

IN THE CHANCERY COURT OF PRENTISS COUNTY, MISSISSIPPI

STEVEN FEATHERSTONE DICKERSON AND
ALYSON DICKERSON, INDIVIDUALLY AND
AS NEXT FRIEND FOR MINOR CHILDREN
G.D. AND E.D.

PLAINTIFFS

V.

CAUSE NO. CV2020-0288-59-B

STEVE ALLEN, HARRY ALLEN, HUNTER
ALLEN, MICHAEL CAIN, AND FICTITIOUS
DEFENDANTS A, B, AND C

DEFENDANTS

MEMORANDUM OPINION AND JUDGMENT

THIS CAUSE came on for hearing on September 21, 2022. The Court, after having received the testimony of eight (8) witnesses, along with receiving a total of nine (9) exhibits and the briefs from counsel for the parties, finds that it has jurisdiction over the parties and the subject matter and finds that venue lies properly in Prentiss County, Mississippi; and now finding it has been fully informed in the premises, having given the weight and credibility to the testimony and evidence as is proper; the Court does now further **FIND, ORDER, ADJUDGE, AND DECREE** as follows, to-wit:

I. RELEVANT PROCEDURAL HISTORY

¶1. The Plaintiffs, Steven Featherstone Dickerson and Alyson Lee Dickerson (hereinafter “Steven,” “Alyson,” or collectively “Plaintiffs”) filed their Complaint (Dkt. 2) in their individual capacity and as next friends for their two (2) minor children, “G.D.” and “E.D.” on or about August 26, 2020.

¶2. Plaintiffs alleged in their Complaint (Dkt. 2) that they are the owners of approximately two hundred twenty (220) acres of real property located at 149 CR 3501, Booneville, MS 38829.

¶3. Plaintiffs further allege that Defendant Steve Allen (“Steve”), Defendant Harry Allen (“Harry”), Hunter Allen (“Hunter”), and Michael Cain (“Michael”) (collectively “Defendants”) have used the property owned by the Plaintiffs for several years to hunt deer by using dogs.

¶4. Plaintiffs also listed in their Complaint (Dkt. 2) fictitious Defendants A, B, and C as individuals whose identities were not known to the Plaintiffs at the time that they commenced this action. However, no additional named Defendants other than the above-named Steve, Harry, Hunter, and Michael were ever named in any amended pleadings by the Plaintiffs.

¶5. Plaintiffs’ Complaint (Dkt. 2) is quoted in part herein as it constitutes a good summary of the nature of the dispute between the parties:

7. Defendants are a loosely connected band of road hunters who are armed with pickups, CB’s and deer dogs. Defendants release the deer dogs, sometimes on their own property, sometimes on the Plaintiffs’ to force the deer to cross public road, 3501. Defendants utilize tracking devices affixed to the collar of the dogs and line the county road waiting on the dogs to run deer across the public road.
8. That even though the Plaintiffs neither own or lease land on County Road 3501, they have fired their weapons in such close proximately (sic) to the Plaintiffs’ property that they are fearful for the safety of their children.
9. Because the Plaintiffs have confronted the Defendants and refused free access to their land the Plaintiffs have suffered verbal and physical confrontation, land fires, roofing tacks in their driveway, unsafe firearm discharges, slander, libel, veiled (sic) threats on social media postings, and many other efforts to intimidate Plaintiffs. All these actions are taken to ensure the Defendants can continue hunting deer with dogs on Plaintiffs’ land.
10. This activity takes place along the Plaintiffs’ owned and leased property daily during deer season, even though the Defendants do not own or lease any property for hundreds of yards in any direction.
11. Plaintiffs have approached each and every one of the Defendants in an effort to explain that the presence of Defendants’ dogs on Plaintiffs’ property is not welcome. The Defendants have continued this type of conduct for over five (5) years and have not exhibited any sign of forbearance.

12. Defendants are well aware that the presence of their dogs on Plaintiffs' property is not welcome. When confronted, the Defendants have become combative. The Plaintiffs have suffered verbal confrontations wherein Defendants have threatened Plaintiffs with physical harm.
...
16. The Defendants' deer dogs interfere with the Plaintiffs' and the Plaintiffs' guests' ability to quietly enjoy their property and hunt wildlife thereon. The Defendants' deer dogs and dogs in general, are not welcome upon the Plaintiffs' land. The Defendants have been told in person that the dogs are not welcome.
17. Despite Plaintiffs' attempts, the Defendants openly and continuously release dogs that enter Plaintiffs' property interrupting and interfering with the Plaintiffs' and their guests' attempts to quietly and peacefully hunt their property.
18. Defendants make a concerted effort to park in front of the Plaintiffs' property. The Defendants' conduct of parking on the road right-of-way joining Plaintiffs' owned and leased property is a nuisance. The Defendants are using public roads, allegedly to "catch their dogs," because Defendants are aware that so long as Defendants remain on public road right-of-way they are not trespassing but their continual stopping along Plaintiffs' land creates an atmosphere of intimidation and fear that a shot may be fired in the Plaintiffs' direction inadvertently by Defendants. Defendants should be restrained from stopping, parking and/or walking, on any road right-of-way that joins the Plaintiffs' land. Defendants have no reason to stop or park on the public road right-of-way other than to harass the Plaintiffs herein and interfere with Plaintiffs' attempt to hunt on their own property.
...
20. Defendants' conduct of allowing and/or encouraging hunting dogs to enter Plaintiffs' property is a nuisance. Defendants have exhibited a cavalier, almost outlaw attitude and have taken no precautions to keep their deer dogs from entering Plaintiffs' land. Defendants' conduct over the past five (5) years clearly demonstrates that the Defendants have no respect for Plaintiffs' rights.
21. Plaintiffs choose to "still" hunt whereby the hunter picks a location and wait (sic) on game to appear. The presence of deer dogs in the middle of a "still" hunt completely destroys the hunt and severely interferes with the Plaintiffs' right to quietly enjoy his property.
24. Plaintiffs seek an injunction in which would prevent the Defendants from parking, stopping, or walking along the public roadway which join Plaintiffs' property. Plaintiffs and their guests should not be intimidated by several trucks or gun toting deer dog hunters while coming and going.

¶6. The Plaintiffs sought the following relief from the Defendants in their Complaint (Dkt. 2):

- a. That the Defendants should be restrained from slandering the Plaintiffs' names;
- b. That the Defendants should be restrained from trespassing onto the Plaintiffs' property;
- c. That an injunction should be entered requiring the Defendants to keep their dogs on the land they own or lease and off the Plaintiffs' land;
- d. That an injunction should be entered restraining the Defendants from stopping, parking, and/or walking on any road right-of-way that joins the Plaintiffs' land;
- e. That this Honorable Court require the Defendants to post bond in an amount and form which would ensure Defendants' compliance; and
- f. Plaintiff request (sic) a money judgment in an unspecified amount to reimburse Plaintiffs for the Defendants' interference with Plaintiffs' quiet and peaceful enjoyment of their leased and owned land.

¶7. The Defendants, all of whom are represented by the same counsel, Honorable L.N. "Chandler" Rogers, filed separate but identical Answers and Affirmative Defenses (Dkt. 7-10).

The Defendants each asserted the following affirmative defenses to the Plaintiffs' Complaint:

- a. Failure to state a claim upon which relief may be granted pursuant to M.R.C.P. 12(b)(6);
- b. That the Plaintiffs failed to mitigate their damages;
- c. Any damages suffered by Plaintiffs were caused by a subsequent, intervening event or actions of another person or thing;
- d. The alleged conduct of the Defendants is legal as proscribed by the Mississippi Department of Wildlife, Fisheries and Parks ("MDWFP"), and/or other regulatory agency, rules, and regulations; therefore the Defendants assert the protections afforded by such rules and regulations;
- e. Miss. Admin. Code § 40-2—2.2 et seq.; and
- f. Miss. Code Ann. § 49-1-1 et seq.

¶8. The Defendants further denied in their answers the factual allegations in the Plaintiffs' Complaint.

¶9. At the commencement of the trial, the Court inquired of counsel for the parties as to whether any of the parties wished to raise any issues related to jurisdiction, venue, or recusal. No such issues were raised and counsel for both parties announced that they were ready to proceed with the scheduled trial.

¶10. Counsel for the parties stipulated to the introduction of nine (9) exhibits, as described below:

- a. Exhibit 1: Map depicting the general area of Prentiss County where Plaintiffs' property is located and showing where the Defendants lease property for dog hunting purposes;
- b. Exhibit 2: Deposition of Alyson Dickerson;
- c. Exhibit 3: Deposition of Steven Dickerson;
- d. Exhibit 4: County Justice Court transcript, mistakenly labeled by court reporter as Lee County Justice Court transcript, but actually a Prentiss County Justice Court transcript;
- e. Exhibit 5: Deposition of Hunter Allen;
- f. Exhibit 6: Deposition of Michael Cain;
- g. Exhibit 7: Deposition of Harry Allen;
- h. Exhibit 8: Deposition of Steve Allen; and
- i. Exhibit 9: Prentiss County Justice Court Transcript.

II. FACTUAL FINDINGS

¶11. Taylor Walker (hereinafter "Investigator Walker") testified that he was currently employed as a narcotics officer with the Prentiss County Sheriff's Department. He began work with the Prentiss County Sheriff's Department as a patrol deputy in 2013 and worked in that capacity until 2020 when he began his current job.

¶12. Investigator Walker is from East Prentiss County, Mississippi and is familiar with the Prentiss County communities of Burton, Cairo, and New Site, all of which are located in that part of the county.

¶13. While working as a patrol deputy, Investigator Walker responded to a number of calls at the Plaintiffs home. He has interacted previously with both the Plaintiffs and the Defendants.

