

THE STATE OF NEW HAMPSHIRE

GRAFTON, SS.

SUPERIOR COURT

No. 215-2020-CV-00128

Woodsville Fire District

v.

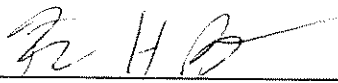
Town of Haverhill

ORDER

Having considered the plaintiff's Motion to Approve Case Structuring Order (Index #7), the defendant's Response (Index #9), the competing proposed Case Structuring and ADR Orders attached thereto, and the procedural posture of this case, the Court approves the defendant's proposed Case Structuring and ADR Order (Index #10), as modified and attached hereto.

So Ordered.

Dated: 12/11/2020



Peter H. Bornstein
Presiding Justice

Clerk's Notice of Decision
Document Sent to Parties
on 12/11/2020

THE STATE OF NEW HAMPSHIRE

JUDICIAL BRANCH

<http://www.courts.state.nh.us>

Court Name: Grafton Superior Court

Case Name: Woodsville Fire District v. Town of Haverhill

Case Number: 215-2020-CV-00128
(if known)

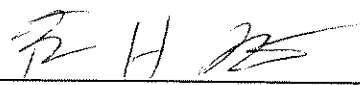
**ORDER APPROVING
CASE STRUCTURING AND ADR ORDER**

The proposed Case Structuring and ADR Order submitted in this case is approved subject to the following changes:

1. Paragraph 10 is amended to reflect that the deadline for all pretrial motions, other than dispositive motions, is 60 days prior to the trial management conference.

SO ORDERED.

12/11/2020
Date


Presiding Justice

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Court Name: Grafton Superior Court
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PROPOSED CASE STRUCTURING AND ADR ORDER

(See Superior Court Civil Rules 5 and 32)

1. Plaintiff's Counsel: Trial Christopher D. Hawkins At conference Christopher D. Hawkins
2. Defendant's Counsel: Trial Demetrio F. Aspiras, III. At conference Demetrio F. Aspiras, III.
3. Causes(s) of action: Declaratory Judgment Counterclaims Declaratory Judgment
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 03/26/2021. 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: 04/26/2021
Defendant's disclosure of experts and reports due: 05/24/2021
10. The following deadlines apply:
All interrogatories propounded by 06/28/2021
All depositions to be completed by 07/30/2021
All dispositive motions to be filed: no later than 120 days prior to the trial
Completion of all discovery: 07/30/2021
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: 09/13/2021 Estimated trial length: 2 days
14. Jury trial assignment: Trial Mgt Conf.: _____ Jury Selection: _____
15. Bench trial assignment: Trial Mgt Conf: 08/30/2021 Week of: 09/13/2021
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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CASE STRUCTURING AND ADR ORDER

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: _____ Paid Volunteer

Address: _____

Phone: _____ Email: _____

Names of alternates: 1. _____ 2. _____

B. Scheduling your ADR Session: Date ADR shall be completed by _____

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:

Demetrio F. Aspiras, III.
 Name of Filer
Drummond Woodsum 19518
 Law Firm, if applicable Bar ID # of attorney
670 N. Commercial Street, Suite 207
 Address
Manchester NH 03101
 City State Zip code

/s/ Demetrio Aspiras 11/05/2020
 Signature of Filer Date
(603) 792-7414
 Telephone
daspiras@dwmlaw.com
 E-mail

 Name of Filer

 Law Firm, if applicable Bar ID # of attorney

 Address

 City State Zip code

 Signature of Filer Date

 Telephone

 E-mail

Case Name: Woodsville Fire District v. Town of Haverhill

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CASE STRUCTURING AND ADR ORDER

Name of Filer

Signature of Filer

Date

Law Firm, if applicable

Bar ID # of attorney

Telephone

Address

E-mail

City

State

Zip code

Name of Filer

Signature of Filer

Date

Law Firm, if applicable

Bar ID # of attorney

Telephone

Address

E-mail

City

State

Zip code

SO ORDERED:

Date

Presiding Justice