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Ortolano v. City of Nashua

Supreme Court of New Hampshire - May 29, 2025 - A.3d - 2025 N.H. 23 - 2025 WL 1521653

Records requestor brought action against city and private for-profit corporation formed by city-owned non-profit corporation to aid city in federal tax credit process for construction of performing arts center, seeking to compel production of records under Right-to-Know Law.

The Superior Court granted defendants' motions to dismiss and denied requestor's motion to amend her complaint. Requestor appealed.

The Supreme Court held that:

- Requestor failed to allege sufficient facts to establish an independent claim against city;
- Plain language of the Right-to-Know Law did not control whether for-profit corporation was exempt from Right-to-Know Law;
- Trial court was required to conduct a "government function" analysis to determine whether for-profit corporation was required to comply with Right-to-Know Law request for documents; and
- Records requestor was not entitled to amend her complaint to add allegations that did not cure any defect.

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