

STATE OF MINNESOTA
COUNTY OF ST. LOUIS

CASE TYPE: 14
DISTRICT COURT
SIXTH JUDICIAL DISTRICT
File #: 69-DU-CV-09-2866

THE STATE OF MINNESOTA by Marilyn Campetti and Eric J. Ringsred;
And Marilyn Campetti and Eric J Ringsred, individuals.

Plaintiffs,

vs.

CITY OF DULUTH, a municipal corporation.

Defendant.

MOTION FOR PARTIAL SUMMARY
JUDGEMENT
Affidavit of Tom Cox

January 10, 2010

I, Thomas Cox, residing at 5303 Wyoming Street, Duluth MN, being first duly sworn under oath, hereby depose and state as follows:

PHOTOS OF 3800 SKYLINE PARKWAY

- 1) I personally took the photos attached hereto and identified as Attachments #2,3,4,5.
- 2) The photos were taken of the residence and surroundings at 3800 W. Skyline Parkway from the centerline of Skyline Parkway on Jan. 16, 2010.
- 3) The location of my photos in relationship to the residence are noted on the attached site map. (Attachment #1)
- 4) The photos illustrate obstruction of the scenic views from Skyline Parkway.
- 5) In addition to these photos, I personally observed obstruction of the scenic views from Skyline Parkway in a manner which detracts from its aesthetic and recreational qualities.

PUBLIC OPINION

- 6) I am a regular reader of the Duluth News Tribune (online version).
- 7) News stories pertaining to construction at 3800 W. Skyline Parkway began to appear around September 25, 2009.

- 8) Public opinion erupted in response to these news stories, expressing overwhelming concern for the adverse effects of this construction upon Skyline Parkway.
- 9) I closely followed the Duluth News Tribune online "reader comments" which responded to this issue.
- 10) The reader comments to the September 25, 2009 Brandon Stahl article "Homeowners want access to Skyline overlook restricted" alone comprise some 38 written pages – attached hereto as a compact disc.
- 11) I believe these reader comments (approximately 250 total, and running nearly 10 to 1 against the builders and owners of the property at 3800 W. Skyline) are the most ever received -- certainly in such a short period of time -- on a story by the Duluth News Tribune.
- 12) They mainly express outrage over the construction and its material adverse effects on the scenic character of Skyline Parkway.
- 13) I believe this corroborates what is obvious from my photographs and personal observations: that the construction at 3800 W. Skyline Parkway has a material adverse effect upon scenic and aesthetic qualities of that scenic byway.

Further this affiant sayeth not

Thomas Cox