

Clerk's Notice of Decision
Document Sent to Parties

on 06/01/2023

STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

SUPERIOR COURT

CASE NO. 217-2020-CV-00026

Granted



Honorable Andrew R. Schulman

June 1, 2023

DAVID MEEHAN

v.

Clerk's Notice of Decision
Document Sent to Parties
on 06/01/2023

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

(IN RE YDC and YDSU CONSOLIDATED LITIGATION)

John Doe #80 v. State of New Hampshire, et al / Case No. 217-2021-CV-00680
John Doe #130 v. State of New Hampshire, et al / Case No. 217-2022-CV-00057
John Doe #202 v. State of New Hampshire, et al / Case No. 217-2022-CV-00175
John Doe #306 v. State of New Hampshire, et al / Case No. 217-2022-CV-00262
John Doe #333 v. State of New Hampshire, et al / Case No. 217-2022-CV-00292

PLAINTIFFS' MOTION TO EXTEND TIME FOR SERVICE
ON DEFENDANT SPAULDING ACADEMY & FAMILY SERVICES

NOW COME Plaintiffs¹, by and through undersigned counsel, Rilee & Associates, P.L.L.C. and Nixon Peabody LLP, and respectfully request an extension of the time to complete service in this matter on Defendant Spaulding Academy & Family Services ("Spaulding"), stating in support as follows:

1. This civil action arises from a vast and long-ranging pattern of horrific abuse permitted and perpetrated by the State of New Hampshire, Department of Health and Human Services; Department of Youth Development Service; Division of Children, Youth and Families; Division of Juvenile Justice Services; Sununu Youth Services Center; and Youth Development

¹ John Doe #80, John Doe #130, John Doe #202, John Doe #306, and John Doe #333

Services Unit (collectively referred to as the “State Defendants”), along with their employees and agents.

2. The employees and agents named as Defendants in the Complaints of John Doe #80, John Doe #130, John Doe #306, and John Doe #333 are the State Defendants and Spaulding.

3. The employees and agents named as Defendants in the Complaint of John Doe #202 are the State Defendants, NFI North, Inc., (“NFI”), and Spaulding.

4. Following the filing of Plaintiffs John Doe #80, John Doe #130, John Doe #306, and John Doe #333’s civil actions, the Court issued summonses directing those services be completed by May 29, 2023, and to electronically file proofs of service with the Court by June 19, 2023.

5. Following the filing of Plaintiff John Doe #202’s civil action the Court issued a summons directing that service be completed by June 9, 2023, and to electronically file proof of service with the Court by June 30, 2023.

6. Civil Rule 4 directs that Plaintiffs “will cause the Summons together with a copy of the Complaint to be served on defendant no later than the court-ordered deadline for service, service to be made as specified in RSA 510, or as otherwise allowed by law.” Proof of such service is to be filed with the Court “within 21 days of the court-ordered deadline for service.”

7. Plaintiffs have sought and reached agreement with the State Defendants for acceptance of service, and the undersigned continues to coordinate with counsel for the State Defendants to file the appropriate acceptance of service forms.

8. In Plaintiff John Doe #202’s civil action, service upon NFI is in process and service has not been completed on Spaulding.

9. In Plaintiffs John Doe #80, John Doe #130, John Doe #306, and John Doe #333's civil actions, services have not been completed on Spaulding.

10. Plaintiffs began the process of effecting services on Spaulding, pursuant to RSA 510:14, RSA 293-A:5.04, and RSA 292, *et seq.*, by sending, on or about May 30, 2023, the service packets to the Merrimack County Sheriff's Office for in-hand service on Michael Ventura, Chairman of the Board of Directors for Spaulding, and by sending the service packets by certified mail, return receipt requested to Spaulding's Secretary, Daniel S. Kaplan. Plaintiffs have not yet received the Sheriff's returns of service.

