August 2026

BHVA Legal Update:

Fields vs. BHVA & Related Ryan vs. Fields

Refer to Prior BHVA Legal Updates for Background Information

For Members who are new to the community, or who would like a refresher on the litigation history, prior court rulings, and the related *Ryan v. Fields Enterprises, Inc*. case, the Board's August 14, 2025 Legal Update provided case summaries and docket links - which remain available on the BHVA website.

Fields vs. BHVA, Ryan vs. Fields Litigation Case Summaries (8-14-25), including Court Docket Links:

https://0538abea-e536-4d1c-a083-0d3dca6e36aa.filesusr.com/ugd/1da1ce_b3a9e6325ebe40c7a76a731866f7b1f3.pdf

What's New?

Update: Mediation Concluded Without Settlement

BHVA and Fields participated in mediation sessions beginning in September 2025, followed by an additional mediation session on July 31, 2026.

The Board entered mediation in the hope that the parties could resolve the pending litigation and reach a broader resolution of the ongoing disputes affecting the BHV waterfront. The July mediation session concluded without an agreement or settlement.

Mediation communications are confidential under applicable rules. Accordingly, the Board cannot publicly report the parties' proposals, positions, statements, or other details of the mediation discussions. Matters discussed during mediation do not change the existing court rulings or the parties' legal rights in the pending cases.

Because mediation did not resolve the disputes, BHVA and its litigation counsel are now moving forward with preparation of the cases for continued court proceedings and, ultimately, trial.

Update: Fields vs. BHVA

The principal *Fields vs. BHVA* litigation remains pending before the Hon. Daniel J. Doyle in Ontario County Supreme Court.

As previously reported, important portions of the dispute have already been decided. The New York Appellate Division confirmed BHVA's authority, as owner of community common properties including the cliffside pedestrian bridge/elevator and waterfront amenities, to adopt reasonable policies governing access to and use of those properties for the benefit of the BHV community.

Other claims remain pending and must now proceed through the remaining litigation process.

The parties are expected to appear before the Court in September 2026 for a conference following mediation. At that conference, the Court and counsel are expected to address the schedule and next procedural steps for the litigation.

Update: Related Ryan vs. Fields Case

The related *Ryan v. Fields Enterprises, Inc*. case also remains pending before Judge Doyle.

As previously reported, Judge Doyle denied Fields' motion to dismiss that case in July 2025, allowing Ryan's claims to proceed. Proceedings in the Ryan case were then paused while the parties focused on the scheduled Fields v. BHVA mediation.

The Ryan case involves issues concerning the 1990 Cove Agreement and the operation and development of the marina that are directly relevant to the BHV waterfront. Although BHVA is not a party to the Ryan case, BHVA continues to follow that proceeding closely.

Because the two cases involve overlapping properties, parties, documents, and legal issues, the Court may coordinate portions of the proceedings as the cases move forward.

What's Next?

With mediation concluded, the litigation now returns to the Court process.

There remains additional work, including discovery, expert work, and other pretrial work before the cases are ready for trial. The September court conference should provide greater clarity regarding the sequence and timing of those steps.

Based on the present status of the cases and counsel's current assessment, trial is presently expected to occur in approximately late 2027. That is an estimate only. Court schedules, rulings, discovery requirements, and coordination of the related cases may affect that timing.

The Board recognizes that Members understandably want to know when this litigation will finally end. Unfortunately, complex property litigation moves slowly, and the schedule is ultimately controlled by the Court. BHVA will continue working with counsel to move the cases forward while protecting the community's property and legal rights.

Further updates will be provided following the September court conference and as material developments occur.

Thank you,

Your BHVA Board of Directors