

THE STATE OF NEW HAMPSHIRE  
Merrimack County Superior Court  
163 N. Main Street  
P. O. Box 2880  
Concord, NH 03301 2880  
603 225-5501

NOTICE OF STRUCTURING CONFERENCE

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CONCORD NH 03301

- 09-E-0415 State Employees' Assoc. of NH, SEIU Local 1984 v State of NH

The Court will conduct a CASE STRUCTURING CONFERENCE in this case at the Superior Court in Concord on: March 22, 2010 at 8:45 am.

At least ten (10) days prior to the conference, all parties shall file summary statements necessary to support their respective claims, defenses or counterclaims. The summary statement shall be comprehensive and made in good faith, but shall not be admissible at trial.

Counsel, or parties if unrepresented, shall attend this conference and shall be prepared and authorized to:

1. discuss issues in the case;
2. set schedules for discovery and other case preparation;
3. discuss settlement of the case;
4. discuss Alternative Dispute Resolution;
5. set a trial date, if appropriate.

At or immediately after the Case Structuring Conference the Court shall issue a CASE STRUCTURING ORDER which may include:

- a. a referral to Alternative Dispute Resolution;
- b. a schedule for discovery and other case preparation, including deadlines for filing motions and pretrial statements; and
- c. dates for additional conferences, motion hearings, a Trial Management Conference, jury selection and trial.

REFER TO OBLIGATIONS UNDER REVISED RULE 62. FAILURE TO APPEAR MAY RESULT IN NONSUIT OR DEFAULT. PLEASE BRING CALENDAR FOR SCHEDULING PURPOSES.

Please advise clients, witnesses, and others that it is a class B felony to carry a firearm or other deadly weapon as defined in RSA 625:11,V in a courtroom or area used by a court.

All counsel are required to comply with RSA 508:4-e.

1/14/2010

RECEIVED BY ORDER OF THE SUPERIOR COURT  
William McGraw, Clerk

cc: Danielle L. Pacik, Esq.

AOC Form SUCP040 (Rev. 03/31/2000)

JAN 15 2010

MOLAN, MILNER & KRUPSKI, PLLC  
ATTORNEYS AT LAW

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

Court Name: \_\_\_\_\_

Case Name: \_\_\_\_\_

Case Number: \_\_\_\_\_

(if known)

**RULE 170 ALTERNATIVE DISPUTE RESOLUTION INFORMATION SHEET AND STIPULATION**

This document explains the options you or your clients have in participating in the Superior Court's Alternative Dispute Resolution Program ("ADR"). ADR makes it possible to try to resolve the case before trial. Please fill out this form and file it with the court 10 days prior to the Structuring Conference. If the court has approved your participation in the Structuring Conference by telephone, please include the user fee\* (if applicable) with this form when you file it.

**There are three steps you must do:**

**1. Choose the type of ADR:** You and the other side should try to agree on the following types of ADR. If you cannot agree, fill-out the form with your choices and the Court will decide what to do at the Structuring Conference.

Choices of ADR (choose one):

- **Mediation:** A neutral third person facilitates a discussion between the two sides to help them reach a solution to their differences. Mediation is confidential and informal. Mediators cannot force parties to agree but the mediator can help the parties to come up with a solution that is agreeable. If the matter does not settle, the case proceeds to trial. **Absent agreement, your case will be assigned to mediation by the Court.**
- **Neutral Evaluation:** A neutral person examines the evidence presented by the parties in an informal session; listens to the parties' positions, and then gives the parties his or her evaluation of the case. Having an opinion by a neutral evaluator can often help the parties agree to settle the matter. If the parties do not agree to a settlement, the matter would proceed to trial.
- **Binding Arbitration:** Arbitration uses one or more neutrals that are called Arbitrators. Arbitration is a more formal procedure than Mediation or Neutral Evaluation since the Arbitrator may use the rules of evidence and since the matter is often presented in a format similar to a trial. The Arbitrator(s) will issue an opinion stating which party has won. In binding arbitration that opinion is typically final. **Arbitrators are not available as volunteers.**

**2. Choose a Neutral:** If you choose a volunteer neutral, you or your clients will **not** have to pay the neutral. **\*However, there is a \$50.00 per party user fee which will be due at the Structuring Conference.** Absent good cause, failure to pay the fee at the Structuring Conference (or before) may result in your case being dismissed if you are a plaintiff. If you are a defendant, the fee is a litigation cost that must be paid. **If you choose a neutral from the "paid" list, then there is no \$50.00 fee and instead you will simply pay the neutral his/her market rate.**

The Court has a paper list of Neutrals, or you may go to the court's website: [www.courts.state.nh.us](http://www.courts.state.nh.us). Click on "Office of Mediation and Arbitration" and follow the links to the on-line list. If you and the other side agree on a name, please fill in the name of the neutral below along with two alternates. If you can't agree, the Court will assign someone.

Case Name: \_\_\_\_\_

Case Number: \_\_\_\_\_

**RULE 170 ALTERNATIVE DISPUTE RESOLUTION INFORMATION SHEET AND STIPULATION**

Name of neutral: \_\_\_\_\_

Paid:  Volunteer:

Names of alternates: 1) \_\_\_\_\_

2) \_\_\_\_\_

**3. Contact the neutral and arrange the ADR:** You and the other side must contact the neutral you have selected, or that the Court has assigned, to schedule the ADR session and choose a location, date and time. In most cases, the ADR will be held at the Mediators' location or in another location mutually agreeable, to the parties, the mediator and/or counsel. In some counties the Court may be used, but must be reserved in advance.

Rule 170 provides that the ADR session(s) shall be completed no later than eight months from today. You must file a motion with the Court for an extension if you feel that the circumstances of your case requires the ADR to take place beyond the eight month deadline. Under no circumstances should an extension of the ADR date(s) effect the trial date established by the Court.

The parties or counsel are responsible for familiarizing themselves with and complying with all provisions of Rule 170 which is available online at: [www.courts.state.nh.us](http://www.courts.state.nh.us) (click on Office of Mediation and Arbitration).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Plaintiff Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant Signature

**So Ordered:**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Presiding Justice

If you have questions about the information above, please contact the Office of Mediation and Arbitration at: 603-271-6418 ext 303 or 315, or e-mail the office at: [Ltroy@courts.state.nh.us](mailto:Ltroy@courts.state.nh.us) or [Kborgstrom@courts.state.nh.us](mailto:Kborgstrom@courts.state.nh.us)

For internal use only. To be filled-in by Court and forwarded to the Office of Mediation and Arbitration at PO Box 389, Concord NH 03302:

Party	Fee Paid	Request Waiver	Fee Waived	Fee not Waived
Plaintiff				
Defendant				
Other				