

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:10-cv-30073-WGY**

B. et al v. Patrick et al  
Assigned to: Judge William G. Young  
related Case: 3:01-cv-30199-MAP  
Case in other court: USCA, 13-02467  
Cause: 42:1983 Civil Rights Act

Date Filed: 04/15/2010  
Date Terminated: 09/30/2013  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

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*by his next friend, Rochelle Vigurs*

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**Plaintiff**

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**Plaintiff**

**Andre S.**

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**Plaintiff**

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V.

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Date Filed	#	Docket Text
04/15/2010	<u>1</u>	COMPLAINT against All Defendants Filing fee: \$ 350, receipt number 0101-2866458 (Fee Status: Filing Fee paid), filed by Connor B., Rakeem D., Camila R., Adam S., Andre S., Seth T.. (Attachments: # <u>1</u> Civil Cover Sheet Civil Action Cover Sheet, # <u>2</u> Category Form)(Gleason, Daniel) (Attachment 1 replaced on 4/15/2010) (Finn, Mary). (Entered: 04/15/2010)
04/15/2010	<u>2</u>	MOTION to Certify Class <i>and Appointment of Class Counsel</i> by Connor B., Rakeem D., Camila R., Adam S., Andre S., Seth T.. (Attachments: Added MOTION to Appoint of Class Counsel on 4/15/2010 (Finn, Mary). Modified on 4/15/2010 (Finn, Mary). (Entered: 04/15/2010)
04/15/2010	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Marcia Robinson Lowry, Susan Lambiase, Sara Michelle Bartosz, Laurence D. Borten, and Kara Morrow Filing fee: \$ 250, receipt number 0101-2866706 by Connor B., Rakeem D., Camila R., Adam S., Andre S., Seth T.. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Affidavit, # <u>3</u> Affidavit, # <u>4</u> Affidavit, # <u>5</u> Affidavit)(Gleason, Daniel) (Entered: 04/15/2010)
04/15/2010		Notice of correction to docket made by Court staff. Correction: Document <u>2</u> motion to certify class and motion for Appointment of Class Counsel. corrected because: To add the relief – Motion to Appoint Class Counsel and to delete the memorandum and affidavit that were attachments and to docket them individually. (Finn, Mary) (Entered: 04/15/2010)
04/15/2010	<u>4</u>	MEMORANDUM in Support re <u>2</u> MOTION to Certify Class <i>and Appointment of Class Counsel</i> MOTION to Appoint Counsel filed by Connor B., Rakeem D., Camila R., Adam S., Andre S., Seth T.. (Attachments: # <u>1</u> Affidavit Marcia Robinson Lowry)(Finn, Mary) (Entered: 04/15/2010)
04/15/2010		Case Assigned to Judge Michael A Ponsor. Counsel are directed to the Court's Standing Orders re: Electronic Case Filing. Consent Form mailed to counsel. (Finn, Mary) (Entered: 04/15/2010)

