

**THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH**

<http://www.courts.state.nh.us>

Court Name: Grafton County Superior Court

Case Name: Steven Rand, et al. v. The State of New Hampshire

Case Number: 215-2022-CV-00167  
(if known)

**CASE STRUCTURING AND ADR ORDER**  
(See Superior Court Rule 5)

1. Plaintiff's Counsel:
  - a. Trial: Andru Volinsky, Esq., Michael Jaoude, Esq., Natalie Laflamme, Esq., John Tobin, Esq., Greg Little, Esq., Morgan Brock-Smith, Esq.
  - b. At conference: Andru Volinsky, Esq., Michael Jaoude, Esq., Natalie Laflamme, Esq., John Tobin, Esq., Greg Little, Esq., Morgan Brock-Smith, Esq.
2. Defendant's Counsel:
  - a. Trial: Anthony J. Galdieri, Esq.; Samuel R.V. Garland, Esq.; Lawrence P. Gagnon, Esq.
  - b. At conference: Anthony J. Galdieri, Esq.; Samuel R.V. Garland, Esq.
3. Cause(s) of action: Constitutional Claims Counterclaims: N/A
4. Insurance carrier: N/A Disclosure of policy limits by: N/A
5.  The parties have agreed to file a motion with the Merrimack County Superior Court within 30 days requesting that this matter be placed on the Business and Commercial Dispute Docket.
6. If defendant claims that unnamed parties are at fault (see DeBenedetto v. CLD Consulting Engineers Inc., 153 N.H. 793 (2006)), defendant shall disclose the identity of every such party and the basis of the allegation of fault no later than N/A. Plaintiff shall then have 30 days from the date of disclosure to amend the initiating pleading.
7. Is there an agreement to waive statutory expert disclosure requirements under RSA 516:29-b?  
 Yes  No
8.  The parties exchanged e-mail addresses and agree that the e-mail service of pleadings between the parties shall be considered in compliance with the Superior Court Administrative Court Order 46.
9. Petitioner's disclosure of experts and reports due: December 6, 2022  
Defendant's disclosure of experts and reports due: January 16, 2023  
Petitioner's disclosure of rebuttal experts and reports due: January 30, 2023

10. The following deadlines apply:

All interrogatories, requests for production, and requests for admission propounded by:

January 17, 2023

All depositions to be completed by February 17, 2023

All dispositive motions to be filed: no later than 120 days prior to the trial

Completion of all discovery: February 17, 2023

Deadline for filing all other pre-trial motions: no later than 14 days prior to trial management conference

Deadline for filing of witness and exhibit lists: no later than three (3) working days before the trial management conference

In actions to recover damages for personal injuries, independent medical examinations pursuant to Superior Court Civil Rule 28A must be conducted by the completion of discovery.

11. Jury trial request:  Yes  No

12. If jury trial previously demanded, is it now being waived?  Yes  No

13. Requested trial date: June 12, 2023 Estimated trial length: Five Days

14. Jury trial assignment: Trial Mgt Conf.: N/A Jury Selection: N/A

15. Bench trial assignment: Trial Mgt Conf.: June 5, 2023 Jury Selection: N/A

16. Trial counsel and self-represented parties shall appear at the trial management conference and be prepared to address settlement potential. Parties represented by counsel shall be available for contact by telephone during the trial management conference. All pending pretrial motions shall be heard at the trial management conference, or as scheduled by the court. Failure to appear at the trial management conference or trial may result in dismissal, default, or other sanctions.

17. **ADR (Alternative Dispute Resolution) Orders**

The parties stipulate and agree as follows: **OR**  The parties do not agree and request that the Court complete this section

**A. Type of ADR**

**Mediation**  **Neutral Case Evaluation**  **Binding Arbitration**

Name of person chosen to do ADR: \_\_\_\_\_  Paid  Volunteer

Name of alternates: 1. \_\_\_\_\_ 2. \_\_\_\_\_

**B. Scheduling your ADR Session:** Date ADR shall be completed by \_\_\_\_\_

You and the other side must contact the person selected to scheduled the ADR session.

C. **ADR Reporting:** The Plaintiff shall file a copy of the ADR report with the court within 30 days of the ADR session. If the ADR report is not timely filed, the court may schedule a show-cause hearing to determine the status of the ADR process and to impose sanctions appropriate to the circumstances, if necessary.

18.  The parties are exempt from Rule 32 ADR. This case involves the constitutionality of one or more state statutes. The State has an obligation to defend the statutes. As a result, it does not appear that any type of ADR will be productive in resolving this case. Good cause therefore exists to exempt the parties from ADR consistent with Rule 32.

19. Other orders:

The parties agree to approach the disclosure of communications between counsel and experts and the disclosure of draft reports in a manner consistent with the Federal Rules of Civil Procedure. That is, communications and drafts are not subject to disclosure.

Natalie J. Laflamme, Esq.  
Name of Filer

/s/ Natalie J. Laflamme, Esq. 9/30/2022  
Signature of Filer Date

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/s/ Samuel Garland, Esq. 9/30/2022  
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SO ORDERED:

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Date

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Presiding Justice