

Clerk's Notice of Decision
Document Sent to Parties

on 02/09/2023

STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

SUPERIOR COURT

2-8-2023 GRANTED. The Jane Doe #73
case (217-2023-CV-00002) is NOT

CASE NO. 217-2020-CV-00026

within the scope of consolidation order
in Meehan. The court read the Jane Doe #73
compliant too quickly and mistaken transferred
venue in that case to Rockingham. Venue for

DAVID MEEHAN

v.

Jane Doe #73 is returned to
Merrimack. A copy of this
order shall be placed
in both files.

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

The court apologizes for
its earlier haste.

(IN RE YDC and YDSU CONSOLIDATED LITIGATION)

**MOTION TO CLARIFY CONSOLIDATION ORDER
WITH REQUEST FOR EXPEDITED CONSIDERATION**



Honorable Andrew R. Schulman

February 8, 2023

(For all Plaintiffs represented by Rilee & Associates, P.L.L.C. and Nixon Peabody LLP)

Plaintiffs'¹ counsel submit this Motion to Clarify the Court's Consolidation Order and respectfully request expedited consideration. In support thereof, the undersigned state as follows:

1. On July 6, 2022, the Court issued an Order Regarding Consolidation of Claims and Cases ("Consolidation Order") in the *Meehan* docket. Paragraph 3 of the Consolidation Order states: "Cases that do not include claims arising from events and/or conditions at State operated juvenile justice facilities will not be consolidated with these cases."
2. On January 3, 2023, the undersigned filed a Complaint and Demand for Jury Trial on behalf of Jane Doe #73, Case No. 217-2023-CV-00002. The allegations involve Jane Doe #73's placement by the State at Saddleback Retreat, a private, now-defunct facility. Jane Doe #73 was never placed in a "State operated juvenile justice facility." Accordingly, it appears that Jane Doe #73's claims fall outside the Consolidation Order. Undersigned counsel therefore

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.

filed Jane Doe #73's suit in Merrimack Superior Court and did not seek consolidation on the belief that the issue had been decided otherwise.

3. On January 9, 2023, the Court issued an Order Transferring Venue, stating that Jane Doe #73's case fell within the Consolidation Order, and transferred the case to Rockingham Superior Court.
4. Undersigned is unclear whether the Court is reading the Consolidation Order differently than the undersigned, or whether the Court decided, in this instance, an exception would be made. The issue has a bearing beyond Jane Doe 73's case, because the undersigned has several dozen additional claims that fall in the same category—i.e., plaintiffs placed solely in non-State operated juvenile justice facilities—and wishes to file those cases without delay or time limitation consequences, but without creating unintended additional labor or confusion for the Court.
5. Accordingly, the undersigned respectfully requests that the Court review the Consolidation Order, particularly paragraph 3, and clarify if it is still operative or if cases involving claims against solely non-State operated facilities should be consolidated on the *Meehan* docket.
6. The State opposed the consolidation of cases involving solely non-State operated facilities in advance of the Court's Consolidation Order. Counsel has sought their position but has received no response prior to filing.

WHEREFORE, Plaintiffs respectfully request that this Court:

- A. Clarify its July 6, 2022, Consolidation with respect to the filing of claims against solely non-State operated facilities;
- B. Expedite its response; and
- C. Grant any other relief as is just and fair.

Dated: January 13, 2023

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

/s/ Cyrus F. Rilee, III

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on January 13, 2023, I am sending a copy of this document as required by the rules of the court. I am electronically sending this document through the court's e-filing system to all attorneys and to all other parties who have entered electronic service contacts (e-mail addresses) in this case.

/s/ David A. Vicinanza

David A. Vicinanza, Esq.