

THE STATE OF NEW HAMPSHIRE

GRAFTON, SS

SUPERIOR COURT

Docket No. 08-E-0294

B.V. Brooks, Kenneth F. Clark, Jr. Marisa Deangelis Kane,
John H. Plunkett, Douglas R. Raichle Robert G. Reed III, and John Steel III

v.

Trustees of Dartmouth College

PLAINTIFFS' OBJECTION TO DEFENDANT'S AFFIRMATIVE DEFENSES

NOW COME the Plaintiffs', through counsel, and respectfully state that insofar as the Defendant's assertion of certain Affirmative Defenses in its Answer and Affirmative Defenses, dated February 2, 2009, purport to request any particular relief thereon, particularly the relief of dismissal of the Petition, the Plaintiffs' hereby object.

Respectfully submitted,

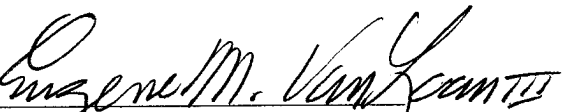
B.V. Brooks, et al

By Their Attorneys:

WADLEIGH, STARR & PETERS, P.L.L.C.

Dated: February 3, 2009

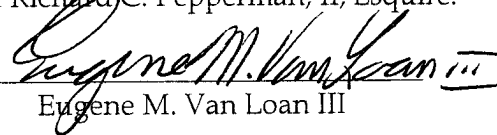
By:



Eugene M. Van Loan III, #2610
96 Market Street
Manchester, NH 03101
(603) 669-4140

CERTIFICATION OF SERVICE

I hereby certify that, on this 3 day of February, 2009, I mailed a copy via U.S. Mail of the foregoing Objection to Bruce W. Felmly, Esquire and Richard C. Pepperman, II, Esquire.



Eugene M. Van Loan III

WADLEIGH, STARR & PETERS, P.L.L.C.

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GREGORY M. SARGENT
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February 4, 2009

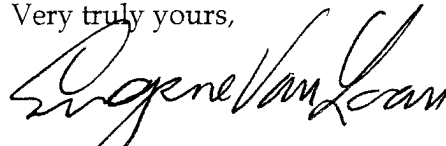
Robert B. Muh, Clerk
Grafton County Superior Court
3785 Dartmouth College Hwy.
North Haverhill, NH 03774

Re: B.V. Brooks, et al. v. Trustees of Dartmouth College
No. 08-E-0294

Dear Mr. Muh:

Although the Defendant's Answer, dated February 2, 2009, to the Petition in the above-entitled case does not include and was not accompanied by any formal Motion (s) to Dismiss, out of an excess of caution, the Plaintiffs hereby file the enclosed self-explanatory Objection.

Very truly yours,



Eugene M. Van Loan III

/dl

Enclosures

cc: Bruce W. Felmly, Esquire
Richard C. Pepperman, II, Esquire