

STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS  
NORTHERN DISTRICT

SUPERIOR COURT

Crystal Sorey, Individually and  
As Administratrix of the Estate of Harmony Montgomery

v.

State of New Hampshire, Department of Health and Human Services,  
Division of Children, Youth and Families

Case No. 216-2024-CV-00722

Granted



Honorable David A. Anderson  
February 13, 2025

Clerk's Notice of Decision  
Document Sent to Parties  
on 02/18/2025

**ASSENTED-TO MOTION TO ALLOW SECOND AMENDED COMPLAINT**

NOW COMES the plaintiff, by and through her attorneys, Douglas, Leonard, & Garvey, P.C., and moves to amend the First Amended Complaint, stating as follows:

1. The Plaintiff moves to file a Second Amended Complaint to add allegations to Count III – Breach of Fiduciary Duty.
2. Under date of January 17, 2025, the court granted defendant's request to file its Answer by to February 14, 2025.
3. At this early stage, without the defendant having filed an Answer or any responsive pleading, there is no surprise or prejudice in granting the Motion to Allow Second Amended Complaint.
4. The proposed amendment should be allowed pursuant to RSA 514:9, which provides:

Amendments in matters of substance may be permitted in any action, in any stage of the proceedings, upon such terms as the court shall deem just and reasonable, when it shall appear to the court that it is necessary for the prevention of injustice; but the rights of third persons shall not be affected thereby. (RSA 514:9)

5. Under New Hampshire law, “liberal amendment of pleadings is permitted unless the changes would surprise the opposing party, introduce an entirely new cause of action, or call for substantially different evidence.” Sanguedolce v. Wolfe, 164 N.H. 644, 647-648 (2013).

6. According to N.H. Superior Court Rule 12(a)(3), “[a]mendments in matters of substance may be made on such terms as justice may require.” See also N.H. Super. Ct. R. 12(a)(4) (“amendments may be made to the Complaint....at any time and on such terms as may be imposed.”).

7. Defendant’s counsel assents to this Motion to Allow Second Amended Complaint.

WHEREFORE, the plaintiff respectfully requests that the Court:

A. Allow the plaintiff to amend the Complaint to add allegations to Count III – Breach of Fiduciary Duty; and

B. Grant such further relief as deemed just and equitable.

Respectfully submitted,  
CRYSTAL SOREY  
By her attorneys,  
DOUGLAS, LEONARD & GARVEY, P.C.

Date: February 11, 2025

By: /s/ C. Kevin Leonard  
C. Kevin Leonard, NH Bar #10019  
14 South Street, Suite 5  
Concord, NH 03301  
(603) 224-1988  
[kleonard@nhlawoffice.com](mailto:kleonard@nhlawoffice.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served this date upon all counsel of record via the ECF filing system.

/s/ C. Kevin Leonard  
C. Kevin Leonard