

STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

**Mark LaValley and Terri King, individually and on behalf of themselves and all others
similarly situated**

v.

Concord Housing and Redevelopment Authority

No. _____

**PLAINTIFFS' MOTION FOR CLASS CERTIFICATION
AND APPOINTMENT OF CLASS COUNSEL**

(HEARING REQUESTED)

Proposed class representatives Mark LaValley and Terri King move on behalf of themselves and all those similarly situated—and for the reasons detailed in their Complaint and the memorandum of law and declarations accompanying this Motion—to certify a class under Rule 16(a) of the New Hampshire Superior Court Rules.

In support of this Motion, Plaintiffs state:

1. This Motion seeks certification with respect to Count I (Part I, Article 2-b of the New Hampshire Constitution) and Count II (Part I, Article 19 of the New Hampshire Constitution) of the following class: “All current and future tenants of Concord Housing and Redevelopment Authority (“CHRA”) who have or will have Minut Monitor devices installed in their units.”
2. This is a civil rights action challenging a local housing authority’s decision to install intrusive electronic monitoring equipment in hundreds of residential units. Those devices have the capacity to monitor and transmit, on an ongoing basis, granular information about presence and activity in the home, including by sensing motion

and measuring noise levels, number of iOS devices (and thus estimated number of people inside a unit), smoke, and other information. The collection of this data—which, pieced together, can reveal the intimate details of someone’s personal life—is an intrusive governmental incursion into a person’s private and personal affairs in their home.

3. This Motion for Class Certification and Appointment of Class Counsel is straightforward. Since the devices are installed across virtually all of CHRA’s units, a class action is the most efficient way to address these important constitutional issues.
4. The proposed class satisfies the prerequisites of Rule 16(a).
5. The proposed class satisfies the numerosity requirements of Rule 16(a)(1) because the proposed class is so numerous that joinder of all members is impracticable. For example, CHRA has installed Minut Monitors in around 300 units representing around 500 tenants.
6. The class meets the commonality and predominance requirements of Rule 16(a)(2). The members of the proposed class are subject to a common practice: the policy of the installation of Minut Monitors in their homes and continued surveillance via the monitoring of the private data collected from the devices. Further, the legal issues at stake because of that common practice will predominate over any individual issues of individual tenants.
7. The proposed class meets the typicality requirements of Rule 16(a)(3) because the claims of the proposed class representatives are typical of the claims of the class. The proposed class representatives and the proposed class are all persons who are subjected, or will be subjected, to the facially unconstitutional act of unreasonable, warrantless,

non-consensual searches and government intrusion on their private data. Each class member who has had a Minut Monitor installed in their unit and had their personal and private information collected, faces the same injury based on the same government practice—namely, the installation of the Minut Monitor device and the non-consensual collection and retention of their personal and private data.

8. The adequacy requirements of Rule 16(a)(4) also are met. The proposed class representatives seek the same relief as the other members of the class, among other things, (i) a declaratory judgment that CHRA violated its tenants’ constitutional rights by installing the Minut Monitors and non-consensually collecting their personal and private information, and (ii) an injunction enjoining CHRA from continuing to install and maintain Minut Monitor devices that non-consensually collect personal and private information, and ordering CHRA to delete all data collected by the Minut Monitors from within tenants’ homes. In defending their rights, the proposed class representatives will defend the rights of all proposed class members fairly and adequately. The proposed class representatives are members of the class, and their interests do not conflict with those of the other class members.
9. Terri King will adequately represent the interests of all tenants, including those who have not signed the Minut Monitor lease addendum. Mark LaValley will adequately represent the interests of all tenants, including those who have signed the lease addendum. Together, both representatives adequately represent the interests of all tenants who have had a Minut Monitor installed in their apartment.
10. The proposed class is represented by experienced attorneys from New Hampshire Legal Assistance, the American Civil Liberties Union Foundation of New Hampshire, and the

American Civil Liberties Union Foundation. Proposed Class Counsel satisfy the adequate representation requirements of Rule 16(a)(6), as they have extensive experience litigating class action lawsuits and other complex systemic cases in federal and New Hampshire court and representing individuals challenging government actions, including violations of the rights of public housing tenants, and searches and other privacy violations involving digital-age technologies. Accordingly, the interests of the members of the class will be fairly and adequately protected by the proposed class representatives and their attorneys.

11. The proposed class also satisfies the adjudication requirements of Rule 16(a)(5). CHRA and their agents have acted (or will act) in the same unconstitutional manner with respect to all class members by continuing to collect and retain personal and private information through the Minut Monitor devices in violation of the New Hampshire Constitution. There is no guaranteed means of protecting the rights of all class members caused by CHRA's policy outside of a class action that will seek redress of the entire classes' injuries. Injunctive and declaratory relief is therefore appropriate with respect to the class as a whole.

12. Plaintiffs rely on and incorporate fully the memorandum of law in support of the Motion, and exhibits thereto, attached to this Motion.

WHEREFORE, Plaintiffs respectfully request that this Court:

- A. Grant their Motion for Class Certification and Appointment of Class Counsel;
- B. Appoint Attorneys Gilles Bissonnette, Henry Klementowicz, Maria Savarese from the ACLU of New Hampshire, Chris Schott and Stephen Tower from New Hampshire Legal

Assistance, and Nathan Wessler and Brett Kaufman from the ACLU as Class Counsel;
and

C. Grant such further relief as may be reasonable and just.

Respectfully submitted,

/s/ Maria Savarese

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CERTIFICATION

I hereby certify that on this 2nd day of September, 2026, a copy of this Class Action Complaint for Declaratory and Injunctive Relief has been sent by first-class mail to Defendant's counsel Peter G. Callaghan.

/s/ Maria Savarese

Maria D. Savarese

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**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION AND APPOINTMENT OF CLASS COUNSEL**

INTRODUCTION

This is a proposed class-action challenging Concord Housing and Redevelopment Authority's ("CHRA") installation of intrusive electronic monitoring equipment in hundreds of public housing residential units across Concord. Those devices have the capacity to monitor and transmit, on an ongoing basis, granular information about presence and activity in the home, including by sensing motion and measuring noise levels, the number of iOS devices (and thus estimated number of people inside a unit), smoke, and other information. The collection of this data—which, pieced together, can reveal the intimate details of someone's personal life—is an invasive governmental intrusion into a person's private and personal space, and is a violation of Part I Article 2-b and Part I Article 19 of the New Hampshire Constitution. Since the devices are installed across virtually all of CHRA's units, a class action is the most efficient way to address these important constitutional issues.

Plaintiffs Mark LaValley and Terri King are CHRA tenants who have been subjected to the installation of these devices, called Minut Monitors. Plaintiffs are challenging the

installation and operation of Minut Monitors in their homes on behalf of themselves and all others similarly situated, and are requesting that the Court enjoin CHRA from continuing to install and maintain, in all units it owns or manages, Minut Monitor devices that non-consensually collect personal and private information. They seek to bring this action on behalf of a class of those similarly situated pursuant to New Hampshire Superior Court Rule 16 and respectfully request that the Court appoint Plaintiffs as class representatives, and appoint their counsel from New Hampshire Legal Assistance, the American Civil Liberties Union Foundation of New Hampshire, and the American Civil Liberties Union Foundation as class counsel.

This Motion seeks certification of the following class with respect to Count I (Part I, Article 2-b) and Count II (Part I, Article 19): “*All current and future tenants of CHRA who have or will have Minut Monitor devices installed in their units.*”

This Motion for Class Certification and Appointment of Class Counsel is straightforward. As the Minut Monitor devices create a uniform intrusion across all units they are installed in, the applications of Article 2-b and Article 19 apply across the board to each member of the class. Accordingly, Plaintiffs seek to certify a class under New Hampshire Superior Court Rule 16. As explained in more detail below, the proposed class satisfies the requirements of numerosity, commonality, typicality, adequacy, and superiority in Rule 16.

PROPOSED CLASS DEFINITION AND PROPOSED CLASS REPRESENTATIVES

I. The Proposed Class Definition.

“All current and future tenants of CHRA who have or will have Minut Monitor devices installed in their units.”

II. The Proposed Class Representatives¹

a. *Mark LaValley*

Mark LaValley is a resident of the Crutchfield Building, a public housing development owned and maintained by CHRA. He has lived there since November 2025. When Mr. LaValley signed the lease for his apartment, he also signed the Minut Monitor lease addendum. It was explained to Mr. LaValley that there was a Minut Monitor already installed in his unit and that it was there to detect noise and smoke in apartments. At the time, Mr. LaValley believed the lease addendum and the Minut Monitor were formalities that were necessary to be able to rent his apartment.

Prior to leasing the apartment in the Crutchfield Building, Mr. LaValley had faced a period of housing instability and was happy to finally be receiving a subsidized apartment. He understood that if he did not agree to the Minut Monitor lease addendum it would risk his ability to rent the apartment. He was unwilling to risk his housing. A Minut Monitor was already installed and activated in his living room when he moved into his apartment. Mr. LaValley received a notice from CHRA after moving in stating that they would be entering his apartment to charge the Minut Monitor, which they did.

CHRA did not disclose to Mr. LaValley that there would be active motion or Bluetooth sensors in the Minut Monitor device installed in his apartment. Unbeknownst to Mr. LaValley, between November 14, 2025 (the day Mr. LaValley moved into his apartment) and June 9, 2026, CHRA tracked a staggering 64,944 motion events from within his home, approximately 315 motion events per day. Compl. at ¶ 141. Similarly, the device initiated Bluetooth scans of Mr.

¹ The declarations of Proposed Class Plaintiffs Terri King and Mark Lavalley are attached to this Motion for Class Certification and Appointment of Counsel at Exhibit E incorporated by reference.

LaValley's apartment every 30 minutes of every single day. CHRA has also been tracking and collecting—on a minute-by-minute basis—a slew of noise, temperature, and humidity sensor stream data from Mr. LaValley's apartment. In combination, this data paints an intimate picture of Mr. LaValley's living habits. For example, Plaintiffs' counsel was quickly able to discern from the data that Mr. LaValley's motion events generally peak in the afternoons and evening around 5-8 p.m., while it ebbs during the early morning hours.

