

STATE OF NEW HAMPSHIRE

STRAFFORD COUNTY, SS

SUPERIOR COURT

Docket No. 219-2011-CV-00349

David K. Taylor

v.

The Oyster River Cooperative School Board and Henry Brackett, Chairman

**ANSWER OF THE OYSTER RIVER COOPERATIVE SCHOOL BOARD
AND HENRY BRACKETT, CHAIRMAN**

NOW COME the Oyster River Cooperative School Board, and Henry Brackett, Chairman, and submit the following Answer to the Petition for Injunctive Relief filed Pursuant RSA 91-A:7.

1. Paragraph 1 sets forth no allegations of fact and does not call for admission or denial.

2. The first two sentences of paragraph 2 do not set forth allegations of fact and do not call for admission or denial. The respondents deny the remainder of paragraph 2.

3. Admitted.

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted that the email in question was sent. Denied that the meeting was “purportedly” excluded from the requirements of RSA 91-A. By way of further answer,

the respondents state that the meeting was, in fact, excluded from the requirements of RSA 91-A. Admitted that the document in question had been released by all Board members as of the date of the Petition. By way of further answer, respondent Brackett has subsequently produced a copy of the document.

8. Admitted that the non-meeting in question occurred on April 29, 2011 and that the emails referenced were sent by Board member Ann Wright. Denied to the extent that the meeting is characterized as a “purported” non-meeting.

9. Admitted that a non-meeting was held on May 20, 2011. Denied that a “subcommittee” meeting occurred on May 23, 2011. By way of further answer, the respondents state that a non-meeting of certain Board members, with counsel, and an outside consultant did occur. The remainder of paragraph 9 is admitted.

10. Admitted that the meetings described occurred. Denied that the meetings were meetings of subcommittees of the Board.

11. Admitted that the email in question was sent. Denied to the extent the Petition characterizes or otherwise interprets the body of the email as the email speaks for itself. Admitted that as of the date of the Petition all Board members except Henry Brackett had released the document. By way of further answer Henry Brackett has subsequently produced the document.

12. Denied as pled by the Petitioner. By way of further answer, the Respondents state that the following events occurred on June 13, 2011. A meeting involving Henry Brackett, Jim Kach, and Megan Turnbull occurred at the Durham Police Department in the general time frame stated. In addition, a full non-meeting with counsel

counsel occurred later in the day on June 13, 2011. Admitted that no documents arranging the non-meeting have been released. Admitted that Ann Wright sent the email attached and that as of the date of the Petition all Board members except Henry Brackett had released the document. Henry Brackett has subsequently produced his copy of the email.

13. Admitted that a meeting occurred involving Henry Brackett, Megan Turnbull, and an outside consultant. Denied that the meeting was a subcommittee meeting.

14. The first sentence of paragraph 14 does not call for admission or denial as it is an editorial comment and not a factual statement. The second two sentences of paragraph 14 are admitted. The fourth sentence is denied as phrased. The remainder of paragraph 14 is admitted.

15. Denied.

16. The allegations of paragraph 16 are admitted with the exception of the sentence which states, "Prior to this, the Board had deliberated the decision to hire an interim superintendent and to contact candidates." To the extent the use of the word "deliberated" is intended to mean that the Board had decided to hire an interim superintendent the allegation is denied. By way of further answer, the Respondents admit that they had discussed the hiring of an interim superintendent.

17. Denied.

18. Admitted.

19. Admitted.

20. Admitted.

21. Admitted.

22. Admitted.

22. [Sic] Admitted.

23. Admitted.

24. Admitted.

25. Admitted.

26. Admitted.

27. Denied as phrased. By way of further answer, as of the date of the Petition all Board members except Henry Brackett had complied, and Henry Brackett was in the process of producing his copies of the requested documents already in the Petitioner's possession.

28. Admitted that as of the date of the Petition Henry Brackett had not fully complied with the request. By way of further answer, Henry Brackett has now fully complied. Denied that Brackett has acted in a manner which circumvents the spirit and purpose of RSA 91-A.

29. The responses set forth in paragraphs 1 through 28 are fully realleged and incorporated.

30. Denied.

31. Denied.

32. Paragraph 32 does not state allegations of fact and therefore does not call for admission or denial.

33. The responses set forth in paragraphs 1 through 32 are fully realleged and incorporated.

34. Paragraph 34 does not state allegations of fact and therefore does not call for admission or denial.

35. Denied.

36. Denied.

37. Paragraph 37 does not state allegations of fact and therefore does not call for admission or denial.

38. The responses set forth in paragraphs 1 through 37 are fully realleged and incorporated.

39. Denied.

40. Denied.

41. Paragraph 41 does not state allegations of fact and therefore does not call for admission or denial.

42. The responses set forth in paragraphs 1 through 42 are fully realleged and incorporated.

43. Paragraph 43 does not state allegations of fact and therefore does not call for admission or denial.

44. Denied.

45. Denied.

46. Paragraph 46 does not state allegations of fact and therefore does not call for admission or denial.

Respectfully submitted,

The Oyster River Cooperative School
Board and Henry Brackett, Chairman
By Their Attorneys,
WIGGIN & NOURIE, P.A.

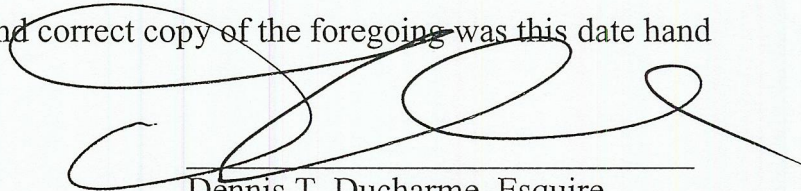
Dated: September 12, 2011

By: 

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Certification

I hereby certify that a true and correct copy of the foregoing was this date hand delivered to David K. Taylor.


Dennis T. Ducharme, Esquire

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