

THE STATE OF NEW HAMPSHIRE

MERRIMACK COUNTY

TRUST DOCKET
6th CIRCUIT COURT
PROBATE DIVISION

VALERIE C. SANTILLI, INDIVIDUALLY AND AS EXECUTRIX
OF THE ESTATE OF JOHN C. CHAKALOS,
ELAINE CHAKALOS,
AND
CHARLENE GALLAGHER

v.

NATHAN JAMES CARMAN

313-2017-EQ-00396

ORDER ON MOTIONS AND SCHEDULING ORDER

Presently before the Court are a series of motions filed by Petitioners Valerie C. Santilli, individually and as Executrix of the Estate of John C. Chakalos (the "Estate"), Elaine Chakalos, and Charlene Gallagher. See Index ##35-38. There have been no responses or objections filed them, see Cir. Ct. – Prob. Div. R. 58, and as such, the Court **ENTERS** the following orders:

- The Petitioners' *Motion to (I) Amend Petition and (II) File Certain Exhibits Under Seal*, see Index #36, is **GRANTED IN PART**. The Court **GRANTS Prayer A** as the amendments are intended to address concerns raised by the Court in December 2017. See Order dated December 22, 2017 (Index #24); see generally, RSA 514:9; Coan v. New Hampshire Dep't of Env'tl. Servs., 161 N.H.

1, 10–11 (2010)(“ liberal amendment of pleadings is permitted unless the changes would surprise the opposing party, introduce an entirely new cause of action, or call for substantially different evidence.” (quotations omitted)). Counsel is instructed to cooperate with the Clerk’s Office to issue Orders of Notice to the new “Nominal Parties” as soon as practicable.


- As to **Prayer B** of the *Motion to (I) Amend Petition and (II) File Certain Exhibits Under Seal*, see Index #36, seeking permission to seal Exhibits B-1-C-1 which are identical to Exhibits B-C filed with the original *Petition*. See Index #1. The Petitioners seek to seal these exhibits, citing the same reasons given in its *Motion to Seal* filed in July 2017. See Index #2. The Court incorporates by reference the discussion in its Order dated December 22, 2017 at 5-10, see Index #24, in which the Petitioners sought closure of identical exhibits on the same basis presented today, namely that they seek to prevent interference with a criminal investigation. See *Motion to (I) Amend Petition and (II) File Certain Exhibits Under Seal* ¶4 (Index #36). The Court continues to conclude that “[a]lthough the argument in favor of keeping the trust instruments sealed is somewhat thin, given the ongoing investigation of a serious homicide and, in particular, the lack of any objection to keeping them sealed, the Court will not *sua sponte* unseal the documents at this time.” Order dated December 22, 2017 at 9-10. As such, the Court provisionally **GRANTS Prayer B** subject to revisiting its order should disclosure be sought by motion or petition filed with this Court.
- Consideration of the *Petitioners’ Motion to Compel Respondent to Adequately Respond to Their First Discovery Requests* is **DEFERRED** pending a hearing on

the motion.¹ The parties are **DIRECTED** to attend a hearing on this motion on **April 3, 2018 at 9:00 a.m. at the 6th Circuit – Probate Division - Concord** located at **32 Clinton Street, Concord, New Hampshire.**

- Similarly, the Court defers consideration of the *Petitioners' Motion to File Exhibit D to Their Motion to Compel Under Seal*, see Index #38, until the hearing on this motion on **April 3, 2018 at 9:00 a.m. at the 6th Circuit – Probate Division - Concord** located at **32 Clinton Street, Concord, New Hampshire.** Exhibit D was filed under seal with this Court, and shall remain so until consideration at the hearing.

SO ORDERED.

Dated: 3/26/2018



David D. King, Judge

¹ There has been no objection to this *Motion to Compel*, however, the Court has reviewed it and has questions of counsel and Mr. Carman he would like addressed before final consideration of it.