Mr. LaValley now wishes that the device be removed from his apartment.

b. *Terri King*

Terri King is a resident of Parmenter Place Apartments, a Low-Income Housing Tax Credit property owned by Parmenter Place, a New Hampshire non-profit corporation. However, CHRA manages and maintains the property and is actively in charge of all decisions at the property. Ms. King lives in a 2-bedroom unit with her husband Gary and has lived there for four years.

Ms. King received two notices about Minut Monitors on January 12, 2026. The first was an "entry notice" that informed her CHRA staff would be entering her unit for installation, and another was a "capabilities notice" that described that the Minut Monitors collected noise and smoke data to enforce lease provisions. On or around January 16, 2026, Tom Buckman and another CHRA maintenance staff member entered Ms. King's apartment to install and activate the Minut Monitor device. The device was installed on the ceiling of the inner hallway of her unit that connects various rooms.

Ms. King objected to the installation. Despite her objection to installation, the Minut Monitor device was installed in Ms. King's unit and began collecting personal and private information on Terri and Gary King that day. Ms. King did not consent to installation of the

Minut Monitor, and CHRA never sought her consent. Ms. King has not signed the Minut Monitor Lease Addendum.

In late January of 2026, Gary King temporarily removed the Minut Monitor device in their unit from its baseplate. In March of 2026, the Kings received a notice from CHRA notifying Ms. King that she was being fined for “repeated violations” of her lease, specifically the “Minut Monitor Lease Addendum.” The notice accused Ms. King and her husband of nine instances of tampering with her device between February 1, 2026, and February 23, 2026, and instituted a \$50 fine per alleged occurrence, in the amount of \$450 for the alleged tampering.

CHRA requested that Ms. King pay the fines immediately, but she was unable to afford the fines and did not consider them lawful since she did not recall ever agreeing to installation of the device or the fine schedule.

On or around March 6, 2026, CHRA charged Ms. King a \$15 late fee for the tampering fine. CHRA notified Ms. King of this late fee. Ms. King continued to not pay the Minut Monitor fines. CHRA charged her an additional late fee of \$15.

On April 2, 2026, CHRA served the Kings with a demand for rent and eviction notice. The rent demand included the \$450 fine for the alleged Minut Monitor tampering. Ms. King sought the assistance of New Hampshire Legal Assistance, which assisted her with resolving the eviction issue. In May 2026, discussions between counsel confirmed that the Kings had never signed a Minut Monitor lease addendum. As such, the Kings had never even purportedly agreed to the imposition of CHRA’s Minut Monitor fine schedule. Counsel for CHRA confirmed they would be waiving the charged fees and not moving forward with eviction.

Since this incident, Ms. King has not received further complaints from CHRA regarding tampering or any other adverse actions related to the Minut Monitor in her unit. The Minut

Monitor has remained active in her unit collecting data on a minute-by-minute basis daily. From January 17, 2026, to June 9, 2026, the Minut Monitor in Ms. King's home recorded more than 20,000 motion events and more than 199,000 sound readings. Compl. at ¶ 164.

Ms. King's husband Gary suffers from terminal heart failure as well as dementia. In the summer of 2026, he transitioned to in-home hospice care, and Ms. King serves as his caretaker. As Ms. King cared for her husband, her Minut Monitor registered their movement at all times of day and night. Compared to Mr. LaValley's apartment and several other units, there was often more motion recorded in the middle of the night in Ms. King's apartment. For instance, on one night in May 2026, the Minut Monitor in Ms. King's home recorded five clusters of motion events (for a total of 13 motion events) between 1 AM and 5 AM, potentially reflecting health related sleep disturbances or medical issues that Mr. and Ms. King would consider highly private. Compl. at ¶ 165.

Due to the Minut Monitor and the data it collects, the Kings faced eviction and termination of their housing assistance. Had CHRA been successful in evicting the Kings, it is unlikely they would have been able to find affordable housing at a time where Mr. King is in an extremely precarious medical situation and is unable to move.

ARGUMENT

I. The Proposed Class Meets the Requirements of Superior Court Rule 16(a).

New Hampshire Superior Court Civil Rule 16(a) sets forth the prerequisites for a class action:

One or more members of a class may sue or be sued as representative parties on behalf of all if:

- (1) The class is so numerous that joinder of all members, whether otherwise required or permitted, is impracticable;
- (2) There are questions of law or fact common to the class which predominate over any questions affecting only individual members;
- (3) The claims or defenses of the representative parties are typical of the claims or defenses of the class;
- (4) The representative parties will fairly and adequately protect the interests of the class;
- (5) A class action is superior to other available methods for the fair and efficient adjudication of the controversy; and
- (6) The attorney or non-attorney representative for the representative parties will adequately represent the interests of the class.

N.H. Super. Ct. Civ. R. 16(a). “Because Rule 16 and Federal Rule of Civil Procedure 23 are similar, [the New Hampshire Supreme Court] ‘rel[ies] upon federal cases interpreting the federal rule as analytic aids.’” *Eby v. State*, 166 N.H. 321, 340–41 (2014) (quoting *In re Bayview Crematory, LLC*, 155 N.H. 781, 784 (2007) (“*Bayview*”)).²

These criteria are met here where CHRA³ has installed Minut Monitors in approximately 300 residential units across Concord, and many tenants have been presented with a coercive lease agreement for its installation and activation. The arguments in favor of class certification are especially strong in this context because many individual class members are unlikely to be able to pursue their claims individually due to their financial circumstances and access to counsel. *See, e.g., Torrezani v. VIP Auto Detailing, Inc.*, 318 F.R.D. 548, 554 (D. Mass. 2017) (footnote omitted) (class certification is favored where the Court “can reasonably infer that substantially all of the class members have limited financial resources and would find it difficult to pursue the

² *Bayview* interpreted former Superior Court Rule 27-A, which was “identical to [current] Superior Court Civil Rule 16.” *Eby*, 166 N.H. at 341. *See also Royer v. State Dep’t of Emp. Sec.*, 118 N.H. 673, 681–83 (1978) (Douglas, J. concurring) (prior to codification of Superior Court Rule 27-A, outlining prerequisites for class action procedures and encouraging the establishment of a superior court rule in New Hampshire).

³ CHRA is a government entity against whom Part I, Articles 2-b and 19 run. *See* RSA 203:4 (1947), 203:8 (1941) (amended 2016); *Atherton v. City of Concord*, 109 N.H. 164, 166–67 (1968) (The Concord Housing Authority “is an independent municipal corporation”), *overruled on other grounds by Totty v. Grantham Planning Bd.*, 120 N.H. 388 (1980).

claims themselves.”); *see also* Compl. at ¶¶ 19, 21 (alleging that “CHRA provides apartments to low-income tenants at subsidized rates through programs funded by the United States Department of Housing and Urban Development” and as a result tenants qualifying for CHRA’s subsidized units are unlikely to have the resources or ability to challenge the constitutionality of the installation of Minut Monitors in their homes). Thus, class certification is particularly appropriate here, and all the requisite elements of Rule 16 have been met.

a. The proposed class satisfies the numerosity requirement.

Rule 16(a)(1) requires that the class be “so numerous that joinder of all members, whether otherwise required or permitted, is impracticable.” “Impracticability of joinder means only that it is difficult or inconvenient to join all class members, not that it is impossible to do so.” *Bond v. Fleet Bank (RI), N.A.*, No. CIV.A. 01-177 L, 2002 WL 31500393, at *4 (D.R.I. Oct. 10, 2002) (citing *Robidoux v. Celani*, 987 F.2d 931, 935 (2d Cir. 1993)). The First Circuit has recognized that numerosity has a “low threshold.” *Garcia-Rubiera v. Calderon*, 570 F.3d 443, 460 (1st Cir. 2009). “Generally, classes over forty in size have been held to be sufficiently numerous.” *Ruiz v. NEI Gen. Contracting, Inc.*, 719 F. Supp. 3d 139, 149 (D. Mass. 2024) (citing *DeRosa v. Mass. Bay Commuter Rail Co.*, 694 F. Supp. 2d 87, 98 (D. Mass. 2010)).

CHRA owns and manages approximately 300 apartment units across various sites in Concord, New Hampshire. The CHRA Board of Directors approved the purchase of 329 Minut Monitor devices for installation in their properties, allocating \$46,060 for device and service purchases from Minut Inc., the maker of the Minut Monitor device. Compl. at ¶ 60. Data provided by CHRA pursuant to a public records request reveals that CHRA has collected and retained Minut Monitor data from approximately 300 apartment units. Given the number of Minut Monitors purchased, the number of housing units CHRA oversees, their stated intention to install Minut

Monitors in each unit, and the collection and retention of data from nearly 300 apartments, well over 40 CHRA tenants have been and/or will be impacted by CHRA's policy of installing Minut Monitors in CHRA public housing units. Therefore, the proposed class is sufficiently numerous.

Joinder is also impracticable because of the sheer number of proposed class members and because membership in the class will change as more people become tenants of CHRA public housing and are confronted with renting a unit that already contains a Minut Monitor device installed in their apartment. Here, "an influx of future members will continue to populate the class . . . at indeterminate points in the future." *See Gomes v. Acting Sec'y, U.S. Dep't of Homeland Sec.*, 561 F. Supp. 3d 93, 99 (D.N.H. 2021) (citation omitted); *Barbara v. Trump*, 790 F. Supp. 3d 80, 92 (D.N.H. 2025) ("Including future class members is no bar to class certification. Although the future class member children in this case have yet to be born, as soon as they are born, they will join the class and their claims will be ripe."). This fact makes joinder "not merely impracticable but effectively 'impossible.'" *Gomes*, 561 F. Supp. 3d at 99 (quoting *Reid v. Donelan*, 297 F.R.D. 185, 189 (D. Mass. 2014)).

b. There are questions of law or fact common to the class which predominate over any questions affecting only individual members.

