

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPHIRE**

Town of Wolfeboro,)
)
 Plaintiff,)
)
 v.)
)
 Wright-Pierce)
)
 Defendant.)
 _____)

Case No. 12-cv-130-JD

**ASSENTED-TO MOTION TO EXTEND TIME TO AND UNTIL JULY 11, 2014 TO
OBJECT TO PLAINTIFF’S PENDING MOTIONS FOR TREBLE DAMAGES AND
FOR AN AWARD OF COSTS**

NOW COMES Wright-Pierce (“Wright-Pierce), by and through its attorneys, Sheehan Phinney Bass + Green PA, and with the assent of the Plaintiff, moves for and extension of time to and until July 11, 2014 within which to file its objection to Plaintiff’s pending motions. In support of its request, Wright-Pierce states as follows:

1. By order dated, May 15, 2014, this Court effectively adopted the jury’s advisory verdict concerning Plaintiff’s RSA 358-A claim. As required by the statute, this resulted in a doubling of Plaintiff’s damages as found by the jury and increased by the Court.

2. This Court gave the Plaintiff until May 20, 2014 to declare whether it intended to seek a trebling of damages, as permitted under RSA 358-A, and if so, gave the Plaintiff until May 30, 2014 to file its motion in support of such request. The Court gave Wright-Pierce until June 13, 2014 to object to the Plaintiff’s request.

3. Plaintiff timely filed its notice and request and under the existing order. Thus, Wright-Pierce has until Friday, June 13, 2014 to submit its objection.

4. The Court's order also directed Plaintiff to file its motion for an award of costs (including attorneys' fees) by May 30, 2014. Plaintiff filed timely filed its motion for costs to which Wright-Pierce's objection is due on June 13, 2014.

5. As counsel for Wright-Pierce has advised counsel for Plaintiff, a situation has emerged that precludes further representation of Wright-Pierce by Donovan Hatem. As a result of that situation, Wright-Pierce was required to engage new counsel to represent its interests with respect to the trebling and attorneys' fees and costs issues, post-trial motions, and an appeal.

6. Wright-Pierce was not able to secure successor counsel until late in the day on Friday, June 6, 2014.

7. Roughly 7 or 8 million dollars is at stake in connection with the remaining 358-A issue. This case involved an 18 day jury trial, with apparently hundreds of exhibits, many of them potentially relevant to the 358-A issue. Despite diligent efforts, at the moment, Wright-Pierce's new counsel still has not received all of the pleadings and has only this morning received a portion of the transcript and the exhibits.

8. In order for Wright-Pierce to have a fair opportunity to object to Plaintiff's pending motions, Wright-Pierce's new counsel needs a reasonable extension to and until July 11, 2014 within which to review the trial testimony, exhibits and relevant pleadings and orders in order to prepare its responses to these motions.

9. Pursuant to Local Rule 7(c), as noted in the title and the preamble to this motion, the Plaintiff assents to this relief.

10. Pursuant to Local Rule 7(a)(2), Wright-Pierce submits that no memorandum of law is required.

WHEREFORE Wright-Pierce respectfully requests that this Court:

- A. Grant the Motion and extend Wright-Pierce's objection dates to and until July 11, 2014;
and,
- B. Grant Wright-Pierce such other and further relief as may be just and equitable.

Respectfully submitted,

WRIGHT-PIERCE

By Its Attorneys

SHEEHAN PHINNEY BASS + GREEN PA

Dated: June 10, 2014

By: /s/ Peter S. Cowan
Peter S. Cowan (#182)
John-Mark Turner (#15610)
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CERTIFICATION

I hereby certify that on June 10, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to all counsel of record.

/s/ Peter S. Cowan
Peter S. Cowan