

CLOSED

**U.S. District Court
District of New Hampshire (Concord)
CIVIL DOCKET FOR CASE #: 1:94-cv-00573-SM**

NH v. Adams, et al
Assigned to: Judge Steven J. McAuliffe
Demand: \$0
Case in other court: 98-01244
Cause: 20:1415 Education: Handicapped Child Act

Date Filed: 11/14/1994
Date Terminated: 01/22/1998
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: Federal Question

Plaintiff

State of New Hampshire
*Department of Education and Department
of Corrections*

represented by **Nancy J. Smith**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**Marc Adams**

represented by **H. Jonathan Meyer**
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Defendant**Manchester School District**

represented by **Dean B. Eggert**
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Date Filed	#	Docket Text
11/14/1994	1	COMPLAINT/APPEAL FROM DUE PROCESS HEARING FILING FEE \$ 120 RECEIPT # 7084 (bc) (Entered: 11/21/1994)
11/21/1994		Spoke with Attorney Smith's office regarding the service of summons, she feel that the copy of the complaint she sent to defendants is sufficient. (bc) (Entered: 11/21/1994)

		11/21/1994)
11/21/1994		Deadline updated; for service documents ; set Miscellaneous deadline for 12/14/94 (bc) (Entered: 11/21/1994)
12/19/1994		Deadline updated; reset Miscellaneous deadline for 1/11/94 for service documents (amm) (Entered: 12/19/1994)
01/13/1995		SUMMONS(ES) issued for Marc Adams, Manchester Sch Dist (amm) (Entered: 01/19/1995)
02/02/1995		Deadline updated; Set Local Rule 21(b) Deadline to 3/15/95 for Manchester Sch Dist, for Marc Adams (return of service documents) (amm) (Entered: 02/02/1995)
02/02/1995	2	WAIVER OF SERVICE Executed as to Marc Adams ; waiver mailed 1/26/95 ; Answer due on 3/30/95 for Marc Adams (amm) (Entered: 02/03/1995)
02/02/1995	3	WAIVER OF SERVICE Executed as to Manchester Sch Dist ; waiver mailed 1/26/95 ; Answer due on 3/30/95 for Manchester Sch Dist (amm) (Entered: 02/03/1995)
02/03/1995	4	ANSWER and Counterclaims to Complaint by Manchester Sch Dist (amm) (Entered: 02/03/1995)
02/03/1995		File to SM for Pretrial Assignment (amm) (Entered: 02/03/1995)
02/03/1995	5	ANSWER and Counterclaim to Complaint by Marc Adams (amm) (Entered: 02/03/1995)
02/09/1995		PRETRIAL CONFERENCE set at 8:30 a.m. on 3/1/95 before: Judge Steven J. McAuliffe location: Chambers, Room 216 (amm) (Entered: 02/09/1995)
03/01/1995		PRETRIAL CONFERENCE held before: Judge Steven J. McAuliffe location: Chambers (amm) (Entered: 03/01/1995)
03/02/1995	6	PRETRIAL order filed Ready for trial deadline set for 12/1/95; Discovery deadline set to 10/2/95; Bench Trial; ***Case track set -- STNDRD (signed by Judge Steven J. McAuliffe) (amm) (Entered: 03/03/1995)
04/24/1995	7	Transcripts of the Department of Education Hearings by NH (amm) (Entered: 04/27/1995)
04/28/1995	8	MOTION by NH to Extend Time by 30 days for Identification of Experts with assent. (amm) (Entered: 05/01/1995)
04/28/1995		RULE 11 ORDER granting [8-1] motion to Extend Time by 30 days for Identification of Experts (amm) (Entered: 05/01/1995)
05/05/1995		TRIAL NOTICE -- Discovery Completion Date 10/2/95, Pretrial Material Due 11/10/95. Final Pretrial Conference set for 8:30 on 11/21/95; Bench Trial set for 2-week period beginning 9:00 on 12/5/95 before Judge Steven J. McAuliffe (amm) (Entered: 05/05/1995)
05/05/1995		Deadline updated; set Pretrial material deadline for 11/10/95 (amm) (Entered: 05/05/1995)
05/10/1995	9	MOTION by Manchester Sch Dist to Dismiss: Statute of Limitations with memorandum. Objection to Motion Deadline 5/30/95 (amm) (Entered: 05/10/1995)
05/26/1995	10	OBJECTION by NH to [9-1] motion to Dismiss: Statute of Limitations (amm) (Entered: 05/30/1995)
05/26/1995	11	MOTION by NH to Strike [5-1] answer , or to Dismiss Counterclaims for Attorneys' Fees with memorandum. Objection to Motion Deadline 6/15/95 (amm) (Entered: 05/30/1995)
06/12/1995	12	OBJECTION by Marc Adams to [11-1] motion to Strike [5-1] answer, [11-2] motion to Dismiss Counterclaims for Attorneys' Fees (amm) (Entered: 06/12/1995)

