

STATE OF NEW HAMPSHIRE

ROCKINGHAM, ss.

SUPERIOR COURT

CASE NO. 217-2020-CV-00026
and all consolidated YDC and YDSU CASES
DAVID MEEHAN

v.

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

**(IN RE YDC AND YDSU LITIGATION)
(JUDGE SCHULMAN ASSIGNED CASES)**

This Reply Applies to More than Five Plaintiffs
This Reply Does Not Apply to Contractor Defendants

MOTION TO CLARIFY REGARDING TRIAL SCHEDULING

On April 3, 2025, this Court issued an order stating that *Plaintiffs' Motion for Entry of Second Amendment to Case Structuring Order of August 15, 2024* "shall be scheduled for a hearing. The schedule needs to also take account of plaintiff's represented by other counsel." This motion briefly responds to the Court's impression that plaintiffs represented by other counsel are seeking trial dates.

The overwhelming majority of plaintiffs who have filed complaints in this Court alleging claims against the State stemming from abuse suffered while in the State's custody at the State's youth development and detention facilities (the YDC, YDSU, and other adjunct facilities) are represented by the undersigned lawyers at Rilee & Associates P.L.L.C. and Nixon Peabody LLP ("Plaintiffs"). In fact, as far as undersigned counsel is aware, no other lawyers have filed similar complaints against the State in this Court.

Any plaintiffs with claims against the State currently pending in this Court who are not currently represented by the Rilee-Nixon lawyers only have a complaint pending in this Court

because they were *originally* represented by the Rilee-Nixon firms and only later changed counsel after their complaints were filed. But, as far as undersigned counsel is aware, even in those rare cases, those plaintiffs who obtained new counsel did so only for the purpose of pursuing claims in the YDC Claims Administration and Settlement Fund. Accordingly, the lawsuits for those plaintiffs are all either dismissed, stayed, or about to be stayed. Undersigned counsel is not aware of any other lawyers or law firms who have taken cases for the purpose of pursuing relief for their clients in court.

Indeed, undersigned counsel has never been approached by any other lawyers representing YDC/YDSU plaintiffs seeking to coordinate or discuss the management of the YDC/YDSU consolidated litigation in this Court. No other law firm has filed a motion seeking a trial date or a trial schedule for any plaintiff. No plaintiff represented by other counsel has filed a response to undersigned counsel's present motion to amend the August 15, 2024 CSO. In summary, as far as undersigned counsel is aware (and as far as docket activity reveals), no other lawyers apart from the Rilee-Nixon lawyers are willing to take these cases to trial against the State.

Accordingly, because no other plaintiffs or other counsel have asked for trial dates, Plaintiffs (those represented by the Rilee-Nixon firms) respectfully submit that it is not necessary for the Court's amended trial schedule to "take account of plaintiff's represented by other counsel."

WHEREFORE, for the foregoing reasons, Plaintiffs respectfully request that—to the extent the Court desires a hearing only for the purpose of taking account of plaintiffs represented by other counsel—the Court cancel any hearing for that purpose and instead enter an order forthwith endorsing Plaintiffs' proposal. To the extent the Court wishes to address other issues or concerns with Plaintiffs' proposed amended schedule, a hearing may still be necessary and undersigned counsel will, of course, attend.

Respectfully submitted,

PLAINTIFFS

Dated: April 7, 2025

By and through counsel,

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

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CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2025, a true and accurate copy of this motion to clarify has been served electronically through the Court's e-service system on all attorneys and all other parties who have entered electronic service contacts (e-mail addresses) in this case.

/s/ W. Daniel Deane

W. Daniel Deane, Esq.