

STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS  
NORTHERN DISTRICT

SUPERIOR COURT

Crystal Sorey, As Administratrix of the  
Estate of Harmony Montgomery

v.

Adam Montgomery

#216-2025-CV-00680

**EXPEDITED MOTION TO SET ASIDE ORDER OF DISMISSAL**

NOW COMES the plaintiff Crystal Sorey, as Administratrix of the Estate of Harmony Montgomery, by and through her attorneys, Douglas, Leonard & Garvey, P.C., and respectfully submits the within Expedited Motion to Set Aside Order of Dismissal, stating as follows:

1. The plaintiff moves to set aside the Court's order of dismissal for "lack of service." Order, (Klass, J.) dated October 10, 2025.
2. Superior Court Rule 4(c) provides that "[i]f a defendant is not served within the court-ordered deadline for service, the court shall dismiss the action with or without prejudice, as justice may require."
3. Contemporaneous with the within motion, plaintiff filed an Expedited Motion to Accept Late Filing of Proof of Service. As set forth in the accompanying Affidavit of Service, the defendant was timely served the Summons and a copy of the Complaint.
4. The Court should set aside the dismissal in this case, given that the defendant was timely served.
5. The absence of prejudice to the defendant provides further reason to set aside the Court's dismissal. The only effect that setting aside the dismissal will have upon the defendant is

that he will have to litigate the Complaint on its merits. Such a consequence does not constitute prejudice, as a matter of law.

6. Justice requires that the order of dismissal be vacated.

WHEREFORE, the plaintiff prays this Honorable Court:

- A. Set aside the Court's October 10, 2025, order of dismissal; and
- B. Grant such other and further relief as is just and equitable.

Respectfully submitted,

CRYSTAL SOREY  
By her attorneys,  
DOUGLAS, LEONARD & GARVEY, P.C.

Date: October 14, 2025

By: /s/ C. Kevin Leonard  
C. Kevin Leonard, Esquire (NH #10019)  
14 South Street, Suite 5  
Concord, NH 03301  
(603) 224-1988  
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#### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been mailed this date to defendant at:  
Housing C-+302, 3521 Woods Way, State Farm, VA 23160.

/s/ C. Kevin Leonard  
C. Kevin Leonard, Esquire