

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
TO CONTINUE 6/28/20 CLASS CERTIFICATION HEARING

NOW COME, the Plaintiffs, Pamela D. Kelly ("Petitioner 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, by and through their attorneys, Alfano Law Office, PLLC, and file this Assented-To Motion, stating as follows:

1. The above-captioned 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.
2. On or about August 24, 2020, the Defendant filed a Motion to Strike Class Action.
3. Thereafter, this Court held a conference with counsel-of-record and, by Clerk's Notice dated February 9, 2021, the Court scheduled a hearing for Monday, June 28, 2021, for the certification of the class of plaintiffs.

Granted


Honorable Diane M. Nicolosi

June 14, 2021

Clerk's Notice of Decision
Document Sent to Parties
on 06/15/2021

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4. On Tuesday, June 8, 2021, the Town of Nottingham held its Town Election Day and residents voted in favor of Warrant Article #19 which accepted seventeen (17) of the Camp Roads listed in paragraph 43 of the Complaint.
5. At the Town Meeting, earlier in 2020, the residents voted on a warrant article that accepted Highland Road as a class V highway and at the June 8, 2021 Town Election Day, Nottingham residents voted in favor for Article #19, for accepting the 17 Camp Roads as “town roads”.
6. Thereby, the eighteen (18) Camp Roads in the Complaint are now town roads, or Class V roads.
7. The Plaintiffs likely will need to amend the Complaint to remove same approved Camp Roads from this lawsuit.
8. Further, the Plaintiffs need time to assess the impact of the passage of the Camp Roads Article on this lawsuit, assess their options, and for the entire class of Plaintiffs to decide upon the course of action to be taken as to this action, all of which cannot be accomplished prior to the June 28th class certification hearing.
9. The Town assents to the requested relief.

WHEREFORE, the Plaintiffs respectfully request that this Honorable Court:

- A. Grant the foregoing Assented-To Motion to Continue;
- B. Issue an Order continuing the June 28, 2021 class certification hearing for ninety (90) days;
- 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: June 11, 2021

/s/ JAMES L. SOUCY, ESQ.

James L. Soucy, Esquire (NH Bar #14937)
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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: June 11, 2021

/s/ JAMES L. SOUCY, ESQ.

James L. Soucy, Esquire

CERTIFICATE OF SERVICE

I, hereby, certify that a copy of the foregoing 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: June 11, 2021

/s/ JAMES L. SOUCY, ESQ.

James L. Soucy, Esquire