Rule 16(a)(2) "is a combination of the 'commonality' requirement in Federal Rule 23(a)(2) and the 'predominance' requirement in Federal Rule 23(b)(3)." *Bayview*, 155 N.H. at 785. While the New Hampshire Supreme Court has characterized the "commonality" threshold as being "relatively low," it considers the "predominance" requirement to be "far more demanding." *Id.* (citing A. Conte & H. Newberg, *Newberg on Class Actions* § 3:10, at 274, 277 (4th ed. 2002) (stating that the commonality requirement is easily met in most cases)).

In first considering "commonality," "a single question of law or fact common to the members of the class will satisfy the commonality requirement." *Clough v. Revenue Frontier*,

LLC, No. 17-CV-411-PB, 2019 WL 2527300, at *3 (D.N.H. June 19, 2019) (quoting *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 369 (2011)) (granting class certification). All that is required is that the “claims must depend upon a common contention” that “is capable of classwide resolution.” *Dukes*, 564 U.S. at 350.

Here, Plaintiffs and the proposed class members are all subject to the policy of the installation of Minut Monitors in their homes and continued surveillance via the monitoring of the private data collected from the devices. Thus, they are united by the common question of whether this policy and practice violates Part I, Article 2-b, and Part I, Article 19 of the New Hampshire Constitution.⁴ Each member of the class is subject to the collection of their personal and private information by CHRA through the installation of Minut Monitors in their homes. If CHRA is permitted to continue to collect class members’ private and personal data, all class members will be subject to this common, unconstitutional harm. Proposed class representatives and proposed class members, thus, will “have suffered the same injury.” *Dukes*, 564 U.S. at 350. And that common injury is clearly “capable of classwide resolution.” *Id.* Should the Court agree that CHRA’s use of Minut Monitors is unlawful, all who fall within the class will benefit from the requested relief: among other things, a declaration that CHRA violated its tenants’ constitutional rights by installing the Minut Monitors and non-consensually collecting their personal and private information, and an injunction enjoining CHRA from continuing to install and maintain Minut

⁴ Cf. *Gutierrez v. City of East Chi.*, No. 16-CV-111-JVB-PRC, 2016 WL 5819818, at *14 (N.D. Ind. Sep. 6, 2016) (“In this case, Plaintiff and all putative class members are subject to the administrative searches as well as the drug sweeps. Thus, they are united by the common question of whether ECHA’s policies and practices violate the Fourth Amendment’s prohibition on unreasonable searches and seizures.”), *report and recommendation adopted*, No. 2:16-CV-111 JVB, 2016 WL 5816804 (N.D. Ind. Oct. 5, 2016); *McKenna v. Peekskill Hous. Auth.*, 647 F.2d 332, 335 (2d Cir. 1981) (holding public housing project’s requirement that houseguests register with management infringed on fundamental rights of association and privacy, and could only be justified if it was the least restrictive means in light of the interests served).

Monitors in its units. Thus, a common answer as to the legality of the challenged policies and practices will “drive the resolution of the litigation.” *Dukes*, 564 U.S. at 350.

Turning to predominance, “[t]o satisfy the predominance test, the issues common to the proposed class must outweigh the issues that are particular to the individual class members.” *Bayview*, 155 N.H. at 785. “[T]he trial court must consider how the case will be tried by identifying the substantive issues that will control the outcome of the case, assessing which issues will predominate, and determining whether those issues are common to the class.” *Id.* at 786; *see also Tardiff v. Knox Cnty.*, 365 F.3d 1, 4 (1st Cir. 2004) (explaining that Federal Rule of Civil Procedure 23(b)(3) “is a joinder device for consolidating separate but similar claims” and that the “predominance” label “turn[s] largely on the particular facts and issues presented”). “For purposes of class certification, the court does not decide whether the plaintiffs will prevail on the merits of their claims but may consider the probable course of the case to ‘formulate some prediction as to how specific issues will play out in order to determine whether common or individual issues predominate.’” *Carrier v. Am. Bankers Life Assurance Co.*, No. 2:16-CV-111-JVB-PRC, 2008 WL 312657, at *2 (D.N.H. Feb. 1, 2008) (quoting *In re PolyMedica Corp. Sec. Litig.*, 432 F.3d 1, 6 (1st Cir. 2005)).

The New Hampshire Supreme Court’s decision in *Bayview* considered the “predominance” threshold in detail. 155 N.H. at 785–86. In *Bayview*, a plaintiff brought negligence and negligent infliction of emotional distress claims against a crematorium on behalf of himself and others “whose next-of-kin or loved ones were cremated at the Bayview Crematory as the result of funeral directing services” performed by one of six funeral home defendants, alleging that the crematorium was not cremating the bodies of decedents in an appropriate manner or in accordance with the standard of care for a crematorium. *Id.* at 782. The plaintiff

sought certification of six subclasses, with each subclass containing all New Hampshire residents who contracted with one of the defendant funeral homes and whose decedent was cremated at Bayview. *Id.* Negligent infliction of emotional distress “requires, as an element of liability, that the plaintiff prove that physical injury resulted from the emotional distress caused by the defendant.” *Id.* at 786 (citing *Palmer v. Nan King Restaurant*, 147 N.H. 681, 683 (2002)). Thus, each putative class member in *Bayview* was required to show, with expert testimony, the physical symptoms they suffered, with an inquiry into each putative class member’s medical and psychological history, and the qualifications of each expert. *Id.* at 786–87. In *Bayview* it was clear that questions relating to individual putative class members would predominate over common questions in a claim for negligent infliction of emotional distress. Not so here, where Plaintiffs bring constitutional claims against a uniform policy and practice of CHRA that impacts hundreds of public housing tenants.

There are several common issues here that will predominate the litigation. The Court will need to consider the nature of the Minut Monitor technology and the device’s capability to monitor and transmit granular and ongoing information about presence and activity in the home through the various sensors installed in it. As alleged, CHRA purchased the same make and model device for each unit and then non-consensually collected personal information through each device in each unit. The Court will also need to consider whether the installation, activation, and operation of a Minut Monitor device in a tenant’s home is an unreasonable search of that tenant’s home in violation of Part I, Article 19 of the New Hampshire Constitution, and whether the installation, activation, and operation of a Minut Montor device in a tenant’s home is a violation of the tenant’s right to privacy under Part I, Article 2-b of the New Hampshire Constitution.⁵ These claims do not

⁵ See *cf. McKenna v. Peekskill Hous. Auth.*, 647 F.2d 332, 336 (2d Cir. 1981) (holding that housing authority’s “demand for prior permission, disclosure of names, and approval [of tenant’s houseguests], was thus an overbroad defense

turn on any individualized facts, such as where in the home the device was installed or what particular patterns of activity in the home are gleaned from the collected data. Nor do the claims turn on whether each individual tenant signed a lease addendum, as the lease addendum cannot constitute voluntary consent here as a matter of law.⁶ Put simply, the proposed class definition by its very terms dictates that common issues will predominate over individual ones.

c. The class representatives' claims are typical of the class.

Where “[c]ommonality looks at the relationship among the class members generally,” typicality under Rule 16(a)(3) “focuses on the relationship between the proposed class representative and the rest of the class.” *See George v. Nat’l Water Main Cleaning Co.*, 286 F.R.D. 168, 176 (D. Mass. 2012) (citing 1 William B. Rubenstein, *Newberg on Class Actions* § 3:26 (5th ed. 2012)) (considering federal equivalent: Rule 23(a)(3)). In practice, however, the analysis of typicality and commonality “tend to merge.” *Levy v. Gutierrez*, 448 F. Supp. 3d 46, 68 (D.N.H. 2019). “In order to represent a class, the [plaintiffs] must be part of that class, possessing the same interest and suffering the same injury as the class members.” *Eby*, 166 N.H. at 341; *Gen. Tel. Co. of SW. v. Falcon*, 457 U.S. 147, 156 (1982).

Typicality is established when the claims of the named plaintiffs and the class involve the same conduct by the defendant, “regardless of factual differences.” *Hawkins ex rel. Hawkins v.*

against remote dangers which could all have been combated in more direct and less intrusive ways”); *Lancor v. Leb. Hous. Auth.*, 760 F.2d 361, 363 (1st Cir. 1985) (citing *McKenna* and noting circuit support for proposition that a “regulation which requires a tenant to obtain the management’s prior written approval of every overnight guest and allows management unfettered discretion to approve or disprove a tenant’s request” “impinge[s] on a tenant’s constitutional rights of privacy and association,” but declining to reach constitutional claims because Department of Housing and Urban Development regulations clearly support tenants’ position).

⁶ The lease addendum constitutes an unconstitutional condition on a government benefit, and its presentation to class members on pain of losing their housing should they refuse to sign is inherently coercive. *See Gutierrez*, 2016 WL 5819818, at *8 (collecting cases characterizing tenant consent to drug testing and warrantless criminal searches of their apartments as coercive in nature). Moreover, CHRA uniformly failed to inform class members of the Minut Monitors’ full scope of data collection and retention, rendering any purported consent via the lease addendum unknowing and thus ineffective. Compl. at ¶ 7.

Comm’r of N.H. Dep’t of Health & Hum. Servs., No. Civ. 99-143-JD, 2004 WL 16672, at *3 (D.N.H. Jan. 23, 2004) (quoting *Johnson v. HBO Film Mgmt., Inc.*, 265 F.3d 178, 184 (3d Cir. 2001)). “For purposes of demonstrating typicality, ‘[a] sufficient nexus is established if the claims or defenses of the class and the class representative arise from the same event or pattern or practice and are based on the same legal theory.’” *In re Relafen Antitrust Litig.*, 231 F.R.D. 52, 69 (D. Mass. 2005) (quoting *In re Terazosin Hydrochloride Antitrust Litig.*, 220 F.R.D. 672, 686 (S.D. Fla. 2004)).

