

  
Honorable Andrew R. Schulman  
November 12, 2024

Clerk's Notice of Decision  
Document Sent to Parties  
on 11/13/2024

THE STATE OF NEW HAMPSHIRE

SUPERIOR COURT

ROCKINGHAM, SS  
11-12-2024 GRANTED. The  
court meant to say that it  
would NOT order a new trial  
de novo sua sponte. Clearly,  
this judge needs to do a better  
job of proof reading. Thank  
you for catching the typo.

Docket No. 217-2020-cv-00026

David Meehan

v.

New Hampshire Department of Health and Human Services, et al.

**THIS PLEADING RELATES SOLEY TO DAVID MEEHAN'S INDIVIDUAL CASE**

**DEFENDANT'S MOTION TO CLARIFY ORDER ON**

**PLAINTIFF'S MOTION FOR NEW TRIAL AS TO NUMBER OF "INCIDENTS"**

NOW COMES, Defendants, New Hampshire Department of Health and Human Services, by and through their counsel, the New Hampshire Department of Justice, and respectfully moves this Honorable Court to clarify its order on "Plaintiff's Motion For New Trial As To Number Of 'Incidents'" due to a scrivener's error. In support of this motion, DHHS states as follows:

1. In the Court's order on Plaintiff's Motion For New Trial As To The Number Of "Incidents" ("Order – Incident Trial"), the Court stated, "if the plaintiff wants a de novo jury trial, he can move to reconsider, but the court **will order** a new trial de novo *sua sponte*." See Order – Incident Trial at 3 (emphasis added).
2. However, in the Court's order on Plaintiff's Motion For Partial Judgment Notwithstanding Verdict, ("Order - PJNOV") the Court specifically stated that, "the court **will not order** a new trial de novo *sua sponte*." See Order – PJNOV at 10 (emphasis added).
3. The inconsistency between these two orders appears to be a result of a scrivener's error. The Court's intention, as indicated in the latter order, appears to be that it will *not* order a new trial de novo *sua sponte*. See *id.*
4. The New Hampshire Supreme Court has recognized the correction of scrivener's errors in judicial orders to reflect the true intent of the court is proper. See *State v. Stern*, 150 N.H. 705, 713 (2004)

(where the court corrected a sentencing order to reflect its original intent, which had been misstated due to a scrivener's error.)

WHEREFORE, DHHS respectfully requests that this Honorable Court:

- A. Clarify its order on "Plaintiff's Motion For New Trial As To Number Of 'Incidents'" to correct the scrivener's error and state that the court will *not* order a new trial *de novo sua sponte*; and
- B. Grant such other and further relief as may be just and equitable.

Respectfully Submitted,

New Hampshire Department of Health and Human Services;  
Department of Youth Development Services; Division of  
Children, Youth, and Families; Division of Juvenile Justice  
Services; and Sununu Youth Services Center, a/k/a Youth  
Development Center and Youth Development Services Unit,  
f/k/a State Industrial School and Adolescent Detention  
Center

By their attorneys,

JOHN M. FORMELLA  
ATTORNEY GENERAL

Date: November 4, 2024

/s/ Brandon F. Chase  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was sent via the Court's electronic filing system to all parties of record on the date above.

/s/ *Brandon F. Chase*

Brandon F. Chase