06/12/1995	13	OBJECTION by Manchester Sch Dist to [11-1] motion to Strike [5-1] answer, [11-2] motion to Dismiss Counterclaims for Attorneys' Fees (amm) (Entered: 06/12/1995)
07/28/1995	14	MOTION by Marc Adams, Manchester Sch Dist to preclude expert testimony of Gerald O'Brien with memorandum. Objection to Motion Deadline 8/17/95 (amm) Modified on 10/26/1995 (Entered: 07/31/1995)
07/28/1995	15	MOTION by Marc Adams, Manchester Sch Dist to Extend Time for Identification of Experts 20 days after ruling on Motion to Preclude Expert Testimony with memorandum. (amm) (Entered: 07/31/1995)
08/01/1995		ENDORSED ORDER granting [15-1] motion to Extend Time for Identification of Experts 20 days after ruling on Motion to Preclude Expert Testimony (signed by Judge Steven J. McAuliffe) (amm) (Entered: 08/02/1995)
08/15/1995		Transcript of Department of Education Hearing of 4/19/94 by State of NH (amm) (Entered: 08/23/1995)
08/16/1995	16	OBJECTION by NH to [14-1] motion to preclude expert testimony of Gerald O'Brien (amm) Modified on 08/23/1995 (Entered: 08/16/1995)
08/24/1995	17	ASSENTED TO MOTION by Marc Adams, Manchester Sch Dist for Leave to File Defendants' Supplemental Memorandum & Response to Plaintiff's Memorandum of Law In Support of Objection to Motion to Preclude Expert Witness Testimony (amm) (Entered: 08/24/1995)
08/24/1995		RULE 11 ORDER granting [17-1] motion for Leave to File Defendants' Supplemental Memorandum & Response to Plaintiff's Memorandum of Law In Support of Objection to Motion to Preclude Expert Witness Testimony (amm) (Entered: 08/24/1995)
08/24/1995	18	SUPPLEMENTAL MEMORANDUM & Response by Defendants' to Plaintiff's Memorandum in Support of Objection to Support [14-1] motion to preclude expert testimony of Gerald O'Brien (amm) (Entered: 08/24/1995)
09/27/1995		Motion(s) referred: [14-1] motion to preclude expert testimony of Gerald O'Brien referred to Magistrate Judge James R. Muirhead (amm) (Entered: 09/27/1995)
09/29/1995	19	MOTION by Manchester Sch Dist for Summary Judgment with memorandum. Objection to Motion Deadline 10/19/95 (amm) (Entered: 09/29/1995)
10/11/1995	20	MOTION by NH to Vacate Trial & Discovery Schedule [6-1] pre-trial order , and for Scheduling Conference no memorandum. (amm) Modified on 10/12/1995 (Entered: 10/12/1995)
10/11/1995	21	MOTION by NH to Extend Time to Respond to Motion for Summary Judgment to 12/4/95 no memorandum. (amm) (Entered: 10/12/1995)
10/13/1995	22	MOTION by Marc Adams to Dismiss , or for Other Relief Designated Herein with memorandum. Objection to Motion Deadline 11/2/95 (amm) (Entered: 10/16/1995)
10/19/1995		ENDORSED ORDER granting [21-1] motion to Extend Time to Respond to Motion for Summary Judgment to 12/4/95, Objection to Motion reset to 12/4/95 for [19-1] motion for Summary Judgment (signed by Judge Steven J. McAuliffe) (amm) (Entered: 10/19/1995)
10/19/1995		ENDORSED ORDER granting [20-1] motion to Vacate Trial & Discovery Schedule [6-1] pre-trial order granting [20-2] motion for Scheduling Conference, set Pretrial Conference for 4:00 11/6/95 (signed by Judge Steven J. McAuliffe) (amm) (Entered: 10/19/1995)
10/25/1995		Motion hearing re: [14-1] motion to preclude expert testimony of Gerald O'Brien at 2:00 11/20/95 before Magistrate Judge James R. Muirhead in Courtroom #3, 4th Floor (jeb) (Entered: 10/26/1995)
10/31/1995	23	MOTION by NH to Extend Time to Respond to Motion to Dismiss to 11/13/95 no memorandum. Objection to Motion Deadline 11/20/95 (amm) (Entered: 11/02/1995)

