

THE STATE OF NEW HAMPSHIRE
THE GOVERNOR AND THE EXECUTIVE COUNCIL

Docket #10-001

In Re: Mark Bodi

**OMNIBUS MOTION IN LIMINE TO EXCLUDE CERTAIN TESTIMONY AND
EVIDENCE LISTED IN RESPONDENT'S ADDENDUM TO
HIS EXHIBIT AND WITNESS LIST and REQUEST TO SCHEDULE HEARING**

NOW COMES Attorney General Michael A. Delaney, by and through counsel, the Office of the Attorney General, and moves in limine to exclude the witnesses and certain exhibits referred to as Exhibits CC – Financial Performance, and DD – Letters/Petitions from Public and Employees in Chairman Bodi's Addendum to Witness/ Exhibit List, and in support thereof states as follows:

1) Commissioner Bodi has filed an Addendum to his Witness/Exhibit list indicating he intends to call various witnesses including two Directors from the Liquor Commission, the Commission's Chief Financial Officer, a N.H. state representative and the president of the NH Restaurant and Lodging Association.

2) Upon information and belief, these individuals have no personal information regarding the events for which the commissioner's removal is being sought. Accordingly, they should be excluded as witnesses. It is believed that these witnesses are being offered to provide testimony about Chairman Bodi's general character, the financial performance of the Commission under his direction, or his legislative initiatives of 2009. These issues have no relevance to the proceeding at hand. *See* RSA 541-A:33, II (an officer presiding over an adjudicative hearing may exclude evidence that is irrelevant, immaterial, or unduly repetitious); Jus 813.04 (receipt of evidence is governed by RSA 541-A:33).

3) Likewise, Commissioner Bodi lists financial performance documents (Exhibit CC) and letters /petitions from the public and employees (Exhibit DD) as potential evidence he wishes to present. These documents are not relevant to the issues in the removal proceeding and would not be helpful to a proper disposition of the case. Therefore the exhibits should be excluded.

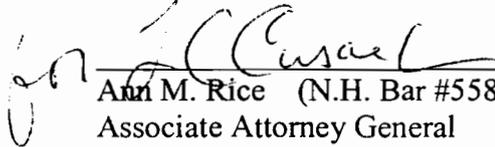
WHEREFORE, the Attorney General respectfully requests that the Governor and Executive Counsel:

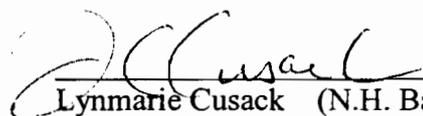
- (a) Preclude Commissioner Bodi from calling the witnesses listed in his addendum;
- (b) preclude Commissioner Bodi from presenting Exhibits CC and DD listed in his addendum; in the alternative
- (c) schedule a hearing prior to September 20, 2010 to resolve all motions in limine; and
- (d) grant any other relief that is just and equitable.

Respectfully submitted,

MICHAEL A. DELANEY
Attorney General

By his counsel,

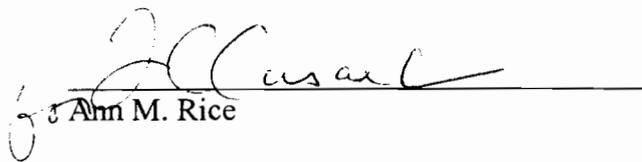

Ann M. Rice (N.H. Bar #5588)
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September 10, 2010

I hereby certify that a copy of the foregoing was mailed this day, postage prepaid, to
Philip T. McLaughlin, counsel of record.


Ann M. Rice