

**THE STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

**In Case No. 2011-0640, Appeal of James Buttolph & a., the court on October 14, 2011, issued the following order:**

Appeal from administrative agency is declined. See Rule 10(1).

Under Supreme Court Rule 10, the supreme court has discretion to decline an appeal from an administrative agency. No appeal, however, is declined except by unanimous vote of the court with at least three justices participating.

This matter was considered by each justice whose name appears below. If any justice who reviewed this case believed the appeal should have been accepted, this case would have been accepted and scheduled for briefing.

Motion for summary affirmance is moot.

Declined.

Dalianis, C.J., and Duggan, Hicks, Conboy and Lynn, JJ., concurred.

**Eileen Fox,  
Clerk**

Distribution:

✓ New Hampshire Site Evaluation Committee, 2010-01

Mr. James Buttolph

Ms. Cheryl Lewis

Mr. Carl Spring

Ms. Christine DeClercq-Mazur

Douglas L. Patch, Esq.

Susan S. Geiger, Esq.

Mr. Lawrence Mazur

Ms. Sarah Mazur

Mr. Theodore Mazur

Michael J. Iacopino, Esq.

Ms. Kathleen Park

Laura A. Spector, Esq.

John L. McGowan, Esq.

H. Bernard Waugh Jr., Esq.

Mr. Richard Wetterer

Evan Mulholland, Esq.

Peter C. L. Roth, Esq.

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