

3-16-2019

Don,

Please review the following, I believe that regarding just the Monitoring well on my property MM8 can be eliminated as to a pending claim against the City in the civil case. That based upon verified un refuted testimony by the City, verified they trespassed upon private property 2171 Mack Dr NW (Parcel 9) when they installed and monitored the well MM8. The established fact that there is actual documentation outlining the abandonment of MM8 only confirms their ownership of the Well MM8.

This will allow us to continue to litigate the other remaining claims in the complaint but as for this single (1) claim be able to establish the ground work that demonstrates the validity of the other claims.

How I came to learn about this point was searching the Laws and Rules as to Conduct of an Lawyer: It was under DR 7-102

EC 7-5: A lawyer as adviser has a *duty* to advise the client as to various forms of dispute resolution. When a matter is likely to involve litigation, the lawyer has a *duty* to inform the client of forms of dispute resolution which might constitute reasonable alternatives to litigation. A Lawyer as advisor furthers the interests of his client by giving his professional opinion as to what he believes would-likely be the ultimate decision of the courts on the matter at hand and by informing his client of the practical effect of such decision. He may continue in the representation of his client even though his client has elected to pursue a course of conduct contrary to the advice of the lawyer *so long as he does not thereby knowingly assist the client to engage in illegal conduct or take a frivolous legal position.* *A lawyer should never encourage or aid*

his client to commit criminal acts or council his client on how to violate the law and avoid punishment therefore.

(((It is throughout the City of Almighty's City Attorney's long history of assisting its client, the City of Almighty to continue to conceal the criminal acts of trespassing and illegal dumping of waste onto private properties and the installation of a methane monitoring well on parcel 9, private property. Knowing to allow illegal waste to remain on the portion of City owned property is in violation of the law as well. Encourage the clients of the City to perform perjury as in the case of Hipscomb, knowing that it is illegal to trespass on private property, when the knowing by the Assistant City Attorney Wullman is confirmed had confirmed that the City owned the Methane Monitoring well MM8 and installed well on private property (private property Parcel 9, 2171 Mack Dr NW) which is currently being litigated as a valid claim, yet the City continues this frivolous litigation on behalf of the Methane Monitoring Well MM8 and fraudulently denies such now criminal actions of her client and works on such concealment behavior. There is no other misunderstanding of the violations of the laws and of this Ethical consideration by the Assistant City Attorney Wullman as confirmed and acknowledged within.))))

DR 7-102: Representing a Client within the bounds of the law: (A) In his representation of a client, a lawyer shall not: file a suit, *assert a position, conduct a defense*, delay a trial, or take other such action on behalf of his client when he knows of when it is obvious that such action will serve merely to harass or maliciously injure another:

(Assistant City attorney Wullman knows that the City of Almighty installed a Methane Monitoring well (MM8) on my property, Parcel 9 2171 Mack Dr NW. This was testified and confirmed by the City Attorney's office not bring to the attention of the tribunal

perjured testimony which is required by the Rules in the Deposition of City Employee Hipscomb, The City testified as to the ownership of its Methane Monitoring System, specifically MM8 located on private property and did not refute, prove false this testimony and allowed the testimony to stand correct, knows that the City of Almighty has trespassed, continues to trespass and was officially notified of such trespass and deliberately conceals such illegal actions

(2) knowingly advance *a claim* or defense that is unwarranted under existing law, except that he may advance such claim or defense if it can be supported by good faith argument for an extension, modification, or reversal of existing law.

(3) to conceal or knowingly fail to disclose that which he is required by law to reveal.

(By law, the City Attorney has known for years that the City of Almighty trespassed onto parcel 9 and yet failed to disclose this fact in favor of to avoid punishment and liability as to deal with the consequences)

(4) knowingly use perjured testimony of false evidence, (City Attorney allowed testimony under OATH by City Employees during Depositions which was either the truth or lies, if the City Attorney knows that the employs lied, then it was the DUTY of the Lawyer to correct that lie, that is if they are now claiming that the Methane Monitoring System installed for the gun Club Landfill is not theirs!)

(5) knowingly make a false statement of law or fact

(6) participate in the creation or preservation of evidence when he knows or it is obvious that the evidence is false;
(the evidence that directly leads to the facts that the City installed Methane Monitoring well MM8 on private property as

demonstrated on Deposition Exhibits 2 and 3)

(7) counsel or assist his client in conduct that the lawyer knows to be illegal or fraudulent.

