

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

BETHANY R. SCAER and STEPHEN SCAER,

Plaintiffs,

v.

CITY OF NASHUA

Defendant.

Civil Action No. 1:24-cv-00277-LM-TSM

THE DEFENDANT, CITY OF NASHUA'S MOTION TO DISMISS

NOW COMES the Defendant, City of Nashua ("City"), by and through counsel, and hereby submits this Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1). As stated in greater detail in the accompanying Memorandum of Law, the injunctive relief sought by the Plaintiffs is moot in light of the recent passage of City ordinance O-26-001.

WHEREFORE, the Defendant, City of Nashua, respectfully requests that this Honorable Court:

- A) GRANT the City's Motion to Dismiss and
- B) GRANT any further relief that is deemed just and proper.

Respectfully submitted,
City of Nashua, Defendant
By its Attorneys,

/s/ Jonathan A. Barnes
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Dated: February 25, 2026

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has this day been forwarded through the Court's electronic filing system to Bethany R. Scaer and Stephen Scaer and to all counsel of record.

/s/ Jonathan A. Barnes
Jonathan A. Barnes