11. Since or around the time of the filing of these actions, undersigned counsel has filed approximately 877 civil actions against the State Defendants and certain employees and agents (the "YDC Cases"). The burdens of effecting service in each of the YDC Cases within the court-ordered deadlines for service cannot be overstated. The number of services of process to be effected in the YDC Cases is in the thousands and involves immense coordination between more than a dozen attorneys, along with process servers and court personnel.

12. In addition, the process of gathering information to properly effect service upon numerous defendants, some of whom are now dissolved or otherwise defunct, has necessitated significant research efforts. This process is further complicated by outdated records or records containing inaccurate information.

13. Accordingly, Plaintiffs seek an extension of their deadline by which to complete service on Spaulding. Specifically, Plaintiffs John Doe #80, John Doe #130, John Doe #306, and John Doe #333 request an additional 60 days to complete service on Defendant Spaulding, and for filing proof of service – or until July 28, 2023 and August 18, 2023, respectively; and Plaintiff John Doe 202 requests an additional 60 days to complete service on Defendant

Spaulding, and for filing proof of service – or until August 8, 2023 and August 29, 2023, respectively.

14. Plaintiffs request only an extension of the service deadlines and corresponding proof of service deadlines, to account for delays in postage and service, as outlined above. Plaintiffs do not request an issuance of a new summonses as that would necessitate Plaintiffs to begin the process of serving Defendant Spaulding over again.

15. The extension of time for services will result in no prejudice to Spaulding or the other named Defendants in Plaintiffs' complaints and will not result in the continuance of any other court-ordered deadline.

16. As no service has yet been made, Plaintiffs are unable to obtain the assent of the Defendant Spaulding to the relief requested in this motion.

WHEREFORE, it is respectfully requested that the Honorable Court:

- A. EXTEND Plaintiffs John Doe #80, John Doe #130, John Doe #306, and John Doe #333's deadline to complete service upon Defendant Spaulding by an additional 60 days—or until July 28, 2023;
- B. EXTEND Plaintiffs John Doe #80, John Doe #130, John Doe #306, and John Doe #333's deadline to their file proof of service to August 18, 2023;
- C. EXTEND Plaintiff John Doe 202's deadline to complete service upon Defendant Spaulding by an additional 60 days—or until August 8, 2023;
- D. EXTEND Plaintiff John Doe 202's deadline to file his proof of service to August 29, 2023; and
- E. GRANT any such further relief as justice requires.

Respectfully submitted,

**JOHN DOE #80, JOHN DOE #130,
JOHN DOE #202, JOHN DOE #306,
and JOHN DOE #333**

Dated: May 29, 2023

By and through counsel,

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

NIXON PEABODY LLP

/s/ Cyrus F. Rilee, III

Cyrus F. Rilee, III, Esq. (Bar No. 15881)

Laurie B. Rilee, Esq. (Bar No. 15373)

264 South River Road

Bedford, NH 03110

T: 603.232.8234

crilee@rileelaw.com

lrilee@rileelaw.com

/s/ Allison K. Regan

Allison K. Regan, Esq. (Bar No. 272296)

David A. Vicinanza, Esq. (Bar No. 9403)

W. Daniel Deane, Esq. (Bar No. 18700)

Mark Tyler Knights, Esq. (Bar No. 264904)

Kierstan Schultz, Esq. (Bar No. 20682)

Nathan Warecki, Esq. (Bar No. 20503)

Erin S. Bucksbaum, Esq. (Bar No. 270151)

900 Elm Street, 14th Floor

Manchester, NH 03101

T: 603-628-4000

dvicinanza@nixonpeabody.com

ddeane@nixonpeabody.com

mknights@nixonpeabody.com

kschultz@nixonpeabody.com

nwarecki@nixonpeabody.com

ebucksbaum@nixonpeabody.com

aregan@nixonpeabody.com

CERTIFICATE OF SERVICE

I state that on this date, May 29, 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 electronic filing system to all attorneys and to all other parties who have entered electronic service contacts (email addresses) in this case. I am mailing copies to all other interested parties.

/s/ Allison K. Regan

Allison K. Regan, Esq.