

THE STATE OF NEW HAMPSHIRE  
SUPREME COURT

No. 2021-0587

**In the Matter of Brianna Kauble and William Kauble**

*Appeal pursuant to Rule 7 from a judgement of the 10<sup>th</sup> Circuit Court, Brentwood Family Division*

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**RESPONSE TO APPELLANT'S REPLY BRIEF FOR HERBERT NOVELL**

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(15 minutes requested)

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## ARGUMENT

Appellant, Brianna Kauble, through her attorney Jared Bedrick filed a Reply Brief to my Brief (Herbert Novell, Intervenor) on August 8, 2022. The Appellant's Reply Brief states that Mr. Novell admitted to issues well beyond the lower courts finding. ARB 3<sup>1</sup>. This is a false statement. Nowhere in my Brief did I make such a statement.

Brianna Kauble's Reply Brief states that Mr. Novell's brief supports that there was more than mere friction in this relationship; there was toxicity. ARB 3. Mr. Novell would like to clarify that occasionally a matter would come up between Brianna and himself, that would cause friction, but never did he use the word toxicity. Also, in the Appellants reply, Brianna stated that Mr. Novell agreed that there was a disagreement over the living arrangements for the children which he admits caused friction. Mr. Novell disagrees with the word "friction". He agrees there was a hard discussion after Brianna shouted out in front of myself, my wife and sister that the mobile home purchased for her and the three grandchildren by the Intervenor was "Nothing more than a trailer, just a fucking tin can and she should just pack her shit and move back to Arizona". It was Brianna's total display of ungratefulness and negative attitude regarding having to move into a mobile home that caused the disagreement. When anyone, whether or not it is your adult child ever lashes out at you in such a manner, it will most likely lead to a frustrating discussion. ARB 3.

The Appellant, Brianna also stated "He talks about things that his daughter has done that deserved punishment, then he says his daughter was always a pistol and still a pistol." This

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<sup>1</sup> Appellant, Brianna Kauble's Reply Brief is referenced herein as "ARB"

comment was in reference to Brianna's previous attorney's (Attorney Laurie LaCoste's) comment during the hearing on October 4, 2021 where she made that comment regarding Brianna as a real "pistol" to which I concurred. Tr. 105

Also in the Appellant's Reply Brief stated, ".....and that he swore at her in a confrontation over his assumption that she had stolen backpacks." ARB 3. For clarification, this wasn't an "Assumption". When Brianna came home from Walmart with the twin 5 year-old girls one morning in August , one of the girls said, "Grampy, Grampy see what we got?" I asked them where they got them, and Brianna stated, "Five finger discount" as she smirked and stated she simply put the backpacks on the girls backs at Walmart and walked out of the store. NB 8<sup>2</sup>; Tr. 63. I was disgusted with her behavior and the lesson she was teaching her children that it was ok to steal. In a conversation between just her and I, I did raise my voice as I encouraged her to go back to Walmart and take them back, which she never did. There was another time that Brylee (the oldest granddaughter) was with her Aunt Shez and she stole something from Target. Shez saw that Brylee had the item on the way home and asked her where she got it? Brylee stated she found it on the ground. Shez knew this was not the case and returned to Target and made Brylee return it and apologize. Unfortunately, this behavior was considered acceptable by her mother Brianna as she had them steal backpacks from Walmart.

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<sup>2</sup> Intervenor, Herbert Novell's Brief is referenced herein as "NB"

There was never constant friction between Brianna and Mr. Novell during the six months her and the granddaughters lived with him and prior to March 2020 when Brianna cut off all contact between the granddaughters and himself and his wife. If there was truly constant friction between Brianna and Herbert, then why would Brianna continue asking for help from her father? From November 2018 when she moved into her mobile home until March 2020, Brianna would reached out asking for help babysitting the girls, getting them off the bus, helping to write Motions for court, as well as other requests. All of which both my wife Lori and I always stepped up to help her in every way possible as did the others that were cut out of the girls lives at the very same time (e.g. great-grandparents, aunt, cousins and best friends). Tr. 29.

In the Appellant's Reply Brief she states, "Mr. Novell's conduct posed a serious detriment to Brianna's mental well-being. ARB 3. What has not once been addressed in this court case is the detriment to the mental well-being of both Mr. Novell and his wife Lori. To continue to have the Appellant falsely make accusations against both of them throughout every Motion filed and including the Appellant's testimony at the hearing on October 4, 2021, this became a case of character assassination as well as discrediting their integrity which has had an effect on both their relationship and their well-being.

