

Clerk's Notice of Decision
Document Sent to Parties
on 04/19/2023

STATE OF NEW HAMPSHIRE

ROCKINGHAM, ss.

4-18-2023. GRANTED IN PART following oral argument as follows: (A) Discovery responses for the individual Meehan case shall be provided, in the manner set forth in this motion, within 90 days; (B) All other discovery responses shall be provided, in the manner set forth in this motion within six months. The plaintiffs asked for shorter deadlines. The State defendants asked for no deadlines. The court thinks that this is a fair compromise. The State

CASE NO. 217-2020-CV-00026


DAVID MEEHAN

v.

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

SUPERIOR COURT

defendants are arms of the executive branch of a sovereign state. The State has the resources to provide discovery in a timely manner.


Honorable Andrew R. Schulman
April 18, 2023

(IN RE YDC AND YDSU LITIGATION)

**PLAINTIFFS' MOTION TO COMPEL PRODUCTION OF DOCUMENTS
AND AMENDMENT OF DISCOVERY RESPONSES**

NOW COME all Plaintiffs represented by Rilee & Associates, P.L.L.C. and Nixon Peabody LLP, and move pursuant to Superior Court Rules 21 and 29(e) to compel Defendant State of New Hampshire Department of Health and Human Services ("DHHS") to fully and completely respond to Plaintiffs' Requests for Production of Documents, including by producing responsive documents and by identifying where responsive documents (if any) can be found in the over 3.5 million pages of documents it has produced to date.

DHHS's approach to its document production is emblematic of the State Defendants' approach to discovery in general over the past year and a half: obfuscate and delay. Plaintiffs have to date served three Sets of Requests for Production of Documents on DHHS. DHHS's response to each of these sets has been similar: it has (1) simply referred Plaintiffs to the millions of pages of unculled scanned paper documents it has stirred from the depths of the Sununu Youth Services Center ("Sununu Center") and other storage facilities, and (2) represented that additional responsive documents may perhaps be forthcoming at some unspecified future date. By dumping an unsorted mass of documents on Plaintiffs, DHHS impermissibly has attempted to shift the

burden of identifying responsive documents to Plaintiffs. This is calculated to, and does, disadvantage and prejudice Plaintiffs, who are forced to search for the proverbial needle in a haystack, scouring millions of pages of documents in the hope of finding something of some relevance to their claims. Plaintiffs are further prejudiced by DHHS’s “we’ll get to it when we get to it” approach to its production of other responsive documents, which likewise does not comply with the Superior Court Rules, and threatens to deny Plaintiffs their Part 1, Article 14 right to obtain justice “promptly, and without delay.” To vindicate that right, Plaintiffs are forced to seek the Court’s intervention.

Background

1. As the Court is aware, this consolidated proceeding encompasses claims by hundreds of Plaintiffs who, as children, suffered severe and horrific child abuse when placed at the Sununu Center and related facilities by DHHS and the other State Defendants. Plaintiffs have been trying to obtain relevant, responsive documents pertaining to the operation of those facilities from DHHS for over a year and a half. Lead Plaintiff David Meehan served a first set of Requests for Production of Documents in his case on DHHS in July 2021. *See* Exh. A (Meehan RFPs). DHHS provided written responses to those requests, and produced a handful of responsive documents—consisting principally of floor plans, blueprints, and technical drawings related to the physical Sununu Center buildings and related facilities—in November 2021. In mid-February 2022, after no additional documents had been produced for several months, undersigned counsel sought to meet and confer with DHHS about the sufficiency of its responses. *See* Exh. B (Feb. 16, 2022 Letter).

2. On February 18, 2022, just days after undersigned counsel requested a meet and confer, this Court issued its order staying discovery in these consolidated actions except by

agreement of the parties. Due to the Court's entry of the stay, no further documents responsive to Mr. Meehan's requests were produced over the several months that followed. Nonetheless, in the interest of ensuring DHHS's prompt production of responsive documents once the stay was lifted, in the interim months, Plaintiffs' counsel negotiated the terms of a blanket protective order with counsel for the State Defendants.

3. This Court held a structuring conference in these consolidated cases on June 29, 2022. At that structuring conference, the Court repeatedly made clear its intent that "the starting gun should go off" on discovery. Tr. of June 29, 2022 Conf. at 37:16-:18; *see also id.* at 38:14-:17 ("THE COURT: So I don't see what's wrong with having the starting gun go off on discovery, and then just do it in, like, the ordinary course of business, and set a deadline for when it's supposed to close by."). Accordingly, following that structuring conference, Plaintiffs again attempted to engage with the State Defendants regarding the outstanding discovery. The State Defendants, evidently taking the position that the stay remained in place unless and until the Court issued a written order expressly lifting it, rebuffed these attempts. *See, e.g.,* State Defs.' Notice of Non-Filing at ¶ 3 (Sept. 6, 2022) (asserting that "the *Stay Order* remains in effect"). That position forced the Court to issue an order on September 7, 2022, making clear that "[t]he stay was effectively lifted after the June hearing" and ruling that "the stay is lifted, nunc pro tunc."

4. Following the Court's written order, Plaintiffs again attempted to reengage with State Defendants on Mr. Meehan's discovery requests. State Defendants initially represented that, as a part of the "voluntary productions" of Sununu Center-related documents that they had begun turning over to Plaintiffs, they had produced documents responsive to at least twenty of Mr. Meehan's requests. *See* Exh. C at 5 (Hirshon Nov. 2, 2022 email) (asserting that State Defendants

“have produced documents responsive to at least requests 1-17, 19, and 21-22”). State Defendants did not specify where in the productions the responsive documents could be located.

5. These “voluntary productions” consist of several millions of pages of scanned hard-copy documents that DHHS had retrieved from boxes in the Sununu Center basement and other storage sites, where they were stored with no obvious organization, and previously had turned over to the Criminal Justice Bureau of the Attorney General’s Office in connection with ongoing criminal investigations into child abuse at the Sununu Center and related facilities. While these scans are broken down into separate PDFs—over 27,000 in total—it is Plaintiffs’ understanding that these PDFs do not correspond to individual “documents” in the usual sense, and that each PDF may in fact encompass many separate documents. Plaintiffs further understand that although the PDFs have been assigned names, those are simply the names assigned to those PDFs by the third-party vendor that scanned them, and may reflect the contents of the constituent documents only roughly, partially, or not at all.

6. Accordingly, for Plaintiffs to fully assess the relevance and responsiveness of the “voluntary productions,” it would be necessary to individually review each of their over 3.6 million pages. Based on undersigned counsel’s review to date, these documents consist of a wide variety of materials, many of which (indeed, perhaps the majority of which) appear to have no conceivable relevance to Plaintiffs’ claims. As just one of many examples, included among the documents are voluminous receipts, invoices and requisition requests related to the purchases of items such as radial tires for a Sununu Center vehicle, brass friction rings and washers for the boiler in the Sununu Center barn, paper towels, pens, hand soap, envelopes, trash cans, and AA batteries. Even if some of these documents may in fact be responsive to some of Mr. Meehan’s requests, moreover, because Plaintiffs lack familiarity with the Sununu Center’s operations and documentation

processes, they are not in the same position as DHHS and the other State Defendants to assess which of the documents are responsive to certain requests.

7. Plaintiffs therefore asked State Defendants to substantiate their representation that they had produced documents responsive to some of Mr. Meehan's requests by identifying where in the voluntary productions those responsive documents could be located. State Defendants then abruptly changed course, taking the position that Mr. Meehan's individual discovery requests had been withdrawn and refusing to identify where in their productions responsive documents, if any, could be located. *See* Exh. C at 1 (Hirshon Nov. 16, 2022 email).

8. In response to State Defendants' recalcitrance, on November 30, 2022, Plaintiffs served a Second Combined Set of Requests for Production on DHHS ("Second RFPs") that were substantively more or less identical to those first served by Mr. Meehan in 2021. *See* Exh. D. Plaintiffs previously had served a First Combined Set of Requests for Production on DHHS ("First RFPs"), targeting a specified set of documents from the specific time frame of 1995 through 2008, *see* Exh. E,¹ and subsequently served a Third Combined Set of Requests for Production on DHHS ("Third RFPs") that, like the Second RFPs, sought documents more broadly applicable across the universe of Plaintiffs, *see* Exh. F.

9. DHHS's responses to the bulk of the First, Second, and Third RFPs have been substantively similar. DHHS has provided the following response to nearly all of the requests:

Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents

¹ As Plaintiffs' counsel David Vicinanza explained to State Defendants in a December 16, 2022 email, the documents requested in the First RFPs relate principally to allegations made by a former Sununu Center employee regarding severe child abuse at the facility during her employment there, and the retaliation against her for speaking out. *See* Exh. J at 2.

subject to the above objections within a reasonable time after such documents are discovered and reviewed.

See, e.g., Exh. G at 7 (DHHS Resps. to First RFPs; Response to RFP 1). In its responses to the Second RFPs, DHHS added to this response the assertion that “Plaintiffs are, and have been, able to conduct the same or substantially similar search functionalities as Defendant utilizing their own discovery platform to locate responsive documents already produced.” *See, e.g.*, Exh. H at 6-7 (DHHS Resps. to Second RFPs; Response to RFP 1). And, in its responses to the Third RFPs, DHHS expanded upon this assertion, objecting that “Defendant previously produced more than 2,500,000 pages of documents as part of its ‘Voluntary Disclosures,’ and Plaintiffs have the same ability to search these previously produced materials as Defendant.” *See, e.g.*, Exh. I at 7 (DHHS Resps. to Third RFPs; Obj. to RFP 1).²

10. To date, aside from the handful of floor plans and similar documents DHHS produced in response to Mr. Meehan’s RFPs in November 2021, the so-called “Voluntary Disclosures” are the *only* documents DHHS has produced to Plaintiffs.³ The production of these documents was completed as of December 9, 2022. In the over two months since, despite its representation that it would produce further responsive documents “on a rolling basis,” DHHS has

² As this motion applies generally to DHHS’s responses to the RFPs, Plaintiffs do not here set forth “the text of” each of “the requests and responses at issue” under Superior Court Rule 29(g), but simply recite representative language that is repeated across DHHS’s responses and objections.

³ The parties have separately negotiated and stipulated to an order that would allow DHHS to release personnel files and records relating to certain named Sununu Center employees in response to Request 8 of the First RFPs and Request 38 of the Third RFPs. Plaintiffs have moved the Court to enter that order and are awaiting a ruling, after which they expect DHHS to produce those files. In addition, outside the discovery process in this case, each of the Plaintiffs has individually requested that the State Defendants produce that Plaintiff’s file to them. The State Defendants have produced many of these files. These productions will not resolve the issues raised in this motion.

not produced any other documents. Nor has it specified any timeline within which it expects to be able to complete its production.

11. Pursuant to Superior Court Rule 29(e), Plaintiffs' counsel met and conferred with DHHS's counsel several times in a good-faith attempt to resolve the issues with the sufficiency of DHHS's responses and document productions. In an early conference on November 3, 2022, Plaintiffs requested that the written RFP responses or cover letters accompanying productions identify where in those productions responsive documents can be found, and DHHS's counsel agreed to accommodate this request. Notwithstanding this agreement, DHHS's written responses to Plaintiffs' RFPs do not identify where in DHHS's productions responsive documents can be located. Nor do the cover letters accompanying the productions DHHS has made since November 3, 2022 identify where in the nearly 450,000 pages of documents produced since that date responsive documents can be located.

12. In subsequent discovery conferences, DHHS's counsel has taken the position set forth in DHHS's objections to the Third RFPs, as described above: that Plaintiffs purportedly "have the same ability to search" the 3.6 million pages of so-called "Voluntary Disclosures" as DHHS. Based on this position, DHHS has refused to confirm for Plaintiffs whether or not it has actually produced documents responsive to Plaintiffs' requests and, if it has, where in the productions those documents are located.

Argument

I. The State Defendants' Indiscriminate Document Dump Is Impermissible Under the Superior Court Rules.

13. The State Defendants have produced documents solely by emptying their storage sites, scanning documents, and delivering them to Plaintiffs without reviewing those documents for responsiveness to Plaintiffs' RFPs or relevance to Plaintiffs' claims. While that type of

production is calculated to allow State Defendants to proudly proclaim to this Court that they have produced a massive number of documents to Plaintiffs, it does not come close to satisfying DHHS's obligations under the Superior Court Rules. DHHS cannot evade its responsibilities under the Rules, and shift the burden of reviewing documents for responsiveness to Plaintiffs, by engaging in the wholesale, indiscriminate dump of a disorganized mass of documents on Plaintiffs and then refusing to confirm where in that mass responsive documents (if any) can be located.

14. Superior Court Rule 24(b)(3) allows for only two methods of production of documents: (1) "as they are kept in the usual course of business", or (2) "organize[d] and label[ed] . . . to correspond with the categories in the request."

15. The State Defendants' production of documents from storage does not qualify as a "usual course of business" production, as explained in *In re Sulfuric Acid Antitrust Litigation*, 231 F.R.D. 351 (N.D. Ill. 2005), a federal case interpreting the relevant provisions of the analogous federal rule. In that case, the plaintiffs served document requests on defendants; defendants then reviewed 350 boxes of documents that had been kept in a storage facility and produced nearly a million pages of documents in rolling productions. Defendants argued "that production of the 350 boxes, as they were kept in storage, complies (or will comply) with [Federal Rule of Civil Procedure] 34(b)'s requirement that documents be produced 'as they are kept in the ordinary course of business'" and that "any re-review of the documents is solely the responsibility of the plaintiffs." *Id.* at 362. The court rejected that argument, explaining:

The plain meaning of the 1980 amendment to Rule 34 compels rejection of the argument that production of 350 boxes of records of a business whose relevant activities had ceased in 1998 and which had been stored since then in no particular order is production of documents "as they are kept in the usual course of business." Storing documents may be a part of the usual course of business, but stored documents are not kept in the usual course of business within the meaning of the Rule.

Rule 34 was amended in 1980 because of a concern that litigants were deliberately mixing critical documents with masses of other documents to hide their existence or obscure their significance. Requiring documents to be produced “as they *are* kept in the *usual course of business*” . . . precludes artificial shifting of documents (assuming that the rule is adhered to). A business has an obvious incentive to keep needed documents in a way that maximizes their usefulness in the day-to-day operations of the business. That incentive, which is inconsistent with document tampering, vanishes once documents not used with regularity are sent to a storage facility, for then it is no longer essential that they be kept with any degree of organization—as this case vividly illustrates. As to the documents in storage, they are no longer kept in the “usual course of *business*,” they are kept in the usual course of “*storage*,” and the option granted by the first clause of Rule 34(b) no longer exists.

Id. at 362-63 (emphasis in original; internal citations omitted).

16. *In re Sulfuric Acid* goes on to explain “that production of documents as they are kept in storage” may be permissible if the producing party is able to “show that the way in which the documents are kept has not changed from how they were kept in the usual course of business.”

Id. at 363. Based upon the haphazard organization of the documents produced to Plaintiffs, Plaintiffs do not believe DHHS could make this showing.

17. Even if DHHS *could* do so, however, it bears noting that this manner of production is appropriate for documents that are *responsive* to discovery requests, so the receiving party can at least be certain that its opponent has separated wheat from chaff and the only documents produced are documents that were expressly requested. *Cf. Hagemayer N. Am., Inc. v. Gateway Data Sciences Corp.*, 222 F.R.D. 594, 598 (E.D. Wis. 2004) (noting that “[w]hen producing documents, the responding party cannot attempt to hide a needle in a haystack by mingling responsive documents with large numbers of nonresponsive documents” but allowing producing of documents from storage facility where they were organized as they had been when kept in the ordinary course of business and responsive documents were not hidden among nonresponsive). Here, however, State Defendants have not undertaken any such culling; their production contains

a massive number of nonresponsive documents intermingled with the responsive. *See supra* ¶ 4. As *In re Sulfuric Acid* notes, “mixing critical documents with masses of other documents” in this fashion can “hide their existence or obscure their significance.” *In re Sulfuric Acid*, 231 F.R.D. at 363. “Whether intended or not, the result is the proverbial ‘needle in a haystack.’” *Id.* at 364.

18. Numerous cases have likewise held that “producing large amounts of documents in no apparent order” and then directing the opposing party “to find the discovery among volumes of irrelevant information” does not satisfy a producing party’s discovery obligations. *Wagner v. Dryvit Sys., Inc.*, 208 F.R.D. 606, 610-11 (D. Neb. 2001) (citing cases); *see also Transportes Aereos de Angola v. Ronair, Inc.*, 104 F.R.D. 482, 500 (D. Del. 1985) (“The Court will not permit defendants to shift the burden of discovery by telling ‘plaintiff that, if he wishes, he may hunt through all the documents and find the information for himself.’”) (quoting *Kozlowski v. Sears, Roebuck & Co.*, 73 F.R.D. 73, 76 (D. Mass. 1979)). Yet that is precisely what State Defendants have done, as evidenced by DHHS’s insouciant suggestion, in its objections and responses to the RFPs, that Plaintiffs “utilize[e] their own discovery platform to locate responsive documents already produced.” *See supra* ¶ 9. This manner of production severely prejudices Plaintiffs, who are forced to incur incalculable time and expense poring over reams of useless documents in search of those that are relevant. This threatens to delay resolution of these proceedings, thereby infringing upon Plaintiffs’ Part 1, Article 14 right to obtain justice “promptly, and without delay.” It also prejudices Plaintiffs in other ways; among other things, it means that Plaintiffs are “not in a position to meet any evidentiary objections requiring them to prove chain of custody, or the authenticity or genuineness of such documents.” *Transportes Aereos*, 104 F.R.D. at 500.

19. Where, as here, the producing party has not turned over responsive documents as they are kept in the usual course of business, “[t]hat leaves the producing party with the obligation

to ‘organize and label’ the documents to correspond to the document requests.” *In re Sulfuric Acid*, 231 F.R.D. at 363. But DHHS has not done that, either. Rather, DHHS’s production and RFP responses are akin to (but much more grievous than) those made by the defendants in *City of Wichita v. Aero Holdings, Inc.*, No. 98–1360–MLB, 2000 WL 1480499 (D. Kan. May 23, 2000). There, the defendants produced 58 boxes of documents comprising 200,000 pages in their automatic disclosures, and subsequently responded to most of plaintiff’s requests for production of documents by stating that they had “none, except those documents previously supplied.” *Id.* at *1. The court rejected this approach, writing: “Considering the volume involved, defendants’ failure to label the documents to correspond with the individual production requests was improper and tantamount to no response at all.” *Id.* The volume of documents at issue in this case is a full *eighteen times* greater, underscoring the impropriety and insufficiency of DHHS’s responses.

20. In cases such as this where a producing party has failed to organize and label its productions to correspond to the specific production requests, courts have not hesitated to order that party to amend its productions and/or responses to provide that information. *See, e.g., Echavarria v. Roach*, No. 16-cv-11118-ADB, 2018 WL 6788525, *2 (D. Mass. Dec. 26, 2018) (holding that where documents were not produced with information showing the organizational structure in which they were stored, “the producing party must state which request(s) the documents are responsive to” and ordering “[t]o the extent the parties have not complied with this requirement to date, their responses and productions must be amended”); *Energy Power (Shenzhen) Co. v. Xiaolong Wang*, No. CIV.A. 13-11348-DJC, 2014 WL 4687542, at *4 (D. Mass. Sept. 17, 2014) (ordering defendants to “organize and label the documents produced . . . to correspond to the categories in Plaintiffs’ request for production of documents”); *City of Wichita*, 2000 WL 1480499 at *1 (ordering defendants to “label and indicate which documents correspond

to plaintiff's production requests"); *T.N. Taube Corp. v. Marine Midland Mortg. Corp.*, 136 F.R.D. 449, 456 (W.D.N.C. 1991) (“[T]he purposes of discovery, and basic considerations of fairness, require Defendant to organize the documents produced . . . in a manner clearly indicating which of these documents respond to Plaintiff’s specific requests for production.”). Plaintiffs respectfully request that the Court grant similar relief here, and order DHHS to (a) provide a metadata overlay for the State Defendants’ productions to date that identifies to which of Plaintiffs’ RFPs, if any, the produced documents are responsive, and/or (b) amend its responses to each of the individual RFPs to identify the Bates ranges of any documents responsive to the specific requests.

II. The Court Should Set a Deadline for DHHS to Complete Its Production in Response to Plaintiffs’ First, Second, and Third RFPs.

21. DHHS’s failure to identify any sort of timeline within which it expects to be able to complete its document collection and production in response to the RFPs is also of great concern to Plaintiffs. That concern is particularly acute with respect to the Second RFPs, which mirror those served by Mr. Meehan over a year and a half ago. In essence, DHHS has had over eighteen months to search for, collect, process, and produce documents in response to those requests. Despite having the advantage of all that time, DHHS does not appear to have used it productively. Instead of diligently searching for documents responsive to Plaintiffs’ specific requests, DHHS has simply reprocessed and produced to Plaintiffs the *same* documents it had already collected and produced to investigators from the Criminal Justice Bureau.

22. As already noted, Plaintiffs assert their Part 1, Article 14 rights to justice “promptly, and without delay.” Further, the Superior Court Rules must “be construed and administered to secure the just, *speedy*, and cost-effective determination of every action.” Super. Ct. R. 1(b) (emphasis added). In light of these mandates, DHHS should not be permitted to drag its feet indefinitely in responding to Plaintiffs’ requests. “[T]here comes a point, even in complex

litigation such as this, where the refrain, ‘don’t worry, we’ll get it to you’ no longer suffices.” *Camesi v. Univ. of Pittsburgh Med. Ctr.*, No. 09-85J, 2010 WL 2104639, *3 (W.D. Penn. May 24, 2010). Rather, “the Court and parties must observe meaningful boundaries regarding how long the production of all discoverable and responsive materials can wait.” *Id.* Plaintiffs accordingly ask the Court to set a deadline of May 31, 2023 within which DHHS must complete its production of documents in response to the First, Second, and Third RFPs. This deadline should provide DHHS a reasonable period of time within which to collect responsive documents, recognizing that DHHS will by that date have had seven and a half months to collect and produce documents responsive to the First RFPs, six months for the Second RFPs (twenty-two months, if one is measuring from the date Mr. Meehan’s original requests were served), and five and a half months for the Third RFPs.

III. Plaintiffs Should Be Awarded Reasonable Attorney’s Fees and Costs.

23. As a final matter, Plaintiffs request that the Court award them their reasonable attorney’s fees and costs incurred in preparing and filing this motion.

24. Under Superior Court Rule 21(d)(1), “[t]he court may impose appropriate sanctions against a party or counsel for engaging in discovery abuse.” Discovery abuse takes many forms, including, as is relevant here, “employing a discovery method in a manner or to an extent that causes unwarranted annoyance, embarrassment, or undue burden or expense” or “which result[s] in legal expense disproportionate to the matters at issue” and “producing documents or other materials in a disorganized manner or in a matter other than the form in which they are regularly kept.” Super. Ct. R. 21(d)(1)(A)-(B), (E). Such sanctions may include “a monetary sanction in an amount equal to the unnecessary expenses incurred, including reasonable attorney’s fees, as the result of the abusive conduct.” *Id.* 21(d)(2)(A). Similarly, under Superior Court Rule 29(h), “the

court may order the offending party to pay the amount of reasonable expenses, including attorney's fees, incurred by the other party in making [a] motion" to compel if it finds that the motion "was necessitated by action of the adverse party that was frivolous or taken for the purpose of delay."

25. Plaintiffs submit that there is no conceivable justification for State Defendants' production of an unculled morass of over 3.6 million pages of intermingled relevant and irrelevant documents other than to cause Plaintiffs "undue burden or expense" that is "disproportionate to the matters at issue." That production is, if nothing else, production of documents "in a disorganized manner or in a manner other than the form in which they are regularly kept." And, given the clear federal case law outlined above, spanning decades, it is difficult to characterize State Defendants' steadfast refusal to provide any guidance as to whether or not they have produced documents responsive to the First, Second, and Third RFPs (and if so, where) as anything other than frivolous. The imposition of sanctions is therefore warranted. *See, e.g., Wagner*, 208 F.R.D. at 613 (awarding sanctions where defendant, among other things, "delayed responding to discovery and therefore the progression of this case" and "foisted the responsibility, labor and expense of compiling its discovery responses onto the plaintiffs"); *see also Stiller v. Arnold*, 167 F.R.D. 68, 70-71 (N.D. Ind. 1996) (awarding sanctions where plaintiff produced "7,000 pages of documents in no apparent order," in violation of his obligation to organize and label the documents).

WHEREFORE, Plaintiffs respectfully request that this Honorable Court:

- a. Order DHHS to, within ten (10) days of the date of the Order, (a) provide a metadata overlay for State Defendants' productions to date that identifies to which of Plaintiffs' specific requests for production, if any, the produced documents are responsive and/or (b) amend its responses to each of Plaintiffs' specific requests for production to identify the Bates ranges of any documents responsive to the requests;
- b. Order DHHS to organize and label all future productions to correspond to Plaintiffs' specific requests for production;

- c. Order DHHS to complete its production of documents in response to Plaintiffs' First, Second, and Third RFPs on or before May 31, 2023;
- d. Award Plaintiffs their attorney's fees and costs incurred as a result of this motion; and
- e. Grant such other and further relief as may be equitable and just.

