

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS

SUPERIOR COURT

Case No. 218-2019-CV-00398

Brent Tweed, et al.

v.

Town of Nottingham, et al.

**THE DEFENDANTS' NOTICE OF NO OBJECTION TO THE TEMPORARY
INJUNCTION HEARING SCHEDULED FOR MAY 1, 2019**

The Town of Nottingham and Donna Davis, by and through their attorneys, Upton & Hatfield LLP, respectfully submit this response to the Court's scheduling of a temporary injunction hearing for May 1, 2019, stating as follows:

1. This matter arises out of a warrant article that was passed by the Town of Nottingham Town Meeting on March 16, 2019, regarding an ordinance titled "Freedom from Chemical Trespass Rights-Based Ordinance" (hereinafter the "Ordinance").

2. The Plaintiffs now ask that the Court issue a temporary injunction "barring the Town of Nottingham from taking any enforcement action against any resident of the Town of Nottingham and any business entity locate there." *See Complaint* at 20.

3. A hearing is currently scheduled for May 1, 2019 at 9:00 a.m. on the Plaintiffs' temporary injunction request.

4. The Town does not object to the Court issuing a temporary injunction preventing the Town from enforcing the Ordinance while this matter is pending.

5. In fact, the Plaintiff's Complaint does not even allege that the Town has actually sought to enforce the Ordinance against any resident or business in Town, including the Plaintiff.

6. Accordingly, in order to preserve scarce judicial resources, the Defendants respectfully request that the Court accept this Notice of No Objection and cancel the temporary injunction hearing scheduled for May 1, 2019.

Wherefore, the Defendants respectfully request that this Honorable Court:

- A. Accept the Defendants' Notice of No Objection;
- B. Cancel the Temporary Injunction Hearing Scheduled for May 1, 2019; and
- D. Grant such further relief as may be just and proper.

Respectfully submitted,

TOWN OF NOTTINGHAM

By its attorneys,

UPTON & HATFIELD LLP

Date: April 29, 2019

By: /s/ Michael P. Courtney
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Appearance was electronically forwarded this day to Richard J. Lehmann.

Dated: April 29, 2019

By: /s/ Michael P. Courtney
Michael P. Courtney