

THE STATE OF NEW HAMPSHIRE

STRAFFORD, SS

SUPERIOR COURT

DAVID K. TAYLOR

V.

THE OYSTER RIVER COOPERATIVE SCHOOL BOARD

219-2012-cv-001

OBJECTION TO EX PARTE MOTION FOR TEMPORARY INJUNCTION

Now comes the Oyster River Cooperative School District, by it's attorney, Dennis T. Ducharme, and objects to the Petitioner's Ex Parte Motion For Temporary Injunction, stating for cause as follows:

- 1)The Petitioner's claim of immediate irreparable harm is fallacious. The activities scheduled for meetings on January 3 and January 5, 2012 will cause no expenditure of public funds. The professional search consultant hired by the Board is being paid a flat fee. The committee members are unpaid.
- 2)As such, seeking an ex parte ruling from the court based on a suggestion of financial harm is a baseless claim.
- 3)The Petitioner comes to the court with unclean hands. The meeting at issue on January 3, 2012 was posted on December 23rd, 2011. Despite that, Petitioner waited until the day of the meeting in question to file this action.
- 4)The Petitioner's characterizations of the meetings and process at issue are grossly innacurate. Each of the meetings in question included both a meeting notice and and agenda which were posted contemporaneously. The notice and agenda, taken together, presented a clear notice of the business to be conducted. (see eg, attachment A)
- 5)All of the business at issue was conducted in open session, and in compliance with both the letter and spirit of RSA 91-A.
- 6)The selection of the public members of the search committee was not an illegal vote. There was no vote taken, as the names of interested memembers of the public were drawn randomly, in public, after Board members indicated their individual preferences pursuant to the process described. Once the

names were drawn, a public vote was taken.

7)The actions of the Petitioner are a continuation of his course of conduct directed at derailing virtually any actions taken by the Respondent Board.

8)If the court grants the relief sought by the Petitioner, based on an obviously carefully chosen tactic of filing the ex parte request in a manner and at a time designed to give the Board no time to respond, it will be giving the Petitioner exactly what he wants, a political victory.

9)Granting the relief sought will likely derail a valid and open search process needlessly, potentially causing the process to begin under one Board and finish under a reconfigured Board after March 2012 elections.

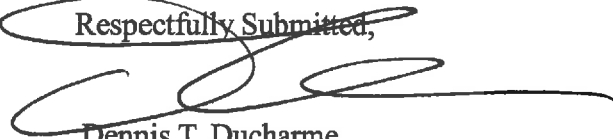
10)The potential harm from granting the ex parte relief vastly outweighs the potential harm of denying it.

11)Equity would be served by allowing the January 3rd and 5th 2012 meetings to go forward, as they will cause no expenses to be incurred by the district.

WHEREFORE, The Respondent Board prays:

- A)That the court deny the request for a temporary injunction;
- B)That the court rule that the January 3rd and 5th 2012 meetings may proceed as scheduled;
- C)That the court hold a hearing on the Petition For Injunctive Relief as soon as practicable;
- D)That the Petitioner's prayers for relief be ruled on only after hearing;
- E)For such other relief as the court deems just and proper.

Respectfully Submitted,


Dennis T. Ducharme
Ducharme Resolutions, PLLC
20 Market Street, Suite 216
Manchester, NH, 03101
603-935-7292

I, Dennis T. Ducharme certify that a copy of the within has been served on David K. Taylor on this date, January 3, 2012.



Ex. A.

Oyster River Cooperative School District
SUPERINTENDENT SEARCH WORKSESSION

Special Meeting

AGENDA

October 13, 2011

ORHS - C-124

7:00 - 8:30 p.m.

- I Call to Order**
- II. Discussion**
 - 1. Work session with NESDEC (Superintendent Search Firm)**
 - Superintendent Search Schedule
 - Advertisement
 - Announcement
- IV. Adjournment**

The School Board reserves the right to take action on any item on the agenda.

Respectfully submitted,



Leon Levesque, Interim Superintendent

Oyster River Cooperative School District

Special Meeting

REVISED - AGENDA

October 25, 2011

ORHS – C124

3:00 – 5:00 p.m.

- I. Call to Order
- II. Discussion
 - 1. Work session with NESDEC (Superintendent Search Firm)
 - Finalize Advertisement
 - Finalize Announcement
 - 2. Focus Group Categories
- II. Action Items
 - Approve Advertisement
 - Approve Announcement
- II. Adjournment

The School Board reserves the right to take action on any item on the agenda.

Respectfully submitted,



Leon Levesque, Interim Superintendent

OYSTER RIVER COOPERATIVE SCHOOL DISTRICT

NOTICE OF SCHOOL BOARD

Special NESDEC Workshop Meeting

November 14, 2011 ORHS-C-124 7:30 PM- 9:00 PM

The Oyster River School Board will meet with NESDEC for a special Superintendent Search work session at the ORHS - Room C-124 from 7:30 PM – 9:00 PM on Monday, November 14th 2011.

Screening Committee Discussion:

1. Composition
2. Responsibilities
3. Expectations
4. Schedule

Respectfully submitted,



Leon Levesque
Superintendent

OYSTER RIVER COOPERATIVE SCHOOL DISTRICT

NOTICE OF SCHOOL BOARD

Special Focus Group Meeting

November 14, 2011 ORHS-C-124 6:00 PM- 7:30 PM

The Oyster River School Board will meet with NESDEC for a special Superintendent Search Focus Group at the ORHS - Room C-124 from 6:00 PM – 7:30 PM on Monday, November 14th 2011.

Questions to be addressed:

1. What are the qualities the School Board believes the new superintendent should possess?
2. What are the issues, questions, and concerns the new superintendent should address within the first three to six months?

Respectfully submitted,



Leon Levesque
Superintendent

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH

http://www.courts.state.nh.us

Court Name:

Stratford County Superior Court

Case Name:

Taylor v Oyster - River

Case Number:
(if known)

219-2012-CV-001

APPEARANCE/WITHDRAWAL
SUPERIOR COURT

I request a jury trial
(If you do not check this box, your case will be heard by a judge)

APPEARANCE

Please enter my appearance as

Counsel for

Oyster River
Catherine Schultz

WITHDRAWAL

Please withdraw my appearance as

Counsel for

I will represent myself (pro se).

Notice of Withdrawal sent to my clients on:

at the following address:

I hereby certify that duplicates of this notice were delivered mailed to the person(s) listed below (or on attached list) on 1/3/12:

Date

Name

David K. Taylor

Address

16 Sunny Lane

Durham, N.H. 03824

Date

1/3/12

Signature

David T. Ducharme

Printed Name

Mailing Address

20 Market Street, Suite 216

Manchester, N.H. 03034

Telephone

603 935-7292

NH Bar ID #

683

Email Address (optional)