

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.  
SOUTHERN DISTRICT

SUPERIOR COURT

226-2018-CV-00036

JANE DOE

v.

NEW HAMPSHIRE LOTTERY COMMISSION

**THE NEW HAMPSHIRE LOTTERY COMMISSION'S PARTIAL ASSENT TO  
MOTION FOR APPROVAL OF PAYMENT OF LOTTERY WINNINGS TO A  
DESIGNATED TRUST PENDING FINAL JUDGMENT WITHOUT PREJUDICE TO  
EITHER PARTY**

The New Hampshire Lottery Commission ("Commission" or "State"), by and through its counsel, the Office of the Attorney General, hereby partially assents to the Petitioner's Motion for Approval of Payment of Lottery Winnings to a Designated Trust Pending Final Judgment Without Prejudice to Either Party. The Commission assents to the proposed procedure to make payment to the Petitioner's designated trust and that such payment shall not prejudice either party with respect to whether the ticket and the winner's name and hometown will be disclosed under RSA 91-A. The Commission understands that Jane Doe also provided her street address and telephone number on the back of the ticket. The Commission does not provide this information in response to a Right to Know request. The Commission seeks only a slight adjustment to the Proposed Order submitted by the Petitioner as set forth below.

Since the start of this matter, the Commission has received numerous Right to Know requests for the winning ticket, the Petitioner's information, and the partial ticket information and images that were sent from Petitioner's counsel to the Commission in an attempt to verify that Jane Doe possessed the winning ticket. These communications and ticket images contain

information which, if released, may defeat security measures within this unredeemed ticket and lead to an effort to counterfeit the ticket before it is redeemed. For those reasons, the Commission requests that in addition to the proposed Order submitted by the Petitioner, the Court order that the images and information submitted to the Commission prior to redemption be held by the Commission until five (5) business days after the winning ticket is redeemed or until further order of the court.. This action is necessary to ensure that the security measures utilized to verify the winning ticket are effective and that no private information is disclosed pending final judgment.

Petitioner assents to the relief requested by the Commission.

WHEREFORE, the Commission requests that the Court:

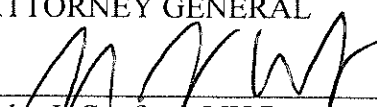
- A. Approve the Commission's Proposed Order attached hereto as Appendix A, which addresses the information and images provided to the Commission by Petitioner to verify the ticket;
- B. Grant such other relief as may be just and appropriate.

Respectfully submitted,

NEW HAMPSHIRE  
LOTTERY COMMISSION

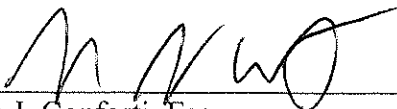
By its attorney,  
GORDON J. MACDONALD  
ATTORNEY GENERAL

Date: February 15, 2018

  
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**Certificate of Service**

I certify that a copy of the foregoing has on this 15<sup>th</sup> day of February, 2018, been sent via U.S. Mail, postage prepaid, and email to Steven Gordon, Esq.

  
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John J. Conforti, Esq.

## APPENDIX A

STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS  
SOUTHERN DISTRICT

SUPERIOR COURT

JANE DOE

v.

NEW HAMPSHIRE LOTTERY COMMISSION

Docket No.: 226-2018-CV-00036

**PROPOSED ASSENTED TO ORDER ON MOTION FOR APPROVAL  
OF PAYMENT OF LOTTERY WINNINGS TO A DESIGNATED TRUST**

1. Petitioner's Motion for Payment of Lottery Winnings to a Designated Trust is granted.

2. The claiming and payment of the Powerball winnings for Ms. Doe's winning ticket shall be effectuated in accordance with the following procedure:

A. Ms. Doe shall establish and designate a trust that will claim the Powerball prize and receive payment of the winnings (the "Designated Trust").

B. A trustee of the Designated Trust ("Trustee") shall provide the original signed winning ticket to the Commission for the purposes of completing a claim form and conducting a search of the records of the New Hampshire Department of Health and Human Services, Division of Child Support Services to verify whether Ms. Doe owes any amounts in unpaid child support pursuant to RSA 284:21-v and at N.H. Admin. R. Chapter Sw 900, as well as confirming that Jane Doe is an eligible purchaser of a ticket. As part of the claim process, the

Trustee shall provide a photo identification of Ms. Doe and her social security number.

- C. The ticket shall then be placed in a secure location by the Commission and shall not be disclosed to the public pending a final judgment on whether the ticket is subject to disclosure pursuant to the Right to Know Law.
- D. Any and all documents identifying Ms. Doe shall not be released or disclosed in response to any request made pursuant to the Right to Know Law or any other similar claim, pending a final judgment on the issue of whether such records are exempt from disclosure under the Right to Know Law and whether the ticket or other records may be modified prior to any such disclosure. Pursuant to the Commission's practice and policy, any telephone number or street address on the submitted ticket is exempt from disclosure.
- E. Any and all documents submitted to the Commission by the Petitioner's counsel prior to redemption and not containing personal information for the limited purpose of validating Jane Doe's ticket shall be exempt from disclosure until five (5) business days after redemption of the winning ticket or until further order of the court.
- F. Upon verification that Ms. Doe's ticket is the winning ticket, and following presentation of a claim form, the Powerball winnings shall be transferred as soon as possible to an account in the name of the Designated Trust.

3. This Order is without prejudice to either the party as to the applicability of the Right to Know Law to the facts of this case or the ability of the Petitioner to modify the ticket to

identify the Designated Trust as the holder of the winning ticket and recipient of its winnings,  
which such issues remain to be decided by the Court.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Justice/Master/Referee