



Portfolio Media. Inc. | 230 Park Avenue, 7th Floor | New York, NY 10169 | www.law360.com
Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

Conn. Couple, Cos. Clash In Waterfront Access Suit

By **Isaac Monterose**

Law360 (August 15, 2024, 6:58 PM EDT) -- A married couple and several companies are battling in Connecticut state court over the companies' motion to personally examine two related Bridgeport properties and other areas in the couple's waterfront access suit.

On Wednesday, Davidson Williams and Barbara Williams objected to the motion to view the relevant properties in their August 2021 suit against Green Power Ventures LLC, 141 Anchorage LLC, Edward Stern, Amy Stern and Keith J. Manca Building LLC.

The Williamses allege in their suit that the defendants' construction activity at 141 and 145 Anchorage Drive blocked their access to an easement that provides access to a local waterfront. They urged the trial court to order the companies to stop their construction and get rid of any structures that are blocking the couple's access to the easement.

In September 2023, a Connecticut appellate court **granted** a new trial in the Williamses' suit, determining that the trial court siding with the defendants wrongfully restricted the easement to foot travel.

The Williamses argued on Wednesday that the defendants were just trying "to snooker or attempt to impress the court" by showing off 145 Anchorage Drive's multimillion dollar redevelopment. Additionally, according to the Williamses, the defendants built a waterfront property at 141 Anchorage Drive that the couple claims is worth \$10 million.

"Respectfully, there is no need for the court to view the property to see the transformation," the Williamses argued. "The pictures and the witnesses can and will tell it all."

The Williamses also pointed to case law examples of Connecticut courts denying motions for property viewings such as a Connecticut state court's November 2007 decision in *Capodagli v. Boyden Estates LLC*, which was a property dispute. In the *Capodagli* decision, the court determined that a property viewing was unnecessary for making a ruling for the suit.

The defendants filed their motion to view the properties on July 19 and asked the court to conduct a viewing for 145 Anchorage Drive, 141 Anchorage Drive and other relevant areas in the suit.

The defendants want the Anchorage Drive properties, the easement, a related locked gate across from the easement and the waterfront viewed by the court while the counsel for both sides are present. According to the defendants, an in-person viewing is necessary for truly understanding the legal dispute between them and the Williamses.

"Plaintiffs' primary argument seems to be that their ability to use their easement to launch boats and conduct other water-related activities has been unreasonably interfered with by the defendants' construction," the defendants said. "However, even a brief glance at the area of 145 Anchorage where it meets the water will clearly indicate that such uses are unreasonable."

In a Wednesday reply to the Williamses' opposition, the defendants slammed their allegation that the goal of the requested property viewing is to show off.

"First and foremost, plaintiffs' assertion that defendants' motion is a 'blatant attempt to snooker or attempt to impress the court with [their] wealth' is both absurd and offensive," the defendants argued. "For plaintiffs to fire off such a personal attack in the opening sentence to their objection to a

simple judicial site visit to view the property in question is inappropriate and unprofessional from a legal perspective, as well as troubling from a personal perspective."

In further defense of their bid for a viewing of the property, the defendants noted that the Williamses have conceded that the gate blocking their access to the easement and the waterfront is the focus of their claims.

"Given the circumstances, it is inherently reasonable for the court to conduct a brief site visit to walk and view the property in question," the defendants alleged.

In a Thursday statement to Law360, the married couple's counsel, Eric D. Grayson, said his clients' opposition to the property viewing request "speaks for itself."

"For 90 years, Lot 13, which is now 145 Anchorage Drive, remained 'open' so all of the easement holders including my clients could access the waterfront for swimming, boating, fishing and other water related pursuits as well as picnicking," Grayson said. "It is my clients' view that it is just plain wrong to put up a fence with a two-and-a-half foot 'pedestrian gate' and claim that it complies with the wording of a near 100-year grant of easement that provided the lot 'shall remain open as a right of way.'"

"My clients are committed to protecting their rights," Grayson added.

The defendants' counsel, Colin B. Connor, told Law360 that a property viewing is "inherently reasonable" due to the subject of the suit.

"More information is always going to be better in these kinds of things, and the specific situation of the property itself in terms of where it's located and its geography, for lack of a better word, is important given the arguments at play," he also said.

The Williamses are represented by Eric D. Grayson of Grayson & Associates PC.

The defendants are represented by Colin B. Connor of Russo & Rizio LLC.

The case is Williams, Davidson et al. v. Green Power Ventures LLC et al., case number FBT-CV21-6109667-S, in the Fairfield Judicial District of the Connecticut Superior Court at Bridgeport.

--Editing by Peter Rozovsky.