

DEVINE  
MILLIMET

ATTORNEYS AT LAW

November 10, 2021

Gunstock Mountain Resort  
719 Cherry Valley Road  
Gilford, NH 03249

Invoice No.: 597150  
Client No.: 015471  
Matter No.: 102471

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INVOICE SUMMARY

For professional services rendered through October 31, 2021:

RE: General

Professional Services	\$ 17,832.00
Total Disbursements	<u>\$ 534.96</u>
<b>TOTAL THIS INVOICE</b>	<b>\$ 18,366.96</b>

" legal services for Oct 2021 "

#5465600

OK TDm

DEVINE, MILLIMET  
& BRANCH  
PROFESSIONAL  
ASSOCIATION

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MANCHESTER, NH  
CONCORD, NH  
PORTSMOUTH, NH

Invoice No. 597150

November 10, 2021

**PROFESSIONAL SERVICES RENDERED**

Date		Description of Service	Hours	Amount
10/01/21	TQ	Review of and finalizing extension letter to Rep. Silber; email to Chair Kiedaisch regarding same; review of many emails between Silber and Brian G. and one from Gary K.; email to Silber; review of his immediate response; email to clients	.80	240.00
10/01/21	LM	Conference with Attorney Quarles regarding follow up research on 91-A and amount and timing of charges permissible for copying of responsive documents	.10	21.00
10/04/21	TQ	Review of email from Gary K. reacting to Silber's email; email response to Gary K.	.20	60.00
10/04/21	LM	Review and analyze NH RSA 91-A:4, IV and V and case law interpreting same to evaluate options for GAC response to 91-A request, fees that may be charged for copying, inspection, and/or delivery, and timing for same and begin drafting memorandum regarding same	1.30	273.00
10/05/21	TQ	Email from Gary K. and email from Brian G.; responding to them; separate email to them regarding email discovery	.50	150.00
10/05/21	LM	Complete and revise memorandum regarding response to 91-A request to address methods of production of records and permissible charges to requesting party for same	.60	126.00
10/07/21	TQ	New revisions to RTKL response to Silber to cover his claim that GAC uses taxpayer money, etc.; email to client regarding same; review of response from Brian Gallagher	.60	180.00
10/08/21	TQ	Emails from Brian G. and Gary K. approving final draft RTKL response to Silber; email response to them; multiple emails to Silber making our disclosure	.50	150.00
10/12/21	TQ	Emails with Tom Day regarding he wants me to review and find grounds not to renew the Soulfest contract	.10	30.00
10/17/21	TQ	Email from Gary K. to Rep. Silvia	.10	30.00
10/18/21	TQ	Email from Gary K.; long teleconference with Gary K. regarding complete update on developments including his and Brian G.'s meeting with Rep. Silber and upcoming Belknap County Delegation meeting regarding removal of Comm. Ness; second teleconference with Gary K.; email from Cathy White regarding GAC bonding; email reply to her; more emails from her; prior requested emails from Gary K.; looking up AG's Office of Public Integrity at client's request	2.00	600.00

## DEVINE MILLIMET

Invoice No. 597150

November 10, 2021

Date		Description of Service	Hours	Amount
10/19/21	TQ	Review of multiple emails from Gary K. including public notice of Ness removal hearing; research to determine who handles public integrity complaints at the AG's Office; telephone call with Attorney Tom Donovan regarding same; telephone message to Attorneys Ward and Sullivan regarding same; very long teleconference with Gary K. regarding above and planning for upcoming Ness removal hearing; review of two new lengthy email requests from Rep. Silber under RTKL statute and client's comments on same; review of case background with LVM and detailed review with her of Silber's RTKL requests and to produce some, object to others based on detailed review of RTKL statute; voicemail from Attorney Sullivan of AG's Office	2.70	810.00
10/19/21	LM	Conference with Attorney Quarles regarding new 91-A requests received from Silber this date and analysis of same including review of 91-A:1-a, 91-A:4, 91-A:5 and case law interpreting same and evaluate options for responses to requests	1.20	252.00
10/20/21	TQ	Review of email from Tom Day regarding Silber's request for all his emails; responding to him suggesting conference call; review of email from Gary K. to Rep. Silvia regarding GAC's plans for Ness hearing; review of Silvia's response to Gary's email regarding same; responding to Gary; review of his detailed record of his meeting with Silber and latter's comments that Ness removal is "dead on arrival"; email from Brian Gallagher regarding same; more emails from clients; voicemails to and from and long teleconference with Attorney Sullivan of the AG's Office Public Integrity Unit; long conference with LVM regarding same regarding her need to research potential criminal violations in Rep. Sylvia and Silber's conduct; long conference call with Gary K. and Tom Day to review new RTKL requests and above case developments and general prep. for Monday's hearing on Ness' removal	4.60	1,380.00
10/20/21	LM	Review emails from clients regarding meeting of Spanos, Ness, Gallagher, Kiedaisch and review GAC enabling statutes	.50	105.00
10/20/21	LM	Conference with Attorney Quarles regarding client's complaint to be drafted for submission to NH Attorney General's Office Public Integrity Unit	.30	63.00
10/20/21	LM	Begin drafting complaint to NH Attorney General's Office Public Integrity Unit including review of criminal statutes relating to public officials and PIU policies and procedures	1.60	336.00
10/21/21	TQ	Numerous emails from Gary K. and Brian G. regarding Silber and Silvia actions, proposals and preparation for Monday's Delegation hearing on Ness removal; file review for fact information on Ness and Silvia for complaint to AG's Office Public Integrity Unit; review of Ness' one page response to charges against him; review of, editing and revising of drafts of complaint to AG's Office including new section on Ness' potential criminal violations and his multiple attempts at committing criminal conflict of interest	5.00	1,500.00

