



Material facts are in dispute as to all these factual issues; summary judgment is therefore inappropriate. V.R.C.P. 56(c)(3). For all of these reasons, both requests for summary judgment are DENIED.\*

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|                         | October 6, 2008 |
| Thomas S. Durkin, Judge | Date            |

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 Date copies sent to: \_\_\_\_\_ Clerk's Initials \_\_\_\_\_

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 C. Daniel Hershenson, attorney for Appellant Beverly Grimes  
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 For Informational Purposes Only, Natural Resources Board/LU Panel  
 (c/o Melanie Kehne, Esq.)

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\* Appellee Carsons' memorandum in opposition to Appellant's summary judgment motion contains a request that the Court enter summary judgment in Appellees' favor on the legal issues of whether the complained-of shed is a change that is material to or regulated by the previously-issued permit. Because material facts are in dispute, and for the reasons noted above, we conclude it inappropriate at this time to enter the requested summary rulings.