

STATE OF VERMONT

SUPERIOR COURT  
Essex Unit

CIVIL DIVISION  
Docket No. 10-3-17 ExcV

TRACEY MARTEL, Plaintiff )  
)  
vs. )  
)  
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 )

**MEMORANDUM IN OPPOSITION TO DEFENDANT FLANIGANS'**

**MOTION TO AMEND**

COMES NOW Plaintiff Tracey Martel, and hereby opposes Defendant Flanigans' motion to amend. A Memorandum in opposition is attached hereto and incorporated herein in opposition to Defendant Flanigans' motion.

**FACTS**

Robert Flanigan Jr. Toni Flanigan, Robert Flanigan III and Brendan Flanigan have requested that this court allow them permission to file a counterclaim and

add additional persons as defendants to determine their eligibility to vote in the town of Victory.

All four Flanigans have responded to the Town's discovery requests, and their responses reveal that they are not residents of the Town of Victory:

All four stated that they live in Granby Connecticut, that they have Connecticut driver's licenses and have never had Vermont driver's licenses. They admit the employed Flanigans pay Connecticut income tax. Robert and Toni Flanigan admitted under oath that they own a residence in Granby Connecticut and pay residential property tax there.

In response to an interrogatory to each of them as to the basis for their claim that they reside in Victory, they responded as follows:

Robert Flanigan Jr.: "I intend to move to Victory when I retire, which could happen within the next two years." Robert Flanigan's date of birth is April 3, 1959.

Toni Flanigan: "I intend to move to Victory when I retire, which could happen within the next two years." Toni Flanigan's date of birth is October 4, 1961.

Brendan Flanigan: "My parents intend to move Victory when they retire which could happen within the next two years. I intend to visit them there and make that house my residence until I find another place where I intend to stay long term. I would have to go with my parent I can't afford to live on my own." Brendan Flanigan's date of birth is December 1, 1994.

Robert Flanigan III: "I intend to move there when my parents do as I can't afford to live on my own. (I am unemployed), so when they make the move I will go with them."

The Flanigans also

Robert and Toni Flangian also admit in their answers to interrogatories that the Victory property was on the market for sale until March of 2017, and all four stated their stays at Victory are “unpleasant” because of the dog kennel next door. [Exhibit 1-- responses to interrogatories and requests to admit from Robert Jr., Toni, Robert III and Brendan Flanigan.

Robert and Toni Flanigan pay non-resident property taxes in the town of Victory. [Exhibit 2—Flanigan nonresident property tax bill for 2015]

The Flanigans seek to include the following persons as additional defendants: Amy Mandel, Angel Mandel, Bradley Nelson, Michael Mitchell, Dominick Mitchell, A.J. Marden Anthony Schifone, and Ruth Neborsky.

As indicated by the attached affidavits, and the Essex Superior Court orders regarding Neborsky, Schifone and Marden, all the named proposed defendants, except the Mandels, are residents of the Town of Victory.

**I. Defendants Flanigan have no standing to counterclaim**

As indicated by the attached Exhibits 1 and 2, none of the four Flanigans are legal voters in the Town of Victory. In order to file a claim contesting an election, one must be a legal voter of the Town. (“The result of an election for any office, other than for the general assembly, or public question may be contested by any legal voter entitled to vote on the office or public question to be contested.”) Vt. Stat. Ann. tit. 17, § 2603

The Vermont Statutes have defined residency for voting purposes as follows:

“For the purpose of this chapter, “resident” shall mean a person who is domiciled in the town as evidenced by an intent to maintain a principal dwelling place in the town

indefinitely and to return there if temporarily absent, coupled with an act or acts consistent with that intent. If a person removes to another town with the intention of remaining there indefinitely, that person shall be considered to have lost residence in the town in which the person originally resided even though the person intends to return at some future time.” Vt. Stat. Ann. tit. 17, § 2122

The Vermont Supreme Court has outlined what “act or acts” demonstrate intent under .

Vt. Stat. Ann. tit. 17, § 2122 :

“Furthermore, [Appellant] Albrecht has expressed a clear and unequivocal intent to return to Vermont when no longer required to care for her sister, an intent manifested by the maintenance of her Manchester residence, and consistent with her continuing to vote in Vermont, her continuing use of a Vermont bank, and the maintenance of her Vermont driver's license and motor vehicle registration.” *In re Albrecht*, No. 2004-385, 2004 WL 5581624, at \*2 (Vt. Sept. 2004)

The Flanigans have evidenced no “act or acts” whatsoever that demonstrate an intent to maintain a principal dwelling place in the town indefinitely. As indicated by their answers to interrogatories and requests to admit, they have never lived in Victory, never paid Vermont income tax, never had a Vermont driver’s license, never registered their vehicles in Vermont, never paid the residential property tax rate. They claim they intend to move to Victory, Vermont, which “could” be within two years, yet they also claim, as indicated by their answers, that it is unpleasant at their vacation home in Victory because of the dog kennel next door which they fought against up to the Vermont Supreme Court. See: *In re Gregory Hovey Act 250 Permit*, No. 2015-205, 2015 WL 7628685 (Vt. Nov. 20, 2015. ) They also admit in their answers that their Victory property was on the market for sale as late as March 2017. That is hardly the “clear and unequivocal” intent the Supreme Court noted in the *Albrecht* case.

Thus, because none of the Flanigans are legal voters, they have no standing to counterclaim against other Victory residents.

## **II. The Flanigans are out of time to file a counterclaim**

Section 2603 of Title 17 of the Vermont Statutes Annotated ( “Contest of Elections”) requires that any legal voter contesting an election must do so within 15 days of the election. (“The complaint shall be filed within 15 days after the election in question...” ) Vt. Stat. Ann. tit. 17, § 2603 The election in question is March town meeting election for Selectboard and Town Clerk. The Flanigans therefore, if they wished to contest the election, should have done so within 15 days of the March town meeting election. They failed to do so; therefore they are out of time.

## **III. An amendment to bring in additional defendants should be denied because of the futility of the amendment**

The Defendant Flanigans’ amendment is futile, because of the legal barriers noted above. In addition, all the persons they claim are not residents, except for Amy and Angel Mandel, who have apparently moved out of state, are in fact, residents. [See attached affidavits of Katrina Mitchell and Bradley Nelson]

Moreover, in January and February, 2016, in two separate decisions, Essex Superior Court ruled, after two contested hearings, that Ruth Neborsky, Anthony Schifone, and Andrew Marden were residents and legal voters of the Town of Victory. *Neborsky, Marden, Schifone v. Town of Victory, Docket No. 1-1-16 Excv.* Thus Defendants are seeking to re-litigate decisions made by this court last year. Since the legal statuses of Neborsky, Marden and Schifone are unchanged, *res judicata* applies.

