

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

Court Name: **Strafford Superior Court**
Case Name: **Pam Kelly, et al. v. Town of Nottingham**
Case Number: **218-2020-CV-0008**
(if known)

-PROPOSED-
CASE STRUCTURING AND ADR ORDER

(See Superior Court Civil Rules 5 and 32)

1. Plaintiff's Counsel: Trial **James Soucy** At conference **N/a**
2. Defendant's Counsel: Trial **B.Mayer/S.Lowry/R.Dietel** At conference **N/a**
3. Causes(s) of action: **Declar. Judgment & Other** Counterclaims **None.**
4. Insurance carrier: **N/a** Disclosure of policy limits by: **N/a**
5. ☐ The parties consent to this case being transferred to the Business and Commercial Dispute Docket. A motion requesting this transfer shall be filed with the Court within 30 days. Upon receipt, the Clerk will submit the motion to the Merrimack Superior Court for ruling.
6. If defendant claims that unnamed parties are at fault (see DeBenedetto v. CLD Consulting Engineers Inc., 153 N.H. 793 (2006)), defendant shall disclose the identity of every such party and the basis of the allegation of fault no later than **10/01/2020**. Plaintiff shall then have 30 days from the date of disclosure to amend the initiating pleading.
7. Is there an agreement to waive statutory expert disclosure requirements under RSA 516:29-b?
☐ Yes ☒ No
8. ☒ The parties have exchanged e-mail addresses and agree that the e-mail service of pleadings between the parties shall be considered in compliance with Superior Court Administrative Order 46.
9. Plaintiff's disclosure of experts and reports due: **03/01/2021**
Defendant's disclosure of experts and reports due: **05/01/2021**
10. The following deadlines apply:
All interrogatories propounded by **08/01/2021**
All depositions to be completed by **08/31/2021**
All dispositive motions to be filed: **no later than 120 days prior to the trial**
Completion of all discovery: **09/01/2021**
Deadline for filing all other pre-trial motions: **14 days prior to trial management conference**
Deadline for filing of witness and exhibit lists: **14 days prior to trial management conference**
11. Jury trial requested? ☐ Yes ☒ No
12. If jury trial previously demanded, is it now being waived? ☒ Yes ☐ No
13. Requested trial date: **10/04/2021** Estimated trial length: **5 days**
14. Jury trial assignment: Trial Mgt Conf.: _____ Jury Selection: _____
15. Bench trial assignment: Trial Mgt Conf.: _____ Week of: _____
16. Trial counsel and self-represented parties shall appear at the trial management conference and be prepared to address settlement potential. Parties represented by counsel shall be available for contact by telephone during the trial management conference. All pending pretrial motions shall be heard at the trial management conference, or as scheduled by the court. Failure to appear at the trial management conference or trial may result in dismissal, default or other sanctions.

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ADR (Alternative Dispute Resolution)

Superior Court Civil Rule 32 requires the Court to assign all civil cases to ADR unless the parties represent by joint motion they have engaged in formal ADR before a neutral third party before filing suit or the Court exempts the parties by motion for good cause shown.

17. ADR Order:

- ☒ The parties stipulate and agree to an ADR process. **OR**
☐ The parties do not agree to an ADR process and request the Court complete this section.

A. Type of ADR

☒ **Mediation** ☐ **Neutral Case Evaluation** ☐ **Arbitration**

☐ **Other Neutral Third Party Process:** _____

Name of person chosen to conduct ADR: Kevin Collimore, Esq. ☒ Paid ☐ Volunteer

Address: 10 East Pearl St., Nashua, NH 03060

Phone: (603) 881-5500 Email: kcollimore@CullenCollimore.com

Names of alternates: 1. _____ 2. _____

B. Scheduling your ADR Session: Date ADR shall be completed by 07/01/2021

You and the other side must contact the person selected to schedule the ADR session.

C. ADR Reporting: The Plaintiff shall file a copy of the ADR report with the court within 30 days of the ADR session. If the ADR report is not timely filed, the court may schedule a show-cause hearing to determine the status of the ADR process and to impose sanctions appropriate to the circumstances, if necessary.

18. ☐ The Court has determined the parties are exempt from Rule 32 ADR.

19. Other orders:

James L. Soucy, Esq.

Name of Filer

Alfano Law Office, PLLC **14937**

Law Firm, if applicable Bar ID # of attorney

4 Park St, Suite 405

Address

Concord **NH** **03301**

City State Zip code


Signature of Filer

(603) 856-8348

Telephone

jim@alfanolawoffice.com

E-mail

8/28/20
Date

Barton L. Mayer, Esq.

Name of Filer

Upton & Hatfield, LLP **1644**

Law Firm, if applicable Bar ID # of attorney

10 Centre St, PO Box 1090

Address

Concord **NH** **03301**

City State Zip code

Signature of Filer

Date

(603) 224-7791

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E-mail

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CASE STRUCTURING AND ADR ORDER

Susan A. Lowry, Esq

Name of Filer

Upton & Hatfield, LLP

Law Firm, if applicable

Bar ID # of attorney

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Robert J. Dietel, Esq.

Name of Filer

Gallagher, Callahan & Gar

19540

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Zip code

Signature of Filer

Date

(603) 228-1181

Telephone

dietel@gcglaw.com

E-mail

SO ORDERED:

Signed version submittd this morning. All parties appeared and agreed to the terms above.



Honorable Diane M. Nicolosi

August 31, 2020

Date

Presiding Justice

Clerk's Notice of Decision
Document Sent to Parties
on 09/01/2020