

Clerk's Notice of Decision  
Document Sent to Parties

on 01/09/2023

STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

SUPERIOR COURT

CASE NO. 217-2020-CV-00026

DAVID MEEHAN

v.

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

(IN RE YDC and YDSU CONSOLIDATED LITIGATION)

**PLAINTIFFS' ASSENTED-TO MOTION TO EXTEND  
SURREPLY DEADLINE**

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

Plaintiffs<sup>1</sup> by and through counsel submit this Motion to Extend Plaintiffs' January 9, 2023 Surreply Deadline regarding State Defendants' Second Motion to Dismiss. In support thereof, Plaintiffs state as follows:

1. On October 21, 2022, State Defendants filed a Second Motion to Dismiss the Master Complaint.
2. On November 17, 2022, Plaintiffs filed an Objection to State Defendants' Second Motion to Dismiss.
3. On December 22, 2022, State Defendants filed their Reply to Plaintiff's Objection.
4. Currently, Plaintiffs' Surreply deadline is January 9, 2023. Plaintiffs require additional time to finalize their Surreply.

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<sup>1</sup> 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.

5. For the reasons outlined herein, Plaintiffs therefore request a brief 4-day extension of the Surreply deadline—or, until **January 13, 2023**.
6. Plaintiffs’ Surreply briefing period began in the middle the recent holidays, during which there were staffing shortages and corresponding challenges.
7. Presently, Plaintiffs face additional challenges, necessitating an extension of time to file their Surreply. Namely, lead Plaintiffs’ counsel is presently ill, and multiple other members of the briefing team are fielding unusually heavy workloads in other matters, including one federal trial and a series of depositions in a separate matter.
8. Plaintiffs have consulted with counsel for State Defendants who assent to this requested extension of Plaintiff’s Surreply deadline.
9. This extension will not result in any prejudice to the other parties or the Court, and will not result in the continuance of any other court-ordered deadline, as briefing on the motions to dismiss will be complete two weeks prior to the upcoming January 27, 2023 status conference.

WHEREFORE, Plaintiffs respectfully request that this Court:

- A. Grant Plaintiffs’ Assented-to request to extend the Surreply deadline to January 13, 2023.
- B. Grant any other relief as is just and fair.

Respectfully submitted,

**PLAINTIFFS**

Dated: January 5, 2023

By and through counsel,

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

**NIXON PEABODY LLP**

/s/ Cyrus F. Rilee, III

/s/ Allison K. Regan

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### **CERTIFICATE OF SERVICE**

I certify that on January 5, 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/ Allison K. Regan*

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Allison K. Regan, Esq.