

4. Plaintiff's property which adjoins the Disputed Area contains adequate offstreet parking space for all the tenants of the apartment building and neither the Defendant nor his lessees have taken any action to interfere with the tenants' use of the offstreet parking area. In fact, access to Plaintiff's parking lot involves traveling over a portion of the Disputed Area, which portion Defendant and his lessee have continuously kept clear for purposes of the tenants ingress and egress.

5. Plaintiff has not suffered and does not stand to suffer any irreparable damage by reason of Defendant's use of a portion of the Disputed Area as parking space for his own vehicle. Defendant has gone to the effort of clearing out brush in the rear portion of the Disputed Area in order to move his vehicle as far back as possible so as to make sure Plaintiff's tenants have adequate access to and from their parking lot. Plaintiff has adequate offstreet parking space for her tenants apart from the Disputed Area and has not lost any tenants due to the lack of such parking space. Finally, it is very unlikely that Plaintiff would have any difficulty re-leasing the property for the same or a greater rent than she is now realizing insofar as such rental units are in extremely high demand.

WHEREFORE, Defendant, Paul E. Rippeon, respectfully requests this Court to:

1. Deny Plaintiff's Motion for Interlocutory Injunction;
2. Award such other and further relief as may be just and proper.