawlas <brandongawlas@gmail.com>, Brandon Stone <brandon_stone@hotmail.com>, Brooke Walker <bwalker28@yahoo.com>, Bryan Swistock <BRS@psu.edu>, Carlson <wrctkc@hotmail.com>, Carol Montgomery <pamaplesugar@aol.com>, Chad Moore <dropit380@aol.com>, Chrissy Coleman <chrissy.coleman@philips.com>, Christy Light-Morales <Christy.Morales@live.com>, Chuck Baker <ECB565@comcast.net>, Cindy Flamm <flammcindy@gmail.com>, Cindy Iseman <caisemandmd@gmail.com>, Clarence Caldwell <caldwell788@comcast.net>, Comarnitsky <mcomarnitsky@yahoo.com>, Courtney Smith <csmith314@comcast.net>, Craig Duppstadt <duppstadt@msn.com>, Cyndy Weir <cyndyweir19@gmail.com>, "D. & J. Hahn" <d.andj.hahn@verizon.net>, Dale Laughlin <laughlin533@comcast.net>, Dan & Julia Purdy <dsp0513@gmail.com>, Dan Dively <dirtbottomexcavating@yahoo.com>, Dan Kaltenbaugh <dekaltenbaugh6@gmail.com>, Dan Lasota <dlasota2@gmail.com>, Dan Tyskewicz <DAN123365@comcast.net>, Dave Daniels <papdpig@comcast.net>, Dave Flamm <flammdavid14@gmail.com>, Dave Lowry <davidflowry@yahoo.com>, David Duppstadt <duppstadt@verizon.net>, Debbie Keyser <debbie.keyser@gmail.com>, Dennis Hahn <dghahn1@gmail.com>, "Derrick St. Clair" <Derrick@elitekitchenandbath.net>, Dick Adams <daniel.weimer10@gmail.com>, Don Carter <JUDON2@comcast.net>, Don Stull <marpup811@aol.com>, Donna Wilt <momwilt82@yahoo.com>, Donny And Kim Deaner <deanerfunerals@gmail.com>, "Dr. Jan DeVries" <kianjandev@yahoo.com>, Ed Chiado <EDWARD.J.CHIADO@leidos.com>, Eric Kennedy <erickennedy35@gmail.com>, Fred Clark <EVERGREENKNOLL@gmail.com>, Gawlas <gaw172@aol.com>, Geoff Leah <GLEAH408@gmail.com>, Greg Lowry <greglowry123@gmail.com>, Greg Novelli <gmnovelty@gmail.com>, Harry Neel <hccneel@verizon.net>, Jack Hershberger <jackhersh@comcast.net>, Jack Yon <jyon@jbfayco.com>, Jackie Piccini <jackiepiccini@hotmail.com>, James Bandstra <bandstra@comcast.net>, James Mattern <jmattern64@gmail.com>, Janalee Zimmerman <Janaleez@gmail.com>, Jason Yarosik <jason.yarosik@mvfc4.org>, Jean Hershberger <hershbergerjean@gmail.com>, Jeanne Walker <ejwalk29@comcast.net>, Jeff And Laura Delach <jdelach@msn.com>, Jeff Blough <jeffblough@comcast.net>, Jeff DeVore <agentman994@yahoo.com>, Jessie Younkin <jessicayounkin@yahoo.com>, Jill Yon <jillyon121@gmail.com>, Jody Rogish <jodyrogish@yahoo.com>, Joe Piccini <jpiccini@oxforddevelopment.com>, John And Kitty Hyssong <jhyssong@comcast.net>, John Thomas <wilmaandjohn@verizon.net>, John Weir <jweir@corsacoal.com>, Julie Fisher <juliefisher66@gmail.com>, "k.I." <klaughlin53@comcast.net>, Karen Bowman <K.Bowman.3438@gmail.com>, Kathe Kane <kanes_1@msn.com>, Katie Maneely <bmaneely27@hotmail.com>, Kay Dunn <EDUNN58503@aol.com>, Kay Westerfield <kayettaw@aol.com>, Kellie Waggoner <kellie@theseashore.us>, Ken Zack <kbzack@ymail.com>, Larry Rosage <rosage.pa@gmail.com>, Lee Cavanaugh <leec@hcpms.com>, Linda Eaves <Linda.eaves227@gmail.com>, Lori Redling <lredling@comcast.net>, Lori Reid <lreid@centerrock.com>, Lou Delsignore <lindel25@verizon.net>, Mallory Linadale <fpeconsulting@aol.com>, Marcia Rogish <mrogish@gmail.com>, Margaret Blackburn <margaretblackburn@ymail.com>, Marianne Neel <mlneel@verizon.net>, Mark Matthews <matthewsmarkj@juno.com>, Mary Ann Dunham <maryann.dunham@gmail.com>, Mary Kelso <b_kelso@yahoo.com>, Mary Woy <maryewoy@gmail.com>, Michael Jenkins <mike@teamforceinc.com>, Michael Prete <Mike23b@comcast.net>, Michaela Cvitkovic <mikie135@hotmail.com>, Mike & Marilyn

