

State of New Hampshire



PERSONNEL APPEALS BOARD
28 School Street
Concord, New Hampshire 03301

CONTACT: STEVEN BUNKER, ADMINISTRATOR 271-1421

NOTICE OF SCHEDULING PREHEARING CONFERENCES

Wednesday, June 8, 2016

1:00 p.m.

Room 411 – State House Annex
25 Capitol St., Concord, New Hampshire

The Board, under the authority of RSA 541-A:31, RSA 21-I:58, and Per-A 206.03 of the Code of Administrative Rules, has scheduled **MANDATORY PREHEARING CONFERENCES** as outlined below to facilitate the scheduling of an evidentiary hearing and a just disposition of each of the matters listed. Notices are being sent to the current representatives of record.

Judith Repoza 2016-T-013

Health & Human Services
NH Hospital

For the Appellant: Pro Se
For the Appellees: Attorney Robert Berry

Danielle Krull 2016-D-007

Health & Human Services
Mental Health Services – Glencliff House

For the Appellant: Pro Se
For the Appellees: Attorney Robert Berry

Lorie Sackett 2016-D-009

Health & Human Services
Mental Health Services – Glencliff House

For the Appellant: Pro Se
For the Appellees: Attorney Robert Berry

If a party wishes to have a Motion heard at a scheduled Prehearing Conference, said Motion must be filed at least fourteen (14) days in advance of the scheduled Prehearing Conference.

May 31, 2016

Tina Kelley 2015-D-002
Office of Allied Health Professionals
Health & Human Services

For the Appellant: Pro Se
For the Appellees: Assistant Attorney General MaryBeth Misluck

Jason Berry 2014-D-009
Department of Corrections, Division of Field Services

For the Appellant: Pro Se
For the Appellees: Attorney Lynmarie Cusack

Patrick Curran 2016-D-008
Department of Safety
State Police

For the Appellant: Attorney John Krupski
For the Appellees: Attorney Marta Modigliani

Per-A 206.03 (b) of the NH Code of Administrative Rules (Rules of the Personnel Appeals Board) states:

A prehearing conference shall be convened to narrow the factual issues or for any other purpose set forth in RSA 541-A:31, V to consider:

- (1) Offers of settlement;
- (2) Simplification of the issues;
- (3) Stipulations or admissions as to issues of fact or proof by consent of the parties;
- (4) Limitations on the number of witnesses;
- (5) Changes to standard procedures desired during the hearing by consent of the parties;
- (6) Consolidation of examination of witnesses; or
- (7) Any other matters which aid in the disposition of the proceeding.

At the scheduled pre-hearing conference, each party shall be prepared to address the following:

- (1) Scope of the hearing
- (2) Outstanding discovery issues
- (3) Stipulations or admissions as to issues of fact or proof
- (4) Offers of settlement
- (5) Number of witnesses expected to testify in a hearing on the merits
- (6) Special scheduling
- (7) Amount of time required to hear the case
- (8) Pending motions, whether dispositive or non-dispositive

All prehearing activities shall be conducted in accordance with Chapters Per-A 100-200 of the NH Code of Administrative Rules (Rules of the Personnel Appeals Board). Each party has the right to have an attorney represent them at their own expense. Parties should advise the Board immediately if they believe there are reasons that any member or alternate member of the Board should not participate in the pre-hearing conference or later hearing. Members of the Board include Charla Stevens, Norman Patenaude, David Goldstein, and Chris Nicolopoulos.

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Motions for postponement or special scheduling will only be considered for exceptional circumstances and must be made in writing to the Personnel Appeals Board within ten (10) calendar days of the date of this notice to be considered. Except in the event of a *bona fide* emergency, untimely requests will be denied. Further, except for good cause shown, failure of an appellant to appear as scheduled may result in dismissal of the appeal for lack of prosecution.

Other Business

Non-public session pursuant to RSA 91-A:3, II(j) to deliberate on motions filed in an adjudicative proceeding pursuant to RSA 541 or RSA 541-A.

FOR THE PERSONNEL APPEALS BOARD

Gail E. Wilson

Gail E. Wilson, Executive Assistant
NH Personnel Appeals Board

cc: Sara Willingham, Director of Personnel, 28 School St., Concord, NH 03301
Attorney Robert Berry, Dept. of Health and Human Services, 129 Pleasant St., Concord, NH 03301
Assistant Attorney General Lynmarie Cusack, NH Dept. of Justice, 33 Capitol St., Concord, NH 03301
Assistant Attorney General MaryBeth Misluck, NH Dept. of Justice, 33 Capitol St., Concord, NH 03301
Attorney Marta Modigliani, Department of Safety, Officer of the Commissioner, 33 Hazen Dr., Concord, NH 03305
Attorney John S. Krupski, Molan, Milner & Krupski, PLLC, 1 Pillsbury St., Suite 204, Concord, NH 03301
Jason Berry, 562 Montgomery St., #2, Manchester, NH 03102
Tina Kelley, 14 Beechwood Dr., Gilmanton, NH 03237
Danielle Krull, 12 Deerfield Dr., Woodsville, NH 03785
Judith Repoza, 99 Clinton St., Apt. 403, Concord, NH 03301
Lorie Sackett, PO Box 258, Warren, NH 03279

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May 31, 2016