



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

**NEW HAMPSHIRE TROOPERS
ASSOCIATION / TROOPER
JOHN MIRABELLA ET AL.**

COMPLAINANT

**CASE NO. P-0754-23
P-0754-24
P-0754-25**

v.

DECISION NO. 2008-262

**NEW HAMPSHIRE DEPARTMENT
OF SAFETY, DIVISION OF STATE
POLICE**

RESPONDENT

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: December 29, 2008

Appearances: John Krupski, Esq. for the Complainant
Marta Modigliani, Esq. for the Respondent

Background:

There are three pending matters involving the New Hampshire Troopers Association and the New Hampshire Department of Safety, Division of State Police. Pre-hearing orders have previously issued in P-0754-23 and 25. *See* PELRB Decisions 2008-147 and 2008-258. The

parties appeared for a further pre-hearing to discuss consolidation, scheduling, and related matters.

DECISION

1. "Parties" means the named petitioner and respondent or the counsel/representative appearing in the case.

2. The above captioned cases are consolidated for pre-hearing and hearing with the agreement of the parties, with the exception of the State's request at the pre-hearing that the board conduct a separate hearing on its motion to dismiss in Case No. P-0754-25, notwithstanding the consolidation. The State's request for a separate hearing on its motion to dismiss is denied at this time.

3. As discussed at the pre-hearing:

a. The Association shall file an amended and restated complaint in Case No. P-0754-25 on or before January 8, 2009;

b. The State shall file its answer to the restated complaint on or before January 16, 2009. The State's answer shall include a specification as to the conditions the parties allegedly agreed upon and which Mr. Mirabella allegedly failed to satisfy in the time period prior to his termination;

c. The Association shall file a statement as to the status of the individual claimants named in Case No. P-0754-23 on or before January 8, 2009 as it appears that some of the individual claimants may have withdrawn their claims;

d. The Association shall file a statement notifying the board as to whether it is withdrawing or proceeding with Case No. P-0754-24 on or before January 8, 2009.

e. With the agreement of the parties, the hearing currently scheduled for January 8, 2009 in Case No. P-0754-25 is cancelled and a further pre-hearing will take place on January 20, 2009.

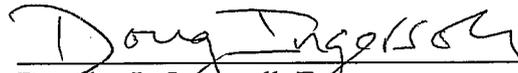
f. The parties shall prepare a stipulation of agreed facts for review and discussion at the January 20, 2009 pre-hearing and shall also file at or before the time of the January 20, 2009 pre-hearing their final witness and exhibit lists.

Hearing

A further pre-hearing in these matters will be held on **January 20, 2009 at 9:00 a.m.** and a hearing will be held on **February 12, 2009 at 9:30 a.m.**

So ordered.

December 29, 2008



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

Distribution:

John Krupski, Esq.
Glenn R. Milner, Esq.
Marta Modigliani, Esq.