

STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS
NORTHERN DISTRICT

SUPERIOR COURT

NH Democratic Party, et al,

v.

NH Republican State Committee, et al.
04-E-0328

MOTION FOR CONTEMPT

NOW COMES the plaintiffs, by and through counsel, and moves to hold the NH Republican State Committee in contempt and states as their reasons as follows:

1. On September 10, 2004, the Republican Party filed a Motion to Stay Proceedings.
2. On October 13, 2004, this Court held a hearing on the Motion to Stay and on October 14, 2004 issued an Order denying the Motion to Stay.
3. On the afternoon of October 13, 2004, Attorney Finis Williams, on behalf of plaintiffs, contacted the United States Department of Justice to inquire whether defendant McGee's communication with counsel for the plaintiffs or attendance at a deposition would operate to violate his Plea Agreement. Attorney Williams was informed by the Department of Justice that defendant McGee's cooperation would not violate the terms of the Plea Agreement.
4. On October 14, 2004, at approximately 1:40 PM, 20 minutes before the start of the deposition, counsel for the plaintiffs was contacted by the United States Department of Justice who indicated that they intended to file a motion to intervene and to stay discovery pending completion of the criminal trial/investigation.

5. No motion has been filed by the Department of Justice.

6. At 2:00 PM, pursuant to the Subpoena issued and the Court Order, Attorney Ovide Lamontagne appeared at the deposition and upon his unilateral advice no records in response to the Subpoena were produced, nor was any witness made available. This action was taken despite the fact that no court anywhere had taken any action to relieve the defendant from its obligation to follow this Court's Order of October 13, 2004.

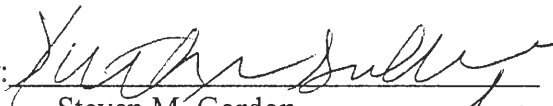
7. Pursuant to Superior Court Rule 59-A(4), the Court Order was in full force and effect and the conduct of the Republican State Committee in failing to appear at the deposition or produce records was in contempt in violation of the Court Order.

WHEREFORE, the plaintiffs pray for the following relief:

- A. That this Court hold the Republican State Committee in contempt;
- B. Award attorneys' fees and costs; and
- C. For any further relief the Court deems just, fair and necessary.

Respectfully Submitted,
NH Democratic Party, et al
By Their Attorneys,
SHAHEEN & GORDON, P. A.

Dated: October 14, 2004

By: 
Steven M. Gordon
Arpiar G. Saunders, Jr.
James D. Rosenberg
107 Storrs Street, PO Box 2703
Concord, NH 03302-2703
Telephone: (603) 225-7262
Facsimile: (603) 225-5112

CERTIFICATE OF SERVICE

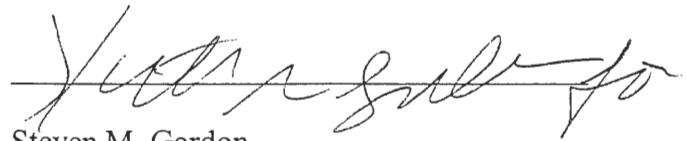
I hereby certify that I have on this 14th day of October 2004 forwarded a copy of the within Motion to:

Finis E. Williams, III, Esquire
The Chase Building
15 North Main Street
Concord, NH 03301

Ovide M. Lamontagne, Esquire
Devine Millimet & Branch
PO Box 719
Manchester, NH 03105-0719

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Steven M. Gordon

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MOTION FOR IMMEDIATE HEARING

NOW COMES the plaintiffs, by and through counsel, and moves for an immediate hearing on the United States Department of Justice's intended motion to intervene and states as their reasons the following:

1. The defendant, NH Republican State Committee, filed a Motion to Quash on or about September 10, 2004.
2. In the interim period, there were multiple communications between the Department of Justice and counsel for the Democratic Party as well as counsel for the Republican Party.
3. During the course of the hearing, Attorney Lamontagne represented to the Court that the so-called unidentified co-conspirator had already been interviewed by the Department of Justice, but was unwilling to disclose his name.
4. On information and belief, the yet undisclosed co-conspirator is Jim Tobin who was a regional director of the 2002 Republican Senatorial Committee and is currently directing the New England Regional Bush-Cheney Campaign.
5. The sudden coordination between the Department of Justice, and the NH

Republican Party strongly suggests that the Department of Justice has intervened at this late moment in an attempt to prevent a Republican party operative from being publicly identified, disclosed and possibly removed from his position because of his alleged involvement in electoral fraud.

6. A free and fair election is essential to democracy.

7. It is imperative that the citizens of this State believe that the electoral process is free of criminal activity.

8. While the defendant Republican Party has represented that it condemns the actions that took place, it is apparent that it is not willing to condemn the actions to the extent that an alleged participant in these activities is removed from a position of authority.

9. An immediate hearing which would allow the legal process to go forward and for the victims of the crime to identify those who victimized it and violated their rights be heard forthwith.

10. The late action by the Department of Justice, after being fully advised of this Court's hearing, is contemptable.

WHEREFORE, plaintiffs pray for the following relief:


A. That this Court grant the within Motion and conduct an immediate hearing;

B. That this Court allow the Department of Justice to participate at the phone, via telephone; and

C. For any further relief the Court deems just, fair and necessary.

Respectfully Submitted,
NH Democratic Party, et al
By Their Attorneys,
SHAHEEN & GORDON, P. A.

Dated: October 14, 2004

By: 

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Arpiar G. Saunders, Jr.
James D. Rosenberg
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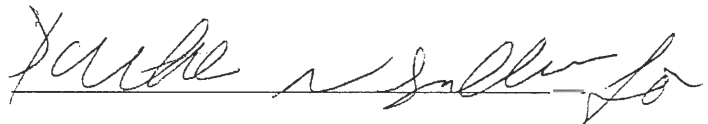
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