

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS  
NORTHERN DISTRICT

SUPERIOR COURT

Docket No. 216-2024-CV-00722

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

Granted

v.

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

Clerk's Notice of Decision  
Document Sent to Parties  
on 01/23/2025

Honorable David A. Anderson  
January 17, 2025

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**DEFENDANT NEW HAMPSHIRE DEPARTMENT OF HEALTH AND HUMAN  
SERVICES DIVISION FOR CHILDREN, YOUTH AND FAMILIES'  
ASSENTED TO MOTION TO STRIKE DEFAULT  
AND EXTEND TIME TO FILE ANSWER**

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Defendant the New Hampshire Department of Health and Human Services,  
Division for Children, Youth and Families (“DCYF”) by and through its counsel, the  
New Hampshire Department of Justice, respectfully moves to strike the default entered in  
this case, stating as follows:

1. Plaintiff in this matter moved to amend and filed a First Amended Complaint on December 6, 2024.
2. Undersigned counsel for DHHS executed and delivered an Acceptance of Service to counsel for Plaintiffs on December 16, 2024.
3. Although executed and delivered on December 16, 2024, that Acceptance of Service erroneously stated that it was effective as of December 4, 2024—before the motion to amend and file the First Amended Complaint had been filed.
4. Counsel for DHHS had been calculating deadlines based off the date of execution of the Acceptance of Service.

5. The Clerk of Court entered default against DHHS on January 9, 2025.
6. Upon learning of the default, Counsel for Plaintiff contacted counsel for DHHS and graciously assented to whatever relief DHHS sought in response to the default.
7. Undersigned counsel for DHHS regrets and apologizes for the computational error that led to the clerk's entry of default.
8. This case remains in the early stages, and the Plaintiff's complaint itself is not yet settled—shortly before the filing of this motion, Counsel for the Plaintiff has informed Defense Counsel that the Plaintiff intends to seek leave to file a Second Amended Complaint.
9. Again, for the Plaintiff has assented to the relief sought in this motion, and counsel for DHHS has assented to Plaintiff's to-be-filed Motion to Amend the Complaint.
10. Accordingly, DHHS respectfully requests that this Court (1) strike the default entered against it; and (2) allow DHHS to answer or otherwise respond to the operative complaint (whether the current First Amended Complaint or the contemplated Second Amended Complaint) on or before **February 14, 2025**.

WHEREFORE, the State of New Hampshire Department of Health and Human Services, Division for Children, Youth, and Families respectfully requests that this Honorable Court:

- A. Grant this Motion;
- B. Vacate or Strike the Default;
- C. Set the time to Answer or Respond as February 14, 2025; and

D. Grant such other and further relief as justice may require.

Respectfully submitted,

NEW HAMPSHIRE DEPARTMENT OF HEALTH  
AND HUMAN SERVICES, DIVISION FOR  
CHILDREN, YOUTH, AND FAMILIES,  
By its attorney,

JOHN M. FORMELLA  
ATTORNEY GENERAL

Date: January 16, 2025

By: /s/ Rory S. Miller  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing motion was sent via the Court's electronic filing system to all parties of record.

Date: January 16, 2025

/s/ Rory S. Miller  
Rory S. Miller