11/06/1995		FURTHER PRETRIAL CONFERENCE held before: Judge Steven J. McAuliffe location: Chambers (amm) (Entered: 11/06/1995)
11/20/1995		Motion hearing re: [14-1] motion to preclude expert testimony of Gerald O'Brien Motion hearing held before Magistrate Judge James R. Muirhead in Courtroom #3. Arguments heard. Order to issue. Tape S752 (000-5111) (jeb) Modified on 11/20/1995 (Entered: 11/20/1995)
11/21/1995		Motion(s) referred: [23-1] motion to Extend Time to Respond to Motion to Dismiss to 11/13/95 referred to Magistrate Judge James R. Muirhead (amm) (Entered: 11/21/1995)
12/04/1995	25	OBJECTION by NH to [19-1] motion for Summary Judgment (amm) (Entered: 12/05/1995)
12/04/1995	252	CROSS-MOTION by NH for Summary Judgment with memorandum. Objection to Motion Deadline 12/26/95 (amm) (Entered: 12/21/1995)
12/13/1995	26	PRETRIAL order filed: Ready for trial deadline set for 9/3/96; Discovery deadline set to 7/1/96, set Further Pretrial Conference for 8:30 5/20/96 ***Case track set -- STNDRD (signed by Judge Steven J. McAuliffe) (amm) (Entered: 12/13/1995)
12/22/1995	27	MOTION by Marc Adams to Extend Time to Respond to Cross-Motion for Summary Judgment to 1/29/96 with assent. (amm) Modified on 12/26/1995 (Entered: 12/26/1995)
12/22/1995		RULE 11 ORDER granting [27-1] motion to Extend Time to Respond to Cross-Motion for Summary Judgment to 1/29/96, Objection to Motion reset to 1/29/96 for [252-1] motion for Summary Judgment (amm) Modified on 12/26/1995 (Entered: 12/26/1995)
12/26/1995	28	MOTION by Manchester Sch Dist to Extend Time to Respond to Cross-Motion for Summary Judgment to 1/29/96 (amm) (Entered: 12/26/1995)
12/26/1995		RULE 11 ORDER granting [28-1] motion to Extend Time to Respond to Cross-Motion for Summary Judgment to 1/29/96, Objection to Motion reset to 1/29/96 for [252-1] motion for Summary Judgment (amm) (Entered: 12/26/1995)
12/28/1995		ENDORSED ORDER granting [23-1] motion to Extend Time to Respond to Motion to Dismiss (objection attached) to 11/13/95 (signed by Magistrate Judge James R. Muirhead) (cmd) (Entered: 12/28/1995)
12/28/1995	29	OBJECTION by NH to def't's [22-1] motion to Dismiss, [22-2] motion for Other Relief Designated Herein w/memorandum; request for consideration of Fed.R.Civ.P. 11 re: sanctions contained in memorandum (cmd) (Entered: 12/28/1995)
12/28/1995	30	RESPONSE/OPPOSITION by Marc Adams w/attachments to objection to [29-1] motion objection (Rule 11(b)/sanctions request in memorandum) regarding [22-1] motion to Dismiss, [22-2] motion for Other Relief Designated Herein (cmd) (Entered: 12/28/1995)
01/04/1996	31	ORDER granting [14-1] motion to preclude expert testimony of Gerald O'Brien (signed by Magistrate Judge James R. Muirhead) (amm) (Entered: 01/04/1996)
01/26/1996	32	OBJECTION by Manchester Sch Dist to [252-1] motion for Summary Judgment with memorandum. (amm) (Entered: 01/29/1996)
01/29/1996	33	OBJECTION by Marc Adams to [252-1] motion for Summary Judgment with memorandum. (amm) (Entered: 01/30/1996)
02/16/1996	34	ORDER denying [9-1] motion to Dismiss: Statute of Limitations (signed by Judge Steven J. McAuliffe) (amm) (Entered: 02/20/1996)
03/21/1996	35	///ORDER granting in part, denying in part [252-1] motion for Summary Judgment, denying [22-1] motion to Dismiss, denying [22-2] motion for Other Relief Designated Herein, denying [19-1] motion for Summary Judgment, denying [11-1] motion Strike [5-1] answer, denying [11-2] motion to Dismiss Counterclaims for Attorneys' Fees, set Status Report deadline to 6/15/96 re: modification of current IEP (signed by Judge Steven J. McAuliffe (amm)