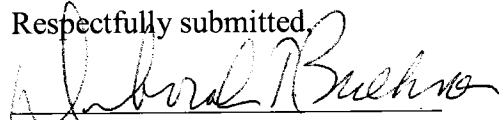
The Vermont Supreme Court has ruled that in order for an amendment to be granted, the futility of the amendment should be considered. (...[T]he propriety of plaintiff's motion to amend [should be considered] by examining several factors: (1) undue delay; (2) bad faith; (3) futility of amendment; and (4) prejudice to the opposing party.")

*Perkins v. Windsor Hosp. Corp.*, 142 Vt. 305, 313, 455 A.2d 810, 815 (1982)

Since this amendment is futile, it should not be allowed.

Dated at St. Johnsbury, Vermont this 20 day of July, 2017.

Respectfully submitted,



Tracey Martel, by her attorney,  
Deborah T. Bucknam, Esq. ERN 1391  
[dbucknam@vtlegalhelp.com](mailto:dbucknam@vtlegalhelp.com)  
802-748-5525 Ext. 101

## **AFFIDAVIT**

**COMES NOW** Katrina Longley Mitchell, after being duly deposed and sworn, does hereby state under oath as follows:

1. I am married to Walter Mitchell, Jr. I live with my husband and our children at 1814 Masten Road, Victory, Vermont. We moved to Masten Road in August 2012, and have lived there ever since.
2. My stepson, Michael Mitchell has lived with us since we moved into the Masten Road property, and my stepson, Dominick Mitchell, has resided at Masten Road since approximately 2013. The Town of Victory paid tuition for both of them when they were in high school.
3. Michael and Dominick are presently full time college students at Lincoln Tech at East Windsor Connecticut. They both maintain their residence at our home in Victory.
4. Both Dominick and Michael are on the Victory checklist. Since they have been in college, they have voted by absentee ballot.
5. Carol Easter has made it difficult for them to vote. In the past, Carol sent the absentee ballots to the boys at my request. However, she refused to send them when I requested the ballots for the April special election, and required the boys to fill out forms to allow me to request ballots for them.
6. She also had not sent out absentee ballots in a timely manner, while making sure the Flanigans, who live in Connecticut, all received their ballots on time. In the last vote on the budget in June, the Flanigans all voted by absentee ballot, so they received their ballots on time. My stepsons did not receive their ballots until two weeks after the vote.

Dated at St. Johnsbury, Vermont this 19<sup>th</sup> day of July, 2017.

Katrina Longley Mitchell  
Katrina Longley Mitchell

**STATE OF VERMONT  
CALEDONIA COUNTY, SS.**

At St. Johnsbury, Vermont this 19 day of July, 2017 personally appeared Katrina Mitchell, and, upon oath duly administered, declared the foregoing statements by her to be on the affiant's own knowledge, information, or belief; and, so far as upon information and belief, the affiant believes the statements to be true.

Before me,

[Signature]  
Notary Public



**AFFIDAVIT**

**COMES NOW** Bradley Nelson, after being duly deposed and sworn, does hereby state under oath as follows:

1. I am a resident of Victory, Vermont. I live on 1204 Masten Road, Victory, Vermont. I live with Donna and Anthony Bacchiochi, and help them around the farm. I have lived in Victory for close to three years.
2. Since I moved into Victory, I have never changed my residence. I did visit my mother in Bellows Falls for a week when she was ill, and at another time, I stayed with my grandmother in Lyndonville for a few nights because she was ill. I never took my possessions out of the home in Victory when I visited my relatives.
3. My mailing address is PO Box 625, North Concord Vermont. Victory does not have a post office.
4. When I voted in June 2017 on the budget, Carol Easter questioned me about my residency. She said "I heard you moved out." I told her I did not move out. I was embarrassed by her questioning me in front of everyone about where I live.

Dated at St. Johnsbury, Vermont this \_\_\_\_ day of July, 2017.

Bradley Nelson  
Bradley Nelson

**STATE OF VERMONT  
CALEDONIA COUNTY, SS.**

At St. Johnsbury, Vermont this 18th day of July, 2017 personally appeared Bradley Nelson and, upon oath duly administered, declared the foregoing statements by {him/her/them} to be on the affiant's own knowledge, information, or belief; and, so far as upon information and belief, the affiant believes the statements to be true.

Before me,

Michael J. Buchner  
Notary Public

# Robert Flanigan III ANSWERS

## 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 )  
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BRENDAN FLANIGAN )  
LAURY SALIGMAN )  
JOHN MCGILL )  
ISAIAH PRESTON )  
ANGELO SPERA )  
ANDREA POGINY, )  
Defendants. )

### DEFENDANT ROBERT FLANIGAN III'S RESPONSES TO DEFENDANT TOWN OF VICTORY'S FIRST REQUESTS TO ADMIT, INTERROGATORIES, AND REQUESTS TO PRODUCE

NOW COMES Defendant Robert Flanigan III ("Defendant"), by and through his attorneys,  
Murphy Sullivan Kronk, and hereby responds to Defendant Town of Victory's Requests to Admit,  
Interrogatories, and Requests to Produce in accordance with V.R.C.P. Rules 26, 33, and 34.

#### Non-Waiver and Reservation of Objections

Defendant's responses and any objections made hereafter are made without in any way waiving or  
intending to waive, but on the contrary intending to reserve and reserving:

All questions as to competency, relevancy, materiality, privilege, and admissibility as evidence for any  
purpose and subsequent proceeding in, or the hearing of, this proceeding, of any of the documents or their  
subject matter;

{00203512.1}

MSK | MURPHY  
SULLIVAN  
KRONK

EXHIBIT

tabbles

The right to object to the use of any of the documents, or their subject matter, in any subsequent proceeding in, or the hearing of, this action, on any grounds;

The right to object on any ground, at any time, to a demand for further production or responses involving or related to the subject matter or the requests for interrogatories;

The right, at any time, to revise, correct, add to, or clarify any of the responses and objections propounded herein;

The right to interpose additional responses and objections and to move for an appropriate protective order; and

The right to object to any inference that can be drawn from any discovery requests or responses to them, that the information requested actually exists or events occurred. The failure by Defendant to object to any such inference does not constitute an admission that the information exists or events occurred.

### **OBJECTIONS**

**Defendant objects to these discovery requests to the extent that any request seeks information or documents that fall into one or more of the following categories:**

1. The request would require Defendant or his witnesses to respond by divulging privileged material, confidential/proprietary material, and/or material prepared in anticipation of litigation or hearing by Defendant or his attorneys. Further, it has not been shown by the party making the request that there is a substantial need for such materials, and that they are unable, without undue hardship, to obtain the equivalent of the requested information by other means.
2. The request seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.
3. The request, when read with its definitions and general instructions, is vague, broad, general, all-inclusive and/or would require Defendant to speculate as to the information being sought. The request is therefore unduly burdensome and oppressive and does not permit a proper or reasonable response.
4. The request would require Defendant to conduct extensive document review, additional studies, analyses, and/or tests as part of his response.
5. The request is unreasonably cumulative or duplicative, and/or the information or documents requested are obtainable from other sources that are less burdensome or less expensive.
6. The request calls for a legal conclusion.
7. Defendant objects to the extent that the instructions and definitions given by the requesting party exceed the applicable rules of discovery.

