

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2024-0138, Steven Rand & a. v. State of New Hampshire, the court on March 27, 2024, issued the following order:

The State's assented-to motion for leave to file a response in support of the Coalition Communities' motion to stay the trial court's November 20, 2023 and February 20, 2024 orders pending appeal is granted. The State's response was filed on March 19, 2024. The plaintiffs' motion for leave to file a reply to the State's response is granted. The reply was filed on March 22, 2024, as an exhibit to the plaintiffs' motion.

The Coalition Communities' motion to stay the trial court's November 20, 2023 and February 20, 2024 orders pending appeal is granted, except for the portion of the February 20, 2024 order that granted the assented-to request pursuant to Superior Court Rule 46(c) to treat the trial court's orders as a final decision on the merits of the plaintiffs' SWEPT claims. The Coalition Communities' appeal and the State's co-appeal are accepted. See Rule 7(1)(A).

On or before April 11, 2024, the Coalition Communities and the Attorney General, as counsel for the State, shall each pay a deposit in the amount of \$127.50 (total deposit of \$255.00) for preparing the transcript of the July 12, 2023 hearing. In addition, the Attorney General shall pay a deposit in the amount of \$425.00 for preparing the transcript of the hearings held on November 4, 2022, and November 28, 2022. Failure to pay the deposits will result in the dismissal of the appeal and/or the co-appeal, as applicable. Refer to Rule 15. The deposits should be sent to eScribers, 7227 North 16th Street, Suite 207, Phoenix, Arizona 85020. Checks or money orders should be made payable to eScribers. To arrange for payment by credit card, contact eScribers at (800) 257-0885, ext. 8, or www.escribers.net.

Upon receipt of the deposits, eScribers shall prepare the transcript, as outlined on the transcript order form in the State's notice of co-appeal. If eScribers does not timely receive the required deposits, eScribers shall so notify the clerk of the superior court and the clerk of the supreme court. A copy of the State's transcript order form is being forwarded to eScribers with this order.

The transcript will be provided to the parties electronically through a PDF file. Any party wishing to order copies in another form, such as paper, should contact eScribers directly.

NOTE: The deposits listed above are an estimate of the transcript cost. If the deposits are insufficient to cover the full cost of the transcript, you will be required to pay an additional deposit. Any amount paid as a deposit in excess of the final cost will be refunded. The transcript will not be released to the parties until the final cost of the transcript is paid in full.

Once the transcript has been filed, a briefing order will be issued. Persons or organizations seeking to file an amicus curiae brief must comply with Rule 30.

As a result of the pending motions for recusal, any objections to which are due on or before March 28, 2024, Chief Justice Gordon J. MacDonald and Associate Justice Patrick E. Donovan did not participate in this order or the rulings in it.

Bassett, Hantz Marconi, and Countway, JJ., concurred.

**Timothy A. Gudas,
Clerk**

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Rockingham County Superior Court, 215-2022-CV-00167

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