Respectfully Submitted,

PLAINTIFFS,

Dated: February 15, 2023

By and through counsel,

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

NIXON PEABODY LLP

/s/ Cyrus F. Rilee, III

/s/ Mark Tyler Knights

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CERTIFICATE OF SERVICE

I certify that on February 15, 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 (email addresses) in this case.

/s/ Mark Tyler Knights

Mark Tyler Knights, Esq.

EXHIBIT A

These requests for production of documents are propounded in accordance with Superior Court Rules 23-25. You must answer each question separately and fully in writing and under oath. You must return the original and one copy of your answers within thirty (30) days of the date you received them to the party or counsel who served them upon you. If you object to any request, you must note your objection and state the reason therefore. If you fail to return your answers within thirty (30) days, the party who served them upon you may inform the court, and the court shall make such orders as justice requires, including the entry of a conditional default against you.

STATE OF NEW HAMPSHIRE

MERRIMACK, SS

SUPERIOR COURT

_____)
David Meehan,)
))
Plaintiff,)
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vs.)
))
State of New Hampshire, Department of Health)
and Human Services (“DHHS”), Kerrin Rounds,)
Acting Commissioner of DHHS, Division of)
Juvenile Justice Services (“DJJS”), Division of)
Children, Youth, and Families (DCYF”),)
Sununu Youth Services Center (“SYSC”), f/k/a)
Youth Development Center (“YDC”),)
Jeffrey Buskey, Stephen Murphy, James Woodlock,)
Frank Davis, Richard Brown, Thomas Searles, and)
John and Jane Does 1-100,)
))
Defendants.)
_____)

Civil Action #: 217-2020-CV-00026

FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS PROPOUNDED ON DEFENDANT DEPARTMENT OF HEALTH AND HUMAN SERVICES

RILEE & ASSOCIATES, P.L.L.C.
603.232.8234 WWW.RILEELAW.COM

NOW COMES the plaintiff, David Meehan, by and through his attorneys, Rilee & Associates, P.L.L.C., and pursuant to Rule 24 of the New Hampshire Superior Court Rules, hereby propounds the following Requests For Production of Documents upon the defendant, New Hampshire Department of Health and Human Services, to be answered separately and fully in

writing, to the offices of Cyrus Rilee III, Esq., Rilee & Associates, 264 South River Road, Bedford, NH 03110, in electronic format only, within thirty (30) days after receipt thereof in accordance with the requirements of Rule 24(b).

Definitions:

- A. As used herein, the term “DHHS” shall mean defendant New Hampshire Department of Health and Human Services, including all of its divisions, agencies, agents and employees, including the Division of Children, Youth, and Families, Division of Juvenile Justice Services, and Department of Youth Development Services. To the extent that Sununu Youth Services Center, f/k/a Youth Development Center, is an agency under the supervision, authority and control of DHHS, it shall be included in the term “DHHS.”
- B. As used herein the term “Sununu Center” shall mean the Sununu Youth Services Center, Youth Development Center (“YDC”), Youth Development Services Unit (“YDSU”), State Industrial School, and Adolescent Detention Center, including all of its divisions, agencies, agents and employees.
- C. As used herein, the term “document” shall mean all original writings of any nature whatsoever and all non-identical copies thereof, in your possession, custody or control, regardless of where located, and includes, but is not necessarily limited to the following items, whether printed or recorded, or filmed, or electronic, or reproduced by hand, whether or not claimed to be privileged against discovery or any ground, and in a case where original and/or non-identical copies are not available, identical copies of original documents and copies of non-identical copies, namely: contracts, agreements, articles, bids, directives, communications, correspondence, audio tape recordings, video tape recordings, cablegrams, radiograms, telegrams, electronic mail or other forms of electronic communication, electronic documents, text messages, PDA calendars or notes, minutes, notes, studies, reports, summaries, agendas, bulletins, notices, bids, columns, arrangements, instructions, shortages, pamphlets, manuals, brochures, schedules, price lists, sketches, drawings, photographs, opinions and reports of consultants, plans, specifications, purchase orders, ledgers, diaries, personal calendars, computer calendars, computer tapes, computer disks, computer cards, computer recorded information, and any other written material.

REQUESTS

1. Please produce a complete copy of any and all regulations, rules, policies, manuals or the like whether in written, electronic, audio and/or audiovisual format, that were in force and/or effect between January 1, 1990 and December 31, 1999 that relate in any way to the hiring, training, supervision and/or retention of any of the employees and/or agents and/or interns and/or contractors providing services at the Sununu Center.

2. Please produce a complete copy of any and all regulations, rules, policies, manuals or the like whether in written, electronic, audio or audiovisual format, that were in force or effect between January 1, 1990 and December 31, 1999 that relate in any way to the hiring, training, supervision and/or retention of any of any individual that supervised or provided counseling or therapeutic services to the residents at the Sununu Center.

3. Please produce a complete copy of any and all regulations, rules, policies, manuals or the like whether in written, electronic, audio or audiovisual format, that were in force or effect between January 1, 1990 and December 31, 1999 that relate in any way to the hiring, training, supervision and/or retention of any individual that provided medical care or services to the residents of the Sununu Center, including mental health care or services.

4. Please produce a complete copy of any and all regulations, rules, policies, manuals or the like whether in written, electronic, audio or audiovisual format, that were in force or effect between January 1, 1990 and December 31, 1999 that relate in any way to the hiring, training, supervision and/or retention of any of any individual who was in a pedagogic position at the Sununu Center including, but not limited to, teachers, physical education teachers, coaches and tutors.

5. Please produce a complete copy of any and all regulations, rules, policies, manuals or the like whether in written, electronic, audio or audiovisual format, that were in force or effect between January 1, 1990 and December 31, 1999 that relate in any way to the hiring, training, supervision and/or retention of any of any individual that supervised or provided religious counseling or services to the residents at the Sununu Center.

6. Please produce a complete copy of any and all regulations, rules, policies, manuals or the like whether in written, electronic, audio or audiovisual format, that were in force or effect between January 1, 1990 and December 31, 1999 that relate in any way to the hiring, training, supervision and/or retention of any of any individual who had the authority to discipline the residents of the Sununu Center.

7. Please produce a complete copy of any and all regulations, rules, policies, manuals or the like whether in written, electronic, audio or audiovisual format, that were in force or effect at the Sununu Center between January 1, 1990 and December 31, 1999 that relate in any way to:

- a. Strip searches;
- b. Means, measures and techniques to be used to discipline residents;
- c. The use of physical restraint(s);
- d. The use of solitary confinement and/or cell/room confinement;
- e. The reporting of any abuse of residents observed by staff members and/or other residents, whether of a physical or sexual nature.

8. Please produce a complete copy of any and all regulations, rules, policies, manuals or the like whether in written, electronic, audio or audiovisual format, that were in force or effect at the Sununu Center between January 1, 1990 and December 31, 1999 that relate in any way to the confinement of residents to their rooms or to solitary confinement cells as a form of discipline

and to the provision of educational services during any time residents are confined to their rooms or to solitary confinement cells.

9. Please produce a complete copy of any and all regulations, rules, policies, manuals or the like whether in written, electronic, audio or audiovisual format, that were in force or effect between January 1, 1990 and December 31, 1999 that relate in any way to the provision of educational services to residents at the Sununu Center, including special educational services required pursuant to individualized educational plans (IEPs).

10. Please produce a copy of any and all contracts that were in force and effect between DHHS and any person or entity for the provision of educational services to the residents at the Sununu Center between January 1, 1990 and December 31, 1999.

11. Please produce a complete copy of any and all floorplans, blueprints, schematics, drawings or other depictions of the layout of the entire Sununu Center facility, including the locations of video cameras, between January 1, 1990 and December 31, 1999.

12. Please produce a complete copy of the Resident Files, as defined by TFC Amanda Johnson in her Affidavit attached hereto as Exhibit 1, that reference or in any way relate to David Meehan.

13. Please produce a complete copy of the Daily Cottage Reports, as defined by TFC Amanda Johnson in her Affidavit attached hereto as Exhibit 1, that reference or relate in any way to David Meehan.

14. Please produce a complete copy of the Cottage Logbooks, as defined by TFC Amanda Johnson in her Affidavit attached hereto as Exhibit 1, that reference or relate in any way to David Meehan.

15. Please produce a complete copy of the Communications Logbooks, as defined by TFC Amanda Johnson in her Affidavit attached hereto as Exhibit 1, that reference or relate in any way to David Meehan.

16. Please produce a complete copy of the Operations Logbooks, as defined by TFC Amanda Johnson in her Affidavit attached hereto as Exhibit 1, that reference or relate in any way to David Meehan.

17. Please produce a complete copy of the Incident Logbooks, as defined by TFC Amanda Johnson in her Affidavit attached hereto as Exhibit 1, that reference or relate in any way to David Meehan.

18. Please produce a complete copy of the personnel records, as defined by TFC Amanda Johnson in her Affidavit attached hereto as Exhibit 1, for every employee, agent, intern, or independent contractor that was employed by or contracted with the Sununu Center between January 1, 1990 and December 31, 1999, including any available photographs of the individuals.

19. Please produce a complete copy of the work shift records, as defined by TFC Amanda Johnson in her Affidavit attached hereto as Exhibit 1, for every employee, agent, intern, or independent contractor that was employed by or contracted with the Sununu Center between January 1, 1990 and December 31, 2000.

20. Please produce a complete copy of any and all Sununu Center videotapes made between January 1, 1990 and December 31, 1999 that relate in any way to David Meehan.

21. Please produce a complete copy of any and all communications between DHHS agents, employees, independent contractors between January 1, 1990 and present that relate in any way to David Meehan.

22. Please produce a complete copy of any and all communications between DHHS agents, employees, independent contractors and any other person or entity between January 1, 1990 and present that relate in any way to David Meehan.

Department of Health and Human Services

Dated: _____

By: _____

STATE OF NEW HAMPSHIRE
COUNTY OF _____

Personally appeared the above-named _____ and made oath that the responses to the foregoing Interrogatories are true and correct to the best of his/her knowledge and belief, this ___ day of _____, 2021.

Before me,

Justice of the Peace/Notary Public
My commission expires: _____

Respectfully Submitted,

DAVID MEEHAN,

By His Attorneys,

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

Date: July 29, 2021

By: /s/ Cyrus F. Rilee, III
Cyrus F. Rilee, III, Esq., #15881
264 South River Road
Bedford, NH 03110
t. 603.232.8234
f. 603.628.2241
e. crilee@rileelaw.com

Date: July 29, 2021

By: /s/ Laurie B. Rilee
Laurie B. Rilee, Esq., #15373
264 South River Road
Bedford, NH 03110
t. 603.232.8234
f. 603.628.2241
e. lrilee@rileelaw.com

RILEE & ASSOCIATES, P.L.L.C.
603.232.8234 WWW.RILEELAW.COM

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Plaintiffs' First Set of Requests for Production of Documents Propounded on Defendant Department of Health and Human Services has been forwarded this day via email only to Jennifer Ramsey, Esq., counsel for the Defendant.

Date: July 29, 2021

By: /s/ Cyrus F. Rilee, III

EXHIBIT B



Nixon Peabody LLP
900 Elm Street
Manchester, NH 03101-2031

Mark T. Knights
Partner

Attorneys at Law
nixonpeabody.com
@NixonPeabodyLLP

T / 603.628.4027
F / 855.808.0656
mknights@nixonpeabody.com

February 16, 2022

VIA EMAIL (jennifer.s.ramsey@doj.nh.gov)

Jennifer Ramsey
Assistant Attorney General
Department of Justice
33 Capitol Street
Concord, NH 03301

RE: *Meehan v. State of NH et al.*, C.A. # 217-2020-CV-00026

Dear Attorney Ramsey:

As you are aware, this firm represents Plaintiff David Meehan in the referenced action. I write regarding the status of discovery in this action.

As an initial matter, I would like to schedule a conference to discuss the preservation of electronically-stored information, pursuant to Superior Court Rule 25(a). Please advise of your availability for a conference during the week of February 21.

I also write regarding the objections and answers provided by Defendant New Hampshire Department of Health and Human Services (“DHHS”) to Plaintiff’s First Set of Requests for Production of Documents, dated July 29, 2021. DHHS provided its initial objections and answers on August 30, 2021, and produced a limited set of documents on November 12, 2021. Since that time, DHHS has neither supplemented its objections and answers nor produced additional documents.

It appears DHHS’s responses to the Requests for Production to date fail to comply with DHHS’s obligations under the Superior Court Rules in several respects. Specifically, and without waiving Plaintiff’s right to contest the sufficiency of DHHS’s responses for other reasons, we note the following deficiencies:

1. **Responsive documents have not been produced.** In responding to Requests for Production 1-11 and 19, DHHS stated: “Subject to the general objections, the responsive documents will be produced.” Similarly, in responding to Requests for Production 21-22, DHHS stated: “Subject to the general objections, and subject to the objections made regarding specific types of communications identified in requests 12-17, Defendant is searching for responsive documents and will produce any communications which are located.”

As of this writing, however, DHHS has produced documents in response to only seven of these fourteen requests: 64 sets of plans and blueprints in response to Request 11,

and two four-page policies in response to Requests 1-6. Aside from Mr. Meehan's Resident File, these are the only documents DHHS has produced in response to the Requests for Production.

We have yet to receive documents in response to Requests 7-10, 19, and 21-22. The categories of documents we are still awaiting include such key documents as policies governing strip searches; discipline of residents; physical restraints; solitary confinement; and the reporting of abuse of residents (Request 7), as well as work shift records for employees and agents of the Sununu Center during the period of Mr. Meehan's involuntary confinement (Request 19) and communications relating to Mr. Meehan (Requests 21-22). The Requests for Production were served over six months ago, and DHHS has had ample time to locate and produce responsive documents. They should be produced with no further delay.

2. **DHHS has not supplemented or amended its written responses.** In responding to Requests for Production 13-17, DHHS stated, in part, that it would "review a sampling of pages from the requested documents to see if it is possible to extract and provide only pages that reference David Meehan, redacted to include only those references. Defendant will then amend this answer, either to identify the burden and expense of making a full response with more particularity, or to produce responsive documents in this limited fashion." Similarly, DHHS stated an intent to "supplement or amend" its answers to Requests 18 and 20 after further reviewing documents.

Notwithstanding these statements, DHHS has neither supplemented nor amended its written answers and objections in the five months since it served them. Again, DHHS has had ample time to identify responsive documents and any purported burden associated with producing them in this case. DHHS must either produce documents in response to these requests, or amend its responses to make clear why it does not believe it needs to do so.

3. **DHHS's objections to Request for Production 12 do not provide a valid basis for withholding responsive documents.** Request for Production 12 asked DHHS to produce "a complete copy of the Resident Files, as defined by TFC Amanda Johnson in her Affidavit attached [to the Requests] as Exhibit 1, that reference or in any way relate to David Meehan." DHHS produced a copy of Mr. Meehan's Resident File, but objected to producing other Resident Files that reference or relate to Mr. Meehan. The apparent basis for DHHS's refusal to produce those files, so far as we can tell, is DHHS's assertion that "[p]roducing such files would require review and redaction of all information in those files except for references that relate to David Meehan, in order to protect the privacy and confidentiality of the named residents."

Documents related to Mr. Meehan's involuntary confinement at the Sununu Center are plainly relevant to Mr. Meehan's claims in this action. Indeed, it is hard to conceive of documents more central to the claims in this action than those documents that refer or relate to Mr. Meehan himself. That those documents may need to be redacted to remove reference to individuals other than Mr. Meehan himself is not a

justification for DHHS to withhold such intrinsically relevant documents from production entirely. They should be redacted as necessary and produced forthwith.

We request that DHHS remedy these deficiencies by the end of this calendar month. To the extent DHHS contends that it need not correct these deficiencies, we request a conference to meet and confer regarding these issues.

Thank you for your prompt attention to these matters. I look forward to hearing from you soon.

Sincerely,



Mark T. Knights

cc: Samuel Garland
Amanda Palmeira

EXHIBIT C

From: Sara Hirshon <shirshon@verrill-law.com>
Sent: Wednesday, November 16, 2022 3:51 PM
To: Knights, Mark; John Van Lonkhuyzen; Deane, Daniel
Cc: Art Dentremont; Chase, Brandon; Sue Sass; Rus Rilee; Willier, Sharon; Noonan, Cheryl; Vicinanza, David; Ramsey, Jennifer
Subject: RE: YDC Litigation -- Request for Meet and Confer

Mark and Dan,

We apologize for the delay in responding to your email. We conferred with the AGO's office and were reminded that the Rilee Nixon Peabody Plaintiffs proposed withdrawing all prior document requests in "Plaintiffs' Motion for Entry of Case Structuring Order" dated June 17, 2022, ¶ 23 (at p. 13):

"Plaintiffs previously served written discovery requests on the State Defendants in each of the individual cases. As a concession to efficiency, Plaintiffs are willing to withdraw those prior, individualized requests. Plaintiffs' proposal thus provided any prior discovery requests are superseded."

There was no carve-out for the Meehan case itself. The AGO agreed with this proposal and informed the Court in their "Partial Objection to Plaintiffs' Motion [sic] For Entry of Case Structuring Order (Including State Defendants' Status Report and Proposals for Case Management), dated June 24, 2022, ¶ 9 (at p. 7). Further, at the June 29, 2022 hearing, the State Defendants agreed to produce documents within its possession, custody and control as "voluntary disclosures."

To date, the State Defendants have produced over 3,000,000 pages of document and are continuing to produce documents related to the Master Complaint. The State Defendants are not reviewing for or withholding for lack of relevance any documents that are being produced as part of the "voluntary disclosures", and to the extent that a document is not privileged and has been scanned or received from the Criminal Justice Bureau, it is being produced. After the State Defendants complete their voluntary production, the State Defendants will, to the extent reasonably practicable, consider investigating particular documents or categories of documents that you believe that the State Defendants failed to produce.

We are happy to discuss further.

Best.

Sara

Sara E. Hirshon PARTNER/EDISCOVERY COUNSEL

Admitted in Maine and Massachusetts

One Portland Square
Portland, ME 04101-4054
T (207) 253-4638
F (207) 253-4639

shirshon@verrill-law.com
verrilldana.com/shirshon



From: Knights, Mark <mknights@nixonpeabody.com>

Sent: Tuesday, November 15, 2022 11:29 AM

To: John Van Lonkhuyzen <jvanlonkhuyzen@verrill-law.com>; Deane, Daniel <ddeane@nixonpeabody.com>

Cc: Art Dentremont <adentremont@verrill-law.com>; Chase, Brandon <Brandon.F.Chase@doj.nh.gov>; Sue Sass <ssass@verrill-law.com>; Rus Rilee <crilee@rileelaw.com>; Willier, Sharon <swillier@nixonpeabody.com>; Noonan, Cheryl <cnoonan@nixonpeabody.com>; Vicinanza, David <DVicinanza@nixonpeabody.com>; Ramsey, Jennifer <Jennifer.S.Ramsey@doj.nh.gov>; Sara Hirshon <shirshon@verrill-law.com>

Subject: RE: YDC Litigation -- Request for Meet and Confer

All,

I am still waiting on a response to the email below. We spoke nearly two weeks ago. Are the State Defendants unable or unwilling to substantiate their representation that they have produced responsive documents?

Thank you,
Mark

Mark T. Knights

Partner

Nixon Peabody LLP

O 603-628-4027 | C 603-785-8727

From: Knights, Mark

Sent: Friday, November 11, 2022 8:52 AM

To: 'John Van Lonkhuyzen' <jvanlonkhuyzen@verrill-law.com>; Deane, Daniel <ddeane@nixonpeabody.com>

Cc: Art Dentremont <adentremont@verrill-law.com>; Chase, Brandon <Brandon.F.Chase@doj.nh.gov>; Sue Sass <ssass@verrill-law.com>; Rus Rilee <crilee@rileelaw.com>; Willier, Sharon <swillier@nixonpeabody.com>; Noonan, Cheryl <cnoonan@nixonpeabody.com>; Vicinanza, David <DVicinanza@nixonpeabody.com>; Ramsey, Jennifer <Jennifer.S.Ramsey@doj.nh.gov>; Sara Hirshon <shirshon@verrill-law.com>

Subject: RE: YDC Litigation -- Request for Meet and Confer

John & Sara,

I believe when we spoke last week you were going to evaluate your ability to tell us where in the State Defendants' productions to date we could find the "documents responsive to at least requests 1-17, 19, and 21-22" described in Sara's email of November 2. We still have not heard from you on this. Can you please advise whether the State Defendants will be able to substantiate that representation by identifying the location of those documents in the prior productions?

Thank you,
Mark

Mark T. Knights

Partner

Nixon Peabody LLP

O 603-628-4027 | C 603-785-8727

From: John Van Lonkhuyzen <jvanlonkhuyzen@verrill-law.com>
Sent: Thursday, November 3, 2022 5:37 PM
To: Knights, Mark <mknights@nixonpeabody.com>; Deane, Daniel <ddeane@nixonpeabody.com>
Cc: Art Dentremont <adentremont@verrill-law.com>; Chase, Brandon <Brandon.F.Chase@doj.nh.gov>; Sue Sass <ssass@verrill-law.com>; Rus Rilee <crilee@rileelaw.com>; Willier, Sharon <swillier@nixonpeabody.com>; Noonan, Cheryl <cnoonan@nixonpeabody.com>; Vicinanza, David <DVicinanzo@nixonpeabody.com>; Ramsey, Jennifer <Jennifer.S.Ramsey@doj.nh.gov>; Sara Hirshon <shirshon@verrill-law.com>
Subject: RE: YDC Litigation -- Request for Meet and Confer

Mark and Dan,

This is to follow up on our meet and confer telephone conference this afternoon, during which we discussed a variety of discovery and other issues, and to memorialize our agreement that the deadline for the State Defendants' response to the Plaintiffs' First Combined Set of Requests for Production of Documents Propounded on DHHS, dated October 13, 2022, is extended by 30 days. Thus, it is extended from November 14 (the 12th being a Saturday) to December 14, 2022. We will continue our rolling, voluntary production of materials related to the CJB investigation, and expect to have further productions for you later this week and thereafter. We also agreed that we would meet and confer down the road to consider production progress in the meantime and reevaluate whether a further extension might be required.

Thanks,
John

John VanLonkhuyzen PARTNER

Verrill Dana LLP
Portland, Maine / Boston, Mass.
T (207) 253-4624

jvanlonkhuyzen@verrill-law.com

The Verrill logo consists of the word "Verrill" in a bold, black, serif font, centered within a solid yellow rectangular background.

From: Knights, Mark <mknights@nixonpeabody.com>
Sent: Thursday, November 3, 2022 10:17 AM
To: Sara Hirshon <shirshon@verrill-law.com>; Deane, Daniel <ddeane@nixonpeabody.com>; Ramsey, Jennifer <Jennifer.S.Ramsey@doj.nh.gov>; Vicinanza, David <DVicinanzo@nixonpeabody.com>
Cc: John Van Lonkhuyzen <jvanlonkhuyzen@verrill-law.com>; Art Dentremont <adentremont@verrill-law.com>; Chase, Brandon <Brandon.F.Chase@doj.nh.gov>; Sue Sass <ssass@verrill-law.com>; Rus Rilee <crilee@rileelaw.com>; Willier, Sharon <swillier@nixonpeabody.com>; Noonan, Cheryl <cnoonan@nixonpeabody.com>
Subject: RE: YDC Litigation -- Request for Meet and Confer

Thank you. We will circulate a calendar invite with dial-in.

Mark

Mark T. Knights
Partner

From: Sara Hirshon <shirshon@verrill-law.com>
Sent: Wednesday, November 2, 2022 5:53 PM
To: Knights, Mark <mknights@nixonpeabody.com>; Deane, Daniel <ddeane@nixonpeabody.com>; Ramsey, Jennifer <Jennifer.S.Ramsey@doj.nh.gov>; Vicinanza, David <DVicinanzo@nixonpeabody.com>
Cc: John Van Lonkhuyzen <jvanlonkhuyzen@verrill-law.com>; Art Dentremont <adentremont@verrill-law.com>; Chase, Brandon <Brandon.F.Chase@doj.nh.gov>; Sue Sass <ssass@verrill-law.com>; Rus Rilee <crilee@rileelaw.com>; Willier, Sharon <swillier@nixonpeabody.com>; Noonan, Cheryl <cnoonan@nixonpeabody.com>
Subject: RE: YDC Litigation -- Request for Meet and Confer

Mark,

We are available at 3:00 tomorrow for a call.

Best.
Sara

Sara E. Hirshon PARTNER/EDISCOVERY COUNSEL

Admitted in Maine and Massachusetts
One Portland Square
Portland, ME 04101-4054
T (207) 253-4638
F (207) 253-4639

shirshon@verrill-law.com
verrilldana.com/shirshon



The Verrill logo, which consists of the word "Verrill" in a bold, serif font, centered within a yellow rectangular background.

From: Knights, Mark <mknights@nixonpeabody.com>
Sent: Wednesday, November 2, 2022 3:57 PM
To: Sara Hirshon <shirshon@verrill-law.com>; Deane, Daniel <ddeane@nixonpeabody.com>; Ramsey, Jennifer <Jennifer.S.Ramsey@doj.nh.gov>; Vicinanza, David <DVicinanzo@nixonpeabody.com>
Cc: John Van Lonkhuyzen <jvanlonkhuyzen@verrill-law.com>; Art Dentremont <adentremont@verrill-law.com>; Chase, Brandon <Brandon.F.Chase@doj.nh.gov>; Sue Sass <ssass@verrill-law.com>; Rus Rilee <crilee@rileelaw.com>; Willier, Sharon <swillier@nixonpeabody.com>; Noonan, Cheryl <cnoonan@nixonpeabody.com>
Subject: RE: YDC Litigation -- Request for Meet and Confer

Sara,

It's nice to finally hear from the State; we were beginning to wonder if you'd forgotten about these cases. Dan and I are both available from 10-5 tomorrow, and from 12-3 and after 3:30 on Friday to meet. Please let us know if either of those days works for you.

