

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT DEPT.
C.A. NO. 2003-1949

ROBERT F. CASEY, JR., RITA A. CASEY,)
DAVID McCOY, AMY McCOY,)
GERARD HALL, and BEVERLY SMITH,)
)
Plaintiffs,)

v.)

MICHAEL GOULIAN,)
EXECUTIVE FLYERS AVIATION, INC.,)
CENTER OF MASS AEROBATICS, LLC,)
KENT G. CHRISTMAN,)
STEVE S. PENNYPACKER, AND)
PETER E. BOCON,)
)
Defendants.)

**AMENDED
COMPLAINT AND
CLAIM FOR TRIAL BY JURY**

Now come the named plaintiffs and state the following as their complaint pursuant to *Rule 8(a) of the Rules of Civil Procedure*.

OVERVIEW

This is an action by homeowners from Ayer, Groton, and North Chelmsford to enjoin and recover damages for the low altitude, prolonged, and repeated aerobatic and non-aerobatic flights over the Plaintiffs’ homes that interfere with the enjoyment of their homes, cause great annoyance, cause great distress, and pose a safety risk.

PARTIES

1. The Plaintiff Robert F. Casey, Jr. is an individual with a residential address of 92 Washington Street, Ayer, Massachusetts.
2. The Plaintiff Rita A. Casey is an individual with a residential address of 92 Washington Street, Ayer, Massachusetts.

3. The Plaintiff David McCoy is an individual with a residential address of 187 Old Groton Road, Ayer, Massachusetts.
4. The Plaintiff Amy McCoy is an individual with a residential address of 187 Old Groton Road, Ayer, Massachusetts.
5. The Plaintiff Gerard Hall is an individual with a residential address of 34 Lovett Lane, Chelmsford, Massachusetts.
6. The Plaintiff Beverly Smith is an individual with a residential address of 435 Old Ayer Road, Groton, Massachusetts.
7. The Defendant Michael Goulian (hereinafter referred to as “Goulian”) is an individual with a residential address of 898 Massachusetts Avenue, Arlington, Massachusetts.
8. The Defendant Executive Flyers Aviation, Inc. (hereinafter referred to as “EFA”) is a Massachusetts corporation doing business at 200 Hanscom Drive Terminal Building, Bedford, Massachusetts.
9. The Defendant Center of Mass Aerobatics, LLC (hereinafter referred to as “CMA”) is a Limited Liability Company organized under the laws of the Commonwealth of Massachusetts doing business at 45 R.C. Kelley Street Cambridge, Massachusetts.
10. The Defendants Kent G. Christman (hereinafter referred to as “Christman”) is an individual with a residential address of 45 Kelley Street Cambridge, Massachusetts.
11. Steve S. Pennypacker (hereinafter referred to as “Pennypacker”) is an individual.
12. Peter E. Bocon (hereinafter referred to as “Bocon”) is an individual.

FACTS

13. Goulian, Christman, Bocon, and Pennypacker are aerobatic pilots.
14. EFA owns aerobatic aircraft, operates aerobatic aircraft, and instructs aerobatic pilots. EFA owns non-aerobatic aircraft, operates non-aerobatic aircraft, and instructs non-aerobatic pilots.
15. CMA owns and operates an aerobatic aircraft.
16. Robert Casey, Rita Casey, David McCoy and Amy McCoy are long-time residents of Ayer, Massachusetts. Gerard Hall is a long-time resident of North Chelmsford, Massachusetts. Beverly Smith is a long-time resident of Groton, Massachusetts.