Subject to and without waiving any objection stated herein, Defendant responds to the Interrogatories as follows:

**REQUESTS TO ADMIT, INTERROGATORIES, AND PRODUCTION REQUESTS**

1. Please identify the person completing your Answers fully, giving the full name, date of birth, residence address, business address, occupation, and any position or title.

**RESPONSE:** Robert Flanigan III.

2. If different from Interrogatory # 1, please state your residential address and the residential addresses you have had over the past six years.

**RESPONSE:** I live at home with my parents.

3. Admit that you currently are a resident of the State of Connecticut. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents that establish or are related to your residency in another state.

**RESPONSE:** Objection, calls for a legal conclusion.

4. Admit that you have never been a resident of the State of Vermont. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents that establish or are related to your prior residency in Vermont.

**RESPONSE:** Objection, calls for a legal conclusion.

5. Admit that you have a Connecticut driver's license. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial.

**RESPONSE:** Admitted.

6. Admit that you have had a Connecticut Driver's License for at least the past six years. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial.

**RESPONSE:** Admitted.

7. Admit that you have never had a Vermont driver's license. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents that establish or are related to your Vermont driver's license.

**RESPONSE:** Admitted.

8. Admit that you pay income tax to the State of Connecticut. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial, and any documents related to your answer.

**RESPONSE:** Admitted.

9. Admit that you have paid income tax to the state of Connecticut for at least the past six years. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents related to your answer.

**RESPONSE:** Denied. I was a full time student most of that time.

10. Admit that you do not pay income tax to the state of Vermont. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents that support your denial and any documents related to your answer.

**RESPONSE:** Admitted.

11. Admit that you have not paid income tax to the state of Vermont for the past six years. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents that support your denial and any documents related to your answer.

**RESPONSE:** Admitted.

12. Admit that your federal income tax forms filed with the Internal Revenue Service for tax years 2014, 2015 and 2016 list your address as Granby, Connecticut.

**RESPONSE:** Admitted for those years that I paid taxes.

13. Admit that you currently sleep most nights at your dwelling place in Connecticut. If your answer to this request to admit is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents that establish or are related to your answer.

**RESPONSE:** Admitted.

14. Admit that you do not own any property in Vermont. If your answer to this request to admit is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents that establish or are related to your answer.

**RESPONSE:** Admitted.

15. Admit that your sole connection to Victory, Vermont is that your parents own property in the town. If your answer to this request to admit is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents that establish or are related to your answer.

**RESPONSE:** Admitted, although my grandfather also lived there.

16. Admit that your current place of employment is in Connecticut. If your answer is anything other than a complete admission, provide a detailed narrative explaining your denial, including all current and previous locations and dates of employment. If you attended college or other post-secondary institution outside of Connecticut, please provide the location(s) of the campus and dates of attendance. Please provide any documents that establish or are related to your answer.

**RESPONSE:** Denied. Unemployed at this time.

17. Admit that you have never been employed outside of Connecticut. If your answer is anything other than a complete admission, provide a detailed narrative explaining your denial, including all current and previous locations and dates of employment. If you attended college or other post-secondary institution outside of Connecticut, please provide the location(s) of the campus and dates of attendance. Please provide any documents that establish or are related to your answer.

**RESPONSE:** Admitted.

18. Admit that the dwelling place that you normally leave from when you travel to work and that you return to after work is located in Connecticut. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents that establish or are related to your answer.

**RESPONSE:** Denied. Unemployed.

19. Admit that you do not intend to move to, or make or your principal dwelling place in, the Town of Victory or another location within the next six months. If your answer is anything other than a complete admission, please provide a detailed narrative explaining the approximate date you plan to move to Victory or another location, what travel and moving arrangements you have made, whether you will

leave your job before moving to Victory or another location, and, if so, on what date and whether you have notified your employer of this termination date. Please provide any documents that establish or are related to your answer.

**RESPONSE:** Admitted.

20. Admit that you have not resided in the Town of Victory, whether at your parents' house at 2870 Victory Hill or elsewhere in the town, for any period of your life. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial, including a list of dates during which you lived at your parents' house or otherwise maintained a principal dwelling unit in Victory.

**RESPONSE:** Denied, I have spent many days in Victory.

21. Admit that when you last filled out a voter registration form for the Town of Victory, you left blank the sections asking whether you are a resident of Vermont and asking whether have taken the Voter's Oath. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial.

**RESPONSE:** Admitted. Before I submitted the form my parents spoke to the Secretary of State Elections office and I was told not to fill it out until we became full time residents when they retire. They also told my parents I was eligible to vote in Victory.

22. Please describe the number of overnight stays you have spent at your house at 2870 Victory Hill in the Town of Victory over the last two years.

**RESPONSE:** I stayed with my parents when they would go, about 20 times over the last two years.

23. Admit that you were physically present in Connecticut more than you are physically present in the Town of Victory over the last two years.

**RESPONSE:** Admitted.

24. Please list any benefits or services from the state of Vermont that you have used or availed yourself of in the past six years and how you used such benefits or services.

**RESPONSE:** Objection, unduly broad and burdensome, this could include driving on the interstate after it is plowed.

25. Please list all Vermont companies or private institutions (e.g., banks, law firms, etc.) that you currently use or have used in the past six years and please describe how such companies or institutions were used.

**RESPONSE:** Objection, unduly broad and burdensome.

26. Please state the factual basis for your claim of residency in the Town of Victory, Vermont for the purposes of registering with the Town to vote in Victory elections. Please produce any documents that establish or are related to your claim.

**RESPONSE:** I intend to move there when my parents do as I can't afford to live on my own (I am unemployed), so when they make the move I will go with them. Therefore I will be a resident and at some point will inherit the home in Victory.

Dated at Granby CT this 3 day of July, 2017.

  
Robert Flanigan III

AS TO OBJECTIONS:

\_\_\_\_\_  
Hans G. Huessy, Esq.  
Murphy Sullivan Kronk  
PO Box 4485  
Burlington, VT 05406-4485  
802-861-7000  
[hhuessy@mskvt.com](mailto:hhuessy@mskvt.com)

Attorneys for Defendant Robert Flanigan III



**RESPONSE:** Objection, unduly broad and burdensome, this could include driving on the interstate after it is plowed.

25. Please list all Vermont companies or private institutions (e.g., banks, law firms, etc.) that you currently use or have used in the past six years and please describe how such companies or institutions were used.

**RESPONSE:** Objection, unduly broad and burdensome.

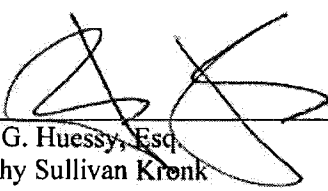
26. Please state the factual basis for your claim of residency in the Town of Victory, Vermont for the purposes of registering with the Town to vote in Victory elections. Please produce any documents that establish or are related to your claim.