¶14. In 2018, Investigator Walker recalled receiving complaints from the Plaintiffs about deer dogs running on their property. He estimated receiving approximately ten (10) phone calls from the Plaintiffs in 2018 about dogs running on their property. The Plaintiffs normally identified one of the Defendants or someone affiliated with their hunting club as being the parties responsible for

running dogs on their property. Investigator Walker also recalled at least two altercations between Steven Featherston and Michael Cain regarding dog running on the Plaintiffs property in 2018. These altercations took place on the side of the public roadway.

¶15. During the 2019 and 2020 deer seasons, Investigator Walker stated that there were more complaints by the Plaintiffs about the Defendants running dogs on their land. Defendant Michael Cain filed criminal charges against Steven Dickerson after they had an altercation, but these criminal charges were dismissed.

¶16. The Defendants in this case are members of a hunting club called the Sand Hill Hunting Club. Investigator Walker observed illegal activity by other members of the Sand Hill Hunting Club, but never by any of the Defendants in this case. He specifically recalled a Sand Hill Hunting Club member by the name of “Mr. Johnson” being caught in the middle of the road with a loaded firearm.

¶17. Investigator Walker stated that when he was patrolling near the Plaintiffs’ property, he would regularly observe the Defendants parked on the side of the public road, or just off of the road. Normally, he could hear dogs running nearby. If he inquired of the Defendants as to why they were parked on the side of the road, they would state “We are not hunting. We are catching the dogs.” Parking on the side of a public road is not a crime, according to Investigator Walker.

¶18. Investigator Walker described the location of the Plaintiffs’ property on the map (Trial Exhibit 1). He noted that the Defendants and their hunting club have no leased property in proximity to the Plaintiffs’ property. Bay Springs Lake, managed by the U.S. Army Corp of Engineers, is in close proximity to the Plaintiffs’ property and to the property leased for hunting by the Defendants. The Corp of Engineers prohibits the running of dogs on the property that they own near Bay Springs Lake.

¶19. Investigator Walker stated that generally in his encounters with the Defendants near the Plaintiffs' property, the Defendants always denied that they were trespassing or hunting. They claimed that they were only near the Plaintiffs' property along the public road right-of-way in an effort to catch their hunting dogs.

¶20. On cross examination, Investigator Walker admitted that he never issued any tickets to any of the Defendants when he responded to the Plaintiffs' complaints about dogs running on their property.

¶21. James T. "Tim" Gholson ("Officer Gholson") testified that he has been employed as a conservation officer by the Mississippi Department of Wildlife Fisheries and Parks ("MDWFP") since 2014. Conservation officers are also known as "game wardens."

¶22. Officer Gholson knows the parties in case through his official duties as a conservation officer with MDWFP. He testified that he is familiar with CR 3501 in Prentiss County from the Burton Community, South to Highway 4. He further testified that CR 3430 is also known as North Crab Bottom Road.

¶23. The Plaintiffs in this case have contacted Officer Gholson approximately two to three times per year for several years about issues related to the Defendants' dog running on their properties during deer season.

¶24. The Defendants are all members at Sand Hill Hunting Club. None of the Defendants have shown Officer Gholson any type of written document that would give them permission to hunt on property in the general vicinity of the Plaintiffs' property.

¶25. The community where the Plaintiffs reside generated so many complaints about deer dogs running on private property, including complaints against the Defendants, that MDWFP considered the area to be a "hotspot" for dog running and road hunting complaints. In 2019,

MDWFP sent a group of wardens to patrol the area where the Plaintiffs reside in response to the large number of dog running/road hunting complaints.

¶26. In prior interactions with the Defendants, Officer Gholson normally found them parked on the public road right-of-way. The Defendants always stated that they were not hunting on these occasions, but were instead only attempting to catch their dogs.

¶27. Officer Gholson stated that he has on one prior occasion heard the Plaintiffs tell the Defendants to keep their dogs off of the Plaintiffs' property.

¶28. Previously, Officer Gholson has written tickets to Sand Hill Hunting Club members for unlawfully hunting from a public road.

¶29. Officer Gholson stated that there is no law that prohibits running deer dogs on the property of another person and that conservation officers have no legal basis to cite the dog owners because their dogs are running across the property of a person who does not want the dogs on their property.

¶30. According to Officer Gholson, many people now "still hunt" on property that they own or lease. Still hunting involves sitting in a fixed position, often overlooking a food plot prepared for game, and waiting for the game to appear in sight of the hunter. Running dogs across land being hunted by still hunters disturbs the wild game on the entire property and adversely affects the hunting success for those engaged in still hunting.

¶31. Many still hunters plant food plots on their land and provide other supplemental food for wild game animals. Officer Gholson testified that the food plots and supplemental wildlife food benefit wild game populations as a whole. The Plaintiffs in this case are still hunters and hunt deer and turkeys on their property.

¶32. On cross-examination, Officer Gholson testified that dog hunting for deer is legal in most of the State of Mississippi during the prescribed dog hunting seasons. Dog hunters are not required

to have a minimum number of acres of land that they own or lease for dog running purposes, or to place GPS collars or correction collars on their deer dogs, or provide any specific training for their dogs before using them on a deer hunt.

¶33. Officer Gholson testified that interfering with another person's right to lawfully hunt is a legal violation that can result in a citation being issued to the offending party.

¶34. In the general area where the Plaintiffs reside, there are other dog running hunting clubs in addition to the Sand Hill Hunting Club to which the Defendants belong. Officer Gholson was familiar with the Pepper Patch Hunting Club, the Burnt School House Hunting Club, and the Altitude Hunting Club and stated that they all hunted deer with dogs in the general vicinity where the Plaintiffs reside.

¶35. Dog hunters commonly use public roads in order to retrieve their deer dogs according to Officer Dickerson. This practice is legal as long as they remain on the public road right-of-way. However, if the dog hunters are observed to intentionally "drop tailgate," meaning to purposefully unleash their dogs from the road right-of-way onto the private property where they are not welcome, the dog hunters can be issued a citation by MDWFP officers. "Dropping tailgate" and willfully unleashing your deer dogs onto another person's property would constitute hunting on the land of another according to Officer Gholson. However, unleashing deer dogs a mile away would not result in a citation for the dog hunter when his dogs crossed onto the land of another, because it could not be proven that they intentionally caused the dogs to go onto the property of another.

¶36. Defendant Michael Cain charged Plaintiff Steven Dickerson with interference with lawful taking of wildlife pursuant to Miss. Code Ann. § 49-7-147 when Plaintiff Dickerson confronted

him on the public road right-of-way about running his deer dogs on property that he did not have permission to hunt on.

¶37. Officer Gholson acknowledged that the Defendants running of their deer dogs across the Plaintiffs' property is regularly interfering with the Plaintiffs attempts to peacefully hunt on their own property. However, due to various loopholes and technicalities in the hunting laws, Defendants can actually hunt anywhere that they want to, so long as they stay parked on the public road right-of-way and so long as no law enforcement officer observes them to fire their weapon or to be in possession of a loaded weapon along the public roadway. As noted above, the Defendants cannot be cited for their dogs running on the Plaintiffs' property if the dogs were unleashed some distance away because the intent of the dog owners cannot be proven. However, whether it is intentional or not, the effect of the Defendants' dogs running on the Plaintiffs' property is the same, resulting in the Plaintiffs being unable to quietly and successfully still hunt on their own property.

¶38. Michael Cain ("Michael") testified that he is employed by the City of Booneville in the water and gas department. He resides on Highway 30 East in Prentiss County, Mississippi, about five (5) miles West of the Burton community. Michael owns approximately nine (9) acres around his home.

¶39. Michael's place of residence is approximately five (5) miles from the Plaintiffs' place of residence. Michael leases property for hunting purposes that is approximately one and one-half (1½) miles from the Plaintiffs' property. The leased property is owned by the Denson family, L.C. Wright, and Boyd Real Estate. David Denson told Michael last year that he is no longer allowing dog hunting for deer on the Denson's leased property.

¶40. Michael filed criminal charges against Steven Dickerson for interfering with his lawful hunting. These charges were dismissed. Michael has now been sued for malicious prosecution after the aforesaid charges were dismissed.

¶41. Michael testified that he filed the criminal charges against Steven Dickerson on the advice of conservation officer Larry Rowan. According to Michael, his deer dogs were lawfully hunting, even when running across the Dickerson's property, and Steven Dickerson interfered with his hunting by confronting him on the road right-of-way near the property where the dogs were hunting.

¶42. According to Michael, he does everything within his power to keep his deer dogs off of the Plaintiffs' property, but he is unable to call his dogs off of a track. That means if his dogs are chasing deer and the deer runs across the Dickerson property, he is powerless to stop the dogs and prevent their intrusion on the Dickerson property. Michael did acknowledge that there are dog collars on the market that send correction tones and shocks to the dogs which might stop the dogs from crossing private property on some occasions.

¶43. Michael testified that he has sold his deer dogs and that he now only owns rabbit dogs and squirrel dogs. Michael stated that he does not plan to participate any further in hunting deer with dogs. However, he will not consent to the entry of a court order prohibiting him from running dogs across the Plaintiffs' property.

¶44. According to Michael, the confrontations with the Dickersons about deer dogs running on their property started five (5) or six (6) years ago. These confrontations sometimes happened several times per year. Last hunting season, Steven Dickerson caught Michael's deer dogs on the Dickerson property. Michael is a member of the Sand Hill Hunting Club.

¶45. Michael admitted that his deer dogs running across the Plaintiffs' property could adversely affect the Plaintiffs' efforts to still hunt on their property.

