

STATE OF NEW HAMPSHIRE

**HILLSBOROUGH, SS
NORTHERN DISTRICT**

SUPERIOR COURT

Business and Commercial Dispute Docket

Standing Orders

Standing Order 1: Generally

These orders are applicable to all proceedings in the Business and Commercial Dispute Docket of the Superior Court (BCDD). The Court may order relief from the provisions of any Standing Order when justice so requires. These orders supplement the Rules of the Superior Court of New Hampshire.

Standing Order 2: Initial Status Conference

Once a case has been accepted to the Business and Commercial Dispute Docket, the Clerk will schedule a status conference. Counsel should be prepared to discuss the following subjects with the Court at the status conference:

1. Posture of the case.
2. Structuring order: whether an order is in place and whether it needs to be modified.
3. Anticipated dispositive motions.
4. Anticipated discovery issues.
5. Standing Orders of the Business and Commercial Dispute Docket.

6. ADR: the timing of ADR and whether there are motions that, once ruled upon, would facilitate ADR.

7. Trial: bench or jury and the use of Real-time at trial.

The parties should be prepared to discuss any other issues the parties believe are significant or would have an impact on resolution of the case.

Standing Order 3: Copies of Memoranda

Any party filing a memorandum in excess of ten (10) pages, shall file two (2) working copies of the memorandum for use of the Court and the Court's law clerk.

Standing Order 4: Protective Orders

Parties shall file motions for a protective order as soon as reasonably possible. Any protective order, whether assented to or not, must be approved by the Court.

Standing Order 5: Privilege Logs

If a party claims a privilege in response to a discovery request, it must provide a privilege log that includes sufficient information to identify the document and assess the claim of privilege. The log shall list the name of the author, the name of the recipient if any, the date of the document, a brief description of the type of document, the general subject matter of the document (without revealing the privileged information), and the type of privilege claimed.

Comment

A claim for protection against disclosure based on a claim of privilege or protection of trial preparation materials must be made expressly and describe the nature of the

allegedly protected information in sufficient detail to enable opposing parties to assess the merits of the claim. This is usually accomplished by the parties submitting a log, frequently called a “Vaughn Index”. *Vaughn v. Rosen*, 484 F.2d 820, 827 (D.C. Cir. 1973).

Standing Order 6: Time of Depositions

Unless otherwise stipulated or ordered by the Court, a deposition is ordinarily limited to 1 day of 7 hours. On motion made, the Court will allow additional time if needed for fair examination of the deponent or if the deponent or another person or any other circumstance impedes or delays the deposition.

Comment:

In complicated cases involving many issues and/or documents, counsel often cannot conduct a full and fair deposition within 7 hours. The 7-hour rule is an aspirational goal, and not a fixed limit, and the Court will ordinarily grant a motion to exceed depositions in excess of 7 hours if a lawyer represents in good faith that he or she needs additional time.

Standing Order 7: Electronic Discovery:

Counsel should, as soon as reasonably practicable, but no later than 120 days after a case is filed in the BCCD, meet and confer to determine whether or not it is likely that there will be substantial issues regarding electronic discovery, including but not limited to the following:

- A. Access to electronic discovery;
- B. The cost of electronic discovery;

- C. The form in which electronic discovery should be provided; and
- D. The need for and extent of litigation holds.

After the parties meet and confer, they shall certify to the Court that they have met and conferred regarding electronic discovery and provide for the Court the substance of any agreements they have reached. If the parties cannot agree, or if the parties wish to discuss their proposed agreement with the Court, they shall request a hearing on electronic discovery.

Standing Order 8: Status Conferences and Letter Briefs/Motions

At any time, a party may request a status conference to informally discuss discovery issues without fully briefing the issue. Parties may also address discovery disputes in a letter to the Court or in a motion that does not exceed 10 pages. The Court will generally schedule a hearing to discuss the dispute raised in the letter or motion.

Standing Order 9: Real-time Transcripts at Trial


Any party, at its own expense, may use a certified stenographic reporter in order to obtain a Real-time transcript. If a party obtains such a stenographer, it must provide access to Real-time to the Court. However, the official record of the proceeding shall be the record taken by the courtroom monitor.

Standing Order 10: Exhibits

Parties must submit exhibits through Case Lines when applicable. During bench trials and other evidentiary hearings, counsel must also submit two sets of hard copy exhibits if their client's exhibits exceed twenty-five (25) in number.

SO ORDERED.

June 13, 2022
Date



Judge David A. Anderson