

STRAFFORD COUNTY

STATE OF NEW HAMPSHIRE

SUPERIOR COURT

219-2022-CV-00224

CITY OF DOVER, et al

v.

DAVID M. SCANLAN, et al

**DEFENDANTS' OBJECTION TO
PLAINTIFFS' PROPOSED SUMMARY JUDGMENT BRIEFING SCHEDULE**

The Defendants, David Scanlan, in his official capacity as the New Hampshire Secretary of State, and John Formella, in his official capacity as the New Hampshire Attorney General, through counsel, object to the Plaintiffs' proposed summary judgment briefing schedule.

1. On September 21, 2023, the Plaintiffs filed their "proposed summary judgment briefing schedule." The Plaintiffs' proposed briefing schedule does not provide any period for the parties to conduct discovery.¹

2. Concurrent with this objection, the Defendants filed a motion to adopt case structuring order. The Defendants' proposed case structuring order provides an expedited five-month period for the parties to conduct discovery.

3. As described in greater detail in the Defendants' motion, the Defendants proposed case structuring deadlines that were intended to balance the Plaintiffs' desire for an expeditious resolution of this matter with the Defendants' right to conduct discovery.

¹ In their pleading, the Plaintiffs included various statements and characterizations regarding prior attempts between the parties to come to an agreement regarding case structuring. The Defendants note that they generally dispute the Plaintiffs' statements and characterizations, but the Defendants will not directly respond to each because they are not germane to the issue before the Court regarding appropriate case structuring deadlines.

4. Accordingly, for the reasons stated in the Defendants' motion, the Defendants request that the Court deny the Plaintiffs' proposed briefing schedule and adopt the Defendants' proposed case structuring order.

5. The Defendants alternatively request that this Court schedule a case structuring conference to determine appropriate case structuring deadlines for this matter.

WHEREFORE, the Defendants respectfully request that this Honorable Court:

A. Deny the Plaintiffs' request for a proposed briefing schedule; or

B. Schedule a case structuring conference to determine appropriate case structuring deadlines for this matter.

Respectfully submitted,

DAVID SCANLAN, SECRETARY OF STATE

and

THE STATE OF NEW HAMPSHIRE

By their attorneys,

JOHN M. FORMELLA
ATTORNEY GENERAL

Date: October 2, 2023

/s/ Brendan A. O'Donnell
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CERTIFICATE OF SERVICE

I hereby certify that a copy of this pleading was served on all counsel of record through the Court's electronic-filing system.

Date: October 2, 2023

/s/ Brendan A. O'Donnell
Brendan A. O'Donnell, No. 268037