¶46. On direct examination by his own counsel, Michael stated that Sand Hill Hunting Club normally hunts with approximately twelve (12) total dogs, normally only using three (3) to four (4) dogs at a time for each hunt. The dogs are normally of various breeds, with some being described as "long legged" dogs, some beagles, and some "half and half" mixed breeds.

¶47. Michael acknowledged speaking to Steven Dickerson on three separate occasions when his dogs came onto the Dickerson property. Michael denied that he had ever trespassed on the Dickerson property. When his dogs go onto the Plaintiffs' property, he waits on the public road right-of-way to catch the dogs.

¶48. Michael testified that he hunted deer with dogs for approximately forty (40) years. Deer sometimes run seven to eight miles when being chased by dogs. Approximately half of Sand Hill Hunting Club's dog hunts result in the dogs used by the club chasing a deer off of Sand Hill's leased property and onto the property of other persons. Generally, four to six hunters in trucks pursue the dogs running a deer.

¶49. Michael denied shooting deer off of the public road right-of-way or on the Plaintiffs' property. He also denied setting fires on the Plaintiffs' property, placing tacks on their driveway, or posting negative comments about the Plaintiffs on social media.

¶50. Michael stated that modern GPS dog trackers with dog correction capabilities would cost approximately \$1,300.00 for a tracker and two (2) collars. He acknowledged that correction collars might allow him to stop his dogs from going onto the Plaintiffs' property.

¶51. According to Michael, he has not been on the road right-of-way near the Dickerson property on a daily basis during hunting season because he has to work on most days.

¶52. Harry Allen (“Harry”) testified that he has served six (6) terms as an elected constable in Prentiss County. He resides on County Road 3321 in Prentiss County, which is to the West of County Road 3401.

¶53. Harry has hunted in the same area between thirty and forty years. The Plaintiffs’ home is near the general area where Harry has hunted for many years. He described the Plaintiffs’ place of residence as being two (2) miles south of Burton.

¶54. According to Harry, the Sand Hill Hunting Club leases approximately 400 to 500 acres of land for hunting purposes. The lessor of one of Sand Hill’s properties told Harry last year that he no longer would allow Sand Hill Hunting Club to run dogs on his property.

¶55. Harry acknowledged that he had previously spoken to Steven Dickerson and that Mr. Dickerson had told him that he did not want deer dogs on his property. However, Harry further stated that the dog hunters have no control over where their dogs run once the dogs are unleashed. This has led to conflicts with the Plaintiffs every year when his dogs or dogs belonging to the other Defendants end up running across the Plaintiffs’ property.

¶56. According to Harry, he does not claim to have a legal right to run deer dogs on the Plaintiffs’ land, but the dogs unfortunately wind up on the Plaintiffs’ property multiple times each and every year.

¶57. Harry stated that he has not deer hunted in three (3) years. He further advised that he personally had only gone on the Dickersons’ property on one occasion and that was to pick up his dog when he was called by Steven Dickerson.

¶58. According to Harry, he has never received a game violation related to his deer hunting activities. Harry is 79 years old and stated that he has not harvested a deer in 4 to 5 years.

¶59. Harry denied starting fires on the Plaintiffs' property, putting tacks in their driveway, or making social media posts of any kind about the Plaintiffs.

¶60. Steve Allen ("Steve") testified that he is 52 years of age. He is employed by the Mississippi Department of Transportation. Steve is the son of Harry Allen, who is also a Defendant in this case.

¶61. Steve lives near his father's eighty (80) acres, on his own two (2) acre parcel of property.

¶62. Steve stated that Sand Hill Hunting Club leases approximately 500 to 600 acres of property for hunting purposes. The leased property is about 1 ½ miles away from the Plaintiffs' property. Steve acknowledged that he owns and uses dogs for deer hunting. Some property in the vicinity of Sand Hill Hunting Club's property is owned by the United States Corp of Engineers. The Corp of Engineers does not allow deer hunting with dogs and charges \$250.00 per offense to the dog owner for each instance when deer dogs are discovered on Corp of Engineers property.

¶63. According to Steve, and as depicted in the map (Trial Exhibit 1), Sand Hill Hunting Club's dogs have to cross three public roads from where they are released onto the Club's leased property, before the dogs reach the Plaintiffs' property.

¶64. Steve has both GPS tracking and electric shock correction collars on his deer dogs. Even with these types of tracking and correction collars, he still cannot stop his dogs from getting onto the Plaintiffs' property on occasion.

¶65. Over the past several years, Steve described multiple altercations with the Plaintiffs related to Sand Hill Hunting Club dogs running on the Plaintiffs' property. Several of these altercations have led to the filing of various criminal charges.

¶66. Steve acknowledged the Plaintiffs' right to enjoy their property free from the intrusions by dogs belonging to others. However, he feels that his rights and heritage of hunting with dogs is being taken away.

¶67. Deer hunting with dogs is only allowed for about three weeks per year, according to Steve. For the past two to three years, he stated that he has hunted very little due to the ongoing dispute with the Plaintiffs. Even when he hunted more regularly, he denied hunting every day because he had to work every Monday through Thursday, from 6:00 a.m. until 4:00 p.m.

¶68. Steve agreed with the assessment of Michael Allen that when Sand Hill Hunting Club's dogs are running a deer, they leave the hunting club's leased property approximately fifty percent (50%) of the time. However, he noted that the hunting club has "verbal permission" from many surrounding landowners for their dogs to run on their property.

¶69. Steve stated that he has never received any type of game and fish violation. He further denied setting fires on the Plaintiffs' property or putting roofing tacks in their driveway.

¶70. Hunter Allen ("Hunter") is the president of Sand Hill Hunting Club. Hunter is Steve's son and Harry's grandson. He is employed by the USDA Conservation service.

¶71. Hunter alleged that Sand Hill Hunting Club has approximately 950 acres leased for deer hunting where they are allowed to run their dogs. He further stated that they have "verbal permission" to hunt many other parcels of property in the vicinity of the club's leased land. The land where Sand Hill Hunting Club has permission to hunt is south of what was designated as Crab Bottom Road on the map (Trial Exhibit 1).

¶72. Hunter estimated that out of approximately three (3) weeks each year when dog hunting for deer is allowed, there are approximately ten (10) days when Sand Hill Hunting Club runs dogs

on their leased property. Unlike the other witnesses, Hunter stated that his own hunting dogs only leave the club's leased land on five to ten percent of the occasions that he runs his dogs.

¶73. Hunter acknowledged that approximately five (5) times per year, someone's dogs from Sand Hill Hunting Club intruded upon the Dickerson property. He stated that Mr. Dickerson had caught his dogs on the Dickerson property once or twice previously, including one occasion last year. Hunter alleged that a hunting dog has a right to pursue its game anywhere, including onto the property of still hunters who do not welcome the intrusion of the dogs.

¶74. According to Hunter, he has five (5) GPS collars and a controller for his dogs. However, GPS collars sometimes lose reception and are not infallible for tracking hunting dogs.

¶75. Hunter denied making disparaging remarks about the Plaintiffs on social media, setting fires on the Plaintiffs' property, or intentionally setting his dogs loose on the Plaintiffs' property.

¶76. Hunter works Monday through Friday of most weeks, from 8:00 a.m. until 4:30 p.m. and engages in hunting mainly on the weekends.

¶77. Alyson Dickerson ("Alyson") stated that she and her family have lived on County Road 3501 in Prentiss County, Mississippi since 2010. Alyson is a nurse anesthetist and Baptist Hospital in Booneville. They built a home on their property in 2012, but it was destroyed by fire in 2015. They later rebuilt their home on the property. In late 2019 or early 2020, the Plaintiffs had a forest fire on their property, but did not know the source of the fire. Alyson also stated that they had discovered roofing tacks in their driveway on multiple occasions.

¶78. Alyson could not state the source of the fires on her property or the tacks in her driveway. However, she stated that the only conflicts that she and her husband had were with deer hunters.

¶79. According to Alyson, she has seen all four of the Defendants in this case (Michael, Harry, Steve, and Hunter) on the roadway near her home every year on multiple occasions in the past.

Alyson's husband, Steven, is a teacher at the local vo-tech and must return to school after the Christmas holidays each year. After Steven returns to work following the Christmas holidays, Alyson regularly sees all four of the Defendants (Michael, Harry, Steve, and Hunter) parked on the road right-of-way near her home. During the entirety of the deer season, Alyson stated that she sees at least one of the Defendants near her property almost every day.

¶80. Alyson recounted that she has seen deer dogs running on her property multiple times each year. She also regularly hears the sound of gunshots near her home.

¶81. According to Alyson, Steven catches the Defendants' dogs on their property regularly and he provides care to the dogs until they can be picked up. She stated that Steven has also extended a peace offering to at least some of the Defendants by inviting them to still hunt on their property.

¶82. Alyson stated that her family has had to deal with the dog hunting issue multiple times every year since 2012. She asked the Court to enjoin the Defendants from running dogs on their property. She described the Defendants' conduct as a nuisance. She also asked that the Defendants be enjoined from being on the road right-of-way near her property. Further, she asked for a monetary judgment in an undetermined amount to compensate her and her husband for their losses.

¶83. According to Alyson, she and Steven own 220 acres in Prentiss County on CR 3501. Her parents own an adjoining 80 acres.

¶84. Alyson testified that there had been many verbal confrontations between her husband, Steven, and the Defendants. Thus far, there have been no physical confrontations.

¶85. On cross-examination, Alyson acknowledged that she had no proof that the Defendants set fire on her property, put tacks in her driveway, or slandered her on social media.

¶86. Alyson further stated that she has never seen any of the Defendants fire a gun near her property. She has never personally had a verbal confrontation with the Defendants. Likewise, none of the Defendants have ever made overt threats of any kind to her children.

