

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS

SUPERIOR COURT

Docket No. 217-2020-CV-212

Casella Waste Systems, Inc.

v.

Jon Swan & Save Forest Lake, et al.

**ASSENTED-TO MOTION TO WAIVE
PAGE LIMITS UNDER N.H. SUPER. CT. R. 12(g)(1)**

Defendant(s) move for leave to submit a memorandum of approximately 31 pages and a statement of material fact of approximately 17 pages. In support hereof, Defendants state:

1. Plaintiff has sued the Defendants for defamation, arguing that eleven categories of statements made by the Defendants are defamatory.
2. N.H. Super. Ct. R. 12(g)(1), governing summary judgments, limits the moving party's submission to a total of 25 pages for the combined Statement of Material Facts and Memorandum of Law.
3. Although the issues in this case are not complex, legally speaking, each statement needs to be set forth and addressed by one or more applicable legal doctrines. While every effort has been made by the Defendants to be succinct, the law applies to different particular expressions in different, unique ways. Some of the law governing—for example—opinion is the same from statement to statement, but it is necessary to address the law to the facts of each allegedly defamatory statement. Hence, there is factual table-setting and legal analysis for each allegation.

4. The result is a Statement of Material Facts of approximately 17 pages, and a memorandum of law of approximately 31 pages.

5. Counsel for the Plaintiff assented to this Motion in principle, subject to resolution of certain unrelated discovery disputes that the Plaintiff had wanted to resolve before the Defendants filed their Motion for Summary Judgment. The parties were able to narrow, but not resolve their discovery disputes, and the Plaintiff filed a Motion to Compel on March 5, 2022. One defense to the Motion to Compel will be that the sought-after discovery relates to damages from the allegedly defamatory statements, which, if the Motion for Summary Judgment is successful, will be a moot consideration. Hence, the Defendants are filing their Motion for Summary Judgment in advance of responding to the Plaintiff's Motion to Compel.

WHEREFORE, the Defendants request that the Court:

- A. Grant the Defendants leave to exceed the page limitations for summary judgment filings under the Court rules;
- B. Grant such other and further relief as the Court deems just and equitable.

Respectfully Submitted,

SAVE FOREST LAKE & JON SWAN

By their Attorneys,

ORR & RENO, P.A.

Date: April 14, 2022

By: /s/ Jeremy D. Eggleton
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CERTIFICATION OF SERVICE

I, Jeremy D. Eggleton, do hereby certify that a copy of the foregoing was forwarded, this day, to counsel of record, via the Court's electronic service system.

/s/ Jeremy D. Eggleton _____

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