Here, the claims of the proposed class representatives are typical of, and aligned with, the claims of the class. The proposed class representatives and the proposed class are all current and future tenants of CHRA who have or will have Minut Monitor devices installed in their units. Each class member who has a Minut Monitor device installed in their CHRA unit faces the same injury based on the same government practice—namely, a violation of their privacy rights under Article 2-b, and their right to be free from unreasonable searches and seizures under Article 19 through this non-consensual collection of personal information. This violation occurs irrespective of where the device is installed in their unit or whether the tenant signed a lease addendum.⁷ In such circumstances, the representative’s claims are “obviously typical of the claims . . . of the class,” and satisfy Rule 16(a)(3). See *Baggett v. Ashe*, No. 11-cv-30223-MAP, 2013 WL 2302102, at *1 (D. Mass. May 23, 2013) (analyzing under the federal counterpart, Rule 23(a)(3)).

⁷ See *Gutierrez*, 2016 WL 5819818, at *8–9 (collecting cases); *Pope v. Gary Hous. Auth.*, No. 2:09-cv-301, 2012 WL 1035449, at *4 (N.D. Ind. Mar. 27, 2012) (rejecting defendants’ claim that tenants consented to warrantless criminal searches of their apartments by signing waivers in their leases).

d. The proposed class representatives and class counsel can adequately represent the class.

The named plaintiffs and their counsel will “fairly and adequately protect the interests of the class.” N.H. Super. Ct. R. 16(a)(4); *see also* Fed. R. Civ. P. 23(a)(4). Two factors must be satisfied to fulfill this prerequisite: “(1) the absence of potential conflict between the named plaintiff and the class members and (2) that counsel chosen by the representative parties is qualified, experienced and able to vigorously conduct the proposed litigation.” *Adair v. Sorenson*, 134 F.R.D. 13, 18 (D. Mass. 1991) (citation omitted).

Here, there is no conflict—much less anything close to a conflict fundamental to the suit—that would prevent Plaintiffs from meeting the adequacy requirement. *See cf. Matamoros v. Starbucks Corp.*, 699 F.3d 129, 138 (1st Cir. 2012) (“[T]o forestall class certification the intra-class conflict must be so substantial as to overbalance the common interests of the class members as a whole”). The proposed class representatives have alleged the same injury arising from the installation of Minut Monitors in their homes, and seek the same injunctive and declaratory relief, which will apply equally to the benefit of all class members. The proposed class representatives seek the same relief as the other members of the class—among other things, (i) a declaratory judgment that CHRA violated its tenants’ constitutional rights by installing the Minut Monitors and non-consensually collecting their personal and private information, and (ii) an injunction enjoining CHRA from continuing to install and maintain Minut Monitor devices that non-consensually collect personal and private information. In defending their rights, the proposed class representatives will defend the rights of all proposed class members fairly and adequately. The proposed class representatives are members of the class, and their interests do not conflict with those of the other class members. *See* Decl. of Mark Lavallee ¶ 13 (“Exhibit D”) (“I know that, as a plaintiff in this lawsuit, I will be representing other individuals in CHRA housing who are in a

similar situation to me. I understand that this means that I will need to stay informed about what is happening in this case and that I need to think about the interests of the other class members and act on those interests.”).

In addition, “counsel chosen by the representative party is qualified, experienced and able to vigorously conduct the proposed litigation.” *Andrews v. Bechtel Power Corp.*, 780 F.2d 124, 130 (1st Cir. 1985) (citing *Weiss v. York Hospital*, 745 F.2d. 786, 811 (3d. Cir. 1984)). The proposed class would be represented by *pro bono* counsel from New Hampshire Legal Assistance, the American Civil Liberties Union Foundation of New Hampshire, and the American Civil Liberties Union Foundation. Proposed class counsel have extensive experience litigating class action lawsuits and other complex cases in state and federal court, including cases involving both tenants’ rights and the use of digital-age technologies to invade privacy. *See* Decl. of Gilles Bissonnette, Esq. (“Exhibit A”).

e. Superiority

Here, under Rule 16(a)(5), a class action is superior to other available methods for the fair and efficient adjudication of the controversy. “The superiority requirement is met where ‘a class action would achieve [the] economies of time, effort, and expense, and promote . . . uniformity of decision as to persons similarly situated, without sacrificing procedural fairness or bringing about other undesirable results.’” *Rainville v. Lakes Region Water Co*, 2008-CV-105, 2010 WL 9456958, at *6 (N.H. Super. Ct. May 12, 2010) (quoting *Amchem Products, Inc. v. Windsor*, 521 U.S. 591, 615 (1997)) (alteration in original).

A class action is superior here for several reasons. First, especially where commonality and typicality are satisfied, trying these constitutional claims in a single proceeding—as opposed to compelling hundreds of tenants to file their own individual lawsuits—“will save time, effort, and

expense, and promote uniformity of decision as to persons similarly situated.” *Id.* And, of course, not every one of the hundreds of tenants subjected to this violation will have the ability, resources, means, or “incentive to pursue separate claims.” *Id.*

Second, class certification may be necessary to address the prospect of any mootness claim in this case, especially if CHRA tactically elects to remove the Minut Monitors of the two named plaintiffs while this lawsuit is pending. In the context of class actions, the United States Supreme Court has established that “the controversy may exist . . . between a named defendant and a member of the class represented by the named plaintiff, even though the claim of the named plaintiff has become moot.” *Sosna v. Iowa*, 419 U.S. 393, 402 (1975). This is because “the class of unnamed persons described in the certification acquire[] a legal status separate from the interest asserted by” the named class representative. *Id.* at 398–99 (footnote omitted). Thus, certifying a class in this case will help ensure the classwide resolution of the important issues in this case regardless of how CHRA endeavors to address the Monitors in the units of the two named plaintiffs.

Though the removal of the Minut Monitors from the two named plaintiffs would not moot this case, the prospect of CHRA nonetheless potentially seeking to moot this case by removing the Monitors is not hypothetical. In late August 2025, CHRA filed a petition in Concord District Court against a Crutchfield Building tenant alleging that the tenant refused to allow a CHRA representative to enter their unit to re-install a Minut Monitor. *See Compl.* at ¶ 112. In defending against the lawsuit, the tenant, through undersigned counsel, alleged that the installation of the Minut Monitor violated Part I, Article 2-b of the New Hampshire Constitution. On November 5, 2025, CHRA withdrew the petition, meaning that CHRA was no longer insisting that this tenant have a Minut Monitor re-installed in that specific unit. However, the Minut Monitors remained

in CHRA’s approximately 300 other units, including those of Ms. King and Mr. LaValley. As a result of CHRA’s withdrawal of its petition, the constitutional claim raised by this tenant was left unaddressed for the tenants in these other units, thereby making this lawsuit necessary. Thus, as with the tenant in August of 2025, there are real concerns that CHRA may attempt to moot Ms. King and Mr. LaValley’s claims to evade judicial review of the significant constitutional implications of the Minut Monitors’ installation throughout CHRA’s units. Therefore, certifying this matter as a class action, and doing so expeditiously, is important to ensure judicial review of CHRA’s unconstitutional policy and practice. *See also* N.H. Super. Ct. R. 16(b) (“As soon as practicable after the commencement of an action brought as a class action, the court shall determine by order whether it is to be so maintained” (emphasis added)).

Further, given the nature of the housing CHRA offers—public housing for lower-income individuals—there is a risk that, absent the intervention of class counsel on behalf of the class representatives, many individual class members are unlikely to be able to pursue their claims individually against CHRA due to their financial circumstances and access to counsel. *See, e.g., Torrezani*, 318 F.R.D. at 554 (class certification is favored where the Court “can reasonably infer that substantially all of the class members have limited financial resources and would find it difficult to pursue the claims themselves.” (citing *McCluskey v. Trustees of Red Dot Corp. Emp. Stock Ownership Plan & Trust*, 268 F.R.D. 670, 674 (W.D. Wash. 2010)); *see also* Compl. at ¶ 21 (noting that CHRA provides apartments to low-income tenants at subsidized rates through programs funded by the United States Department of Housing and Urban Development); *Id.* at ¶ 132 (alleging that Mr. LaValley struggled with housing instability prior to securing his unit with CHRA).

Additionally, Part I, Article 2-b is a relatively new amendment to the New Hampshire Constitution and as a result, there is not yet a robust body of caselaw interpreting its text. *See* Decl. of Albert Scherr, Esq. Plaintiffs bring a straightforward challenge under the new informational privacy protections enshrined in Article 2-b. In the interests of judicial economy and uniformity of outcome, it is in the Court's interest to consider the constitutionality of CHRA's uniform practice of installing Minut Monitor devices (and thereby surveilling hundreds of low-income residents in public housing) in one consolidated lawsuit. Indeed, as all units contain the same Minut Monitor device model with the same technology and the same sensors, each installation implicates the same unconstitutional violations of Article 2-b and Article 19. Adjudicating this matter as a class action on behalf of all current and future CHRA tenants who have or will have Minut Monitor devices installed in their units achieves goals of judicial economy and uniformity of outcome.

CONCLUSION

Plaintiffs respectfully request that the Court grant this Motion and enter an order certifying the proposed class under New Hampshire Superior Court Rule 16(a); appoint proposed class representatives Plaintiff Terri King and Plaintiff Mark LaValley as class representatives; and appoint their counsel from New Hampshire Legal Assistance, The American Civil Liberties Union Foundation of New Hampshire, and the American Civil Liberties Union Foundation as class counsel.

Respectfully submitted,

/s/ Maria Savarese

Gilles R. Bissonnette (N.H. Bar. No. 265393)

Henry R. Klementowicz (N.H. Bar No. 21177)

Maria D. Savarese (N.H. Bar No. 273285)

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CERTIFICATION

I hereby certify that on this 2nd day of September, 2026, a copy of this Class Action Complaint for Declaratory and Injunctive Relief has been sent by first-class mail to Defendant's counsel Peter G. Callaghan.

/s/ Maria Savarese
Maria D. Savarese

Exhibit A

STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

**Mark LaValley and Terri King, individually and on behalf of themselves and all others
similarly situated**

v.

