



David G. Sturm
Counselor at Law, PLLC

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November 23, 2010

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DGS:.....

Eileen Fox, Clerk of the Court
New Hampshire Supreme Court
One Charles Doe Drive
Concord, NH 03301

RE: Boston and Maine Corporation and Springfield Terminal Railway Company v. Legislative Ethics Committee of the New Hampshire General Court; Supreme Court Docket No. 2010-0681

Dear Clerk Fox:

I enclose an Assented-to Motion to Withdraw Appeal in the above matter. As set forth more fully in the motion, the issues on appeal are now moot. Counsel for respondent have assented to the withdrawal.

Thank you for your courtesies on this matter, and please call with any questions.

Sincerely,

David Sturm
David Sturm

DGS:nsh
encls.

cc: Robert B. Culliford, Senior Vice President and General Counsel
Laura Beardsley Lombardi, Assistant Attorney General
✓ Martin Gross, Chairman, Legislative Ethics Committee

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THE STATE OF NEW HAMPSHIRE

SUPREME COURT

BOSTON AND MAINE CORPORATION and
SPRINGFIELD TERMINAL RAILWAY COMPANY

v.

LEGISLATIVE ETHICS COMMITTEE of
THE NEW HAMPSHIRE GENERAL COURT

Docket No. 2010-0681

ASSENTED-TO MOTION TO WITHDRAW APPEAL

NOW COME plaintiffs and petitioners Boston and Maine Corporation and Springfield Terminal Railway Company (together "Petitioners") by and through their counsel, David G. Sturm, Counselor at Law, PLLC and say as follows:

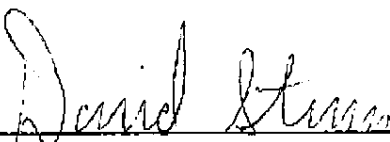
1. That this matter is an appeal of an adverse ruling by the Merrimack County Superior Court concerning actions taken and not taken by the defendant and respondent Legislative Ethics Committee of the New Hampshire General Court ("Committee"), stemming from an investigation by the Committee following a complaint filed by Petitioners concerning the actions of Representative Peter Leishmann.
2. Representative Leishmann will no longer be a member of the General Court for the next legislative session, having lost his re-election bid. The results of that re-election bid survived a recount and that result now appears to be final.
3. As Peter Leishmann will not be a member of the General Court by the time that this appeal would be decided, any ultimate remedy involving disciplinary action against Mr. Leishmann is prohibited by statute. See NH RSA 14-B:4 VIII.(d)(2), "provided that no action shall be taken against an individual who is no longer a member of the general court."
4. The lack of jurisdiction of the Committee for any disciplinary action against Mr. Leishmann, as sought by Petitioners in this appeal, renders this appeal moot.
5. Counsel for the respondent, Laura Lombardi, has assented to this motion.

WHEREFORE; Petitioners respectfully request this Honorable Court to:

- A. Allow the appeal to be withdrawn; and,
- B. Grant such other and further relief as may be just.

Respectfully submitted:
Boston and Maine Corporation and
Springfield Terminal Railway Company
by and through their counsel

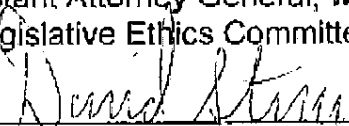
Dated: 11/23/10



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CERTIFICATION

I certify that a copy of this motion has been forwarded this day to counsel for Respondent, Laura E. B. Lombardi, Assistant Attorney General, with a courtesy copy to Martin L. Gross, Esq., chairman of the Legislative Ethics Committee.


David Sturm