

Triangle Recreation Camp



Canonica Lawsuit Sub Committee Final Report
Craig Maynard, Chair **June 2016**

Introduction and Background

Scott Alan ("Preston") Canonica became a seasonal member of TRC in 2005, and occupied site 500. Preston built a 200 sq. ft. structure on the site shortly after. In 2007, Preston was elected to the board of directors, and in January 2013, was appointed to the vacant position of VP of Development. Following the controversy over the development of the eastern expansion and lower lower, Preston did not seek election of the VP position. In the fall of 2014, Preston let it be known that he intended to sell his structure and that he would not return to TRC. Preston's membership lapsed in May 2015. TRC granted Preston a one-year medical leave to arrange his affairs, or return as a member. Efforts in 2015 to sell the structure failed.

Lawsuit Commenced

On October 14, 2015, Preston's lawyer notified TRC that Preston intended to sue TRC, and in order to avoid a lawsuit, TRC should pay Preston \$27,500, (where TRC would retain structure). The allegations against TRC included misleading Preston about the structure's compliance with county rules on its use and intentional interference on attempts to sell the structure. Consequently, TRC retained a law firm in the event of a lawsuit.

On December 14, 2014, Preston's agents attempted to serve notice of his intent to sue TRC. The notice was eventually deemed to have been served. However, TRC did not learn about the notice and did not respond. The Washington State Superior Court granted a default judgement. TRC responded by having the court set the default judgement aside. Consequently, TRC began preparing for a trial.

At the September 19, 2015 Board meeting, it authorized an offer of \$7,500 to settle the lawsuit. On December 22, 2015, Canonica countered with an offer of \$22,500. There was no agreement to settle.

Incidental Events

Incidental to the mechanics of the lawsuit, in the winter of 2015/2016, TRC's executive committee learned of communications by Preston to some its members. Consequently, it began to monitor Preston's public Facebook pages. The committee initially suspected that Preston was attempting to harass TRC into settling. However as the posts continued, the committee concluded that there was actually a mental health issue that was also in play. Furthermore, following Preston's repeated and unexplainable appearances at TRC in April 2016, it obtained a no trespass order. Further still, our lawyer called the police to his office when Preston appeared on the street and began shouting at the office in early June 2016.

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Disposition of the Lawsuit

By June 2016, Preston's lawyer had withdrawn from representing him. Preston had not responded to TRC's questions, which are typical for respondents in a lawsuit. Consequently, TRC sought and obtained a summary judgement from the court on June 3, 2016, where the court dismissed the case against TRC and awarded it court costs (which are estimated to be \$100).

The committee concluded that of some significance in the judgement, the court declared that, to the extent that any of Preston's were not dismissed, his damages are limited to the amount of his membership fee (\$100) as provided in the membership agreement that he signed. Further analysis of this statement is required. However in the interim, the committee believes that it can say with confidence that a Washington State Superior court has found that, at least in this instance, that any damages incurred by a member of TRC is limited to one year's membership fees. The committee believes this declaration by the court should serve as some deterrence to future lawsuits.