

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

ELIZABETH E. CAIN;)
DAVID KAMINSKY and)
LARRY GIBSON,)

Plaintiffs,)

v.)

U.S. ARMY CORPS OF ENGINEERS;)
GEORGIA STATE DEPARTMENT OF)
NATURAL RESOURCES, COASTAL)
RESOURCES DIVISION; SUSAN)
SHIPMAN; MARK A. DANA and)
FRANCES M. DANA,)

Defendants.)

Case No. CV407-06

STATE OF GEORGIA)

COUNTY OF CHATHAM)

AFFIDAVIT OF LARRY GIBSON

1.

PERSONALLY APPEARED before me, an officer duly authorized by law to administer oaths, Larry Gibson, Plaintiff in the above-styled action, who after first being duly sworn, states:

2.

My name is Larry Gibson. I am over the age of 18, and competent in all respects to testify regarding the matters set forth herein. I give this Affidavit voluntarily. I have personal knowledge of the facts stated in the foregoing Complaint and know them to be true and correct.



I provide this Affidavit in supplement to my prior Affidavit of January 8, 2007, which is incorporated by reference herein.

3.

I was first aware of the construction of the enormous dock at the Dana property on December 6, 2006, when the barge appeared at the Dana's existing dock.

4.

In the spring of 2005, after the Danas moved into their home at 1414 Walthour Road, I offered to show Mr. Dana and his family the route through the small tributaries and tidal creeks to deep water at Toms Creek.

5.

I motored my 17 foot runabout from my dock at 1406 Walthour to the Dana dock at 1414. Mark and Frances Dana, along with their two sons, were waiting at their dock. I did not have a sufficient number of life jackets on board, so Mrs. Dana stayed behind.

6.

I turned north from the Dana dock and followed the small tributary from the floating dock back to the creek my neighbor, Betsy Cain, and I use to access Tom Creek.

7.

At no time during the short boat trip did Mr. Dana or his sons mention their plans to build a dock 980 feet out from the shoreline to Tom Creek.

8.

Any statement made by Mr. or Mrs. Dana, or counsel for the Danas indicating I had any

knowledge of the proposed dock complex prior to early December of 2006 is patently untrue.

9.

The creek referred to above, which I used to access the Dana dock, is currently completely blocked and covered by the Dana dock, making its use now impossible. Several of the neighbors to the north and to the south of the Dana dock have historically used this tributary referred to above while using rowboats, canoes and kayaks. Access to the tributary is now completely blocked by the Dana dock.

10.

During the permitting process of the summer and fall of 2006, we were not contacted by the Danas, the Army Corps of Engineers or DNR. I was first aware of the dock construction on the day in early December when the barge arrived.

11.

As soon as my neighbors and I became aware of the proposed dock construction, multiple contacts were made by me and my neighbors to DNR, the Army Corps of Engineers and the Danas in an attempt to gain more information about the proposed project.

12.

On December 20, 2006, a letter to the Danas requesting a meeting with them was drafted and circulated to area residents. The letter was signed by Plaintiff Cain, a number of other neighbors, and myself. Once we had received signatures from our neighbors on the letter, it was hand delivered on January 1, 2007. See Exhibit E to Elizabeth Cain Affidavit dated January 26, 2006.

13.

On January 8, 2007, the Complaint, Motion for Temporary Restraining Order and Preliminary Injunction and Memorandum in Support were filed in U.S. District Court.


14.

By information and belief, the Danas were served with the Complaint, Motion for Temporary Restraining Order and Preliminary Injunction and Memorandum in Support on January 9, 2007 at about 7:32 p.m.

14.

Despite having been served with the above documents, work continued on the Dana dock on December 11-15. See Exhibits I through L to Cain Affidavit.

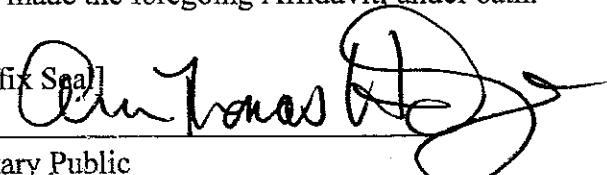
FURTHER AFFIANT SAYETH NOT


LARRY GIBSON

STATE OF GEORGIA

COUNTY OF CHATHAM

Larry Gibson appeared before me,
a Notary Public in and for the above
jurisdiction, this 26th day of January, 2007,
and made the foregoing Affidavit, under oath.

[Affix Seal]

Notary Public
My commission expires: 2-15-09