

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT

Merrimack County

Merrimack Superior Court

Leonard Giles, Trustee of Leonard L. Giles Revocable Trust of 2000

v

David Lidstone
217-2016-CV-00523

ORDER

Defendant David Lidstone appeared in court this morning.

He has not purged the civil contempt.

Mr. Lidstone point blank refused to obey the court's permanent injunction. He said that he would return to the property as soon as he is released. He said that he would either live on the property in violation of the permanent injunction or live in jail.

Mr. Lidstone is not interested in being connected up with VA services or any other type of social service. He was quite adamant about that.

The court inquired of plaintiff's counsel as to the status of defendant's animals (which have all been fed and cared for) and personal property (which is being safeguarded). The court expects that plaintiffs will continue to exercise due diligence with respect to plaintiff's animals and property.

THEREFORE:

1. Mr. Lidstone remains in civil contempt. He continues to possess the keys to jail house. All he need do to gain release is agree to abide by the court's permanent injunction. **If he indicates to jail staff that he will comply with the permanent injunction, the jail shall notify the court so that an immediate hearing may be scheduled.**
2. **Mr. Lidstone shall remain in jail pending another hearing next week to determine whether he is willing to purge the contempt.** Although he may have an earlier hearing upon demand (see above), scheduling daily or bi-weekly hearings will serve no purpose.
3. The court will release defendant from confinement at the earliest of any of these three events:
 - A. When defendant verbally agrees to comply with the permanent injunction; or
 - B. When Plaintiff demolishes defendant's non-conforming structure (as required by the Town authorities). If the structure is removed, this may eliminate any incentive for the defendant to return to this particular piece of property; or

C. When 30 days (which period may be extended only for good cause) have passed since the issuance of this order. The court believes that the structure can be demolished and removed within 30 days. The court understands that the structure is located a mile deep in the woods and that heavy equipment must be brought in to remove the debris. The court also understands that many contractors are busy and overbooked. However, the court will not keep Mr. Lidstone in jail any longer than required. Plaintiff must act with speed and diligence if it wants the court to keep Mr. Lidstone in jail until either (a) he agrees to comply with the court's orders or (b) the structure is removed. If plaintiff incurs some additional costs, so be it.

D. The court does not presently refer this matter to the county attorney for a possible criminal contempt prosecution.

E. If the parties agree to a survey at the defendant's expense, the court certainly does not stand in their way. While it is true that a survey will not affect the enforceability of the judgment, it may give the defendant peace of mind.

July 21, 2021



Andrew R. Schulman,
Presiding Justice