



VINCENT A.  
WENNERS, JR.

ATTORNEY AT LAW

NEW HAMPSHIRE  
SUPREME COURT  
RECEIVED

October 20, 2005

2005 OCT 24 A 10:14

GENERAL PRACTICE  
TRIAL PRACTICE

603-669-3970  
800-439-3970 (NH ONLY)  
FAX 603-296-2289

84 BAY STREET  
MANCHESTER, NH 03104

VWENN@AOL.COM

Eileen Fox, Clerk  
New Hampshire Supreme Court  
One Noble Drive  
Concord, NH 03301

05 - 0753

Re: Mandatory Notice of Appeal

Dear Ms. Fox:

Enclosed please find one original and three copies of my  
Mandatory Notice of Appeal for filing with the Court.

If you have any further questions or concerns, please do not  
hesitate to contact my office.

Thank you.

Very truly yours,

Vincent A. Wenners, Jr., Esquire

VAW/mjz

Enclosure

cc: James A. Normand, Esq.  
cc: Ovide M. Lamontagne, Esq.  
cc: Ruth Tolf Ansell, Esq.  
cc: John M. Safford, Clerk  
Hillsborough County, Northern District Superior Court

**NEW HAMPSHIRE SUPREME COURT  
RULE 7 NOTICE OF MANDATORY APPEAL**

This form should be used for an appeal from a final decision on the merits issued by a superior court, district court, probate court or family division court except for a decision from: (1) a post-conviction review proceeding; (2) a proceeding involving the collateral challenge to a conviction or sentence; (3) a sentence modification or suspension proceeding; (4) an imposition of sentence proceeding; (5) a parole revocation proceeding; or (6) a probation revocation proceeding.

**1. COMPLETE CASE TITLE AND DOCKET NUMBERS IN TRIAL COURT**

Edward J. Burke v. Bunny's Superette, Inc., Thomas M. Burke, Marie I. Burke, and Bernardine P. Donelson

Docket No. 04-E-0251

**2. COURT APPEALED FROM AND NAME OF JUDGE(S) WHO ISSUED DECISION(S)**

Hillsborough County, Northern District Superior Court  
Judge John M. Lewis

**3A. NAME AND ADDRESS OF APPEALING PARTY. IF REPRESENTING SELF, PROVIDE TELEPHONE NUMBER**

Edward J. Burke  
13 Meadowcrest Road  
Hooksett, NH 03106

**3B. NAME, FIRM NAME, ADDRESS AND TELEPHONE NUMBER OF APPEALING PARTY'S COUNSEL**

Vincent A. Weners, Jr.  
Attorney at Law  
84 Bay Street  
Manchester, NH 03104  
(603) 669-3970

**4A. NAME AND ADDRESS OF OPPOSING PARTY**

Bunny's Superette  
75 Webster Street  
Manchester, NH 03104

**4B. NAME, FIRM NAME, ADDRESS AND TELEPHONE NUMBER OF OPPOSING PARTY'S COUNSEL**

James A. Normand, Esquire  
Normand & Associates  
15 High Street  
Manchester, NH 03101-1628  
(603) 624-6655

(11/03)

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5. NAMES OF ALL OTHER PARTIES AND COUNSEL IN TRIAL COURT

Thomas M. Burke

Ovide M. Lamontagne, Esquire  
Devine, Millimet & Branch  
PO Box 719  
Manchester, NH 03105

Marie L. Burke

Ruth Tolf Ansell, Esquire  
Ansell, Barradale, Newkirk, Anderson & Dwyer, PA  
40 South River Road  
Bedford Place - Unit 32  
Bedford, NH 03110  
(603) 644-8211

Bernardine P. Donelson

Ruth Tolf Ansell, Esquire  
Ansell, Barradale, Newkirk, Anderson & Dwyer, PA  
40 South River Road  
Bedford Place - Unit 32  
Bedford, NH 03110  
(603) 644-8211

6. DATE OF CLERK'S NOTICE OF DECISION  
OR SENTENCING. ATTACH COPY OF  
NOTICE AND DECISION.

08/23/2005

DATE OF CLERK'S NOTICE OF DECISION ON  
POST-TRIAL MOTION, IF ANY. ATTACH  
COPY OF NOTICE AND DECISION.

09/27/2005

7. CRIMINAL CASES: DEFENDANT'S  
SENTENCE AND BAIL STATUS

N/A

8. APPELLATE DEFENDER REQUESTED? NO

IF SO, CITE STATUTE OR OTHER LEGAL AUTHORITY UPON WHICH CRIMINAL LIABILITY WAS  
BASED AND ATTACH FINANCIAL AFFIDAVIT (OCC FORM 4) N/A

9. IS ANY PART OF CASE CONFIDENTIAL? IF SO, IDENTIFY WHICH PART AND CITE AUTHORITY  
FOR CONFIDENTIALITY. SEE SUPREME COURT RULE 12.

NONE