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Subject: Fwd: Lawsuit summary

Date: Tuesday, May 05, 2020 3:58 PM

In an effort to keep the Lake Stonycreek community informed on the status of the lawsuit, our Solicitor Atty David Leake, has prepared this chronology of events supported by the attached public record documents. Additional status updates will follow as the legal process proceeds.

DAVID T. LEAKE, ESQ. & ASSOCIATES

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David T. Leake, Esq.
Andrew M. Snyder, Esq.

May 5, 2020

SVDC Board of Directors
Via Email

Re: Harry C. Neel, Michael Jenkins, and Lee Cavanaugh Et. Al. vs. Daniel Dively and the Stonycreek Valley Development Corporation Law Suit Summary

Dear SVDC Board of Directors,

As discussed, please find below a summary of the above referenced lawsuit:

In late April 2019, Harry C. Neel, Michael Jenkins, and Lee Cavanaugh filed suit against SVDC and against Daniel Dively individually. The main thrust of the suit against SVDC is that these three individuals felt that SVDC changing the bylaws from a "per share" to "per lot" voting system was improper. The main thrust of the suit against Mr. Dively was that these three individuals felt he was self-dealing. A copy of the complaint filed by the three is attached as "Complaint."

On May 21, 2019, Neel, Jenkins, and Cavanaugh filed a "Motion for Special and Preliminary Injunction" against SVDC and Dively, a copy of which is attached. The Motion was an attempt by the three to try to halt the vote to allow the "per lot" voting system to be implemented by SVDC.

On May 22, 2019, Dively filed a response to the Motion requesting the Motion be denied citing that it was an attempt to ensure Mr. Jenkins could buy himself a seat onto the Board. A copy of said document is attached hereto – see "Reply to Injunction".

On May 23, 2019, at the request of Neel, Jenkins, and Cavanaugh, the Court held an "emergency hearing" on the Motion for Special and Preliminary Injunction. At the conclusion of the hearing the Court concluded that SVDC was in compliance with the law and found in favor of SVDC and Dively and denied Neel, Jenkins, and Cavanaugh's Motion. A copy of the full hearing transcript is attached – see "May 23 Injunction Hrg Transcript".

On June 28, 2019, Neel, Jenkins, and Cavanaugh filed an "Amended Complaint" in response to objections filed by Dively, a copy of the objections and the Amended Complaint are attached – see "Leave Motion and Amended Complaint".

SVDC and Dively filed objections to the Amended Complaint, and the court partially denied and partially granted the objections – see “Filed POs”. Particularly, the court dismissed any claims related to "self dealing." A copy of the court's decision is attached – see “SVDC Prelim Obj Opinion.”

On March 19, 2020, Dively filed an Answer and Counter-Claims to the Complaint, setting forth that the suit should be dismissed against him, and counter-claimed for loss of business, libel, and abuse of the court system. A copy of said document is attached – see “Dively Answer and Counterclaims”.

SVDC is in the process of filing an Answer and New Matter to the amended complaint that denies any wrongdoing on the part of SVDC, sets forth affirmative defenses to the lawsuit, and requests dismissal of the suit – see “SVDC Answer and New Matter”

As it currently stands, the lawsuit is still in its beginning stage, which is called "pleadings." As such, no evidence has even been exchanged by the parties, and no factual determinations have been made by the court, except for the determinations the court made in denying Neel, Jenkins, and Cavanaugh's request for an injunction.

Very truly yours,

David T. Leake Esq.

9 attachments



Complaint.pdf

2480K



Motion for Special and Preliminary Injunction.pdf

15444K



Reply to Injunction.pdf

496K



May 23 Injunction Hrg Transcript.pdf

280K



Leave Motion and Amended Complaint.pdf

545K



Filed POs.pdf

453K



SVDC Prelim Obj Opinion.pdf

567K



Dively Answer and Counterclaims.pdf

1240K



SVDC Answer and New Matter.pdf

209K