

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

Case No. 217-2025-CV-00480

Andrew Foley, et al.

v.

State of New Hampshire, et al.

PLAINTIFFS' MEMORANDUM IN SUPPORT OF
AMENDED CORRECTED EXHIBIT LIST

In advance of the second day of the hearing on Plaintiffs' motion for preliminary injunction scheduled for August 27, 2025, Plaintiffs have submitted an Amended Corrected Exhibit List which includes legislative history materials pertaining to the Settlement Fund Act, RSA 21-M:11-a. In support, Plaintiffs state as follows:

1. On August 20, 2025, this Court held the first day of a hearing on the Merits of Plaintiffs' Motion for Preliminary Injunction. The Court ruled, among other things, that a news article from the *New Hampshire Bulletin* was inadmissible. *See* Pls.' Ex. 22 (Marked for ID). However, in making this ruling, the Court also indicated that "if you have a legislative record that's a public record, that's typed out, of these statements, I might have accepted that, but not a newspaper article." (Aug. 20, 2025 Hr'g Tr., 76:9-11.)

2. To that end, Plaintiffs have supplemented their Exhibit List with the following legislative history materials pertaining to RSA 21-M:11-a, specifically testimony of Senator Jeb Bradley and Attorney General John Formella at a New Hampshire Senate Judiciary Committee Meeting, in both transcript and video format. The video recording of the hearing is publicly available and maintained on the New Hampshire Senate's YouTube channel, with links included below:

EXHIBIT	DESCRIPTION	ID / ADMITTED
30	Transcript: N.H. Senate Judiciary Committee Meeting, Public Hearing on SB 591, testimony of Senator Jeb Bradley, at 4:45–25:18, YOUTUBE (Feb. 20, 2024) https://www.youtube.com/live/DXmEbogAiSE .	ID
31	N.H. Senate Livestream, N.H. Senate Judiciary Committee Meeting, Public Hearing on SB 591, testimony of Senator Jeb Bradley, at 7:46–8:42, YOUTUBE (Feb. 20, 2024) https://www.youtube.com/live/DXmEbogAiSE .	ID
32	N.H. Senate Livestream, N.H. Senate Judiciary Committee Meeting, Public Hearing on SB 591, testimony of Senator Jeb Bradley at 9:03–9:53, YOUTUBE (Feb. 20, 2024) https://www.youtube.com/live/DXmEbogAiSE .	ID
33	N.H. Senate Livestream, N.H. Senate Judiciary Committee Meeting, Public Hearing on SB 591, testimony of Senator Jeb Bradley at 21:00–23:54, YOUTUBE (Feb. 20, 2024) https://www.youtube.com/live/DXmEbogAiSE .	ID
34	Transcript: N.H. Senate Judiciary Committee Meeting, Public Hearing on SB 591, testimony of NH AG John Formella, at 25:47 to 56:55, YOUTUBE (Feb. 20, 2024) https://www.youtube.com/live/DXmEbogAiSE .	ID
35	N.H. Senate Livestream, N.H. Senate Judiciary Committee Meeting, Public Hearing on SB 591, testimony of NH AG John Formella, at 25:47 to 35:50, YOUTUBE (Feb. 20, 2024) https://www.youtube.com/live/DXmEbogAiSE .	ID

Dated: August 26, 2025

Respectfully submitted,

**PLAINTIFFS ANDREW FOLEY,
RONALD “CHUCK” MILES, and
JANE DOE #231
(on behalf of themselves and all those
similarly situated)**

By their attorneys,

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CERTIFICATE OF SERVICE

I certify that on August 26, 2025, 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/ W. Daniel Deane
