

THE STATE OF NEW HAMPSHIRE

MERRIMACK, S.S.

SUPERIOR COURT

STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

V.

LEONARD CARON

Docket No. 217-2026-CV-00507

**NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION'S EXPEDITED
MOTION FOR PRELIMINARY INJUNCTION**

NOW COMES Plaintiff, New Hampshire Department of Transportation (“NHDOT”), by and through its counsel at the New Hampshire Office of the Attorney General, and respectfully moves for expedited entry of a preliminary injunction to prevent Defendant Leonard Caron from continuing to exclude NHDOT and the public from a portion of the Northern Rail Trail in Andover. In support thereof, NHDOT states as follows:

1. NHDOT commenced this action seeking, among other relief, quiet title, declaratory relief, injunctive relief, and damages arising from Defendant’s blocking of and interference with the Northern Railroad Corridor (the “Corridor”) and Northern Rail Trail (the “Rail Trail”) in Andover, New Hampshire.

2. NHDOT respectfully requests expedited consideration of the instant motion to enjoin Defendant from blocking the Rail Trail from public use while this action is pending. Defendant has erected concrete barriers that prevent members of the public from accessing a one-mile portion of the fifty-eight-mile trail. This is harmful in its own right given that the public has come to rely upon the Rail Trail, and has furthermore prompted recreators to seek dangerous

unofficial “detours” to bypass the barriers, including along the shoulder of Route 4. NHDOT believes the public’s use of such detours will continue unabated until the Rail Trail is reopened.

3. Since 1991, NHDOT has owned the Corridor and, since 1995, NHDOT in collaboration with the Department of Natural and Cultural Resources (“DNCR”) for the benefit of the citizens of New Hampshire.

4. Defendant owns land abutting the Corridor and operates a gravel-hauling business on his property.

5. For decades, Defendant has acknowledged NHDOT’s ownership and control of the Corridor and repeatedly sought permission from NHDOT to use portions of the Corridor for logging, access, and commercial gravel-hauling operations.

6. NHDOT has repeatedly denied Defendant’s requests for expanded use of the Corridor because such uses were incompatible with the Rail Trail and posed significant safety concerns.

7. In March and April 2026, NHDOT directed Defendant to cease unauthorized activities occurring within the Corridor.

8. Shortly thereafter, Defendant asserted ownership of portions of the Corridor and erected concrete barriers across portions of the Rail Trail.

9. Defendant’s actions have blocked public access to approximately one mile of the Rail Trail, interfered with NHDOT’s management and operation of the Corridor, and resulted in damage to railroad infrastructure located within the Corridor.

10. Defendant has refused to remove the barriers and has indicated an intention to continue asserting control over portions of the Corridor and excluding NHDOT and the public therefrom.

11. Unless enjoined by this Court, Defendant's conduct will continue to interfere with NHDOT's rights, impair public access to the Rail Trail, and threaten further damage to public infrastructure.

12. In addition to destroying NHDOT property and preventing NHDOT from accessing its land, Defendant has severed a critical link in the middle of a 58-mile public recreational corridor, depriving hundreds of trail users each day of safe and continuous access to a State-owned resource. This has caused some recreators to seek out unofficial and potentially dangerous "detours" around Defendant's barriers, including along the shoulder of Route 4.

13. Moreover, Defendant's actions diminish the estimated millions of dollars to local businesses and substantial tax revenue generated by the Rail Trail each year.

14. As set forth more fully in Plaintiff's Memorandum of Law in Support of Expedited Preliminary Injunction, the Complaint, and all supporting affidavits and documentation, NHDOT has demonstrated a likelihood of success on the merits, irreparable harm, a favorable balance of equities, and that issuance of a preliminary injunction serves the public interest.

WHEREFORE, NHDOT respectfully requests that this Court:

- A. Expedited consideration of this Motion for Preliminary Injunction;
- B. Enjoin Defendant, and all persons acting in concert with him, from obstructing, occupying, damaging, excavating, altering, removing, or otherwise interfering with NHDOT's possession, maintenance, operation, management, and control of the Corridor pending final resolution of this action;
- C. Enjoin Defendant from excluding or attempting to exclude NHDOT, DNCR, or their agents, employees, contractors, invitees, licensees, or members of the public from accessing and using the Corridor and Northern Rail Trail in the manner existing immediately prior to Defendant's obstruction of the Corridor;

- D. Enjoin Defendant from operating or permitting the operation of motor vehicles, heavy equipment, or commercial vehicles within the Corridor except as expressly authorized by NHDOT or further Order of this Court;
- E. Direct Defendant to refrain from removing, damaging, altering, or disturbing any railroad or public infrastructure located within the Corridor pending final judgment;
- F. Order Defendant, within forty-eight hours of the Court's Order, to removal all barriers, obstructions, equipment, vehicles, and/or other items placed in the Corridor by Defendant, or those acting in concert with him, or, in the alternative, authorize the State of New Hampshire, through its agencies, to remove such obstructions at the Defendant's expense;
- E. Grant such other and further relief as justice may require.

Respectfully submitted,

STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

By its attorneys,

JOHN M. FORMELLA
ATTORNEY GENERAL

Date: July 1, 2026

/s/ Kat Mail

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CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2026, a copy of the foregoing was served on all parties of record through the Court's e-filing system.

/s/ Kat Mail
Kat Mail