Concord Housing and Redevelopment Authority

No. _____

**DECLARATION OF GILLES BISSONNETTE IN SUPPORT OF
PLAINTIFF'S MOTION FOR CLASS CERTIFICATION**

1. I am the Legal Director for the American Civil Liberties Union Foundation of New Hampshire ("ACLU-NH"). I am counsel for Plaintiffs in the above-captioned matter. I make this declaration to describe my qualifications and the qualifications of ACLU-NH Deputy Legal Director Henry Klementowicz, and ACLU-NH Staff Attorney Maria Savarese, to serve as class counsel for the proposed class in this case.¹ The following facts are based on my own personal knowledge and, if called as a witness, I could and would testify competently thereto.

2. The ACLU-NH is a public interest organization dedicated to defending civil rights and civil liberties under the state and federal constitutions. It is committed to expending the resources necessary to fully represent the class in this important case involving state constitutional challenges to Concord Housing Authority's policy of installing and operating electronic monitoring equipment in hundreds of public housing residential units across Concord, New Hampshire.

¹ Additional proposed class counsel from New Hampshire Legal Assistance and the American Civil Liberties Union Foundation have filed separate declarations.

Gilles Bissonnette

3. As Legal Director for the ACLU-NH, federal courts have certified me as class counsel in three cases, and provisionally in a fourth case. *See Gomes*² *v. Acting Sec’y, U.S. Dep’t of Homeland Sec.*, 561 F. Supp. 3d 93 (D.N.H. 2021) (class certification order in case addressing the constitutional rights of medically-vulnerable civil immigration detainees amid the COVID-19 pandemic); *Doe v. Comm’r*, No. 18-cv-1039-JD, 2020 WL 2129717 (D.N.H. May 4, 2020) (class certification order in case addressing the constitutional and statutory rights of individuals boarded in hospital emergency rooms); *Orellana v. Moniz*, 808 F. Supp. 3d 167 (D. Mass. 2025) (class certification order in case involving the federal Government’s misclassification of immigration detainees to deny them bond hearings before an Immigration Judge); *Barbara v. Trump*, 790 F. Supp. 3d 80 (D.N.H. 2025) (provisionally granting class certification in challenge to birthright citizenship executive order).

4. I also am seeking to become co-class counsel in *Clark v. Formella*, No. 1:25-cv-379-PB-AJ, which is pending in the United States District Court for the District of New Hampshire, and concerns the facial constitutionality of New Hampshire’s “Loitering or Prowling” statute at RSA 644:6 (1971) (amended 1986).

5. I am a member of the New Hampshire bar. I am admitted to practice law in the state and federal courts in New Hampshire and Massachusetts, the First Circuit Court of Appeals, and the United States Supreme Court. I have been practicing law for nearly nineteen years (since 2007). I became a member of the New Hampshire bar in 2013. Prior to 2013, I was a member of the Massachusetts bar beginning in 2007.

² This case was later recaptioned with a new plaintiff, Marcus Vinicius Giotto.

6. I joined the ACLU-NH in late August 2013 as Staff Attorney. I was promoted to Legal Director in March 2015. In my capacity as Legal Director (and earlier as Staff Attorney), I litigate civil rights and civil liberties cases across the State of New Hampshire, oversee the operation of the ACLU-NH's legal program, and provide counsel to the ACLU-NH on matters of constitutional law. I also supervise and manage three other attorneys who are on the staff of the ACLU-NH.

7. I regularly litigate civil rights cases on behalf of plaintiffs in federal and state courts in New Hampshire. In addition to the above-captioned matter, these cases have included the following:

- *Barbara v. Trump*, 790 F. Supp. 3d 80 (D.N.H. 2025) (preliminarily enjoining President's birthright citizenship executive order on classwide, nationwide basis), *aff'd*, 146 S. Ct. 2438 (2026).
- *N.H. Indonesian Cmty. Support v. Trump*, 765 F. Supp. 3d 102, 107 (D.N.H. 2025) (preliminarily enjoining President's birthright citizenship executive order "with respect to the plaintiffs, and with respect to any individual or entity in any other matter or instance within the jurisdiction of this court, during the pendency of this litigation"), *aff'd in part and vacated in part*, 157 F.4th 29 (1st Cir. 2025).
- *Nat'l Educ. Ass'n-N.H. v. N.H. Attorney Gen.*, 806 F. Supp. 3d 166, 200 (D.N.H. 2025) (granting preliminary injunction where law challenged on vagueness grounds imposed "crippling penalties" even for unknowing noncompliance).
- *Nat'l Educ. Ass'n v. U.S. Dep't of Educ.*, 779 F. Supp. 3d 149 (D.N.H. 2025) (issuing preliminary injunction blocking enforcement of U.S. Department of Education's February 14, 2025, "Dear Colleague" letter against the plaintiffs, their members, and any entity that employs, contracts with, or works with one or more of plaintiffs or plaintiffs' members, where the letter restricted discussions and programs on diversity, equity, and inclusion in educational institutions, and threatened to withhold federal funding for engaging in such efforts).
- *Local 8027 v. Edelblut*, No. 21-cv-1077-PB, 2024 WL 2722254, at *17 (D.N.H. May 28, 2024) (holding that the prohibitions in New Hampshire's law "against teaching banned concepts are unconstitutionally vague," and that the law's provisions that discourage public school teachers from teaching and talking about race, gender, and sexual orientation contains "viewpoint-based restrictions on speech that do not provide either fair warning to

educators of what they prohibit or sufficient standards for law enforcement to prevent arbitrary and discriminatory enforcement”) (pending on appeal).

- *Guerra-Castaneda v. United States*, 656 F. Supp. 3d 356 (D. Mass. 2023) (allowing wrongful deportation claim to proceed where ICE deported a man in September 2019 despite two federal court orders stating that he should remain in the U.S. while his asylum case is pending).
- *Doe v. Comm’r*, No. 18-cv-1039-JD, 2020 U.S. WL 2079310 (D.N.H. Apr. 30, 2020) (ruling that State is obligated to provide due process to those suspected of experiencing a mental health crisis within three days of their detention in a hospital emergency room).
- *Doe v. Comm’r*, 174 N.H. 239, 261 (2021) (holding that the State “has a duty mandated by statute to provide for probable cause hearings within three days of when an [involuntary emergency admission] certificate is completed”; as amicus on behalf of federal class (alteration in original)).
- *Stone v. City of Claremont*, 2024 N.H. 11 (2024) (ordering disclosure of disciplinary records concerning former Claremont police officer where the operative agreement did not prohibit disclosure of the requested records).
- *ACLU-NH v. N.H. Div. of State Police*, 176 N.H. 302 (2023) (holding that, in response to a Right-to-Know request, police misconduct personnel files cannot be categorically withheld from the public under a different and separate criminal discovery statute – RSA 105:13-b (1992) (amended 2012)).
- *Union Leader Corp. and ACLU-NH v. Town of Salem*, 173 N.H. 345 (2020) (overruling 1993 *Fenniman* decision in holding that the public’s interest in disclosure must be balanced in determining whether the “internal personnel practices” exemption applies to requested records).
- *Seacoast Newspapers, Inc. v. City of Portsmouth*, 173 N.H. 325, 339 (2020) (overruling 1993 *Fenniman* decision in holding that the “internal personnel practices” exemption only narrowly covers “records pertaining to the internal rules and practices governing an agency’s operations and employee relations, not information concerning the performance of a particular employee”).
- *N.H. Ctr. for Pub. Int. Journalism v. N.H. Dep’t of Just.*, 173 N.H. 648 (2020) (holding that a list of over 275 New Hampshire police officers who have allegedly engaged in misconduct that reflects negatively on their credibility or trustworthiness is not exempt from disclosure under RSA 105:13-b or the “internal personnel practices” and “personnel file” exemptions; remanding for application of public interest balancing test).

- *Saucedo v. Gardner*, 335 F. Supp. 3d 202 (D.N.H. 2018) (striking down, on procedural due process grounds, a New Hampshire law that invalidated the absentee ballots of hundreds of voters, many of whom are disabled, based on signature comparisons without notice or opportunity to cure).
- *Rideout v. Gardner*, 123 F. Supp. 3d 218 (D.N.H. 2015), *aff'd*, 838 F.3d 65 (1st Cir. 2016), *cert denied*, 581 U.S. 904 (2017) (striking down New Hampshire law banning online “ballot selfies” on grounds that it violates the First Amendment).
- *Petrello v. City of Manchester*, No. 16-cv-008-LM, 2017 WL 3972477 (D.N.H. Sep. 7, 2017) (striking down, on First Amendment grounds, Manchester’s anti-panhandling ordinance, as well as permanently enjoining Manchester’s anti-panhandling police practices).
- *Guare v. New Hampshire*, 167 N.H. 658 (2015) (striking down voter registration form language that would impose a chilling effect on the right to vote of those domiciled in New Hampshire).
- *Doe v. New Hampshire*, 167 N.H. 382 (2015) (holding that New Hampshire’s retroactive, lifetime registration requirements for certain offenders are “punitive in effect” and therefore unconstitutional as applied to ACLU-NH client under New Hampshire Constitution’s bar on retrospective laws).

8. I am a registered lobbyist in the State of New Hampshire, and have provided analysis to elected officials in State and local government to ensure protection of civil rights and civil liberties, including in the areas of immigration and criminal justice.

9. I have published over 30 articles on constitutional law in publications throughout New Hampshire. I am the 2022 recipient of the New Hampshire Bar Association’s Distinguished Service to the Public Award. I am a member of the Hearings Committee of the Attorney Discipline System, as well as the Federal Court Advisory Committee. I was a trustee of the New Hampshire Supreme Court Society (2018-2024). I also served as an adjunct professor at the University of New Hampshire Franklin Pierce School of Law where I taught the course “Human Rights and Social Justice” during the Fall of 2023. I have taught multiple Continuing Legal Education courses on government transparency, as well as on the United States and New Hampshire Constitutions.