Regards,

Mark

Mark T. Knights

Partner

Nixon Peabody LLP

O 603-628-4027 | C 603-785-8727

From: Sara Hirshon <shirshon@verrill-law.com>

Sent: Wednesday, November 2, 2022 11:27 AM

To: Deane, Daniel <ddeane@nixonpeabody.com>; Knights, Mark <mknights@nixonpeabody.com>; Ramsey, Jennifer <Jennifer.S.Ramsey@doj.nh.gov>; Vicinanza, David <DVicinanzo@nixonpeabody.com>

Cc: John Van Lonkhuyzen <jvanlonkhuyzen@verrill-law.com>; Art Dentremont <adentremont@verrill-law.com>; Chase, Brandon <Brandon.F.Chase@doj.nh.gov>; Sue Sass <ssass@verrill-law.com>; Rus Rilee <crilee@rileelaw.com>; Willier, Sharon <swillier@nixonpeabody.com>; Noonan, Cheryl <cnoonan@nixonpeabody.com>

Subject: RE: YDC Litigation -- Request for Meet and Confer

Dan,

We write in reply to your email below and Mark Knights' email of October 13. We concur that a "meet and confer" to discuss discovery issues could be productive. We also wish to discuss the cases that Plaintiffs seek to sever from the Consolidated Action, and additional complaints that may have been filed but not provided to the State Defendants. The State Defendants would like to discuss:

1. Plaintiffs' First Combined Set of Requests for Production of Documents Propounded on Defendant Department of Health and Human Services ("Plaintiffs' First Combined Set of RPDs");
2. Nixon Peabody's February 16, 2022 letter from Mark Knights to Jennifer Ramsey;
3. The amended complaints filed in John Does No. 26, 225 and 373 and your proposed Motion to Sever Three Cases from Consolidated Proceeding; and
4. Additional Complaints that Riley Nixon Peabody has filed or may intend to file.

Specifically, the State Defendants would like to discuss their responses, and the deadline for responses to Plaintiffs' First Combined Set of Requests for Production of Documents Propounded on Defendant Department of Health and Human Services ("Plaintiffs' First Combined Set of RPDs"). As you are aware, as part of Defendants agreement to provide documents that were collected, processed and produced to the Criminal Justice Bureau of the AGO, Defendants have made ten productions totaling 26,284 documents and 2,278,954 pages. The State Defendants anticipate making their 11th production this week and additional productions during the next several weeks. As part of these productions, the State Defendants will be producing Documents responsive to the Plaintiffs' First Set of RPDs. We believe it makes sense to defer responding to the Request for Production of Documents until completion of these voluntary productions.

The State Defendants would also like to discuss Nixon Peabody's February 16, 2022 letter contending that the State Defendants have failed to comply with their obligations under the Superior Court Rules. The State Defendant disagree with this contention and since the date of the letter have produced documents responsive to at least requests 1-17, 19, and 21-22. The State Defendants have continued to search for and will produce additional responsive documents as they are located and reviewed.

The State Defendants would like to meet and confer regarding the three cases that Plaintiffs seek to sever from the Consolidated Action, in which Master Motions to Dismiss were filed well before the Motion to Sever was proposed.

Finally, recent news reports state that Rilee Nixon Peabody has filed complaints on behalf of 800 Plaintiffs. The State Defendants have only received copies of approximately 615 complaints. Please confirm whether or not another 185 (or more) short-form complaints have been filed. If so, please provide us with courtesy copies as you have agreed to do. If

the press reporting is not accurate, please advise how many complaints have been filed and how many remain in the pipeline being processed for filing.

Please provide us some dates and times when you are available to discuss these and other topics.

Best.
Sara

Sara E. Hirshon PARTNER/EDISCOVERY COUNSEL

Admitted in Maine and Massachusetts

One Portland Square
Portland, ME 04101-4054
T (207) 253-4638
F (207) 253-4639

shirshon@verrill-law.com
verrilldana.com/shirshon



From: Deane, Daniel <ddeane@nixonpeabody.com>

Sent: Saturday, October 29, 2022 11:39 AM

To: Knights, Mark <mknights@nixonpeabody.com>; Ramsey, Jennifer <Jennifer.S.Ramsey@doj.nh.gov>; Vicinanza, David <DVicinanzo@nixonpeabody.com>

Cc: Sara Hirshon <shirshon@verrill-law.com>; John Van Lonkhuyzen <vanlonkhuyzen@verrill-law.com>; Art Dentremont <adentremont@verrill-law.com>; Gagnon, Lawrence <Lawrence.P.Gagnon@doj.nh.gov>; Sue Sass <ssass@verrill-law.com>; Rus Rilee <crilee@rileelaw.com>; Willier, Sharon <swillier@nixonpeabody.com>; Noonan, Cheryl <cnoonan@nixonpeabody.com>

Subject: RE: YDC Litigation -- Passing of John Doe #20

Jennifer,

Further to Mark's email below. We filed first amended complaints for John Doe ## 26, 225, 373. We did not follow the Master—short-form convention for these cases. We intend to file on Monday a motion to sever these three cases from the consolidated proceeding. Please see attached. Can we indicate the State's assent?

Additionally, we are planning to file the attached motion to accept late filing. We haven't heard back whether the State will assent. Can you please let us know?

Thank you,
Dan

Dan Deane
Nixon Peabody LLP
ddeane@nixonpeabody.com
T 603-628-4047 | C 603-289-0558

From: Knights, Mark <mknights@nixonpeabody.com>
Sent: Thursday, October 20, 2022 1:33 PM
To: Ramsey, Jennifer <Jennifer.S.Ramsey@doj.nh.gov>; Deane, Daniel <ddeane@nixonpeabody.com>; Vicinanza, David <DVicinanzo@nixonpeabody.com>
Cc: Sara Hirshon <shirshon@verrill-law.com>; John Van Lonkhuyzen <ivanlonkhuyzen@verrill-law.com>; Art Dentremont <adentremont@verrill-law.com>; Gagnon, Lawrence <Lawrence.P.Gagnon@doj.nh.gov>; Sue Sass <ssass@verrill-law.com>; Rus Rilee <crilee@rileelaw.com>; Willier, Sharon <swillier@nixonpeabody.com>; Noonan, Cheryl <cnoonan@nixonpeabody.com>
Subject: RE: YDC Litigation -- Passing of John Doe #20

Jennifer,

Just following up on the five plaintiffs for whom we requested extensions of the amendment deadline. We have filed an amended complaint for John Doe #224, and will be nonsuiting John Doe #145. The remaining three plaintiffs (John Does #26, #225, and #373) will be falling out of the consolidated proceeding because they do not follow Judge Schulman's prerequisites for consolidation, and thus will not proceed under the Master Complaint/Short Form Complaint rubric. Will you assent to an additional one-week extension for those three plaintiffs to file amended complaints?

Also, yesterday the Court notified us that we had not filed an amended complaint for John Doe #393 (CA No. 217-2022-CV-00351). This was an oversight on our part, and we promptly corrected it by filing his amended short form complaint yesterday. You are listed as a service contact so I presume you received the notification of service for that case. Will you assent to a motion for the court to accept the late amendment?

Thank you,
Mark

Mark T. Knights
Partner
Nixon Peabody LLP
O 603-628-4027 | C 603-785-8727

Ride for Resilience: On October 21, I'll be cycling 100 miles across New Hampshire to raise funds for the NH Children's Trust, the state's leading child abuse and neglect prevention organization. Learn more and donate at <https://www.pledgereg.com/4437/markknights>.

From: Ramsey, Jennifer <Jennifer.S.Ramsey@doj.nh.gov>
Sent: Friday, September 30, 2022 12:15 PM
To: Deane, Daniel <ddeane@nixonpeabody.com>; Knights, Mark <mknights@nixonpeabody.com>; Vicinanza, David <DVicinanzo@nixonpeabody.com>
Cc: Sara Hirshon <shirshon@verrill-law.com>; John Van Lonkhuyzen <ivanlonkhuyzen@verrill-law.com>; Art Dentremont <adentremont@verrill-law.com>; Gagnon, Lawrence <Lawrence.P.Gagnon@doj.nh.gov>; Sue Sass <ssass@verrill-law.com>; Rus Rilee <crilee@rileelaw.com>; Willier, Sharon <swillier@nixonpeabody.com>; Noonan, Cheryl <cnoonan@nixonpeabody.com>
Subject: RE: YDC Litigation -- Passing of John Doe #20

I assent. But you owe me one. 😊

Jennifer Ramsey
Senior Assistant Attorney General
Civil Bureau
Department of Justice
33 Capitol Street
Concord, NH 03301
(603) 271-1221
jennifer.s.ramsey@doj.nh.gov

E-MAIL CONFIDENTIALITY NOTICE: The contents of this e-mail message and any attachments are intended solely for the addressee(s) and may contain confidential and/or legally privileged information. If you are not the intended recipient of this message or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and any attachments. If you are not the intended recipient, you are notified that any use, dissemination, distribution, copying, or storage of this message is strictly prohibited.

From: Deane, Daniel <ddeane@nixonpeabody.com>
Sent: Friday, September 30, 2022 10:42 AM
To: Ramsey, Jennifer <Jennifer.S.Ramsey@doj.nh.gov>; Knights, Mark <mknights@nixonpeabody.com>; Vicinanza, David <DVicinanza@nixonpeabody.com>
Cc: Sara Hirshon <shirshon@verrill-law.com>; John Van Lonkhuyzen <jvanlonkhuyzen@verrill-law.com>; Art Dentremont <adentremont@verrill-law.com>; Gagnon, Lawrence <Lawrence.P.Gagnon@doj.nh.gov>; Sue Sass <ssass@verrill-law.com>; Rus Rilee <crilee@rileelaw.com>; Willier, Sharon <swillier@nixonpeabody.com>; Noonan, Cheryl <cnoonan@nixonpeabody.com>
Subject: RE: YDC Litigation -- Passing of John Doe #20

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Jennifer,

Further to my request below, attached is the amended motion for extension we propose to file today with your assent. Please advise.

Thank you,
Dan

Dan Deane
Nixon Peabody LLP
ddeane@nixonpeabody.com
T 603-628-4047 | C 603-289-0558

From: Deane, Daniel <ddeane@nixonpeabody.com>
Sent: Friday, September 30, 2022 8:29 AM
To: Ramsey, Jennifer <Jennifer.S.Ramsey@doj.nh.gov>; Knights, Mark <mknights@nixonpeabody.com>; Vicinanza, David <DVicinanza@nixonpeabody.com>
Cc: Sara Hirshon <shirshon@verrill-law.com>; John Van Lonkhuyzen <jvanlonkhuyzen@verrill-law.com>; Art Dentremont <adentremont@verrill-law.com>; Gagnon, Lawrence <Lawrence.P.Gagnon@doj.nh.gov>; Sue Sass <ssass@verrill-law.com>; Rus Rilee <crilee@rileelaw.com>
Subject: RE: YDC Litigation -- Passing of John Doe #20

Jennifer,

Last night we realized we should have added two additional plaintiffs to our extension request.

1. John Doe # 373, 217-2022-CV-345;
2. John Doe # 225, 217-2022-CV-139

We need a little more time to follow up with these two plaintiffs as well. Will you assent to the same 3-week extension?

All of the other original complaints have been refiled as amended short form complaints besides the 5 we've asked for extensions and the one deceased plaintiff for whom we've asked for a stay pending appointment of a personal representative.

Thank you,
Dan

Dan Deane
Nixon Peabody LLP
ddeane@nixonpeabody.com
T 603-628-4047 | C 603-289-0558

From: Ramsey, Jennifer <Jennifer.S.Ramsey@doj.nh.gov>
Sent: Thursday, September 29, 2022 4:35 PM
To: Knights, Mark <mknights@nixonpeabody.com>; Vicinanza, David <DVicinanzo@nixonpeabody.com>
Cc: Deane, Daniel <ddeane@nixonpeabody.com>; Sara Hirshon <shirshon@verrill-law.com>; John Van Lonkhuyzen <jvanlonkhuyzen@verrill-law.com>; Art Dentremont <adentremont@verrill-law.com>; Gagnon, Lawrence <Lawrence.P.Gagnon@doj.nh.gov>; Sue Sass <ssass@verrill-law.com>; Rus Rilee <crilee@rileelaw.com>
Subject: RE: YDC Litigation -- Passing of John Doe #20

Thanks, Mark.

You can indicate my assent.

And so that you know, the clerk is in the process of adding us as attorneys for the defendants in all of the individual files, and we are then updating the service contact information. We'll let you know when that is complete, but for now, we appreciate continuing to receive these courtesy copies.

Have a good evening,

Jennifer Ramsey
Senior Assistant Attorney General
Civil Bureau
Department of Justice
33 Capitol Street
Concord, NH 03301
(603) 271-1221
jennifer.s.ramsey@doj.nh.gov

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From: Knights, Mark <mknights@nixonpeabody.com>
Sent: Thursday, September 29, 2022 4:30 PM

To: Ramsey, Jennifer <Jennifer.S.Ramsey@doj.nh.gov>; Vicinanza, David <DVicinanzo@nixonpeabody.com>
Cc: Deane, Daniel <ddeane@nixonpeabody.com>; Sara Hirshon <shirshon@verrill-law.com>; John Van Lonkhuyzen <jvanlonkhuyzen@verrill-law.com>; Art Dentremont <adentremont@verrill-law.com>; Gagnon, Lawrence <Lawrence.P.Gagnon@doj.nh.gov>; Sue Sass <ssass@verrill-law.com>; Rus Rilee <crilee@rileelaw.com>
Subject: RE: YDC Litigation -- Passing of John Doe #20

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Jennifer and all,

We will make sure the new complaints get over to you no later than tomorrow. Can we indicate your assent to an extension for the 3 clients I identified?

Also, attached are service copies of today's filings in the John Doe #20 case. No counsel has been identified as a service contact for that case, so you will not receive the electronic notice.

Thanks,
Mark

Mark T. Knights

Partner
Nixon Peabody LLP
O 603-628-4027 | C 603-785-8727

Ride for Resilience: On October 14, I'll be cycling 100 miles across New Hampshire to raise funds for the NH Children's Trust, the state's leading child abuse and neglect prevention organization. Learn more and donate at <https://www.pledgereg.com/4437/markknights>.

From: Ramsey, Jennifer <Jennifer.S.Ramsey@doj.nh.gov>
Sent: Thursday, September 29, 2022 3:55 PM
To: Vicinanza, David <DVicinanzo@nixonpeabody.com>
Cc: Deane, Daniel <ddeane@nixonpeabody.com>; Knights, Mark <mknights@nixonpeabody.com>; Sara Hirshon <shirshon@verrill-law.com>; John Van Lonkhuyzen <jvanlonkhuyzen@verrill-law.com>; Art Dentremont <adentremont@verrill-law.com>; Gagnon, Lawrence <Lawrence.P.Gagnon@doj.nh.gov>; Sue Sass <ssass@verrill-law.com>; Rus Rilee <crilee@rileelaw.com>
Subject: RE: YDC Litigation -- Passing of John Doe #20

We've received a number of those, but they are almost all short form/amended complaints.

Jennifer Ramsey
Senior Assistant Attorney General
Civil Bureau
Department of Justice
33 Capitol Street
Concord, NH 03301
(603) 271-1221
jennifer.s.ramsey@doj.nh.gov

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to you in error, please immediately alert the sender by reply e-mail and then delete this message and any attachments. If you are not the intended recipient, you are notified that any use, dissemination, distribution, copying, or storage of this message is strictly prohibited.

From: Vicinanza, David <DVicinanzo@nixonpeabody.com>

Sent: Thursday, September 29, 2022 3:53 PM

To: Ramsey, Jennifer <Jennifer.S.Ramsey@doj.nh.gov>

Cc: Deane, Daniel <ddeane@nixonpeabody.com>; Knights, Mark <mknights@nixonpeabody.com>; Sara Hirshon <shirshon@verrill-law.com>; John Van Lonkhuyzen <jvanlonkhuyzen@verrill-law.com>; Art Dentremont <adentremont@verrill-law.com>; Gagnon, Lawrence <Lawrence.P.Gagnon@doj.nh.gov>; Sue Sass <ssass@verrill-law.com>; Rus Rilee <crilee@rileelaw.com>

Subject: Re: YDC Litigation -- Passing of John Doe #20

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Just fyi, I believe I have seen numerous transmissions attempted by Dropbox. Whether they went through, I can't say, but I've been bcc'd on numerous such attempts.

Any chance they are in a Dropbox account?

David A. Vicinanza
Nixon Peabody LLP
617.345.1177
617.733.0718 mobile
dvicinanzo@nixonpeabody.com

On Sep 29, 2022, at 3:27 PM, Ramsey, Jennifer <Jennifer.S.Ramsey@doj.nh.gov> wrote:

I've confirmed with Verrill Dana that they also did not receive them. I don't think I've ever had something incoming rejected due to file size, but anything is possible.

It doesn't matter though, if we can just get them now (or again), that would be great. It is going to take some time to digest them all, and we'd very much like to get started.

Thanks,

Jennifer Ramsey
Senior Assistant Attorney General
Civil Bureau
Department of Justice
33 Capitol Street
Concord, NH 03301
(603) 271-1221
jennifer.s.ramsey@doj.nh.gov

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From: Vicinanza, David <DVicinanzo@nixonpeabody.com>
Sent: Thursday, September 29, 2022 3:16 PM
To: Deane, Daniel <ddeane@nixonpeabody.com>
Cc: Knights, Mark <mknights@nixonpeabody.com>; Ramsey, Jennifer <Jennifer.S.Ramsey@doj.nh.gov>; Sara Hirshon <shirshon@verrill-law.com>; John Van Lonkhuyzen <jvanlonkhuyzen@verrill-law.com>; Art Dentremont <adentremont@verrill-law.com>; Gagnon, Lawrence <Lawrence.P.Gagnon@doj.nh.gov>; Sue Sass <ssass@verrill-law.com>; Rus Rilee <crilee@rileelaw.com>
Subject: Re: YDC Litigation -- Passing of John Doe #20

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I thought they were Dropboxed?

David A. Vicinanza
Nixon Peabody LLP
617.345.1177
617.733.0718 mobile
dvicinanzo@nixonpeabody.com

On Sep 29, 2022, at 3:07 PM, Deane, Daniel <ddeane@nixonpeabody.com> wrote:

I am pretty sure I have seen them go out by email addressed to you Jennifer. I believe in ZIP files. Perhaps the file size was too large and you didn't receive them?

Dan Deane
Nixon Peabody LLP
ddeane@nixonpeabody.com
T 603-628-4047 | C 603-289-0558

From: Knights, Mark <mknights@nixonpeabody.com>
Sent: Thursday, September 29, 2022 2:59 PM
To: Ramsey, Jennifer <Jennifer.S.Ramsey@doj.nh.gov>
Cc: Deane, Daniel <ddeane@nixonpeabody.com>; Sara Hirshon <shirshon@verrill-law.com>; John Van Lonkhuyzen <jvanlonkhuyzen@verrill-law.com>; Art Dentremont <adentremont@verrill-law.com>; Gagnon, Lawrence <Lawrence.P.Gagnon@doj.nh.gov>; Sue Sass <ssass@verrill-law.com>; Vicinanza, David <DVicinanzo@nixonpeabody.com>; Rus Rilee <crilee@rileelaw.com>
Subject: Re: YDC Litigation -- Passing of John Doe #20

Thanks. I will make sure the rest get sent over ASAP. As I said, I thought we had sent them already; my apologies if that's not the case.

Mark Knights
Nixon Peabody LLP
C: 603-785-8727

On Sep 29, 2022, at 2:56 PM, Ramsey, Jennifer
<Jennifer.S.Ramsey@doj.nh.gov> wrote:

Maybe we should put our staff people together to talk. I am being told that all we have other than matters listed in the consolidated caption is 441 and 508.

Jennifer Ramsey
Senior Assistant Attorney General
Civil Bureau
Department of Justice
33 Capitol Street
Concord, NH 03301
(603) 271-1221
jennifer.s.ramsey@doj.nh.gov

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From: Knights, Mark <mnights@nixonpeabody.com>
Sent: Thursday, September 29, 2022 2:50 PM
To: Ramsey, Jennifer <Jennifer.S.Ramsey@doj.nh.gov>; Deane, Daniel <ddeane@nixonpeabody.com>; Sara Hirshon <shirshon@verrill-law.com>; John Van Lonkhuyzen <jvanlonkhuyzen@verrill-law.com>; Art Dentremont <adentremont@verrill-law.com>; Gagnon, Lawrence <Lawrence.P.Gagnon@doj.nh.gov>; Sue Sass <ssass@verrill-law.com>
Cc: Vicinanza, David <DVicinanzo@nixonpeabody.com>; 'Rus Rilee' <crilee@rileelaw.com>
Subject: RE: YDC Litigation -- Passing of John Doe #20

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I'm sorry to be dense, but I don't understand what you mean. I thought our staff had already sent over copies of the complaints in all of the newly-filed cases. If there is something you think we haven't provided to you, it would be helpful to know exactly what it is. We will, of course, make sure that it gets over to you promptly.

Thanks,
Mark

Mark T. Knights
Partner
Nixon Peabody LLP
O 603-628-4027 | C 603-785-8727

Ride for Resilience: On October 14, I'll be cycling 100 miles across New Hampshire to raise funds for the NH Children's Trust, the state's leading child abuse and neglect prevention organization. Learn more and donate at <https://www.pledgereg.com/4437/markknights>.

From: Ramsey, Jennifer <Jennifer.S.Ramsey@doj.nh.gov>
Sent: Thursday, September 29, 2022 2:42 PM
To: Knights, Mark <mknights@nixonpeabody.com>; Deane, Daniel <ddeane@nixonpeabody.com>; Sara Hirshon <shirshon@verrill-law.com>; John Van Lonkhuyzen <jvanlonkhuyzen@verrill-law.com>; Art Dentremont <adentremont@verrill-law.com>; Gagnon, Lawrence <Lawrence.P.Gagnon@doj.nh.gov>; Sue Sass <ssass@verrill-law.com>
Cc: Vicinanza, David <DVicinanzo@nixonpeabody.com>; 'Rus Rilee' <crilee@rileelaw.com>
Subject: RE: YDC Litigation -- Passing of John Doe #20

Hi Mark,

I am inclined to say "yes" but I would be more inclined if I were to receive copies of the new complaints that you agreed to provide, which was confirmed in paragraph 6 of the most recent scheduling order.

Jennifer Ramsey
Senior Assistant Attorney General
Civil Bureau
Department of Justice
33 Capitol Street
Concord, NH 03301
(603) 271-1221
jennifer.s.ramsey@doj.nh.gov

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From: Knights, Mark <mknights@nixonpeabody.com>
Sent: Thursday, September 29, 2022 2:32 PM
To: Ramsey, Jennifer <Jennifer.S.Ramsey@doj.nh.gov>; Deane, Daniel <ddeane@nixonpeabody.com>; Sara Hirshon <shirshon@verrill-law.com>; John Van Lonkhuyzen <jvanlonkhuyzen@verrill-law.com>; Art Dentremont <adentremont@verrill-law.com>; Gagnon, Lawrence <Lawrence.P.Gagnon@doj.nh.gov>; Sue Sass <ssass@verrill-law.com>
Cc: Vicinanza, David <DVicinanzo@nixonpeabody.com>; 'Rus Rilee'

<crilee@rileelaw.com>

Subject: RE: YDC Litigation -- Passing of John Doe #20

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Thank you, Jennifer.

In addition to John Doe #20, while we expect to be able to have filed amended complaints for the vast majority of our clients by the end of the day today, there are three clients for whom we anticipate needing additional time to amend:

1. John Doe # 26, 217-2021-CV-00563
2. John Doe # 145, 217-2022-CV-00074
3. John Doe # 224, 217-2022-CV-00137

We intend to file a motion to extend the deadline to amend the complaints in these actions by three weeks. (We expect to be able to amend well before then if that's what we end up doing, but figure we're safer asking for more time.) As grounds for the extension request, we require additional time to complete our follow-up investigation of the clients' claims. Depending upon the outcome of that investigation, we expect that one or more of these cases will be dismissed or removed from the consolidated proceeding.

Will you assent to the relief sought in that motion?

Thank you,
Mark

Mark T. Knights
Partner
Nixon Peabody LLP
O 603-628-4027 | C 603-785-8727

Ride for Resilience: On October 14, I'll be cycling 100 miles across New Hampshire to raise funds for the NH Children's Trust, the state's leading child abuse and neglect prevention organization. Learn more and donate at <https://www.pledgereg.com/4437/markknights>.