The Appellant's attorney, Jared Bedrick, referenced that "Mr. Colwell testified, Brianna would "shut down" after conversations with Mr. Novell." ARB 3, Tr 94. For clarification, once Brianna moved into her new home in November 2018, the only time Mr. Novell would even hear from Brianna was when she needed something. The only heated conversation referenced was when Brianna had been blowing up Mr. Novell's phone demanding paperwork she needed

for her attorney which Mr. Novell had previously provided her. Brianna put immediate need parameters around when she needed the documents and was very blunt and disrespectful in the conversation. Never was there, a “Dad do you think you could get this paperwork for me, or, when do you think you could get it to me?” It was stated from Brianna, “I have to have it in two days.” There was no deadline. It was Brianna’s deadline put on her father. The paperwork she was referencing was scattered throughout multiple folders of documentation Mr. Novell had related to Brianna’s divorce, relocation files and legal folders as well as documentation he had to review and print from his computer. It wasn’t something he could just put his hands on and hand over as Brianna wanted. Brianna also never was considerate of Mr. Novell’s personal time and what he may be doing in his personal life. It was always from Brianna, when she wanted something, she wanted it now. If Brianna shut down after a conversation with Mr. Novell, it was because she didn’t get the answer she wanted.

Appellant Brianna Kauble stated in her Reply Brief that “Mr. Novell was spreading rumors to the children about Mr. Colwell, Brianna’s boyfriend, being a “loser” that he “had no car, didn’t have a job” and “was homeless”. This is a false accusation as those words were never spoken to the girls. For clarification, one day the eldest daughter asked Mr. Novell why he did not like her mother’s boyfriend Joshua Colwell. What I shared with Brylee was that I was concerned for the safety of her and her sisters as Joshua was a recovering alcohol abuser and drug addict. Brylee would always ask questions about things going on between her mom and her dad. Unfortunately, Brylee knew way more about both her mother and father’s personal life than any child who was eleven at the time should know. ARB 4. Tr. 95. Both Brianna and

her father William always used Brylee as their confidant and discussed marital troubles between them unfiltered with her.

Also in the Appellant's Reply Brief, Brianna through her attorney referenced that her boyfriend, Mr. Colwell also testified that Brylee had reported that Mr. Novell's wife told the eldest daughter that she would "be a loser like her mom and that her mom had a fucked up relationship with her dad". ARB 4, Tr 97. This was again another false allegation. Never ever did Mr. Novell's wife Lori ever speak a harsh word toward Brylee or her sisters Harper and Lydia. Brylee and Lori **have** always had a very special bond. Lori adores Brylee and they would spend time alone doing things together so Brylee could feel special. Tr. 29-30, NB 6.

Appellant Brianna Kauble references in her Reply Brief, "Part I, Article 2 of the New Hampshire Constitution and the Due Process Clause of the Federal Constitution grant Brianna the latitude to expel such negative influences. See *In re Jeffrey G. & Janette P.*, 153 N.H. 200, 203 (2006) ("[T]he right of biological ... parents to raise and care for their children is a fundamental liberty interest protected by Part I, Article 2 of the New Hampshire Constitution."); *Troxel v. Granville*, 530 U.S. 57, 68 (2000)." ARB 6.

Mr. Novell would like to share with this court the sly actions taken by the Appellant, Brianna Kauble and her attorney, Ms. Lacoste whereby just two days prior to the hearing on October 4, 2021, they filed a motion to have witnesses at the hearing, with two of them being via Webex. Also, the morning of the hearing, Brianna had a second attorney, Jared Bedrick, file a Motion to Appear, which is now her attorney representing her on this Supreme Court filing for Grandparents Visitation. Attorney Bedrick stated he was appearing because Attorney Lacoste had been a close contact for Covid and didn't know if she would be able to attend the hearing. Oddly enough, Attorney Lacoste did appear in court

via Webex and was in the hearing before any testimony was given in this matter. Judge Polly Hall who was hearing the case shared her distaste for the actions taken by Brianna's attorney representation. She was not made aware that a second attorney was going to be questioning the Appellant's witnesses at this hearing. Both attorney Jared Bedrick and attorney Ms. Lacoste were scolded and told to never let this happen again. Tr. 3,4,7,8, 10.

What also was not mentioned at the start of the hearing on October 4, 202, was this second attorney, Jared Bedrick, was also the attorney who represented Brianna's boyfriend, Joshua Colwell in his criminal case for federal drug trafficking which was finally settled in June 2021, with Mr. Colwell being sentenced to time already served. There was no doubt in my mind that this was all premeditated to have Attorney Bedrick be the attorney to do the direct questioning of Mr. Colwell on behalf of Brianna Kauble which felt like a conflict of interest.