17. Until the late 1990's, the Plaintiffs had enjoyed the use of their homes free of repeated low altitude aircraft flights.
18. In the late 1990's, Goulian, Pennypacker, Christman, Bocon, EFA, and CMA began flying their aircraft over the Plaintiffs' homes in Ayer, Groton, and North Chelmsford, Massachusetts.
19. Goulian, Pennypacker, Christman, Bocon, EFA, and CMA did and continue to do lengthy aerobatic flights near and about the Plaintiffs' homes.
20. These flights last up to forty-five (45) minutes in length and involve numerous dives, buzzes, and other violent maneuvers at low altitudes over the Plaintiffs' homes.
21. These low altitude aerobatic flights create loud and distressing noise that is heard within and without the Plaintiffs' homes.
22. These low altitude aerobatic flights are done over the Plaintiffs' homes located in a congested area of homes, residences, businesses, schools, churches, hospitals, and nursing homes.
23. These low altitude aerobatic flights are done over and near above-ground oil and gasoline storage tanks placing Plaintiffs in risk of harm from an accident.
24. These flights needlessly disturb and endanger the Plaintiffs.
25. The Plaintiffs have repeatedly in writing requested Goulian, Pennypacker, Bocon, Christman, EFA, and CMA to cease their disturbing and dangerous activities.
26. Goulian, Pennypacker, Bocon, Christman, EFA, and CMA have refused to cease their disturbing and dangerous flights.
27. The Plaintiffs Robert F. Casey, Jr. and Rita A. Casey have expended large sums in an attempt to soundproof their home from the noise created by the Defendants. The noise is so great that it penetrates the soundproofing.
28. Goulian, Pennypacker, Bocon, Christman, EFA, and CMA continue to engage in these disturbing and dangerous flights and give all indications of continuing said flights into the future.
29. Goulian, Pennypacker, Bocon, Christman, EFA, and CMA have engaged in these disturbing and dangerous flights with knowledge that said flights did greatly disturb, upset, and interfere with the Plaintiffs' quiet use and enjoyment of their homes. The

noise created by the Defendants prevents the Plaintiffs from carrying out their usual activities. It disturbs the Plaintiffs in their usual activities inside and outside of their homes.

30. Goulian, Pennypacker, Bocon, Christman, EFA, and CMA have engaged in these flights at times from dawn to dusk on weekdays and weekends.
31. Goulian, Pennypacker, Bocon, Christman, EFA, and CMA's disturbing and dangerous flights have caused Plaintiffs to undergo medical and psychological treatment at great expense.
32. Pilots other than the Defendants have been notified that their flights over Ayer, Groton, and North Chelmsford, Massachusetts, disturbed the Plaintiffs and other residents. Many pilots voluntarily desisted from these flights. Goulian, Pennypacker, Bocon, Christman, EFA, and CMA refuse to desist.
33. EFA, its instructors, student pilots, and lessees have engaged in non-aerobatic flights over Plaintiffs' homes at very low altitudes with repeated passes over the Plaintiffs' homes. Many flights have been so low that the Plaintiffs feared impact by the aircraft. These flights create loud and disturbing noise that disturb the Plaintiffs.

COUNT I

(Nuisance - Robert F. Casey, Jr. Against the Defendant Michael Goulian)

34. The Plaintiff Robert F. Casey, Jr. realleges Paragraphs 1 through 33 and incorporates them herein by reference.
35. The Plaintiff Robert F. Casey, Jr. has incurred large sums of money in an attempt to soundproof his home. The noise created by the Defendant Michael Goulian is so loud that it penetrates the soundproofing.
36. The Plaintiff Robert F. Casey, Jr. seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Robert F. Casey, Jr. demands judgment of the Defendant Michael Goulian for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT II

(Nuisance - Robert F. Casey, Jr. Against the Defendant Executive Flyers Aviation, Inc.)

37. The Plaintiff Robert F. Casey, Jr. realleges Paragraphs 1 through 33 and incorporates them herein by reference.
38. The Plaintiff Robert F. Casey, Jr. has incurred large sums of money in an attempt to

soundproof his home. The sounds created by the Defendant Executive Flyers Aviation, Inc. is so loud that it penetrates the soundproofing.

39. The Plaintiff Robert F. Casey, Jr. seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Robert F. Casey, Jr. demands judgment of the Defendant Executive Flyers Aviation, Inc. for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT III
(Nuisance - Robert F. Casey, Jr. Against the Defendant
Center of Mass Aerobatics, LLC)

40. The Plaintiff Robert F. Casey, Jr. realleges Paragraphs 1 through 33 and incorporates them herein by reference.
41. The Plaintiff Robert F. Casey, Jr. has incurred large sums of money in an attempt to soundproof his home. The sounds created by the Defendant Center of Mass Aerobatics, LLC is so loud that it penetrates the soundproofing.
42. The Plaintiff Robert F. Casey, Jr. seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Robert F. Casey, Jr. demands judgment of the Defendant Center of Mass Aerobatics, LLC for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT IV
(Nuisance - Robert F. Casey, Jr. Against the Defendant Kent G. Christman)