From: Ramsey, Jennifer <Jennifer.S.Ramsey@doj.nh.gov>

Sent: Thursday, September 29, 2022 2:13 PM

To: Deane, Daniel <ddeane@nixonpeabody.com>; Sara Hirshon

<shirshon@verrill-law.com>; John Van Lonkhuyzen

<jvanlonkhuyzen@verrill-law.com>; Art Dentremont

<adentremont@verrill-law.com>; Gagnon, Lawrence

<Lawrence.P.Gagnon@doj.nh.gov>; Sue Sass <ssass@verrill-law.com>

Cc: Knights, Mark <mknights@nixonpeabody.com>; Vicinanza, David

<DVicinanzo@nixonpeabody.com>; 'Rus Rilee' <crilee@rileelaw.com>

Subject: RE: YDC Litigation -- Passing of John Doe #20

[EXTERNAL E-MAIL]
Be Aware of Links and Attachments

Hi Dan,

Sorry to hear of this. We concur that a brief stay as you propose is appropriate to allow time to substitute a PR provided that the motion also provide that the case remains subject to any rulings on motions related to the Master Complaint.

Thanks for reaching out.

Jennifer Ramsey
Senior Assistant Attorney General
Civil Bureau
Department of Justice
33 Capitol Street
Concord, NH 03301
(603) 271-1221
jennifer.s.ramsey@doj.nh.gov

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From: Deane, Daniel <ddeane@nixonpeabody.com>
Sent: Thursday, September 29, 2022 11:27 AM
To: Sara Hirshon <shirshon@verrill-law.com>; John Van Lonkhuyzen <ivanlonkhuyzen@verrill-law.com>; Art Dentremont <adentremont@verrill-law.com>; Ramsey, Jennifer <Jennifer.S.Ramsey@doj.nh.gov>; Gagnon, Lawrence <Lawrence.P.Gagnon@doj.nh.gov>; Sue Sass <ssass@verrill-law.com>
Cc: Knights, Mark <mknights@nixonpeabody.com>; Vicinanzo, David <DVicinanzo@nixonpeabody.com>; 'Rus Rilee' <crilee@rileelaw.com>
Subject: YDC Litigation -- Passing of John Doe #20

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Counsel,

One of our clients, John Doe #20, passed away in March. His amended complaint is due today. We are instead planning to file a Suggestion of Death, together with a motion to stay his case, docket # 217-2021-CV-00554, for 120 days to allow his estate to appoint a personal representative and then move the court to substitute the PR as plaintiff.

Given the amended complaint deadline today, we plan to file both pleadings this afternoon. Please let me know if the State Defendants assent to the stay motion.

Thank you,
Dan

Dan Deane
Nixon Peabody LLP
ddeane@nixonpeabody.com
T 603-628-4047 | C 603-289-0558

EXHIBIT D

STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS

SUPERIOR COURT

CIVIL ACTION 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 LITIGATION)

**PLAINTIFFS' SECOND COMBINED SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED ON DEFENDANT
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

NOW COME all Plaintiffs represented by Nixon Peabody LLP and Rilee & Associates, P.L.L.C. in these consolidated actions (“Plaintiffs”), and pursuant to Rules 24 and 25(d) of the New Hampshire Superior Court Rules, hereby propound the following Requests For Production of Documents upon the defendant, New Hampshire Department of Health and Human Services, to be responded to separately and fully, with responses and responsive documents delivered to the offices of Nixon Peabody LLP, c/o Sharon Willier, 900 Elm Street, 14th Floor, Manchester, NH 03101-2031, in electronic format only, within thirty (30) days after receipt thereof in accordance with the requirements of Rule 24(b).

Definitions:

- A. As used herein, the term “DHHS” shall mean defendant New Hampshire Department of Health and Human Services, including all of its divisions, agencies, agents and employees, including the Division of Children, Youth, and Families, Division of Juvenile Justice Services, and Department of Youth Development Services. To the extent that the Sununu Center, is an agency under the supervision, authority and control of DHHS, it shall be included in the term “DHHS.”
- B. As used herein, the term “Sununu Center” shall mean the Sununu Youth Services Center, Youth Development Center (“YDC”), Youth Development Services Unit (“YDSU”),

State Industrial School, Adolescent Detention Center, the Anna Philbrook Center, the Tobey School, and their predecessors under any name, including all of their divisions, agencies, agents and employees.

- C. As used herein, the term “communication” shall mean any type of communication, whether oral, written, electronic, or otherwise, including but not limited to conversations, discussions, telephone calls, text messages, interviews, letters, memoranda, negotiations, agreements, understandings, correspondence, telexes, telegrams, or any other exchange of information of any kind, whether oral, written, electronic, or otherwise.
- D. As used herein, the term “document” shall mean all original writings of any nature whatsoever and all non-identical copies thereof, in your possession, custody or control, regardless of where located, and includes, but is not necessarily limited to the following items, whether printed or recorded, or filmed, or electronic, or reproduced by hand, whether or not claimed to be privileged against discovery or any ground, and in a case where original and/or non-identical copies are not available, identical copies of original documents and copies of non-identical copies, namely: contracts, agreements, articles, bids, directives, communications, correspondence, audio tape recordings, video tape recordings, cablegrams, radiograms, telegrams, electronic mail or other forms of electronic communication, electronic documents, text messages, PDA calendars or notes, minutes, notes, studies, reports, summaries, agendas, bulletins, notices, bids, columns, arrangements, instructions, shortages, pamphlets, manuals, brochures, schedules, price lists, sketches, drawings, photographs, opinions and reports of consultants, plans, specifications, purchase orders, ledgers, diaries, personal calendars, computer calendars, computer tapes, computer disks, computer cards, computer recorded information, and any other written material.
- E. “Complaint” or “Complaints” shall refer to the Master Complaint and the individual Short Form Complaints filed by Plaintiffs in the matters consolidated as 217-2020-CV-26.
- F. “Third Party Placement” shall refer to any facility, organization, program, group home, or similar in which the State Defendants placed juveniles in for care, that was not with their biological relatives, whether in the State of New Hampshire or across state borders.
- G. “Relate,” “related to,” “relating to,” or “reference” means states, mentions, contains, describes, discusses, explains, or involves in any way, whether directly or indirectly.

Instructions:

- A. Unless otherwise specified herein, each of these requests seeks documents that were in force or effect, or otherwise pertain to the time period from 1960 to the present.
- B. These requests should be interpreted to extend to any and all responsive Electronically Stored Information (“ESI”) in DHHS’s possession, custody or control. ESI and other responsive documents should be produced in accordance with the specifications set forth

in Appendix I or, to the extent applicable, with the parties' Stipulation Regarding Production of Hard-Copy Documents.

- C. Specify the particular request to which each produced document pertains.
- D. To the extent you or your counsel wish to interpose an objection to any request, state the reasons for the objection with reasonable particularity.
- E. If in responding to these requests you encounter any ambiguity, set forth the matter deemed ambiguous and the construction used in responding.
- F. If you are unable to respond to a request, state why you are unable to supply the information sought and fully describe the efforts made to locate the information.
- G. If the response to a request consists in whole or in part of an objection relating to, or founded upon, any privilege or immunity, please:
 - a. Identify the specific request;
 - b. State the privilege or immunity claimed and state in detail the facts and reasoning on which the claim of such privilege or immunity is based;
 - c. Describe the nature of the communication or document (e.g., letter, memorandum, telephone call, in person conversation, etc.);
 - d. State the date of the communication or document;
 - e. Identify the person who created or originated the communication or document;
 - f. Identify the person who received the communication or document;
 - g. Identify each person who participated in the communication or who saw the document;
 - h. Identify each person to whom some or all of the contents of the communication or document were communicated;
 - i. State the subject matter of the communication or document; and
 - j. Identify all persons having knowledge or custody of the withheld information.
- H. If the response to a request consists, in whole or in part, of an objection relating to burden, with respect to each such response, please:
 - a. Provide such information or documents as can be ascertained without undue burden;
 - b. State in detail the facts and reasoning on which the objection to providing any additional information or document is based, including (i) a description of the

process or method required to obtain any information or document not provided; (ii) the approximate number of files and/or documents that would need to be searched; (iii) the approximate number of employee hours required to conduct the search; and (iv) the estimated cost of the search; and

- c. State in detail whether the information not provided is available in documents or other sources and, if so, (i) identify the documents or other sources and (ii) state whether the documents will be provided.
- I. If you have already produced documents responsive to a particular request, identify in the response to the individual request where in the prior production (i.e., at which Bates ranges) the responsive documents can be found.

REQUESTS

1. Please produce a complete copy of any and all rules, policies, manuals, or the like, whether in written, electronic, audio, or audiovisual format, that relate in any way to the hiring, training, supervision, and/or retention of any individual or entity that supervised or provided counseling or therapeutic services to the residents at the Sununu Center.

2. Please produce a complete copy of any and all rules, policies, manuals, or the like, whether in written, electronic, audio, or audiovisual format, that relate in any way to the hiring, training, supervision and/or retention of any individual or entity that provided medical care or services to the residents of the Sununu Center, including mental health care or services.

3. Please produce a complete copy of any and all rules, policies, manuals, or the like, whether in written, electronic, audio, or audiovisual format, that relate in any way to the hiring, training, supervision, and/or retention of any individual or entity who was in a pedagogic position at the Sununu Center including, but not limited to, teachers, physical education teachers, coaches, and tutors.

4. Please produce a complete copy of any and all rules, policies, manuals, or the like, whether in written, electronic, audio or audiovisual format, that relate in any way to the hiring,

training, supervision, and/or retention of any individual or entity that supervised or provided religious counseling or services to the residents at the Sununu Center.

5. Please produce a complete copy of any and all rules, policies, manuals, or the like, whether in written, electronic, audio or audiovisual format, that relate in any way to the hiring, training, supervision, and/or retention of any individual or entity who had the authority to discipline the residents of the Sununu Center.

6. Please produce a complete copy of any and all Sununu Center, rules, policies, manuals, or the like, whether in written, electronic, audio or audiovisual format, that relate in any way to:

- a. Provision of medication;
- b. Strip searches;
- c. Means, measures and techniques to be used to discipline residents;
- d. The use of physical restraint(s);
- e. The use of physical force on residents;
- f. The use of solitary confinement, “out of community” confinement, and/or cell/room confinement;
- g. The reporting of any suspicion of possible abuse of residents observed by staff members and/or other residents, whether such abuse was of a physical, sexual, emotional, verbal or other nature.

7. Please produce a complete copy of any and all rules, policies, manuals, or the like, whether in written, electronic, audio, or audiovisual format, that relate in any way to the hiring, training, supervision, and/or retention of any of the employees and/or agents and/or interns and/or contractors providing services at the Sununu Center.

8. Please produce a complete copy of any and all Sununu Center regulations, rules, policies, manuals, or the like, whether in written, electronic, audio or audiovisual format, that

relate in any way to the confinement of residents to their rooms or to solitary confinement cells as a form of discipline and to the provision of educational services during any time residents are confined to their rooms or to solitary confinement cells.

9. Please produce a complete copy of any and all rules, policies, manuals, or the like, whether in written, electronic, audio or audiovisual format, that relate in any way to the provision of educational services to residents at the Sununu Center, including special educational services required pursuant to individualized educational plans (IEPs).

10. Please produce a copy of any and all contracts between DHHS and any person or entity for the provision of educational services to the residents at the Sununu Center.

11. Please produce a complete copy of any and all floorplans, blueprints, schematics, drawings, or other depictions of the layout of the entire Sununu Center facility, including the locations of video cameras.

12. Please produce a complete copy of the Resident Files, as defined by TFC Amanda Johnson in her Affidavit attached hereto as Exhibit 1, that reference or in any way relate to Plaintiffs.

13. Please produce a complete copy of the Daily Cottage Reports, as defined by TFC Amanda Johnson in her Affidavit attached hereto as Exhibit 1, that reference or relate in any way to Plaintiffs.

14. Please produce a complete copy of the Cottage Logbooks, as defined by TFC Amanda Johnson in her Affidavit attached hereto as Exhibit 1, that reference or relate in any way to Plaintiffs.

15. Please produce a complete copy of the Communications Logbooks, as defined by TFC Amanda Johnson in her Affidavit attached hereto as Exhibit 1, that reference or relate in any way to Plaintiffs.

16. Please produce a complete copy of the Operations Logbooks, as defined by TFC Amanda Johnson in her Affidavit attached hereto as Exhibit 1, that reference or relate in any way to Plaintiffs.

17. Please produce a complete copy of the Incident Logbooks, as defined by TFC Amanda Johnson in her Affidavit attached hereto as Exhibit 1, that reference or relate in any way to Plaintiffs.

18. Please produce a complete copy of the personnel records, as defined by TFC Amanda Johnson in her Affidavit attached hereto as Exhibit 1, for every employee, agent, intern, or independent contractor that was employed by or contracted with the Sununu Center, including any available photographs of the individuals.

19. Please produce a complete copy of the work shift records, as defined by TFC Amanda Johnson in her Affidavit attached hereto as Exhibit 1, for every employee, agent, intern, or independent contractor that was employed by or contracted with the Sununu Center.

20. Please produce a complete copy of any and all Sununu Center videotapes that relate in any way to Plaintiffs.

21. Please produce a complete copy of any and all communications between Defendant's agents, employees, interns, or independent contractors that relate in any way to Plaintiffs.

22. Please produce a complete copy of any and all communications between DHHS agents, employees, interns, or independent contractors and any other person or entity that relate in any way to Plaintiffs.

Respectfully Submitted,

DAVID MEEHAN, ET AL.

By and through counsel,

NIXON PEABODY LLP

Dated: November 30, 2022

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

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served by Electronic Mail on counsel for the Defendant DHHS, by agreement of the parties, on this 30th day of November, 2022.

/s/ David A. Vicinanzo

David A. Vicinanzo, Esq.

EXHIBIT E

STATE OF NEW HAMPSHIRE

MERRIMACK, SS

SUPERIOR COURT

CIVIL ACTION 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 LITIGATION)

**PLAINTIFFS' FIRST COMBINED SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED ON DEFENDANT
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

NOW COME all Plaintiffs represented by Nixon Peabody LLP and Rilee & Associates, P.L.L.C. in these consolidated actions (“Plaintiffs”), and pursuant to Rules 24 and 25(d) of the New Hampshire Superior Court Rules, hereby propound the following Requests For Production of Documents upon the defendant, New Hampshire Department of Health and Human Services, to be responded to separately and fully, with responses and responsive documents delivered to the offices of Nixon Peabody LLP, c/o Sharon Willier, 900 Elm Street, 14th Floor, Manchester, NH 03101-2031, in electronic format only, within thirty (30) days after receipt thereof in accordance with the requirements of Rule 24(b).

Definitions:

- A. As used herein, the term “DHHS” shall mean defendant New Hampshire Department of Health and Human Services, including all of its divisions, agencies, agents and employees, including the Division of Children, Youth, and Families, Division of Juvenile Justice Services, and Department of Youth Development Services. To the extent that the Sununu Center, is an agency under the supervision, authority and control of DHHS, it shall be included in the term “DHHS.”
- B. As used herein, the term “Sununu Center” shall mean the Sununu Youth Services Center, Youth Development Center (“YDC”), Youth Development Services Unit (“YDSU”), State Industrial School, Adolescent Detention Center, and their predecessors under any name, including all of its divisions, agencies, agents and employees.
- C. As used herein, the term “communication” shall mean any type of communication, whether oral, written, electronic, or otherwise, including but not limited to conversations, discussions, telephone calls, text messages, interviews, letters, memoranda, negotiations, agreements, understandings, correspondence, telexes, telegrams, or any other exchange of information of any kind, whether oral, written, electronic, or otherwise.
- D. As used herein, the term “document” shall mean all original writings of any nature whatsoever and all non-identical copies thereof, in your possession, custody or control, regardless of where located, and includes, but is not necessarily limited to the following items, whether printed or recorded, or filmed, or electronic, or reproduced by hand, whether or not claimed to be privileged against discovery or any ground, and in a case where original and/or non-identical copies are not available, identical copies of original documents and copies of non-identical copies, namely: contracts, agreements, articles, bids, directives, communications, correspondence, audio tape recordings, video tape recordings, cablegrams, radiograms, telegrams, electronic mail or other forms of electronic communication, electronic documents, text messages, PDA calendars or notes, minutes, notes, studies, reports, summaries, agendas, bulletins, notices, bids, columns, arrangements, instructions, shortages, pamphlets, manuals, brochures, schedules, price lists, sketches, drawings, photographs, opinions and reports of consultants, plans, specifications, purchase orders, ledgers, diaries, personal calendars, computer calendars, computer tapes, computer disks, computer cards, computer recorded information, and any other written material.
- E. “Relate,” “related to,” “relating to,” or “reference” means states, mentions, contains, describes, discusses, explains, or involves in any way, whether directly or indirectly.

Instructions:

- A. Unless otherwise specified herein, each of these requests seeks documents that were in force or effect, or otherwise pertain to, the time period 1995 through 2008.
- B. These requests should be interpreted to extend to any and all responsive Electronically Stored Information (“ESI”) in DHHS’s possession, custody or control. ESI and other

responsive documents should be produced in accordance with the specifications set forth in Appendix I.

- C. Specify the particular request to which each produced document pertains.
- D. To the extent you or your counsel wish to interpose an objection to any request, state the reasons for the objection with reasonable particularity.
- E. If in responding to these requests you encounter any ambiguity, set forth the matter deemed ambiguous and the construction used in responding.
- F. If you are unable to respond to a request, state why you are unable to supply the information sought and fully describe the efforts made to locate the information.
- G. If the response to a request consists in whole or in part of an objection relating to, or founded upon, any privilege or immunity, please:
 - a. Identify the specific request;
 - b. State the privilege or immunity claimed and state in detail the facts and reasoning on which the claim of such privilege or immunity is based;
 - c. Describe the nature of the communication or document (e.g., letter, memorandum, telephone call, in person conversation, etc.);
 - d. State the date of the communication or document;
 - e. Identify the person who created or originated the communication or document;
 - f. Identify the person who received the communication or document;
 - g. Identify each person who participated in the communication or who saw the document;
 - h. Identify each person to whom some or all of the contents of the communication or document were communicated;
 - i. State the subject matter of the communication or document; and
 - j. Identify all persons having knowledge or custody of the withheld information.
- H. If the response to a request consists, in whole or in part, of an objection relating to burden, with respect to each such response, please:
 - a. Provide such information or documents as can be ascertained without undue burden;
 - b. State in detail the facts and reasoning on which the objection to providing any additional information or document is based, including (i) a description of the

process or method required to obtain any information or document not provided; (ii) the approximate number of files and/or documents that would need to be searched; (iii) the approximate number of employee hours required to conduct the search; and (iv) the estimated cost of the search; and

- c. State in detail whether the information not provided is available in documents or other sources and, if so, (i) identify the documents or other sources and (ii) state whether the documents will be provided.

REQUESTS

1. Please produce any and all documents and communications, in any form, evidencing or relating to sexual harassment of Jennifer (Veilleux) Doyle. This Request includes but is not limited to all reports, including investigative reports, by or about Ms. (Veilleux) Doyle concerning harassing statements or acts by staff or others from East Cottage, by anyone at the Sununu Center, or by any other state employee, including any JPPO.

2. Please produce any and all documents and communications, in any form, evidencing or relating to retaliation or potential consequences against Jennifer (Veilleux) Doyle for raising allegations of sexual harassment against her, or alleged abuse or excessive force or verbal harassment against residents, by any state employee or agent. This Request includes but is not limited to investigative reports, letters of discipline or reprimand, or documents relating to other employment action or non-action of any kind from DHHS or the office of the Attorney General, including from former Deputy Attorney General Orville (Bud) Fitch.

3. Please produce any and all documents and communications, in any form, evidencing or relating to a letter or form of release executed by Jennifer (Veilleux) Doyle purportedly releasing the State of New Hampshire from liability for sexual harassment or other legal claims.

4. Please produce any and all documents and communications, in any form, evidencing or relating to incident reports, complaints, or other memorialization by Jennifer

(Veilleux) Doyle suggesting or alleging that resident of the Sununu Center had been subject to excessive force or other forms of alleged abuse; that injury or pain had been inflicted on a resident; or that the resident had been retaliated against for complaining or speaking about such alleged abuse.

5. Please produce any and all journals, calendar logs, or other documents that were authored or provided by Jennifer (Veilleux) Doyle to any staff member of the Sununu Center or other State employee, including but not limited to Rochelle Edmark and Peter Favreau; and copies of which were delivered to New Hampshire State Police investigators in recent years. This Request includes but is not limited to narratives allegedly provided by residents that Jennifer (Veilleux) Doyle provided to Sununu Center staff members or other State employees.

6. Please produce any and all documents and communications evidencing or relating to the absence or presence of video cameras or other recording or monitoring devices throughout the Sununu Center, including but not limited to the purported need for such devices, the resistance or opposition to such devices, the partial installation of such devices in 2004 and again in 2006, and the evasion or avoidance of such devices or techniques or attempts to render them inoperable or otherwise ineffective.

7. Please produce any and all documents and communications evidencing or relating to the “Billy B” incident that resulted in the termination of employee Alan McDonald (Docket #98-T-3, Personnel Appeals Board (1998)), including but not limited to the case file or any investigative file (including by Wayne Eigabroadt), witness statements (including by John Biron and Stephanie Kalipolites), and any and all exhibits or records of the hearing or appeal.

8. Please produce personnel files and records relating to the following individuals:
- (a) Dan Gray

- (b) Jeff Buskey
- (c) Tim Roy
- (d) James Woodlock
- (e) Brad Asbury
- (f) Robert Kukla
- (g) Paula Powell
- (h) John Chaisson
- (i) Dan Carrigan
- (j) Peter Favreau
- (k) Rochelle Edmark
- (l) Jennifer (Veilleux) Doyle
- (m) Julie Conway
- (n) Philip Nadeau
- (o) Richard (Dick) Croteau
- (p) Dan Barry

This request shall not be subject to the date limitation set forth in Instruction A, *supra*, but shall encompass all responsive documents, no matter the date range.

APPENDIX I: General Production Format Specifications:

- a. **Image Format:** Black-and-white Group IV Single-Page TIFFs (300 DPI). Color images should be provided in .JPG format when color is necessary. Image file names should match the page (Bates) identifier for that specific image and end with the .TIF (or .JPG if needed) extension.
- b. **Database Load Files:** Documents produced shall be provided with (i) Standard Concordance delimited load file(s) and (ii) Opticon delimited cross-reference file(s). Concordance load files shall contain the fields listed in Exhibit A.
- c. **OCR/Extracted Text Format:** Document level text files named for the Bates number corresponding to the first page of the document. Do not include text in the load file. Text files should be in a directory named "TEXT".
- d. **Natives:** Documents produced in native file format shall be labeled, to the extent practicable, by assigning a Bates number as the filename (e.g., ABC0000001.xls). The load file should contain a field called "NATIVE" with the path to the corresponding native file. Native files should be in a directory named "NATIVES"
 - i. Excel spreadsheets and other files that cannot be imaged in a useful manner should be produced in native format to enable the parties to review those files. If there are non-printable files in the production set (mpg, wav, mdb, etc.), they should be produced as native files.
 - ii. Counsel may seek supplemental production of native files for any produced images that are deemed unusable, unsearchable, or unduly burdensome.
- e. **Bates Numbering:**
 - i. All images must be assigned a Bates number that must always: (1) be unique across the entire document production; (2) maintain a constant length (0- padded) across the entire production; (3) contain no special characters or embedded spaces; and (4) be sequential within a given document.
 - ii. If a Bates number or set of Bates numbers is skipped in a production, the producing party will so note in a cover letter or production log accompanying the production.
 - iii. The producing party will brand all TIFF images in the lower right hand corner with its corresponding bates number, using a consistent font type and size. The Bates number must not obscure any part of the underlying image. If the placement in the lower right-hand corner will result in obscuring the underlying image, the Bates number should be placed as near to that position as possible while preserving the underlying image.
- f. **Attachment Relationships:** Parent-child relationships (the association between an attachment and its parent document) that have been maintained in the ordinary course of business should be preserved. For example, if a party is producing an e-

mail with its attachments, the attachments should be processed in order behind the e-mail and the production load file should reflect this relationship in the BegProdAtt/EndProdAtt fields.

- g. **Paper Documents:** If a party converts paper documents into electronic format, distinct documents should not be merged into a single record, and single documents should not be split into multiple records (i.e., paper documents should be logically unitized). In the case of an organized compilation of separate documents – for example, a binder containing several separate documents behind numbered tabs – the document behind each tab should be scanned separately, but the relationship among the documents in the compilation should be reflected in the proper coding of the beginning and ending document and attachment fields. For each document the title or subject, and date should be captured as metadata. If the document was originally an email, and this now only exists as paper form, the to / from / cc / date and subject should be captured as metadata too.
- h. **Production Media/Transfer:** Productions should be produced on encrypted CD, DVD, thumb drive, or secure file transfer site.

Respectfully Submitted,

DAVID MEEHAN, ET AL.

By and through counsel,

NIXON PEABODY LLP

Dated: October 13, 2022

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

/s/ Cyrus F. Rilee, III

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Second Set of Requests for Production of Documents Propounded on Defendant New Hampshire Department of Health and Human Services* (DHHS) was served by Electronic Mail on counsel for the Defendant DHHS, by agreement of the parties, on this 13th day of October, 2022.

/s/ David A. Vicinanza

David A. Vicinanza, Esq.

