

Nathan Ristuccia

From:
Sent: Friday, April 10, 2026 3:49 PM
To:
Subject: Activity in Case 1:24-cv-00277-LM-TSM Scaer et al v. Nashua, NH, City of Order on Motion to Dismiss

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U.S. District Court

District of New Hampshire

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Case Name: Scaer et al v. Nashua, NH, City of

Case Number: [1:24-cv-00277-LM-TSM](#)

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Document Number: No document attached

Docket Text:

ENDORSED ORDER denying [56] Motion to Dismiss. Text of Order: Document number 56 is denied. To the extent the City seeks dismissal of the Scaers' claims in their entirety, the City fails to demonstrate that the court is powerless to grant any form of relief. See Kuperman v. Wrenn, 645 F.3d 69, 73 & n.5 (1st Cir. 2011) (explaining that "[a] claim is moot only if no relief is available," and nominal damages constitute "some relief"); Uzuegbunam v. Preczewski, 592 U.S. 279, 802 (2021) (holding that "a request for nominal damages satisfies the redressability element of standing where a plaintiff's claim is based on a completed violation of a legal right"); In re Fin. Oversight & Mgmt. Bd. for P.R., 594 F. Supp. 3d 433, 442 (D.P.R. 2019) (party asserting mootness bears the burden of proof). To the extent the City seeks dismissal of the Scaers' claims only insofar as they seek injunctive relief, the City's showing is conclusory and fails to satisfy its "formidable burden" of persuading the

court that its voluntary closure of the flagpole to citizen submissions demonstrates that there is "no reasonable expectation" it will reopen the flagpole to citizen submissions at some point in the future. FBI v. Fikre, 601 U.S. 234, 241 (2024). The City may renew its mootness contentions at summary judgment. See id. at 244. So Ordered by Judge Landya B. McCafferty.(de)