

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.
NORTHERN DISTRICT

SUPERIOR COURT

PAMELA D. KELLY, MATTHEW H. EATON, KEVIN E. JORDAN
JEROME F. LAPHAM, JR., JAMES P. ROSBOROUGH, PETER W. LYLE, MICHAEL
HERRON, AMEDE A. BAILLARGEON, JR., SHANE CAREY, & ROGER FRIEDEN,
CHERYL LEBLANC, THOMAS DUFFY, AND
JOHN DOES #1 THROUGH #5 AND JANE DOES #1 THROUGH #5,
AS GENERAL CLASS OF RESIDENTS ALONG CAMP ROADS
IN THE TOWN OF NOTTINGHAM

v.

TOWN OF NOTTINGHAM

Docket #: 218-2020-CV-0008

PLAINTIFFS' ASSENTED-TO MOTION
FOR VOLUNTARY NON-SUIT WITHOUT PREJUDICE

NOW COME, the representative plaintiffs ("Plaintiffs"), Pamela D. Kelly, Matthew H. Eaton, Kevin E. Jordan, Jerome F. Lapham, Jr., James P. Rosborough, Peter W. Lyle, Michael Herron, Amede A. Baillargeon, Jr., Shane Carey, and Roger Frieden, Cheryl Leblanc, Thomas Duffy, John Does #1 through #5, and Jane Does #1 through #5 (Plaintiffs), by and through their attorneys, Alfano Law Office, PLLC, and file this Assented-To Motion, stating as follows:

1. The above-captioned Plaintiffs, as the proposed representative plaintiffs, initiated the present action seeking to obtain a decision of the legal classification of certain "Camp Roads" located in Nottingham, NH and to resolve the lack of clarity and recurring disputes over the Town's responsibilities to same roads. Complaint, at paras. 41 through 57, para. 71, and Counts I & II.
2. Since initiating the present action, an Article ("Article #19") was placed on the Town Warrant for the voters in the Town of Nottingham to accept seventeen (17) of the Camp Roads listed in paragraph 43 of the Complaint as town-maintained roads. See: **Exhibit #1**.

Clerk's Notice of Decision
Document Sent to Parties
on 09/20/2021

1

Granted

Honorable Diane M. Nicolosi
September 17, 2021

3. On Tuesday, June 8, 2021, the Town of Nottingham held its Town Election Day and residents voted in favor of Warrant Article #19. See: **Exhibit #2**.
4. At the Town Meeting, earlier in 2020, the residents voted on a warrant article that accepted Highland Road as a class V highway.
5. Thereby, the eighteen (18) Camp Roads in the Complaint are now “town roads”, or Class V roads.
6. As a result, the plaintiffs, hereby, wish to withdraw the present action by way of a nonsuit, without prejudice.
7. The Town assents to the requested relief.

WHEREFORE, the Plaintiffs respectfully request that this Honorable Court:

- A. Grant the foregoing Plaintiffs’ Assented-To Motion for Voluntary Nonsuit, Without Prejudice;
- B. Issue an Order dismissing the present action, without prejudice; and
- C. Grant such other and further relief as may be required.

Respectfully submitted,
Pamela D. Kelly, et. al.
by and through their attorneys,
Alfano Law Office, PLLC

Dated: 9/16/21

/s/ JAMES L. SOUCY, ESQ.
James L. Soucy, Esquire (NH Bar #14937)
4 Park Street, Suite #405
Concord, NH 03301
(603) 856-8348
jim@alfanolawoffice.com

CERTIFICATE OF COMPLIANCE WITH RULE 11 (c)

I, hereby, certify that I have obtained the concurrence of Susan A. Lowry, Esquire, opposing counsel-of-record, to the relief requested in the foregoing Assented-To Motion.

Dated: 9/16/21

/s/ JAMES L. SOUCY, ESQ.

James L. Soucy, Esquire

CERTIFICATE OF SERVICE

I, hereby, certify that a copy of the foregoing Assented-To Motion has been forwarded, via the Court's electronic filing system, on this date, to Barton Mayer, Esquire, Susan A. Lowry, Esquire, and Robert Dietel, Esquire, opposing counsel-of-record.

Dated: 9/16/21

/s/ JAMES L. SOUCY, ESQ.

James L. Soucy, Esquire