



Via U.S. Mail

July 5, 2017

Shari DeMarzo, COM
Vermont Superior Court
Essex Civil Division
PO Box 75
Guildhall, VT 05905

Re: Tracey Martel v. Town of Victory, et al.
Docket No. 10-3-17 Excv

Dear Ms. DeMarzo:

Enclosed is Defendants' Flanigan Motion for Permission to File Counterclaim, and Defendants' Flanigan Counterclaim, for filing with the Court, and a Certificate of Service.

Thank you.

Sincerely,

Hans G. Huessy, Esq.
hhuessy@mskvt.com

Enclosure

cc: Robert and Toni Flanigan (*via email*)
Daniel P. Richardson, Esq.
Deborah T. Bucknam, Esq.
Carol and Lionel Easter

{00247196.1}

STATE OF VERMONT

SUPERIOR COURT
ESSEX UNIT

CIVIL DIVISION
DOCKET NO. 10-3-17 ExcV

TRACEY MARTEL)
)
Plaintiff,)
)
v.)
)
TOWN OF VICTORY, VERMONT)
CAROL EASTER, DAWN PETERS,)
JAN STANLEY, SANDY HUDSON,)
LIONEL ("SKIP") EASTER, VICTORY)
BOARD OF CIVIL AUTHORITY,)
WAYNE MOODIE, KRYSTAL GRAY,)
ROBERT FLANIGAN, JR., TONI)
FLANIGAN, ROBERT FLANIGAN, III,)
BRENDAN FLANIGAN, LAURY)
SALIGMAN, JOHN MCGILL,)
ISAIAH PRESTON, ANGELO SPERA,)
ANDREA POGINY)
)
Defendants.)

CERTIFICATE OF SERVICE

I certify that I have today delivered **Defendants' Flanigan Motion for Permission to File Counterclaim, and Counterclaim** to the following parties:

- By first class mail by depositing it in the U.S. mail;
- By personal delivery to _____ or his/her counsel;
- Other. Explain: ___electronic mail ___

The names and addresses of the parties/lawyers to whom the mail was addressed or personal delivery was made are as follows:

Deborah T. Bucknam, Esq. Bucknam & Black PC 1097 Main Street, PO Box 310 St. Johnsbury, VT 05819-0310 dbucknam@vtlegalhelp.com cbucknam@vtlegalhelp.com	Daniel P. Richardson, Esq. Tarrant, Gillies & Richardson 44 E State Street, PO Box 1440 Montpelier, VT 05601-1440 drichardson@tgrvt.com

Dated at Burlington, Vermont this 5th day of July, 2017.

Signature:  _____

Print Name: Hans G. Huessy, Esq.

Counsel for: Defendants Flanigan

STATE OF VERMONT

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ISAIAH PRESTON, ANGELO SPERA,)
ANDREA POGINY)
)
Defendants.)

**DEFENDANTS’ FLANIGAN MOTION FOR PERMISSION TO FILE
COUNTERCLAIM**

NOW COMES Hans G. Huessy, Esq., of the law firm of Murphy Sullivan Kronk, on behalf of Robert Flanigan, Toni Flanigan, Robert Flanigan, III, and Brendan Flanigan (“Defendants Flanigan”), and respectfully submit the following motion:

1. The Court may grant a party permission to file a counterclaim after the filing of their original answer per V.R.C.P. 13.
2. Equity mandates that any review of the voter checklist be expanded to include individuals who voted for Plaintiff and not be limited to those who voted against Plaintiff.
3. Defendants do not believe that the additional parties need to be named as Defendants, but they would, at a minimum, be entitled to notice and an opportunity to appear.

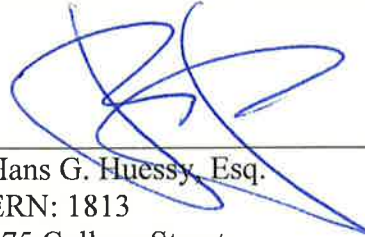
4. If the Court grants this motion, it can simultaneously offer guidance as to what level of notice is required and whether it wants the additional parties added as Defendants.
5. Granting this Motion will not unduly prejudice the existing parties, as this matter is still in the early stages of discovery.
6. The Town representatives who are directing Town counsel are part of an active group seeking the election of Plaintiff and have, as a result, instructed Town counsel not to expand the review to voters who supported Plaintiff.

WHEREFORE, Defendants Flanigan pray this Honorable Court:

1. Grant the above Motion; and
2. Award the Defendants such further relief as the Court deems equitable and just.

Dated at Burlington, Vermont this 5th day of July, 2017.

MURPHY SULLIVAN KRONK



Hans G. Huessy, Esq.
ERN: 1813
275 College Street
PO Box 4485
Burlington, VT 05406-4485
802-861-7000
hhuessy@mskvt.com

Attorneys for Robert Flanigan, Toni Flanigan,
Robert Flanigan, III, and Brendan Flanigan

STATE OF VERMONT

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Defendants.)

DEFENDANTS’ FLANIGAN COUNTERCLAIM

NOW COMES Hans G. Huessy, Esq., of the law firm of Murphy Sullivan Kronk, on behalf of Robert Flanigan, Toni Flanigan, Robert Flanigan, III, and Brendan Flanigan (“Defendants Flanigan”), and counterclaims as follows:

1. Plaintiff seeks to remove the Defendants from the Victory checklist.
2. All of the Defendants voted against Plaintiff in the recent election.
3. There are voters on the checklist who voted for Plaintiff whose circumstances are similar to those of the Defendants.
4. The Defendants asked the Town to include these individuals in its review of checklist eligibility.
5. The Town refused.

6. The Defendants object to a one-sided review of voter checklist eligibility and believe any such review should not be limited to individuals who voted against Plaintiff.

Counterclaim

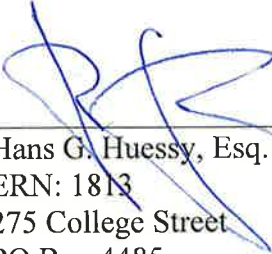
7. Accordingly, the Defendants ask that this Court review the checklist eligibility of Amy Mandel, Angel Mandel, Bradley Nelson, Michael Mitchell, Dominic Mitchell, A. J. Marden, Antony Schifone, and Ruth Neborsky, and issue a Declaratory Judgment as to their eligibility.

WHEREFORE, Defendants Flanigan pray this Honorable Court:

1. Review the voter checklist eligibility of the above named voters; and
2. Award the Defendants such further relief as the Court deems equitable and just.

Dated at Burlington, Vermont this 5th day of July, 2017.

MURPHY SULLIVAN KRONK



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