¶87. Steven Dickerson (“Steven”) testified that he lives at 149 County Road 3501 in Booneville. He is married to Alyson. Steven and his wife own 220 acres of land and his in-laws own an adjoining 80 acres of land. According to Steven, Sand Hill Hunting Club, where the Defendants are all members, does not have any leased property within one (1) mile of the property owned by Steven and Alyson, or by Alyson’s parents.

¶88. According to Steven, since he and Alyson bought their 220 acres, there has never been a year without multiple conflicts with the Defendants during deer season each year. He characterized these encounters as too numerous to count. Steven stated that he, his family, and guests are frequently interrupted while still hunting by the Defendants’ dogs running across his property. He regularly encounters the Defendants on the road right of way near his property where they always state they are “trying to catch their dogs.”

¶89. Steven stated that all he and his wife want is to be left alone on their own property. However, the deer dog intrusions onto their property have been too numerous to count. Steven described spending thousands of dollars each year to plant summer and winter food plots and trees for wildlife, only to have deer dogs run across his property and ruin his ability to still hunt on his own land. Further, Steven described regularly hearing gun fire from the road right-of-way near his property. Steven is now afraid to put his son in a deer stand to hunt on his own property because of the potential danger of gunfire from the road hunters on the road right-of-way firing across his property.

¶90. According to Steven, he has had no other problems with any dog running hunting clubs near his home, only the Sand Hill Hunting Club and the four (4) Defendants in this case, in particular.

¶91. Many verbal altercations have taken place between Steven Dickerson and the four (4) Defendants. According to Steven Dickerson, Steve Allen threatened him with bodily harm.

¶92. Steven, along with several other residents of his community, spoke with government officials in a meeting in Jackson, Mississippi about the persistent problem that private landowners have with road hunting dog hunters. Thus far, the State of Mississippi has done nothing to provide protection to private landowners or to close various legal loopholes that allows for road hunting by dog hunters to continue.

¶93. Steven requested that the Court enjoin the Defendants from running dogs on his property and that the Court sanction the Defendants with a monetary fine for each violation of the injunction.

¶94. On cross examination, Steven admitted that the area where he resides has historically been known for deer hunting with dogs. At one time, Steven himself hunted deer with dogs in the area where he now resides.

¶95. Steven admitted that he had no proof that the Defendants started fires on his property, put tacks in his driveway, etc. He further admitted that the conduct of the Defendants which he complained of violated no Mississippi game and fish laws.

¶96. A review of the trial exhibits (1-9) that were introduced into evidence by stipulation revealed a number of important facts.

¶97. Trial Exhibit 1 was a map that showed the location of the Plaintiffs' property, the location of the Defendants' leased hunting property, and the location of various public roads in the area.

The map helped the Court to visualize that the Defendants have no leased property near the property owned by the Plaintiffs. Further, the map made it clear that the Defendants' deer dogs must cross several public roads in order to get from the Defendants' leased property to the property of the Plaintiffs and that the deer dogs often stray approximately 1.5 miles from the Defendants' leased property to the property of the Plaintiffs.

¶98. Trial Exhibit Number 4 was a Justice Court transcript of Hunter Allen's criminal charges of simple assault against Steven Dickerson related to a January 18, 2020 altercation between them. Steve Allen was also charged with trespassing for this incident. In this trial transcript, Hunter acknowledged multiple incidents in the past where the Defendants' dogs had trespassed on the Plaintiffs' property. He also stated that he could not control his dogs when they were chasing game and that he had no right to put his dogs on someone else's property. Steve Allen reiterated his son Hunter's testimony that they had no right to have their dogs on someone else's property.

¶99. Steve Allen testified as follows in the Justice Court proceedings (Trial Exhibit 4, p. 44:14-25; p. 45:10-13):

And we lease - - we've either got verbal on land or leased land. We've got around 1500 acres. And we do the best we can with what we've got, but I'm gonna admit, there's been so many houses put in the area when we do hunt that it's come to the point that I'm ready to say, hey, if it's gonna get to where we gonna start using vehicles or it's gonna get down to where we gonna start doing bodily harm, I'm done. I can take a cussing every day. It don't matter. I hear them a lot. Out on the roads, I mean, I hear them. It don't bother me. But when it comes to seeing your family members right that in that much danger, I'm - like I said, I'm done with that.

...

Greg right there, I know he doesn't have anything to do with this, but we've had incidents around Greg's property. It's to the point, look, you know, if its gonna come down to somebody's gonna get bodily hurt . . .

¶100. Steve Allen’s testimony quoted above made it clear to the Court that the Defendants regularly have heated interactions with private landowners over their dogs running deer on the private landowners’ property. These interactions with the private landowners over the dog running issues are serious and have the possibility to turn violent at any moment in time.

¶101. Michael Cain charged Steven Dickerson with hunter harassment in Prentiss County Justice Court for an incident where Steven Dickerson confronted him during along a public road right-of-way about his dogs running on someone else’s property (Trial Exhibit 9). Michael Cain testified during the criminal trial that he could not control his dogs at all times, that there had been an ongoing problem for years with his hunting club’s dogs running on private landowners’ property, and that there would be no such problems if their hunting dogs were kept off of the property of other people. *Id.* The hunter harassment charge against Steven Dickerson was dismissed.

¶102. The depositions of Steven and Allyson Dickerson (Trial Exhibits 2 and 3) provided additional details beyond their trial testimony regarding the nature and extent of the alleged conduct of the Defendants that led to them filing this case, along with amore detailed description of how the Defendants running their dogs across their property disrupts their efforts to still hunt on their own land.

III. LEGAL ANALYSIS

MISSISSIPPI LAW RELATED TO DEER HUNTING

¶103. Mississippi has a long, rich, cultural heritage related to hunting. Former Justice Roy Noble Lee addressed our State’s hunting culture as follows:

Many men, including this writer, feel that a person who has never seen squirrels jump from limb to limb in the deep swamp on a frosty Fall morning; or has never heard a wild turkey gobble in April or seen him strut during mating season; or has never watched a deer bound through the woods and fields, or heard a pack of hounds run a fox, or tree a coon (raccoon); or has never hunted the rabbit, or

flushed a covey of quail ahead of a pointed bird dog; or has never angled for bass or caught bream on a light line and rod, or taken catfish from a trotline and limb hook; has never lived.

Strong v. Bostick, 420 So. 2d 1356, 1364 (Miss. 1982).

¶104. Justice Lee also stated in the *Strong* case that

Present generations owe posterity the obligation to protect and conserve wildlife, a valuable and essential resource, in order that future generations may have game and fish for their enjoyment, pleasure and benefit. The many sportsmen may not override rights of the few, nor may small groups impose their selfish wants against the will of the large.

Id. at 1364.

¶105. Justice Lee, again in the *Strong* case, quoted the case of *Ex Parte Fritz*, 86 Miss. 210, 218, 38 So. 722, 723, (1905) for the following principle:

It is held with practical unanimity in all jurisdictions that animals *feræ naturæ* are not the subject of private ownership until reduced to actual possession; that the ownership of such animals, so far as they are capable of ownership, is in the state, not as proprietor, but in its sovereign capacity, as the representative and for the benefit of all its people in common; and that the state may regulate and restrict the taking of such animals, or absolutely prohibit it, if deemed necessary for their preservation or for the public good.

¶106. Mississippi, in its sovereign capacity, as the representative and for the benefit of all people in common, sets forth the dates for the hunting of deer and the lawful methods for deer hunting in Miss. Code Ann. § 49-7-31 (Open season on deer) which provides the following:

(1) The open season on deer shall be as follows:

(a) With bow and arrow: October 1 through the Friday prior to Thanksgiving.

(b) With guns and with dogs: from the Saturday prior to Thanksgiving through December 1.

(c) With primitive weapons and without dogs: December 2 through December 15.

(d) With guns and without dogs: December 16 through December 23. However, the commission may allow hunting statewide or in specific areas with any legal weapon which it may designate without dogs after the end of the last season for hunting deer with guns and with dogs, but the season with legal designated weapons and without dogs shall not extend beyond January 31.

(e) The commission shall establish an extended season with primitive weapons and bow and arrow without dogs from February 1 through February 15 for the area south of U.S. Highway 84 and east of Mississippi Highway 35 only for legal bucks. Any antlered deer taken in this area during any open season under this section must be a legal buck as defined in this paragraph. For purposes of this paragraph, the term "legal buck" means a deer with antlers of four (4) points or more with a minimum inside spread of ten (10) inches or a minimum main beam length of thirteen (13) inches. The commission may regulate the taking of deer with antlers of four (4) points or less under this paragraph for the proper management of antlered deer. The commission may delay the opening date and change the length of bow and arrow season in paragraph (a) in this area.

(f) With guns and with dogs: December 24 through a date fixed by the commission that will provide a total of thirty-nine (39) days of hunting deer with guns and with dogs when added to the number of days provided for hunting deer with guns and with dogs in paragraph (b).

(g) When the open season on deer ends on a Friday, the commission shall have the authority to extend the season until thirty (30) minutes after sunset on the following Sunday.

Miss. Code Ann. § 49-7-31(1)

¶107. Subsections (b) and (f) of Miss. Code Ann. §49-7-31(1) specifically allows deer hunting with dogs from the Saturday prior to Thanksgiving through December 1st, and again from December 24th through a date established by the Commission that will provide a total for both hunting dog periods of thirty-nine (39) days.

¶108. There are no Mississippi statutes that require hunting dogs to be equipped with GPS collars or correction collars that would allow the dogs to be stopped before they cross onto the property of private landowners.

