

STATE OF NEW HAMPSHIRE

HILLSBOROUGH COUNTY
SOUTHERN DISTRICT

SUPERIOR COURT

#226-2022-cv-00309

Laurie Ortolano

v.

City of Nashua
and
201 Main Street Real Estate Corporation
201 Main Street Financing Corporation

and

#226-2023-cv-00110

Laurie Ortolano

v.

City of Nashua

MOTION FOR PROTECTIVE ORDER RE: CITY OFFICIALS AND EMPLOYEES

The City of Nashua (“City”), a defendant in the above matter, respectfully moves for a protective order regarding its officials and employees, on the following grounds:

1. On October 19 and 20, 2023, the plaintiff served, or attempted to serve, certain City officials and employees with trial subpoenas in the above matter.
2. The plaintiff’s conduct, particularly in relation to Timothy Cummings, Director of Administrative Services, was abusive and egregious, as reflected in Mr. Cummings’ account attached to this motion as Exhibit A, and the plaintiff’s own account as reflected in her email also attached as Exhibit B.

3. To prevent further disruption and safety concerns, the Court should order the plaintiff to refrain from contact with any City officials and employees in connection with pending litigation.¹

Respectfully submitted,

City of Nashua,

By its Counsel,

UPTON & HATFIELD, LLP,

Date: October 24, 2023

By: /s/ Russell F. Hilliard
Russell F. Hilliard; NHBA #1159
159 Middle Street
Portsmouth, NH 03801
(603) 436-7046
rhilliard@uptonhatfield.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has this day been forwarded through the Court's electronic filing system to Laurie Ortolano, *pro se*, and to all counsel of record.

/s/ Russell F. Hilliard
Russell F. Hilliard

¹ As reflected in the attached Exhibit C, the City has now requested that all subpoenas to be served on its officials and employees first come to its undersigned counsel.

Sharon E. Mallon

From: Leonard, Celia <LeonardC@nashuanh.gov>
Sent: Saturday, October 21, 2023 7:43 AM
To: Russell F. Hilliard
Cc: Bolton, Steve
Subject: Fw: Documenting Laurie Ortolano Exchange on 10/20/23 - FW: Serving Subpoenas at tonights Budget Committee Hearing/Meeting
Attachments: Documenting Laurie Ortolano Exchange on 2/16

From: Cummings, Tim
Sent: Friday, October 20, 2023 1:51 PM
To: Risk Management Dept; Legal Dept
Cc: Mayors Office Email; Hannum , Liz; Perrin, Gary
Subject: Documenting Laurie Ortolano Exchange on 10/20/23 - FW: Serving Subpoenas at tonights Budget Committee Hearing/Meeting

I want to notify you that last night Ms. Ortolano did invade my personal space and I felt threatened. I was at a Board of Aldermen subcommittee meeting (Budget Review Committee) for official purposes last night, October 19th at approximately 7 PM. Where I was in attendance to answer questions about pending legislation before the subcommittee.

Ms. Ortolano tried engaging me on a couple occasions and I tried to avoid the situation and de-escalate the matter (walking away and even walking out of the room). However, Ms. Ortolano would not relent in trying to engage with me. After I asked her on a couple of occasions to please not engage with me. At one point she threw an envelope at me (at the time I did not know what was being thrown at me), because I would not engage or acknowledging her. Furthermore and more concerning after me trying to avoid contact she physically touched me, she grabbed my arm. At which point I raised my arms and hands in the air (higher than my head) and stated loudly "Please do not engage with me". I felt very uncomfortable, and threatened. I also did not want anyone to think I physically touched her. My reaction to raising my hands over my head was due to her physical contact with me.

It was a hostile exchange further compounded by the fact that after Ms. Ortolano interacted with John Griffin, CFO for the City a little while later. Ms. Ortolano then proceeded to walk over and approached me again this time where I was sitting and started to taunt me. Making inflammatory comments about "see this is how you accept a subpoena" or something to this effect. She was trying to intimidate me.

I did not feel safe. I found the whole situation very unfortunate. This is not the first time I have been harassed by Ms. Ortolano if you recall I reported an incident to Risk in February of 2022. Please note the pattern is starting to increase. (Please be aware that both Gary Perrin and Liz Hannum witnessed the exchange)

Thank you for your attention to this matter.

Tim

Tim Cummings

Director of Administrative Services

City of Nashua, NH 03061-2019

e. cummingst@nashuanh.gov<mailto:cummingst@nashuanh.gov>

p. 603.589.3020

From: Caron, Megan

Sent: Thursday, October 19, 2023 10:49 PM

To: Cummings, Tim <CummingsT@nashuanh.gov>

Subject: Fwd: Serving Subpoenas at tonights Budget Committee Hearing/Meeting

Megan Caron

Chief of Staff

Office of the Mayor | City of Nashua

Begin forwarded message:

From: Laurie Ortolano <laurieortolano@gmail.com<mailto:laurieortolano@gmail.com>>

Date: October 19, 2023 at 10:46:20 PM EDT

To: Board of Aldermen <BOA@nashuanh.gov<mailto:BOA@nashuanh.gov>>, "Russell F. Hilliard"

<rhilliard@uptonhatfield.com<mailto:rhilliard@uptonhatfield.com>>, Mayors Office Email

<NashuaMayor@nashuanh.gov<mailto:NashuaMayor@nashuanh.gov>>,

joseph.foster@mclane.com<mailto:joseph.foster@mclane.com>, "Steadman, Graham"

