

2005 JUN -2 P 2:44

SUPREME COURT  
2004 TERM  
DECEMBER SESSION

SUPREME COURT DOCKET NO.: 2004-0566

ESTATE OF [REDACTED]

v.

GEORGE [REDACTED] AND SYLVIA [REDACTED]

APPEAL FROM ROCKINGHAM COUNTY SUPERIOR COURT,  
DECISION ON THE MERITS

DEFENDANTS' MOTION FOR RECONSIDERATION

NOW COME the defendants, by and through their attorneys, McDonough & O'Shaughnessy, P.A., and respectfully request, pursuant to Rule 22 of the New Hampshire Supreme Court Rules, that the court reconsider its opinion dated May 23, 2005, and in support thereof, state as follows:

1. In its opinion, the court indicated that the trial court could have found "On August 17, 2002, the defendants' daughter held a birthday party for her son at the defendants' property on Half Moon Pond in Kingston." This representation is only partially correct and neglects another important fact. Cheryl Ann [REDACTED] was asked at deposition the following:

- Q: And you had George and Sylvia [REDACTED]'s permission to have the party there?  
A: My mother didn't want me to have the party there, but I have my son's party there every year, so I had it there even though she didn't want me to have it there.  
Q: How come your mother didn't want you to have the party there?  
A: Because she knew there was going to be a lot of people there where it was a double birthday party.

# Michigan Lawyer Motion Manual

**Marcel A. Müller**



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