¶109. The owners of deer dogs are not required to own or lease a minimum amount of acreage for the purpose of hunting deer with their dogs. Hypothetically, deer dogs could be lawfully unleashed by their owners on a tiny parcel of land that the dogs' owners lease or own, with full knowledge that the dogs will chase deer across the property of other landowners for many miles around. The deer dog owners cannot be charged with trespassing because their dogs cross onto the property of private landowners, such as the Plaintiffs in this case, so long as the dog hunters remain on public road rights-of-way and do not themselves step foot onto private property.

¶110. As pointed out by the Plaintiffs in this case, deer dog hunters can theoretically hunt anyone's property with their dogs, with no permission from the landowner being necessary, so long as the dog hunters remain on the public road right-of-way and do not come onto the private property.

¶111. Miss. Code Ann. § 97-17-85 and § 97-17-87 provide criminal penalties for persons trespassing on the property of another. These code sections are not applicable to hunting dogs.

¶112. Miss. Code Ann. §69-13-1 prohibits any person owning or controlling any livestock such as "cattle, horses, mules, jacks, jennets, sheep, goats and hogs" from allowing their livestock to run at large on the open or unfenced land of another person and requires the livestock owner to keep these animals in a safe enclosure or upon the lands of the owner. Miss. Code Ann. § 69-13-19 provides a minimum penalty for each head of trespassing livestock as defined by Miss. Code Ann. § 69-13-19, with double damages recoverable for each succeeding offense. Hunting dogs are not an animal listed in Miss. Code Ann. § 69-3-1, and thus there is no criminal penalty or sum of liquidated damages that can automatically be assessed against the owner of deer hunting dogs that runs deer across the private property of another person.

¶113. If a private landowner takes deer hunting dogs on his property and seeks to relocate them, he “takes, steals, or carries away any dog the property of another,” the landowner has arguably committed the felony crime of theft of dog pursuant to Miss. Code Ann. § 97-15-51. Killing the deer hunting dogs by the private landowner, unless the dogs attack persons, fowl, or livestock, is likewise a felony crime pursuant to Miss. Code Ann. § 97-41-16 for maliciously injuring dogs or cats. The landowner who kills a hunting dog may also be civilly liable to the dog owner. *Jones v. Mabus*, 574 So. 2d 596 (Miss. 1990).

¶114. Proponents of deer hunting with dogs, such as the Defendants here, will argue that the practice is allowed by statute, and not limited by any statute providing for a trespass by a hunting dog or a specific civil penalty for the deer dogs owner for the dogs running across private property. Dog hunters will also argue that hunting deer with dogs is protected by Miss. Const. Art. 3 §12A, which provide the following:

Section 12A. Right to hunt, fish, and harvest wildlife

The people have the right to hunt, fish and harvest wildlife, including by the use of traditional methods, subject only to laws and regulations that promote wildlife conservation and management and that preserve the future of hunting and fishing, as the Legislature may prescribe by general law. Public hunting and fishing shall be a preferred means of managing and controlling wildlife. This section may not be construed to modify any provision of law relating to trespass, property rights, the regulation of commercial activities or the maintenance of levees pursuant to Article 11.

¶115. The Defendants also point to Miss. Code Ann. § 49-7-1.1 in support of their right to hunt deer with dogs in the manner in which they have done for decades. This Code section provides:

Preservation and protection of privileges of hunting, trapping and fishing; public policy

Hunting, trapping and fishing are vital parts of the heritage of the State of Mississippi. It shall be the public policy of the State of Mississippi to protect and preserve these activities. The Mississippi Commission on Wildlife, Fisheries and Parks, acting by and through the Mississippi Department of Wildlife, Fisheries and Parks, may regulate hunting, trapping and fishing activities in the State of Mississippi, consistent with its powers and duties under the law. No court of this state may enjoin, suspend, curtail or abrogate any hunting, trapping or fishing activity which is otherwise lawful under the laws of this state or the regulations of the commission, except upon a showing, by clear and convincing evidence, of an immediate threat to the public health, safety and welfare, or other imminent peril. It is, and shall be, the public policy of this state to promote hunting, trapping and fishing and other outdoor recreational opportunities and to preserve these activities for all generations to come.

Miss. Code Ann. § 49-7-1.1.

¶116. Private landowners who do not welcome deer dogs on their property have some small amount of protection from those who practice dog hunting. If the dog hunters themselves come onto private property, they can be charged with trespassing pursuant to Miss. Code Ann. § 97-17-85 or § 97-17-87. However, as noted above, these trespassing statutes apply only to “persons” and not to deer dogs.

¶117. Plaintiffs in this case clearly allege that the Defendants engage in the practice of “road hunting” near the Plaintiffs’ property. “Road hunting” may be described as hunting deer with dogs “when certain hunters have used dogs to chase both deer bucks and does toward hunters stationed in motor vehicles, after which the hunters indiscriminately and wildly shoot at the fleeing deer.” *Ala. Dog Hunters Ass’n v. State*, 893 So. 2d 1224, 1226 (Ala. Ct. of Civ. App. 2004). In the *Ala. Dog Hunters Ass’n* case, the “road hunting” led to several citizens reporting to authorities that their homes had been hit by gunfire from the road hunters. *Id.* at fn. 1.

¶118. In the case of *Pharr v. State*, 1465 So. 2d 294 (Miss. 1984), Justice Robertson described how one headlighting deer at night “endangers others each time he fires.” *Id.* at 296. That exact same logic applies to those who engage in “road hunting” where they fire indiscriminately at deer from vehicles or public road right of ways, sometimes shooting across private property, with no regard for where the bullets from their high-power hunting rifles may strike.

¶119. A tragic loss of life has previously occurred in this State when a nine (9) year old boy was struck by a rifle bullet fired by an individual headlighting near the Natchez Trace Parkway. *United States v. Shaw*, 701 F.2d 367, 376, 380, 383, 394 (5th Cir. 1983). Whether it is headlighting or road hunting, and whether done during the day or at night, any bullet fired from a hunting rifle near a public roadway has the potential to endanger innocent persons nearby.

¶120. Much like headlighting deer, “road hunting” for deer may also be described as a “sorry form of human behavior made unlawful by the wildlife conservation laws of this State.” *Pharr*, 465 So. 2d at 296. Road hunters can best be described like Justice Robertson described headlighters as “being of the Snopesean genre.” *Id.*

¶121. Miss. Code Ann. § 97-15-13 prohibits possession of a loaded firearm or the discharge of a firearm during deer season from any “street, public road, public highway, levee . . . or the right-of-way of any such street, road, highway, levee or railroad.” Discharge of a firearm is prohibited by § 97-15-13 in a like manner.

¶122. Law enforcement officers seeking to enforce the ban on hunting or shooting from public roads or road rights-of-way are greatly hampered by the requirement of Miss. Code Ann. § 99-3-7, which prohibits an officer from taking someone into custody for a misdemeanor, except for misdemeanor domestic violence, unless the misdemeanor was committed in the officer’s presence. *Bass*, 96 Op. Atty. Gen. 889, 1997 WL 47277 (Jan. 28, 1997). If the officer does not catch someone

on the road or the right-of-way with a loaded gun, or does not see them shoot on or along the road, they cannot charge them with a violation of Miss. Code Ann. § 97-15-13. With modern communication techniques such as C.B. radios and cellphones to warn road hunters of approaching law enforcement, it is difficult to believe that a conservation officer could ever actually witness an act of illegal road hunting. When the officer approaches, the road hunting offenders can easily just unload their guns before the officers come into sight.

¶123. Defendants in this case have not been charged with any criminal violations related to “road hunting” offenses. However, other members of their Sand Hill Hunting Club have been charged with various road hunting offense. Further, Steven Dickerson testified that he had personally witnessed Steve Allen shooting from a public roadway.

¶124. This Court is aware that deer hunting with dogs is a volatile political issue in the State of Mississippi, with opponents of the practice claiming it is “disruptive, unsafe and often leads to people trespassing on private property.” *Should deer hunting with dogs be banned? Lawmakers likely won’t answer that this year.* Northeast Miss. Daily Journal, January 30, 2022. Proponents of dog hunting claim that “numerous Mississippi hunters continue to use dogs, and bad actors don’t truly represent the hunting community.” *Id.*

¶125. During the 2022 Mississippi legislative session, Senate Bill 2501 and House Bill 177 both sought to ban deer hunting with dogs. *Mississippi Legislature: Bills to ban deer hunting with dogs filed in House and Senate*, Mississippi Clarion Ledger, January 23, 2022. Neither of these bills were passed into law, leaving Mississippi one of the few remaining states that allows deer hunting with dogs.

¶126. In 2021, Senate Bill 2485 sought to implement a requirement for dog hunting groups to obtain permits, required deer dogs to wear a tracking collar, and required the dog hunters to keep

their dogs on lands that allowed deer hunting with dogs and implemented penalties, including fines and a revocation of dog hunting permits for repeat violators. This legislative effort to address what is a statewide issue regarding deer hunting with dogs also failed to pass.

¶127. This Court is mindful of the policy of judicial restraint that requires court to limit their role to power granted to the judiciary. *Kelly v. Miss. Valley Gas Co.*, 397 So. 2d 874, 877 (Miss. 1981). Courts are to construe statutes as written, not to write them. *Zambroni v. State ex rel. Hawkins*, 64 So. 2d 335, 337 (Miss. 1953). The prior discussion of various relevant Mississippi statutes, along with failed bills that might have addressed the issues in this case, are to point out that there are no statutory remedies to the issues in this case, although these same issues are widespread enough to result in multiple failed legislative efforts to address them in recent years.