<https://urldefense.proofpoint.com/v2/url?u=http-3A__graham.st&d=DwIGaQ&c=euGZstcaTDIlvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=pCSkLnG9z6FpStZ5CDPA7_9wKgxr7QbFDzDuiKtBPCg&m=vYhD10S5XVY7fj2SWZxi-D8bcnyW9yUDViWa9830wb9K5KT0ZwcwRmbiXiCzUaoe&s=EbVgFtRgeB8NEwZTc99h7YPwdBv9aAvyXvygJHFawc4&e=eaman@mclane.com<mailto:graham.steadman@mclane.com>>, Legal Dept

<Legal@nashuanh.gov<mailto:Legal@nashuanh.gov>>

<Legal@nashuanh.gov<mailto:Legal@nashuanh.gov>>, Legal Dept

<Legal@nashuanh.gov<mailto:Legal@nashuanh.gov>>

<Legal@nashuanh.gov<mailto:Legal@nashuanh.gov>>

Subject: Serving Subpoenas at tonights Budget Committee Hearing/Meeting

EXHIBIT A

CAUTION: This email came from outside of the organization. Do not click links/open attachments if source is unknown.

Good Evening,

I served subpoenas to witnesses I want to examine for the December 18-20 Trial at tonight's Budget meeting. I decided that the quietest way to serve was to go early to the meeting and put the envelope on the desks of the people being subpoenaed. I am frequently accused of wasting money and time and I did not want to waste the time of the sheriff's office on the easy one. I don't think I broke any laws doing what I did.

Well, it went ok with some and poorly with others. Alderwoman Klee is my Ward Rep who has made it clear that she is afraid of me and I made her very upset. She has made repeated public announcements that I don't want her to speak to me (in part true). She opened the envelope before the meeting and blew a head gasket. She came storming out of the horseshoe and demanded I tell her what this was. I told her to speak with Attorney Bolton. She shouted, "No you tell me now!" I told her it was subpoena for the December RTK Trial. She started yelling, No, no.. Then she held up the check and yelled, "What is this?" I said that I am required by law to pay for your time and travel. Again, she shouted , No, No. I told her to speak with Attorney Bolton. She can file a motion to quash.

She went back to the horseshoe and started yelling "no, no again. I called her a moran at that point. She warned me to watch myself. We went back and forth several times. Aldermen O'Brien intervened at that point and told Klee and me to stop. Aldermen O'Brien then told me that I need to follow the rules of decorum in the chamber. Absolutely stunning remark as Ms. Klee charged me from the horseshoe, hollering and demanding I tell her what she was given.

I told Mr. O'Brien, that for all the shit sandwiches that I have eaten in this chamber, I am not the one who needs to follow decorum.

Then, Mr. Cummings arrives and takes a seat. I go to hand him the subpoena and he refuses to take it, I threw it at him, he refused it. He runs out of the room, when he enters, I try to give it to him again, explaining each time it is a subpoena for the Trial. He starts hollering, "get away from me", like a scared child. I give up.

I went to Chief Rourke and asked what am I supposed to do here? He suggested that I just deliver them to City Hall tomorrow. I explained that the doors to these City Hall offices are locked and they will not answer them. That is why I handled it quietly before the meeting. He said just do what you did with Trish Klee and stay calm.

I am going to try serving in City Hall and if I have problems, Chief Rourke said to call the Police for assistance.

EXHIBIT A

It was rather shocking to see Cummings, second in command of this City, behave the way he did. And it is the same treatment I have received from him since 2020. I understand Ms. Klee has anxiety problems, but give me a break. If you claim that I make you scared, DON'T APPROACH ME! I just don't understand why she did not just consult with Attorney Bolton who she claims she frequently seeks advice.

Alderwoman Wilshire was professional and dealt with it fine, Aldermen O'Brien was polite and smiley, Mayor Donchess did not flinch, CFO Griffin was polite. The legal office should train their officials on how to accept subpoena. BTW, I was subpoenaed once, and I did not act crazy. I just accepted it. This is a civil case.

Sincerely,

Laurie Ortolano

Sharon E. Mallon

From: Laurie Ortolano <laurieortolano@gmail.com>
Sent: Thursday, October 19, 2023 10:46 PM
To: Board of Aldermen; Russell F. Hilliard; Mayor Jim Donchess; joseph.foster@mclane.com; Steadman, Graham; Legal Department
Subject: Serving Subpoenas at tonights Budget Committee Hearing/Meeting

Good Evening,

I served subpoenas to witnesses I want to examine for the December 18-20 Trial at tonight's Budget meeting. I decided that the quietest way to serve was to go early to the meeting and put the envelope on the desks of the people being subpoenaed. I am frequently accused of wasting money and time and I did not want to waste the time of the sheriff's office on the easy one. I don't think I broke any laws doing what I did.

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I am going to try serving in City Hall and if I have problems, Chief Rourke said to call the Police for assistance.

EXHIBIT B

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Sincerely,
Laurie Ortolano

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Sharon E. Mallon

From: Russell F. Hilliard
Sent: Monday, October 23, 2023 9:14 AM
To: Laurie Ortolano; Laura Colquhoun
Cc: Russell F. Hilliard
Subject: Acceptance of subpoenas

Ms. Ortolano and Ms. Colquhoun – I am writing to request that, if you wish to serve a subpoena on any Nashua official or employee, you first notify me.

I will promptly seek authorization to accept service on behalf of such person by email, waiving any formalities of service, and so advise you.

In the unlikely event I do not receive such authorization, I will advise you promptly so that you may follow formal procedures.

Thank you for your cooperation.

Russell F. Hilliard, Esq.
Upton & Hatfield, LLP
159 Middle Street
Portsmouth, NH 03801
Tel: 603-436-7046
Fax: 603-369-4645
rhilliard@uptonhatfield.com
www.uptonhatfield.com

STATEMENT OF CONFIDENTIALITY

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