



State of New Hampshire  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AFSCME Local 1801/Derry Public Works

Complainant

v.

Town of Derry

Respondent

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Case No: A-0413-35

Decision No. 2004-172

ORDER

WHEREAS, pursuant to the Pre-Hearing Memorandum and Order issued in the above-entitled matter (PELRB Decision No. 2004-160), the parties were directed to notify the Board in the event they were able to reach agreement on presenting the instant matter through the submission of joint stipulations of fact and legal memoranda; and counsel for the Complainant has provided notification to the PELRB on October 14, 2004 of the parties' agreement in this regard, indicating therein an agreement by the parties to file such documentation with the Board on or before December 3, 2004; it is hereby:

ORDERED that the parties' joint request is granted and the November 16, 2004 Board hearing is cancelled. The parties are directed to file their joint stipulations of fact and respective memorandums of law with the Board on or before **December 3, 2004**. Upon receipt of these documents, the record shall be deemed closed and a decision shall issue based solely upon the file documents, stipulated facts and the parties' memoranda, unless it is determined by the Board that a hearing is necessary prior to a final determination on the merits. In the event the PELRB determines that a hearing is necessary, the party representatives shall forward any amendments to, or deletions from, their Witness and Exhibit lists, to the opposing representative or counsel, and to the PELRB, at least five (5) days prior to the scheduled hearing date. The party representatives shall meet, or otherwise arrange, to pre-mark any exhibits, for identification, prior to the time of hearing and have sufficient copies available for distribution at the hearing as required by Pub 203.02.

So ordered.  
Signed this 27<sup>th</sup> day of October, 2004.

Peter C. Phillips, Esq.  
Hearing Officer

Distribution:  
Katherine McClure, Esq.  
Mark T. Broth, Esq.