

STATE OF NEW HAMPSHIRE
DEPARTMENT OF STATE

IN THE MATTER OF:)
)
)
Local Government Center, Inc.;)
Local Government Center Real Estate, Inc.;)
Local Government Center Health Trust, LLC;)
Local Government Center Property-Liability Trust,)
LLC;)
Health Trust, Inc.;)
New Hampshire Municipal Association Property-Liability) Case No: C2011000036
Trust, Inc.;)
LGC – HT, LLC;)
Local Government Center Workers’ Compensation)
Trust, LLC;)
And the following individuals:)
Maura Carroll; Keith R. Burke; Stephen A. Moltenbrey;)
Paul G. Beecher; Robert A. Berry; Roderick MacDonald;)
Peter J. Curro; April D. Whittaker; Timothy J. Ruehr;)
Julia A. Griffin; and John Andrews)
)
RESPONDENTS)

**MOTION TO AMEND THE PROPOSED STRUCTURING
CONFERENCE ORDER**

NOW COMES Petitioner, the Bureau of Securities Regulation, a part of the Corporations Division within the Department of State, and submits this Motion to Amend the Proposed Structuring Conference Order, stating in support thereof the following:

1. On September 2, 2011, the New Hampshire Bureau of Securities Regulation filed a Staff Petition for Relief with the New Hampshire Secretary of State’s Office, accusing Respondents of violating N.H. RSA § 5-B and 421-B. Also on September 2, 2011, the Secretary of State, William M. Gardner, issued an order to Cease and Desist, an Order to Show Cause, and a Hearing Order in response to the Staff Petition. On October 3, 2011, the Bureau filed a Motion to Amend Petition to Add Count IV.
2. On October 5, 2011, all counsel of record met to discuss a proposed structuring

conference order in the above-mentioned action. As a result of this meeting, counsel proposed to the hearings officer a Fully Assented to Proposed Structuring Conference Order outlining the proposed schedule agreed upon. The Fully Assented to Proposed Structuring Conference Order includes a provision outlining the scheduling of “status conferences.” The Order goes on to say, “[t]he Parties will confer with one another prior to the status conferences, and if they conclude a status conference is unnecessary, they will request that the conference be canceled.” This language indicates that if the parties were to agree the hearings process should be expedited, appropriate amendments should be made to the Proposed Structuring Conference Order.

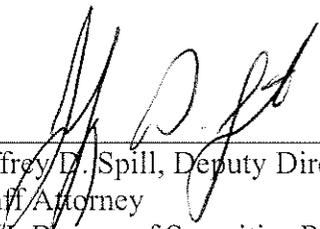
3. The Bureau believes the Proposed Structuring Conference Order should be amended to permit flexibility in the schedule for the hearings process of the above-mentioned matter to allow for a change in the schedule based on reassessment of the need for certain depositions and discovery as well as any other matters that may arise that might necessitate an altered hearings schedule.
4. As of the filing date of this motion, the Bureau has conferred with all counsel of record about the content of the motion, all of whom have expressed opposition to the Bureau seeking such an amendment to the Proposed Structuring Conference Order. As no party will be prejudiced by permitting flexibility in the schedule for the hearings process of the above-mentioned matter, the Bureau does not see any basis for opposition to such an amendment. In fact, permitting such flexibility benefits all parties as such an amendment would allow any party, should the circumstances warrant, to move the Hearings Officer for relief from structuring deadlines as they relate to discovery.
5. Supplemental to the Bureau’s Motion to Amend the Proposed Structuring Conference Order, the Bureau believes it necessary to address certain recent developments relevant to document production and the hearings process in general. Attorney Wingate has been out of the office for personal reasons and Deputy Director Jeffrey D. Spill has stepped in to handle the above-mentioned matter until his return. As Deputy Director Spill is new to the case, and considering the unexpected nature of Attorney Wingate’s absence, the Bureau is in the process of inventorying all material and information related to the above-mentioned matter.
6. With regards to document production and discovery, any material that is discovered that

relates to any documents requests that have been received by the Bureau will be evaluated and either produced or withheld for stated reasons.

WHEREFORE, the Petitioner respectfully requests that the Hearings Officer:

- A. Order amendment to the Proposed Structuring Conference Order to permit flexibility in the schedule for the hearings process for the above-mentioned matter by adding a provision to the Proposed Structuring Conference Order stating “any party may move to amend the schedule outlined in this Order”; and
- B. Grant such other and further relief, as may be deemed proper and just.

Dated this 9th day of November, 2011



Jeffrey D. Spill, Deputy Director
Staff Attorney
N.H. Bureau of Securities Regulation

cc: Adrian S. LaRochelle, Esq.
William C. Saturley, Esq.
Brian M. Quirk, Esq.
Glenn R. Milner, Esq.
Peter J. Perroni, Esq.
Michael D. Ramsdell, Esq.
Joshua M. Pantesco, Esq.
Mark E. Howard, Esq.
Jaye L. Rancourt, Esq.