

THE STATE OF NEW HAMPSHIRE  
DEPARTMENT OF STATE

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IN THE MATTER OF: )  
Local Government Center, Inc. et al ) C-2011000036

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**OBJECTION TO HEALTHRUST’S MOTION FOR STAY  
OF FINAL ORDER ADDRESSING REMAND**

The Intervenors hereby object to Healthtrust’s Motion For A Stay. HT argues that the Remand Order “demonstrates the appropriateness of HealthTrust’s request for a stay.” HT’s arguments, however, are entirely concerned with the political subdivisions other than the Intervenors. As to the Intervenors, there is no reason to stay the final order.<sup>1</sup>

Throughout the motion, HT repeatedly excepts the Intervenors from the rationales supporting its arguments. For example, HT argues that:

[f]or all but the Intervenors the funds are quintessentially “found money”; that is, the sixty-six political subdivisions that did not intervene in the administrative proceeding of the Intervenors’ appeal never made a claim for the funds, and many may not be aware that they are to received funds as a result of the Remand Order.

HT’s Motion to Stay at 4. (Emphasis added).

HT also argues that the political subdivisions likely will be reluctant to use the funds because of the risk of a repayment obligation if Health Trust succeeds on reconsideration or appeal. HT’s Motion to Stay at 4. As reflected by HT’s Motion for Reconsideration, the

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<sup>1</sup> The intervenors take no position as to the merits of HT’s motion as it relates to BSR’s claim or to the sixty-six political subdivisions other than the Intervenors who are entitled to a remedy under the hearing officer’s Order.

likelihood of success against the Intervenor is slim. The Motion for Reconsideration raises numerous points that are likely to be the appeal issues. Those issues have little, if anything, to do with the Intervenor. Thus, the Intervenor is far less likely than the sixty-six other political subdivisions to risk a repayment obligation following an adverse ruling in the Supreme Court.

HT argues that the sixty-six political subdivisions that are not Intervenor would not be bound to comply with a subsequent order to repay their respective shares of the \$2.3 million distribution. This is not an issue that is relevant to the Intervenor as the Intervenor are, by definition, parties to this hearing and bound by orders of the Court and the hearing examiner.

The Intervenor have pursued their claims consistently in this forum and in the New Hampshire Supreme Court since August, 2014. There are no strong arguments against them for HT to advance on appeal. These towns have asserted their rights and should receive their refund without further delay.

RESPECTFULLY SUBMITTED  
The Towns of Auburn, Bennington,  
Meredith, Northfield, Peterborough,  
Plainfield, Salem, and Temple,  
By their attorneys,  
DOUGLAS, LEONARD & GARVEY, P.C.

/s/Richard J. Lehmann

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CERTIFICATION

I hereby certify that copies of this pleading have this day been forwarded to counsel of record via email.

November 11, 2016 /s/Richard J. Lehmann  
Richard J. Lehmann