

Clerk's Notice of Decision
Document Sent to Parties
on 10/30/2024

STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

SUPERIOR COURT

Granted

CASE NO. 217-2020-CV-00026



DAVID MEEHAN

v.

Honorable Andrew R. Schulman

STATE OF NEW HAMPSHIRE,

October 30, 2024 DEPARTMENT OF HEALTH AND HUMAN SERVICES, et al.

(IN RE YDC AND YDSU LITIGATION)

THIS MOTION DOES NOT PERTAIN TO CONTRACTOR DEFENDANTS

ASSENTED-TO MOTION TO ADOPT PARTIES'
AMENDED STIPULATION REGARDING ACCEPTANCE
OF SERVICE AGREEMENT WITH STATE DEFENDANTS

NOW COMES Plaintiffs¹ by and through counsel, Rilee & Associates, P.L.L.C. and Nixon Peabody LLP, file this assented-to motion to adopt the parties' amended stipulation regarding acceptance of service agreement between counsel for Plaintiffs and counsel for State Defendants.²

In support thereof, Plaintiffs state as follows:

1. On September 8, 2022, the Court (Schulman, J.) issued a Scheduling Order addressing various issues, including amending complaints, the briefing schedule for the State

¹ For purposes of this motion, "Plaintiffs" means all Plaintiffs in this consolidated litigation represented by Rilee & Associates, P.L.L.C. and Nixon Peabody LLP.

² The "State Defendants" identified in the Master Complaint are: the State of New Hampshire; the New Hampshire Department of Health and Human Services ("DHHS") and its named Divisions, the Division of Children, Youth and Families ("DCYF") and the Division of Juvenile Justice Services ("DJJS"); the Youth Development Center ("YDC"), also known as the Sununu Youth Services Center and Youth Development Services Unit, formerly known as the State Industrial School and Adolescent Detention Center. State Defendants continue to maintain that there is only *one* proper State Defendant: DHHS.

Defendants' motion to dismiss the Master Complaint, and memorialization of the agreement for acceptance of service of complaints between counsel for Plaintiffs and counsel for State Defendants. Index #95. As it relates to the agreement between counsel for Plaintiffs and counsel for State Defendants regarding acceptance of service in particular, paragraph 6 states as follows:

6. Counsel for State Defendants have agreed to accept service of process of all new complaints alleging consolidated claims and have agreed to file a notice of acceptance of service in this lead file within ten days of receipt of the service package from plaintiffs' counsel for each batch of complaints received. Plaintiffs' counsel have agreed to serve counsel for State Defendants in batches, via email, when reasonably practicable, rather than one at a time. Plaintiffs' counsel have also agreed to provide State Defendants with courtesy copies of complaints upon filing, via email; and State Defendants have agreed that Plaintiffs' counsel need not serve the same complaint twice. Thus, after Plaintiffs' counsel transmits a courtesy copy of a complaint, Plaintiffs' counsel need not deliver that same complaint again later to effect service, and service will be considered to be effectuated upon Plaintiffs' counsel's delivery of the court-issued summons for that complaint.

2. At the time of this scheduling order, the volume of complaints being filed by counsel for plaintiffs was significant, leading the parties to agree that plaintiffs would provide courtesy copies and follow with service of the formal packets to afford State Defendants additional time to begin locating records for individual plaintiffs to respond to the complaints in due course.

3. As of the date of this filing, the volume of complaints being filed by counsel for plaintiffs has lessened significantly over the past few months, thus removing the prior benefits of counsel for plaintiffs providing courtesy copies of complaints, followed by formal service packets. As the provision of courtesy copies remains burdensome on plaintiffs' counsel and staff, and the benefits of same to State Defendants has lessened, the parties propose the removal of the courtesy copy requirement. Moreover, the parties agree efficiencies will be gained by specifying the interval at which plaintiffs' counsel will serve batches of complaints upon State Defendants and by enlarging the time for which State Defendants must file acceptances of service.

4. Accordingly, counsel for plaintiffs and counsel for State Defendants move this Court to adopt the Joint Stipulation to Amend September 19, 2022 Scheduling Order, a copy of which is attached hereto as **Exhibit A**.

WHEREFORE, Plaintiff respectfully requests that the Court:

- A. Grant this Motion;
- B. Adopt the Parties' Amended Stipulation regarding acceptance of service agreement between counsel for Plaintiffs and counsel for State Defendants;
- C. Grant such further relief as the Court deems just and proper.

Respectfully submitted,

PLAINTIFFS,

Dated: October 30, 2024

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

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by the Court's e-filing system on all parties of record on October 30, 2024.

/s/ Allison K. Regan
Allison K. Regan, Esq.

EXHIBIT A

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

SUPERIOR COURT

DAVID MEEHAN

v.

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

(In re YDC/YDSU Consolidated Litigation)

**JOINT STIPULATION TO AMEND
SEPTEMBER 19, 2022 SCHEDULING ORDER**

Counsel for plaintiffs and counsel for State Defendants hereby agree to amend their agreement for acceptance of service, as set forth in the September 19, 2022 Scheduling Order (Index #95), as follows:

6. Counsel for State Defendants have agreed to accept service of process of all new complaints alleging consolidated claims and have agreed to file a notice of acceptance of service in the plaintiff's individual file within sixty (60) days of receipt of the service package from plaintiffs' counsel for each batch of complaints received. Plaintiffs' counsel have agreed to serve counsel for State Defendants in batches, via email, once every sixty (60) days. Service will be considered to be effectuated upon Plaintiffs' counsel's delivery of the court-issued summons for that complaint.

Approved and So Ordered

So Ordered.



Honorable Andrew R. Schulman

October 30, 2024

Dated: