

STATE OF NEW HAMPSHIRE
SUPERIOR COURT

Rockingham, ss.

DAVID MEEHAN

v.

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

and

ALL CONSOLIDATED CASES

STATUS CONFERENCE ORDER

The court held a status conference in these consolidated cases. Both the State Defendants and numerous contractor defendants appeared through counsel.

Per lead plaintiff's counsel, virtually all of the approximately 800 plaintiffs in cases without contractor defendants (e.g. Judge Schulman's docket) have submitted claims to the settlement fund (e.g., all but 20 cases).

Approximately 95% of the cases with contractor defendants (e.g. Judge Howard's docket) have submitted claims to the settlement fund as to the State Defendants.

That said, a large number of cases have not been processed by the settlement fund to the point where anything has been filed in court noting that they are off our docket unless remanded.

Approximately (+/-) 70 plaintiffs went through the earlier settlement fund process and returned to court with the claims that were not justiciable by the settlement fund (e.g. claims that did not involve physical or sexual abuse). Those approximate 70 cases include both cases without contractor defendants and cases with contractor defendants. Some portion of the 70 have nonsuited their remaining claims.

Approximately 5 plaintiffs (+/-) have rejected settlement fund decisions and returned their cases to Superior Court.

Approximately (+/-) 110 cases have been completely resolved in the settlement fund process. This number includes both non-contractor cases (e.g., Judge Schulman's docket) and cases with contractor defendants (e.g., Judge Howard's docket).

The total number of consolidated cases was approximately 1,400. It is now down to about 1,200 accounting for non-suits, dismissals, and fully resolved settlement fund dispositions.

Neither the State Defendants nor the lead plaintiffs' counsel has any insight into what percentage of the cases at the settlement fund will return to Superior Court. At the moment, the changing nature of the settlement fund is so much in flux that the parties cannot determine whether a large or a small percentage of cases will be resolved in that forum.

Per the State, it is likely that all of the plaintiffs represented by other attorneys have gone to the settlement fund. In any event, no other plaintiff's attorney appeared today.

There are three active pro se cases. Two on Judge Schulman's docket. One on Judge Howard's docket.

* * *

The jury trials in all consolidated cases have been stayed by the NH Supreme Court pending resolution of the individual Meehan appeal. The briefing in that appeal will be complete by the end of September.

There are no other pending appeals in Judge Schulman's docket.

There is one appeal in Judge Howard's docket arising from an order dismissing a case on limitations/discovery rule grounds.

Judge Schulman will get rulings out on the pending motions to dismiss and the motions in John Doe 2.

Assuming—with the full understanding that this may not be the case—that a decision in the Meehan appeal will be issued in the spring of 2026, the **Rockingham** clerk shall schedule two jury selection dates for the second half of 2026 (e.g. July 1 through December 31).

In light of the fact that many of these cases are pending at the settlement fund, counsel shall file a stipulation regarding the order of the next six cases for jury trial. Each trial date shall have a schedule one case that is noticed for trial and two back ups that can likely be substituted if the noticed case is timely removed from the trial list.

* * *

With respect to Judge Howard's cases involving contractor defendants:

The claims against contractors are still pending regardless of whether the plaintiff has gone to the settlement fund.

There is significant concern regarding the scope of the stay(s) in these cases.

There is concern regarding the extent to which the contractor cases have been stayed, both with respect to (a) Pre-“Massachusetts Method” motions and (b) “Massachusetts Method” motions.

Counsel for NFI (and counsel for Easter Seals, Dover Children’s Home and NH Catholic Charities) are uncertain about the situation with approximately 100 pending motions for dismissal, which are subject to the “Massachusetts method.”

The contractor defendants were also in need of clarity regarding their deadlines for filing new motions to dismiss.

The John Doe No. 533 appeal regarding the discovery rule is pending in the N.H. Supreme Court. The plaintiff’s position is that their responses to discovery rule motions should be stayed pending the decision in John Doe No. 533. This is an issue to be decided by Judge Howard.



Andrew R. Schulman,
Presiding Justice

September 4, 2025

Clerk's Notice of Decision
Document Sent to Parties
on 09/04/2025