EXHIBIT F

STATE OF NEW HAMPSHIRE

MERRIMACK, SS

SUPERIOR COURT

CIVIL ACTION 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 LITIGATION)

**PLAINTIFFS' THIRD COMBINED SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED ON DEFENDANT
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

NOW COME all Plaintiffs represented by Nixon Peabody LLP and Rilee & Associates, P.L.L.C. in these consolidated actions (“Plaintiffs”), and pursuant to Rules 24 and 25(d) of the New Hampshire Superior Court Rules, hereby propound the following Requests For Production of Documents upon the defendant, New Hampshire Department of Health and Human Services, to be responded to separately and fully, with responses and responsive documents delivered to the offices of Nixon Peabody LLP, c/o Sharon Willier, 900 Elm Street, 14th Floor, Manchester, NH 03101-2031, in electronic format only, within thirty (30) days after receipt thereof in accordance with the requirements of Rule 24(b).

Definitions:

- A. As used herein, the term “DHHS” shall mean defendant New Hampshire Department of Health and Human Services, including all of its divisions, agencies, agents and employees, including the Division of Children, Youth, and Families, Division of Juvenile Justice Services, and Department of Youth Development Services. To the extent that the Sununu Center is an agency under the supervision, authority and control of DHHS, it shall be included in the term “DHHS.”
- B. As used herein, the term “Sununu Center” shall mean the Sununu Youth Services Center, Youth Development Center (“YDC”), Youth Development Services Unit (“YDSU”), State Industrial School, Adolescent Detention Center, the Anna Philbrook Center, the Tobey

School, and their predecessors under any name, including all of their divisions, agencies, agents and employees.

- C. As used in this Request, “abuse or maltreatment of residents” refers to abusive conduct of any kind, including but not limited to sexual abuse (whether consensual or not), physical abuse, solitary confinement, verbal abuse, psychological abuse, and/or emotional abuse, by any party, including but not limited to employees or agents of the Sununu Center or Third Party Placements and other residents of the Sununu Center or Third Party Placements.
- D. As used herein, the term “communication” shall mean any type of communication, whether oral, written, electronic, or otherwise, including but not limited to conversations, discussions, telephone calls, text messages, interviews, letters, memoranda, negotiations, agreements, understandings, correspondence, telexes, telegrams, or any other exchange of information of any kind, whether oral, written, electronic, or otherwise.
- E. As used herein, the term “document” shall mean all original writings of any nature whatsoever and all non-identical copies thereof, in your possession, custody or control, regardless of where located, and includes, but is not necessarily limited to the following items, whether printed or recorded, or filmed, or electronic, or reproduced by hand, whether or not claimed to be privileged against discovery or any ground, and in a case where original and/or non-identical copies are not available, identical copies of original documents and copies of non-identical copies, namely: contracts, agreements, articles, bids, directives, communications, correspondence, audio tape recordings, video tape recordings, cablegrams, radiograms, telegrams, electronic mail or other forms of electronic communication, electronic documents, text messages, PDA calendars or notes, minutes, notes, studies, reports, summaries, agendas, bulletins, notices, bids, columns, arrangements, instructions, shortages, pamphlets, manuals, brochures, schedules, price lists, sketches, drawings, photographs, opinions and reports of consultants, plans, specifications, purchase orders, ledgers, diaries, personal calendars, computer calendars, computer tapes, computer disks, computer cards, computer recorded information, and any other written material.
- F. “Complaint” or “Complaints” shall refer to the Master Complaint and the individual Short Form Complaints filed by Plaintiffs in the matters consolidated as 217-2020-CV-26.
- G. “Third Party Placement” shall refer to any facility, organization, program, group home, or similar in which the State Defendants placed juveniles in for care, that was not with their biological relatives, whether in the State of New Hampshire or across state borders.
- H. “Relate,” “related to,” “relating to,” or “reference” means states, mentions, contains, describes, discusses, explains, refers to, references, reflects, or involves in any way, whether directly or indirectly.

Instructions:

- A. Unless otherwise specified herein, each of these requests seeks documents that were in force or effect, or otherwise pertain to the time period from 1960 to the present.
- B. These requests should be interpreted to extend to any and all responsive Electronically Stored Information (“ESI”) in DHHS’s possession, custody or control. ESI and other responsive documents should be produced in accordance with the specifications set forth in Appendix I or, to the extent applicable, with the parties’ Stipulation Regarding Production of Hard-Copy Documents.
- C. Specify the particular request to which each produced document pertains.
- D. To the extent you or your counsel wish to interpose an objection to any request, state the reasons for the objection with reasonable particularity.
- E. If in responding to these requests you encounter any ambiguity, set forth the matter deemed ambiguous and the construction used in responding.
- F. If you are unable to respond to a request, state why you are unable to supply the information sought and fully describe the efforts made to locate the information.
- G. If the response to a request consists in whole or in part of an objection relating to, or founded upon, any privilege or immunity, please:
 - a. Identify the specific request;
 - b. State the privilege or immunity claimed and state in detail the facts and reasoning on which the claim of such privilege or immunity is based;
 - c. Describe the nature of the communication or document (e.g., letter, memorandum, telephone call, in person conversation, etc.);
 - d. State the date of the communication or document;
 - e. Identify the person who created or originated the communication or document;
 - f. Identify the person who received the communication or document;
 - g. Identify each person who participated in the communication or who saw the document;
 - h. Identify each person to whom some or all of the contents of the communication or document were communicated;
 - i. State the subject matter of the communication or document; and
 - j. Identify all persons having knowledge or custody of the withheld information.

- H. If the response to a request consists, in whole or in part, of an objection relating to burden, with respect to each such response, please:
- a. Provide such information or documents as can be ascertained without undue burden;
 - b. State in detail the facts and reasoning on which the objection to providing any additional information or document is based, including (i) a description of the process or method required to obtain any information or document not provided; (ii) the approximate number of files and/or documents that would need to be searched; (iii) the approximate number of employee hours required to conduct the search; and (iv) the estimated cost of the search; and
 - c. State in detail whether the information not provided is available in documents or other sources and, if so, (i) identify the documents or other sources and (ii) state whether the documents will be provided.
- I. If you have already produced documents responsive to a particular request, identify in the response to the individual request where in the prior production (i.e., at which Bates ranges) the responsive documents can be found.

REQUESTS

1. Please produce a complete copy of any and all policies, procedures, or the like governing the retention of documents and communications related to the Sununu Center, including but not limited to any and all policies, procedures, or the like, governing the retention of surveillance video.
2. Please produce a complete copy of any and all policies, procedures, or the like governing the retention of documents and communications related to DHHS's placement of juveniles in Third Party Placements.
3. Please produce a complete copy of all rules, regulations, bylaws, policies, or similar relating to DHHS's placement of juveniles in Third Party Placements.
4. Please produce a complete copy of all contracts between DHHS and Third Party Placements, including but not limited to contracts relating to DHHS's placement of juveniles in Third Party Placements.

5. Please produce a complete copy of all insurance information for Third Party Placements, including but not limited to certificates of insurance for Third Party Placements.

6. Please produce a complete copy of all financial records relating to DHHS's placement of juveniles in Third Party Placements, including but not limited to records of payments to Third Party Placements.

7. Please produce a complete copy of all correspondence and other communications relating to DHHS's placement of juveniles in Third Party Placements.

8. Please produce a complete copy of any and all documents or records that reference or in any way relate to the funding of the Sununu Center, including but not limited to the sources of such funding and any applications submitted for the receipt of such funding.

9. Please produce a complete copy of any and all organizational charts, personnel lists, rosters, or the like, whether in written, electronic, or audiovisual format, that demonstrate or depict the organizational structure, chain of command, and/or personnel composition of the Sununu Center.

10. Please produce a complete copy of any and all bylaws adopted pursuant to RSA 621:7, and all documents and communications related to the adoption of such bylaws.

11. Please produce a complete copy of the "DCYF Policy Manual" and any and all prior versions of the DCYF Policy Manual, whether or not such prior versions were referred to by that specific title.

12. Please produce a complete copy of any and all employee handbooks or manuals that were provided to any employee, agent, intern, or independent contractor that was employed by or contracted with the Sununu Center.

13. Please produce any and all notes, memoranda, or reports documenting suspected or alleged abuse or maltreatment of residents at the Sununu Center or Third Party Placements, including but not limited to Plaintiffs.

14. Please produce any and all documents and communications evidencing referrals of suspected or alleged abuse or maltreatment of residents at the Sununu Center or Third Party Placements to law enforcement authorities, including but not limited to referrals and accompanying written reports made pursuant to RSA 169-C:38.

15. Please produce a complete copy of all pleadings from any and all lawsuits, arbitrations, or civil actions alleging abuse or maltreatment of residents at the Sununu Center or Third Party Placements filed against DHHS prior to January 11, 2020 in any forum.

16. Please produce all communications prior to January 11, 2020 asserting, evidencing, or setting forth legal claims against DHHS arising from the suspected or alleged abuse or maltreatment of residents at the Sununu Center or Third Party Placements.

17. Please produce a complete copy of all agreements between DHHS and former residents of the Sununu Center or Third Party Placements that reflect, evidence, or memorialize the settlement of claims arising from the suspected or alleged abuse or maltreatment of residents at the Sununu Center or Third Party Placements, the conditions of confinement at the Sununu Center or Third Party Placements, and/or the provision of education to residents of the Sununu Center or Third Party Placements.

18. Please produce a complete copy of all consent judgments or consent decrees related to the suspected or alleged abuse or maltreatment of residents at the Sununu Center or Third Party Placements, the conditions of confinement at the Sununu Center or Third Party Placements, and/or the provision of education to residents of the Sununu Center or Third Party Placements.

19. Please produce a complete copy of any and all documents or records that relate in any way to any complaints made by residents of the Sununu Center or Third Party Placements regarding the conditions of their confinement at the Sununu Center or Third Party Placements, including but not limited to complaints concerning the suspected or alleged abuse or maltreatment of residents at the Sununu Center or Third Party Placements.

20. Please produce any and all documents related to any and all investigations or responses to investigations into suspected or alleged abuse or maltreatment of residents at the Sununu Center or Third Party Placements.

21. Please produce any and all audits, quality reviews, or the like of the Sununu Center or Third Party Placements.

22. Please produce a complete copy of any and all documents or records State Defendants provided to the New Hampshire State Police or the Joint YDC Task Force, either voluntarily or pursuant to compulsory legal process, including but not limited to the records referenced in ¶¶ 7 & 9 of the Affidavit of TFC Amanda Johnson attached hereto as Exhibit 1.

23. Please produce any and all documents related to any investigations by the New Hampshire State Attorney General into the suspected or alleged verbal, physical, sexual, and/or emotional abuse of children at the Sununu Center, including but not limited to the investigations described in the July 24, 1994 article in the New Hampshire Sunday News that is attached hereto as Exhibit 2 and the article dated December 17, 2000 in the New Hampshire Sunday News that is attached hereto as Exhibit 3.

24. Please produce any and all documents related to any investigations conducted by DHHS into the suspected or alleged verbal, physical, sexual, and/or emotional abuse of children at the Sununu Center, including but not limited to the investigations described in the November 3,

2000 article in The Union Leader that is attached hereto as Exhibit 4 and the article dated November 21, 2000 in The Union Leader that is attached hereto as Exhibit 5.

25. Please produce any and all documents related to any investigations by the Division for Children, Youth and Families into the suspected or alleged verbal, physical, sexual, and/or emotional abuse of children at the Sununu Center, including but not limited to the investigation described in the article dated April 20, 2001 in The Union Leader that is attached hereto as Exhibit 6.

26. Please produce any and all documents related to any investigations by the Disability Rights Center of New Hampshire or its predecessor organizations into the suspected or alleged verbal, physical, sexual, and/or emotional abuse of children at the Sununu Center, including but not limited to the investigation described in the article dated June 5, 2011 in The Union Leader that is attached hereto as Exhibit 7.

27. Please produce any and all documents relating to, responding to, or discussing the Disability Rights Center of New Hampshire's investigations, reviews, or audits of the Sununu Center.

28. Please produce any and all documents related to the firing, demotion, and/or transfer of three supervisors after 18 staff members complained about the treatment of children at the Sununu Center, as related in the July 21, 1994 article in The Union Leader that is attached hereto as Exhibit 8.

29. Please produce any and all documents related to the allegations made by two social workers in the Manchester office of the Division of Children, Youth and Families, who filed a \$2 million lawsuit claiming their supervisor sexually harassed them, created a hostile environment,

and displayed a perverse fascination with sexual abuse cases involving children, as related in the July 27, 1994 article in The Union Leader that is attached hereto as Exhibit 9.

30. Please produce any and all discovery produced in the lawsuit by two social workers in the Manchester office of the Division of Children, Youth and Families that is the subject of the July 27, 1994 article in The Union Leader that is attached hereto as Exhibit 9.

31. Please produce any and all documents related to the incident involving a 16-year-old boy who was locked in his room at the Sununu Center for three weeks even though he did not violate any rules, as related in the August 21, 1994 article in the New Hampshire Sunday News that is attached hereto as Exhibit 10.

32. Please produce any and all documents related to the policy changes instituted at the Sununu Center that are the subject of the November 21, 1994 article in The Union Leader that is attached hereto as Exhibit 11.

33. Please produce any and all documents related to the settlements entered with three Sununu Center supervisors after their termination for child abuse at the Sununu Center, as related in the January 29, 1995 article in the New Hampshire Sunday News that is attached hereto as Exhibit 12.

34. Please produce any and all documents related to the termination of Bradley Asbury and any other employees at the Sununu Center as a result of substantiated instances of severe verbal and psychological abuse and inappropriate and unauthorized confinement of youngsters that is the subject of the article dated November 10, 1996 in the New Hampshire Sunday News that is attached hereto as Exhibit 13.

35. Please produce any and all discovery produced in the federal lawsuit by Bradley Asbury against Lorrie Lutz and DHHS Commissioner Terry Morton that is referenced in the article

dated November 10, 1996 in the New Hampshire Sunday News that is attached hereto as Exhibit 13.

36. Please produce any and all documents related to the allegations of abuse at the Sununu Center and the criticism surrounding Department of Youth Development Services' operation of the Sununu Center referenced in the article dated January 4, 2001 in The Union Leader that is attached hereto as Exhibit 14.

37. Please produce any and all documents related to the investigation into widespread child abuse at the Sununu Center that is referenced in the April 8, 2001 article in the New Hampshire Sunday News that is attached hereto as Exhibit 15.

38. Please produce personnel files and records relating to the following individuals, including without limitation any and all disciplinary records, performance reviews, and the like:

- a. Lucien Poulette
- b. Frank Davis
- c. Stephen Murphy
- d. Jonathan Brand
- e. Gordon Thomas Searles
- f. Trevor Middleton
- g. Stanley Watson
- h. Victor Malavet
- i. Lamont Hicks
- j. Wesley Oates
- k. William Woodson
- l. Anthony Paquet

- m. Anthony Laforge
- n. Richard (Dick) Brown
- o. Joseph Peters
- p. Daniel Barry
- q. David Ball
- r. Eric Skillings
- s. Mark Greenwood
- t. Egon Jensen
- u. Kirstie Bean
- v. Lorrie Lutz

39. Produce the complete expert file including all documents, communications, and things collected by, considered by, provided to, reviewed by, or prepared for or by any person whom you may call as an expert witness at any hearing, or on whose oral or written testimony you may rely at any other stage of this litigation, including, but not limited to, all documents such person plans to use, rely on, or refer to in connection with such testimony.

40. Produce any and all statements, affidavits, memoranda, notes, or other documents that you have obtained from alleged witnesses that detail, discuss, reference, or concern any of the events and/or allegations described in the Complaints.

41. Produce any and all documents that you believe support any defenses you intend to raise in response to the Complaints.

42. Produce any and all documents you intend to rely on at the time of trial.

Respectfully Submitted,

DAVID MEEHAN, ET AL.

By and through counsel,

NIXON PEABODY LLP

Dated: December 16, 2022

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

/s/ Cyrus F. Rilee, III

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served by Electronic Mail on counsel for the Defendant DHHS, by agreement of the parties, on this 16th day of December, 2022.

/s/ David A. Vicinanzo

David A. Vicinanzo, Esq.

EXHIBIT G

STATE OF NEW HAMPSHIRE

MERRIMACK, SS

SUPERIOR COURT

CIVIL ACTION 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 LITIGATION)

**NEW HAMPSHIRE DEPARTMENT OF HEALTH AND HUMAN SERVICES
RESPONSES TO PLAINTIFFS' FIRST COMBINED SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS**

Pursuant to Rule 24 of the New Hampshire Superior Court Rules, the New Hampshire Department of Health and Human Services (“Defendant” or “DHHS”), by and through the Office of the New Hampshire Attorney General as counsel, submits these Responses and Objections to Plaintiffs’ First Combined Set of Requests for Production of Documents, dated October 13, 2022. Defendant reserves the right to supplement or amend any response or objection after further investigation or discovery.

GENERAL RESPONSES

1. These Responses and Objections are based on the best information currently available to Defendant. Defendant reserves the right to object to a request or parts thereof after a response or partial response is provided. Defendant further reserves the right to supplement or amend any response after further investigation or discovery.
2. To the extent Defendant responds to these requests by stating that documents will be produced that Defendant deems to contain confidential material and/or protected health

information, within the meaning of HIPAA, Defendant will produce such documents subject to the Protective Order dated July 11, 2022.

3. To the extent Defendant withholds a document on the basis of privilege, Defendant will expressly make the claim and Plaintiffs will be provided with a privilege log within a reasonable time thereof.
4. Defendant reserves the right to determine, in accordance with New Hampshire Superior Court Rule 24(b)(3) whether the documents produced in response to these requests will be produced as they are kept in the usual course of business or will be organized and labeled to correspond with the categories in the requests.
5. Defendant reserves all objections with respect to the relevance, materiality, and admissibility of all documents requested. These Responses and Objections are made without waiver of, or prejudice to, any such objections or right. To the extent Defendant produces documents in response to any request to which Defendant objects, such production is without waiver of the objection.

GENERAL OBJECTIONS

1. Defendant generally objects to any definition or instruction stated by Plaintiffs that exceed the requirements of New Hampshire Superior Court Rules or other legal obligation.
2. Defendant generally objects to all of Plaintiffs' requests on the grounds that they each request materials protected by the attorney-client privilege and/or the attorney work product privilege. This general objection is based, in part, on Plaintiffs' broad definitions of, *inter alia*, "DHHS," which includes attorneys.

3. Defendant generally objects to all of Plaintiffs' requests on the grounds that they each request materials protected by the statutory privilege of RSA 126-A:4, IV. This general objection is based, in part, on Plaintiffs' broad definitions of, *inter alia*, "DHHS," which include independent contractors, consultants, partners, affiliates, persons purporting to act on behalf of any of them, and/or other third parties that are not a part of the New Hampshire Department of Health and Human Services. Based on the breadth of these terms as defined by Plaintiffs, all of Plaintiffs' requests can be read to seek records of Defendant's quality assurance program.
4. Defendant generally objects to all of Plaintiffs' requests on the grounds that they each request production of information outside of Defendant's possession, custody, and control. This general objection is based, in part, on Plaintiffs' broad definitions of, *inter alia*, "DHHS," which include independent contractors, consultants, partners, affiliates, persons purporting to act on behalf of any of them, and/or other third parties.
5. Defendant generally objects to all of Plaintiffs' requests for production on the grounds that each one is overbroad, not reasonably particular, requests information that is not relevant to the parties' claims or defenses, and requests information that is not proportional to the needs of the case. For the reasons described above, this general objection is based, in part, on Plaintiffs' definitions of "DHHS,." Based on the breadth of these terms as defined by Plaintiffs, all of Plaintiffs' requests can be read to seek all information with an indirect relationship to the subject matter identified in each particular request regardless of the information's accessibility and regardless of whether it is within Defendant's possession, custody, or control. All of Plaintiffs' requests can accordingly be read to require Defendant to search each and every physical and electronic space

where information is stored regardless of its current accessibility, and to review all of the information in all of those spaces for any information that can be said to have even some indirect relationship to the subject matter identified in the particular request. Such a broad search would generate excessively large volumes of information that are not relevant to any claim or defense in this matter. It would likewise generate excessively large volumes of information that, even if marginally relevant, are not important to resolving any issue in this case. Based on the resources available to Defendant, conducting such a broad search would substantially interfere with Defendant's ability to administer and deliver essential protective services to children and thereby increase the risk that children will suffer serious harm. It would likewise substantially interfere with Defendant's ability to administer and deliver other services that are essential to the public health and welfare.

6. To the extent it is requested that defendant do so, defendant objects to producing documents electronically, today. Such a request is not reasonable as to time, manner and place and would in some cases call for production in a form other than as required by the rules. More specifically, the requests require searches across numerous databases, some of which are no longer in active use. The defendant has located sources of potentially relevant repositories of the requested records and those pertinent searches are underway. Reviewing all such records would be unduly burdensome. Defendant anticipates agreeing upon search terms with plaintiffs to effectuate efficient review of those relevant documents and expects to do so by December 31, 2022.
7. Defendant objects to producing documents that are privileged, and reserves its right to supplement its answers with respect to specific requests as and when privileged

documents are identified during the document gathering and review process, which is only just beginning.

8. Subject to its general and specific objections, defendant will produce such documents as are in its possession, custody or control as they are kept in the usual course of business. Defendants further state that due to the age of the documents requested, many of these documents, if they still exist, are in paper format.

OBJECTION TO DEFINITIONS

Definitions:

- A. Defendant objects to Definition A because the term, “DHHS,” as defined, includes independent contractors, attorneys, consultants, partners, affiliates, persons purporting to act on behalf of any of them (but without actual authority to act as an agent), and/or other third parties that are not a part of the New Hampshire Department of Health and Human Services, as established under RSA 126-A:4, and therefore, is overbroad and exceeds the requirements of the Superior Court Rules. Without waiving this objection, in responding to Plaintiffs’ requests, Defendant interprets the term “DHHS” to mean the New Hampshire Department of Health and Human Services established pursuant to RSA 126-A:4.
- B. Defendant objects to Definition B, because expanding the definition of the Sununu Center to include other locations, entities and agencies as described, the request becomes one which:
 1. seeks discovery regarding matter that is not relevant to the subject matter involved in the pending action,

2. seeks information that would be inadmissible at trial and is not reasonably calculated to lead to the discovery of admissible evidence,
3. causes unwarranted annoyance, embarrassment, or undue burden or expense, and/or
4. requires work in responding that would result in legal expense disproportionate to the matters at issue.

In answering these requests, defendant is treating “Sununu Center” as synonymous with the Youth Development Center (“YDC”) only.

DOCUMENTS REQUESTED

1. Please produce any and all documents and communications, in any form, evidencing or relating to sexual harassment of Jennifer (Veilleux) Doyle. This Request includes but is not limited to all reports, including investigative reports, by or about Ms. (Veilleux) Doyle concerning harassing statements or acts by staff or others from East Cottage, by anyone at the Sununu Center, or by any other state employee, including any JPPO.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. In addition, Defendant specifically objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work product privilege, the deliberative process privilege, the executive privilege, the legislative privilege, or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this request on the grounds that it seeks production of information outside of Defendant’s possession, custody, and control.

RESPONSE: Notwithstanding the foregoing objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

2. Please produce any and all documents and communications, in any form, evidencing or relating to retaliation or potential consequences against Jennifer (Veilleux) Doyle for raising allegations of sexual harassment against her, or alleged abuse or excessive force or verbal harassment against residents, by any state employee or agent. This Request includes but is not limited to investigative reports, letters of discipline or reprimand, or documents relating to other employment action or non-action of any kind from DHHS or the office of the Attorney General, including from former Deputy Attorney General Orville (Bud) Fitch.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. In addition, Defendant specifically objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work product privilege, the deliberative process privilege, the executive privilege, the legislative privilege, or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this request on the grounds that it seeks production of information outside of Defendant's possession, custody, and control.

RESPONSE: Notwithstanding the foregoing objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those

documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

3. Please produce any and all documents and communications, in any form, evidencing or relating to a letter or form of release executed by Jennifer (Veilleux) Doyle purportedly releasing the State of New Hampshire from liability for sexual harassment or other legal claims.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. In addition, Defendant specifically objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work product privilege, the deliberative process privilege, the executive privilege, the legislative privilege, or the statutory privilege of RSA 126-A:4, IV.

RESPONSE: Notwithstanding the foregoing objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

4. Please produce any and all documents and communications, in any form, evidencing or relating to incident reports, complaints, or other memorialization by Jennifer (Veilleux) Doyle suggesting or alleging that resident of the Sununu Center had been subject to excessive force or other forms of alleged abuse; that injury or pain had

been inflicted on a resident; or that the resident had been retaliated against for complaining or speaking about such alleged abuse.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. In addition, Defendant specifically objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work product privilege, the deliberative process privilege, the executive privilege, the legislative privilege, or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this request on the grounds that it seeks production of information outside of Defendant's possession, custody, and control.

RESPONSE: Notwithstanding the foregoing objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

5. Please produce any and all journals, calendar logs, or other documents that were authored or provided by Jennifer (Veilleux) Doyle to any staff member of the Sununu Center or other State employee, including but not limited to Rochelle Edmark and Peter Favreau; and copies of which were delivered to New Hampshire State Police investigators in recent years. This Request includes but is not limited to narratives allegedly provided by residents that Jennifer (Veilleux) Doyle provided to Sununu Center staff members or other State employees.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. In addition, Defendant specifically objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work product privilege, the deliberative process privilege, the executive privilege, the legislative privilege, or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this request on the grounds that it seeks production of information outside of Defendant's possession, custody, and control.

