

# Exhibit 1

**STATE OF VERMONT  
PROFESSIONAL RESPONSIBILITY BOARD**

In Re THOMAS MELONE,  
(Thomas Melone, Respondent)

PRB File No. 120-2025

**SUBPOENA**

**TO: MICHAEL F. HANLEY, 82 Fogg Farm Road, White River Junction, VT 05001**

**YOU ARE COMMANDED** to appear at the place, date, and time set forth below to produce the following documents, electronically stored information:

1. All e-mails, memoranda, text messages, electronic messages that support your statement in Exhibit 1 to this subpoena that “16. Mr. and Ms. Grabowski-Shaikh and their predecessors in title and interest have used the real property that is the subject of this litigation under a claim of ownership in a manner that was and is open, notorious, continuous and hostile for a period in excess of 15 years.”
2. All e-mails, memoranda, text messages, electronic messages that support your statement in Exhibit 1 to this subpoena that “17. Mr. Zillian and/or his predecessors in title acquiesced in Mr. and Ms. Grabowski-Shaikh’s use, and/or their predecessors’ use, of the real property that is the subject of this litigation under a claim of ownership for a period in excess of 15 continuous years.”
3. All e-mails, memoranda, text messages, electronic messages that support your statement in Exhibit 1 to this subpoena that “18. Mr. and Ms. Grabowski-Shaikh and their predecessors in title and interest have maintained a garden on the real property that is the subject of this litigation for a period in excess of 15 continuous years.”
4. All e-mails, memoranda, text messages, electronic messages that support your statement in Exhibit 1 to this subpoena that “19. Mr. and Ms. Grabowski-Shaikh and their predecessors in title and interest have parked motor vehicles on the real property that is the subject of this litigation for a period in excess of 15 continuous years.”
5. All e-mails, memoranda, text messages, electronic messages that support your statement in Exhibit 1 to this subpoena that “20. Agents of Mr. and Ms. Grabowski-Shaikh and their predecessors in title have used the real property that is the subject of this litigation to store dumpsters, equipment, supplies and portable toilets for a period in excess of 15 continuous years.”
6. All e-mails, memoranda, text messages, electronic messages that support your statement in Exhibit 1 to this subpoena that “21. Mr. and Ms. Grabowski-Shaikh and their predecessors in title, and/or their agents, have removed snow and leaves from

the real property that is the subject of this litigation for a period in excess of 15 continuous years.”

7. All e-mails, memoranda, text messages, electronic messages that support your statement in Exhibit 1 to this subpoena that “22. Mr. Zillian and his predecessors in title have not used, attempted to use, possessed or attempted to possess the real property that is the subject of this litigation for more than 15 continuous years.”

**Place, date and time:** 141 Main Street, Montpelier, Vermont 05602 on March 24, 2026 10:00 A.M. This SUBPOENA permits you to deliver the requested documents electronically to [Thomas.melone@allcous.com](mailto:Thomas.melone@allcous.com) by March 24, 2026 at 10:00AM instead of appearing in person.

The Vermont Rules of Civil Procedure require that every subpoena set forth the text of subdivisions (c) and (d) of the Rule.

**WARNING: FAILURE BY ANY PERSON WITHOUT ADEQUATE EXCUSE TO OBEY A SUBPOENA SERVED UPON THAT PERSON MAY BE DEEMED IN CONTEMPT OF COURT**

This SUBPOENA is issued pursuant to the authority under Vermont Rule of Civil Procedure 45 and VT. A.O.9 RULE 19A dated this 24<sup>th</sup> of February 2026.