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Date		Description of Service	Hours	Amount
10/21/21	LM	Finish letter to NH Attorney General's Office Public Integrity Unit regarding complaint against Reps. Sylvia and Silber and Commissioner Ness and revise same based on emails from clients and conference with Attorney Quarles; finalize same and send to clients for review	4.00	840.00
10/22/21	TQ	Final review of draft complaint to AG's Office and edits; long conference call with Gary K. and Brian C. regarding same, their questions and prep. for Monday's meeting and recommendations for same including Request for Disqualification for the Sylvia/Silber group; teleconference with LVM regarding above and work she needs to do on PIU complaint, determining Silber voting block and Request for Disqualification	1.30	390.00
10/22/21	LM	Prepare attachments to Complaint to NH Attorney General's Office and finalize same; email to Attorney Tim Sullivan (NH AG - Public Integrity Unit)	.50	105.00
10/22/21	LM	Review and analyze minutes of Belknap County Delegation meetings and create spreadsheet to identify voting block of delegates consistently voting with Norman Silber to prepare Request for Disqualification from vote regarding removal of Peter Ness as GAC Commissioner	2.30	483.00
10/22/21	LM	Review response email from Timothy Sullivan at NH Attorney General's office regarding receipt and review of complaint against Michael Sylvia, Norm Silber, and Peter Ness	.10	21.00
10/24/21	LM	Review and analyze NH case law and NH Practice Series regarding impartiality of jurors and standards applied to legislators and county officials in administrative versus quasi-judicial settings to draft Request for Disqualification of certain Belknap County Delegates from vote regarding removal of Peter Ness	4.40	924.00
10/25/21	TQ	Review of Rep. Sylvia's response to GAC's request to call witnesses at Ness removal hearing; review of submission of complaint to AG's Office; review of AG's Office response; voicemail from Tom Day; email from Greg Goddard; review of Gary K. and Brian G.'s op-ed article in Laconia Daily Sun; many emails from Tom Day documenting his contacts from Ness trying to sell him OTTO; review of detailed email from Snowsports Director regarding Ness' misconduct using unauthorized OTTO parts; email from Mark Petrozzi regarding his contacts with Ness; review of newspaper articles regarding upcoming Ness disciplinary hearing and op-ed by Gary and Brian regarding Gunstock's stellar financial performance; initial teleconference with Gary K.; conference with LVM to review above generally and her work and spreadsheet on identifying who Silber believes he can control their votes; very long conference call with Gary K. regarding above, and general preparation for hearing tonight; voicemail to Attorney Sullivan of AG's Office; review, analysis, editing and revising of first draft of our Requests for Disqualifications addressed to Delegation; conferences with LVM regarding same and her completed Delegation vote analysis; editing and finalizing disqualification document and attachment; conference with LVM regarding same; second teleconference with Gary K. regarding same and other prep. for tonight's hearing; email to him with same	3.60	1,080.00

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Date		Description of Service	Hours	Amount
10/25/21	TQ	Emails from Tom Day, Brian G., Rusty M., et al regarding documenting how many times Ness tried to get them to buy OTTO; voicemail to Attorney Sullivan	.30	90.00
10/25/21	TQ	Travel to and from Laconia to Belknap County Delegation meeting and work on way to meeting; participation at meeting	5.50	1,650.00
10/25/21	SLH	No Charge - Analyze and evaluate minutes re: votes by members of the delegation	2.80	N/C
10/25/21	LM	Draft Requests for Disqualification in preparation for 10/25/21 Belknap County Delegation Meeting and revise same with Attorney Quarles, conference regarding members of Delegation identified as Rep. Silber's "voting block" and phone calls to NH Attorney General to follow up on Complaint filed with Public Integrity Unit	5.00	1,050.00
10/25/21	LM	No Charge - Round-trip travel from Manchester, NH to Laconia, NH to attend 10/25/21 Belknap County Delegation meeting in connection with GAC request to remove Commissioner Ness and seek disqualification of certain Delegation members from vote regarding same	2.00	N/C
10/25/21	LM	No Charge - Attend Belknap County Delegation meeting with Attorney Quarles and GAC Commissioners in connection with seeking removal of Commissioner Ness	3.50	N/C
10/25/21	LM	Review Belknap County Delegation meeting minutes of 10/24/2016 to confirm statements made by Rep. Sylvia regarding date of Commissioner Dumais's appointment	.10	21.00
10/26/21	TQ	Review of Concord Monitor article; emails to clients regarding same; review of responses; detailed email to Tom Day regarding Silber's RTKL requests; emails with and very long teleconference with Gary K. regarding above; Wednesday's GAC meeting; follow-up from yesterday's Delegation meeting and Sylvia's request to talk to Gary K. and need to respond to Silber's request for Commissioner's emails to some degree and details of same; review of Tom Day's response and further email to him; review of his second response and action on same; review of email from Attorney Sullivan of AG's Office and drafting very lengthy response to him describing the Delegation meeting; emails to LVM and Gary K. regarding same; review of Commissioner's Oaths of Office from Tom Day; second email from him and responding to him; many more emails with him regarding contracts/leases Silber is requesting; long teleconference with LVM regarding above and her draft RTKL responses and process for same	5.00	1,500.00
10/26/21	LM	Review and analyze NH RSA 91-A:4 and A:5 and FOIA law regarding production of text messages in connection with preparing GAC's responses to Rep. Silber's Right to Know Law requests of 10/19/21 seeking GAC Commissioner oaths of office, GAC leases and contracts with certain entities, and emails and text messages of GAC Commissioners and GAC General Manager Tom Day, and revise and finalize same with Attorney Quarles	2.00	420.00