Brianna in her Appellant Reply Brief states that "She was finally free from the person who physically and emotionally abused her throughout her childhood." ARB 4. Mr. Novell was forced to be the disciplinarian in matters related to Brianna as a child as her mother threw in the towel and gave up trying to discipline her. She left it to me to try to handle her as Brianna did not follow rules and did things her way. Tr 132, NB 7.

Brianna also states in her Reply Brief that if this court Affirms the lower court's order, it would "interfere with her ability to parent, and at the very least there would have to be communication with Mr. Novell about the restrictions she places on her children." ARB 5, Tr.120. She also states the children have special medical and emotional needs of which Mr. Novell is not fully apprised. ARB 5. Tr. 70-71, 123. Mr. Novell has no issue with communication with his daughter Brianna. This request for Grandparents visitation is all about the children. To rebuild the relationship she has damaged by not allowing Mr. Novell and his wife to see the children. How confused they must be as to why they can't



see Grampy and Hunny anymore. As it relates to any medical or emotional needs the children have, both Mr. Novell and his wife would be understanding of any needs they may have and would fully support any limitations they may have been diagnosed with since March 2020.

The Appellant, Briana stated in her Reply Brief, that “No matter how many fun times Mr. Novell was able to share with the grandchildren, that she was able to overcome her alcoholism once she had the strength to separate herself from her major stressor, Mr. Novell.” ARB 7. Mr. Novell would like to clarify that Brianna’s alcohol problem was an issue for several years prior to her moving to NH and living with her father Herbert. Brianna and her now ex-husband William both drank daily drinking with their alcohol of choice being Jack Daniels and beer. She had shared with us it was on numerous occasions over the prior 10 years living in Arizona it was her coping mechanism during her tumultuous marriage with William. Many of Brianna’s stressors in life were self-induced, yet she always wanted to deflect it onto someone else.

## **CONCLUSION**

In the Appellants Reply Brief, it states “Yet, Brianna’s concerns with discipline and abuse as it related to her daughters and her own well-being were dismissed by the lower court in favor of granting visitation based on general good times that Mr. Novell had enjoyed in the past.” ARB 6. In the lower courts final ruling on this matter which granted Mr. Novell visitation with Brylee, Harper and Lydia, Judge Polly Hall made her ruling as she stated based on the credibility of the testimony of Mr. Novell, Intervenor, along with the Exhibit submitted in court that day which was a Storybook in pictures which demonstrated the relationship Herbert and his wife have held throughout the children’s lives since their births along with all the other people Brianna has also cut out the children’s lives.

In any relationship, whether it be between an adult parent and adult child, a husband and wife, or two adults, there will be times where there are disagreements between them. We are all individuals with our own demeanors, personalities, opinions and beliefs. I am confident that Brianna and I could put our differences aside to allow the children to have an extremely healthy, nurturing and loving relationship with myself and my wife Lori, which would in no way interfere with the parent-child relationship. There is an old saying that “Wisdom does come at the feet of elders”. I am a firm believer as grandparents we cascade unconditional love, support and creation of life-long memories for our grandchildren.

For the first time in Brianna’s life, someone has held her accountable for her actions. Brianna has always aligned herself with those individuals that will do things for her; whether it be to babysit her children or financially support her any time she is in need. Once she has gotten all she can from you and she can’t use you anymore, she turns on you and has no use for you.

There have been times in the past 10+ years that Brianna has gone months and/or years with little or no communication with either of her two sisters as well as her mother because they were exhausted from having to bail her out repeatedly over time. As Brianna did to myself, she shared no words like even a thank you or showed a demonstration of appreciation for what they had done or her. This is a pattern with Brianna. Brianna has always aligned herself with only those who fit her needs at the time. Today, as she turns on myself and my wife, she now has re-aligned with her sisters and mother. Brianna plays the victim and always blames her "current situation" as the reason for her behavior and actions at the time.

In the final ruling in the lower court, the court considered all the factors set forth in RSA 461-A:13 including the prior motions related to Grandparents Visitation as well as the testimony at the final hearing, and awarded grandparent's visitation to Mr. Novell.

For the foregoing reasons, the Intervenor, Herbert Novell respectfully request that this Honorable Court uphold the final ruling made by the trial court which awarded, Herbert Novell Grandparents Visitation on two separate rulings based on testimony and exhibits presented to the court at the hearing on October 4, 2021.

## **RULE 16(11) STATEMENT**

This brief contains approximately 2804 words, within the 3000 word limit.

Respectfully Submitted

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Date: August 26, 2022

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### **Certificate of Service**

I hereby certify that this Intervenor Reply Brief has been forwarded this day through the NH eCourt System to Jared Bedrick and Chantal Crawley, Esq., both registered e-filers.