

STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS
SOUTHERN DISTRICT

SUPERIOR COURT

John Doe

v.

Diocese of Manchester

and

Missionary Oblates of Mary Immaculate,
Province of the United States

10-C-359

DIOCESE OF MANCHESTER'S MOTION TO DISMISS

The Roman Catholic Bishop of Manchester, a Corporation Sole ("Diocese"), respectfully moves to dismiss the plaintiff's writ in its entirety. In support, the Diocese states as follows:

1. The writ fails to comply with the requirements of Super. Ct. R. 2-A.
2. The plaintiff's attempts to avoid compliance with this Rule was rejected by this Court. The plaintiff has declined to amend the writ to bring it into compliance.
3. As set forth in detail in the accompanying memorandum of law, the Superior Court has previously rejected attempts to proceed anonymously in exactly analogous cases. It should do so here.
4. Pursuant to Super. Ct. R. 59, the Diocese respectfully requests that this Court award attorneys' fees associated with this motion. The plaintiff has acknowledged the requirements of Rule 2-A and has effectively sought to avoid its application. The Court denied that request. The plaintiff's failure to conform the writ to that Rule has resulted in this motion.

5. Pursuant to Super. Ct. R. 57-A, because of the nature of the relief requested, it is reasonably assumed that the concurrence of the plaintiff will not be obtained.

6. For the reasons set forth in the accompanying memorandum of law and affidavit submitted in support of this motion, this Court should grant the motion to dismiss the writ in its entirety.

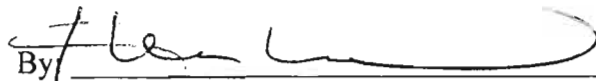
WHEREFORE, the Diocese respectfully requests that this Court:

- A. Dismiss the plaintiff's writ in its entirety;
- B. Grant the Diocese attorneys' fees incurred in bringing this motion; and
- C. Grant such further relief as may be just and reasonable.

Respectfully submitted,

ROMAN CATHOLIC BISHOP OF
MANCHESTER, A CORPORATION SOLE

Dated: February 4, 2011

By 
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CERTIFICATE OF SERVICE

I, Gordon J. MacDonald, hereby certify that on this 4th day of February, 2011, a copy of the foregoing *Diocese of Manchester's Motion to Dismiss* was served via first class mail to:

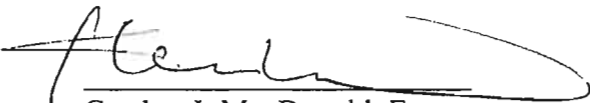
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