By:   
Thomas Melone (BAR No. 5456)



## Information for the Person Served with the Subpoena

### Vermont Rule of Civil Procedure 45. Subpoena

#### (c) Protection of Persons Subject to Subpoenas.

**(1)** A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court for which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

**(2) (A)** A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

**(B)** Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to the requested production or to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court for which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

**(3) (A)** On timely motion, the court for which a subpoena was issued shall quash or modify the subpoena if it

**(i)** fails to allow reasonable time for compliance;

**(ii)** requires a resident of this state to travel to attend a deposition more than 50 miles one way unless the court otherwise orders; requires a nonresident of this state to travel to attend a deposition at a place more than 50 miles from the place of service unless another convenient place is fixed by order of court, or

**(iii)** requires disclosure of privileged or other protected matter and no exception or waiver applies, or

**(iv)** subjects a person to undue burden.

**(B)** If a subpoena

**(i)** requires disclosure of a trade secret or other confidential research, development, or commercial information, or

**(ii)** requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

**(iii)** requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 50 miles one way to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the

subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) Duties in Responding to Subpoena.**

**(1) (A)** A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

**(B)** If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

**(C)** A person responding to a subpoena need not produce the same electronically stored information in more than one form.

**(D)** A person responding to a subpoena need not provide discovery of electronically stored information from sources that the party identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(1). The court may specify conditions for the discovery.

**(2) (A)** When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**(B)** If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

VRCP 45 last updated December 10, 2019, effective March 2, 2020.

# EXHIBIT 1



7. Admitted that the language in italics contained in paragraph seven is contained in the deed from Mr. and Ms. Nassal to Mr. Zillian. All other allegations of paragraph seven are DENIED.
8. Admitted that Mr. and Ms. Grabowski-Shaikh purchased real property commonly known as 4 Pleasant Street in Woodstock from Janice Clunan on December 22, 2016 and that Ms. Clunan purchased the same real property from Jireh Billings and Natalie Billings on October 15, 2006. All other allegations of paragraph eight are DENIED.
9. DENIED.
10. DENIED.
11. Admitted that Mr. and Ms. Grabowski-Shaikh and their predecessors in title have used the real property that is the subject of this litigation under a claim of ownership for a period in excess of 15 consecutive years. All other allegations of paragraph 11 are DENIED.
12. Admitted that Mr. and Ms. Grabowski-Shaikh and their predecessors in title have used the real property that is the subject of this litigation under a claim of ownership for a period in excess of 15 consecutive years. All other allegations of paragraph 12 are DENIED.
13. DENIED.
14. Admitted that Mr. and Ms. Grabowski-Shaikh and their predecessors in title have used the real property that is the subject of this litigation under a claim of ownership for a period in excess of 15 consecutive years. All other allegations of paragraph 14 are DENIED.

15. Admitted that Mr. Windish wrote a letter dated October 25, 2023. All other allegations of paragraph 15 are DENIED.
16. DENIED.
17. DENIED.
18. Please see the defendants' answers to paragraphs one through 17 above.
19. DENIED.
20. Please see the defendants' answers to paragraphs one through 19 above.
21. Admitted that Mr. and Ms. Grabowski-Shaikh and their predecessors in title have used the real property that is the subject of this litigation under a claim of ownership for a period in excess of 15 consecutive years. All other allegations of paragraph 21 are DENIED.
22. DENIED.

#### **AFFIRMATIVE DEFENSES**

1. Mr. Zillian's claims are barred by a statute of limitations. 12 V.S.A. § 501 requires that an action for the recovery of lands, or the possession thereof, shall not be maintained unless commenced within 15 years after the cause of action first accrued to the plaintiff or those under whom he or she claims. Mr. Zillian and/or those under whom he claims failed to commence an action within 15 years after the cause of action first accrued.
2. Mr. Zillian's claims are barred by a statute of limitations. 12 V.S.A. § 511 requires that a civil action for economic loss shall be commenced within six years after the cause of action accrues and not thereafter. Mr. Zillian and/or those under whom he claims failed to commence an action for economic loss within six years after the cause of action first

accrued.

