

STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.  
SOUTHERN DISTRICT

SUPERIOR COURT

Docket No. 226-2022-CV-00181

MILES BROWN,  
ELIZABETH CROOKER,  
CHRISTINE FAJARDO,  
KENT HACKMANN,  
BILL HAY,  
PRESCOTT HERZOG,  
PALANA HUNT-HAWKINS,  
MATT MOOSHIAN,  
THERESA NORELLI,  
NATALIE QUEVEDO, and  
JAMES WARD,

v.

DAVID M. SCANLAN,  
in his official capacity as the New Hampshire Secretary of State

**MOTION TO EXPEDITE PRELIMINARY HEARING**

Plaintiffs request that the Court (a) move the preliminary hearing in this case, currently scheduled for June 13, 2022, to an earlier date, or (b) enjoin the conclusion of the candidate filing period for State Senate and Executive Council seats, RSA 655:14, until further action by the Court relating to Plaintiffs' motion for preliminary injunction. If the Court chooses to expedite the preliminary hearing, Plaintiffs propose that the hearing be scheduled for May 27, 2022. Defendant opposes this motion.

In support of this motion, Plaintiffs state as follows:

1. In August 2021, the U.S. Census Bureau delivered to New Hampshire the data necessary to develop new statewide redistricting plans based on the results of the 2020 Census.
2. Nonetheless, the General Court did not pass new redistricting plans for the State Senate (SB 240) and Executive Council (SB 241) until April 21, 2022.

Denied

Clerk's Notice of Decision  
Document Sent to Parties



Honorable Jacalyn A. Colburn  
May 19, 2022

3. Despite that the General Court passed SB 240 and 241 on April 21, 2022, Governor Sununu did not sign those bills into law until May 6, 2022.

4. As soon as SB 240 and 241 were enacted, Plaintiffs immediately sought relief from this Court. They filed this lawsuit challenging SB 240 and 241 just hours after the bills were enacted into law. And the next business day, Plaintiffs filed a motion for preliminary injunction asking the Court to enjoin Defendant from using SB 240 and 241 in the 2022 elections and beyond.

5. This Court has set a preliminary hearing for this case to occur on June 13, 2022. Plaintiffs appreciate the Court's prompt attention to this matter.

6. Unfortunately, because of the late date on which SB 240 and 241 were enacted into law, time is of the essence with respect to Plaintiffs' motion for preliminary injunction. As matters currently stand, the candidate filing period for State Senate and Executive Council seats will open on June 1, 2022, and will close on June 10, 2022, RSA 655:14. As a result, the Court's June 13 preliminary hearing is scheduled to occur after the candidate filing period closes.

7. The candidate filing period, however, is not immovable. As the New Hampshire Supreme Court has done previously to protect its ability to provide relief in redistricting lawsuits, this Court has authority to enjoin the closing of the candidate filing period. *See Below v. Gardner*, 148 N.H. 1, 14, 16 (2002) (per curiam) (discussing court's injunction against the filing period to enable adjudication of plaintiffs' claims); *Burling v. Chandler*, 148 N.H. 143, 160 (2002) (same).

8. To ensure this Court has an opportunity to adjudicate Plaintiffs' motion for preliminary injunction prior to the closing of the candidate filing period, Plaintiffs respectfully request that the Court reschedule the preliminary hearing for an earlier date (Plaintiffs propose May 27, 2022), or, alternatively, enjoin the closing of the candidate filing period pending further Court action on Plaintiff's preliminary injunction motion. In support of that alternative request,

Plaintiffs incorporate by reference their motion for preliminary injunction and its accompanying evidence. As explained in that motion, SB 240 and 241 threaten to irreparably harm Plaintiffs and other New Hampshire voters by diluting their voting strength in the upcoming elections, Plaintiffs have no available remedy at law, Plaintiffs are likely to succeed in challenging SB 240 and 241, and an injunction would serve the public interest. As a result, an injunction is warranted. *Thompson v. N.H. Bd. of Med.*, 143 N.H. 107, 108 (1998).

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Dated: May 19, 2022

Respectfully submitted,

MILES BROWN, ELIZABETH CROOKER,  
CHRISTINE FAJARDO, KENT  
HACKMANN, BILL HAY, PRESCOTT  
HERZOG, PALANA HUNT-HAWKINS,  
MATT MOOSHIAN, THERESA NORELLI,  
NATALIE QUEVEDO, and JAMES WARD

By Their Attorneys,

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*Counsel for Plaintiffs*

*\*Motions for Pro Hac Vice Forthcoming*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 19, 2022, I served the foregoing upon Samuel R.V. Garland, counsel for the Defendant, by email and first class mail, as well as all other counsel of record through the Court's electronic filing system.

/s/ Steven J. Dutton  
Steven J. Dutton

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