RESPONSE: Notwithstanding the foregoing objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

6. Please produce any and all documents and communications evidencing or relating to the absence or presence of video cameras or other recording or monitoring devices throughout the Sununu Center, including but not limited to the purported need for such devices, the resistance or opposition to such devices, the partial installation of such devices in 2004 and again in 2006, and the evasion or avoidance of such devices or techniques or attempts to render them inoperable or otherwise ineffective.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. In addition, Defendant specifically objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work product privilege, the deliberative process privilege, the executive privilege,

the legislative privilege, or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this request on the grounds that it seeks production of information outside of Defendant's possession, custody, and control.

RESPONSE: Notwithstanding the foregoing objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

7. Please produce any and all documents and communications evidencing or relating to the "Billy B" incident that resulted in the termination of employee Alan McDonald (Docket #98-T-3, Personnel Appeals Board (1998)), including but not limited to the case file or any investigative file (including by Wayne Eigabroadt), witness statements (including by John Biron and Stephanie Kalipolites), and any and all exhibits or records of the hearing or appeal.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. In addition, Defendant specifically objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work product privilege, the deliberative process privilege, the executive privilege, the legislative privilege, or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this request on the grounds that it seeks production of information outside of Defendant's possession, custody, and control.

RESPONSE: Notwithstanding the foregoing objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

8. Please produce personnel files and records relating to the following individuals:
 - a. Dan Gray
 - b. Jeff Buskey
 - c. Tim Roy
 - d. James Woodlock
 - e. Brad Asbury
 - f. Robert Kukla
 - g. Paula Powell
 - h. John Chaisson
 - i. Dan Carrigan
 - j. Peter Favreau
 - k. Rochelle Edmark
 - l. Jennifer (Veilleux) Doyle
 - m. Julie Conway
 - n. Philip Nadeau
 - o. Richard (Dick) Croteau
 - p. Dan Barry

This request shall not be subject to the date limitation set forth in Instruction A, but shall encompass all responsive documents, no matter the date range.

OBJECTION: Subject to the General Objections, Defendant further objects to this request to the extent that it seeks production of personnel files for non-parties. In that regard, this request calls for legally restricted and confidential documents and information (*see* N.H. Administrative Rules Per. 1501.01, *et seq.*), would cause unwarranted annoyance, embarrassment, or undue burden or expense, and would result in legal expense disproportionate to the matters at issue. Producing such files without an appropriate court order, would additionally require review and redaction of all information in those files except for references that relate to publicly available information. Defendant declines to produce these documents without a court order specifically compelling their production or written consent pursuant to the rules authorizing their production.

Respectfully Submitted,

State of New Hampshire; New Hampshire
Department of Health and Human Services;
Department of Youth Development Services;
Division of Children, Youth, and Families; Division
of Juvenile Justice Services; and Sununu Youth
Services Center, a/k/a Youth Development Center
and Youth Development Services Unit, f/k/a State
Industrial School and Adolescent Detention Center

By their attorneys,

JOHN M. FORMELLA
ATTORNEY GENERAL

Date: December 14, 2022

/s/ Brandon F. Chase
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent via email this same date to all interested parties.

/s/ Brandon F. Chase

Brandon F. Chase

EXHIBIT H

STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS

SUPERIOR COURT

CIVIL ACTION 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 LITIGATION)

NEW HAMPSHIRE DEPARTMENT OF HEALTH AND HUMAN SERVICES DHHS’
RESPONSE TO PLAINTIFFS’ SECOND COMBINED SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED ON DEFENDANT
DEPARTMENT OF HEALTH AND HUMAN SERVICES

Pursuant to Rule 24 of the New Hampshire Superior Court Rules, the New Hampshire Department of Health and Human Services (Defendant or DHHS), by and through the Office of the New Hampshire Attorney General, as counsel, submits these Responses to Plaintiffs’ Second Combined Set of Requests for Production of Documents, dated November 30, 2022. Defendant reserves the right to supplement or amend any response or objection after further investigation or discovery.

GENERAL RESPONSES

1. These Responses and Objections are based on the best information currently available to Defendant. Defendant reserves the right to object to a request or parts thereof after a response or partial response is provided. Defendant further reserves the right to supplement or amend any response after further investigation or discovery.
2. To the extent Defendant responds to these requests by stating that documents will be produced that Defendant deems to contain confidential material and/or protected health information, within the meaning of HIPAA, Defendant will produce such documents subject to the Protective Order dated July 11, 2022.

3. To the extent Defendant withholds a document on the basis of privilege, Defendant will expressly make the claim and Plaintiffs will be provided with a privilege log within a reasonable time thereof.
4. Defendant reserves the right to determine, in accordance with New Hampshire Superior Court Rule 24(b)(3) whether the documents produced in response to these requests will be produced as they are kept in the usual course of business or will be organized and labeled to correspond with the categories in the requests.
5. Defendant reserves all objections with respect to the relevance, materiality, and admissibility of all documents requested. These Responses and Objections are made without waiver of, or prejudice to, any such objections or right. To the extent Defendant produces documents in response to any request to which Defendant objects, such production is without waiver of the objection.

GENERAL OBJECTIONS

1. Defendant generally objects to any definition or instruction stated by Plaintiffs that exceed the requirements of New Hampshire Superior Court Rules or other legal obligation.
2. Defendant generally objects to all of Plaintiffs' requests on the grounds that they each request materials protected by the attorney-client privilege and/or the attorney work product privilege. This general objection is based, in part, on Plaintiffs' broad definitions of "DHHS," "Representative," and "You/Your/Defendant," which includes attorneys.
3. Defendant generally objects to all of Plaintiffs' requests on the grounds that they each request materials protected by the statutory privilege of RSA 126-A:4, IV. This general objection is based, in part, on Plaintiffs' broad definitions of "DHHS," "Representative," and "You/Your/Defendant," which include independent contractors, consultants, partners,

affiliates, persons purporting to act on behalf of any of them, and/or other third parties that are not a part of the New Hampshire Department of Health and Human Services.

Based on the breadth of these terms as defined by Plaintiffs, all of Plaintiffs' requests can be read to seek records of Defendant's quality assurance program.

4. Defendant generally objects to all of Plaintiffs' requests on the grounds that they are unduly broad in scope, as Plaintiffs' requests seek documents and things for a period of over sixty years, from 1960 to the present, and unduly burdensome, as such documents and things, if they still exist may be stored in a variety of locations and media, which may or may not be locatable or accessible.
5. Defendant generally objects to all of Plaintiffs' requests on the grounds that they each request production of information outside of Defendant's possession, custody, and control. This general objection is based, in part, on Plaintiffs' broad definitions of "DHHS," "Representative," and "You/Your/Defendant," which include independent contractors, consultants, partners, affiliates, persons purporting to act on behalf of any of them, and/or other third parties.
6. Defendant generally objects to all of Plaintiffs' requests for production on the grounds that each one is overbroad, not reasonably particular, requests information that is not relevant to the parties' claims or defenses, and requests information that is not proportional to the needs of the case. For the reasons described above, this general objection is based, in part, on Plaintiffs' definitions of "DHHS," "Representative," and "You/Your/Defendant". Based on the breadth of these terms as defined by Plaintiffs, all of Plaintiffs' requests can be read to seek all information with an indirect relationship to the subject matter identified in each particular request regardless of the information's accessibility and regardless of whether it is within Defendant's possession, custody, or

control. All of Plaintiffs' requests can accordingly be read to require Defendant to search each and every physical and electronic space where information is stored regardless of its current accessibility, and to review all of the information in all of those spaces for any information that can be said to have even some indirect relationship to the subject matter identified in the particular request. Such a broad search would generate excessively large volumes of information that are not relevant to any claim or defense in this matter. It would likewise generate excessively large volumes of information that, even if marginally relevant, are not important to resolving any issue in this case. Based on the resources available to Defendant, conducting such a broad search would substantially interfere with Defendant's ability to administer and deliver essential protective services to children and thereby increase the risk that children will suffer serious harm. It would likewise substantially interfere with Defendant's ability to administer and deliver other services that are essential to the public health and welfare.

7. To the extent it is requested that Defendant do so, Defendant objects to producing documents electronically today, December 30, 2022, on the same date these Responses are served. Such a request is not reasonable as to time, manner and place and would in some cases call for production in a form other than as required by the Rules.
8. Defendant objects to producing documents that are privileged and reserves its right to supplement its answers with respect to specific requests as and when privileged documents are identified during the document gathering and review process, which is only just beginning.
9. The Defendant objects to these requests on the grounds that it seeks documents that are equally available to or are already in the possession, custody, or control of the Plaintiffs.

10. Subject to its general and specific objections, Defendant will produce such documents as are in its possession, custody, or control as they are kept in the usual course of business. Defendant further state that due to the age of the documents requested, many of these documents, if they still exist, are in paper format.

OBJECTION TO DEFINITIONS

Definitions:

- A. Defendant objects to Definition A because the term, “DHHS,” as defined, includes independent contractors, attorneys, consultants, partners, affiliates, persons purporting to act on behalf of any of them (but without actual authority to act as an agent), and/or other third parties that are not a part of the New Hampshire Department of Health and Human Services, as established under RSA 126-A:4, and therefore, is overbroad and exceeds the requirements of the Superior Court Rules. Without waiving this objection, in responding to Plaintiffs’ requests, Defendant interprets the term “DHHS” to mean the New Hampshire Department of Health and Human Services established pursuant to RSA 126-A:4.
- B. Defendant objects to Definition B, because expanding the definition of the Sununu Center to include other locations, entities and agencies as described, the request becomes one which:
1. seeks discovery regarding matter that is not relevant to the subject matter involved in the pending action,
 2. seeks information that would be inadmissible at trial and is not reasonably calculated to lead to the discovery of admissible evidence,
 3. causes unwarranted annoyance, embarrassment, or undue burden or expense, and/or

4. requires work in responding that would result in legal expense disproportionate to the matters at issue.

In answering these requests, defendant is treating “Sununu Center” as synonymous with that which is defined under RSA 21-M:11-a.

RESPONSES TO REQUESTS

1. Please produce a complete copy of any and all rules, policies, manuals, or the like, whether in written, electronic, audio, or audiovisual format, that relate in any way to the hiring, training, supervision, and/or retention of any individual or entity that supervised or provided counseling or therapeutic services to the residents at the Sununu Center.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. In addition, Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this request on the grounds that it seeks production of information outside of Defendant’s possession, custody, and control. Further, the Defendant objects to these requests on the grounds that it seeks documents that are equally available to or are already in the possession, custody, or control of the Plaintiffs.

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant’s possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed. By way of further answer, Plaintiffs are, and

have been, able to conduct the same or substantially similar search functionalities as Defendant utilizing their own discovery platform to locate responsive documents already produced.

2. Please produce a complete copy of any and all rules, policies, manuals, or the like, whether in written, electronic, audio, or audiovisual format, that relate in any way to the hiring, training, supervision and/or retention of any individual or entity that provided medical care or services to the residents of the Sununu Center, including mental health care or services.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. In addition, Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this request on the grounds that it seeks production of information outside of Defendant's possession, custody, and control. Further, the Defendant objects to these requests on the grounds that it seeks documents that are equally available to or are already in the possession, custody, or control of the Plaintiffs.

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed. By way of further answer, Plaintiffs are, and have been, able to conduct the same or substantially similar search functionalities as Defendant utilizing their own discovery platform to locate responsive documents already produced.

3. Please produce a complete copy of any and all rules, policies, manuals, or the like, whether in written, electronic, audio, or audiovisual format, that relate in any way to the hiring, training, supervision, and/or retention of any individual or entity who was in a pedagogic position at the Sununu Center including, but not limited to, teachers, physical education teachers, coaches, and tutors.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. In addition, Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this request on the grounds that it seeks production of information outside of Defendant's possession, custody, and control. Further, the Defendant objects to these requests on the grounds that it seeks documents that are equally available to or are already in the possession, custody, or control of the Plaintiffs.

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed. By way of further answer, Plaintiffs are, and have been, able to conduct the same or substantially similar search functionalities as Defendant utilizing their own discovery platform to locate responsive documents already produced.

4. Please produce a complete copy of any and all rules, policies, manuals, or the like, whether in written, electronic, audio or audiovisual format, that relate in any way to the

hiring, training, supervision, and/or retention of any individual or entity that supervised or provided religious counseling or services to the residents at the Sununu Center.

RESPONSE: Notwithstanding the foregoing General Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed. By way of further answer, Plaintiffs are, and have been, able to conduct the same or substantially similar search functionalities as Defendant utilizing their own discovery platform to locate responsive documents already produced.

5. Please produce a complete copy of any and all rules, policies, manuals, or the like, whether in written, electronic, audio or audiovisual format, that relate in any way to the hiring, training, supervision, and/or retention of any individual or entity who had the authority to discipline the residents of the Sununu Center.

RESPONSE: Notwithstanding the foregoing General Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed. By way of further answer, Plaintiffs are, and have been, able to conduct the same or substantially similar search functionalities as Defendant utilizing their own discovery platform to locate responsive documents already produced.

6. Please produce a complete copy of any and all Sununu Center, rules, policies, manuals, or the like, whether in written, electronic, audio or audiovisual format, that relate in any way to:

- a. Provision of medication;
- b. Strip searches;
- c. Means, measures and techniques to be used to discipline residents;
- d. The use of physical restraint(s);
- e. The use of physical force on residents;
- f. The use of solitary confinement, “out of community” confinement, and/or cell/room confinement;
- g. The reporting of any suspicion of possible abuse of residents observed by staff members and/or other residents, whether such abuse was of a physical, sexual, emotional, verbal or other nature.

RESPONSE: Notwithstanding the foregoing General Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant’s possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed. By way of further answer, Plaintiffs are, and have been, able to conduct the same or substantially similar search functionalities as Defendant utilizing their own discovery platform to locate responsive documents already produced.

7. Please produce a complete copy of any and all rules, policies, manuals, or the like, whether in written, electronic, audio, or audiovisual format, that relate in any way to the hiring, training, supervision, and/or retention of any of the employees and/or agents and/or interns and/or contractors providing services at the Sununu Center.

RESPONSE: Notwithstanding the foregoing General Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed. By way of further answer, Plaintiffs are, and have been, able to conduct the same or substantially similar search functionalities as Defendant utilizing their own discovery platform to locate responsive documents already produced.

8. Please produce a complete copy of any and all Sununu Center regulations, rules, policies, manuals, or the like, whether in written, electronic, audio or audiovisual format, that relate in any way to the confinement of residents to their rooms or to solitary confinement cells as a form of discipline and to the provision of educational services during any time residents are confined to their rooms or to solitary confinement cells.

RESPONSE: Notwithstanding the foregoing General Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed. By way of further answer, Plaintiffs are, and have been, able to conduct the same or substantially similar search functionalities as Defendant utilizing their own discovery platform to locate responsive documents already produced.

9. Please produce a complete copy of any and all rules, policies, manuals, or the like, whether in written, electronic, audio or audiovisual format, that relate in any way to the provision of educational services to residents at the Sununu Center, including special educational services required pursuant to individualized educational plans (IEPs).

RESPONSE: Notwithstanding the foregoing General Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed. By way of further answer, Plaintiffs are, and have been, able to conduct the same or substantially similar search functionalities as Defendant utilizing their own discovery platform to locate responsive documents already produced.

10. Please produce a copy of any and all contracts between DHHS and any person or entity for the provision of educational services to the residents at the Sununu Center.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. In addition, Defendant objects to this Request to the extent it seeks anything beyond fully executed contracts, and specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, attorney-client privilege, the attorney work product privilege, as seeking information that is not relevant to the parties' claims or defenses and requesting information that is not proportional to the needs of the case. Defendant also objects to this request on the grounds that it seeks production of information outside of Defendant's possession, custody, and control.

RESPONSE: Notwithstanding the foregoing General Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

11. Please produce a complete copy of any and all floorplans, blueprints, schematics, drawings, or other depictions of the layout of the entire Sununu Center facility, including the locations of video cameras.

RESPONSE: Notwithstanding the foregoing General Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive documents, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered to the extent they are within Defendant's possession, responsive, and non-privileged. Subject to the general objections, Defendant states that it has produced some responsive documents in its possession, custody, or control. By way of further answer, Plaintiffs are, and have been, able to conduct the same or substantially similar search functionalities as Defendant utilizing their own discovery platform to locate responsive documents already produced. Defendant will supplement this request as ongoing discovery necessitates.

12. Please produce a complete copy of the Resident Files, as defined by TFC Amanda Johnson in her Affidavit attached hereto as Exhibit 1, that reference or in any way relate to Plaintiffs.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant further objects to this request to the extent it would require production of resident files of individuals other than the plaintiffs. In that regard, this request calls for privileged and confidential documents (see RSA 621:15 and 621-A:7), seeks discovery regarding a matter that is not relevant to the subject matter involved in the pending action unwarranted annoyance, embarrassment, or undue burden or expense.

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, DHHS states that it has produced over 600 resident files thus far and continues to provide a resident file to each individual who has submitted an Authorization to Release RSA 169-C Abuse and Neglect Proceeding Court Files, RSA 170-G:8-a DCYF Case Records, and Related Materials (“Request”). To the extent Defendant receives a Request for a resident file and the appropriate Release from an individual Plaintiff, Defendant will produce that Plaintiff’s Resident File subject to the above objections within a reasonable time after such documents are located and reviewed.

13. Please produce a complete copy of the Daily Cottage Reports, as defined by TFC Amanda Johnson in her Affidavit attached hereto as Exhibit 1, that reference or relate in any way to Plaintiffs.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. In addition, Defendant specifically objects to this Request to the extent it seeks documents and information that is not relevant to the parties’ claims or defenses and requests information that is not proportional to the needs of the case. Defendant objects to this request as the definition of Daily Cottage Reports is overly broad.

RESPONSE: Notwithstanding the foregoing General Objections and without waiving them, Defendant states that it produced the documents titled “Daily Cottage Reports” in its possession, custody, or control. By way of further answer, Plaintiffs are, and have been, able to conduct the

same or substantially similar search functionalities as Defendant utilizing their own discovery platform to locate responsive documents already produced. Defendant further states that it is compiling and reviewing additional documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies additional responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

14. Please produce a complete copy of the Cottage Logbooks, as defined by TFC Amanda Johnson in her Affidavit attached hereto as Exhibit 1, that reference or relate in any way to Plaintiffs.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. In addition, Defendant specifically objects to this Request to the extent it seeks documents and information that is not relevant to the parties' claims or defenses and requests information that is not proportional to the needs of the case. Defendant further objects to this request as the definition of Cottage Logbooks is overly broad, vague, and ambiguous.

RESPONSE: Notwithstanding the foregoing General Objections and without waiving them, Defendant states that it produced the documents titled "Cottage Logbooks" in its possession, custody, or control. By way of further answer, Plaintiffs are, and have been, able to conduct the same or substantially similar search functionalities as Defendant utilizing their own discovery platform to locate responsive documents already produced. Defendant further states that it is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies additional responsive, non-privileged documents in its

possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

15. Please produce a complete copy of the Communications Logbooks, as defined by TFC Amanda Johnson in her Affidavit attached hereto as Exhibit 1, that reference or relate in any way to Plaintiffs.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. In addition, Defendant specifically objects to this Request to the extent it seeks documents and information that is not relevant to the parties' claims or defenses and requests information that is not proportional to the needs of the case. Defendant further objects to this request as the definition of Communications Logbooks as overly broad, vague, and ambiguous.

RESPONSE: Notwithstanding the foregoing General Objections and without waiving them, Defendant states that it produced the documents titled "Communications Logbooks" in its possession, custody, or control. By way of further answer, Plaintiffs are, and have been, able to conduct the same or substantially similar search functionalities as Defendant utilizing their own discovery platform to locate responsive documents already produced. Defendant further states that it is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies additional responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

16. Please produce a complete copy of the Operations Logbooks, as defined by TFC Amanda Johnson in her Affidavit attached hereto as Exhibit 1, that reference or relate in any way to Plaintiffs.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. In addition, Defendant specifically objects to this Request to the extent it seeks documents and information that is not relevant to the parties' claims or defenses and requests information that is not proportional to the needs of the case. Defendant further objects to this request as the definition of Operations Logbooks as overly broad, vague, and ambiguous.

RESPONSE: Notwithstanding the foregoing General Objections and without waiving them, Defendant states that it produced the documents titled "Operations Logbooks" in its possession, custody, or control. By way of further answer, Plaintiffs are, and have been, able to conduct the same or substantially similar search functionalities as Defendant utilizing their own discovery platform to locate responsive documents already produced. Defendant further states that it is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies additional responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

17. Please produce a complete copy of the Incident Logbooks, as defined by TFC Amanda Johnson in her Affidavit attached hereto as Exhibit 1, that reference or relate in any way to Plaintiffs.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. In addition, Defendant specifically objects to this Request to the extent it seeks documents and information that is not relevant to the parties' claims or defenses and requests information that is not proportional to the needs of the case. Defendant

further objects to this request as the definition of Incident Logbooks as overly broad, vague, and ambiguous.

RESPONSE: Notwithstanding the foregoing General Objections and without waiving them, Defendant states that it produced the documents titled “Incident Logbooks” in its possession, custody, or control. By way of further answer, Plaintiffs are, and have been, able to conduct the same or substantially similar search functionalities as Defendant utilizing their own discovery platform to locate responsive documents already produced. Defendant further states that it is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant’s possession, responsive, and non-privileged. To the extent Defendant identifies additional responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

18. Please produce a complete copy of the personnel records, as defined by TFC Amanda Johnson in her Affidavit attached hereto as Exhibit 1, for every employee, agent, intern, or independent contractor that was employed by or contracted with the Sununu Center, including any available photographs of the individuals.

OBJECTION: Subject to the General Objections. Defendant further objects to this request to the extent that it seeks production of personnel files for non-parties. In that regard, this request calls for legally restricted and confidential documents and information (*see* N.H. Administrative Rules Per. 1501.01, *et seq.*), would cause unwarranted annoyance, embarrassment, or undue burden or expense, and would result in legal expense disproportionate to the matters at issue. Producing such files without an appropriate court order or a written consent pursuant to the N.H. Administrative Rules Per. 1501.01, *et seq.*, would additionally require review and redaction of all information in those files except for references that relate to publicly available information.

Defendant declines to produce these documents without a court order specifically compelling their production or written consent pursuant to the rules authorizing their production. Defendant further objects to this request because it seeks information that is overbroad, not reasonably particular, requests information that is not relevant to the parties' claims or defenses, and requests information that is not proportional to the needs of the case. Defendant further objects to this request as the definition of "personnel records" as overly broad, vague, and ambiguous.

RESPONSE: Subject to these objections and the General Objections, Defendant has begun collecting and is segregating these documents for potentially responsive custodians to facilitate prompt production if the Court compels the production of the documents or written consent to produce these documents is received.

19. Please produce a complete copy of the work shift records, as defined by TFC Amanda Johnson in her Affidavit attached hereto as Exhibit 1, for every employee, agent, intern, or independent contractor that was employed by or contracted with the Sununu Center.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. In addition, Defendant specifically objects to this Request to the extent it seeks documents and information that is not relevant to the parties' claims or defenses and request information that is not proportional to the needs of the case. Defendant further objects to this request as the definition of work shift records is vague and ambiguous.

RESPONSE: Notwithstanding the foregoing General Objections and without waiving them, Defendant states that it produced documents in its possession, custody, or control. Defendant further states that it is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies additional responsive, non-

privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

20. Please produce a complete copy of any and all Sununu Center videotapes that relate in any way to Plaintiffs.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. In addition, Defendant specifically objects to this Request as overbroad and to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work product privilege, as seeking information that is not relevant to the parties' claims or defenses and requesting information that is not proportional to the needs of the case.

RESPONSE: Notwithstanding the foregoing General Objections and without waiving them, Defendant states that it is compiling and reviewing documents and other materials, including videotapes, and will produce them on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged videotapes in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

21. Please produce a complete copy of any and all communications between Defendant's agents, employees, interns, or independent contractors that relate in any way to Plaintiffs.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. In addition, Defendant objects to this request as overbroad and unduly burdensome, and specifically objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work product privilege, the deliberative process privilege, the executive privilege, the legislative privilege, and/or the

statutory privilege of RSA 126-A:4, IV, as seeking information that is not relevant to the parties' claims or defenses and requesting information that is not proportional to the needs of the case.

RESPONSE: Notwithstanding the foregoing General Objections and without waiving them, Defendant further states that it is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

22. Please produce a copy of any and all communications between DHHS agents, employees, interns, or independent contractors and any other person or entity that relate in any way to Plaintiffs.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. In addition, Defendant objects to this request as overboard and unduly burdensome, and Defendant specifically objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work product privilege, the deliberative process privilege, the executive privilege, the legislative privilege, or the statutory privilege of RSA 126-A:4, IV, as seeking information that is not relevant to the parties' claims or defenses and requesting information that is not proportional to the needs of the case.