3. Mr. Zillian's claims are barred by a statute of limitations. 12 V.S.A. § 512 requires that a civil action for injuries to the person suffered by the act or default of another shall be commenced within three years after the cause of action accrues and not thereafter. Mr. Zillian failed to commence an action for trespass within three years after the cause of action first accrued.
4. Laches.
5. Waiver.
6. Estoppel.
7. Failure to state a claim upon which relief can be granted.
8. Insufficiency of process.
9. Failure to join a party or parties required by V.R.Civ.P. 19.

**COUNTERCLAIM FOR DECLARATORY JUDGMENT**  
**21 V.S.A. §§ 4711, *ET SEQ.***

1. Asim Grabowski-Shaikh and Cara Grabowski-Shaikh own real property in Woodstock commonly known as 4 Pleasant Street.
2. Mr. and Ms. Grabowski-Shaikh own the record marketable title in the fee simple absolute to all of 4 Pleasant Street, including that portion of the real property claimed by James Zillian.
3. James Zillian owns real property in Woodstock commonly known as 2 Pleasant Street.
4. Mr. and Ms. Grabowski-Shaikh's real property and Mr. Zillian's real property share a common boundary.

5. Mr. and Ms. Grabowski-Shaikh's real property is east of Mr. Zillian's real property. Mr. Zillian's real property is west of Mr. and Ms. Grabowski-Shaikh's real property.
6. Mr. and Ms. Grabowski-Shaikh acquired all of Janice Clunan's right, title and interest in and to the real property commonly known as 4 Pleasant Street, together with all privileges and appurtenances, by virtue of a deed from Ms. Clunan to Mr. and Ms. Grabowski-Shaikh dated December 22, 2016 recorded on January 6, 2017 in Book 258, Pages 236-238 of the land records of the Town of Woodstock.
7. Ms. Clunan acquired all of Jireh Billings and Natalie Billings' right, title and interest in and to the real property commonly known as 4 Pleasant Street, together with all privileges and appurtenances, by virtue of a deed from Mr. and Ms. Billings to Ms. Clunan dated October 16, 2006 and recorded on October 17, 2006 in Book 201, Page 118-119 the land records of the Town of Woodstock.
8. Mr. and Ms. Billings acquired all of The Woodstock Foundation's right, title and interest in and to the real property commonly known as 4 Pleasant Street, together with all privileges and appurtenances, by virtue of a deed dated February 20, 1998 and recorded on February 21, 1998 in Book 129, Page 569-570 of the land records of the Town of Woodstock.
9. The Woodstock Foundation acquired all of Eagle Properties, Inc.'s right, title and interest in and to the real property commonly known as 4 Pleasant Street, together with all privileges and appurtenances, by virtue of a deed dated December 31, 1996 and recorded on January 2, 1997 in Book 125, Page 562 of the land records of the Town of Woodstock.
10. Mr. Zillian acquired William Nassal and Cynthia Nassal's interest in the real property

commonly known as 2 Pleasant Street by virtue of a deed dated February 18, 2021 and recorded in the land records of the Town of Woodstock.

11. Mr. and Ms. Nassal acquired Ann Debevoise's interest in the real property commonly known as 2 Pleasant Street by virtue of a deed dated April 2, 2020 and recorded in the land records of the Town of Woodstock.
12. Ann Debevoise acquired all of Eagle Properties, Inc.'s interest in the real property commonly known as 2 Pleasant Street by virtue of Eagle Properties, Inc.'s deed dated December 1, 1999 and recorded in the land records of the Town of Woodstock.
13. Eagle Properties, Inc. is one of Mr. and Ms. Grabowski-Shaikh's predecessors in title and one of Mr. Zillian's predecessors in title.
14. The western boundary of 4 Pleasant Street and the eastern boundary of 2 Pleasant Street are delineated by a row of mature trees planted substantially more than 15 years ago.
15. The western boundary of 4 Pleasant Street and the eastern boundary of 2 Pleasant Street are also delineated by plants and shrubs planted substantially more than 15 years ago.
16. Mr. and Ms. Grabowski-Shaikh and their predecessors in title and interest have used the real property that is the subject of this litigation under a claim of ownership in a manner that was and is open, notorious, continuous and hostile for a period in excess of 15 years.
17. Mr. Zillian and/or his predecessors in title acquiesced in Mr. and Ms. Grabowski-Shaikh's use, and/or their predecessors' use, of the real property that is the subject of this litigation under a claim of ownership for a period in excess of 15 continuous years.
18. Mr. and Ms. Grabowski-Shaikh and their predecessors in title and interest have maintained a garden on the real property that is the subject of this litigation for a period in

excess of 15 continuous years.

