

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT

6th Circuit - Family Division - Concord
32 Clinton Street
Concord NH 03301

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<https://www.courts.nh.gov>

NOTICE OF DECISION

FILE COPY

Case Name: **In the Matter of Jennifer Eber and Gordon MacDonald**
Case Number: **644-2020-DM-00107**

Enclosed please find a copy of the Court's Order dated November 21, 2022 relative to:

SEE ATTACHED COURT ORDER

RE: PETITIONER'S ASSENTED TO MOTION FOR RECUSAL

GRANTED AS TO PRAYERS FOR RELIEF A/B

November 23, 2022

Theresa A. McCafferty
Clerk of Court

(152)

C: James J Tenn, JR; Meegan C. Reis, ESQ

Dwyer, Donovan & Reis, P.A.

ATTORNEYS AT LAW

461 MIDDLE STREET

PORTSMOUTH, NH 03801

TELEPHONE (603) 433-7040/FAX (603) 431-2130

RECEIVED

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LICENSED TO PRACTICE

NEW HAMPSHIRE

*MAINE

+VIRGINIA

THOMAS C. DWYER *-Of Counsel
ELIZABETH A. DONOVAN
MEEGAN C. REIS+

RECEIVED
November 14, 2022

NOV 21 2022

CONCORD CIRCUIT COURT

Melanie M. Oliver, Clerk
6th Circuit – Family Division – Hillsborough
15 Antrim Road Box #3
Hillsborough, NH 03244

RE: In the Matter of Jennifer Eber and Gordon MacDonald
Docket #: 644-2020-DM-00107

Dear Clerk Oliver,

Enclosed for filing with the Court please find Petitioner's Assented to Motion for Recusal in the above-entitled matter.

Thank you for your assistance.

Best regards,



Meegan C. Reis
MCR/sjm
enclosure

Cc: Jennifer Eber
James J. Tenn, Jr., Esq.

THE STATE OF NEW HAMPSHIRE

6th Circuit - Family Division - Hillsborough

IN THE MATTER OF JENNIFER EBER AND GORDON MACDONALD

DOCKET NO.: 644-2020-DM-107

PETITIONER'S ASSENTED TO MOTION FOR RECUSAL

NOW COMES Jennifer Eber, Petitioner in the above-captioned matter, by and

through her attorneys, Dwyer, Donovan & Reis, P.A., and respectfully requests that Judge Justin S. Hersh ("Judge Hersh") recuse himself from this matter. In support thereof, Petitioner states as follows:

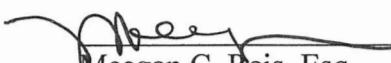
1. For the reasons set forth in Judge Hersh's October 18, 2022 order, specifically concerning his employment as a prosecutor while Mr. MacDonald was the Attorney General and pursuant to Circuit Court Family Division Rule 1.10 and Rule 2.11 of the Code of Judicial Conduct (Supreme Court Rule 38), the Petitioner hereby requests that Judge Hersh recuse himself from the case.
2. The Respondent assents to the relief requested in this motion.
3. At the time of the filing of the motion, the parties are not aware of any conflict with Judge Edward Tenney, who initially presided over this divorce action without any objection. The Petitioner does not have any present conflicts and the Respondent has indicated that he has not had any contact with Judge Tenney aside from his involvement in this matter. The Petitioner requests that the Court appoint Judge Tenney on this matter.
4. The Respondent joins in this request.
5. If in the future either of the parties become aware of any conflict with Judge Tenney, they will raise it with the Court at that time.

WHEREFORE, the Petitioner, Jennifer Eber, respectfully requests that this Honorable Court:

- A. Grant this Assented to Motion;
- B. Recuse Judge Hersh for the reasons set forth above;
- C. That Judge Edward Tenney be assigned to this matter if acceptable; and
- D. Grant such other and further relief as may be just and equitable.

Respectfully submitted,
JENNIFER EBER
By Her Attorney,

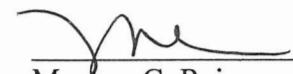
Dated: 11/14/2022


Meegan C. Reis, Esq.
NH Bar #14215
461 Middle Street
Portsmouth, NH 03801
(603) 433-7040

CERTIFICATE OF SERVICE

I hereby certify that a copy of the within Motion has been forwarded to James Tenn, Esq., counsel for the Respondent, via U.S. mail this date.

Dated: 11/14/2022


Meegan C. Reis

*Granted as to
further relief A/B.*

11/21/22 - Justin S. Hersh
Justin S. Hersh