04/15/2010		Judge Michael A Ponsor: ELECTRONIC ORDER entered granting <u>3</u> Motion for Leave to Appear Pro Hac Vice Added Marcia Robinson Lowry, Susan Lambiase, Sara Michelle Bartosz, Laurence D. Borten and Kara Morrow.. <b>Attorneys admitted Pro Hac Vice must register for electronic filing. To register go to the Court website at <a href="http://www.mad.uscourts.gov">www.mad.uscourts.gov</a>. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form.</b> (Finn, Mary) (Entered: 04/15/2010)
04/15/2010	<u>5</u>	NOTICE issued to Attorney Kara Morrow, Laurence Borton, Marcia Robinson Lowry, Sara Michelle Bartosz, Susan Lambiase regarding mandatory registration and use with ECF in compliance with the Standing Order entered by Judge Ponsor and Magistrate Judge Neiman. (Finn, Mary) (Entered: 04/15/2010)
04/15/2010		Summons Issued as to Judyann Bigby, Angelo McClain, Deval L. Patrick issued by the Court. (Finn, Mary) (Entered: 04/15/2010)
04/20/2010	<u>6</u>	SUMMONS Returned Executed Deval L. Patrick served on 4/15/2010, answer due 5/6/2010. (Persky, Jonathan) (Entered: 04/20/2010)
04/20/2010	<u>7</u>	SUMMONS Returned Executed Judyann Bigby served on 4/15/2010, answer due 5/6/2010. (Persky, Jonathan) (Entered: 04/20/2010)
04/20/2010	<u>8</u>	SUMMONS Returned Executed Angelo McClain served on 4/15/2010, answer due 5/6/2010. (Persky, Jonathan) (Entered: 04/20/2010)
06/21/2010	<u>9</u>	SUMMONS Returned Executed Deval L. Patrick served on 6/21/2010, answer due 7/12/2010. (Persky, Jonathan) (Entered: 06/21/2010)
06/21/2010	<u>10</u>	SUMMONS Returned Executed Judyann Bigby served on 6/21/2010, answer due 7/12/2010. (Persky, Jonathan) (Entered: 06/21/2010)
06/21/2010	<u>11</u>	SUMMONS Returned Executed Angelo McClain served on 6/21/2010, answer due 7/12/2010. (Persky, Jonathan) (Finn, Mary). (Main Document 11 replaced on 6/22/2010) (Finn, Mary). (Entered: 06/21/2010)
06/22/2010		Reset Answer Deadlines for Angelo McClain – 7/9/2010. (Finn, Mary) (Entered: 06/22/2010)
06/22/2010		Notice of correction to docket made by Court staff. Correction: Document <u>11</u> summons as to Deft. Angelo McClain. corrected because: Correct summons replaced with the incorrect summons. Correct summons has a service date of 6/21/2010 and the incorrect summons had a service date of 6/18/2010. Deft. Angelo McClain's answer due to be reset back to 7/12/2010. (Entered: 06/22/2010)
06/22/2010		Set/Reset Answer Deadlines for Angelo McClain – 7/12/2010. (The prior date of 7/09/2010 that was set was incorrect due to the Deft. was served on 6/21/2010) (Finn, Mary) (Entered: 06/22/2010)
06/29/2010	<u>12</u>	NOTICE of Appearance by Robert L. Quinan, Jr on behalf of Deval L. Patrick, Judyann Bigby and Angelo McClain. (Quinan, Robert) Modified on 6/30/2010 to add Judyann Bigby and Angelo McClain's names to the text. (Finn, Mary). (Entered: 06/29/2010)
06/29/2010	<u>13</u>	MOTION for Extension of Time to August 20, 2010 to File Answer <i>or Other Response to Plaintiffs' Complaint</i> by Deval L. Patrick, Judy Ann Bigby and Angelo McClain .(Quinan, Robert) Modified on 6/30/2010 to add Judy Ann Bigby and Angelo McClain as filers. (Finn, Mary). (Entered: 06/29/2010)
06/30/2010		Judge Michael A Ponsor: ELECTRONIC ORDER entered granting <u>13</u> Motion for Extension of Time to Answer re <u>1</u> Complaint, Judyann Bigby answer due 8/20/2010; Angelo McClain answer due 8/20/2010; Deval L. Patrick answer due 8/20/2010. (Finn, Mary) (Entered: 06/30/2010)
07/02/2010	<u>14</u>	STIPULATION re <u>2</u> MOTION to Certify Class <i>and Appointment of Class Counsel</i> MOTION to Appoint Counsel ; <i>Stipulation Concerning Initial Rule 23 Discovery and Defendants' Time to Respond to Plaintiffs' Motion for Class Certification</i> by All Parties, All Defendants, All Plaintiffs. (Quinan, Robert) (Entered: 07/02/2010)