19. Mr. and Ms. Grabowski-Shaikh and their predecessors in title and interest have parked motor vehicles on the real property that is the subject of this litigation for a period in excess of 15 continuous years.
20. Agents of Mr. and Ms. Grabowski-Shaikh and their predecessors in title have used the real property that is the subject of this litigation to store dumpsters, equipment, supplies and portable toilets for a period in excess of 15 continuous years.
21. Mr. and Ms. Grabowski-Shaikh and their predecessors in title, and/or their agents, have removed snow and leaves from the real property that is the subject of this litigation for a period in excess of 15 continuous years.
22. Mr. Zillian and his predecessors in title have not used, attempted to use, possessed or attempted to possess the real property that is the subject of this litigation for more than 15 continuous years.
23. If Mr. Zillian had inspected the real property that is the subject of this litigation before the date he purchased real property from Mr. and Ms. Nassal, February 18, 2021, Mr. Zillian would have seen the row of trees and shrubs which delineates the boundary between the parties real property and he would have seen that Mr. and Ms. Grabowski-Shaikh were using the real property that is the subject of this litigation as their own and he would have known, or should have known, that Mr. and Ms. Grabowski-Shaikh claimed the property as their own.

WHEREFORE, pursuant to the Vermont Declaratory Judgment Act, 4 V.S.A. §§ 4711, *et seq.*, Mr. and Ms. Grabowski-Shaikh ask this Court to declare that:

1. The boundary between 4 Pleasant Street and 2 Pleasant Street in Woodstock is delineated by a row of trees and by the gardens separating the properties;
2. Mr. Zillian and his predecessors in title and interest failed to pursue an action for the recovery of lands, or for the possession thereof, within the time required by 12 V.S.A. § 501;
3. Mr. Zillian and his predecessors in title and interest failed to pursue a civil action for economic injury within the time required by 12 V.S.A. § 511;
4. Mr. Zillian failed to pursue a civil action for injury to the person within the time required by 12 V.S.A. § 512;
5. Any claims by Mr. Zillian for legal or equitable relief are barred by the doctrine of laches;
6. Any claims by Mr. Zillian for legal or equitable relief were waived by Mr. Zillian and/or his predecessors in title or interest;
7. Mr. Zillian is estopped from making any claims for legal and equitable relief;
8. Mr. and Ms. Grabowski-Shaikh and/or their predecessors in interest and title have used the disputed property as their own in a manner that is open, notorious, continuous and hostile for a period in excess of 15 consecutive years;
9. Mr. Zillian and/or his predecessors in interest and title have acquiesced to the Mr. and Ms. Grabowski-Shaikh's use, and/or the defendants' predecessors' use, of the disputed property as their own for a period in excess of 15 consecutive years;
10. Mr. and Mrs. Grabowski-Shaikh are the legal and equitable owners in fee simple absolute of the real property claimed by Mr. Zillian;

11. Mr. Zillian is not entitled to injunctive relief; and enter judgment for Asim Grabowski-Shaikh and Cara Grabowski-Shaikh, and against James Zillian, and grant Mr. and Ms. Grabowski-Shaikh such other relief as is just and equitable.

**ASIM GRABOWSKI-SHAIKH AND CARA GRABOWSKI-SHAIKH DEMAND TRIAL BY JURY.**

Dated: August 21, 2024.

ASIM GRABOWSKI-SHAIKH and  
CARA GRABOWSKI-SHAIKH

By: /s/Michael F. Hanley  
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