

COPY

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
SUPERIOR COURT DEPARTMENT

HAMPSHIRE, ss.

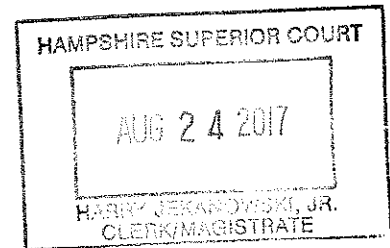
CIVIL ACTION NO. 1780CV00105

TIMOTHY R. FONDAKOWSKI,
Plaintiff

v.

PLANNING BOARD OF THE TOWN OF
WESTHAMPTON THROUGH ITS
MEMBERS MARK SHWALLIE, THOMAS
HATHAWAY, ROBERT TURNER, ROBERT
DRAGON, JR., COTTON TREE SERVICE,
INC., DODGE MAPLE GROVE FARM, LLC,
AND HAMPSHIRE SUPERIOR COURT,

Defendants



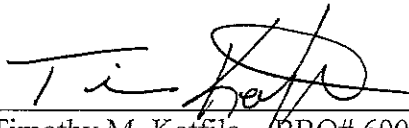
PLAINTIFF'S MOTION TO CHANGE VENUE AND REQUEST FOR HEARING

NOW COMES the Plaintiff, Timothy R. Fondakowski, and moves this court to change venue of the case to Hampden County. As grounds, the Hampshire Superior Court is a named defendant. It is therefore an inherent conflict of interest for this case to remain in Hampshire County.

Plaintiff further requests a hearing on this motion for the purpose of oral argument.

Dated: August 10, 2017

Respectfully submitted,
Timothy Fondakowski,
By his Attorneys,


Timothy M. Kotfila BBO# 600633
Richard T. Jordan BBO# 564502
Attorneys for Plaintiff
Kotfila & Jordan
One Monarch Place, Suite 1340
Springfield, Massachusetts 01144
Phone: 413-781-5399 or 736-0077
Facsimile: 413-736-3300

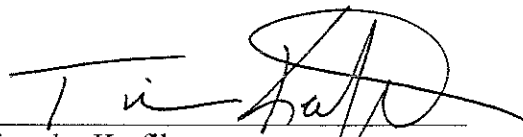
CERTIFICATE OF SERVICE

I, Timothy Kotfila, hereby certify that copies of this motion were served, via first class mail, postage prepaid, upon the following parties of record this 10th day of August, 2017:

Patrick J. Melnik, Sr., Esq.
Attorney for Cotton Tree Service, Inc.
110 King Street
Northampton, MA 01060

Jonathan D. Eichman, Esq.
Katherine D. Laughman, Esq.
KP Law, P.C.
Attorney for Planning Board for the Town of Westhampton
101 Arch Street, 12th Floor
Boston, MA 02110

Julie Daires, Assistant Attorney General
Office of the Attorney General
1350 Main Street, 4th Floor
Springfield, MA 01103-1629


Timothy Kotfila