10. Prior to my work at the ACLU-NH, I worked as a civil litigator for approximately five (5) years where I represented commercial and individual clients in all aspects of litigation and in a variety of areas of law. I worked at the national law firm of Cooley LLP (formerly Cooley Godward Kronish LLP) out of its Boston office as an associate from January 2012 to August 2013. Prior to my work at Cooley LLP, I worked for the Boston-based law firm Todd & Weld, LLP as an associate from September 2009 to January 2012. I also worked for the Boston-based law firm Choate, Hall & Stewart LLP from September 2007 to August 2008. In these positions, I litigated complex civil cases throughout the United States.

11. I graduated from UCLA School of Law in 2007. While at UCLA School of Law, I was the Chief Comments Editor of the *UCLA Law Review*. I clerked for the late Judge Thomas M. Golden of the United States District Court for the Eastern District of Pennsylvania from August 2008 to August 2009. I received a Bachelor of Arts degree and a Master of Arts degree in History from Washington University in St. Louis in December 2003.

Henry Klementowicz

12. Henry Klementowicz is the Deputy Legal Director of the ACLU-NH, where he has worked since 2018. Prior to that, he was an associate at McLane Middleton, P.A., and prior to that he was a law clerk for the New Hampshire Superior Court. He graduated from Georgetown University Law Center in 2012 where he was a Notes Development Editor for the *American Criminal Law Review*. He received his Bachelor of Science degree from Columbia University in 2009.

13. Mr. Klementowicz regularly appears in state and federal courts in New Hampshire in cases advancing civil rights and civil liberties. Representative cases include the following:

- *Brown v. Sec'y of State*, 176 N.H. 319 (2023) (as *amicus*, challenge to partisan gerrymander of state senate and executive council).

- *Provenza v. Canaan*, 175 N.H. 121 (2022) (right to know case at state supreme court seeking access to investigation of alleged misconduct).
- *Petition of State*, 174 N.H. 785 (2022) (regarding whether trial court erred in denying protective order governing *Brady* disclosure of exculpatory evidence in police officers' personnel file).
- *Norelli v. Sec'y of State*, 175 N.H. 186 (2022) (as *amicus*, challenge to State's failure to redistrict congressional plan).
- *Paine v. Ride-Away, Inc.*, 174 N.H. 757 (2022) (as *amicus*, challenge to denial of work accommodation for user of therapeutic cannabis).
- *ACLU of NH v. Concord*, 174 N.H. 653 (2021) (challenge to City of Concord's refusal to disclose covert communications equipment).
- *Casey v. Gardner*, 173 N.H. 266 (2020) (challenge to voting law HB 1264).

14. He currently is lead counsel from ACLU-NH in *Coalition for Open Democracy v. Formella*, 24-cv-312-SE—which is consolidated with *N.H. Youth Movement v. Scanlan*, No. 24-cv-291-SE—challenging a voting law enacted in 2024. *See N.H. Youth Movement v. Scanlan*, 833 F. Supp. 3d 93 (D.N.H. 2026) (declaring unconstitutional voting law that required documentary proof of citizenship for voter registration) (on appeal). Mr. Klementowicz also is seeking to become co-class counsel in *Clark v. Formella*, No. 1:25-cv-379-PB-AJ, which is pending in the United States District Court for the District of New Hampshire, and concerns the facial constitutionality of New Hampshire's "Loitering or Prowling" statute at RSA 644:6.

15. In 2023, Mr. Klementowicz received the Robert F. Kirby Award from the New Hampshire Bar Foundation. He currently serves on the Board of Directors of the New Hampshire Bar Foundation and the Board of Trustees of the New Hampshire Supreme Court society. He has presented Continuing Legal Education programs on a variety of topics in New Hampshire including separation of powers and the New Hampshire Constitution.

Maria Savarese

16. Maria Savarese is the Staff Attorney of ACLU-NH, where she began working in March of 2026. Prior to joining ACLU-NH, she was a trial attorney with the New Hampshire Public Defender for five-and-a-half years, where she represented hundreds of clients charged with misdemeanor and felony-level offenses. Ms. Savarese has also briefed and argued a matter before the New Hampshire Supreme Court. *See State v. Farrell*, 2022-0638, 2024 N.H. 26 (May 14, 2024).

17. Ms. Savarese graduated from Boston University School of Law, *magna cum laude*, in 2018, where she was a Notes Editor of the *Boston University Law Review*. She was an Edward F. Hennessey Distinguished Scholar and a Paul J. Liacos Distinguished Scholar. She received a Bachelor of Arts *summa cum laude* from Florida State University in 2015 and is a member of *Phi Beta Kappa*. After law school, Ms. Savarese clerked for Justice Lidia Stiglich of the Nevada Supreme Court and Judge Terrence Berg of the United States District Court for the Eastern District of Michigan.

18. Ms. Savarese is a member of the New Hampshire bar. She is admitted to practice law in New Hampshire and Massachusetts³, the United States District Court for the District of New Hampshire, the First Circuit Court of Appeals, and the United States Supreme Court.

19. Ms. Savarese has experience litigating complex criminal matters in New Hampshire. Ms. Savarese is also seeking to become co-class counsel in *Clark v. Formella*, No. 1:25-cv-379-PB-AJ, which is pending in the United States District Court for the District of New

³ Ms. Savarese is currently registered as “inactive” to practice in Massachusetts.

Hampshire, and concerns the facial constitutionality of New Hampshire’s “Loitering or Prowling” statute at RSA 644:6.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Gilles R. Bissonnette
Gilles Bissonnette

Executed on September 2, 2026.

Exhibit B

STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

**Mark LaValley and Terri King, individually and on behalf of themselves and all others
similarly situated**

v.

Concord Housing and Redevelopment Authority

No. _____

**DECLARATION OF NATHAN FREED WESSLER IN SUPPORT OF
PLAINTIFF'S MOTION FOR CLASS CERTIFICATION**

1. I am Deputy Project Director of the Speech, Privacy, and Technology Project (“SPT”) of the American Civil Liberties Union Foundation (“ACLU”). I am counsel for Plaintiffs in the above-captioned matter. I make this declaration to describe my qualifications and the qualifications of Brett Max Kaufman, Senior Counsel for the ACLU Center for Democracy, to serve as class counsel for the proposed class in this case.¹ The following facts are based on my own personal knowledge and, if called as a witness, I could and would testify competently thereto.

2. The ACLU is a public interest organization dedicated to defending civil rights and civil liberties under the federal and state constitutions. It is committed to expending the resources necessary to fully represent the class in this important case involving state constitutional challenges to the Concord Housing and Redevelopment Authority’s policy of installing and operating electronic monitoring devices in hundreds of public housing residential units across Concord, New Hampshire.

¹ Additional proposed class counsel from New Hampshire Legal Assistance and the American Civil Liberties Union of New Hampshire have filed separate declarations.

Nathan Freed Wessler

3. I have been a member of the Massachusetts and New York bars since 2011. I am admitted to practice law in the state courts in Massachusetts and New York; in the U.S. District Courts for the Southern and Eastern Districts of New York and the Eastern District of Michigan; in the U.S. Courts of Appeals for the First, Second, Fourth, Fifth, Sixth, Seventh, Ninth, and Eleventh Circuits; and in the United States Supreme Court. I have been admitted pro hac vice in numerous state and federal courts across the country. I have been practicing law for more than 15 years (since 2011).

4. I joined the ACLU in September 2011 as a Legal Fellow in the ACLU National Security Project. In September 2012 I was hired as a Staff Attorney in the ACLU Speech, Privacy, and Technology Project. I became a Senior Staff Attorney in SPT in April 2020, and I was promoted to Deputy Project Director of SPT in December 2020. In my capacity as Deputy Project Director (and earlier as Staff Attorney and Senior Staff Attorney), I litigate civil liberties cases across the country. I also assist in managing the legal work of SPT and I directly supervise legal fellows, support staff, and others.

5. My legal practice at the ACLU focuses heavily on vindicating rights under the Fourth Amendment to the U.S. Constitution and analogous provisions of state constitutions, in the face of government use of new and emerging technologies to invade privacy and gather information about people.

6. In 2017, I argued *Carpenter v. United States* in the U.S. Supreme Court. The Court's decision in that case held that under the Fourth Amendment, law enforcement must obtain a warrant before requesting a person's historical cell site location information from their cellular service provider. *Carpenter v. United States*, 585 U.S. 296 (2018).

7. I regularly litigate cases involving novel questions of digital-age privacy in federal and state courts across the country. In addition to the above, these cases have included the following²:

- *Dillon v. City of Jacksonville Beach*, No. 25-cv-1936 (M.D. Fla. filed June 10, 2026) (pending malicious prosecution suit challenging police reliance on incorrect result from facial recognition technology leading to plaintiff's false arrest and prosecution);
- *Doe v. U.S. Dep't of Homeland Sec.*, No. 26-mc-80026 (N.D. Cal. filed Feb. 2, 2026) (petition to quash abusive administrative subpoena issued by U.S. Department of Homeland Security to Google, seeking information about a Google user in retaliation for his exercise of First Amendment rights);
- *Williams v. City of Detroit*, No. 21-cv-10827 (E.D. Mich., settlement agreement adopted June 28, 2024) (wrongful arrest suit challenging police reliance on incorrect result from facial recognition technology leading to plaintiff's false arrest; settled for monetary and injunctive relief, including model policy protections against future reliance on incorrect facial recognition technology results);
- *Johnson v. Vanderkooi*, 983 N.W.2d 779 (Mich. 2022) (successful Fourth Amendment challenge to Grand Rapids, MI police department's policy and practice of fingerprinting people during *Terry* stops);
- *Leaders of a Beautiful Struggle v. Balt. Police Dep't*, 2 F.4th 330 (4th Cir. 2021) (en banc) (successful Fourth Amendment challenge to Baltimore Police Department's program of persistent aerial surveillance, using aircraft-mounted super high-pixel, wide angle cameras to record movements of all pedestrians and vehicles during daylight hours across Baltimore);
- *Am. Civil Liberties Union v. Clearview AI, Inc.*, No. 20 CH 4353, 2021 WL 4164452 (Ill. Cir. Ct. Aug. 27, 2021) (suit alleging violation of Illinois Biometric Information Privacy Act by facial recognition technology company Clearview AI for nonconsensual extraction and use of facial biometrics from photos scraped from internet; after defeating motion to dismiss, settled for nationwide injunctive relief);
- *Alasaad v. Nielsen*, 419 F. Supp. 3d 142 (D. Mass. 2019), *rev'd sub nom. Alasaad v. Mayorkas*, 988 F.3d 8 (1st Cir. 2021), *cert denied sub nom. Merchant v. Mayorkas*, 141 S. Ct. 2858 (2021) (multi-plaintiff challenge to government practice of suspicionless and warrantless searches of cell phones, laptops, and other electronic devices at the U.S. border);

² This list is illustrative, not exhaustive.

