

THE STATE OF NEW HAMPSHIRE

CARROLL, SS.

SUPERIOR COURT

Virginia Mooney

v.

Property Owners Association at Suissevale, Inc.

212-2020-CV-004

212-2020-CV-072

ORDER ON MOTIONS TO RECONSIDER

The pro se plaintiff, Virginia Mooney (“Mooney”), brought two actions against the defendant, Property Owners Association of Suissevale, Inc. (“Suissevale”). After a hearing on motions to dismiss on May 1, 2020, the court issued orders on June 1, 2020. Suissevale moved to reconsider on June 5, 2020; Mooney moved to reconsider on June 8, 2020. The court conducted a hearing on the motions to reconsider on June 22, 2020.

A party moving for reconsideration shall “state with particular clarity, points of law or fact that the court has overlooked or misapprehended and [the motion] shall contain such argument in support of the motion as the movant desires to present.” Super. Ct. Civ. R. 12(e). Upon consideration of the arguments at the hearing, the court DENIES each of the motions to reconsider as follows.

In each case the moving party is seeking an opportunity to argue a position more persuasively, to provide more evidence, or to take a different position than that advanced at the May 1, 2020 hearing. None of these are appropriate reasons to grant a motion to reconsider.

Mooney has not set forth any point of law or fact that the court overlooked or misapprehended. Rather, she argues she thought there would be further opportunity to

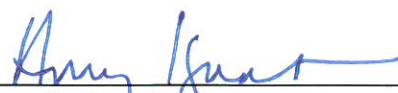
address these issues, although she concedes the court asked if the parties were prepared to take up all pending motions. She agreed to do so. Further, during the hearing it was clear that time was of the essence because of Suissevale's election deadlines. Mooney disagrees with the court's ruling and believes a stipulation entered in a different lawsuit should govern. She did not however present this issue at the May 1, 2020 hearing, even though she had the ability to do so, as she was a party to the stipulation. There being no point of law or fact overlooked or misapprehended, Mooney's motion to reconsider is DENIED.

Similarly, Suissevale has not set forth any point of law or fact that the court overlooked or misapprehended. Suissevale does not contest that at the May 1, 2020 hearing it stated that if Mooney's lawsuit were resolved, there would be no impediment to her being on the ballot for the Board of Directors. In the motion to reconsider, however, Suissevale argues that there is still every reason Mooney should be excluded from the ballot. If the court's ruling that relied on that representation were to stand the Board will have to hold another vote at which time it will unanimously vote to exclude her, potentially leading to further litigation. Leaving aside the questionable notion that counsel is certain of the results of an election that has not yet taken place, the court will not reconsider an order because counsel has rethought its position. Neither will it make a ruling to address litigation that may or may not be filed in the future. There being no point of fact or law overlooked or misapprehended, Suissevale's motion for reconsideration is DENIED.

So Ordered.

June 24, 2020

Clerk's Notice of Decision
Document Sent to Parties
on 06/24/2020


Amy L. Ignatius
Presiding Justice