**RESPONSE:** I intend to move there when my parents do as I can't afford to live on my own (I am unemployed), so when they make the move I will go with them. Therefore I will be a resident and at some point will inherit the home in Victory.

Dated at \_\_\_\_\_, \_\_\_\_\_ this \_\_\_\_ day of July, 2017.

\_\_\_\_\_  
Robert Flanigan III

AS TO OBJECTIONS:

  
\_\_\_\_\_  
Hans G. Huessy, Esq.  
Murphy Sullivan Kronk  
PO Box 4485  
Burlington, VT 05406-4485  
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[hhuessy@mskvt.com](mailto:hhuessy@mskvt.com)

Attorneys for Defendant Robert Flanigan III

MSK | MURPHY  
SULLIVAN  
KRONK

# TONI FLANIGAN'S ANSWERS

## STATE OF VERMONT

SUPERIOR COURT  
Essex Unit

CIVIL DIVISION  
Docket No. 10-3-17 Excv

TRACEY MARTEL, )  
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TOWN OF VICTORY, VERMONT, )  
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ISAIAH PRESTON )  
ANGELO SPERA )  
ANDREA POGINY, )  
Defendants. )

### DEFENDANT TONI FLANIGAN'S RESPONSES TO DEFENDANT TOWN OF VICTORY'S FIRST REQUESTS TO ADMIT, INTERROGATORIES, AND REQUESTS TO PRODUCE

NOW COMES Defendant Toni Flanigan ("Defendant"), by and through her attorneys,  
Murphy Sullivan Kronk, and hereby responds to Defendant Town of Victory's Requests to  
Admit, Interrogatories, and Requests to Produce in accordance with V.R.C.P. Rules 26, 33, and  
34.

### **Non-Waiver and Reservation of Objections**

**Defendant's responses and any objections made hereafter are made without in any way waiving or intending to waive, but on the contrary intending to reserve and reserving:**

All questions as to competency, relevancy, materiality, privilege, and admissibility as evidence for any purpose and subsequent proceeding in, or the hearing of, this proceeding, of any of the documents or their subject matter;

The right to object to the use of any of the documents, or their subject matter, in any subsequent proceeding in, or the hearing of, this action, on any grounds;

The right to object on any ground, at any time, to a demand for further production or responses involving or related to the subject matter or the requests for interrogatories;

The right, at any time, to revise, correct, add to, or clarify any of the responses and objections propounded herein;

The right to interpose additional responses and objections and to move for an appropriate protective order; and

The right to object to any inference that can be drawn from any discovery requests or responses to them, that the information requested actually exists or events occurred. The failure by Defendant to object to any such inference does not constitute an admission that the information exists or events occurred.

### **OBJECTIONS**

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1. The request would require Defendant or her witnesses to respond by divulging privileged material, confidential/proprietary material, and/or material prepared in anticipation of litigation or hearing by Defendant or her attorneys. Further, it has not been shown by the party making the request that there is a substantial need for such materials, and that they are unable, without undue hardship, to obtain the equivalent of the requested information by other means.
2. The request seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.
3. The request, when read with its definitions and general instructions, is vague, broad, general, all-inclusive and/or would require Defendant to speculate as to the information being sought. The request is therefore unduly burdensome and oppressive and does not permit a proper or reasonable response.

4. The request would require Defendant to conduct extensive document review, additional studies, analyses, and/or tests as part of her response.
5. The request is unreasonably cumulative or duplicative, and/or the information or documents requested are obtainable from other sources that are less burdensome or less expensive.
6. The request calls for a legal conclusion.
7. Defendant objects to the extent that the instructions and definitions given by the requesting party exceed the applicable rules of discovery.

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**REQUESTS TO ADMIT, INTERROGATORIES, AND PRODUCTION REQUESTS**

1. Please identify the person completing your Answers fully, giving the full name, date of birth, residence address, business address, occupation, and any position or title.

**RESPONSE:** Toni Flanigan.

2. Admit that you currently are a resident of the State of Connecticut. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents that establish or are related to your residency in another state.

**RESPONSE:** Objection, seeks a legal conclusion.

3. Admit that you have never been a resident of the State of Vermont. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents that establish or are related to your prior residency in Vermont.

**RESPONSE:** Objection, seeks a legal conclusion.

4. Admit that you have a Connecticut driver's license. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial.

**RESPONSE:** Admitted.

5. Admit that you have had a Connecticut Driver's License for at least the past six years. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial.

**RESPONSE:** Admitted.

6. Admit that you have never had a Vermont driver's license. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents that establish or are related to your Vermont driver's license.

**RESPONSE:** Admitted.

7. Admit that you pay income tax to the State of Connecticut. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial, and any documents related to your answer.

**RESPONSE:** Admitted.

8. Admit that you have paid income tax to the state of Connecticut for at least the past six years. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial. and any documents related to your answer.

**RESPONSE:** Admitted.

9. Admit that you do not pay income tax to the state of Vermont. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents that support your denial and any documents related to your answer.

**RESPONSE:** Admitted.

10. Admit that you have not paid income tax to the state of Vermont for the past six years. If your answer is anything other than a complete admission, please provide a detailed

narrative explaining your denial and any documents that support your denial and any documents related to your answer.

**RESPONSE:** Admitted.

11. Admit that your federal income tax forms filed with the Internal Revenue Service for tax years 2014, 2015 and 2016 list your address as Granby, Connecticut.

**RESPONSE:** Admitted.

12. Admit that you own residential property in Granby, Connecticut. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents related to your answer.

**RESPONSE:** Admitted.

13. Admit that you pay a residential property tax rate on your residence in Granby, Connecticut. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents related to your answer.

**RESPONSE:** Admitted.

14. Please state whether you receive or are eligible for property tax relief or similar property tax reduction for your Granby, Connecticut property. If you do receive such relief, please state how long you have received this relief. Please provide any documents related to this relief.

**RESPONSE:** Objection, irrelevant.

15. Admit that you own property at 2870 Victory Hill in Victory, Vermont. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents related to your answer.

**RESPONSE:** Admitted.

16. Admit that you do not pay the Vermont residential tax-rate on your Victory, Vermont property. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents related to your answer.

**RESPONSE:** Admitted.

17. Admit that you have not filed a homestead declaration for your property in Victory, Vermont. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents related to your answer.

**RESPONSE:** Admitted.

18. Admit that you or your agent has advertised your Victory house as being for sale within the past twelve months. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial.

**RESPONSE:** Admitted.

19. Admit that your Victory house remained advertised for sale as late as March of 2017. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial, including the exact dates during which the house was advertised for sale.

**RESPONSE:** Admitted.

20. Please produce all documents relating to the advertisement of the house, including a copy of any signs, internet postings, or other advertisements, as well as any emails, letters, or other correspondence between you and your real estate agent, and any documents indicating the commencement and termination or hiatus of such advertising efforts.