- *Belleau v. Wall*, 811 F.3d 929 (7th Cir. 2016) (challenge to untailored lifetime post-incarceration GPS monitoring of individuals with certain sex offense convictions);
- *Or. Prescription Drug Monitoring Program v. U.S. Drug Enf't Admin.*, 998 F. Supp. 2d 957 (D. Or. 2014), *rev'd on standing grounds*, 860 F.3d 1228 (9th Cir. 2017) (Fourth Amendment challenge (on behalf of intervenors) to DEA's use of administrative subpoenas to seek sensitive medical information from state's electronic prescription drug monitoring program database).

8. I have also litigated cases involving other civil rights and civil liberties issues, as well as a number of cases seeking government records under the Freedom of Information Act ("FOIA").

9. I also regularly file amicus briefs in state and federal courts in cases addressing issues under the Fourth Amendment and state constitutional analogues. I have been granted oral argument time in a number of these cases, including in the First Circuit (in cases involving long-term warrantless pole-camera surveillance of an individual's home and warrantless DEA access to New Hampshire's statewide electronic prescription monitoring program database), Sixth Circuit (warrantless law enforcement access to historical cell phone location data), Ninth Circuit (same), Eleventh Circuit (same), District of Columbia Court of Appeals (warrantless use of cell site simulator to track and locate phones), Colorado Supreme Court (long-term warrantless pole-camera surveillance of an individual's home), Georgia Supreme Court (warrantless download of data from vehicle's "black box" data recorder), Iowa Supreme Court (warrantless analysis of DNA unavoidably and involuntarily deposited on item an individual later discarded), and U.S. District Court for the Eastern District of Michigan (wrongful arrest based on reliance on incorrect result from facial recognition technology).

10. I have testified before congressional and state legislative committees on digital privacy and law enforcement surveillance issues, including cell phone tracking and biometric privacy.

11. I am an Adjunct Clinical Professor at New York University School of Law, where I have co-taught the Technology Law and Policy Clinic since Fall 2025. I have frequently taught Continuing Legal Education courses on issues involving privacy in the digital age, including interpretation of the Fourth Amendment and state constitutions.

12. I graduated from NYU School of Law, *magna cum laude*, in 2010. While in law school, I was an Articles Editor on the *NYU Law Review*. I clerked for Judge Helene N. White of the United States Court of Appeals for the Sixth Circuit from September 2010 to August 2011. I received a Bachelor of Arts degree, with High Honors, from Swarthmore College in 2004.

Brett Max Kaufman

13. Brett Max Kaufman has been a member of the New York bar since 2010. He is admitted to practice law in the state courts of New York; in the U.S. District Courts for the Southern and Eastern Districts of New York and District of Columbia; in the U.S. Courts of Appeals for the Second, Third, Fourth, Ninth, Tenth, District of Columbia, and Federal Circuits; and in the United States Supreme Court. He has been admitted pro hac vice in numerous state and federal courts across the country. He has been practicing law for more than 15 years (since 2011).

14. Mr. Kaufman is a Senior Counsel with the ACLU Center for Democracy. He has worked as a Staff Attorney (now Senior Counsel) at the ACLU since 2015. From 2012 to 2014, he was a legal fellow in the ACLU's National Security Project, then, from 2014 to 2015, a teaching fellow at New York University School of Law.

15. Mr. Kaufman regularly appears in state and federal courts across the country in cases advancing civil rights and civil liberties, as well as cases seeking government records under the FOIA. Representative cases include the following:

- *Khalil v. President, United States*, 164 F.4th 259 (3d Cir. 2026) (habeas challenge to retaliatory immigration detention based on protected speech and advocacy);

- *Connell v. CIA*, 110 F.4th 256 (D.C. Cir. 2024) (FOIA litigation challenging CIA refusal to confirm or deny (known as a Glomar response) regarding “operational control” over Guantanamo);
- *Leaders of a Beautiful Struggle v. Baltimore Police Dep’t*, 2 F.4th 330 (4th Cir. 2021) (en banc) (successful Fourth Amendment challenge to Baltimore Police Department’s program of persistent aerial surveillance, using aircraft-mounted super high-pixel, wide angle cameras to record movements of all pedestrians and vehicles during daylight hours across Baltimore);
- *Edgar v. Haines*, 2 F.4th 298 (4th Cir. 2021) (First Amendment challenge to government prepublication review requirements);
- *Hassoun v. Searls*, 976 F.3d 121 (2d Cir. 2020) (constitutional challenge to indefinite civil detention of non-citizen on national security grounds);
- *Commonwealth v. Davis*, 220 A.3d 534 (Pa. 2019) (criminal appeal concerning Fifth Amendment right against self-incrimination);
- *Doe v. Mattis*, 928 F.3d 1 (D.C. Cir. 2019) (civil habeas challenge to military detention of American citizen in Iraq);
- *Carpenter v. United States*, 585 U.S. 296 (2018) (successful Fourth Amendment challenge to government demands for historical cell site location information from cellular service provider);
- *N.Y. Times Co. v. U.S. Dep’t of Just.*, 756 F.3d 100 (2d Cir. 2014) (successful FOIA litigation concerning Office of Legal Counsel memorandum authorizing killing of American citizen); and
- *Am. Civil Liberties Union v. CIA*, 710 F.3d 422, 431 (D.C. Cir. 2013) (defeating CIA Glomar response concerning CIA’s intelligence interest in lethal drones).

16. Mr. Kaufman also regularly files amicus briefs in state and federal courts in cases raising important questions under the Fourth Amendment and state constitutional analogues.

17. Mr. Kaufman is currently class counsel in *Las Americas Immigrant Advocacy Center v. Mullin*, No. 25-cv-418 (D.D.C.), and *Luna Gutierrez v. Mullin*, No. 25-cv-1766 (D.D.C.).

18. Since 2023, Mr. Kaufman has been an adjunct lecturer in law at the University of California Los Angeles School of Law. From 2015 to 2022, he was an adjunct clinical professor at NYU School of Law.

19. Mr. Kaufman has also published written work in various outlets, including *The New York Times*, *The Guardian*, *The Washington Post*, *Reason*, *The Baffler*, *Slate*, the *Santa Clara Law Review*, and various online outlets covering privacy and national security issues.

20. In 2009, Mr. Kaufman graduated from the University of Texas Law School, where he was Vice Chancellor and the Book Review Editor of the *Texas Law Review*. He received his Bachelor of Arts degree from Stanford University, with University Distinction, in 2003. From 2010 to 2012, he served as a law clerk to Judge Robert D. Sack in the Second Circuit Court of Appeals, and to Judge Richard J. Holwell and then (after Judge Holwell's resignation) Judge Lewis A. Kaplan of the U.S. District Court for the Southern District of New York.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read 'Nathan Freed Wessler', is written over a horizontal line.

Nathan Freed Wessler

Executed on August 31, 2026.

Exhibit C

STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

**Mark LaValley and Terri King, individually and on behalf of themselves and all others
similarly situated**

v.

Concord Housing and Redevelopment Authority

No. _____

**DECLARATION OF CHRIS SCHOTT IN SUPPORT OF
PLAINTIFF'S MOTION FOR CLASS CERTIFICATION**

1. I am the Fair Housing Project Director and Managing Attorney for the Manchester Law Office for New Hampshire Legal Assistance ("NHLA"). I am counsel for Plaintiffs in the above-captioned matter. I make this declaration to describe my qualifications and the qualifications of Stephen Tower, Managing Attorney of the Concord Law Office of NHLA, to serve as class counsel for the proposed class in this case. The following facts are based on my own personal knowledge and, if called as a witness, I could and would testify competently thereto.

2. New Hampshire Legal Assistance is a nonprofit legal aid organization dedicated to providing free civil legal services to low-income families and seniors across New Hampshire. NHLA is committed to expending the resources necessary to fully represent the class in this important case involving state constitutional challenges to Concord Housing Authority's policy of installing and operating electronic monitoring equipment in hundreds of public housing residential units across Concord, New Hampshire.

Chris Schott

3. I am a member of the New Hampshire bar. I am admitted to practice law in the state and federal courts in New Hampshire and as well as the state courts of Massachusetts. I have been practicing law for nearly eight years. I became a member of the New Hampshire bar in 2018.

4. I joined NHLA in late May of 2018 as a Staff Attorney. I was promoted to Fair Housing Director in January 2023. In my capacity as Fair Housing Director (and earlier as a Staff Attorney), I litigate civil rights and eviction defense cases across the State of New Hampshire, oversee the operation of NHLA's Fair Housing Project, and provide counsel to NHLA on matters of state and federal fair housing law as well as updates in federal housing law and policy. I was promoted to Managing Attorney of NHLA's Manchester Law Office in June 2026.

5. I regularly litigate civil rights and tenants' rights cases on behalf of plaintiffs and defendants in state courts in New Hampshire and administrative boards. I have assisted hundreds of New Hampshire tenants with advice and representation in eviction actions as well as securing housing accommodations for tenants with disabilities. In addition to my fair housing and eviction defense work for NHLA, I have provided significant representation for survivors of domestic violence and stalking in 173-B protective order hearings and divorce and parenting matters including assisting survivors in New Hampshire Supreme Court appeals.

6. I graduated from University of New Hampshire School of Law in 2018. I received a Bachelor of Arts degree in Political Science from Gettysburg College in Gettysburg, Pennsylvania in May 2015.

