

Clerk's Notice of Decision
Document Sent to Parties

on 05/05/2023

STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.


SUPERIOR COURT

5-5-2023 GRANTED with the
understanding that there is no
objection.

DAVID MEEHAN

v.

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


Honorable Andrew R. Schulman
May 5, 2023

217-2020-CV-00026
and all consolidated YDC and YDSU CASES

**STATE DEFENDANTS' UNOPPOSED MOTION FOR CLARIFICATION
OF INDIVIDUAL CASE STRUCTURING ORDERS**

THIS MOTION DOES NOT APPLY TO CONTRACTOR DEFENDANTS

The State Defendants respectfully request clarification of the “Individual Case Structuring Orders” entered April 18, 2023 (the “Orders”), in the Consolidated Action. The Orders set trial periods for the *David Meehan* case and two other yet-to-be-determined cases and set certain pre-trial deadlines for the *Meehan* case as discussed at the April 18, 2023, Status Conference.

The Orders do not, however, include deadlines with respect to the *Meehan* case for certain discovery events that are included in the Superior Court’s form “Case Structuring and ADR Order” or for discovery that is otherwise outstanding but were not discussed at the Status Conference. Specifically, the Orders do not include dates for completion of Rule 22 automatic disclosures, for completion of Plaintiffs’ discovery, for the conclusion of all discovery, and for the State Defendants to file any *DeBenedetto* disclosures. The State Defendants believe that

setting those dates and deadlines now will facilitate discovery, prevent misunderstanding, and avoid needless disputes in the future.

To that end, the State Defendants propose that the Court amend the Orders or clarify that the Orders include the following deadlines with respect to the *Meehan* case:

- Plaintiff Meehan shall complete his amendments, if any, to his Rule 22 automatic disclosures within 30 days of the date of the Orders, and the State Defendants shall complete their Rule 22 automatic disclosures within 60 days of the date of the Orders.
- Plaintiff Meehan shall supplement, if needed, his responses to the State Defendants' outstanding discovery requests within 60 days of the date of the Orders.
- The State Defendants shall make a disclosure of any unnamed parties that they claim are at fault as to Plaintiff Meehan per *DeBenedetto v. CLD Consulting Engineers, Inc.*, 153 N.H. 793 (2006), within 45 days of the date of the Orders.
- All fact and expert discovery as to Plaintiff Meehan shall be completed by February 2, 2024.

The State Defendants conferred with Plaintiffs regarding these dates, and Plaintiffs do not oppose the relief sought in this motion.

CONCLUSION

The State Defendants respectfully request that this Honorable Court amend the Individual Case Structuring Orders entered April 18, 2023, to include the deadlines set forth in this motion or clarify that the Individual Structuring Orders include those deadlines.

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: May 1, 2023

/s/ Brandon F. Chase

Brandon F. Chase, Bar #270844
Assistant Attorney General
Jennifer S. Ramsey, Bar #268964
Senior Assistant Attorney General
Anne M. Edwards, Bar #6826
Associate Attorney General
Civil Bureau
33 Capitol Street
Concord, NH 03301-6397
(603) 271-3650
brandon.f.chase@doj.nh.gov
jennifer.s.ramsey@doj.nh.gov
anne.m.edwards@doj.nh.gov

VERRILL DANA, LLP

/s/ John W. VanLonkhuyzen

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*)
Maine Bar No. 6732
Verrill Dana LLP
One Portland Square
Portland, ME 04101-4054
(207) 774-4000
jvanlonkhuyzen@verrill-law.com
shirshon@verrill-law.com
mtopol@verrill-law.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent via the Court's electronic filing system to all parties of record on the date above.

/s/ Brandon F. Chase

Brandon F. Chase