**RESPONSE:** Objection, unduly burdensome and irrelevant, Defendant has admitted the property was listed for a period of time but is now no longer listed for sale. Anything else has no bearing on this matter.

21. Admit that you currently work full-time and that your place of employment is in Connecticut, and that these facts have been consistently true for at least the past six years. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial, including dates and locations of employment for the past six years.

**RESPONSE:** Admitted.

22. Admit that the dwelling place that you normally leave from when you travel to work and that you return to after work is located in Connecticut. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents related to your answer.

**RESPONSE:** Admitted.

23. Admit that you do not intend to move from, or alter your principal dwelling place in Granby, Connecticut, within the next six months. If your answer is anything other than a complete admission, please provide a detailed narrative explaining the approximate date you plan to move to Victory or another location, whether your house in Connecticut is currently advertised for sale, what travel and moving arrangements you have made, whether you will retire from your job before moving to Victory or another location, and, if so, on what date and whether you have notified your employer of this retirement date.

**RESPONSE:** Admitted.



24. Admit that you plan to retire from your current job in Connecticut in approximately two years. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents related to your answer.

**RESPONSE:** Admitted.

25. Admit that your current plan is to make Victory your primary residence after you and/or your spouse retire. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents related to your answer.

**RESPONSE:** Admitted.

26. Admit that you do not currently receive the homestead property tax exemption on your house in Victory. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial.

**RESPONSE:** Objection, unclear, notwithstanding the forgoing objection, admitted that I have not declared my Victory property to be my homestead.

27. Admit that you have not received the homestead property tax exemption on your house in Victory at any time during the past six years. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial, including a list of the periods during which you received the homestead exemption.

**RESPONSE:** See Response to No. 26.

28. Admit that when you last filled out a voter registration form for the Town of Victory, you left blank the sections asking whether you are a resident of Vermont and asking whether have taken the Voter's Oath. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial.

**RESPONSE:** Admitted. Before submitting the form I spoke to the Secretary of State Elections office and I was told not to fill it out until we became full-time residents when we retire. They also told me I was eligible to vote in Victory.

29. Please describe the number of overnight stays you have spent at your house at 2870 Victory Hill in the Town of Victory over the last two years.

**RESPONSE:** We are there more than twice a month and stay over at least twice a month. Approximately 24 times and maybe more in the winter, along with my two boys.

30. Admit that you were physically present in Connecticut more than you are physically present in the Town of Victory over the last two years.

**RESPONSE:** Admitted.

31. Please list any benefits or services from the state of Vermont that you have used or availed yourself of in the past six years and how you used such benefits or services.

**RESPONSE:** Objection, unduly broad and burdensome, this could include driving on the interstate after it is plowed.

32. Please list all Vermont companies or private institutions (e.g., banks, law firms, etc.) that you current use or have used in the past six years and please describe how such companies or institutions were used.

**RESPONSE:** Objection, unduly broad and burdensome.

33. Please state the factual basis for your claim of residency in the Town of Victory, Vermont for the purposes of registering with the Town to vote in Victory elections. Please produce any documents that establish or are related to your claim.

**RESPONSE:** I am not registered to vote in any other town. My family has owned a home in Victory for decades. My father was the Head Selectman. We visit the property as often

as we can, but the noise from the kennel has made our more recent visits much less pleasant.

I intend to move Victory when I retire, which could happen within the next two years.

Dated at Granby, Ct this 19 day of June 2017.

Toni Flanigan  
Toni Flanigan

AS TO OBJECTIONS:

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Hans G. Huessy, Esq.  
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Attorneys for Defendant Toni Flanigan

as we can, but the noise from the kennel has made our more recent visits much less pleasant. I intend to move Victory when I retire, which could happen within the next two years.

Dated at \_\_\_\_\_, \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Toni Flanigan

AS TO OBJECTIONS:



\_\_\_\_\_  
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Attorneys for Defendant Toni Flanigan

# Robert Flanigan Jr's Answers

## 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. )

### **DEFENDANT ROBERT FLANIGAN, JR.'S RESPONSES TO DEFENDANT TOWN OF VICTORY'S FIRST REQUESTS TO ADMIT, INTERROGATORIES, AND REQUESTS TO PRODUCE**

**NOW COMES** Defendant Robert Flanigan, Jr. ("Defendant"), by and through his attorneys, Murphy Sullivan Kronk, and hereby responds to Defendant Town of Victory's Requests to Admit, Interrogatories, and Requests to Produce in accordance with V.R.C.P. Rules 26, 33, and 34.

ASK | MURPHY  
SULLIVAN  
KRONK

### **Non-Waiver and Reservation of Objections**

**Defendant's responses and any objections made hereafter are made without in any way waiving or intending to waive, but on the contrary intending to reserve and reserving:**

All questions as to competency, relevancy, materiality, privilege, and admissibility as evidence for any purpose and subsequent proceeding in, or the hearing of, this proceeding, of any of the documents or their subject matter;

The right to object to the use of any of the documents, or their subject matter, in any subsequent proceeding in, or the hearing of, this action, on any grounds;

The right to object on any ground, at any time, to a demand for further production or responses involving or related to the subject matter or the requests for interrogatories;

The right, at any time, to revise, correct, add to, or clarify any of the responses and objections propounded herein;

The right to interpose additional responses and objections and to move for an appropriate protective order; and

The right to object to any inference that can be drawn from any discovery requests or responses to them, that the information requested actually exists or events occurred. The failure by Defendant to object to any such inference does not constitute an admission that the information exists or events occurred.

### **OBJECTIONS**

**Defendant objects to these discovery requests to the extent that any request seeks information or documents that fall into one or more of the following categories:**

1. The request would require Defendant or his witnesses to respond by divulging privileged material, confidential/proprietary material, and/or material prepared in anticipation of litigation or hearing by Defendant or his attorneys. Further, it has not been shown by the party making the request that there is a substantial need for such materials, and that they are unable, without undue hardship, to obtain the equivalent of the requested information by other means.
2. The request seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.
3. The request, when read with its definitions and general instructions, is vague, broad, general, all-inclusive and/or would require Defendant to speculate as to the information being sought. The request is therefore unduly burdensome and oppressive and does not permit a proper or reasonable response.

4. The request would require Defendant to conduct extensive document review, additional studies, analyses, and/or tests as part of his response.
5. The request is unreasonably cumulative or duplicative, and/or the information or documents requested are obtainable from other sources that are less burdensome or less expensive.
6. The request calls for a legal conclusion.
7. Defendant objects to the extent that the instructions and definitions given by the requesting party exceed the applicable rules of discovery.

Subject to and without waiving any objection stated herein, Defendant responds to the Interrogatories as follows:

REQUESTS TO ADMIT, INTERROGATORIES, AND PRODUCTION REQUESTS

1. Please identify the person completing your Answers fully, giving the full name, date of birth, residence address, business address, occupation, and any position or title.

