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SHAWN J. SULLIVAN***
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March 5, 2007

HAND-DELIVERED

William S. McGraw, Clerk

Merrimack County Superior Court

163 North Main Street/P.O. Box 2880

Concord, NH 03302-2880

RE: Professional Firefighters of New Hampshire v. Local Government Center, Inc., et al.

Dear Mr. McGraw:

Please find enclosed an original and seven (7) copies of a "Petition for Injunctive and Other Relief pursuant to RSA 91-A" as it pertains to this matter for filing with this Court. Please also find enclosed my firm check, made payable to your order, in the amount of \$145.00, representing payment in full of the required fee for same.

Once the Petition has been docketed, please return orders of notice to me so that I may begin the process of effectuating service upon each of the named defendants.

Thank you for your attention and assistance in this regard.

Sincerely,

*Dictated but not read or
signed in order to avoid delay*

Glenn R. Milner, Esquire

Enclosures

cc: client (w/enc.)

STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

DOCKET # _____

PROFESSIONAL FIREFIGHTERS OF NEW HAMPSHIRE

V.

LOCAL GOVERNMENT CENTER, INC.

NEW HAMPSHIRE MUNICIPAL ASSOCIATION, LLC.

LOCAL GOVERNMENT CENTER PROPERTY-LIABILITY TRUST, LLC.

LOCAL GOVERNMENT CENTER HEALTHTRUST, LLC

LOCAL GOVERNMENT CENTER WORKERS' COMPENSATION TRUST, LLC.

LGC REAL ESTATE, INC.

PETITION FOR INJUNCTIVE AND OTHER RELIEF
PURSUANT TO RSA 91-A

NOW COME the Professional Firefighters of New Hampshire ("PFFNH"), by and through their attorneys, Cook & Molan, P.A., and complain against Respondents, as follows:

I. INTRODUCTION

1. "Openness in the conduct of public business is essential to a democratic society." *RSA 91-A:1* (New Hampshire's Right-to-Know Law). The purpose of the Right-to-Know Law is to "ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people." *Id.*

2. PFFNH brings this action to bring into public view information and records maintained by Respondent's public or quasi-public entities.

II. PARTIES

3. PFFNH is a state organization comprised of New Hampshire firefighters with an address of 25 Nashua Road in Londonderry, New Hampshire 03053.

4. Respondent entities make up the current corporate configuration of the former New Hampshire Municipal Association, Inc. (“NHMA”). NHMA, originally formed in 1941, is an organization made up entirely of New Hampshire city, town and county governments. NHMA recently reorganized its corporate structure and is now comprised of the Respondent entities.

5. Respondent, Local Government Center, Inc. (“LGC”), formerly named NHMA, is a non-profit organization with an address of 25 Triangle Park Drive, Concord, New Hampshire 03302-0617. LGC is the sole owner of all other Respondent entities.

6. New Hampshire Municipal Association, LLC (“NHMA, LLC.”) is a New Hampshire limited liability company with an address of 25 Triangle Park Drive, Concord, New Hampshire 03302-0671.

7. Local Government Center Property-Liability Trust, LLC. (“PLT, LLC.”) is a New Hampshire limited liability company with an address of 25 Triangle Park Drive, Concord, New Hampshire 03302-0671;

8. Local Government Center HealthTrust, LLC. (“HealthTrust”) is a New Hampshire limited liability company with an address of 25 Triangle Park Drive, Concord, New Hampshire 03302-0671.

9. Local Government Center Workers’ Compensation Trust, LLC (“Workers’ Compensation”) is a New Hampshire limited liability company with an address of 25 Triangle Park Drive, Concord, New Hampshire 03302-0671;

10. LGC Real Estate, Inc. (“LGC Real Estate”) is a New Hampshire corporation with an address of 25 Triangle Park Drive, Concord, New Hampshire 03302-0671.

III. BACKGROUND

11. Respondent entities are comprised solely of public governmental members, all such members subject individually to New Hampshire's Right-to-Know Law. Recently, in fact, Respondent HealthTrust was declared by the New Hampshire Supreme Court to be a quasi-public entity and subject to the requirements of *RSA 91-A. Prof'l Firefighters of N. H. v. HealthTrust, 151 N.H. 501 (2004)*. Even though HealthTrust and LGC have "reformed" or "reorganized" since that opinion, each Respondent entity cannot escape the conclusion that they are all public entities subject to *RSA 91-A*.