RESPONSE: Notwithstanding the foregoing General Objections and without waiving them, Defendant further states that it is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-

privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

Respectfully Submitted,

State of New Hampshire; New Hampshire
Department of Health and Human Services;
Department of Youth Development Services;
Division of Children, Youth, and Families; Division
of Juvenile Justice Services; and Sununu Youth
Services Center, a/k/a Youth Development Center
and Youth Development Services Unit, f/k/a State
Industrial School and Adolescent Detention Center

By their attorneys,

JOHN M. FORMELLA
ATTORNEY GENERAL

Date: December 30, 2022

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/s/ Sarah E. Hirshon
John W. VanLonkhuyzen (admitted *pro hac vice*)
Maine Bar No. 3487
Sara E. Hirshon (admitted *pro hac vice*)
Maine Bar No. 4776
Martin C. Topol (admitted *pro hac vice*)

EXHIBIT I

STATE OF NEW HAMPSHIRE

MERRIMACK, SS

SUPERIOR COURT

CIVIL ACTION 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 LITIGATION)

NEW HAMPSHIRE DEPARTMENT OF HEALTH AND HUMAN SERVICES
(DHHS)' RESPONSE TO PLAINTIFFS' THIRD COMBINED SET OF REQUESTS
FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 24 of the New Hampshire Superior Court Rules, the New Hampshire Department of Health and Human Services (“Defendant” or “DHHS”), by and through the Office of the New Hampshire Attorney General, as counsel, submits these Responses to Plaintiffs’ Third Combined Set of Requests for Production of Documents, dated December 16, 2022. Defendant reserves the right to supplement or amend any response or objection after further investigation or discovery.

GENERAL RESPONSES

1. These Responses and Objections are based on the best information currently available to Defendant. Defendant reserves the right to object to a Request or parts thereof after a response or partial response is provided. Defendant further reserves the right to supplement or amend any response after further investigation or discovery.
2. To the extent Defendant responds to these Requests by stating that documents will be produced that Defendant deems to contain confidential material and/or protected health

information, within the meaning of HIPAA, Defendant will produce such documents subject to the Stipulated Protective Order dated July 11, 2022.

3. To the extent Defendant withholds a document on the basis of privilege, Defendant will expressly make the claim and Plaintiffs will be provided with a privilege log within a reasonable time thereof.
4. Defendant reserves the right to determine, in accordance with New Hampshire Superior Court Rule 24(b)(3), whether the documents produced in response to these Requests will be produced as they are kept in the usual course of business or will be organized and labeled to correspond with the categories in the Requests.
5. Defendant reserves all objections with respect to the relevance, materiality, and admissibility of all documents requested. These Responses and Objections are made without waiver of, or prejudice to, any such objections or right. To the extent Defendant produces documents in response to any Request to which Defendant objects, such production is without waiver of the objection.

GENERAL OBJECTIONS

1. Defendant generally objects to any definition or instruction stated by Plaintiffs that exceed the requirements of New Hampshire Superior Court Rules or other legal obligation.
2. Defendant generally objects to all of Plaintiffs' Requests on the grounds that they each request materials protected by the attorney-client privilege and/or attorney work product. This general objection is based, in part, on Plaintiffs' broad definitions of "DHHS," "Third Party Placement" and "You/Your/Defendant," which include attorneys.
3. Defendant generally objects to all of Plaintiffs' Requests on the grounds that they each request materials protected by the statutory privilege of RSA 126-A:4, IV. This general

objection is based, in part, on Plaintiffs' broad definitions of "DHHS," "Third Party Placement," and "You/Your/Defendant," which include independent contractors, consultants, partners, affiliates, persons purporting to act on behalf of any of them, and/or other third parties that are not a part of the New Hampshire Department of Health and Human Services. Based on the breadth of these terms as defined by Plaintiffs, all of Plaintiffs' Requests can be read to seek records of Defendant's quality assurance program.

4. Defendant generally objects to all of Plaintiffs' Requests on the grounds that they are unduly broad in scope, as Plaintiffs' Requests seek documents and things for a period of over sixty years, from 1960 to the present, and unduly burdensome, as such documents and things may no longer exist and if they still exist may be stored in a variety of locations and media, which may or may not be locatable or accessible.
5. Defendant generally objects to all of Plaintiffs' Requests on the grounds that they each request production of information not within Defendant's possession, custody, and control. This general objection is based, in part, on Plaintiffs' broad definitions of "DHHS," and "Third Party Placement" which include independent contractors, consultants, partners, affiliates, persons purporting to act on behalf of any of them, and/or other third parties.
6. Defendant generally objects to all of Plaintiffs' Requests for production on the grounds that each one is overbroad, not reasonably particular, requests information that is not relevant to the parties' claims or defenses, and requests information that is not proportional to the needs of the case. For the reasons described above, this general objection is based, in part, on Plaintiffs' definitions of "DHHS," "Third Party Placement" and "Sununu Center". Based on the breadth of these terms as defined by Plaintiffs, all of Plaintiffs' Requests can be read to seek all information with an indirect relationship to the subject

matter identified in each particular Request regardless of the information's accessibility and regardless of whether it is within Defendant's possession, custody, or control. All of Plaintiffs' Requests can accordingly be read to require Defendant to search each and every physical and electronic space where information is stored regardless of its current accessibility, and to review all of the information in all of those spaces for any information that can be said to have even some indirect relationship to the subject matter identified in the particular Request. Such a broad search would generate excessively large volumes of information that are not relevant to any claim or defense in this matter. It would likewise generate excessively large volumes of information that, even if marginally relevant, are not important to resolving any issue in this case. Based on the resources available to Defendant, conducting such a broad search would substantially interfere with Defendant's ability to administer and deliver essential protective services to children and thereby increase the risk that children will suffer serious harm. It would likewise substantially interfere with Defendant's ability to administer and deliver other services that are essential to the public health and welfare.

7. To the extent it is requested that Defendant do so, Defendant objects to producing documents electronically today, January 17, 2023, on the same date these Responses are served. Such a Request is not reasonable as to time, manner and place and would in some cases call for production in a form other than as required by the Rules.
8. Defendant generally objects to producing documents that are privileged and reserves its right to supplement its answers with respect to specific Requests as and when privileged documents are identified during the document gathering and review process, which is only just beginning.

9. Defendant generally objects to these Requests on the grounds that they seek documents that are equally available to or are already in the possession, custody, or control of the Plaintiffs.
10. Defendant previously produced more than 2,500,000 pages of documents as part of its “Voluntary Disclosures,” and Plaintiffs have the same ability to search these previously produced materials as Defendant. Defendant generally objects to these Requests to the extent that they seek to impose an additional obligation on Defendant to provide more specificity about the responsiveness of documents produced as part of the “Voluntary Disclosures.”
11. Subject to its general and specific objections, Defendant will produce such documents as are in its possession, custody, or control as they are kept in the usual course of business. Defendants further state that due to the age of the documents requested, many of these documents, if they still exist, are in paper format.

OBJECTION TO DEFINITIONS

Definitions:

- A. Defendant objects to Definition A because the term, “DHHS,” as defined, includes independent contractors, attorneys, consultants, partners, affiliates, persons purporting to act on behalf of any of them (but without actual authority to act as an agent), and/or other third parties that are not a part of the New Hampshire Department of Health and Human Services, as established under RSA 126-A:4, and therefore, is overbroad and exceeds the requirements of the Superior Court Rules. Without waiving this objection, in responding to Plaintiffs’ Requests, Defendant interprets the term “DHHS” to mean the New Hampshire Department of Health and Human Services established pursuant to RSA 126-A:4.

B. Defendant objects to the definition of “Sununu Center”, because expanding the definition of the Sununu Center to include other locations, entities and agencies as described, the Request becomes one which:

1. seeks discovery regarding matter that is not relevant to the subject matter involved in the pending action,
2. seeks information that would be inadmissible at trial and is not reasonably calculated to lead to the discovery of admissible evidence,
3. causes unwarranted annoyance, embarrassment, or undue burden or expense, and/or
4. requires work in responding that would result in legal expense disproportionate to the matters at issue.

In answering these requests, defendant is treating “Sununu Center” as synonymous with that which is defined under RSA 21-M:11-a.

C. Defendant objects to the definition of “abuse or maltreatment of residents” as overly broad, vague and ambiguous, and as seeking information that is not within Defendant’s possession, custody or control.

RESPONSES TO REQUESTS

1. Please produce a complete copy of any and all policies, procedures, or the like governing the retention of documents and communications related to the Sununu Center, including but not limited to any and all policies, procedures, or the like, governing the retention of surveillance video.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, or the statutory privilege of RSA 126-A:4, IV. Defendant also

objects to this Request on the grounds that it seeks production of information that is not within Defendant's possession, custody, and control. Further, Defendant objects to this Request to the extent that it seeks documents that are equally available to or are already in the possession, custody, or control of Plaintiffs. Defendant previously produced more than 2,500,000 pages of documents as part of its "Voluntary Disclosures," and Plaintiffs have the same ability to search these previously produced materials as Defendant. Defendant objects to this Request to the extent that it seeks to impose an additional obligation on Defendant to provide more specificity about the responsiveness of documents produced as part of the "Voluntary Disclosures."

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

2. Please produce a complete copy of any and all policies, procedures, or the like governing the retention of documents and communications related to DHHS's placement of juveniles in Third Party Placements.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, or the statutory privilege of RSA 126-A:4, IV. Further, Defendant objects to this Request to the extent that it seeks documents that are equally available to or are already in the possession, custody, or control of the Plaintiffs. Defendant previously produced more than 2,500,000 pages of documents as part of its "Voluntary Disclosures," and

Plaintiffs have the same ability to search these previously produced materials as Defendant. Defendant objects to this Request to the extent that it seeks to impose an additional obligation on Defendant to provide more specificity about the responsiveness of documents produced as part of the “Voluntary Disclosures.”

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant’s possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

3. Please produce a complete copy of all rules, regulations, bylaws, policies, or similar relating to DHHS’s placement of juveniles in Third Party Placements.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, the attorney-client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV. Further, Defendant objects to this Request to the extent that it seeks documents that are equally available to or are already in the possession, custody, or control of the Plaintiffs. Defendant previously produced more than 2,500,000 pages of documents as part of its “Voluntary Disclosures,” and Plaintiffs have the same ability to search these previously produced materials as Defendant. Defendant objects to this Request to the extent that it seeks to impose an additional obligation on Defendant to provide more specificity about the responsiveness of documents produced as part of the “Voluntary Disclosures.”

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

4. Please produce a complete copy of all contracts between DHHS and Third Party Placements, including but not limited to contracts relating to DHHS's placement of juveniles in Third Party Placements.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, the attorney-client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this Request on the grounds that it is premature. In addition, Defendant objects to this Request to the extent it seeks anything beyond fully executed contracts, and as seeking information that is not relevant to the parties' claims or defenses and as requesting information that is not proportional to the needs of the case. Defendant further objects to this Request to the extent that it seeks production of information not within Defendant's possession, custody, and control.

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession,

Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

5. Please produce a complete copy of all insurance information for Third Party Placements, including but not limited to certificates of insurance for Third Party Placements.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, the attorney-client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV. In addition, Defendant objects to this Request to the extent it seeks anything beyond Certificates of Insurance or insurance policies, and as seeking information that is not relevant to the parties' claims or defenses and as requesting information that is not proportional to the needs of the case. Defendant also objects to this Request on the grounds that it is premature. In addition, Defendant objects to this Request to the extent that it seeks production of information not within Defendant's possession, custody, and control.

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

6. Please produce a complete copy of all financial records relating to DHHS's placement of juveniles in Third Party Placements, including but not limited to records of payments to Third Party Placements.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, or the statutory privilege of RSA 126-A:4, IV. Defendant further objects to this Request to the extent it seeks information that is not relevant to the parties' claims or defenses and is not proportional to the needs of the case. Defendant also objects because "financial records relating to DHHS's placement of juveniles in Third Party Placements" is vague and ambiguous, and it is not clear what documents Plaintiffs are requesting. Further, Defendant objects to this Request on the grounds that it seeks production of information not within Defendant's possession, custody, and control.

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

7. Please produce a complete copy of all correspondence and other communications relating to DHHS's placement of juveniles in Third Party Placements.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, the attorney-client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV. Defendant objects to this Request to the extent it seeks information that is not relevant to the parties' claims or defenses and as requesting information

that is not proportional to the needs of the case. Defendant also objects to this Request on the grounds that it is premature. In addition, Defendant objects to this Request on the grounds that it is overly broad. Defendant further objects to this Request to the extent that it seeks production of information not within Defendant's possession, custody, and control.

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

8. Please produce a complete copy of any and all documents or records that reference or in any way relate to the funding of the Sununu Center, including but not limited to the sources of such funding and any applications submitted for the receipt of such funding.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant objects to this Request to the extent it seeks information that is not relevant to the parties' claims or defenses and is requesting information that is not proportional to the needs of the case. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, the attorney-client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this Request on the grounds that it is overly broad. Defendant further objects to this Request on the grounds that it seeks production of information not within Defendant's possession, custody, and control. Defendant previously produced more than 2,500,000 pages of documents as part of its "Voluntary Disclosures," and Plaintiffs have the same ability to search these previously produced

materials as Defendant. Defendant objects to this Request to the extent that it seeks to impose an additional obligation on Defendant to provide more specificity about the responsiveness of documents produced as part of the “Voluntary Disclosures.”

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant’s possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

9. Please produce a complete copy of any and all organizational charts, personnel lists, rosters, or the like, whether in written, electronic, or audiovisual format, that demonstrate or depict the organizational structure, chain of command, and/or personnel composition of the Sununu Center.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this Request to the extent it seeks information that is not relevant to the parties’ claims or defenses and as requesting information that is not proportional to the needs of the case. In addition, Defendant objects to this Request as vague and ambiguous as “personnel composition” is not defined. Defendant further objects to this Request on the grounds that it seeks production of information not within Defendant’s possession, custody, and control. Defendant previously produced more than 2,500,000 pages of documents as part of its “Voluntary Disclosures,” and Plaintiffs have the same ability to search these previously produced

materials as Defendant. Defendant objects to this Request to the extent that it seeks to impose an additional obligation on Defendant to provide more specificity about the responsiveness of documents produced as part of the “Voluntary Disclosures.”

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant’s possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

10. Please produce a complete copy of any and all bylaws adopted pursuant to RSA 621:7, and all documents and communications related to the adoption of such bylaws.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, the attorney-client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV. Defendant objects to this Request to the extent it seeks information that is not relevant to the parties’ claims or defenses and as requesting information that is not proportional to the needs of the case.

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant’s possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

11. Please produce a complete copy of the “DCYF Policy Manual” and any and all prior versions of the DCYF Policy Manual, whether or not such prior versions were referred to by that specific title.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this Request on the grounds that it seeks documents that are equally available to or are already in the possession, custody, or control of the Plaintiffs. Defendant previously produced more than 2,500,000 pages of documents as part of its “Voluntary Disclosures,” and Plaintiffs have the same ability to search these previously produced materials as Defendant. Defendant objects to this Request to the extent that it seeks to impose an additional obligation on Defendant to provide more specificity about the responsiveness of documents produced as part of the “Voluntary Disclosures.”

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant’s possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

12. Please produce a complete copy of any and all employee handbooks or manuals that were provided to any employee, agent, intern, or independent contractor that was employed by or contracted with the Sununu Center.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to

the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this Request on the grounds that it seeks documents that are equally available to or are already in the possession, custody, or control of the Plaintiffs.

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

13. Please produce any and all notes, memoranda, or reports documenting suspected or alleged abuse or maltreatment of residents at the Sununu Center or Third Party Placements, including but not limited to Plaintiffs.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, the attorney-client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV. In addition, Defendant objects to this Request to the extent it seeks information that is not relevant to the parties' claims or defenses and as requesting information that is not proportional to the needs of the case. Defendant also objects to this Request on the grounds that it is overly broad. Defendant further objects to this Request on the grounds that it seeks production of information not within Defendant's possession, custody, and control. Defendant previously produced more than 2,500,000 pages of documents as part of its "Voluntary Disclosures," and Plaintiffs have the same ability to search these previously

produced materials as Defendant. Defendant objects to this Request to the extent that it seeks to impose an additional obligation on Defendant to provide more specificity about the responsiveness of documents produced as part of the “Voluntary Disclosures.”

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant’s possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

14. Please produce any and all documents and communications evidencing referrals of suspected or alleged abuse or maltreatment of residents at the Sununu Center or Third Party Placements to law enforcement authorities, including but not limited to referrals and accompanying written reports made pursuant to RSA 169-C:38.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, the attorney-client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV. In addition, Defendant objects to this request as seeking information that is not relevant to the parties’ claims or defenses and as requesting information that is not proportional to the needs of the case. Defendant also objects to this Request on the grounds that it is overly broad. Defendant further objects to this Request on the grounds that it seeks production of information not within Defendant’s possession, custody, and control.

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

15. Please produce a complete copy of all pleadings from any and all lawsuits, arbitrations, or civil actions alleging abuse or maltreatment of residents at the Sununu Center or Third Party Placements filed against DHHS prior to January 11, 2020 in any forum.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, or the statutory privilege of RSA 126-A:4, IV, as seeking information that is not relevant to the parties' claims or defenses and as requesting information that is not proportional to the needs of the case. Defendant also objects to this Request on the grounds that it is overly broad. Defendant further objects to this Request on the grounds that it seeks production of information not within Defendant's possession, custody, and control. In addition, the Defendant objects to this Request on the grounds that it seeks documents that are equally available to or are already in the possession, custody, or control of the Plaintiffs.

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession,

Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

16. Please produce all communications prior to January 11, 2020 asserting, evidencing, or setting forth legal claims against DHHS arising from the suspected or alleged abuse or maltreatment of residents at the Sununu Center or Third Party Placements.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, the attorney-client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV, as seeking information that is not relevant to the parties' claims or defenses and as requesting information that is not proportional to the needs of the case. Defendant also objects to this Request on the grounds that it is overly broad. Defendant further objects to this Request on the grounds that it seeks production of information not within Defendant's possession, custody, and control.

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

17. Please produce a complete copy of all agreements between DHHS and former residents of the Sununu Center or Third Party Placements that reflect, evidence, or memorialize the settlement of claims arising from the suspected or alleged abuse or maltreatment of residents at the Sununu Center or Third Party Placements, the conditions of confinement at the Sununu Center or Third Party Placements, and/or the provision of education to residents of the Sununu Center or Third Party Placements.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, the attorney-client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV, In addition, Defendant objects to this Request as seeking information that is not relevant to the parties' claims or defenses and as requesting information that is not proportional to the needs of the case. Defendant also objects to this Request on the grounds that it is overly broad. Defendant further objects to this Request on the grounds that it seeks production of information not within Defendant's possession, custody, and control.

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

18. Please produce a complete copy of all consent judgments or consent decrees related to the suspected or alleged abuse or maltreatment of residents at the Sununu Center or Third Party Placements, the conditions of confinement at the Sununu Center or Third Party Placements, and/or the provision of education to residents of the Sununu Center or Third Party Placements.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, the attorney-client privilege, attorney work product

or the statutory privilege of RSA 126-A:4, IV. In addition, Defendant objects to this Request as seeking information that is not relevant to the parties' claims or defenses and as requesting information that is not proportional to the needs of the case. Defendant also objects to this Request on the grounds that it is overly broad. Defendant further objects to this Request on the grounds that it seeks production of information not within Defendant's possession, custody, and control.

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

19. Please produce a complete copy of any and all documents or records that relate in any way to any complaints made by residents of the Sununu Center or Third Party Placements regarding the conditions of their confinement at the Sununu Center or Third Party Placements, including but not limited to complaints concerning the suspected or alleged abuse or maltreatment of residents at the Sununu Center or Third Party Placements.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, the attorney-client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV. In addition, Defendant objects to this Request as seeking information that is not relevant to the parties' claims or defenses and as requesting information that is not proportional to the needs of the case. Defendant also objects to this Request on the grounds that it is overly broad. Defendant further objects to this Request on the

grounds that it seeks production of information not within Defendant's possession, custody, and control. Further, Defendant objects to this Request to the extent that it seeks documents that are equally available to or are already in the possession, custody, or control of the Plaintiffs. Defendant previously produced more than 2,500,000 pages of documents as part of its "Voluntary Disclosures," and Plaintiffs have the same ability to search these previously produced materials as Defendant. Defendant objects to this Request to the extent that it seeks to impose an additional obligation on Defendant to provide more specificity about the responsiveness of documents produced as part of the "Voluntary Disclosures."

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

20. Please produce any and all documents related to any and all investigations or responses to investigations into suspected or alleged abuse or maltreatment of residents at the Sununu Center or Third Party Placements.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, the attorney-client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV. In addition, Defendant objects to this Request as seeking information that is not relevant to the parties' claims or defenses and as requesting information that is not proportional to the needs of the case. Defendant also objects to this

Request on the grounds that it is overly broad. Defendant further objects to this Request on the grounds that it seeks production of information not within Defendant's possession, custody, and control. Further, Defendant objects to this Request to the extent that it seeks documents that are equally available to or are already in the possession, custody, or control of the Plaintiffs. Defendant previously produced more than 2,500,000 pages of documents as part of its "Voluntary Disclosures," and Plaintiffs have the same ability to search these previously produced materials as Defendant. Defendant objects to this Request to the extent that it seeks to impose an additional obligation on Defendant to provide more specificity about the responsiveness of documents produced as part of the "Voluntary Disclosures."

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

21. Please produce any and all audits, quality reviews, or the like of the Sununu Center or Third Party Placements.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, the attorney-client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV, as seeking information that is not relevant to the parties' claims or defenses and as requesting information that is not proportional to the needs of

the case. Defendant also objects to this Request on the grounds that it is overly broad. Defendant further objects to this Request on the grounds that it seeks production of information not within Defendant's possession, custody, and control. Further, Defendant objects to this Request to the extent that it seeks documents that are equally available to or are already in the possession, custody, or control of the Plaintiffs. Defendant previously produced more than 2,500,000 pages of documents as part of its "Voluntary Disclosures," and Plaintiffs have the same ability to search these previously produced materials as Defendant. Defendant objects to this Request to the extent that it seeks to impose an additional obligation on Defendant to provide more specificity about the responsiveness of documents produced as part of the "Voluntary Disclosures."

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

22. Please produce a complete copy of any and all documents or records State Defendants provided to the New Hampshire State Police or the Joint YDC Task Force, either voluntarily or pursuant to compulsory legal process, including but not limited to the records referenced in ¶¶ 7 & 9 of the Affidavit of TFC Amanda Johnson attached hereto as Exhibit 1.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, the attorney-client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this Request as vague

and ambiguous because paragraphs 7 and 9 of the Affidavit of TFC Johnson do not provide a definition of “identify” or specify the documents that are being referred to, and as duplicative as it overlaps in significant part to Requests Nos. 12-19 in the Second Combined Set of Requests for Production of Documents. Defendant also objects to this Request on the grounds that it is overly broad. Defendant further objects on the grounds that it seeks production of information not within Defendant’s possession, custody, and control. Further, Defendant objects to this Request to the extent that it seeks documents that are equally available to or are already in the possession, custody, or control of the Plaintiffs. Defendant previously produced more than 2,500,000 pages of documents as part of its “Voluntary Disclosures,” and Plaintiffs have the same ability to search these previously produced materials as Defendant. Defendant objects to this Request to the extent that it seeks to impose an additional obligation on Defendant to provide more specificity about the responsiveness of documents produced as part of the “Voluntary Disclosures.”

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant’s possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed. By way of further answer, Defendants are already in possession of many of the requested documents, including Resident Files, Daily Cottage Reports, Cottage Logbooks, Communications Logbooks, Operations Logbooks, Incident Logbooks, and timecards. Plaintiffs are, and have been, able to conduct the same or substantially

similar search functionalities as Defendant utilizing their own discovery platform to locate responsive documents already produced.

23. Please produce any and all documents related to any investigations by the New Hampshire State Attorney General into the suspected or alleged verbal, physical, sexual, and/or emotional abuse of children at the Sununu Center, including but not limited to the investigations described in the July 24, 1994 article in the New Hampshire Sunday News that is attached hereto as Exhibit 2 and the article dated December 17, 2000 in the New Hampshire Sunday News that is attached hereto as Exhibit 3.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, attorney-client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this Request on the grounds that it seeks production of information not within Defendant's possession, custody, and control. Defendant further objects to this Request as vague and ambiguous as the cited exhibits do not provide sufficient information to search for or identify potentially responsive documents. Defendant also objects to this Request as duplicative because this Request appears to refer to the same investigations referenced in other Requests. Further, Defendant objects to this Request to the extent that it seeks documents that are equally available to or are already in the possession, custody, or control of the Plaintiffs. Defendant previously produced more than 2,500,000 pages of documents as part of its "Voluntary Disclosures," and Plaintiffs have the same ability to search these previously produced materials as Defendant. Defendant objects to this Request to the extent that it seeks to impose an additional obligation on Defendant to provide more specificity about the responsiveness of documents produced as part of the "Voluntary Disclosures."

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

24. Please produce any and all documents related to any investigations conducted by DHHS into the suspected or alleged verbal, physical, sexual, and/or emotional abuse of children at the Sununu Center, including but not limited to the investigations described in the November 3, 2000 article in The Union Leader that is attached hereto as Exhibit 4 and the article dated November 21, 2000 in The Union Leader that is attached hereto as Exhibit 5.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, attorney-client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this Request on the grounds that it seeks production of information not within Defendant's possession, custody, and control. Defendant further objects to this Request as vague and ambiguous as the cited exhibits do not provide sufficient information to search for or identify potentially responsive documents. Defendant also objects to this Request as duplicative because this Request appears to refer to the same investigations referenced in other Requests. Further, Defendant objects to this Request to the extent that it seeks documents that are equally available to or are already in the possession, custody, or control of the Plaintiffs. Defendant previously produced more than 2,500,000 pages of documents as part of its "Voluntary Disclosures," and Plaintiffs have the same ability to search

these previously produced materials as Defendant. Defendant objects to this Request to the extent that it seeks to impose an additional obligation on Defendant to provide more specificity about the responsiveness of documents produced as part of the “Voluntary Disclosures.”