**RESPONSE:** Robert Flanigan, Jr.

2. Admit that you currently are a resident of the State of Connecticut. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents that establish or are related to your residency in another state.

**RESPONSE:** Objection, seeks a legal conclusion.

3. Admit that you have never been a resident of the State of Vermont. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents that establish or are related to your prior residency in Vermont.

**RESPONSE:** Objection, seeks a legal conclusion.

4. Admit that you have a Connecticut driver's license. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial.

**RESPONSE:** Admitted.

5. Admit that you have had a Connecticut Driver's License for at least the past six years. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial.

**RESPONSE:** Admitted.

6. Admit that you have never had a Vermont driver's license. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents that establish or are related to your Vermont driver's license.

**RESPONSE:** Admitted.

7. Admit that you pay income tax to the State of Connecticut. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial, and any documents related to your answer.

**RESPONSE:** Admitted.

8. Admit that you have paid income tax to the State of Connecticut for at least the past six years. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents related to your answer.

**RESPONSE:** Admitted.

9. Admit that you do not pay income tax to the State of Vermont. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents that support your denial and any documents related to your answer.

**RESPONSE:** Admitted.



10. Admit that you have not paid income tax to the State of Vermont for the past six years. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents that support your denial and any documents related to your answer.

**RESPONSE:** Admitted.

11. Admit that your federal income tax forms filed with the Internal Revenue Service for tax years 2014, 2015 and 2016 list your address as Granby, Connecticut.

**RESPONSE:** Admitted.

12. Admit that you own residential property in Granby, Connecticut. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents related to your answer.

**RESPONSE:** Admitted.

13. Admit that you pay a residential property tax rate on your residence in Granby, Connecticut. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents related to your answer.

**RESPONSE:** Admitted.

14. Please state whether you receive or are eligible for property tax relief or similar property tax reduction for your Granby, Connecticut property. If you do receive such relief, please state how long you have received this relief. Please provide any documents related to this relief.

**RESPONSE:** Objection, irrelevant.

15. Admit that you own property at 2870 Victory Hill in Victory, Vermont. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents related to your answer.

**RESPONSE:** Admitted.

16. Admit that you do not pay the Vermont residential tax-rate on your Victory, Vermont property. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents related to your answer.

**RESPONSE:** Admitted.

17. Admit that you have not filed a homestead declaration for your property in Victory, Vermont. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents related to your answer.

**RESPONSE:** Admitted.

18. Admit that you or your agent has advertised your Victory house as being for sale within the past twelve months. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial.

**RESPONSE:** Admitted.

19. Admit that your Victory house remained advertised for sale as late as March of 2017. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial, including the exact dates during which the house was advertised for sale.

**RESPONSE:** Admitted.

20. Please produce all documents relating to the advertisement of the house, including a copy of any signs, internet postings, or other advertisements, as well as any emails, letters, or

other correspondence between you and your real estate agent, and any documents indicating the commencement and termination or hiatus of such advertising efforts.

**RESPONSE:** Objection, unduly burdensome and irrelevant, Defendant has admitted the property was listed for a period of time but is now no longer listed for sale. Anything else has no bearing on this matter.

21. Admit that you currently work full-time and that your place of employment is in Connecticut, and that these facts have been consistently true for at least the past six years. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial, including dates and locations of employment for the past six years.

**RESPONSE:** Admitted.

22. Admit that the dwelling place that you normally leave from when you travel to work and that you return to after work is located in Connecticut. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents related to your answer.

**RESPONSE:** Admitted.

23. Admit that you do not intend to move from, or alter your principal dwelling place in Granby, Connecticut, within the next six months. If your answer is anything other than a complete admission, please provide a detailed narrative explaining the approximate date you plan to move to Victory or another location, whether your house in Connecticut is currently advertised for sale, what travel and moving arrangements you have made, whether you will retire from your job before moving to Victory or another location and, if so, on what date and whether you have notified your employer of this retirement date.

**RESPONSE:** Admitted.

24. Admit that you plan to retire from your current job in Connecticut in approximately two years. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents related to your answer.

**RESPONSE:** Admitted.

25. Admit that your current plan is to make Victory your primary residence after you retire. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents related to your answer.

**RESPONSE:** Admitted.

26. Admit that you do not currently receive the homestead property tax exemption on your house in Victory. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial.

**RESPONSE:** Objection, unclear, notwithstanding the forgoing objection, admitted that I have not declared my Victory property to be my homestead.

27. Admit that you have not received the homestead property tax exemption on your house in Victory at any time during the past six years. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial, including a list of the periods during which you received the homestead exemption.

**RESPONSE:** See Response to No. 26.

28. Admit that when you last filled out a voter registration form for the Town of Victory, you left blank the sections asking whether you are a resident of Vermont and asking whether have taken the Voter's Oath. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial.

**RESPONSE:** Admitted. Before submitting the form I spoke to the Secretary of State Elections office and I was told not to fill it out until we became full-time residents when we retire. They also told me I was eligible to vote in Victory.

29. Please describe the number of overnight stays you have spent at your house at 2870 Victory Hill in the Town of Victory over the last two years.

**RESPONSE:** We are there more than twice a month and stay over at least twice a month. Approximately 24 times and maybe more in the winter, along with my two boys.

30. Admit that you were physically present in Connecticut more than you are physically present in the Town of Victory over the last two years.

**RESPONSE:** Admitted.

31. Please list any benefits or services from the state of Vermont that you have used or availed yourself of in the past six years and how you used such benefits or services.

**RESPONSE:** Objection, unduly broad and burdensome, this could include driving on the interstate after it is plowed.

32. Please list all Vermont companies or private institutions (e.g., banks, law firms, etc.) that you currently use or have used in the past six years and please describe how such companies or institutions were used.

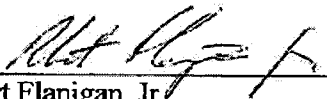
**RESPONSE:** Objection, unduly broad and burdensome.

33. Please state the factual basis for your claim of residency in the Town of Victory, Vermont for the purposes of registering with the Town to vote in Victory elections. Please produce any documents that establish or are related to your claim.

**RESPONSE:** I am not registered to vote in any other town. My wife's family has owned a home in Victory for decades. My father-in-law was the Head Selectman. We visit the

visit the property as often as we can, but the noise from the kennel has made our more recent visits much less pleasant. I intend to move Victory when I retire, which could happen within the next two years.

Dated at Greenville, Car this 16 day of June, 2017.

  
Robert Flanigan, Jr.

