

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<https://www.courts.nh.gov>

Court Name: **Strafford Superior Court**
Case Name: **The City of Dover, et al. v. David M. Scanlan, et al.**
Case Number: **219-2022-CV-224**
(if known)

CASE STRUCTURING AND ADR ORDER
(See Superior Court Civil Rules 5 and 32)

1. Plaintiff's Counsel: Trial **Joshua Wyatt** At conference **Joshua Wyatt**
2. Defendant's Counsel: Trial **Brendan O'Donnell** At conference **Brendan O'Donnell**
3. Causes(s) of action: **Permanent Injunction** Counterclaims _____
4. Insurance carrier: **N/A** Disclosure of policy limits by: **N/A**
5. The parties consent to this case being transferred to the Business and Commercial Dispute Docket. A motion requesting this transfer shall be filed with the Court within 30 days. Upon receipt, the Clerk will submit the motion to the Merrimack Superior Court for ruling.
6. If defendant claims that unnamed parties are at fault (see DeBenedetto v. CLD Consulting Engineers Inc., 153 N.H. 793 (2006)), defendant shall disclose the identity of every such party and the basis of the allegation of fault no later than **12/11/2023**. Plaintiff shall then have 30 days from the date of disclosure to amend the initiating pleading.
7. Is there an agreement to waive statutory expert disclosure requirements under RSA 516:29-b?
 Yes No
8. The parties have exchanged e-mail addresses and agree that the e-mail service of pleadings between the parties shall be considered in compliance with Superior Court Administrative Order 46.
9. Plaintiff's disclosure of experts and reports due: **01/15/2024**
Defendant's disclosure of experts and reports due: **02/15/2024**
10. The following deadlines apply:
All interrogatories propounded by **02/15/2024**
All depositions to be completed by **03/15/2024**
All dispositive motions to be filed: **no later than 120 days prior to the trial**
Completion of all discovery: **03/15/2024**
Deadline for filing all other pre-trial motions: **14 days prior to trial management conference**
Deadline for filing of witness and exhibit lists: **14 days prior to trial management conference**
11. Jury trial requested? Yes No
12. If jury trial previously demanded, is it now being waived? Yes No
13. Requested trial date: **07/15/2024** Estimated trial length: _____
14. Jury trial assignment: Trial Mgt Conf.: _____ Jury Selection: _____
15. Bench trial assignment: Trial Mgt Conf.: _____ Week of: _____
16. Trial counsel and self-represented parties shall appear at the trial management conference and be prepared to address settlement potential. Parties represented by counsel shall be available for contact by telephone during the trial management conference. All pending pretrial motions shall be heard at the trial management conference, or as scheduled by the court. Failure to appear at the trial management conference or trial may result in dismissal, default or other sanctions.

CASE STRUCTURING AND ADR ORDER

ADR (Alternative Dispute Resolution)

Superior Court Civil Rule 32 requires the Court to assign all civil cases to ADR unless the parties represent by joint motion they have engaged in formal ADR before a neutral third party before filing suit or the Court exempts the parties by motion for good cause shown.

17. **ADR Order:**

- The parties stipulate and agree to an ADR process. **OR**
- The parties do not agree to an ADR process and request the Court complete this section.

A. Type of ADR

- Mediation**
- Neutral Case Evaluation**
- Arbitration**

Other Neutral Third Party Process: _____

Name of person chosen to conduct ADR: _____ Paid Volunteer

Address: _____

Phone: _____ Email: _____

Names of alternates: 1. _____ 2. _____

B. Scheduling your ADR Session: Date ADR shall be completed by _____

You and the other side must contact the person selected to schedule the ADR session. Please contact the neutral *as soon as possible* after the ADR Order is approved. If the parties and counsel decide to use an alternate, see court-approved here:

[Civil Cases | New Hampshire Judicial Branch \(nh.gov\)](http://CivilCases|NewHampshireJudicialBranch.nh.gov)

C. ADR Reporting: The Plaintiff shall file a copy of the ADR report with the court within 30 days of the ADR session. If the ADR report is not timely filed, the court may schedule a show-cause hearing to determine the status of the ADR process and to impose sanctions appropriate to the circumstances, if necessary.

18. The Court has determined the parties are exempt from Rule 32 ADR.

19. Other orders:

Brendan O'Donnell _____

Name of Filer

Department of Justice _____ **268037** _____

Law Firm, if applicable Bar ID # of attorney

33 Capitol Street _____

Address

Concord _____ **NH** _____ **03001** _____

City State Zip code

/s/ Brendan O'Donnell _____ **10/02/2023** _____

Signature of Filer Date

(603) 271-3675 _____

Telephone

brendan.a.odonnell@doj.nh.gov _____

E-mail

Case Name: The City of Dover, et al. v. David M. Scanlan, et al.

Case Number: 219-2022-CV-224

CASE STRUCTURING AND ADR ORDER

Name of Filer

Signature of Filer Date

Law Firm, if applicable Bar ID # of attorney

Telephone

Address

E-mail

City State Zip code

Name of Filer

Signature of Filer Date

Law Firm, if applicable Bar ID # of attorney

Telephone

Address

E-mail

City State Zip code

Name of Filer

Signature of Filer Date

Law Firm, if applicable Bar ID # of attorney

Telephone

Address

E-mail

City State Zip code

SO ORDERED:

Date

Presiding Justice