		Modified on 04/08/1996 (Entered: 03/22/1996)
04/09/1996		TRIAL NOTICE. Final Pretrial Statements Due 9/10/96 ; Final Pretrial Conference set for 4:30 9/20/96 ; Bench Trial set for 2-week period beginning 9:00 10/1/96 LR 16.2(e) Objections Due: 9/18/96. (before Judge Steven J. McAuliffe) (amm) (Entered: 04/09/1996)
04/11/1996		TRIAL NOTICE. Final Pretrial Statements Due 10/11/96 ; Final Pretrial Conference set for 4:30 10/23/96 ; Bench Trial set for 2-week period beginning 11/5/96 LR 16.2(e) Objections Due: 10/21/96. (before Judge Steven J. McAuliffe) (amm) (Entered: 04/11/1996)
06/17/1996	37	STATUS REPORT by Marc Adams stating a meeting was held 6/10 at the prison re: the development of the new IEP. 2nd meeting is scheduled for 6/21. (amm) (Entered: 06/21/1996)
06/19/1996	36	STATUS REPORT by Manchester School District stating team meeting scheduled for 6/21 and parties are now at the stage of developing specific long term goals & short term objectives. Upon completion of that process decisions will be made re: programing. (amm) (Entered: 06/19/1996)
06/21/1996	38	STATUS REPORT by NH concurring with reports filed by Marc Adams & Manchester School District. (amm) (Entered: 06/24/1996)
10/01/1996	39	MOTION by NH to Continue Pretrial and Trial Scheduled , and to Expedite Ruling , and Request Status Conference Week of 10/28/96 Objection to Motion Deadline 10/21/96 (amm) (Entered: 10/01/1996)
10/07/1996		ENDORSED ORDER granting [39-1] motion to Continue Pretrial and Trial Scheduled, granting [39-2] motion to Expedite Ruling, granting [39-3] motion Request Status Conference Week of 10/28/96, set Status Conference for 11:00 10/29/96 (signed by Judge Steven J. McAuliffe) (amm) (Entered: 10/07/1996)
10/08/1996		**Remove Trial set Flag (amm) (Entered: 10/08/1996)
10/11/1996	40	STATUS REPORT and Statement of Disputed Issues Regarding IEP Development w/exhibits by NH (cmd) (Entered: 10/16/1996)
10/23/1996	41	STATUS REPORT by Marc Adams, Manchester Sch Dist stating an IEP was signed & submitted to Director of Education of the Dept. of Corrections along with letter from Manchester School District requesting notification of implementation of IEP. Pltfs take the view there is not IEP & question of implementation is moot. (amm) (Entered: 10/25/1996)
10/29/1996		Status conference held before: Judge Steven J. McAuliffe location: Chambers (amm) (Entered: 10/29/1996)
10/29/1996	42	ORDER, Parties to notify the court in writing by 11/29/96 that: 1. matter entirely settled, 2. issues remain disputed set Notice of Compliance deadline to 11/29/96 Based upon submissions, court will appoint expert witnesses at parties initial expense. In that event, Adams to file verified statement of his assets, inmate account statement to attribute his share of cost. Court to hold evidentiary hearing. (signed by Judge Steven J. McAuliffe) (amm) (Entered: 10/30/1996)
11/27/1996	43	MOTION by NH to Extend Time to file Status Report to 12/6/96 with assent. (amm) (Entered: 11/27/1996)
12/02/1996		ENDORSED ORDER granting [43-1] motion to Extend Time to file Status Report to 12/6/96, reset Notice of Compliance deadline to 12/6/96 (signed by Judge Steven J. McAuliffe) (amm) (Entered: 12/03/1996)
12/06/1996	44	STATUS REPORT by State of NH Dept. of Education & Corrections – Parties agree to compromises on all remaining issues. Implementation of this IEP will begin with the next session of each individual academic program. (amm) (Entered: 12/10/1996)
12/06/1996	45	STATUS REPORT by Marc Adams, Manchester Sch Dist stating all issues have been resolved except outstanding counterclaim as to fees and costs. (amm) (Entered: 12/10/1996)

