

*Constr. Co. v. City of Rochester*, 118 N.H. 129, 383 A.2d 707 (1978). Moreover, partial disclosure may give rise to a duty to fully disclose when the partial disclosure, standing alone, is deceptive. W. PROSSER, HANDBOOK OF THE LAW OF TORTS, p. 696 (4th ed. 1971); *Smith v. Pope*, 103 N.H. 555, 176 A.2d 321 (1962). Finally, there was evidence before the trial court that the plaintiff relied on Sell's statements. Under the circumstances of this case, we hold that rescinding the release was appropriate. See *Graham v. Weber*, 79 N.H. 393, 109 A. 717 (1920); 66 AM. JUR. 2d *Release* §§ 21-22 (1973); D. DOBBS, HANDBOOK OF THE LAW OF REMEDIES § 9.4 (1973).

*Affirmed.*

KING, J., did not sit.

Original  
No. 79-469

*In re* PETITION OF ELLEN MCHALE  
(New Hampshire Board of Claims)

June 18, 1980

*Hall, Morse, Gallagher & Anderson*, of Concord (G. Wells Anderson, by brief), for the plaintiff.

*Gregory H. Smith*, acting attorney general (Edward W. Stewart, Jr., assistant attorney general, by brief), for the defendant.

MEMORANDUM OPINION

This is a petition for original jurisdiction under Supreme Court Rule 11 regarding the granting of a motion to dismiss a claim pending before the State Board of Claims.

[REDACTED]

On September 25, 1979, the plaintiff filed a notice of claim arising out of a 1978 accident. The State filed a motion to dismiss the claim based upon the petitioner's failure to provide notice within 180 days as required by RSA 541-B:14 IV (Supp. 1979). On December 7, 1979, the Board of Claims heard and granted the motion to dismiss. On December 21, 1979, the instant petition was filed in this court and on January 8, 1980, a "motion for reconsideration" was filed with the board.

RSA 541-B:10 IV (Supp. 1979) provides that the "findings and recommendations of the board" shall "only be subject to a judicial appeal . . . in accordance with RSA 541." We have previously held that "the legislature has designated the RSA ch. 541 appeals procedure as the proper vehicle for challenges to judgments of the board of claims." *Sousa v. State*, 119 N.H. 283, 284, 401 A.2d 1067, 1068 (1979).

Under RSA 541:3 a motion for rehearing must be filed with the agency within twenty days "after any order or decision" or no appeal may be taken. RSA 541:4. Our Rule 11 procedures are not available to cure an appeal that is defective under RSA ch. 541. *See* Supreme Court Rule 10.

*Petition dismissed.*

[REDACTED]

Hillsborough  
No. 80-119

MARILYN L. ROBBINS

v.

KALWALL CORPORATION

June 18, 1980

[REDACTED]

[REDACTED]