AS TO OBJECTIONS:

\_\_\_\_\_  
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Burlington, VT 05406-4485  
802-861-7000  
[hhuessy@mskvt.com](mailto:hhuessy@mskvt.com)

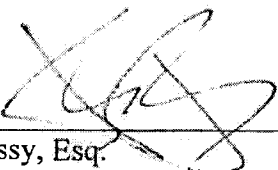
Attorneys for Defendant Robert Flanigan, Jr.

property as often as we can, but the noise from the kennel has made our more recent visits much less pleasant. I intend to move Victory when I retire, which could happen within the next two years.

Dated at \_\_\_\_\_, \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Robert Flanigan, Jr.

AS TO OBJECTIONS:

  
\_\_\_\_\_  
Hans G. Huessy, Esq.  
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Attorneys for Defendant Robert Flanigan, Jr.

# Brendan Flanigan's Answers

## 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. )

### **DEFENDANT BRENDAN FLANIGAN'S RESPONSES TO DEFENDANT TOWN OF VICTORY'S FIRST REQUESTS TO ADMIT, INTERROGATORIES, AND REQUESTS TO PRODUCE**

**NOW COMES** Defendant Brendan Flanigan ("Defendant"), by and through his attorneys, Murphy Sullivan Kronk, and hereby responds to Defendant Town of Victory's Requests to Admit, Interrogatories, and Requests to Produce in accordance with V.R.C.P. Rules 26, 33, and 34.

MSK | Murphy  
Sullivan  
Kronk



### Non-Waiver and Reservation of Objections

**Defendant's responses and any objections made hereafter are made without in any way waiving or intending to waive, but on the contrary intending to reserve and reserving:**

All questions as to competency, relevancy, materiality, privilege, and admissibility as evidence for any purpose and subsequent proceeding in, or the hearing of, this proceeding, of any of the documents or their subject matter;

The right to object to the use of any of the documents, or their subject matter, in any subsequent proceeding in, or the hearing of, this action, on any grounds;

The right to object on any ground, at any time, to a demand for further production or responses involving or related to the subject matter or the requests for interrogatories;

The right, at any time, to revise, correct, add to, or clarify any of the responses and objections propounded herein;

The right to interpose additional responses and objections and to move for an appropriate protective order; and

The right to object to any inference that can be drawn from any discovery requests or responses to them, that the information requested actually exists or events occurred. The failure by Defendant to object to any such inference does not constitute an admission that the information exists or events occurred.

### OBJECTIONS

**Defendant objects to these discovery requests to the extent that any request seeks information or documents that fall into one or more of the following categories:**

1. The request would require Defendant or his witnesses to respond by divulging privileged material, confidential/proprietary material, and/or material prepared in anticipation of litigation or hearing by Defendant or his attorneys. Further, it has not been shown by the party making the request that there is a substantial need for such materials, and that they are unable, without undue hardship, to obtain the equivalent of the requested information by other means.
2. The request seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.
3. The request, when read with its definitions and general instructions, is vague, broad, general, all-inclusive and/or would require Defendant to speculate as to the information being sought. The request is therefore unduly burdensome and oppressive and does not permit a proper or reasonable response.

4. The request would require Defendant to conduct extensive document review, additional studies, analyses, and/or tests as part of his response.
5. The request is unreasonably cumulative or duplicative, and/or the information or documents requested are obtainable from other sources that are less burdensome or less expensive.
6. The request calls for a legal conclusion.
7. Defendant objects to the extent that the instructions and definitions given by the requesting party exceed the applicable rules of discovery.

Subject to and without waiving any objection stated herein, Defendant responds to the Interrogatories as follows:

REQUESTS TO ADMIT, INTERROGATORIES, AND PRODUCTION REQUESTS

1. Please identify the person completing your Answers fully, giving the full name, date of birth, residence address, business address, occupation, and any position or title.

**RESPONSE:** Brendan Flanigan.

2. If different from Interrogatory # 1, please state your residence address and the residential addresses you have had over the past six years.

**RESPONSE:** I am 20 years-old and I live with my parents in Granby, CT.

3. Admit that you currently are a resident of the State of Connecticut. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents that establish or are related to your residency in another state.

**RESPONSE:** Objection, calls for a legal conclusion.

4. Admit that you have never been a resident of the State of Vermont. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents that establish or are related to your prior residency in Vermont.

**RESPONSE:** Objection, calls for a legal conclusion.

5. Admit that you have a Connecticut driver's license. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial.

**RESPONSE:** Admitted.

6. Admit that you have had a Connecticut Driver's License for at least the past six years. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial.

**RESPONSE:** Denied, I have not had my license for six years.

7. Admit that you have never had a Vermont driver's license. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents that establish or are related to your Vermont driver's license.

**RESPONSE:** Admitted.

8. Admit that you pay income tax to the State of Connecticut. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial, and any documents related to your answer.

**RESPONSE:** Admitted.

9. Admit that you have paid income tax to the state of Connecticut for at least the past six years. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents related to your answer.

**RESPONSE:** Denied. I have only filed taxes during the last three years.

10. Admit that you do not pay income tax to the state of Vermont. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents that support your denial and any documents related to your answer.

**RESPONSE:** Admitted.

11. Admit that you have not paid income tax to the state of Vermont for the past six years. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents that support your denial and any documents related to your answer.

**RESPONSE:** Admitted.

12. Admit that your federal income tax forms filed with the Internal Revenue Service for tax years 2014, 2015 and 2016 list your address as Granby, Connecticut.

**RESPONSE:** Admitted. I didn't work the year of 2014, I was still in high school.

13. Admit that you have either been gainfully employed, enrolled at a post-secondary education institution, or some combination of the two, for at least the past four years. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial.

**RESPONSE:** Admitted.

14. If you are or were enrolled at a post-secondary education institution, please identify the institution and please state whether you paid an in-state tuition rate. Please provide any documents that establish or are relevant to your answer.

**RESPONSE:** As to the document request, Objection, unduly broad and burdensome. I attend Manchester Community College part time and pay the normal tuition.

15. Admit that whenever you have been on school break, leave from work, or had other time off from work or school in the past four years, you have resided in Connecticut. If your answer to this request to admit is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents that establish or are relevant to your answer.

**RESPONSE:** Denied, I occasionally visit my family's property in Victory, Vermont when I have time off.

16. Admit that you do not own any property in Vermont. If your answer to this request to admit is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents that establish or are related to your answer.

**RESPONSE:** Admitted.

17. Admit that your sole connection to Victory, Vermont is that your parents own property in the town. If your answer to this request to admit is anything other than a complete admission, please provide a detailed narrative explaining your denial and any documents that establish or are related to your answer.

**RESPONSE:** Denied, not only do my parents own property there, we also visit the property as a family.

18. Admit that you have not stayed overnight at your parents' house at 2870 Victory Hill in the Town of Victory in at least the past four years. If your answer to this request to admit is anything other than a complete admission, please provide a list of the dates when you stayed at your parents' Victory house in the past four years.

**RESPONSE:** Denied, I have stayed at my family's property approximately 40 times over the last four years. I do not know the exact dates.