01/21/1997		Spoke to Atty Peter Smith who informed me that he was submitting something to the State today re: his fees & costs. He will file something when necessary re: his fees & costs (pending counterclaim) if things are not settled with the State. Left a message with Dean Eggert re: same. Also updated Nancy Smith. In December, 1996, I had spoke to all 3 attys, Peter Smith & Dean Eggert both promised me they would file a motion re: their fees & costs – nothing was filed. Case is settled except for counterclaim. (amm) (Entered: 01/21/1997)
03/03/1997		** deadline updated; set Notice of Compliance deadline to 3/17/97 for Atty Peter Smith to notify court re: attys fees (amm) Modified on 03/03/1997 (Entered: 03/03/1997)
03/17/1997	46	MOTION by Manchester Sch Dist for Summary Judgment On Counterclaim for Attorney's Fees with memorandum. Objection to summary judgment deadline 4/21/97 (amm) (Entered: 03/18/1997)
03/31/1997	47	NOTICE of attorney appearance for Marc Adams by H. Jonathan Meyer (amm) (Entered: 04/01/1997)
04/14/1997	48	OBJECTION by NH to [46-1] motion for Summary Judgment On Counterclaim for Attorney's Fees (amm) (Entered: 04/15/1997)
04/14/1997	49	MOTION by NH for Reconsideration of [35-1] order re: motion to strike or dismiss (doc.11) with memorandum. Objection to Motion Deadline 5/5/97 (amm) (Entered: 04/15/1997)
04/17/1997	50	ORDER denying [46-1] motion for Summary Judgment On Counterclaim for Attorney's Fees (signed by Judge Steven J. McAuliffe) (amm) (Entered: 04/17/1997)
04/29/1997	51	OBJECTION by Manchester Sch Dist to [49-1] motion for Reconsideration of [35-1] order re: motion to strike or dismiss (doc.11) (amm) (Entered: 04/29/1997)
05/01/1997		ENDORSED ORDER denied as moot (See order dated 4/17/97) [49-1] motion for Reconsideration of [35-1] order re: motion to strike or dismiss (doc.11) (signed by Judge Steven J. McAuliffe) (amm) (Entered: 05/02/1997)
05/01/1997	52	OBJECTION by Marc Adams to [49-1] motion for Reconsideration of [35-1] order re: motion to strike or dismiss (doc.11) (amm) (Entered: 05/02/1997)
05/01/1997	53	MOTION by Marc Adams for Attorney Fees & Costs with memorandum. Objection to Motion Deadline 5/21/97 (amm) (Entered: 05/02/1997)
05/08/1997	54	OBJECTION by NH to [53-1] motion for Attorney Fees & Costs (amm) (Entered: 05/09/1997)
05/12/1997		Motion hearing re: [53-1] motion for Attorney Fees & Costs at 9:30 5/29/97 before Judge Steven J. McAuliffe in Courtroom #4 (amm) (Entered: 05/12/1997)
05/16/1997		Motion hearing re: [53-1] motion for Attorney Fees & Costs reset at 3:00 5/27/97 before Judge Steven J. McAuliffe in Courtroom #4 (amm) (Entered: 05/16/1997)
05/20/1997	55	OBJECTION by NH to [53-1] motion for Attorney Fees & Costs (amm) (Entered: 05/21/1997)
05/21/1997	56	Complete Administrative Record in this case by NH State Dept of Education (amm) (Entered: 05/21/1997)
05/27/1997		Motion hearing re: [53-1] motion for Attorney Fees & Costs Motion hearing held before Judge Steven J. McAuliffe in Courtroom #4; Oral arguments present; Court takes it under advisement. (amm) (Entered: 05/27/1997)
05/27/1997	57	SUPPLEMENTAL AFFIDAVIT by Peter Smith Re: [53-1] motion for Attorney Fees & Costs (amm) (Entered: 05/29/1997)
06/20/1997	58	MOTION by Marc Adams for Leave to File Post-Hearing Memorandum with memorandum. Objection to Motion Deadline 7/10/97 (amm) (Entered: 06/23/1997)
07/02/1997	59	OBJECTION by NH to [58-1] motion for Leave to File Post-Hearing Memorandum (amm) (Entered: 07/02/1997)

