

STATE OF NEW HAMPSHIRE

ROCKINGHAM, ss.

SUPERIOR COURT

217-2020-CV-00026

David Meehan, et al

v.

N.H. Department of Health and Human Services, et al
(YDC and YDSU Cases)

217-2022-CV-00701 ¹	218-2022-CV-01125	218-2023-CV-00065
217-2022-CV-00714	218-2022-CV-01145	218-2023-CV-00074
217-2022-CV-00721	218-2022-CV-01147	218-2023-CV-00075
217-2022-CV-00744	218-2022-CV-01155	218-2023-CV-00130
217-2022-CV-00794	218-2023-CV-00013	218-2023-CV-00132
217-2022-CV-00795	218-2023-CV-00019	218-2023-CV-00261
217-2022-CV-00883	218-2023-CV-00035	218-2023-CV-00262
217-2022-CV-00994	218-2023-CV-00040	
218-2022-CV-01085	218-2023-CV-00058	

**CONTRACTOR DEFENDANT NFI NORTH'S
MOTION TO DISMISS**

NOW COMES Defendant NFI North, Inc. (“NFI”) by and through its counsel, Orr & Reno P.A., and files this motion to dismiss because all the claims filed against it by the “Doe” Plaintiffs are time-barred and fail to state claims for relief against NFI. NFI further states:

1. Each complaint² alleges five causes of action against NFI, which are: breach of a fiduciary duty on various theories (Count VIII); a purported claim for “aiding and abetting”

¹ The respective Plaintiffs in these Dockets are John Doe #'s 404, 415, 416, 448, 471, 535, 549, 557, 574, 582, 586, 588, 593, 607, 611, 619, 627, 633, 640, 644, 654, 660, and Jane Doe #'s 52, 74, and 78.

² More precisely, each Doe 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 respect claims against NFI are contained in a nearly identical

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 25 "Doe" Plaintiffs allege that they were abused by NFI staff during their respective placements at NFI. All those placements occurred in the time period from 1990 to 2017. *See* Memorandum of Law Supporting Contractor Defendant NFI North, Inc.'s Motion to Dismiss at Exhibit A (summary of abuse allegations in each docket).³

3. As is evident from the docket list above, the Complaints and Addenda were all filed in 2022 or 2023, after the running of the applicable 3-year limitations period set forth in RSA 508:4, I (even as extended by the application of RSA 508:8, where appropriate). *See id.* at §III.A and limitations analysis of each Complaint in Exhibit A thereto).

4. Accordingly, all the claims against NFI by these 25 Plaintiffs must be dismissed because they are all time barred.

5. The Complaints also fail to allege sufficient facts to support the causes of action pled against NFI warranting dismissal of all the claims for this alternative reason. *See id.* at §III.B.1 - .5.

WHEREFORE, Defendant NFI North, Inc. respectfully requests that the Court:

A. Dismiss all claims against it in the 25 dockets referenced in the caption;

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

³ The details and timing of 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.

B. Award NFI North its reasonable costs and attorneys' fees reasonably prorated among these dockets; and

C. Grant such other relief as the Court deems just.

Respectfully submitted,

NFI North, Inc.

By its attorneys,

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Dated: March 20, 2023

By: /s/ Lisa Snow Wade
Lisa Snow Wade (Bar no. 5595)
lwade@orr-reno.com

Certificate of Service

I, Lisa Snow Wade hereby certify that on this 20th day of March 2023 a copy of the foregoing document was served on all parties through the Court's electronic filing system.

/s/ Lisa Snow Wade
Lisa Snow Wade (Bar no. 5595)