12. Respondents are organizations comprised exclusively of political subdivisions.

13. Respondents are governed entirely by public officials and employees.

14. Respondents provide, or assist in the provision of, essential governmental functions.

15. Respondents operate for the sole benefit of its constituent governmental entities.

16. Respondent HealthTrust operates for the sole purpose of managing and providing health insurance benefits for public employees.

17. Respondents manage money collected from governmental entities and all enjoy tax exempt status of public entities.

IV. REQUEST FOR INFORMATION

18. PFFNH seeks the following information and records:

a. the balance of the minutes of meetings conducted by HealthTrust's Board of Trustees that were subject to the litigation between PFFNH and HealthTrust (the "Board minutes"). *See, Prof'l Firefighters of N.H. v. HealthTrust, 151 N.H. 501 (2004)*;

- b. all records and documentation pertaining to the 2004 LGC Retreat and Strategic Planning (the “strategic planning documentation”);
- c. the 2004-2006 pay plans, salaries, and employment contracts of LGC employees (“salary information”);
- d. contracts with LGC consultants for the period 2004-2006 (“consultant contracts”); and
- e. the 2004-2006 financial statements of the owning entity of the LGC building and property in Concord, New Hampshire (believed to be Respondent LGC Real Estate)(the “property information”).

19. HealthTrust is under court order to provide PFFNH with Board minutes. Counsel for PFFNH and HealthTrust attempted to refine PFFNH’s original request for 36 months of meeting minutes but, having failed to reach a compromise, PFFNH again demanded access to the requested Board minutes by letters in June and July of 2006. To date, however, HealthTrust has failed to respond.

20. PFFNH requested the 2004 strategic planning documentation but were advised by Respondents by letter dated December 4, 2006 that LGC believes the requested records are exempt from disclosure and only permitted PFFNH to view the documentation subject to a confidentiality agreement and acknowledgment that the documents were exempt from *91-A*. PFFNH maintains that the requested documentation is not exempt from *RSA 91-A* and that the release of the documentation cannot lawfully be made subject to a confidentiality agreement.

21 PFFNH requested the salary information from Respondents but were advised by letter dated December 4, 2006 that LGC believes the information is exempt from the Right-To-Know Law. PFFNH maintains that the requested information are non-exempt public records

subject to disclosure pursuant to *RSA 91-A*. *See, Mans v. Lebanon School Bd., 112 N.H. 160 (1972).*

22. PFFNH requested the consultant contracts and were advised that they would be provided. To date, however, no such information has been disclosed by Respondents.

23. PFFNH requested the LGC property information but was advised by LGC, by letter dated December 4, 2006, that LGC believes that "the owning entity is not a public entity under RSA 91-A". PFFNH maintains that for all of the reasons stated by the New Hampshire Supreme Court in the previous litigation, the owning entity of LGC's property is, as a matter of law, a public entity.

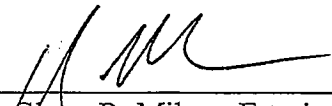
WHEREFORE, PFFNH respectfully requests that this Court:

- A. Issue a declaratory ruling that each of the Respondent entities are public entities subject to New Hampshire's Right-to-Know Law;
- B. Order that Respondents disclose the requested information detailed above;
- C. Award PFFNH all of its attorney fees and costs; and
- D. Grant such other and further relief as may be equitable and just.

DATED: March 5, 2007

Respectfully submitted,
PROFESSIONAL FIREFIGHTERS OF NH
Through counsel,
COOK & MOLAN, P.A.

By: _____


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LAW OFFICES OF
COOK & MOLAN, P.A.

100 HALL STREET - P.O. BOX 1465
CONCORD, NEW HAMPSHIRE 03302-1465
CLIENT COST ACCOUNT

REMITTANCE ADVICE			
PAID BY	Health Trust II		

7489

54-7
114

DOLLARS

PAY

7489

DATE	TO THE ORDER OF
3/11/97	Merriam County Superior Court

CHECK AMOUNT
195

LAW OFFICES OF
COOK & MOLAN, P.A.

L. C. Molan

MP

Security features included. Details on back.

BANK OF NEW HAMPSHIRE - OPERATIONS CENTER
1239 SO. WILLOW ST. MANCHESTER, NEW HAMPSHIRE TEL: 603-869-8900

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