07/10/1997		ENDORSED ORDER granting [58-1] motion for Leave to File Post-Hearing Memorandum (signed by Judge Steven J. McAuliffe) (amm) (Entered: 07/11/1997)
07/10/1997	60	POST HEARING MEMORANDUM by Marc Adams (amm) (Entered: 07/11/1997)
01/21/1998	61	ORDER denying [53-1] motion for Attorney Fees & Costs; Clerk of Court is instructed to close the case. (signed by Judge Steven J. McAuliffe) (amm) (Entered: 01/21/1998)
01/22/1998	62	JUDGMENT is hereby entered in accordance with the orders dated March 21, 1996, and January 21, 1998, by U.S. District Judge Steven J. McAuliffe. (Signed by Clerk James R. Starr) (amm) (Entered: 01/22/1998)
01/22/1998		Case closed (amm) (Entered: 01/22/1998)
02/19/1998	63	NOTICE OF APPEAL by Marc Adams . Fee Status: paid ; File-stamped copy to parties/CCA with Appeal Information Sheet; copy of docket sheet to CCA. (amm) (Entered: 02/20/1998)
02/23/1998		Appeal record sent to CCA with Clerk's certificate on [63-1] appeal by Marc Adams -- transmitting documents: 1 - 63 (amm) (Entered: 02/23/1998)
03/11/1998		NOTICE of Docketing ROA from USCA Re: [63-1] appeal by Marc Adams USCA NUMBER: 98-1244 (amm) (Entered: 03/12/1998)
04/03/1998	64	TRANSCRIPT for Motion Hearing held on 5/27/97; Court Reporter: S. Kulacz (amm) (Entered: 04/03/1998)
04/03/1998		Supplemental clerk's certificate to CCA on [63-1] appeal by Marc Adams -- transmitting documents: 64 (amm) (Entered: 04/03/1998)
12/07/1998	65	MANDATE OF CCA Re: [63-1] appeal; Affirmed. (amm) (Entered: 12/07/1998)
12/09/1998	66	MANDATE OF CCA Re: It is now here ordered, adjudged and decreed as follows: The order of the district court is affirmed. (amm) (Entered: 12/09/1998)
12/09/1998		Record on appeal returned from U.S. Court of Appeals: [63-1] appeal by Marc Adams (amm) (Entered: 12/09/1998)
12/10/1998		Administrative transcript returned to State of New Hampshire Department of Education (amm) (Entered: 12/10/1998)
12/17/1998	67	OPINION of CCA Re: Appeal; Affirmed (amm) (Entered: 12/17/1998)
03/10/1999		RETURN OF EXHIBIT(S) to Nancy J. Smith for NH . (amm) (Entered: 03/10/1999)
03/11/1999	68	RECEIPT by NH for: exhibits (amm) (Entered: 03/12/1999)
02/17/2000	69	RECEIPT by NH for: State Dept. of Education Hearing Transcripts (amm) (Entered: 02/17/2000)
05/18/2000		FILE located at National Archives and Records Administration Waltham, MA. Accession No: 021-000059, Location No: A117034, Box No: 2; (bc) Modified on 05/18/2000 (Entered: 05/18/2000)