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March 25, 2009

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

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

~~Dear Clerk Muh:~~ *Bob*

Enclosed please find a Rule 62 Stipulation for filing in the above referenced matter.

Thank you.

Very truly yours,



Stephen J. Judge
sjudge@wadleighlaw.com

/sos

enclosure

cc: Bruce W. Felmly, Esquire
Richard C. Pepperman, II, Esquire
Eugene M. Van Loan, III, Esquire

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MAR 26 2009

BRUCE W. FELMLY

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

RULE 62 STIPULATION

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MAR 26 2009

BRUCE W. FELMLY

Following numerous telephone conferences between counsel for the parties, counsel have agreed to the following stipulation:

1. The parties agree that this matter does not lend itself to the model discovery/ trial schedule because of certain threshold issues and potentially dispositive issues susceptible to motions for summary judgment.
2. Counsel for the Defendant intends to file a motion for summary judgment asserting res judicata and standing issues ("Defendant's Threshold Issues"). They seek a limited period of discovery for both parties to explore these issues followed by the filing of a summary judgment motion on Defendant's Threshold Issues. Counsel for the Plaintiffs do not object to this process.
3. The parties agree that the limited period of discovery shall end on June 30 and the deadline for Defendant's limited motion for summary judgment shall be July 17, 2009. The Plaintiffs' response shall be due on September 4, 2009. The parties agree to confer in good faith regarding possible adjustments to the above schedule if they are unable to complete discovery on Defendant's Threshold Issues during the allotted period
4. If Defendant's Threshold Issues are resolved in favor of the Plaintiffs, the Plaintiffs intend to file a motion for summary judgment on the merits. To that end, the Plaintiffs seek to use the limited period of discovery to begin to engage in discovery of the historical and current

documents that are related to this case. The Defendant has agreed, upon reasonable notice, to make available the repository of historical documents at Dartmouth to the Plaintiffs, their counsel and agents and to provide copies of all historical documents identified by the Plaintiffs. The Parties plan to attempt to resolve issues related to production and admissibility of the documents (if any) between themselves. The Defendant reserves the right to file a cross-motion for summary judgment on the merits.

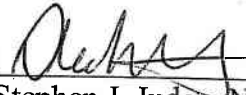
5. If the final order on the Defendant's Threshold Issues is favorable to the Plaintiffs, the parties agree to consult and propose a schedule for the Plaintiffs' motion for summary judgment, any remaining discovery, expert disclosure and a trial date (if needed.) This stipulation will be filed with the court within a reasonable time of the notice of the final order.

Respectfully submitted,

B.V. Brooks, et al
By Their Attorneys:

Wadleigh, Starr & Peters, P.L.L.C.


Dated: 3/25/09

By: 
Stephen J. Judge, NH Bar #1292
95 Market Street
Manchester, NH 03101
(603) 669-4140

Trustees of Dartmouth College
By its attorneys,

Sullivan & Cromwell, LLP

Dated: 3/25/09

By: 
Richard C. Pepperman, II, NH Bar #
125 Board Street
New York, NY 10004

CERTIFICATION OF SERVICE

I hereby certify that, on this 25th day of March, 2009, I mailed a copy via U.S. Mail of the foregoing to Bruce W. Felmly, Esquire and Eugene M. Van Loan III, Esquire.



Stephen J. Judge