43. The Plaintiff Robert F. Casey, Jr. realleges Paragraphs 1 through 33 and incorporates them herein by reference.
44. The Plaintiff Robert F. Casey, Jr. has incurred large sums of money in an attempt to soundproof his home. The sounds created by the Defendant Kent G. Christman is so loud that it penetrates the soundproofing.
45. The Plaintiff Robert F. Casey, Jr. seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Robert F. Casey, Jr. demands judgment of the Defendant Kent G. Christman for nuisance for general and special damages with interest, costs, attorneys

fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT V

(Nuisance - Robert F. Casey, Jr. Against the Defendant Steve S. Pennypacker)

46. The Plaintiff Robert F. Casey, Jr. realleges Paragraphs 1 through 33 and incorporates them herein by reference.
47. The Plaintiff Robert F. Casey, Jr. has incurred large sums of money in an attempt to soundproof his home. The sounds created by the Defendant Steve S. Pennypacker is so loud that it penetrates the soundproofing.
48. The Plaintiff Robert F. Casey, Jr. seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Robert F. Casey, Jr. demands judgment of the Defendant Steve S. Pennypacker for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT VI

(Nuisance - Robert F. Casey, Jr. Against the Defendant Peter E. Bocon)

49. The Plaintiff Robert F. Casey, Jr. realleges Paragraphs 1 through 33 and incorporates them herein by reference.
50. The Plaintiff Robert F. Casey, Jr. has incurred large sums of money in an attempt to soundproof his home. The sounds created by the Defendant Peter E. Bocon is so loud that it penetrates the soundproofing.
51. The Plaintiff Robert F. Casey, Jr. seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Robert F. Casey, Jr. demands judgment of the Defendant Peter E. Bocon for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT VII

(Nuisance - Rita A. Casey Against the Defendant Michael Goulian)

52. The Plaintiff Rita A. Casey realleges Paragraphs 1 through 33 and incorporates them herein by reference.

53. The Plaintiff Rita A. Casey has incurred large sums of money in an attempt to soundproof her home. The noise created by the Defendant Michael Goulian is so loud that it penetrates the soundproofing.
54. The Plaintiff Rita A. Casey seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Rita A. Casey demands judgment of the Defendant Michael Goulian for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT VIII

(Nuisance - Rita A. Casey Against the Defendant Executive Flyers Aviation, Inc.)

55. The Plaintiff Rita A. Casey realleges Paragraphs 1 through 33 and incorporates them herein by reference.
56. The Plaintiff Rita A. Casey has incurred large sums of money in an attempt to soundproof her home. The sounds created by the Defendant Executive Flyers Aviation, Inc. is so loud that it penetrates the soundproofing.
57. The Plaintiff Rita A. Casey seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Rita A. Casey demands judgment of the Defendant Executive Flyers Aviation, Inc. for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT IX

(Nuisance - Rita A. Casey Against the Defendant Center of Mass Aerobatics, LLC)

58. The Plaintiff Rita A. Casey realleges Paragraphs 1 through 33 and incorporates them herein by reference.
59. The Plaintiff Rita A. Casey has incurred large sums of money in an attempt to soundproof her home. The sounds created by the Defendant Center of Mass Aerobatics, LLC is so loud that it penetrates the soundproofing.
60. The Plaintiff Rita A. Casey seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Rita A. Casey demands judgment of the Defendant Center of Mass Aerobatics, LLC for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT X
(Nuisance - Rita A. Casey Against the Defendant Kent G. Christman)

61. The Plaintiff Rita A. Casey realleges Paragraphs 1 through 33 and incorporates them herein by reference.
62. The Plaintiff Rita A. Casey has incurred large sums of money in an attempt to soundproof her home. The sounds created by the Defendant Kent G. Christman is so loud that it penetrates the soundproofing.
63. The Plaintiff Rita A. Casey seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Rita A. Casey demands judgment of the Defendant Kent G. Christman for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT XI
(Nuisance - Rita A. Casey Against the Defendant Steve S. Pennypacker)

64. The Plaintiff Rita A. Casey realleges Paragraphs 1 through 33 and incorporates them herein by reference.
65. The Plaintiff Rita A. Casey has incurred large sums of money in an attempt to soundproof her home. The sounds created by the Defendant Steve S. Pennypacker is so loud that it penetrates the soundproofing.
66. The Plaintiff Rita A. Casey seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Rita A. Casey demands judgment of the Defendant Steve S. Pennypacker for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT XII
(Nuisance - Rita A. Casey Against the Defendant Peter E. Bocon)

67. The Plaintiff Rita A. Casey realleges Paragraphs 1 through 33 and incorporates them herein by reference.
68. The Plaintiff Rita A. Casey has incurred large sums of money in an attempt to soundproof her home. The sounds created by the Defendant Peter E. Bocon is so loud that it penetrates the soundproofing.
69. The Plaintiff Rita A. Casey seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Rita A. Casey demands judgment of the Defendant Peter E. Bocon for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT XIII
(Nuisance - David McCoy Against the Defendant Michael Goulian)

70. The Plaintiff David McCoy realleges Paragraphs 1 through 33 and incorporates them herein by reference.
71. The Plaintiff David McCoy seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff David McCoy demands judgment of the Defendant Michael Goulian for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT XIV
(Nuisance - David McCoy Against the Defendant Executive Flyers Aviation, Inc.)