08/03/2010	<u>15</u>	STIPULATION and Proposed Order Governing the Treatment of Confidential Information by All Parties. (Quinan, Robert) (Entered: 08/03/2010)
08/19/2010	<u>16</u>	NOTICE of Appearance by Amy Spector on behalf of All Defendants (Spector, Amy) (Entered: 08/19/2010)
08/20/2010	<u>17</u>	MOTION to Dismiss <i>As to the Governor</i> by Deval L. Patrick.(Spector, Amy) (Entered: 08/20/2010)
08/20/2010	<u>18</u>	MOTION to Dismiss <i>Under Rule 12(b)(1) and 12(b)(6)</i> by All Defendants.(Spector, Amy) (Entered: 08/20/2010)
08/20/2010	<u>19</u>	MOTION for Leave to File Excess Pages by All Defendants.(Spector, Amy) (Entered: 08/20/2010)
08/20/2010	<u>20</u>	MEMORANDUM in Support re <u>18</u> MOTION to Dismiss <i>Under Rule 12(b)(1) and 12(b)(6)</i> filed by All Defendants. (Attachments: # <u>1</u> Exhibit A: 2007 CFSR Report, # <u>2</u> Exhibit B: Program Improvement Plan, # <u>3</u> Legal Addendum: Court Rules)(Spector, Amy) (Entered: 08/20/2010)
08/26/2010	<u>22</u>	Letter/request (non-motion) from Amy Spector, A.A.G. <i>for Purpose of Filing Table of Authorities in Connection with Memorandum of Law in Support of Motion to Dismiss.</i> (Spector, Amy) (Entered: 08/26/2010)
08/31/2010	<u>23</u>	Assented to MOTION for Extension of Time to 9/30/2010 to File Response/Reply as to <u>17</u> MOTION to Dismiss <i>As to the Governor</i> , <u>18</u> MOTION to Dismiss <i>Under Rule 12(b)(1) and 12(b)(6)</i> by All Plaintiffs.(Persky, Jonathan) (Entered: 08/31/2010)
08/31/2010		Judge Michael A Ponsor: ELECTRONIC ORDER entered granting <u>23</u> Motion for Extension of Time to File Response/Reply re <u>17</u> MOTION to Dismiss <i>As to the Governor</i> , <u>18</u> MOTION to Dismiss <i>Under Rule 12(b)(1) and 12(b)(6)</i> . Pltfs' Responses due by 9/30/2010. (Finn, Mary) (Entered: 08/31/2010)
09/13/2010		ELECTRONIC NOTICE Setting Hearing on Motion <u>17</u> MOTION to Dismiss <i>As to the Governor</i> , <u>18</u> MOTION to Dismiss <i>Under Rule 12(b)(1) and 12(b)(6)</i> , <u>19</u> MOTION for Leave to File Excess Pages, <u>2</u> MOTION to Certify Class and Appointment of Class Counsel MOTION to Appoint Counsel : Motion Hearing set for 11/23/2010 02:00 PM in Hampden Courtroom before Judge Michael A Ponsor. (Pelegano, Theresa) (Entered: 09/13/2010)
09/30/2010	<u>25</u>	MOTION for Leave to File Excess Pages by All Plaintiffs.(Bartosz, Sara) (Entered: 09/30/2010)
09/30/2010	<u>26</u>	MEMORANDUM in Opposition re <u>17</u> MOTION to Dismiss <i>As to the Governor</i> , <u>18</u> MOTION to Dismiss <i>Under Rule 12(b)(1) and 12(b)(6)</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Bartosz, Sara) (Entered: 09/30/2010)
10/14/2010		Judge Michael A Ponsor: ENDORSED ORDER entered granting <u>19</u> Motion for Leave to File Excess Pages ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document.; granting <u>25</u> Motion for Leave to File Excess Pages ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Finn, Mary) (Entered: 10/14/2010)
10/14/2010	<u>27</u>	MEMORANDUM in Opposition re <u>17</u> MOTION to Dismiss <i>As to the Governor</i> , <u>18</u> MOTION to Dismiss <i>Under Rule 12(b)(1) and 12(b)(6)</i> filed by All Plaintiffs. (Bartosz, Sara) (Entered: 10/14/2010)
10/15/2010	<u>28</u>	MEMORANDUM in Support re <u>17</u> MOTION to Dismiss <i>As to the Governor</i> , <u>18</u> MOTION to Dismiss <i>Under Rule 12(b)(1) and 12(b)(6)</i> ( <i>Leave to File Granted 10/14/2010</i> ) filed by All Defendants. (Attachments: # <u>1</u> Exhibit 2007 Review, # <u>2</u> Exhibit State Improvement Plan, # <u>3</u> Appendix Massachusetts Trial Court Rules, Uniform Rules for Permanency Hearings, # <u>4</u> Appendix Table of



