

STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS

SUPERIOR COURT
No. 06-E-056

Carol Grant

v.

Town of Atkinson
Board of Selectmen

**DEFENDANT'S RESPONSE TO MOTION TO COMPEL
DEFENDANT PHILIP CONSENTINO TO PRODUCE EVIDENCE**

NOW COMES, Defendant, Town of Atkinson, by and through its attorneys,
Sumner F. Kalman, Attorney at Law, P.C. and says as follows:

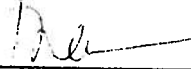
1. That the statement contained in Paragraph 1 alleges no facts and is merely a conclusion of the Plaintiff and requires no response.
2. That the allegations contained in Paragraph 2 are admitted to the extent they are consistent with the letters dated December 29, 2005 and January 5, 2006, which speak for themselves; otherwise the allegations contained in Paragraph 2 are denied.
3. That the allegations contained in Paragraph 3 are admitted to the extent they are consistent with the public record; otherwise they are denied.
4. That the allegations contained in Paragraph 4 are admitted if to any extent they are consistent with the public record; otherwise they are denied.
5. That the allegations contained in Paragraph 5 are admitted if to any extent they are consistent with the public record; otherwise they are denied.
6. That the allegations contained in Paragraph 6 are denied.

7. That the allegations contained in Paragraph 7 are admitted to the extent that Consentino personally had a tape, the Town does not tape non-public session; the remainder of the allegations are admitted if to any extent they are consistent with the public record/minutes of the non-public executive session of the Atkinson Board of Selectmen's December 27, 2005 meeting; otherwise they are denied.
8. That the allegations contained in Paragraph 8 are admitted if to any extent they are consistent with the public record/minutes of the non-public executive session of the Atkinson Board of Selectmen's December 27, 2005 meeting; otherwise they are denied.
9. That the allegations contained in Paragraph 9 are denied.
10. That the allegations contained in Paragraph 10 are denied.
11. That the allegations contained in Paragraph 11 are admitted if to any extent they are consistent with the public record/minutes of the non-public executive session of the Atkinson Board of Selectmen's December 27, 2005 meeting; otherwise they are denied.
12. That the allegations contained in Paragraph 12 are denied.
13. That the allegations contained in Paragraph 13 are admitted if to any extent they are consistent with the public record ; otherwise they are denied.
14. That the statements contained in Paragraph 14 do not require a response.

By way of further answer, the tape-recording of the non public meeting with Plaintiff was inadvertently destroyed. See Exhibit marked "A" attached and incorporated by reference herein.

May | , 2006

Respectfully submitted,
Town of Atkinson,
By its Attorneys,

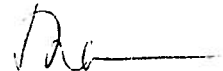


Thea S. Valvanis, Esq.
Sumner F. Kalman, Attorney at Law, P.C.
147 Main Street, P.O. Box 988
Plaistow, New Hampshire 03865
(603) 382-4003

CERTIFICATE OF SERVICE

I hereby certify that the foregoing motion was this day mailed, first class mail,
postage prepaid to

Carol A. Grant
19 Crown Hill Road
Atkinson, NH 03811



Thea S. Valvanis, Esq.



ATKINSON POLICE DEPARTMENT

MEMBER: ICAP•RCLE
NI-CPA • NECPA

BUSINESS 603-362-4001
FAX 603-362-4785
PO. BOX 321
ATKINSON, NEW HAMPSHIRE
03811

PHILIP V. CONSENTINO, CHIEF
PROUDLY SERVING SINCE 1968



MEMO TO : **ATTORNEY SUMNER KALMAN**
FROM : **CHIEF PHILIP V. CONSENTINO**
SUBJECT : CASSETTE TAPE
DATE : MARCH 29, 2006

IT APPEARS THAT THE TAPE RECORDING OF THE NON-PUBLIC MEETING WITH MRS. GRANT WAS INADVERTENTLY RE-RECORDED OVER AND ALL VOICE ACTIVATED CONVERSATIONS HAVE BEEN ERASED.

SINCERELY;

A handwritten signature in black ink, appearing to read "P. V. Consentino", written in a cursive style.

PHILIP V. CONSENTINO
POLICE CHIEF
DIRECTOR OF ELDERLY AFFAIRS

Attorney kalman grant