72. The Plaintiff David McCoy realleges Paragraphs 1 through 33 and incorporates them herein by reference.
73. The Plaintiff David McCoy seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff David McCoy demands judgment of the Defendant Executive Flyers Aviation, Inc. for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT XV
(Nuisance - David McCoy Against the Defendant Center of Mass Aerobatics, LLC)

74. The Plaintiff David McCoy realleges Paragraphs 1 through 33 and incorporates them herein by reference.
75. The Plaintiff David McCoy seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff David McCoy demands judgment of the Defendant Center of Mass Aerobatics, Inc. for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT XVI

(Nuisance - David McCoy Against the Defendant Kent G. Christman)

76. The Plaintiff David McCoy realleges Paragraphs 1 through 33 and incorporates them herein by reference.
77. The Plaintiff David McCoy seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff David McCoy demands judgment of the Defendant Kent G. Christman for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT XVII

(Nuisance - David McCoy Against the Defendant Steve S. Pennypacker)

78. The Plaintiff David McCoy realleges Paragraphs 1 through 33 and incorporates them herein by reference.
79. The Plaintiff David McCoy seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff David McCoy demands judgment of the Defendant Steve S. Pennypacker for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT XVIII

(Nuisance - David McCoy Against the Defendant Peter E. Bocon)

80. The Plaintiff David McCoy realleges Paragraphs 1 through 33 and incorporates them herein by reference.
81. The Plaintiff David McCoy seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff David McCoy demands judgment of the Defendant Peter E. Bocon for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT XIX
(Nuisance - Amy McCoy Against the Defendant Michael Goulian)

- 82. The Plaintiff Amy McCoy realleges Paragraphs 1 through 33 and incorporates them herein by reference.
- 83. The Plaintiff Amy McCoy seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Amy McCoy demands judgment of the Defendant Michael Goulian for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT XX
(Nuisance - Amy McCoy Against the Defendant Executive Flyers Aviation, Inc.)

- 84. The Plaintiff Amy McCoy realleges Paragraphs 1 through 33 and incorporates them herein by reference.
- 85. The Plaintiff Amy McCoy seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Amy McCoy demands judgment of the Defendant Executive Flyers Aviation, Inc. for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT XXI
(Nuisance - Amy McCoy Against the Defendant Center of Mass Aerobatics, LLC)

- 86. The Plaintiff Amy McCoy realleges Paragraphs 1 through 33 and incorporates them herein by reference.
- 87. The Plaintiff Amy McCoy seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Amy McCoy demands judgment of the Defendant Center of Mass Aerobatics, LLC for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT XXII
(Nuisance - Amy McCoy Against the Defendant Kent G. Christman)

88. The Plaintiff Amy McCoy realleges Paragraphs 1 through 33 and incorporates them herein by reference.
89. The Plaintiff Amy McCoy seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Amy McCoy demands judgment of the Defendant Kent G. Christman for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT XXIII
(Nuisance - Amy McCoy Against the Defendant Steve S. Pennypacker)

90. The Plaintiff Amy McCoy realleges Paragraphs 1 through 33 and incorporates them herein by reference.
91. The Plaintiff Amy McCoy seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Amy McCoy demands judgment of the Defendant Steve S. Pennypacker for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT XXIV
(Nuisance - Amy McCoy Against the Defendant Peter E. Bocon)

92. The Plaintiff Amy McCoy realleges Paragraphs 1 through 33 and incorporates them herein by reference.
93. The Plaintiff Amy McCoy seeks money damages for each disturbing low altitude flight

past, present, and future.

