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October 27, 2010

By Fax to #603-669-7080
and by First-Class Mail

David L. Nixon
Nixon, Raiche, Vogelman, Barry & Slawsky, P.A.
77 Central Street
Manchester, NH 03101

Re: In re: Peter Hildreth, Docket No. 2010-002
Before the Governor and the Executive Council

Dear Mr. Nixon:

I received a letter apparently from Mr. Simoneau, but also signed in your and Mr. Vogelman's names, to me dated October 25, 2010, a copy of which is attached, in which your office curiously requests the identical information listed in the Motion for Discovery, Etc. ("Discovery Motion") that you filed with the Governor and the Executive Council earlier.¹ The letter also requests that I enter "[a]n order authorizing and requiring" depositions of the same ten categories of people that you sought in your Discovery Motion, as well as an eleventh category (Jeffrey Meyers). It appears you and Mr. Simoneau had not read my letter that I faxed to you on October 22, 2010, when your office wrote your letter three days later.

As an initial matter, under the Scheduling Conference Report and Order, all requests for information and documents were to be served by October 22, 2010. Notwithstanding the fact that the October 25, 2010 letter to me fails to meet that date, I want to draw your attention to the fact that I have already responded to your requests in my letter to you dated October 22, 2010 and in my Opposition and Response to Peter C. Hildreth's Motion for Discovery, Etc. ("Opposition"), which was filed and served on October 25, 2010.

Second, I do not have the power to order or compel any person to be deposed in this matter. I also do not see the relevance of many of the categories of people you say you wish to depose. See Opposition at 2-4. If you let me know why you seek to depose these categories of

¹ I disagree with the characterization in the second sentence of the letter, but because it does not go to the heart of your letter, I will not belabor the point.

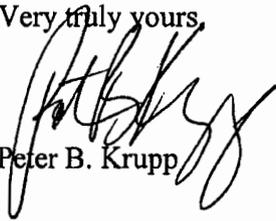
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Page 2

people, and actually list the specific people in the broad categories you set out, I will consider agreeing to certain relevant depositions.

Thank you.

Very truly yours,


Peter B. Krupp

PBK:kas

Enclosure

cc: Joanne Ruel (w/enc., by email and first-class mail with 9 copies)
Donald J. Perrault (w/enc., by email and first-class mail)
Jeffrey A. Meyers (w/enc., by email and first-class mail)
Kirk Simoneau (w/enc., by email)
Karen Ladd (w/enc., by email and first-class mail)