



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

DERRY POLICE ASSOCIATION

COMPLAINANT

CASE NO. P-0702-23

v.

DECISION NO. 2008-191

TOWN OF DERRY

RESPONDENT

**ORDER RE: PARTIAL MOTION TO QUASH
AND SEPTEMBER 23, 2008 ADJUDICATORY HEARING**

BACKGROUND

On September 18, 2008 the board issued a Subpoena Duces Tecum in response to a request from the Derry Police Association (the "Association"). On September 18, 2008 the Town filed a partial motion to quash the Subpoena Duces Tecum, and on September 19, 2008 the Association filed its objection to the Town's partial motion to quash. The parties appeared for hearing on September 23, 2008 per the board's September 17, 2008 Notice of Adjudicative Hearing, and the Town brought the documents that are responsive to the disputed subpoena.

DECISION

1. As documented on the record at the hearing, the Association's motion to continue the hearing and return for a hearing on the merits in this matter and in the related Case No. P-07002-22 on a later date was granted in order to allow attorney McKittrick a reasonable amount of time

to complete an agreed upon inspection of the disputed records in a manner which may resolve some or all of the issues raised by the Town's motion to quash. Accordingly, a ruling on the Town's motion to quash is deferred at this time.

2. As discussed on the record, the board will attempt to schedule Case No.s P-0702-22 and 23 for two hearing days during the period of October 20 to 22 or October 29 to 31, 2008. Attorney McKittrick's scheduling conflicting arising from a court proceeding in Keene at 9:00 a.m. on October 21 is noted.

3. The parties will be notified in due course of the rescheduled hearing dates, and the parties shall endeavor to complete the submission of both cases in a single day.

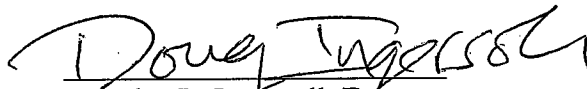
4. The deadline to file pre-hearing worksheets and the Town's answer is extended to ~~September 30, 2008.~~

5. Final witness and exhibit lists shall be filed on or before October 16, 2008.

6. The parties' shall file a statement of stipulated facts on or before October 17, 2008, including a list of agreed upon or joint exhibits.

So ordered.

September 23, 2008.


Douglas L. Ingersoll, Esq.
Staff Counsel/Hearing Officer

Distribution:

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