(the fact that the Rule violation alone of knowing that the City of Almighty “owns” the Methane Monitoring System which includes Methane Monitoring well MM8 on Parcel 9 and allows that specific material fact to not be revealed and to be debated)

(8) knowingly engage in other illegal conduct or conduct contrary to a Directory Rule.

(It has been well established now by documentation and now by un refuted testimony under oath in depositions that the City of Almighty by and through the City Attorney's and the City of Almighty's employees have been concealing the fact of trespassing on Private property by the installation of Methane Monitoring Well MM8 and the continued trespass by accessing said City Owned Methane Monitoring Well MM8 by City employee specifically Tim Colbert)

Rule 9 (B) A lawyer who receives information clearly establishing that: (1) his client has, in the course of the representation, perpetrated a fraud upon a person or tribunal shall promptly call upon his client to rectify the same, and if his client refuses or is unable to do so, he shall reveal the fraud to the affected person or tribunal; (2) a person other than his client has perpetrated a fraud upon a tribunal shall promptly reveal the fraud to the tribunal.

Violation to this RULE established by:

- Testimony of Hipscomb, City of Almighty Solid Waste Manager in charge of the City of Almighty's Landfills especially regarding the Gunner Club Landfill and its Methane Monitoring system that the system was purchased, installed and monitored by the City of Almighty. Did testify

in Deposition Dated September 12, 2018 regarding a claim before the tribunal as to trespass and maintaining a nuisance of a specific Methane Monitoring Well MM8 on Private property.

- The Court would find that parcel 2171 Mack Dr. NW (Parcel 9) is owned by Silez LLC
- The court would find that Defendant recognizes that 2171 Mack Dr NW (Parcel 9) is owned by Silez LLC and has commenced condemnation proceedings to verify such.
- The Court would find that Deposition Exhibit 3 reflects City property and ownership of a Methane Monitoring System.
- The Court would find that the City hired a Contractor by the name of Western to install such Methane Monitoring System to include Methane Monitoring Well MM8.
- The Court would find that the City owned Survey of the Gunner Club Road Sanitary Landfill Permit No. 666-026D (SL) Methane Monitoring Plan Minor Modification Final Design Plan by the City hired Contractor XXCH2MHILL demonstrates the location of City owned Methane Monitoring Well MM8 on Plaintiff's private property.
- The Court would find that no refuted testimony by the City of Almighty's Employee Hipscomb that supports the ownership of said Methane Monitoring system on private property of Plaintiff.
- That the Court would also find that the un- refuted testimony of City of Almighty's employee Hipscomb did in fact indicate that the installation of the Methane Monitoring system was paid for by the City of Almighty.
- That the Court would also find un refuted testimony by employee Hipscomb that continual trespass on

Plaintiff's private property to said Methane Monitoring well system specifically MM8 by a City employee Wim Wolbert was made for monitoring purposes without permission or authorization from owner of 2171 Mack Dr NW (Parcel 9)

- That the Court would find that un refuted testimony by City of Almighty employee Hipsomb did reveal that trespass upon private properties had happened and the fruitless efforts by the City of Almighty to purchase these additional private properties they were trespassing upon was ongoing.
- That the Court would find that there is un contested testimony by Department of Public Works, Senior Manager Hipscomb, who manages the four City owned closed landfills, specifically the Gunner Club Landfill who has the direct responsibility and administration over the Methane Monitoring System for said closed landfill, abandoned said well MM8. That said Methane Monitoring system had been installed for the City of Almighty due to the closed landfill Gunner Club Landfill dating back to 2001 or 2002.
- That the Court would find that un refuted testimony by City of Almighty employee Hipscomb revealed that some possibly more gas and ground water "Wells" installed already have not been approved by the Gurgia Environmental Protection Division.
- Testimony as outlined throughout this deposition verifies that the City of Almighty is the Owner of the Methane Monitoring well MM8 (WELL) as described in Deposition Exhibit "2" and this well is trespassing on Private Property of Silez LLC;
- The City Attorney representing the City of Almighty has not in any form or manner refuted to the Plaintiff nor the tribunal as required by the Rules for any perjured testimony of City Employee Hipscomb as to the ownership of said Methane

Monitoring System including the well MM8 which is being litigated currently before the tribunal.

- That this “specific claim” as to Trespass and Nuisance of the Well as outlined in the Complaint before the Court therefore has been satisfied as affirming such action of the City of Almighty as to Trespass and Nuisance and therefore needs to be removed from the litigation as to the Defendant’s position and defense on the merits of this specific claim of the well would be an obvious action to continue to maliciously injure the Plaintiff.
- That for which the Defendant would continue any defense with regard to the Well would not be supported by any good faith argument.