¶128. If deer hunting with dogs is legal, if dog owners cannot be charged with trespass for their dogs coming onto private property, and if it is legal to sit on a public road right-of-way in order to “catch my dogs,” is there any relief allowed by law for the Plaintiffs or other similarly situated private landowners in this State who are regularly deluged with a flood of deer dogs across their property, while the dog owners wait along the public road right-of-way seeking only to “catch their dogs?”

¶129. Legislative efforts to protect private landowners in Mississippi from deer dogs coming onto their property have failed. However, the common law tort of nuisance remains available to private landowners, along with the broad powers of this Court to grant injunctions.

¶130. In the case of *Tichenor v. Vore*, 953 S.W.2d 171, 177-78 (Mo. Ct. App. 1997), the Defendants’ maintenance of dog kennels on their own property, with at least sixteen (16) dogs that barked consistently day and night disturbing the peace and tranquility of the Plaintiffs, was found to constitute an unreasonable interference with the Plaintiffs’ use of their property. The conduct of

the Defendants in *Tichenor* in maintaining a large dog kennel with multiple dogs was found to constitute a nuisance which significantly impaired Plaintiffs' peaceful enjoyment of their property, and justified the trial court in enjoining the Defendants from "operating, maintaining or having a dog kennel or otherwise keeping or maintaining more than two dogs on their property. *Id.* at 173, 177-78.

¶131. In the case of *Racine v. Glendale Shooting Club, Inc.*, 755 S.W. 2d 369, 371 (Mo. Ct. App. 1988), the trial court found that the Defendants' use of their property as a shooting club had constituted both a nuisance and that Defendants had committed trespass due to occasional stray bullets or ricochets. The trial court in *Racine* entered an injunction that permanently enjoined the Defendant from the following:

from using its property in such a manner as described by the evidence to encourage or permit the frequent discharge of large caliber, high powered firearms. Continuous firing and the conducting of shooting matches or meets is prohibited as is any target shooting before nine o'clock of the morning and after dark or six o'clock of the evening. Occasionally [sic] shooting is not prohibited.

Id. at 371. The Court in the *Racine* case later modified the terms of its injunction to make them more specific, with Defendant being allowed no more than ten (10) shooting matches per year, with no more than two high power rifle matches, with a limit imposed on the number of shooters at each match. *Id.* at 372.

¶132. The Court of Appeals in the *Racine* case pointed out that as a general rule that a property owner has the right to exclusive use, possession, and control of his property and the right to use the property for any lawful use which satisfies his interests. *Id.* at 372 (citing *City of Fredrickstown v. Osborn*, 429 S.W. 2d 17 (Mo. 1968)). However, the right of a property owner is not absolute and a person may not use their property in a manner that substantially impairs the right of another to peaceably enjoy his property. *Id.*

¶133. Ultimately, the trial court injunction against the gun club in the *Racine* case was held by the Missouri Court of Appeals to be valid because the Defendants' prior conduct substantially impaired the Plaintiffs' right to peacefully enjoy their property and because the scope of the injunction did not completely destroy the gun club or prevent its operation. *Id.* at 374.

¶134. In addition to otherwise legal activities such as keeping multiple dogs in a kennel and operating a gun or shooting club, several states have reported cases involving the application of a nuisance theory to hunting dogs, resulting in the entry of an injunction against the running of dogs on plaintiffs' properties.

¶135. In the case of *Baker v. Howard County Hunt*, 171 Md. 159, 188 A. 223 (Md. Ct. App. 1936), the Bakers sued the Howard County Hunt and Phillip Bowen, seeking an injunction prohibiting them from hunting across the Bakers' property and from permitting the Defendants' foxhounds from hunting or overrunning the Bakers' land. The trial court denied the Bakers' injunction, from which they appealed.

¶136. The *Baker* Court traced the legal issue of liability for trespassing dogs to common law which initially held that "the owner of a dog is not liable for its mere trespass on land of its own volition." *Baker*, 188 A. at 228. The *Baker* Court discussed the evolution of "dog law" based on changed conditions and quoted the case of *McClain v. Lewiston Interstate Fair & Racing Ass'n*, 17 Idaho, 63, 104 P. 1015, 1021, 25 L.R.A.(N.S.) 691, 20 Ann. Cas. 60, where the Court said:

There would seem to be no reason why the owner of a dog, who unlawfully and negligently permitted trespass upon the rights of another and permitted the animal to go upon the premises where such animal had no right to be, and to invade the legal rights of another, and, while such trespasser, commits an injury to the person or property of one whose rights have been invaded, should not be liable for such damages. * * * It is true the early courts, dealing with the question of trespass of a dog, held that a different rule applies to that of other domestic animals, and that the owner of a dog, independent of statute, was not generally liable for an injury committed by it when trespassing, unless he had previous knowledge of its

vicious propensities. 2 Am. & Eng. Ency. of Law [2d Ed.] 368. But we are unable to discover any reason for this rule, or why dogs should be placed under a different rule than other domestic animals, as to the owner's liability for injuries done when trespassing. * * * And we believe, both upon reason and authority, that when a dog invades and trespasses upon the legal rights of a person and injures person or property, and such invasion and trespass is the result of the negligence of the owner, the owner is liable for the damages done.

Id. at 228.

¶137. The *Baker* Court found that the Defendants had a previous warning that while hunting in the neighborhood of the Plaintiffs' property, their dogs were likely to trespass on the Plaintiffs' property and cause damage to the property, and that the Defendants had a duty to control their hounds to prevent future trespass. *Baker*, 188 A. at 229. The *Baker* court also noted the propensity for a pack of dogs to do substantial damage, whereas a single dog was not likely to do much damage. *Id.* The *Baker* court also stated that “[t]he notion that a landowner is without remedy for damage or injury suffered as the result of such an invasion of his rights, or that the law affords him no protection against a repetition thereof, lacks substance and reality.” *Id.*

¶138. The *Baker* court ultimately found that the Bakers had no adequate remedy at law for repeated invasions of their property by Defendants' hounds because no such damages as they might have recovered would have been adequate compensation for the injury done to them. *Id.* at 230. The *Baker* court found that the repeated trespasses of Defendants' hounds “seriously interfered with their reasonable enjoyment of the property” and that as to the Bakers, that “the injunction prayed for in their bill should have been issued; and that there was error in refusing to grant the injunction and in dismissing this bill.” *Id.* at 230-31.

¶139. The case of *Pegg v. Gray*, 240 N.C. 548, 82 S.E. 2d 757 (N.C. Sup. Ct. 1954) involved a Plaintiff's request for damages for the repeated trespass of foxhounds onto his property without the permission of the landowner Plaintiff. In the *Pegg* case, the landowner Plaintiff presented proof

that the Defendant's dogs had come onto his property chasing foxes approximately twenty-five (25) times in a three (3) year period, resulting in his cattle stampeding and tearing down his fences which he had to pay to repair or replace. *Id.* at 758. The trial court dismissed the Plaintiff's case on the theory that a dog owner cannot be liable for damages caused by his trespassing dogs unless it was shown that "(1) the dog was possessed of a propensity to commit the depredation complained of and (2) the owner knew, or was chargeable with knowledge, of such propensity." *Id.* (internal citations omitted).

¶140. The court in the *Pegg* case gave a long explanation of the English common law rules regarding owner liability for trespassing dogs, explaining that "an ordinary dog of most breeds is inclined to roam around and stray at times from its immediate habitat without causing injury or doing damage to persons or property" resulting in the owner having no liability for "damages for its entry upon the lands of another upon its own volition under circumstances amounting to an unprovoked trespass." *Pegg*, 82 S.E. at 759. The *Pegg* court distinguished the "ordinary dog" from hunting dogs as follows:

However, the rule is different where a dog owner or keeper for the purpose of sport intentionally sends a dog on the lands of another or releases a dog or pack of dogs with knowledge, actual or constructive, that it or they likely will go on the lands of another or others in pursuit of game. In such cases the true rule would seem to be that the owner or keeper, in the absence of permission to hunt previously obtained, is liable for trespass, and this is so although the master does not himself go upon the lands, but instead sends or so allows his dog or dogs to go thereon in pursuit of game.

Id. at 759.

¶141. In *Pegg*, the North Carolina Supreme Court, in reversing the trial court's dismissal of the plaintiff's case, found that the Defendant, "without permission of the plaintiff, on numerous occasions intentionally and for the purpose of sport sent his pack of dogs, or released them

knowing they likely would go, on, over, and across the lands of the plaintiff in pursuit of foxes, whereby the plaintiff sustained substantial damage to his fences and other property.” *Pegg*, 82 S.E. at 762. This conduct on the part of the hunting dogs’ owners was deemed to be sufficient to submit the issue of damages to the jury. *Id.*

¶142. In the case of *Buckskin Hunting Club v. Bayard*, 868 So. 2d 266, fn. 2 (La. App. 3 Cir. 03/03/04), the trial court enjoined the defendants from “allowing dogs owned, used or in any way under the custody and control of said Defendants or any one of them, to enter upon the leased property of the Buckskin Hunting Club to hunt or chase deer or other wildlife or for any other purpose.” This permanent injunction was affirmed by the Third Circuit Louisiana Court of Appeals. *Id.*

¶143. In the case of *Florida Fish and Wildlife Comm’n v. Daws*, 256 So. 3d 907 (Fl. Dist. Ct. App. 2018), the trial court granted private landowners’ request to prevent the Florida Fish and Wildlife Commission (“FWC”) from issuing licenses and permits to deer hunters to use dogs for hunting near their private property. The trial court had ordered the FWC to abate the nuisance of deer dogs trespassing on the private landowners’ property on the theory that the repeated trespasses of deer dogs onto their property deprived the landowners of their right to quiet enjoyment of their property to the extent that it amounted to an inverse condemnation of the private landowners’ property. *Id.* at 910-11.