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant’s possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

25. Please produce any and all documents related to any investigations by the Division for Children, Youth and Families into the suspected or alleged verbal, physical, sexual, and/or emotional abuse of children at the Sununu Center, including but not limited to the investigation described in the article dated April 20, 2001 in The Union Leader that is attached hereto as Exhibit 6.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, attorney-client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this Request on the grounds that it seeks production of information not within Defendant’s possession, custody, and control. Defendant further objects to this Request as vague and ambiguous as the cited exhibits do not provide sufficient information to search for or identify potentially responsive documents. Defendant also objects to this Request as duplicative because this Request appears to refer to the same investigations referenced in other Requests. Further, Defendant objects to this Request to the extent that it seeks documents that are equally available to or are already in the possession,

custody, or control of the Plaintiffs. Defendant previously produced more than 2,500,000 pages of documents as part of its “Voluntary Disclosures,” and Plaintiffs have the same ability to search these previously produced materials as Defendant. Defendant objects to this Request to the extent that it seeks to impose an additional obligation on Defendant to provide more specificity about the responsiveness of documents produced as part of the “Voluntary Disclosures.”

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant’s possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

26. Please produce any and all documents related to any investigations by the Disability Rights Center of New Hampshire or its predecessor organizations into the suspected or alleged verbal, physical, sexual, and/or emotional abuse of children at the Sununu Center, including but not limited to the investigation described in the article dated June 5, 2011 in The Union Leader that is attached hereto as Exhibit 7.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, attorney-client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this Request on the grounds that it seeks production of information not within Defendant’s possession, custody, and control. Defendant further objects to this Request as vague and ambiguous as the cited exhibits do not provide sufficient information to search for or identify potentially responsive documents. Defendant also objects to this Request as duplicative because this Request appears to refer to the

same investigations referenced in other Requests. Further, Defendant objects to this Request to the extent that it seeks documents that are equally available to or are already in the possession, custody, or control of the Plaintiffs. Defendant previously produced more than 2,500,000 pages of documents as part of its “Voluntary Disclosures,” and Plaintiffs have the same ability to search these previously produced materials as Defendant. Defendant objects to this Request to the extent that it seeks to impose an additional obligation on Defendant to provide more specificity about the responsiveness of documents produced as part of the “Voluntary Disclosures.”

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant’s possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

27. Please produce any and all documents relating to, responding to, or discussing the Disability Rights Center of New Hampshire’s investigations, reviews, or audits of the Sununu Center.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, attorney-client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this Request on the grounds that it seeks production of information not within Defendant’s possession, custody, and control. Defendant further objects to this Request as vague and ambiguous as the cited exhibits do not provide sufficient information to search for or identify potentially responsive documents.

Defendant also objects to this Request as duplicative because this Request appears to refer to the same investigations referenced in other Requests. Further, Defendant objects to this Request to the extent that it seeks documents that are equally available to or are already in the possession, custody, or control of the Plaintiffs. Defendant previously produced more than 2,500,000 pages of documents as part of its “Voluntary Disclosures,” and Plaintiffs have the same ability to search these previously produced materials as Defendant. Defendant objects to this Request to the extent that it seeks to impose an additional obligation on Defendant to provide more specificity about the responsiveness of documents produced as part of the “Voluntary Disclosures.”

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant’s possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

28. Please produce any and all documents related to the firing, demotion, and/or transfer of three supervisors after 18 staff members complained about the treatment of children at the Sununu Center, as related in the July 21, 1994 article in The Union Leader that is attached hereto as Exhibit 8.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, attorney-client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this Request on the grounds that it seeks production of information not within Defendant’s possession, custody, and

control. Further, Defendant objects to this Request to the extent that it seeks documents that are equally available to or are already in the possession, custody, or control of the Plaintiffs. Defendant previously produced more than 2,500,000 pages of documents as part of its “Voluntary Disclosures,” and Plaintiffs have the same ability to search these previously produced materials as Defendant. Defendant objects to this Request to the extent that it seeks to impose an additional obligation on Defendant to provide more specificity about the responsiveness of documents produced as part of the “Voluntary Disclosures.”

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant’s possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

29. Please produce any and all documents related to the allegations made by two social workers in the Manchester office of the Division of Children, Youth and Families, who filed a \$2 million lawsuit claiming their supervisor sexually harassed them, created a hostile environment, and displayed a perverse fascination with sexual abuse cases involving children, as related in the July 27, 1994 article in The Union Leader that is attached hereto as Exhibit 9.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, attorney-client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this Request on the grounds that it seeks production of information not within Defendant’s possession, custody, and

control. Defendant further objects to this Request, which seeks documents and information that has nothing to do with Plaintiffs, Plaintiffs' allegations, or the Sununu Center, and is therefore completely irrelevant and immaterial and not likely to lead to the discovery of admissible evidence.

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant will not search for or produce documents or information in response to this Request.

30. Please produce any and all discovery produced in the lawsuit by two social workers in the Manchester office of the Division of Children, Youth and Families that is the subject of the July 27, 1994 article in The Union Leader that is attached hereto as Exhibit 9.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, attorney-client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this Request on the grounds that it seeks production of information not within Defendant's possession, custody, and control. Defendant further objects to this Request, which seeks documents and information that has nothing to do with Plaintiffs, Plaintiffs' allegations, or the Sununu Center, and is therefore completely irrelevant and immaterial and not likely to lead to the discovery of admissible evidence.

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant will not search for or produce documents or information in response to this Request.

31. Please produce any and all documents related to the incident involving a 16-year-old boy who was locked in his room at the Sununu Center for three weeks even though he did not violate any rules, as related in the August 21, 1994 article in the New Hampshire Sunday News that is attached hereto as Exhibit 10.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, attorney-client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this Request on the grounds that it seeks production of information not within Defendant's possession, custody, and control. Defendant further objects to this Request as vague and ambiguous as the cited exhibits do not provide sufficient information to search for or identify potentially responsive documents. Defendant also objects to this Request as duplicative because this Request appears to refer to the same investigations referenced in other Requests. Further, Defendant objects to this Request to the extent that it seeks documents that are equally available to or are already in the possession, custody, or control of the Plaintiffs. Defendant previously produced more than 2,500,000 pages of documents as part of its "Voluntary Disclosures," and Plaintiffs have the same ability to search these previously produced materials as Defendant. Defendant objects to this Request to the extent that it seeks to impose an additional obligation on Defendant to provide more specificity about the responsiveness of documents produced as part of the "Voluntary Disclosures."

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

32. Please produce any and all documents related to the policy changes instituted at the Sununu Center that are the subject of the November 21, 1994 article in The Union Leader that is attached hereto as Exhibit 11.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, attorney client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this Request on the grounds that it seeks production of information not within Defendant's possession, custody, and control. Defendant further objects to this Request as vague and ambiguous duplicative as the cited exhibits do not provide sufficient information to search for or identify potentially responsive documents. Defendant also objects to this Request as duplicative because this Request appears to refer to the same investigations referenced in other Requests. Further, Defendant objects to this Request to the extent that it seeks documents that are equally available to or are already in the possession, custody, or control of the Plaintiffs. Defendant previously produced more than 2,500,000 pages of documents as part of its "Voluntary Disclosures," and Plaintiffs have the same ability to search these previously produced materials as Defendant. Defendant objects to this Request to the extent that it seeks to impose an additional obligation on Defendant to provide more specificity about the responsiveness of documents produced as part of the "Voluntary Disclosures."

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession,

Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

33. Please produce any and all documents related to the settlements entered with three Sununu Center supervisors after their termination for child abuse at the Sununu Center, as related in the January 29, 1995 article in the New Hampshire Sunday News that is attached hereto as Exhibit 12.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, attorney client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this Request on the grounds that it seeks production of information not within Defendant's possession, custody, and control. Defendant further objects to this Request as vague and ambiguous as the cited exhibits do not provide sufficient information to search for or identify potentially responsive documents. Defendant also objects to this Request as duplicative because this Request appears to refer to the same investigations referenced in other Requests.

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

34. Please produce any and all documents related to the termination of Bradley Asbury and any other employees at the Sununu Center as a result of substantiated instances of severe verbal and psychological abuse and inappropriate and unauthorized confinement of

youngsters that is the subject of the article dated November 10, 1996 in the New Hampshire Sunday News that is attached hereto as Exhibit 13.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, attorney client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this Request on the grounds that it seeks production of information not within Defendant's possession, custody, and control. Defendant further objects to this Request as vague and ambiguous and as the cited exhibits do not provide sufficient information to search for or identify potentially responsive documents. Defendant also objects to this Request as duplicative because this Request appears to refer to the same investigations referenced in other Requests.

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

35. Please produce any and all discovery produced in the federal lawsuit by Bradley Asbury against Lorrie Lutz and DHHS Commissioner Terry Morton that is referenced in the article dated November 10, 1996 in the New Hampshire Sunday News that is attached hereto as Exhibit 13.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive

privilege, the legislative privilege, attorney client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this Request on the grounds that it seeks production of information not within Defendant's possession, custody, and control. In addition, Defendant objects on the grounds that this Request seeks information that is not relevant to the parties' claims or defenses and as requesting information that is not proportional to the needs of the case.

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

36. Please produce any and all documents related to the allegations of abuse at the Sununu Center and the criticism surrounding Department of Youth Development Services' operation of the Sununu Center referenced in the article dated January 4, 2001 in The Union Leader that is attached hereto as Exhibit 14.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, attorney-client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this Request on the grounds that it seeks production of information not within Defendant's possession, custody, and control. Defendant further objects to this Request as vague and ambiguous as the cited exhibits do not provide sufficient information to search for or identify potentially responsive documents.

Defendant also objects to this Request as duplicative because this Request appears to refer to the same investigations referenced in other Requests. Further, Defendant objects to this Request to the extent that it seeks documents that are equally available to or are already in the possession, custody, or control of the Plaintiffs. Defendant previously produced more than 2,500,000 pages of documents as part of its “Voluntary Disclosures,” and Plaintiffs have the same ability to search these previously produced materials as Defendant. Defendant objects to this Request to the extent that it seeks to impose an additional obligation on Defendant to provide more specificity about the responsiveness of documents produced as part of the “Voluntary Disclosures.”

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant’s possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

37. Please produce any and all documents related to the investigation into widespread child abuse at the Sununu Center that is referenced in the April 8, 2001 article in the New Hampshire Sunday News that is attached hereto as Exhibit 15.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, attorney-client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this Request on the grounds that it seeks production of information not within Defendant’s possession, custody, and control. Defendant further objects to this Request as vague and ambiguous as the cited exhibits

do not provide sufficient information to search for or identify potentially responsive documents.

Defendant also objects to this Request as duplicative because this Request appears to refer to the same investigations referenced in other Requests.

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant is compiling and reviewing documents and communications and will produce those documents on a rolling basis to the extent they are within Defendant's possession, responsive, and non-privileged. To the extent Defendant identifies responsive, non-privileged documents in its possession, Defendant will produce those documents subject to the above objections within a reasonable time after such documents are discovered and reviewed.

38. Please produce personnel files and records relating to the following individuals, including without limitation any and all disciplinary records, performance reviews, and the like:

- a. Lucien Poulette
- b. Frank Davis
- c. Stephen Murphy
- d. Jonathan Brand
- e. Gordon Thomas Searles
- f. Trevor Middleton
- g. Stanley Watson
- h. Victor Malavet
- i. Lamont Hicks
- j. Wesley Oates
- k. William Woodson
- l. Anthony Paquet
- m. Anthony Laforge
- n. Richard (Dick) Brown
- o. Joseph Peters
- p. Daniel Barry
- q. David Ball
- r. Eric Skillings
- s. Mark Greenwood
- t. Egon Jensen
- u. Kirstie Bean
- v. Lorrie Lutz

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant further objects to this Request to the extent that it seeks production of personnel files for non-parties. In that regard, this Request calls for legally restricted and confidential documents and information (*see* N.H. Administrative Rules Per. 1501.01, *et seq.*), would cause unwarranted annoyance, embarrassment, or undue burden or expense, and would result in legal expense disproportionate to the matters at issue. Producing such files without an appropriate court order or a written consent pursuant to the N.H. Administrative Rules Per. 1501.01, *et seq.*, would additionally require review and redaction of all information in those files except for references that relate to publicly available information.

Defendant declines to produce these documents without a court order specifically compelling their production or written consent pursuant to the rules authorizing their production. Defendant further objects to this Request because it seeks information that is overbroad, not reasonably particular, requests information that is not relevant to the parties' claims or defenses, and requests information that is not proportional to the needs of the case. Defendant further objects to this Request as the definition of "personnel records" as overly broad, vague, and ambiguous.

RESPONSE: Subject to these objections and the General Objections, Defendant has begun collecting and is segregating these documents for potentially responsive custodians to facilitate prompt production when and if the Court orders the production of the documents or written consent to produce these documents is received.

39. Produce the complete expert file including all documents, communications, and things collected by, considered by, provided to, reviewed by, or prepared for or by any person whom you may call as an expert witness at any hearing, or on whose oral or written testimony you may rely at any other stage of this litigation, including, but not limited to, all documents such person plans to use, rely on, or refer to in connection with such testimony.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege or attorney work product. Defendant also objects to this Request on the grounds that it is premature as no scheduling order has been issued and the parties have not filed a responsive pleading.

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant will supplement this response as ongoing discovery necessitates or required by Rule or by Order.

40. Produce any and all statements, affidavits, memoranda, notes, or other documents that you have obtained from alleged witnesses that detail, discuss, reference, or concern any of the events and/or allegations described in the Complaints.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant specifically objects to this Request to the extent it seeks documents that are protected by the deliberative process privilege, the executive privilege, the legislative privilege, attorney-client privilege, attorney work product or the statutory privilege of RSA 126-A:4, IV. Defendant also objects to this Request on the grounds that it is premature as no scheduling order has been issued and the parties have not filed a responsive pleading.

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant will supplement this response as ongoing discovery necessitates or required by Rule or by Order.

41. Produce any and all documents that you believe support any defenses you intend to raise in response to the Complaints.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant also objects to this Request on the

grounds that it is premature as no scheduling order has been issued and the parties have not filed a responsive pleading.

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant will supplement this response as ongoing discovery necessitates or required by Rule or by Order.

42. Produce any and all documents you intend to rely on at the time of trial.

OBJECTION: Defendant incorporates herein the General Responses and Objections, as well as the Objections to Definitions set forth above. Defendant also objects to this Request on the grounds that it is premature as no scheduling order has been issued and the parties have not filed a responsive pleading.

RESPONSE: Notwithstanding the foregoing Objections and without waiving them, Defendant will supplement this response as ongoing discovery necessitates or required by Rule or by Order.

Respectfully Submitted,

State of New Hampshire; New Hampshire
Department of Health and Human Services;
Department of Youth Development Services;
Division of Children, Youth, and Families; Division
of Juvenile Justice Services; and Sununu Youth
Services Center, a/k/a Youth Development Center
and Youth Development Services Unit, f/k/a State
Industrial School and Adolescent Detention Center

By their attorneys,

JOHN M. FORMELLA
ATTORNEY GENERAL

Date: January 17, 2023

/s/ Brandon F. Chase
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/s/ John W. VanLonkhuyzen

/s/ Sarah E. Hirshon

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent via email this same date to all interested parties.

/s/ Brandon F. Chase

Brandon F. Chase

EXHIBIT J

From: Knights, Mark
Sent: Friday, December 16, 2022 1:41 PM
To: Vicinanza, David; Chase, Brandon
Cc: Deane, Daniel; Rus Rilee; Irilee@rileelaw.com; Ramsey, Jennifer; Garland, Samuel; Edwards, Anne; Coombs, Anne; John Van Lonkhuyzen; Marty Topol; Sara Hirshon; Amar, Kathryn; Rauseo-Ricupero, Ronaldo
Subject: RE: YDC - DHHS Responses to Plaintiffs' First Combined Sets of Interrogatories

Brandon,

To follow up on Dave's message, we disagree about the substance of the November 3 call. We also took contemporaneous notes of the November 3 meet and confer. They reflect that our agreement to the extension was premised in part on express representations that State Defendants made about when we could expect to receive documents in response to the requests. In particular, counsel told us that we should expect to receive Jennifer Veilleux Doyle's personnel file, as well of the personnel files of eight or nine other individuals named in Request 9, in the relatively near future; we also were told that some responsive documents were "in queue to go out in the next 1-2 weeks."

Of course, the email from John that you mention is also consistent with the understanding that we would be receiving documents within the extended deadline. As John wrote, the parties agreed to "meet and confer down the road to consider production progress in the meantime and reevaluate whether a further extension might be required." By tying the extension to "production progress," that email explicitly recognized that the extension was intended to allow State Defendants time to collect and produce responsive documents. I think it is fair to say that the parties did not contemplate "a further extension might be warranted"—beyond the 30 days already granted—simply so State Defendants could prepare written objections and responses to a mere *eight* requests for production.

If I understand your email correctly, we have not yet received any documents in response to the first set of combined requests. Can you please confirm that understanding?

If I have misunderstood, and responsive documents have gone out as was represented on November 3, then I will reiterate our request that we be told where in the productions they are located. During the November 3 call, State Defendants also committed to identifying in the cover letters accompanying the productions where in the productions responsive documents could be located. Since the November 3 call, State Defendants have made four productions, totaling nearly 450,000 pages of documents, and the cover letters to those productions do not identify where responsive documents (if any) can be located in those productions.

Best,
Mark

Mark T. Knights
Partner
Nixon Peabody LLP
O 603-628-4027 | C 603-785-8727

From: Vicinanza, David <DVicinanza@nixonpeabody.com>
Sent: Friday, December 16, 2022 1:32 PM

To: Chase, Brandon <Brandon.F.Chase@doj.nh.gov>

Cc: Knights, Mark <mknights@nixonpeabody.com>; Deane, Daniel <ddeane@nixonpeabody.com>; Rus Rilee <crilee@rileelaw.com>; Irilee@rileelaw.com; Ramsey, Jennifer <Jennifer.S.Ramsey@doj.nh.gov>; Garland, Samuel <Samuel.RV.Garland@doj.nh.gov>; Edwards, Anne <anne.m.edwards@doj.nh.gov>; Coombs, Anne <Anne.E.Coombs@doj.nh.gov>; John Van Lonkhuyzen <jvanlonkhuyzen@verrill-law.com>; Marty Topol <mtopol@verrill-law.com>; Sara Hirshon <shirshon@verrill-law.com>; Amar, Kathryn <Kathryn.L.Amar@doj.nh.gov>

Subject: Re: YDC - DHHS Responses to Plaintiffs' First Combined Sets of Interrogatories

Thanks. Wednesday before 2 works for us. How about 11 AM?

In advance of the meeting, some background will help cut to the chase and guide an efficient search. Former YDC employee Jennifer Velliueux kept written diaries in the latter 1990s detailing her observations of severe child abuse at the YDC. She handed the written narratives to the then-ombudsperson, Rochelle Edmark, and to Peter Favreau, then-director of YDC (1996-2001).

Jennifer also outlined instances of serious sexual harassment against her by male guards in the YDC facility.

Favreau read the diary narratives and called Jennifer into her office.

His response to her memorializing the abuse she witnessed at YDC was not to convene an investigation to stop the rampant child abuse at YDC and terminate and prosecute the perpetrators, but rather to accuse her of failing to report the abuse to DCYF and threatening her with prosecution. He was willing to forego prosecution, however, in exchange for her signing a document releasing the state on the sexual harassment allegations, and a non-disclosure agreement ensuring her silence about the abuse. Jennifer, intimidated as intended and fearful for her job, apparently capitulated to this perverse institutional sociopathy.

The documentation - including the notebooks, if they haven't been destroyed to obstruct justice - is in her employment file. She only retired from HHS/Sununu very recently, so her file would be easy to locate if anyone wanted to. The other personnel files - which are personnel accused of abuse by Jennifer, or otherwise witnesses to the episode in which Favreau silenced her - are easy to find as well. I request you call HHS and retrieve her (overdue) file before our meeting. The other personnel files will be easy to find and disclose pursuant to our protective order as well.

A copy of the notebooks was provided by Jennifer to the State Police recently. So a liaison to the SP from the OAG could call and obtain them readily. As preexisting documents, they are not subject to Grand Jury restrictions. As documents in the possession of the state, there is no legal prohibition limitation on producing them. Whatever internal administrative protocols the OAG may have between criminal and civil, they do not supersede the legal requirement to produce the obviously-relevant documents in the civil proceeding, and a mechanism for prompt sharing of non-grand jury material is required so that the OAG complies with its discovery legal obligations.

Please let us know if 11 AM works on Wednesday or a time earlier or later. We will make ourselves available.

Thank you.

David A. Vicinanza
Nixon Peabody LLP
617.345.1177
617.733.0718 mobile
dvicinanzo@nixonpeabody.com

On Dec 16, 2022, at 12:32 PM, Chase, Brandon <Brandon.F.Chase@doj.nh.gov> wrote:

Dave,

Thank you for your email, but I think there is a misunderstanding as to the discussion at the November 3 meet and confer. None of us on our side who participated in the November 3, 2022 meet and confer with Dan and Mark remember any promise during the call to deliver documents by the extended deadline. Nor could we have made such a commitment, given the difficulties and time involved in locating, reviewing and processing responsive documents. Our notes do not indicate such a promise, but simply an agreement to our request for a 30-day extension for our response, and a willingness to re-evaluate that down the road if need be. Further, John sent Dan and Mark a confirmatory email that same afternoon (on which you were copied) confirming the agreement to extend the deadline for our response by 30 days, to Dec. 14. The email then discusses our ongoing rolling productions, and a potential later meet and confer if a further extension was required. There was no promise or commitment to produce documents by Dec. 14. We did not hear any disagreement with that summary from Mark or Dan.

This, however, is not to say that we are not working diligently towards producing responsive, non-privileged documents. I have been actively working with DHHS to collect documents. Indeed, we have submitted a list of potential custodians to DOIT for, *inter alia*, PST files to be pulled. However, because the potential custodians span multiples years and may have started employment and left at different times over the years, there is a lot of technical work that is actively being done to ascertain where specific files/backups are located across the numerous systems used. Although you indicate that your request is discrete and limited, due to the decades requested, as well as the general breadth of your requests naturally including numerous potential custodians and spanning multiple file types/applications/operating systems that may no longer in active use – it is not. Again, though, we are acting in good faith and are working diligently to collect these documents. As we locate and collect them, we will review those and process and produce responsive, non-privileged or otherwise non-objectionable documents as promptly as reasonably practicable.

As for availability, it appears that we are all generally available to discuss on Wednesday before 2pm.

BFC

Brandon F. Chase
Assistant Attorney General
NH Department of Justice
33 Capitol Street
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(603) 271-1210
Brandon.F.Chase@doj.nh.gov

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Office immediately at (603) 271-3658 or reply to justice@doj.nh.gov if you are not the intended recipient, and then immediately delete all copies of this message and any attachments.

From: Vicinanza, David <DVicinanzo@nixonpeabody.com>

Sent: Thursday, December 15, 2022 1:38 PM

To: Chase, Brandon <Brandon.F.Chase@doj.nh.gov>

Cc: Knights, Mark <mknights@nixonpeabody.com>; Deane, Daniel <ddeane@nixonpeabody.com>; Rus Rilee <crilee@rileelaw.com>; lrilee@rileelaw.com; Ramsey, Jennifer <Jennifer.S.Ramsey@doj.nh.gov>; Garland, Samuel <Samuel.RV.Garland@doj.nh.gov>; Edwards, Anne <anne.m.edwards@doj.nh.gov>; Coombs, Anne <Anne.E.Coombs@doj.nh.gov>; John Van Lonkhuyzen <jvanlonkhuyzen@verrill-law.com>; Marty Topol <mtopol@verrill-law.com>; Sara Hirshon <shirshon@verrill-law.com>; Amar, Kathryn <Kathryn.L.Amar@doj.nh.gov>

Subject: Re: YDC - DHHS Responses to Plaintiffs' First Combined Sets of Interrogatories

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Brandon - we had a meet and confer on Nov 3 when we agreed to an extra 30 days for production of this limited and discrete request. Our notes reflect a promise of actual documents on Dec 14, not a non-production with no information after 60 total days.

We can meet and confer next Monday-Wedn. Mark will be our representative. Please provide some times.

Thank you.

Dave

David A. Vicinanza
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617.345.1177
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On Dec 14, 2022, at 9:48 PM, Chase, Brandon <Brandon.F.Chase@doj.nh.gov> wrote:

[EXTERNAL E-MAIL]
Be Aware of Links and Attachments

Please see attached. By way of full transparency, we are not currently withholding any documents based upon the objections. They are being asserted to preserve them. The objections will be more specifically asserted with reference to any otherwise responsive documents via a privilege log. As indicated, DHHS is currently collecting documents for review, inclusive of PST files of those potentially relevant custodians over the time period you requested. DHHS is working diligently to gather these documents. Please let me know when you have some availability to discuss custodians and search terms for this production.

Let me know if you have any issues or concerns.

Brandon F. Chase
Assistant Attorney General
NH Department of Justice
33 Capitol Street
Concord, NH 03301
(603) 271-1210
Brandon.F.Chase@doj.nh.gov

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<DHHS Response to 1st Combined RPDs.pdf>