

Clerk's Notice of Decision
Document Sent to Parties

on 04/18/2023

STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

SUPERIOR COURT

CASE NO. 217-2020-CV-00026

Granted

DAVID MEEHAN



v.

Honorable Andrew R. Schulman
April 18, 2023

STATE OF NEW HAMPSHIRE,
DEPARTMENT OF HEALTH AND HUMAN SERVICES, et al.

(IN RE YDC and YDSU CONSOLIDATED LITIGATION)

John Doe #96 v. State of New Hampshire, et al / Case No. 217-2022-CV-00019
John Doe #146 v. State of New Hampshire, et al / Case No. 217-2022-CV-00076
John Doe #156 v. State of New Hampshire, et al / Case No. 217-2022-CV-00051
John Doe #338 v. State of New Hampshire, et al / Case No. 217-2022-CV-00303
John Doe #358 v. State of New Hampshire, et al / Case No. 217-2022-CV-00324

**ASSENTED-TO MOTION TO ACCEPT
LATE FILING OF ACCEPTANCES OF SERVICE**

NOW COME Plaintiffs John Doe ## 96, 146, 156, 338, and 358, by and through undersigned counsel, Rilee & Associates, P.L.L.C. and Nixon Peabody LLP, and respectfully requests leave to file Acceptances of Service one day later than the time specified on the summonses. In support of this motion, Plaintiffs' state as follows:

1. Plaintiff John Doe #96 filed his Complaint on January 13, 2022, and later amended his Complaint to include Defendant Eckerd Youth Alternatives, Inc. ("Eckerd") as a Contractor Defendant. John Doe #96's First Amended Complaint Supplement to the Master Complaint (the "FASFC") was filed on August 19, 2022.

2. Plaintiff John Doe ## 146 and 156 filed their Complaints on January 14, 2022, and later amended their Complaints to include Eckerd as a Contractor Defendant. John Doe

#146's FASFC was filed on September 1, 2022 and John Doe #156's FASFC was filed on August 31, 2022.

3. Plaintiff John Doe ## 338 and 358 filed their Complaints on January 18, 2022 and January 19, 2022, respectively, and later amended their Complaints to include Eckerd as a Contractor Defendant. John Doe ## 338 and 358's FASFCs were filed on September 27, 2022.

4. The Court issued summonses and ordered Plaintiffs to serve Eckerd on or before March 24, 2023 and to electronically file returns of service on or before April 14, 2023.

5. On February 8, 2023, undersigned counsel provided the summonses, FASFCs, and related service documents to Attorney Adam Mordecai, asking him if he would accept service on behalf of Eckerd, and on February 14, 2023, Attorney Mordecai agreed to accept service.

6. On February 16, 2023, undersigned counsel provided Attorney Mordecai with Acceptances of Service to review, sign, and return for filing.

7. Due to administrative oversight, undersigned counsel did not follow-up with Attorney Eckerd regarding the Acceptances of Service in advance of the April 14, 2023 deadline to file proofs of service with the court. Undersigned counsel followed up on April 16, 2023, advising Attorney Mordecai of the past due proofs of service and Attorney Mordecai promptly executed and returned same to undersigned counsel on April 17, 2023.

8. Plaintiff is filing Eckerd's executed Acceptances of Service contemporaneously with this motion.

9. Undersigned counsel has conferred with Attorney Mordecai, who assents the relief requested herein.

10. Neither Eckerd nor any other defendant in these matters have been prejudiced by the late filing of the Acceptances of Service.

WHEREFORE, Plaintiff respectfully requests that the Honorable Court:

- A. ACCEPT the late-filed Acceptances of Service for Defendant Eckerd; and
- B. GRANT any such further relief as justice requires.

Respectfully submitted,

**PLAINTIFFS JOHN DOE
96, 146, 156, 338 and 358**

Dated: April 17, 2023

By and through counsel,

RILEE & ASSOCIATES, P.L.L.C.

NIXON PEABODY LLP

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CERTIFICATE OF SERVICE

I state that on this date, April 17, 2023, I am sending a copy of this document as required by the rules of the court. I am electronically sending this document through the court's electronic filing system to all attorneys and to all other parties who have entered electronic service contacts (email addresses) in this case. I am mailing copies to all other interested parties.

/s/ Allison K. Regan

Allison K. Regan, Esq.