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Date		Description of Service	Hours	Amount
10/26/21	LM	Review email from Attorney Tim Sullivan from the NH Attorney General's Office regarding Public Integrity Unit Complaint against Silber, Sylvia, and Ness; locate video recording from 10/25/21 Delegation meeting and communicate with Attorney Quarles regarding sending same to Attorney Sullivan	.40	84.00
10/26/21	LM	Email to Tim Sullivan (NH Attorney General's Office) attaching Requests for Disqualification and link to video recording of 10/25 delegation meeting	.20	42.00
10/27/21	TQ	Long teleconference with Gary K. regarding his prep. for GAC meeting tonight; multiple emails with Tom Day regarding "commissioners" email address; email to Attorney Sullivan regarding request for phone call; email responses from them; detailed review, analysis and editing and questions on first draft of two separate responses to Silber's recent RTKL requests; review of some of the RTKL statute cites in same and follow-up regarding same; drafting in-person inspection section of one letter and determining numbering of the Commissioner's Oaths we will be producing; teleconference with Tom Day and Becky LaPense regarding Silber is required to visit Gunstock's premises to view contracts/leases he is requesting; conference with LVM regarding same and proposed call with AG's Office tomorrow and prep. for same; editing and finalizing RTKL responses to Rep. Silber; emails of same to him and clients' email from Gary K. with new RTKL requests from Rep. Silber; reply to clients regarding same	4.00	1,200.00
10/27/21	LM	Draft GAC's responses to Rep. Silber's Right to Know Law Requests of 10/19/21 and revise same based on feedback from Attorney Quarles	1.00	210.00
10/28/21	TQ	Email from Gary K. of Sylvia resignation request to him; long conference call with AG's Office Public Integrity Unit attorneys regarding our submissions to them, update since Monday and what additional information and documents they should be sent; conferences with LVM regarding latter and detailed procedures for getting client's GAC emails to analyze for further response to Silber's RTKL requests; review of LVM's draft memo regarding same and detailed response to her regarding same	2.00	600.00
10/28/21	LM	Prepare list of names and contact information for Belknap County Delegates not part of Norm Silber's voting block, and list of times for review in video recording of Belknap County Delegation meeting, in preparation for call with NH Attorney General's Office (Dan Jimenez and Joe Fincham)	1.40	294.00
10/28/21	LM	Phone call with Dan Jimenez and Joe Fincham from NH Attorney General's Office Public Integrity Unit, and Attorney Quarles regarding client's Complaint against Sylvia, Silber, and Ness, and update following 10/25 Delegation meeting; conference with Attorney Quarles regarding next steps for same and new Right to Know Law request received from Norm Silber	1.20	252.00

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Date	Description of Service	Hours	Amount
10/28/21 LM	Draft memorandum to clients regarding collection and production of GAC Commissioner emails in response to 10/19/21 Right to Know Law request; conference with Attorney Quarles regarding same and email to Gary Kiedaisch regarding sending us his emails	1.00	210.00
10/31/21 TQ	Review of newspaper article on Monday's delegation meeting; review of Gary K.'s email summary of Wednesday GAC meeting and notes on same	.20	60.00

**TOTAL PROFESSIONAL SERVICES****\$ 17,832.00****DISBURSEMENTS**

Date	Description	Qty	Rate	Amount
10/31/21	Telephone and Data charges			534.96

**TOTAL DISBURSEMENTS****\$ 534.96****SUMMARY OF PROFESSIONAL SERVICES**

Name	Hours	Rate	Total
Thomas Quarles	39.00	300.00	11,700.00
Lynnette Macomber	29.20	210.00	6,132.00
<b>TOTALS</b>	<b>68.20</b>		<b>\$ 17,832.00</b>

**TOTAL THIS INVOICE****\$ 18,366.96**