¶144. In the Florida *Daws* case, the trial court’s injunction against FWC was reversed because it was found to be a state agency protected by sovereign immunity. *Id.* at 912-13. However, the Court also noted that the private landowners “are free to exclude the deer dog hunters and the dogs from their property by pursuing criminal or civil remedies against the trespassing hunters and owners of the deer dogs.” *Id.* at 915.

**CAN THIS COURT LAWFULLY ENJOIN THE DEFENDANTS' DEER DOGS FROM
BEING ON THE PLAINTIFFS' PROPERTY?**

¶145. The Defendants argue that Article 3 of Section 12A of the Mississippi Constitution prohibits this Court from enjoining any type of hunting activity. However, nothing in that amendment to the State Constitution specifically guarantees the right to hunt deer with dogs and more specifically, does not guarantee the right to hunt deer with dogs on the property of another person. Section 12A also specifically says **“This section may not be construed to modify any provisions of law relating to trespass, property rights, the regulation of commercial activities or the maintenance of levees pursuant to Article II.”** Miss. Const. art. 3 §12A (emphasis added).

¶146. Plaintiffs argue correctly that the ideal of private property is sacrosanct under our laws from the time of the founding of the United States. John Adams stated “Property must be secured, or liberty cannot exist.” *John Adams*, Charles Frances Adams (1851); *The Works of John Adams* Second President of the United States with a Life of the Author, Notes and Illustrations at p. 280.

¶147. The fundamental maxims of a free government seem to require that the rights of personal liberty and private property should be held sacred. *Wilkinson v. Leland*, 27 U.S. 627, 657 (1829).

¶148. In Mississippi, private property rights of landowners have been held to be the “five covenants known to law, to wit: seisin, power to sell, freedom from encumbrance, quiet enjoyment and warranty of title.” *Howard v. Clanton*, 481 So. 2d 272, 275 (Miss. 1985). The covenant of quiet enjoyment is held to run with the land and is only broken by eviction or the equivalent thereof. *Id.* (citing *Bridges v. Heimbarger*, 360 So. 2d 929 (Miss. 1978)).

¶149. Hunting in Mississippi, and specifically hunting deer with dogs, is a statutory right which the Court does not believe overrides the long-standing rights of a landowner to the quiet enjoyment of his property. Art. 3 §12A of the Mississippi Constitution specifically give deference to the rights

of property owners and made it clear that the law with regard to private property rights had not been modified by this amendment to the State Constitution.

¶150. Defendants also claim that this Court cannot issue an injunction against them because of the language of Miss. Code Ann. § 49-7-1.1 which provides in part that “[n]o court of this state may enjoin, suspend, curtail or abrogate any hunting, trapping or fishing activity which is otherwise lawful under the laws of this state or the regulations of the commission, except upon a showing, by clear and convincing evidence, of an immediate threat to the public health, safety and welfare, or other imminent peril.”

¶151. Defendants’ specious argument is that their activity of running their dogs across Plaintiffs’ property, whether intentionally or unintentionally, and parking on the public road right-of-way to catch their dogs is a protected hunting activity under Miss. Code Ann. § 49-7-1.1. However, as detailed below, the Defendants always deny that they are hunting when confronted by the Plaintiff Steven Dickerson or law enforcement on the road right-of-way near the Plaintiffs’ property. The Defendants’ denial that they are hunting on or near the public roadway along the Plaintiffs’ property was also made multiple times under oath by the Defendants in this proceeding and in other legal proceedings. Some examples of the Defendants’ denials that they were hunting on the road or from the road right-of-way are set forth below.

¶152. Michael Cain testified in his deposition (Trial Ex. 6, p. 24: 15-25; p. 25: 1-9) as follows:

Q: Okay. When that dog is running on Mr. Dickerson’s property, it’s the same type of chase that it is when it’s on your property right? There’s no difference –

A: Yes.

Q: between the chase?

A: Yes.

Q: So the dog is hunting on Mr. Dickerson's property. Isn't that correct?

A: The dog is.

Q: Okay. Now you, individually, yourself, you couldn't walk on his land and go hunting, could you?

A: Right.

Q: But, apparently, you can send your dog over there to hunt on his property. Is that correct?

A: No, I don't send my dog on anyone else's property.

Q: Okay. But that's what happens, isn't it?

A: It happens.

¶153. Michael Cain testified in Prentiss County Justice Court (Trial Ex. 9, p. 6: 3-7; p. 7: 25; p. 8: 1-5; p. 16: 3-17) as follows:

A: Yes ma'am. I was - - during hunting season I was sitting on the side of the road inside my truck with my gun unloaded in the back seat, sitting on the right of way of the road and was tracking my dogs is what I was doing on a GPS system.

...

Q: Okay. And so you were actively hunting even though your gun - -

A: I was tracking my dogs - -

Q: Right

A: - - with no intention of shooting anything.

...

Q: Okay. Why are you hunting on somebody else's land?

A: I wasn't.

Q: So you were not engaged in hunting?

A: I was not hunting. I was tracking my dogs.

Q: All right. I understand that. But the statute you charged Mr. Dickerson under says that you have to be engaged in hunting. So were you hunting or were you not hunting?

A: We had been hunting all day. My gun was not loaded.

Q: Okay.

A: It was in the back of the vehicle. All I had was a tracking device just trying to retrieve my dogs.

¶154. The Defendants in this case cannot take the position that they are not “hunting” from the road right-of-way while catching their dogs when they are seeking to avoid a road hunting citation under Miss. Code Ann. § 97-15-13, while also claiming that their activities are protected hunting activities pursuant to Miss. Code Ann. § 49-7-1.1. Equitable estoppel prevents one from making a representation relied upon by others, then changing that representation when it better suits them. Here, if the Defendants had admitted to engaging in hunting activities on the public road right-of-way, the Plaintiffs could have had them cited by the Conservation Officer for a violation of the law. They are therefore estopped to deny that they were hunting when it better suited them and to now claim that their activities are protected “hunting” activities under Miss. Code Ann. § 49-7-1.1.

**HAVE PLAINTIFFS PROVEN THAT DEFENDANT’S CONDUCT
CONSTITUTES A NUISANCE?**

¶155. In the case of *Lambert v. Matthews*, 757 So. 2d 1066 (Miss. 2000), the Mississippi Supreme Court defined a private nuisance as follows:

A private nuisance is a nontrespassory invasion of another's interest in the use and enjoyment of his property. One landowner may not use his property in such a way as unreasonably to annoy, inconvenience or harm others. *Leaf River Forest Prod., Inc. v. Ferguson*, 662 So. 2d 648, 662 (Miss. 1995). The supreme court has held that whether a use was reasonable depends on a review of all the

circumstances. *Reed v. Cook Constr. Co.*, 336 So. 2d 724, 725 (1976). Each case is to be decided on its own facts, taking into consideration the location and the surrounding circumstances. *Alfred Jacobshagen Co. v. Dockery*, 243 Miss. 511, 517, 139 So. 2d 632, 634 (1962). Further, it is not necessary that the other property owners be driven from their homes, but only that their enjoyment of life and property is “rendered materially uncomfortable and annoying.” *Id.*

The noisy operation of a drive-in theater was found to be a nuisance when it was of a character to produce actual physical discomfort and annoyance to a person of ordinary sensibilities. *Jenner v. Collins*, 211 Miss. 770, 775, 52 So. 2d 638, 640 (1951). The court also found that the credibility and worth of the evidence presented as to the level of discomfort was peculiarly within the chancellor's province as the trier of fact. *Id.*

A Mississippi precedent involving this sort of nuisance was not discovered, but trespassing chickens, hogs, dogs and turkeys have been enjoined, through their owner, from invading the property of surrounding landowners. *White v. Lewis*, 213 Miss. 686, 692–93, 57 So. 2d 497, 499 (1952). Although the court said it was “without power to designate categorically the degree of harassment below which a complainant becomes guilty of an abuse of process,” it found that “there was sufficient testimony to justify the learned chancellor in his finding that the nature and extent of vexation by itinerant animals and fowls was sufficient to draw unto complainants the process of the court.” *Id.* at 499.

Likewise, we find that the chancellor here was justified by exhaustive and thorough factfinding and by the weight of the evidence in determining that the Lamberts' rooster operation, as it existed at the time of trial, was a nuisance to surrounding landowners and should be permanently enjoined. The severity of the remedy is the remaining question.

Id. at 1069-70 (¶ 11-14).

¶156. In *Lambert*, the Supreme Court ultimately affirmed the chancellor's permanent injunction that allowed the Lamberts to keep only two (2) roosters on their property, instead of the nineteen (19) roosters that they previously kept. *Lambert*, 757 So. 2d at 1070-71.

¶157. In the case of *William v. King*, 860 So. 2d 847, 849 (¶ 3) (Miss. 2003), the Williamses complained that King placed his dog near the gate at the entrance of the Williams's residence. King's dog acted aggressively and frightened the Williams's child and visitors to their home.

¶158. In the *Williams* case, the Mississippi Supreme Court defined a private nuisance as follows:

A private nuisance may be shown by conduct causing an invasion of another's interest in the private use and enjoyment of land that is either: (1) intentional and unreasonable; (2) unintentional and otherwise actionable under the rules controlling liability for negligent or reckless conduct; or (3) unintentional and actionable for abnormally dangerous conditions or activities. *Leaf River Forest Prod.*, 662 So.2d at 662. A claim for private nuisance does not require proof of an actual physical invasion. However, the plaintiff must present evidence of an invasion in order to withstand summary judgment. *Cooper Tire and Rubber Co. v. Johnston*, 234 Miss. 432, 438–39, 106 So.2d 889, 891 (1958).

Williams v. King, 860 So. 2d at 851.

