

THE STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS SUPERIOR COURT

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 OBJECTION TO
PLAINTIFF'S MOTION TO STAY PENDING INTERLOCUTORY APPEAL**

The Defendant, the New Hampshire Department of Health and Human Services, by and through its counsel, the New Hampshire Department of Justice, respectfully objects to Plaintiff's Motion to Stay ("*Motion*"). This Court should deny the *Motion* for those reasons as more fully set forth in the concurrently filed Defendant's Objection to Plaintiff's Motion for Reconsideration ("*Obj. – Reconsider*") and Defendant's Objection to Plaintiff's Motion for Interlocutory Appeal ("*Obj. – Appeal*").¹ The request for a stay is inappropriate.

Furthermore, it is essential to recognize that there is nothing extraordinary about the posture of this case to warrant a stay or an interlocutory appeal. This case is at the bitter-end – the trial has long since concluded, post-verdict briefing is done, and rulings have been made. The *only* step that remains is for this Court to exercise its appropriate function – to render a final verdict and allow any appeal to proceed in the normal course. *Piane v. Town of Conway*, 118 N.H. 883, 884 (1978) (where the Supreme Court has "encourage[d] superior court judges to look less favorably upon parties' requests for

¹ Both objections are incorporated by reference in full herein.

interlocutory appeals in civil cases . . . and to *exercise their appropriate function by rendering a final verdict before* allowing the parties to bring their exceptions to us.” (emphasis added)). This ensures that the judicial process proceeds efficiently and without unnecessary delays. *Id.*

In conclusion, the plaintiff’s motion to stay all proceedings, including a stay on a ruling on their pending motion for reconsideration, is inappropriate and contrary to proper legal procedure. The court should enter final judgment to allow any appeal to proceed in the normal course, as this approach aligns with established legal principles and serves the public interest. Therefore, Defendant respectfully requests that the court deny the plaintiff’s motion to stay.

WHEREFORE, for the reasons set forth above, DHHS respectfully requests that this honorable Court:

- A. Deny Plaintiff’s Motion to Stay Pending Interlocutory Appeal; and
- B. Grant such further relief as the Court deems just and proper.

Respectfully Submitted,

State of New Hampshire Department of Health and Human Services; Division of Children, Youth, and Families; and Division of Juvenile Justice Services

By their attorneys,

JOHN M. FORMELLA
ATTORNEY GENERAL

Date: November 24, 2024

/s/ Brandon F. Chase
Brandon F. Chase, Bar #270844
Assistant Attorney General
N.H. Department of Justice
Civil Bureau
1 Granite Place South
Concord, NH 03301
(603) 271-3650
brandon.f.chase@doj.nh.gov

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