

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)

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217-2022-CV-00701 <sup>1</sup>	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**

**OBJECTION TO PLAINTIFFS' MOTION TO CLARIFY AND/OR EXTEND  
OBJECTION DEADLINE**

NOW COMES Defendant NFI North, Inc. ("NFI") by and through its counsel, Orr & Reno P.A., and objects to the Plaintiffs' request to further extend their response deadline to NFI's motions to dismiss. NFI further states:

1. On March 20, 2023, NFI moved to dismiss each of the above-captioned actions in an omnibus objection, that included individual analysis of why each Plaintiff's complaints are barred by the applicable statute of limitations. The Motion additionally included argument for

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<sup>1</sup> 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.

why none of the Plaintiffs alleged sufficient facts to support the claims asserted against NFI or otherwise failed to state cognizable causes of action.

2. Superior Court Rule 13(a) provides for a 10-day objection deadline unless otherwise ordered by the Court.

3. As noted in the Plaintiffs' motion, counsel for the captioned Plaintiffs and NFI conferred and jointly agreed to extend NFI's deadline to file its anticipated motion(s) to dismiss to March 20 for the 21 cases filed against it as of February 1, 2023, and to provide Plaintiffs with 40 days to file their objection(s). This effectively gave Plaintiffs until May 1, 2023 to file objections given that the 40<sup>th</sup> day (April 29, 2023) fell on a weekend. NFI filed assented-to motions to extend the deadline in these original 21 dockets on February 1, 2023, and the Court ordered this relief on February 10, 2023.

4. Thereafter, Plaintiffs' counsel served 4 additional complaints on NFI. Because March 20, 2023 was less than 30 days after the service of the four new complaints, NFI did not seek a separate extension of its responsive pleading deadline for these new cases. It included these 4 cases in its omnibus motion to dismiss. NFI agreed that those Plaintiffs could have an extension of time to object to April 29, 2023 to keep the briefing on these 25 cases together. The Court approved this agreed extension.

5. Thus, by express Court order, Plaintiffs had until May 1, 2023 to object to NFI's motion to dismiss in these 25 dockets.

6. The 25 captioned Plaintiffs did not meet their objection deadline.

7. Instead, they waited until the clock ran out and insist that because they intended to assert a discovery rule defense to the portion of NFI's motion to dismiss based on the running of

the statute of limitations, they should all get to extend their objection deadline by another 30 days. NFI disagrees.

8. Plaintiffs counsel made clear at the January 2023 status conference that they intended to assert the discovery rule in response to the statute of limitations arguments they expected each contractor defendant to raise. The Court ordered that Plaintiffs who intended to invoke the discovery rule would have 30 days to file a response to a motion to dismiss that included a statute of limitations argument with an affidavit supporting the invocation of the discovery rule. NFI and the Plaintiffs' counsel built even more time into the approved briefing schedule for NFI's motion to dismiss – those Plaintiffs got 40 days to file their response to the statute of limitations argument (and NFI's substantive challenges to the claims).

9. It is unfair for these Plaintiffs to unilaterally grant themselves another 30 days to file responsive briefing.

10. Additionally, the motions to dismiss are not based solely on the running of the applicable statutes of limitations. Thus, even if these Plaintiffs can claim that they were confused by the Court's February order relating to invocation of the discovery rule, thinking they were entitled to more time to address NFI's limitations arguments, they should have at least responded to the portion of the motion to dismiss that substantively challenged each claim for failing to state causes of action.

11. Because they failed to file timely objections to NFI's motion to dismiss on both the statute of limitations arguments and the substantive grounds for dismissal, NFI should be dismissed from these 25 cases. *See* Super. Ct. R. 13(a).

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

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

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: May 5, 2023

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

**Certificate of Service**

I, Lisa Snow Wade hereby certify that on this 5th day of May 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)