

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

_____)	
TOWN OF WOLFEBORO)	
)	Civil No. 1:12-cv-00130-JD
Plaintiff,)	
v.)	
)	
WRIGHT-PIERCE,)	
)	
_____)	
Defendant.)	

WOLFEBORO’S SUBMISSION AS TO ITEMIZATION OF DAMAGES PURSUANT TO THE FINAL PRE-TRIAL CONFERENCE ORDER

Plaintiff, the Town of Wolfeboro (“Wolfeboro”) makes the following submission with respect to an itemization of damages as to each count:

1. The Final Pre-Trial Order provided as follows:

The court discussed the issue of how to avoid an award of duplicative damages in the event that damages are awarded. To address that issue, the plaintiff shall file an itemized list of the amounts of damages that it is seeking for each count by April 9, 2014. The defendant may file any response it may have to this itemization by April 11, 2014.

2. Wolfeboro states that its damages are identical for each count.

3. With respect to itemizing those damages, Wolfeboro hereby incorporates by reference the itemization of damages submitted in its Pre-Trial Statement (Document No. 88, Section VII) as if fully stated herein. See also Plaintiff’s Proposed Trial Exhibit P5, attached hereto as Exhibit 1 (Including spreadsheet itemizing Wolfeboro’s damages).

4. Wolfeboro recognizes the Court’s concern regarding an award of duplicative damages. Wolfeboro submits that duplicative damages can be avoided by appropriate jury instruction, or use of a single damages question on the jury verdict form.

5. Wolfeboro will file a supplemental jury instruction or jury verdict form as required by the Court.

Respectfully submitted,

The Town of Wolfeboro,

By its attorneys,

Date: April 9, 2014

/s/ Seth M. Pasakarnis

Hinckley, Allen & Snyder LLP

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CERTIFICATE OF SERVICE

I, Seth M. Pasakarnis, Esq., hereby certify that on this date a true and accurate copy of this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Seth M. Pasakarnis

Seth M. Pasakarnis