

STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

SUPERIOR COURT
DOCKET NO.:

COREY R. LEWANDOWSKI,
Individually and d/b/a REAGAN'S ROCK, LLC
Plaintiff

v.

GLENN SCHWARTZ and IRENE SCHWARTZ
Defendants

COMPLAINT

INTRODUCTION

This is an action for damages sustained by the Plaintiff as a direct result of a breach of an easement, among other violations, by the Defendants.

PARTIES

1. The Plaintiff, Corey R. Lewandowski, is a natural person who is a resident of Windham, Rockingham County, New Hampshire, residing at 21 Emerson Road in that town.
2. The Plaintiff, Corey R. Lewandowski d/b/a as Reagan's Rock, LLC is a duly registered LLC in the State of New Hampshire and rightful owner of the waterfront property at 15 Emerson Road, Windham, Rockingham County, New Hampshire, also known as Lot 25-G-110.
3. The Defendant, Glenn Schwartz, is a natural person who is a resident of Windham, Rockingham County, New Hampshire, residing at 11 Emerson Road in that town.
4. The Defendant, Glenn Schwartz, is a natural person who is a resident of Windham, Rockingham County, New Hampshire, residing at 11 Emerson Road in that town.

STATEMENT OF FACTS

5. The statements contained in Paragraphs 1 through 4 above are hereby reinstated, re-alleged and incorporated herein by reference.
6. Plaintiff owns the property located at 21 Emerson Road, Windham,

RECEIVED
ROCKINGHAM
SUPERIOR COURT
2017 JUN 30 P 1:45

AN & SULLIVAN
RNEYS AT LAW
AILROAD SQ.
SUITE 405
ILL, MA 01830
78) 521-6801
78) 521-2949

Rockingham County, New Hampshire.

7. Plaintiff also owns the waterfront property with a cottage thereon abutting 21 Emerson Road.
8. The waterfront property is "landlocked" with no access to the road, except by way of an easement on the Defendants' property. Said easement is dated June 1, 2015 and recorded at the Rockingham County Registry of Deeds, Book 5626, Page 2753.
9. Prior to the Defendants building their house, Plaintiff's waterfront property had access to the road passing in front of the Defendants' property and past another property to the street by way of an old easement.
10. Defendants had to make an easement for Plaintiff's waterfront property and another waterfront property before they could get approval to build on their property.
11. This easement is for both waterfront properties and is their only access to the main road.
12. Plaintiff applied for and received approval to build a garage on his property to benefit his main property and his waterfront property. A copy of the Proposed Garage Plan recorded with the Town Windham is attached hereto as Exhibit 1.
13. In order to build this garage, the Plaintiff needs access through the easement.
14. The Defendants have denied him access by blocking the easement with their car and posting no trespassing signs, and personally confronting the Plaintiff and contractors.
15. In addition, they have threatened Plaintiff's contractors with criminal charges if they came on the easement.
16. Over the course of the past several months, the Defendants have systematically reduced the width of the easement by laying telephone poles on one side and planting bushes on the other side.

ALLEGATIONS

COUNT I BREACH OF EASEMENT

17. The statements contained in Paragraphs 1 through 17 above are hereby restated, re-alleged and incorporated herein by reference.

18. By blocking access of the Plaintiff and his contractors to the to the easement needed to reach the waterfront property, the Defendants have breached the easement granted to the Plaintiff and his corporation.
19. This breach has unnecessarily caused the Plaintiff harm in delays and additional costs due to rescheduling and the costs of litigation.

WHEREFORE, the Plaintiff demands judgment against the Defendants, Glenn Schwartz and Irene Schwartz, for all damages sustained by the Plaintiff, including interest, attorney's fees and costs of this action.

COUNT II
BREACH OF QUIET ENJOYMENT

20. The statements contained in Paragraphs 1 through 19 above are hereby restated, re-alleged and incorporated herein by reference.
21. By blocking access to the easement leading to the waterfront property, the Defendants have denied Plaintiff quiet enjoyment of his properties at 21 and 15 Emerson Road.

WHEREFORE, the Plaintiff demands judgment against the Defendants, Glenn Schwartz and Irene Schwartz, for all damages sustained by the Plaintiff, including interest, attorney's fees and costs of this action.

COUNT III
NEGLIGENCE

22. The statements contained in Paragraphs 1 through 21 above are hereby restated, re-alleged and incorporated herein by reference.
23. The Defendants' negligent interpretation of the easement has unnecessarily caused the Plaintiff harm in delays and additional costs due to rescheduling of contracted work and the costs of litigation.

WHEREFORE, the Plaintiff demands judgment against the Defendants, Glenn Schwartz and Irene Schwartz, for all damages sustained by the Plaintiff, including interest, attorney's fees and costs of this action.

COUNT IV
INTERFERENCE WITH PROPERTY RIGHTS

24. The statements contained in Paragraphs 1 through 23 above are hereby restated, re-alleged and incorporated herein by reference.
25. The Defendants' actions of blocking access to the easement leading to the

waterfront property at 15 Emerson Road has interfered with the Plaintiff's rights to that property, both individually and owner of the corporation, Reagan's Rock, LLC.

WHEREFORE, the Plaintiff demands judgment against the Defendants, Glenn Schwartz and Irene Schwartz, for all damages sustained by the Plaintiff, including interest, attorney's fees and costs of this action.

COUNT V
EMOTIONAL DISTRESS

26. The statements contained in Paragraphs 1 through 25 above are hereby restated, re-alleged and incorporated herein by reference.
27. The Defendants' actions of blocking access and forcing the Plaintiff to litigate this issue, and incur additional expenses due to delays and legal costs, has caused the Plaintiff great emotional distress.

WHEREFORE, the Plaintiff requests that the Defendants be permanently restrained from blocking, hindering or in any way reducing the Plaintiff's right of access to the easement, and demands judgment against the Defendants, Glenn Schwartz and Irene Schwartz, for all damages sustained by the Plaintiff, including interest, attorney's fees and costs of this action.

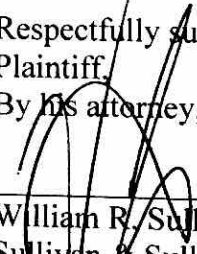
CLAIM FOR JURY TRIAL

Plaintiff hereby exercises his right to trial before a jury of his peers.

WHEREFORE, the Plaintiff requests this Honorable Court find for the Plaintiff in the amount of \$5,000,000.00 plus attorney's fees and costs.

Dated: June 29, 2017

Respectfully submitted,
Plaintiff,
By his attorney,



William R. Sullivan, Jr.
Sullivan & Sullivan
25 Railroad Square, Suite 405
Haverhill, MA 01832
(978) 521-6801