

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

BETHANY R. SCAER and STEPHEN
SCAER,

Plaintiffs,

v.

CITY OF NASHUA, *et al.*,

Defendants.

Case No. 1:24-cv-00277-LM-TSM

SUPPLEMENTAL DECLARATION OF BETHANY R. SCAER

I, Bethany R. Scaer, declare the following:

1. I am an adult and competent to make this declaration. Its content is based on my personal knowledge, my conversations with Julie Smith, or records that are in my possession or control.

2. On June 7, 2024, my friend, Julie Smith, made a Right-to-Know request to Nashua's Mayor's Office and to Risk Management, seeking documents concerning applications to display flags on "the community flag pole, also known as the citizens flag pole, from January 2017 through the present."

3. On July 22, 2024, Gary Perrin, Nashua's Records Administrator, completed Nashua's response to this request. Perrin turned over hundreds of pages of responsive documents to Smith.

4. Smith forward these documents to me, because she was aware of my on-going dispute with the City of Nashua

5. Exhibit L is a true and correct copy of a selection of documents turned over to Smith in response to this Right-to-Know request.

6. I am aware that, on October 7, 2024, Nashua reportedly repealed its 2022 flagpole policy. The city announced this repeal through its website. Nashua continues to enforce its City Hall Plaza Events policy. People who wish to hold an event on City Hall Plaza apply using the same 2022 Special Event Application and 2022 Special Event Procedures document that flag applicants formerly used.

7. Exhibit M is a true and correct copy of Nashua's webpage on City Hall Plaza Events, as of October 14, 2024.

8. I am aware that Nashua's corporation counsel, Steven A. Bolton, spoke to a reporter about Nashua's present flagpole policy and claimed that it did not make any change to the city's older 2022 flagpole policy.

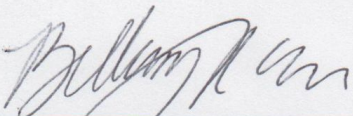
9. Exhibit N is a true and correct copy of an NH Journal article, featuring Bolton's comments.

10. Even if Nashua no longer allows citizens to fly flags, I still intend to apply to hold ceremonies on City Hall Plaza in support of causes that are important to me, such as women's sex-based rights, detransitioner awareness, abortion, and the freedom protected in the Bill of Rights. If permitted, I would hold these ceremonies on upcoming dates, such as the 250th anniversary of the Battle of Bunker Hill, the anniversary of Title IX, and the anniversary of the Supreme Court's *Dobbs* decision.

11. Based on Nashua's previous flag application denials, I believe that the Defendants disagree with my views and would not allow me to hold ceremonies on City Hall Plaza about these issues. I expect to be denied under the City Hall Plaza Events policy for the same reasons that I have been denied under the 2022 Flagpole policy. Unless I am able to obtain protection from the Court, I expect to make fewer or different applications to the city in the future, in order to avoid having my applications to hold ceremonies on City Hall Plaza denied or revoked.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 14, 2024



Bethany R. Scaer