WHEREFORE, the Plaintiff Amy McCoy demands judgment of the Defendant Peter E. Bocon for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT XXV
(Nuisance - Gerard Hall Against the Defendant Michael Goulian)

94. The Plaintiff Gerard Hall realleges Paragraphs 1 through 33 and incorporates them herein by reference.
95. The Plaintiff Gerard Hall seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Gerard Hall demands judgment of the Defendant Michael Goulian for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT XXVI
(Nuisance - Gerard Hall Against the Defendant Executive Flyers Aviation, Inc.)

96. The Plaintiff Gerard Hall realleges Paragraphs 1 through 33 and incorporates them herein by reference.
97. The Plaintiff Gerard Hall seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Gerard Hall demands judgment of the Defendant Executive Flyers Aviation, Inc. for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT XXVII
(Nuisance - Gerard Hall Against the Defendant Center of Mass Aerobatics, LLC)

98. The Plaintiff Gerard Hall realleges Paragraphs 1 through 33 and incorporates them herein by reference.

99. The Plaintiff Gerard Hall seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Gerard Hall demands judgment of the Defendant Center of Mass Aerobatics, Inc. for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT XXVIII
(Nuisance - Gerard Hall Against the Defendant Kent G. Christman)

100. The Plaintiff Gerard Hall realleges Paragraphs 1 through 33 and incorporates them herein by reference.
101. The Plaintiff Gerard Hall seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Gerard Hall demands judgment of the Defendant Kent G. Christman for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT XXIX
(Nuisance - Gerard Hall Against the Defendant Steve S. Pennypacker)

102. The Plaintiff Gerard Hall realleges Paragraphs 1 through 33 and incorporates them herein by reference.
103. The Plaintiff Gerard Hall seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Gerard Hall demands judgment of the Defendant Steve S. Pennypacker for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT XXX
(Nuisance - Gerard Hall Against the Defendant Peter E. Bocon)

104. The Plaintiff Gerard Hall realleges Paragraphs 1 through 33 and incorporates them herein by reference.

105. The Plaintiff Gerard Hall seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Gerard Hall demands judgment of the Defendant Peter E. Bocon for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT XXXI

(Nuisance - Beverly Smith Against the Defendant Michael Goulian)

106. The Plaintiff Beverly Smith realleges Paragraphs 1 through 33 and incorporates them herein by reference.

107. The Plaintiff Beverly Smith seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Beverly Smith demands judgment of the Defendant Michael Goulian for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT XXXII

(Nuisance - Beverly Smith Against the Defendant Executive Flyers Aviation, Inc.)

108. The Plaintiff Beverly Smith realleges Paragraphs 1 through 33 and incorporates them herein by reference.

109. The Plaintiff Beverly Smith seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Beverly Smith demands judgment of the Defendant Executive Flyers Aviation, Inc. for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT XXXIII

(Nuisance - Beverly Smith Against the Defendant Center of Mass Aerobatics, LLC)

110. The Plaintiff Beverly Smith realleges Paragraphs 1 through 33 and incorporates them

herein by reference.

111. The Plaintiff Beverly Smith seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Beverly Smith demands judgment of the Defendant Center of Mass Aerobatics, LLC for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT XXXIV

(Nuisance - Beverly Smith Against the Defendant Kent G. Christman)

112. The Plaintiff Beverly Smith realleges Paragraphs 1 through 33 and incorporates them herein by reference.
113. The Plaintiff Beverly Smith seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Beverly Smith demands judgment of the Defendant Kent G. Christman for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT XXXV

(Nuisance - Beverly Smith Against the Defendant Steve S. Pennypacker)

114. The Plaintiff Beverly Smith realleges Paragraphs 1 through 33 and incorporates them herein by reference.
115. The Plaintiff Beverly Smith seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Beverly Smith demands judgment of the Defendant Steve S. Pennypacker for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

COUNT XXXVI

(Nuisance - Beverly Smith Against the Defendant Peter E. Bocon)

116. The Plaintiff Beverly Smith realleges Paragraphs 1 through 33 and incorporates them herein by reference.
117. The Plaintiff Beverly Smith seeks money damages for each disturbing low altitude flight past, present, and future.

WHEREFORE, the Plaintiff Beverly Smith demands judgment of the Defendant Peter E. Bocon for nuisance for general and special damages with interest, costs, attorneys fees, with an order pursuant to *M.G.L. Chapter 243 §5*.

RITA A. CASEY, DAVID McCOY,
AMY McCOY, GERARD HALL, and
BEVERLY SMITH,
By their Attorney,

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THE PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL ISSUES.

Dated: May _____, 2003
DOCS\CASEY.AIR\COMPLAIN.AMD