

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS

SUPERIOR COURT

ATV Watch and Andrew Walters

v.

State of New Hampshire Department of Transportation

ATV WATCH MOTION FOR ACCESS TO THE DOCUMENTS PROVIDED TO THE
COURT BY THE ATTORNEY GENERAL and MOTION THAT THESE
DOCUMENTS BE INCORPORATED AS A PART OF THE COURT RECORD

Now Comes Petitioner, ATV Watch, with Motion asking the court to allow ATV Watch to view the documents provided by the Attorney General (AG) to the Court on February 13, 2008 and Motion requesting that these documents be incorporated as a part of the official court record and in support of this states as follows:

On February 11, 2008 the State agreed to provide the court with the New Hampshire Department of Transportations' (DOT's) file regarding ATV Watch's right to know requests. This file includes all of the documents not disclosed by DOT and the original form of documents redacted by DOT.

On February 13, 2008, as an ex parte communication, these documents were provided to the court by the AG's office.

On February 13, 2008, as a further ex parte communication, the AG's office provided to the court an index of these documents.

At this time the AG's office, knowing the content of the documents, has made pleadings to the court regarding the documents. The court now has these documents, but the Petitioner remains in the dark. ATV Watch is unable to adequately or fairly defend their position and support their legal arguments without being able to view these documents and respond to the court accordingly.

In addition to the documents themselves, the AG's office also provided to the court an index of the documents. At this time the AG's office, knows the content of the index and has provided it to the court. The court now has the index, but the Petitioner remains in the dark. ATV Watch is unable to adequately or fairly defend their position and support their legal arguments without being able to view the index and respond to the court accordingly.

WHEREFORE, ATV WATCH respectfully requests that this honorable court

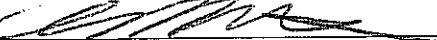
1. Grant Andrew Walters, access to view the document provided to the court, but order that Andrew Walters not further disclose the content of the documents unless specifically provided for in future orders by this court.
2. Order the AG to immediately disclose to ATV Watch, without provisions for further nondisclosure, the index provided to the court.
3. Incorporate the original form of the documents provided to the court by the AG's office into the official court record.

Respectfully Submitted,

ATV Watch

Andrew Walters, Director

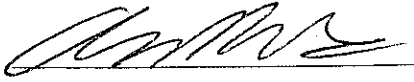
Dated February 19, 2008

By 

Andrew Walters

CERTIFICATE OF SERVICE

I hereby certify a copy of this Motion was mailed to Edith L. Pacillo, Assistant Attorney General on February 19, 2008.



Andrew Walters

02-19-08

Date