

STATE OF NEW HAMPSHIRE
Superior Court
Rockingham, ss.
Case No. 215-2022-CV-00167

Steven Rand, et al

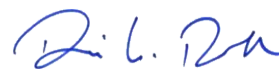
Plaintiffs,

v.

The State of New Hampshire,

Defendant.

Motion Denied.



Honorable David W. Ruoff

October 25, 2023

Clerk's Notice of Decision
Document Sent to Parties
on 10/25/2023

PLAINTIFFS' MOTION FOR A STATUS CONFERENCE

NOW COME Steven Rand, Randvest, Inc., Dr. Robert Gabrielli, the Gabrielli Family Ltd. Partnership, Jessica Wheeler Russell, Adam Russell, James Lewis, and John Lunn (collectively, the "Plaintiffs"), by and through their counsel, and respectfully request this Court lift the stay in this case for the sole purpose of holding a status conference, stating as follows:

1. By order dated August 8, 2023, this Court sua sponte stayed this case "pending the issuance of the order on partial summary judgment in this case and the Order on the merits in the ConVal case." This Court reasoned that it may not get the orders completed by the trial in this case, which was scheduled to begin on September 25.

2. Presumably, any order by this Court in the ConVal case may affect the issues in this case. Plaintiffs acknowledge that the full effects of this Court's ruling might not be apparent until after the order is released. Nonetheless, it would benefit all parties, the Court, and the public interest to move this case forward without unnecessary delay after an order is issued.

3. A status conference at this juncture would allow the parties and the Court to determine, among other things, which issues in this case will need to be tried regardless of this Court's pending order(s), and whether other issues may be immediately ripe for a ruling for summary judgment in the Plaintiffs favor, which would aid the parties' preparation.

4. Further, a status conference could set a new schedule, or at least provide a rough timeline of when this case could proceed based on the Court's calendar.

5. Plaintiffs request that the status conference be held telephonically or via WebEx to allow counsel from out-of-state to participate.

6. Plaintiffs sought concurrence from the State's attorneys. The State takes no position on this Motion.

WHEREFORE, Plaintiffs respectfully request that the Court:

- A. Lift the stay in this case;
- B. Hold a status conference; and
- C. Grant other such other relief as the Court may deem proper.

Dated: Concord, New Hampshire
October 13, 2023

Respectfully submitted,

/s/ Natalie Laflamme

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion has been served via the court's electronic filing system to all parties of record on this 13th day of October, 2023.

/s/ Natalie Laflamme
Natalie Laflamme