

THE STATE OF NEW HAMPSHIRE  
ROCKINGHAM, ss. SUPERIOR COURT

Docket No. 217-2020-CV-00026

DAVID MEEHAN, ET AL,

v.

N.H. DEPARTMENT OF HEALTH AND HUMAN SERVICES, ET AL  
(YDC and YDSU Cases)

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218-2022-cv-1149 (Jane Doe 69)	217-2022-cv-849 (John Doe 508)	218-cv-2023-324 (John Doe 690)
217-2022-cv-19 (John Doe 96)	217-2022-cv-837 (John Doe 539)	218-2023-cv-327 (John Doe 691)
217-2022-cv-76 (John Doe 146)	217-2022-cv-841 (John Doe 543)	218-2023-cv-333 (John Doe 694)
217-2022-cv-51 (John Doe 156)	218-2022-cv-1036 (John Doe 552)	218-2023-cv-382 (John Doe 711)
217-2022-cv-303 (John Doe 338)	218-2022-cv-1093 (John Doe 564)	218-2023-cv-399 (John Doe 725)
217-2022-cv-324 (John Doe 358)	218-2022-cv-1145 (John Doe 582)	218-2023-cv-388 (John Doe 728)
217-2022-cv-709 (John Doe 421)	218-2023-cv-26 (John Doe 603)	218-2023-cv-390 (John Doe 731)
217-2022-cv-741 (John Doe 439)	218-2023-cv-30 (John Doe 608)	218-2023-cv-387 (John Doe 732)
217-2022-cv-820 (John Doe 456)	218-2023-cv-94 (John Doe 635)	218-2023-cv-438 (John Doe 745)
217-2022-cv-799 (John Doe 486)	218-2023-cv-308 (John Doe 684)	

**CONTRACTOR DEFENDANT ECKERD YOUTH ALTERNATIVES, INC.’S MOTION  
TO DISMISS**

NOW COMES Defendant Eckerd Youth Alternatives, Inc. (“Eckerd”) by and through its counsel, Morrison Mahoney LLP, and files this motion to dismiss because all the claims filed against it by the “Doe” Plaintiffs in the above-captioned cases are time-barred and fail to state claims for relief against Eckerd. In further support thereof, Eckerd states as follows:

1. Each complaint<sup>1</sup> alleges five causes of action against Eckerd, which are: breach of a fiduciary duty on various theories (Count VIII ); a purported claim for “aiding and abetting”

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<sup>1</sup> More precisely, each Doe identified in the above caption filed a “Short Form Complaint Supplement to Master Complaint” (“Complaint”) which incorporates the form “Master Complaint” filed in the “lead docket” No. 217-2020-CV-26. Their respective claims against Eckerd are contained in a nearly identical “Addendum to Short Form Complaint” (“Addendum” or collectively, “Addenda”) filed in each docket referenced in the caption. This latter pleading makes primarily conclusory allegations targeted against the State of New Hampshire Department of Health

breach of fiduciary duty (Count X); negligent hiring, training and supervision of the Defendants' employees (Count XI); negligence (Count XII); and civil conspiracy (Count XIV)

2. These 29 "Doe" Plaintiffs allege that they were abused by Eckerd staff during their respective placements at Eckerd. All those placements are alleged to have occurred in the time period from 1989 to 2013. *See* Exhibit A to Memorandum of Law Supporting Contractor Defendant Eckerd Youth Alternatives, Inc.'s Motion to Dismiss (summary of abuse allegations in each docket).<sup>2</sup>

3. As is evident from the docket list above, these Complaints were all filed after the running of the applicable general 3-year limitations period set forth in RSA 508:4, I (even as extended by two years after the application of RSA 508:8, where appropriate).

4. The Plaintiffs' Complaints do not plead sufficient information to indicate that they should be allowed to invoke either the discovery rule or the extended limitations period provided by RSA 508:4-g to save their otherwise untimely claims.

5. Accordingly, all the claims against Eckerd by these Plaintiffs must be dismissed because they are all time barred.

6. The 29 Complaints also fail to allege sufficient facts to support the causes of action pled against Eckerd. The Plaintiffs have therefore failed to set forth viable causes of action upon which relief could be granted and their claims should all be dismissed.

7. A supporting memorandum of law more completely articulating Eckerd's arguments has been submitted along with this motion and is hereby incorporated by reference.

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and Human Services for generalized systemic abuse within the child placement system, as opposed to allegations that relate specifically to the named Plaintiff.

<sup>2</sup> The personally identifying details concerning the alleged abuse are being included in a separate Exhibit to the Memorandum of Law Supporting this Motion to be filed under seal because some of these details are subject to a protective order. A redacted version of the Exhibit will be filed on the public docket.

WHEREFORE, Defendant Eckerd Youth Alternatives, Inc. respectfully requests that the Court:

- A. Dismiss all claims against it in the 29 dockets referenced in the caption;
- B. Award Eckerd its reasonable costs and attorneys' fees reasonably prorated among these dockets; and
- C. Grant such other relief as the Court deems just.

Respectfully submitted,

ECKERD YOUTH ALTERNATIVES, INC.

Dated: June 2, 2023

By Its Attorneys,  
MORRISON MAHONEY LLP

By: /s/ Adam R. Mordecai

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was this day forwarded to all counsel of record via the Court's ECF system.

/s/ Adam R. Mordecai

Adam R. Mordecai