Stephen Tower

7. Stephen Tower is the Managing Attorney of NHLA's Concord Law Office and Director of NHLA's Local Welfare Law Project. Mr. Tower began working for NHLA in 2015,

where in addition to the Local Welfare Law Project, he has represented low-income clients in public benefits appeals before state and federal agencies, advocated for low-income utility affordability before the New Hampshire Public Utilities Commission, and representing survivors of domestic violence in 173-B protective order cases. During his tenure with NHLA, Mr. Tower has represented low-income consumers across the state in debt collection matters before the district Division and Superior Courts and bankruptcy petitioners before the United State Bankruptcy Court for the District of New Hampshire.

8. Mr. Tower has represented countless low-income tenants before the state’s housing authorities relating to evictions and subsidy terminations, and before the New Hampshire Courts in possessory actions, and 540-A petitions alleging violations of tenants’ rights of quiet enjoyment.

9. Mr. Tower has represented tenants before the New Hampshire Supreme Court in:

- *Horton v. Clemens*, 173 N.H. 480 (2020) (affirmed, holding an eviction notice that does not contain the same information as the judicial branch form is not legally sufficient, even if it contains the information required by eviction notice statute; as amicus).
- *HBD Drugg Real Estate, LLC v. Celia Harkins*, No. 2020-0258, 2021 WL 2230999 (N.H. Apr. 2, 2021) (reversed on a finding that a written agreement between landlord and tenant that arrears would be repaid in 10 monthly installments along with the previously agreed upon rent constituted an enforceable lease modification).
- *Barrington Oaks Cooperative, Inc. v. Frank Blackington*, No. 2023-0755, 2025 WL 926605 (N.H. Mar. 26, 2025) (affirmed on finding that a tender of arrears is insufficient to cure a nonpayment eviction where the cure provision of RSA 540:9 states a tenant must “pay[] to the landlord.”).

10. Mr. Tower is a registered lobbyist in the State of New Hampshire, and has provided analysis to elected officials in State and local government to ensure the needs of New Hampshire’s low-income tenants, workers, and unhoused are met.

11. Prior to joining NHLA, Mr. Tower worked from 2014-2015 at Greater Boston Legal Services, representing unemployment claimants before Massachusetts' Department of Unemployment Assistance.

12. Mr. Tower graduated from Brooklyn Law School in 2014, where he was a Notes Editor of the *Journal of Law and Policy*.

13. Ms. Tower is a member of the New Hampshire bar. He is admitted to practice law in New Hampshire and Massachusetts¹, the United States District Court for the District of New Hampshire.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Christopher G. Schott
Christopher Schott

Executed on September 2, 2026.

¹ Mr. Tower is currently registered as "inactive" to practice in Massachusetts.

Exhibit D

STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

**Terri King and Mark LaValley, individually and on behalf of themselves and all others
similarly situated**

v.

Concord Housing and Redevelopment Authority

No. _____

DECLARATION OF MARK LAVALLEY

I, Mark LaValley, depose and say as follows:

1. I am bringing this lawsuit challenging Concord Housing Authority (“CHRA”)’s policy of installing and operating electronic monitoring equipment—called Minut Monitors—in hundreds of public housing residential units across Concord, New Hampshire, including my own.
2. I currently live in a one-bedroom unit of the Crutchfield building, located in Concord, New Hampshire. The Crutchfield building is run by CHRA.
3. In early 2025 I applied to rent an apartment from CHRA. I was put on a waitlist, but in November of 2025 a unit became available in the Crutchfield building.
4. On November 12, 2025, I met with Jessica Beaulieu to sign lease documents. I signed the lease for my apartment along with several lease addendums, including the Minut Monitor lease addendum.
5. Ms. Beaulieu briefly explained the Minut Monitors to me. She told me that there was one installed in my unit and they were intended to detect noise and smoke in apartments. She then had me sign the lease addendum.

6. At the time I did not think much of the addendum or the Minut Monitors. It was one of a number of lease documents I had to sign and I simply thought it was a formality that I needed to complete in order to rent my apartment.
7. Prior to leasing my new unit in the Crutchfield Building, I faced a period of housing instability. When the unit became available in the Crutchfield Building, I was happy to finally be receiving a subsidized apartment after being on the waitlist for almost a year.
8. I understood that if I did not agree to the Minut Monitor lease addendum, it would risk my ability to rent the apartment. I was unwilling to risk my housing.
9. I moved into my apartment on November 15, 2025. The Minut Monitor was already installed and, to my knowledge, activated in my living room when I arrived.
10. After moving in, I received a notice from CHRA stating that they would be entering my apartment to charge the Minut Monitor, which they did.
11. It was not disclosed to me that there would be active motion or Bluetooth sensors in the Minut Monitor device installed in my apartment.
12. I do not want CHRA to be able to monitor the movements, sounds, and other data coming from my home. I would like the Minut Monitor device removed from my unit and for CHRA to delete all of the data that it has been collecting on my unit since I moved in.
13. I am bringing this lawsuit because I am concerned about my privacy and the privacy of other CHRA tenants because intrusive Minut Monitors have been installed in our units and we are being monitored. I want to stand up for my rights and the rights of others like me, who have had Minut Monitors installed in their CHRA units. I know that, as a plaintiff in this lawsuit, I will be representing other individuals in CHRA housing who are

in a similar situation to me. I understand that this means that I will need to stay informed about what is happening in this case and that I need to think about the interests of the other class members and act on those interests.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 31st day of August, 2026.


Mark LaValley

Exhibit E

STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

**Terri King and Mark LaValley, individually and on behalf of themselves and all others
similarly situated**

v.

Concord Housing and Redevelopment Authority

No. _____

DECLARATION OF TERRI KING

I, Terri King, depose and say as follows:

1. I am bringing this lawsuit challenging Concord Housing Authority (“CHRA”)’s policy of installing and operating electronic monitoring equipment—called Minut Monitors—in hundreds of public housing residential units across Concord, New Hampshire, including my own.
2. I currently live in a two-bedroom apartment in Parmenter Place Apartments, a Low-Income Housing Tax Credit property. I understand that CHRA manages and maintains the property and is actively in charge of all decisions at the property.
3. I live in my apartment with my husband Gary. We have lived there for four (4) years.
4. On January 12, 2026, I received two notices about Minut Monitors. One was an entry notice that told me that CHRA staff would be entering my unit to install a monitor. The other notice described that the Minut Monitors collected noise and smoke data to enforce lease provisions.

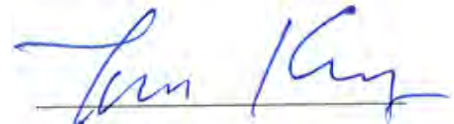
5. Tom Buckman and a CHRA maintenance staff member entered my apartment on or around January 16, 2026 to install and activate the Minut Monitor device. The device was installed on the ceiling of the inner hallway of my unit that connects various rooms.
6. I objected to the installation. I told Mr. Buckman "this is bullshit." Mr. Buckman responded to the effect of: "No it isn't. We have to do this."
7. Despite my objection to the installation, the Minut Monitor was installed and activated in my apartment and to my knowledge began collecting the personal and private information of myself and my husband.
8. In January of 2026, my husband temporarily removed the Minut Monitor device in my apartment from its baseplate. Since this removal, CHRA staff have had to reenter our unit to check on the device and I believe to make sure it was still installed and working properly.
9. On March 4, 2026, I received a notice from CHRA titled "Notice of Lease Violation & Assessment of Fines" notifying me that we were being fined for "repeated violations" of our Lease Agreement, "specifically the Minut Monitor Lease Addendum."
10. I have not signed the Minut Monitor Lease Addendum.
11. The notice accused myself and my husband of nine instances of tampering with the Minut Monitor device between February 1, 2026, and February 23, 2026, and instituted a \$50 fine per alleged occurrence; a total of \$450 for the alleged tampering.
12. I was surprised by the allegations in CHRA's lease violation notice. I was aware that my husband removed the Minut Monitor from its baseplate once in January 2026, but that was prior to the dates claimed in the lease violation notice. I am not aware of the Minut Monitor being removed at the times alleged in the CHRA lease violation notice.

13. CHRA requested that I pay the fines immediately, but I was unable to afford the fines. I also did not consider them lawful because I did not recall ever agreeing to the installation of the device or the fee schedule.
14. On or around March 6, 2026, CHRA charged me with a \$15 late fee for the tampering fine. They notified me of this late fee with a notice titled "Final Warning Regarding Tenancy." The notice stated: "The Minut monitor is a required fixture of your unit designed to ensure the safety and quiet enjoyment of all residents. Continued tampering, removal, or relocation of the device is a material breach of your lease. **Please let this letter serve as a final warning:** Any further interference with the device will result in the commencement of **eviction proceedings**. We strongly advise that you leave the device plugged in and active at all times." The notice was signed by Julie Palmeri.
15. On April 2, 2026, CHRA served me with a demand for rent and eviction notice. The rent demand included the \$450 fine for the alleged Minut Monitor tampering.
16. I sought the assistance of New Hampshire Legal Assistance, which assisted me with resolving the eviction issue. In May 2026, the lawyers learned that I never signed a Minut Monitor lease addendum. As a result, I learned that CHRA would be waiving the charged fees and not moving forward with eviction.
17. Since this incident, I have not received further complaints from CHRA regarding tampering or any other adverse actions related to the Minut Monitor in my unit.
18. My husband Gary suffers from terminal heart failure as well as dementia. In the summer of 2026, he transitioned to in-home hospice care, and I have spent additional time serving as his caretaker.

19. I am bringing this lawsuit because I am concerned about my privacy and the privacy of other CHRA tenants because intrusive Minut Monitors have been installed in our units and we are being monitored. I want to stand up for my rights and the rights of others like me, who have had Minut Monitors installed in their CHRA units. I know that, as a plaintiff in this lawsuit, I will be representing other individuals in CHRA housing who are in a similar situation to me. I understand that this means that I will need to stay informed about what is happening in this case and that I need to think about the interests of the other class members and act on those interests.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 31st day of August, 2026.


Terri King