¶159. The Court in *Williams* reversed the chancellor's dismissal of the plaintiffs' nuisance claim and stated “[i]t is not necessary to debate whether dogs and chickens may attain the status of trespassers. It is enough that their presence and actions created a nuisance.” *Id.* at 851-52 (emphasis added).

¶160. Neither the Plaintiffs nor the Defendants in the case at bar kept a calendar or journal to document the number of times in the past few years that the Defendants' deer dogs came onto the Plaintiffs' property. Nonetheless, the Court is satisfied that the Defendants' deer dogs came onto the Plaintiffs' property multiple times each year during hunting season, all of which was documented by the testimony of Conservation Officer Gholson, Investigator Walker, from the Defendants' own testimony before this Court proceeding, and from the Defendants' deposition testimony from multiple justice court proceedings (Trial Exhibits 4 and 9). The Plaintiffs' trial testimony, along with their deposition testimony (Trial Exhibits 2 and 3) paint a picture of the Defendants' deer dogs running on their property on a very regular basis. This was clearly not a case of the Plaintiffs overreacting to a paltry one or two instances of the Defendants' dogs getting onto their land. Instead, the Defendants' dogs regularly and unreasonably entered onto the Plaintiffs' land.

¶161. The intrusion of the Defendants' deer dogs onto the Plaintiffs' property can be characterized as intentional since the Defendants purposely unleash the dogs on their own leased property, with full knowledge that the dogs will stray off their property while pursuing game, as much as fifty percent of the time, according to the testimony of Steve Allen, or some lesser percentage of the time, according to other Defendants. When the deer dogs of the Defendants stray off of Defendants' leased property, they frequently end upon the Plaintiffs' property where they are not welcome. If the Defendants actions cannot be deemed intentional, they are at least reckless, because they continue to turn their deer dogs loose knowing full well that they may likely end up running deer on the Dickerson property multiple times each year.

¶162. The Plaintiffs are still hunters who plant food plots on their land, erect deer stands, and wait for the natural movement of the deer to bring them in view of the hunters on their property. When the Defendants' deer dogs chase deer across the Plaintiffs' property, it disrupts the natural movement of the deer for an indeterminate amount of time, according to Conservation Officer Gholson and the Plaintiffs. To put it another way, the Defendants' deer dogs' intrusion onto the Plaintiffs' property ruins the Plaintiffs' efforts to hunt in their chosen, lawful manner of still hunting on their own private property that they have paid for and expended money and time on to prepare for hunting. When Defendants' dogs come onto the Plaintiffs' property, their use and enjoyment of their own land is basically gone for an extended period of time.

¶163. Plaintiffs also cannot fully enjoy their property when the Defendants or others are present on the road right-of-way adjacent to their property while trying to "catch their dogs" that are running on the Dickersons' land. Plaintiffs have described on these occasions hearing regular gun shots near or across their property from the public road right-of-way and therefore are at times fearful of letting their children out of their home.

¶164. Plaintiffs seek broad injunctive relief from the Court prohibiting the Defendants from allowing their dogs to come onto their property, enjoining the Defendants from parking in the public road right-of-way, and imposing escalating fines for each episode when the injunction is violated. However, the Court believes the relief sought is overly broad and possibly beyond the broad equitable powers of this Court.

¶165. The Court finds that the Defendants' deer dogs running deer or otherwise coming onto the Plaintiffs' property has regularly interfered with the Plaintiffs' peaceful and quiet enjoyment of their private property. No adequate remedy exists at law for the Plaintiffs as damages for a lost day or half-day of hunting would be difficult to quantify and multiple actions would have to be filed, possibly for each incident, when the Defendants' deer dogs come onto the Plaintiffs' property.

¶166. Defendants Steve Allen, Harry Allen, Hunter Allen, and Michael Cain are hereby permanently enjoined from allowing their dogs, or any dogs under their supervision, direction, or control, from coming onto the property owned or leased by the Plaintiffs Steven Dickerson and Alyson Lee Dickerson.

¶167. Defendants Steve Allen, Harry Allen, Hunter Allen, and Michael Cain are further hereby permanently enjoined from aiding or assisting any third party in causing their dogs to come onto the property owned or leased by the Plaintiffs Steven Dickerson and Alyson Lee Dickerson.

¶168. If any of Defendants Steve Allen, Harry Allen, Hunter Allen, and Michael Cain are found to be parked on the public road or public road right-of-way within sight of the property owned or leased by the Plaintiffs at any time when deer dogs are found to be running on Plaintiffs' property, it shall be *prima facie* proof that the Defendant parked on the public road or road right-of-way in violation of this Court's injunction imposed above.

¶169. Violations of this Court’s injunction will be punishable by the contempt powers of this court, which may subject any party found in contempt to a fine and a period of incarceration. The Court also reserves the right to assess all costs of court and reasonable attorneys’ fees against any party found to be in contempt of court. Plaintiffs in any contempt action may also seek monetary damages if they can adequately quantify their loss to the court upon any of the Defendants being found to be in contempt.

¶170. This Court’s permanent injunction only applies to property owned or leased by the Plaintiffs Steven Dickerson and Alyson Lee Dickerson as described in their Complaint, and not to any other property. Further, Defendants are free to hunt with their deer dogs within the rules and regulations promulgated by the State of Mississippi, subject to the permanent injunction as set forth herein.

ARE THE PLAINTIFFS ENTITLED TO DAMAGES?

¶171. The Plaintiffs acknowledged in their testimony that they have no proof that the Defendants placed tacks in their driveway or set fire to their woods. They speculated that since they had no disputes with anyone other than the Defendants, that the Defendants must be responsible for these reprehensible acts. Defendants denied any responsibility for setting fire to the Plaintiffs’ property or putting tacks in their driveway. Therefore, based upon lack of proof, the Plaintiffs’ request for an award of damages from the Defendants for the fires and tacks in the driveway is denied.

¶172. Plaintiffs further sought an award of damages from the Defendants for false, defamatory material that the Defendants allegedly placed on social media. No proof was presented to substantiate that Defendants engaged in putting any defamatory statements about Plaintiffs on social media. Accordingly, this request for damages is likewise denied.

¶173. Plaintiffs have also sought damages for the Defendants' conduct of allowing their deer dogs to come onto the Plaintiffs' property, which they allege interfered with their peaceful quiet enjoyment of their property. Plaintiffs did not document the exact number of times that they allege that the Defendants' dogs came onto their property. Further, although Plaintiffs testified about spending thousands of dollars on seed and fertilizer for food plots, no proof was provided that would allow this Court to quantify with any degree of accuracy the Plaintiffs' damages for a lost half day or a lost full day of hunting. Therefore, the Plaintiffs' request for damages on the nuisance/loss of peaceful and quiet enjoyment of property claim is therefore denied.

¶174. Lastly, Plaintiffs also seek an award of attorneys' fees, but did not put on any proof of the amount that they had paid in attorneys' fees and court costs. Further, Plaintiffs put on no evidence as to the necessity and reasonableness of attorneys' fees, as required by the case of *McKee v. McKee*, 418 So. 2d 764 (Miss. 1982). Accordingly, the Plaintiffs' request for an award of attorneys' fees is denied.

IV. JUDGMENT

¶175. In accordance with the Court's findings and opinion above, the Court does hereby enter its judgment, as follows:

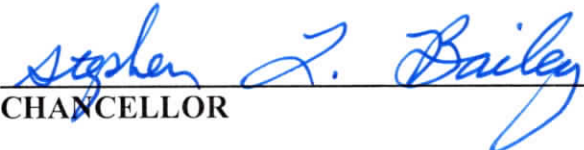
- A. Defendants Steve Allen, Harry Allen, Hunter Allen, and Michael Cain are hereby permanently enjoined from allowing their dogs, or any dogs under their supervision, direction, or control, from coming onto the property owned or leased by the Plaintiffs Steven Dickerson and Alyson Lee Dickerson.
- B. Defendants Steve Allen, Harry Allen, Hunter Allen, and Michael Cain are further hereby permanently enjoined from aiding or assisting any third party in causing their

dogs to come onto the property owned or leased by the Plaintiffs Steven Dickerson and Alyson Lee Dickerson.

- C. If any of Defendants Steve Allen, Harry Allen, Hunter Allen, and Michael Cain are found to be parked on the public road or public road right-of-way within sight of the property owned or leased by the Plaintiffs at any time when deer dogs are found to be running on Plaintiffs' property, it shall be *prima facie* proof that the Defendant parked on the public road or road right-of-way in violation of this Court's injunction imposed above.
- D. Violations of this Court's injunction will be punishable by the contempt powers of this court, which may subject any party found in contempt to a fine and a period of incarceration.
- E. The Court reserves the right to assess all damages, costs of court, and reasonable attorneys' fees against any party found to be in contempt of court under the terms of this Judgment.
- F. This Court's permanent injunction only applies to property owned or leased by the Plaintiffs Steven Dickerson and Alyson Lee Dickerson as described in their Complaint, and not to any other property. Further, Defendants are free to hunt with their deer dogs within the rules and regulations promulgated by the State of Mississippi, subject to the permanent injunction as set forth herein.
- G. Plaintiffs' request for an award of damages from the Defendants for the fires and tacks in the driveway is denied.
- H. Plaintiffs request for an award of damages from the Defendants for alleged defamation is denied.

- I. Plaintiffs' request for an award of monetary damages on the nuisance/loss of peaceful and quiet enjoyment of property claim is denied.
- J. Plaintiffs' request for an award of attorneys' fees is denied.
- K. All other relief sought by any party hereto not otherwise granted herein is likewise denied.

ALL SO ORDERED, ADJUDGED, AND DECREED, this the 16th day of
December, 2022.



CHANCELLOR

