

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

Case No. 217-2025-CV-00480

Andrew Foley;
Ronald “Chuck” Miles; and
Jane Doe #231

On behalf of themselves and all those similarly situated

v.

The State of New Hampshire;
New Hampshire Governor, Kelly Ayotte, in her official capacity; and
New Hampshire Attorney General, John Formella, in his official capacity

**[PROPOSED] ORDER ON PLAINTIFFS’
EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER**

Upon review of Plaintiffs’ Emergency Motion for Temporary Restraining Order and supporting documents filed therewith, it has been alleged and demonstrated by the sworn and specific facts contained therein that Plaintiffs are in danger of suffering immediate and irreparable harm by Defendants’ conduct, and that such harm will be suffered before Defendants may timely object to Plaintiffs’ Motion. The Court specifically finds as follows:

1. On June 26, 2025, both houses of the New Hampshire legislature passed the omnibus biennial budget bill, House Bill 2, which includes specific amendments to the Youth Development Center Claims Administration and Settlement Fund, RSA 21-M:11-a (“Settlement Fund Act”). *See* Comm. of Conf. Report on HB-2, June 19, 2025, § 437 (amending RSA 21-M:11-a, III); and Comm. of Conf. Report on HB-2, June 19, 2025, § 439 (amending RSA 21-M:11-a, IX(e)). The Governor has already indicated that she intends to sign the HB-2 into law, and with it the two amendments challenged by Plaintiffs, and this will likely occur on or before June 30, 2025. The first amendment, section 437, allows the Governor and Executive Council to

replace the independent and neutral Settlement Fund Administrator with a political appointee who would serve at the pleasure of the Governor. The second amendment, section 439, allows the Attorney General to unilaterally reject the Administrator's decisions, effectively rendering the Administrator's decisions as merely advisory.

2. These two provisions of House Bill 2 have an effective date of July 1, 2025, at which time the Governor and Executive Council would be free to remove the Administrator and appoint a successor and the Attorney General could review and reject any pending decisions issued by the Administrator.

3. If implemented and acted upon, the two above-described amendments to RSA 21-M:11-a would cause immediate and irreparable harm to Plaintiffs, as established in Plaintiffs' Motion and supporting documents.

Therefore, it is Ordered that:

- A. Defendants are hereby enjoined from enforcing the recently passed HB-2 amendment to RSA 21-M:11-a, III regarding the appointment and removal of the YDC Claims Administrator;
- B. Defendants are hereby enjoined from enforcing the recently passed HB-2 amendment to RSA 21-M:11-a, IX(e) regarding review of the Administrator's decisions;
- C. This Order does not enjoin any other aspect of HB-2; and
- D. Absent further Order of this Court, a hearing on the injunction shall be held within 10 days of the Clerk's Notice of Decision accompanying this Order.

SO ORDERED.

Date & Time

Presiding Justice