19. Admit that you do not intend to move to, or make or your principal dwelling place in, the Town of Victory or another location within the next six months. If your answer is anything other than a complete admission, please provide a detailed narrative explaining the approximate date you plan to move to Victory or another location, what travel and moving arrangements you have made, whether you will leave your job or school before moving to Victory or another location

and, if so, on what date and whether you have notified your employer or school of this termination date.

**RESPONSE:** Admitted.

20. Admit that you have not resided in the Town of Victory, whether at your parents' house at 2870 Victory Hill or elsewhere in the town, for any period of your life. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial, including a list of dates during which you lived at your parents' house or otherwise maintained a principal dwelling unit in Victory.

**RESPONSE:** Objection, what is meant by resided? As noted above I have visited and stayed at the property.

21. Admit that when you last filled out a voter registration form for the Town of Victory, you left blank the sections asking whether you are a resident of Vermont and asking whether have taken the Voter's Oath. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial.

**RESPONSE:** Admitted. Before I submitted the form my parents spoke to the Secretary of State Elections office and I was told not to fill it out until we became full-time residents when they retire. They also told my parents I was eligible to vote in Victory.

22. Admit that you are currently registered to vote in Connecticut. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial, including the date on which you were last registered to vote in Connecticut.

**RESPONSE:** Denied.

23. Admit that you voted in Connecticut in the 2016 General Election. If your answer is anything other than a complete admission, please provide a detailed narrative explaining your denial.

**RESPONSE:** Denied.

24. Please describe the number of overnight stays you have spent at your house at 2870 Victory Hill in the Town of Victory over the last two years.

**RESPONSE:** I stayed with my parents when they would go, about 20 times over the last two years.

25. Admit that you were physically present in Connecticut more than you are physically present in the Town of Victory over the last two years.

**RESPONSE:** Admitted.

26. Please list any benefits or services from the state of Vermont that you have used or availed yourself of in the past six years and how you used such benefits or services.

**RESPONSE:** Objection, unduly broad and burdensome, this could include driving on the interstate after it is plowed.

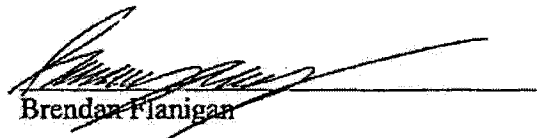
27. Please list all Vermont companies or private institutions (e.g., banks, law firms, etc.) that you currently use or have used in the past six years and please describe how such companies or institutions were used.

**RESPONSE:** Objection, unduly broad and burdensome.

28. Please state the factual basis for your claim of residency in the Town of Victory, Vermont for the purposes of registering with the Town to vote in Victory elections. Please produce any documents that establish or are related to your claim.

**RESPONSE:** I am not registered to vote in any other town. My family has owned a home in Victory for decades. My grandfather was on the Head Selectman. We visit the property as often as we can, but the noise from the kennel has made our more recent visits much less pleasant. My parents intend to move Victory when they retire which could happen within the next two years. I intend to visit them there and make that house my residence until I find another place where I intend to stay long term. I would have to go with my parents I can't afford to live on my own.

Dated at Granby, CT this 16 day of June<sup>BR</sup>, 2017.

  
Brendan Flanigan

AS TO OBJECTIONS:

\_\_\_\_\_  
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Attorneys for Defendant Brendan Flanigan

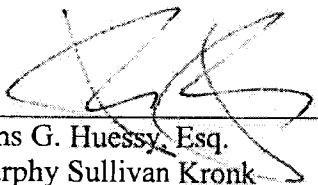


**RESPONSE:** I am not registered to vote in any other town. My family has owned a home in Victory for decades. My grandfather was the Head Selectman. We visit the property as often as we can, but the noise from the kennel has made our more recent visits much less pleasant. My parents intend to move Victory when they retire which could happen within the next two years. I intend to visit them there and make that house my residence until I find another place where I intend to stay long-term. I would have to go with my parents, I can't afford to live on my own.

Dated at \_\_\_\_\_, \_\_\_\_\_ this \_\_\_\_ day of July, 2017.

\_\_\_\_\_  
Brendan Flanigan

AS TO OBJECTIONS:

  
\_\_\_\_\_  
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Attorneys for Defendant Brendan Flanigan

PAYABLE TO:

MAIL TO:

# Town of Victory

P.O. Box 609  
North Concord, VT

This is the only bill you will receive. Please forward to new owner if property is sold.

## TAX BILL

(802) 328-2400

PARCEL ID	BILL DATE	TAX YEAR
10-17.	04/01/2015	2014

Taxes unpaid after the due date are delinquent. Maximum interest as allowable by law will be charge in addition to collectors fee of 3%. Postmarks are NOT accepted as timely payment.

Description: 10.10 ACRES & DWL

Location: 315 VICTORY RD

SPAN # 672-213-10287

SCL CODE: 213

TOTAL PARCEL ACRES

10.10

OWNER

FLANIGAN TONI  
FLANIGAN ROBERT  
24 WOODCLIFF DR  
GRANBY CT 06035

FOR INCOME TAX PURPOSES

ASSESSED VALUE		NON RESIDENTIAL	
REAL	142,600		142,600
TOTAL TAXABLE VALUE	142,600		142,600
GRAND LIST VALUES	1,426.00		1,426.00
For more information about how education tax rates are determined, go online to: <a href="http://www.state.vt.us/tax/pvredtaxrates.shtml">www.state.vt.us/tax/pvredtaxrates.shtml</a>		TAX RATE NAME	TAX RATE x GRAND LIST = TAXES
		GENERAL	0.1029 x1,426.00= 146.74
		HIGHWAY	0.1554 x1,426.00= 221.60
		NON RESIDENTIAL EDUCATION	1.4520 x1,426.00= 2070.55
1ST	08/15/2014	2ND	11/15/2014
PAYMENT	1219.45	PAYMENT	1219.44
		TOTAL TAX	2438.89
		STATE PAYMENTS	
		NET TAX DUE	2438.89

DETACH THE STUBS BELOW AND RETURN WITH YOUR PAYMENT

### Town of Victory TAX YEAR 2014

1ST PAYMENT DUE	
08/15/2014	
OWNER NAME	
FLANIGAN TONI	
PARCEL ID	
10-17.	
AMOUNT DUE	1219.45
AMOUNT PAID	

First half of your tax bill is due Aug.15, 2014 and second half due Nov. 15, 2014. 3% will be charged for delinquent taxes as of Nov. 16, 2014. Your bill can be paid in full at the Aug. or

### Town of Victory TAX YEAR 2014

2ND PAYMENT DUE	
11/15/2014	
OWNER NAME	
FLANIGAN TONI	
PARCEL ID	
10-17.	
AMOUNT DUE	1219.44
AMOUNT PAID	

First half of your tax bill is due Aug.15, 2014 and second half due Nov. 15, 2014. 3% will be charged for delinquent taxes as of Nov. 16, 2014. Your bill can be paid in full at the Aug. or

EXHIBIT

2

1