

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

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MICHAEL A. DELANEY
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April 11, 2013

VIA EMAIL ONLY

Alex Luchenitser, Esquire
Associate Legal Director
Americans United for Separation of Church and State
1301 K Street, NW, Suite 850, East Tower
Washington, DC 20005

Re: Duncan, Bill, et al v. State of NH
Strafford No. 219-2013-CV-00011

Dear Alex:

I am writing to follow up on my letter dated March 26, 2013 in which I provided a spreadsheet with responses to 13 specific requests for information. Enclosed with this letter is an April 11, 2013 update to that spreadsheet. As was stated in my March 26, 2013 letter, the numbers responsive to questions 7, 8, 11 and 12 are so small that providing the data in response to those questions will likely result in the disclosure of taxpayer specific information. As a result, the State objects to questions 7, 8, 11 and 12 based on the confidentiality provisions of RSA 21-J:14, and the requests seek irrelevant information that is unlikely to lead to the discovery of admissible evidence.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard W. Head".

Richard W. Head
Associate Attorney General
(603) 271-1221
richard.head@doj.nh.gov

Enclosures

cc: Richard D. Komer, Esquire (email only)

1. Total number of Education Tax Credit applications approved.	18	
2. Total dollar amount of potential tax credits approved pursuant to these applications (if this number has not been updated online close in time to the deposition).	\$128,392.30	
3. Total number of Education Tax Credit applications that are pending.	0	
4. Total dollar amount of potential tax credits that are sought pursuant to these applications.	0	
5. Number of approved scholarship organizations (if this number has not been updated online close in time to the deposition).	2	
6. Number of pending scholarship-organization applications.	0	
7. Total number of donation receipts received.		
8. Total dollar amount of donations represented by these receipts.		
9. Total amount of scholarship receipts received.	0	
10. Total dollar amount represented by these scholarship receipts.	0	
11. Total number of Education Tax Credit applications that were approved but with respect to which the approval expired because the business did not make a donation within the sixty-day time-limit allowed for making donations.		
12. Total dollar amount represented by tax-credit applications that were approved but with respect to which the approval expired because the business did not make a donation within the sixty-day time-limit.		
13. For each scholarship organization approved at the time of the deposition:	A	B
a. The percentage of the dollar amount listed in the answer to #2 above that was earmarked for that scholarship organization.	89.00%	11.00%
b. The percentage of the dollar amount listed in the answer to #4 above that was earmarked for that scholarship organization.	0	0
c. The percentage of the dollar amount listed in the answer to #8 above that was contributed to that scholarship organization.	100%	0%
d. The percentage of the dollar amount listed in the answer to #10 above that was contributed to that scholarship organization.	0	0
e. The percentage of the dollar amount listed in the answer to #12 above that was earmarked for that scholarship organization.	6%	94%