

Clerk's Notice of Decision  
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STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

SUPERIOR COURT

CASE NO. 217-2020-CV-00026

Granted



Honorable Andrew R. Schulman

April 17, 2023

DAVID MEEHAN, ET AL

v.

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

**ASSENTED-TO MOTION TO EXTEND CERTAIN PLAINTIFFS' DEADLINES  
TO RESPOND TO DEFENDANT NFI NORTH, INC.'S MOTION TO DISMISS**

NOW COME Plaintiffs<sup>1</sup>, by and through undersigned counsel, Rilee & Associates, P.L.L.C. and Nixon Peabody LLP, and submits this motion to extend their deadlines to respond to Defendant NFI North, Inc.'s ("NFI") Motion to Dismiss, stating in support as follows:

1. On or about February 1, 2023, undersigned counsel and counsel for NFI, Attorney Lisa Wade, reached an agreement for a uniform briefing schedule for the 21 complaints then-served upon NFI as follows:

a. NFI's Motion to Dismiss Deadline: March 20, 2023

b. Plaintiffs' Objection Deadline: April 29, 2023

2. Thereafter, NFI filed motions to extend responsive pleading deadlines in those 21 cases, with Plaintiffs' assent, each of which the Court granted. The motions' filing dates and court's orders are as follows:

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<sup>1</sup> See List of Plaintiffs and case numbers appended hereto as **Appendix A.**

| Plaintiff     | Civil Action No.  | Motion to Extend Filed | Date of Court Order |
|---------------|-------------------|------------------------|---------------------|
| Jane Doe #52  | 217-2022-CV-00794 | February 1, 2023       | February 2, 2023    |
| Jane Doe #74  | 218-2023-CV-00019 | February 1, 2023       | February 2, 2023    |
| Jane Doe #78  | 218-2023-CV-00058 | February 1, 2023       | February 2, 2023    |
| John Doe #415 | 217-2022-CV-00714 | February 1, 2023       | February 2, 2023    |
| John Doe #416 | 217-2022-CV-00721 | February 1, 2023       | February 2, 2023    |
| John Doe #448 | 217-2022-CV-00744 | February 1, 2023       | February 2, 2023    |
| John Doe #471 | 217-2022-CV-00795 | February 1, 2023       | February 2, 2023    |
| John Doe #535 | 217-2022-CV-00833 | February 1, 2023       | February 2, 2023    |
| John Doe #549 | 217-2022-CV-00994 | February 1, 2023       | February 2, 2023    |
| John Doe #557 | 218-2022-CV-01085 | February 1, 2023       | February 2, 2023    |
| John Doe #574 | 218-2022-CV-01125 | February 1, 2023       | February 2, 2023    |
| John Doe #582 | 218-2022-CV-01145 | February 1, 2023       | February 2, 2023    |
| John Doe #586 | 218-2022-CV-01147 | February 1, 2023       | February 2, 2023    |
| John Doe #588 | 218-2022-CV-01155 | February 2, 2023       | February 3, 2023    |
| John Doe #593 | 218-2023-CV-00013 | February 2, 2023       | February 3, 2023    |
| John Doe #607 | 217-2021-CV-00607 | February 2, 2023       | February 3, 2023    |
| John Doe #611 | 218-2023-CV-00035 | February 2, 2023       | February 3, 2023    |
| John Doe #619 | 218-2023-CV-00075 | February 2, 2023       | February 3, 2023    |
| John Doe #627 | 218-2023-CV-00065 | February 2, 2023       | February 3, 2023    |
| John Doe #633 | 218-2023-CV-00074 | February 2, 2023       | February 3, 2023    |
| John Doe #404 | 217-2022-CV-00701 | February 10, 2023      | February 15, 2023   |

3. On or about March 10, 2023, undersigned counsel served five<sup>2</sup> additional complaints upon NFI via electronic mail with Attorney Wade, including John Doe ##'s 640, 644, 652, 654, and 660's complaints, pursuant to the parties' agreement for acceptance of service.

4. On March 20, 2023, NFI filed a consolidated Motion to Dismiss 25 complaints served on NFI to date, including Plaintiff John Doe ##'s 640, 644, 654, and 660.

5. As undersigned counsel had not yet served complaints for John Doe ##'s 640, 644, 654, and 660 upon NFI at the time of the parties agreed-upon briefing schedule and thus was not covered by that agreement, the deadline for John Doe ##'s 640, 644, 654, and 660 to

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<sup>2</sup> The following plaintiff's complaints were served upon NFI on March 10, 2023: John Doe ##'s 640, 644, 652, 654, 660.

object to NFI's motion to dismiss is presently March 30, 2023, well in advance of the deadline for the other 21 objection deadlines.

6. Undersigned counsel and Attorney Wade conferred on or about March 29, 2023 and agree that it is most efficient, for the parties and the Court, to maintain a consistent briefing schedule for this batch of 25 complaints which NFI seeks to dismiss.

7. Thus, the parties request an extension of Plaintiff John Doe John Doe ##'s 640, 644, 654, and 660's deadline to object until **April 29, 2023**—the agreed-upon, and court-approved, deadline for the other 21 plaintiffs to object to NFI's motion to dismiss.

8. As noted above, NFI's counsel assents to the relief requested herein.

WHEREFORE, Plaintiff David Meehan respectfully requests that the Court:

- A. Grant this Assented-to Motion to Extend by extending Plaintiff's deadline to object to NFI's motion to dismiss until April 29, 2023; and
- B. Grant such other relief as the Court deems just.

Respectfully submitted,

**DAVID MEEHAN**

By and through counsel,

**NIXON PEABODY LLP**

Dated: April 7, 2023

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

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**CERTIFICATE OF SERVICE**

I state that on this date, April 7, 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*  
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Allison K. Regan, Esq.

## **APPENDIX A**

John Doe #640 v. State of New Hampshire, DHHS, et al., Case No. 218-2023-CV-00132  
John Doe #644 v. State of New Hampshire, DHHS, et al., Case No. 218-2023-CV-00130  
John Doe #654 v. State of New Hampshire, DHHS, et al., Case No. 218-2023-CV-00262  
John Doe #660 v. State of New Hampshire, DHHS, et al., Case No. 218-2023-CV-00261