

THE STATE OF NEW HAMPSHIRE

**HILLSBOROUGH, SS.
NORTHERN**

SUPERIOR COURT

Docket # 218-2020-CV-00008

PAMELA D. KELLY, et al.

v.

TOWN OF NOTTINGHAM

PARTIES' PROPOSAL FOR CLASS CERTIFICATION PROCEEDINGS

NOW COME the Parties, by and through their respective counsel, and respectfully submits this Proposal for Class Certification Proceedings as requested by the Court.

1. The Parties propose that the Court schedule a hearing for class certification during the weeks of Monday May 3, 2021 and Monday May 10, 2021. Counsel are available those weeks except for Thursday May 13 in the afternoon and all day on Friday May 14.

2. The Parties request a full-day hearing for an estimated six (6) hours of testimony. The Parties will attempt to streamline the process as much as possible and submit written evidence and exhibits to the Court on the day of the hearing.

3. The Parties would like to allow for submission of memos of law due five (5) days after the conclusion of the hearing.

4. The Parties want to make the Court aware that Town residents have placed a petitioned article on the Town's warrant for 2021 that seeks to accept all "Camp Roads" identified in this lawsuit on Pawtuckaway Lake as class V roads. These roads are identified in the Plaintiffs' Complaint in ¶ 43 (a) – (u) with the exception of (r) Highland Road, which was accepted by the Town voters as a class V road in the 2020 Town Meeting. The remaining five "Camp Roads" in this suit are located around the smaller Nottingham Lake and are identified in the Plaintiff's Complaint ¶ 43 (v) – (z), but are not include in the petitioned article.

5. The Parties have agreed on discovery to be conducted for the purposes of the class certification hearing. The Parties will allow for 25 interrogatories and 20 hours of depositions that will not count toward the overall case limitations as outlined in the NH Superior Ct. Rules 21 – 29.

WHEREFORE, the Parties respectfully request that this Honorable Court:

- a) Schedule a hearing as set forth above;
- b) Allow the Parties to proceed as described in this Proposal; and
- c) Grant any other relief as would be just and equitable.

Respectfully submitted,

Town of Nottingham,

By its Counsel,

UPTON & HATFIELD, LLP

Date: January 12, 2021

/s/ Susan Aileen Lowry
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By their Counsel,

ALFANO LAW OFFICE

Date: January 12, 2021

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CERTIFICATE OF SERVICE

I hereby certify that on this day I forwarded a copy of the within document via the Court's electronic filing system to all counsel of record.

/s/ Susan Aileen Lowry
Susan Aileen Lowry

Approved and So Ordered



Honorable Diane M. Nicolosi
January 20, 2021

**Clerk's Notice of Decision
Document Sent to Parties
on 01/26/2021**