



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Eric Johnson

v.

**New Hampshire Troopers Association
&
New Hampshire Department of Safety**

Case No. G-0097-8

Decision No. 2010-185

SUPPLEMENTAL PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: October 13, 2010

Appearances: Jon Meyer, Esq. for Eric Johnson

John S. Krupski, Esq. for the New Hampshire Troopers
Association

Marta A. Modigliani, Esq. for the New Hampshire Department of
Safety

The parties appeared for a further pre-hearing conference to address Mr. Johnson's pending Motion for Subpoenas, which seeks the issuance of subpoenas duces tecum to compel the appearance of witnesses for deposition and the production of documents all prior to the adjudicatory hearing. The background of the complaint is summarized in the first pre-hearing order issued September 21, 2010. See PELRB Decision 2010-167. During the course of the conference the parties were able to come to agreement on the exchange of information and the conduct of certain depositions by agreement. The parties' undertakings include the following:

1. On or before October 22, 2010 current counsel for the NHTA will obtain and review the file of attorney Donchess, who represented the NHTA in the proceedings referenced in the complaint and will provide copies of such file material to all counsel in these proceedings.

2. On or before October 22, 2010 the State will share with all counsel the records of Mr. Johnson's use of annual and sick leave during the July 1, 2004 to June 30, 2007 time period.

3. On or before October 29, 2010 the State will share with all counsel copies of any electronic mail communications between attorney Modigliani and attorney Donchess concerning the negotiation and formation of the settlement agreement referenced in the complaint.

4. On or before October 29, 2010 the State will advise all counsel of the extent to which electronic email communications from Colonel Booth concerning the negotiation and formation of the settlement agreement referenced in the complaint are available and can be reviewed and exchanged.

5. On or before October 29, 2010 attorney Meyer will provide all counsel with copies of any available electronic mail or other written communications between Mr. Johnson and NHTA members relating to the settlement agreement.

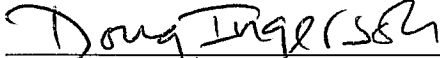
6. Counsel will coordinate with each other as to any depositions they agree to schedule and conduct by agreement.

All parties reserve their right to object to the disclosure of any particular documentation or communication in whole or in part. It is expected the parties will maintain and share a privilege log as to any paper document or electronic file that is not disclosed and will otherwise keep each other informed and advised as to any difficulties in meeting these deadlines and will adjust the deadlines by agreement as necessary. Mr. Johnson has withdrawn his motion for deposition subpoenas as to Jill Rocky, William Graham, and Louis Copponi. The motion for

deposition subpoenas and document production is otherwise denied without prejudice to Mr. Johnson's right to request the issuance of subpoenas duces tecum for the appearance of witnesses and the production of documents at the adjudicatory hearing.

So ordered.

October 13, 2010



Douglas L. Ingersoll, Esq.
Presiding Officer/Executive Director

Distribution:

Jon Meyer, Esq.

John S. Krupski, Esq.

Marta A. Modigliani, Esq.

