

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

BETHANY R. SCAER,

Plaintiff,

v.

ALISON V. MASTIN, Chair, Kearsarge
Regional School Board, in her official
and individual capacities; KEARSARGE
REGIONAL SCHOOL BOARD; and
KEARSARGE REGIONAL SCHOOL
DISTRICT (SAU #65);

Defendants.

Case No. 1:25-cv-183-JL-TSM

**PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT
AND A PERMANENT INJUNCTION**

Plaintiff Bethany R. Scaer moves for summary judgment as to all claims under Fed. R. Civ. P. 56 and Local Rule 56.1. For the reasons stated in the memorandum of law accompanying this motion, there is no genuine dispute as to any material fact and Plaintiff is entitled to judgment as a matter of law. This Court should therefore enter summary judgment in Plaintiff’s favor.

WHEREFORE, Plaintiff Bethany R. Scaer respectfully requests that this Court:

1. Grant Plaintiff’s motion for summary judgment;
2. Declare that Defendants’ “no derogatory comments” violates the First Amendment and Fourteenth Amendments;

3. Permanently enjoin Defendants, their officers, agents, servants, employees, and all persons in active concert or participation with them who receive actual notice of the injunction, from enforcing the “no derogatory comments” policy and from otherwise discriminating against public comments on the basis of viewpoint or on the basis of content germane to the purpose of the meeting;
4. Award nominal damages for Plaintiff’s past injury in the amount of \$17.91;
5. Award the cost of suit, including attorney fees and expenses pursuant to 42 U.S.C. § 1988; and
6. Grant any other relief as the Court deems just and appropriate.

Dated: June 25, 2025

Respectfully submitted,

/s/ Roy S. McCandless

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**Pro hac vice*

Counsel for Plaintiff

¹ Not a D.C. Bar Member but providing legal services in the District of Columbia exclusively before federal courts, as authorized by D.C. Ct. App. R. 49(c)(3).

CERTIFICATE OF SERVICE

I hereby certify that, on June 25, 2025, a true and correct copy of the foregoing pleading was served via CM/ECF upon the counsel of record of all parties.

Executed under penalty of perjury.

Dated: June 25, 2025

s/Nathan J. Ristuccia