		Authorities)(Spector, Amy) (Entered: 10/15/2010)
11/03/2010	<u>29</u>	MOTION for Leave to File <i>Reply Memorandum</i> by All Defendants. (Attachments: # <u>1</u> Defendants' Reply Memorandum, # <u>2</u> DCF Policy #86-011)(Spector, Amy) (Entered: 11/03/2010)
11/04/2010		Judge Michael A Ponsor: ELECTRONIC ORDER entered granting <u>29</u> Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Finn, Mary) (Entered: 11/04/2010)
11/05/2010	<u>30</u>	<i>Reply Memorandum</i> in response to the Pltfs' oppositions to their <u>17</u> , & <u>18</u> motions to dismiss filed by All Defendants. <i>Reply Memorandum (Leave to File Granted on 11/4/10)</i> . (Attachments: # <u>1</u> DCF Policy # 86-011)(Spector, Amy) Modified on 11/5/2010 (Finn, Mary). (Entered: 11/05/2010)
11/05/2010		Notice of correction to docket made by Court staff. Correction: Text of document <u>30</u> – Reply memorandum. corrected because: Text corrected to reflect the document that is being filed – a reply memorandum, not a memorandum in support. (Finn, Mary) (Entered: 11/05/2010)
11/09/2010	<u>31</u>	Assented to MOTION for Leave to File Excess Pages <i>in Response to Document No. 4</i> , by All Defendants. (Attachments: # <u>1</u> Defendants' Opposition to Plaintiffs' Motion for Class Certification, # <u>2</u> Exhibit A to Defs' Class Cert Oppo (Walter Affidavit), # <u>3</u> Exhibit B to Defs' Class Cert Oppo (Killian Aff. w/ Pearson testimony), # <u>4</u> Exhibit C to Defs' Class Cert Oppo (Clauson depo trnsprt excerpts), # <u>5</u> Exhibit D to Defs' Class Cert Oppo (Sullivan depo trnsprt excerpts), # <u>6</u> Exhibit E to Defs' Class Cert Oppo (Ferreira Affidavit))(Quinan, Robert) (Entered: 11/09/2010)
11/10/2010		Judge Michael A Ponsor: ELECTRONIC ORDER entered granting <u>31</u> Motion for Leave to File Excess Pages ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Finn, Mary) (Entered: 11/10/2010)
11/10/2010	<u>32</u>	Opposition re <u>2</u> MOTION to Certify Class <i>and Appointment of Class Counsel</i> MOTION to Appoint Counsel filed by All Defendants. (Attachments: # <u>1</u> Exhibit A (Walter Affidavit), # <u>2</u> Exhibit B (Killian Affidavit with Pearson depo testimony attached), # <u>3</u> Exhibit C (Clauson depo transcript excerpts), # <u>4</u> Exhibit D (Sullivan depo transcript excerpts), # <u>5</u> Exhibit E (Ferreira Affidavit))(Quinan, Robert) (Entered: 11/10/2010)
11/10/2010		ELECTRONIC NOTICE issued requesting courtesy copy for <u>32</u> Opposition to Motion and supporting exhibits. Counsel who filed this document are requested to submit a courtesy copy of this document (or documents) to the Clerk's Office by Tuesday, November 16, 2010. <b>These documents must be clearly marked as a Courtesy Copy and reflect the document number assigned by CM/ECF.</b> (Finn, Mary) (Entered: 11/10/2010)
11/16/2010	<u>33</u>	MOTION to Correct <u>30</u> Memorandum in Support of Motion, ( <i>Motion to File Corrected Version of Reply Memorandum in Support of Defendants' Motion to Dismiss Complaint</i> ) by All Defendants. (Attachments: # <u>1</u> Corrected Version -- Reply Memorandum, # <u>2</u> DCF Policy # 86-011)(Spector, Amy) (Entered: 11/16/2010)
11/16/2010	<u>34</u>	NOTICE of Appearance by Rachel Brodin Nili on behalf of All Plaintiffs (Nili, Rachel) (Entered: 11/16/2010)
11/16/2010	<u>35</u>	MOTION for Leave to File <i>Sur-Reply Memorandum</i> by All Plaintiffs. (Attachments: # <u>1</u> Exhibit Sur-Reply Memorandum of Law in Opposition to Defendants' Motion to Dismiss)(Bartosz, Sara) (Entered: 11/16/2010)
11/17/2010		Judge Michael A Ponsor: ELECTRONIC ORDER entered granting <u>33</u> Motion for leave to Correct Reply Memorandum; granting <u>35</u> Motion for Leave to File

		Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Finn, Mary) (Entered: 11/17/2010)
11/17/2010	<u>36</u>	REPLY to Response to <u>17</u> MOTION to Dismiss <i>As to the Governor</i> , <u>18</u> MOTION to Dismiss <i>Under Rule 12(b)(1) and 12(b)(6) (Corrected Version)</i> filed by All Defendants. (Attachments: # <u>1</u> DCF Policy # 86–011)(Spector, Amy) (Entered: 11/17/2010)
11/17/2010	<u>37</u>	MOTION for Leave to File <i>Reply in Support of Class Certification</i> by All Plaintiffs. (Attachments: # <u>1</u> Reply Memorandum in Support of Class Certification, # <u>2</u> Affidavit of Sara Michelle Bartosz, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F)(Bartosz, Sara) (Entered: 11/17/2010)
11/18/2010		Judge Michael A Ponsor: ELECTRONIC ORDER entered granting <u>37</u> Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. COURTESY COPY OF this document and the supporting exhibits is requested to be mailed to the Clerk's Office by Friday, November 18, 2010, if possible. Please note on the document that this is a courtesy copy. (Finn, Mary) (Entered: 11/18/2010)
11/18/2010	<u>38</u>	SUR–REPLY to Motion re <u>18</u> MOTION to Dismiss <i>Under Rule 12(b)(1) and 12(b)(6) (Leave to file granted on 11/17/2010)</i> filed by All Plaintiffs. (Bartosz, Sara) (Entered: 11/18/2010)
11/18/2010	<u>39</u>	REPLY to Response to <u>2</u> MOTION to Certify Class and Appointment of Class Counsel MOTION to Appoint Counsel ( <i>Leave to File Granted 11/18/10</i> ) filed by All Plaintiffs. (Persky, Jonathan) (Entered: 11/18/2010)
11/18/2010	<u>40</u>	AFFIDAVIT re <u>39</u> Reply to Response to Motion of Sara Bartosz by All Plaintiffs. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F)(Persky, Jonathan) (Entered: 11/18/2010)
11/23/2010		ELECTRONIC Clerk's Notes for proceedings held before Judge Michael A Ponsor: Motion Hearing held on 11/23/2010 re <u>17</u> MOTION to Dismiss <i>As to the Governor</i> filed by Deval L. Patrick, <u>2</u> MOTION to Certify Class and Appointment of Class Counsel MOTION to Appoint Counsel <u>18</u> MOTION to Dismiss <i>Under Rule 12(b)(1) and 12(b)(6)</i> filed by All Defendants. Court takes matter under advisement. (Court Reporter: Alice Moran at 413–731–0086.)(Attorneys present: Lowry, Ryan, Barosz, Quinan, Spector) (Pelegano, Theresa) (Entered: 11/23/2010)
12/07/2010	<u>41</u>	Transcript of Motion Hearing held on November 23, 2010, before Judge Michael A. Ponsor. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Alice Moran at 413–731–0086 Redaction Request due 12/28/2010. Redacted Transcript Deadline set for 1/7/2011. Release of Transcript Restriction set for 3/7/2011. (Folan, Karen) (Entered: 12/07/2010)
12/07/2010	<u>42</u>	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above–captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, a copy of which is attached to this entry. (Folan, Karen) (Entered: 12/07/2010)
01/04/2011	<u>43</u>	Judge Michael A Ponsor: MEMORANDUM AND ORDER entered. As follows: Defendant Patricks Motion to Dismiss (Dkt. No. <u>17</u> ) and Defendants Motion to Dismiss(Dkt No. <u>18</u> ) are hereby DENIED in their entirety. Due to time constraints, the hearing on the Motions to Dismiss left inadequate time for argument regarding Plaintiffs pending Motion for Class Certification (Dkt. No. 2). The clerk will set a date for further argument on this motion. See the attached memo and order for complete details. (Lindsay, Maurice) (Entered: 01/04/2011)
01/05/2011		ELECTRONIC NOTICE Setting Hearing on Motion <u>2</u> MOTION to Certify Class and Appointment of Class Counsel MOTION to Appoint Counsel : Motion Hearing set for 2/4/2011 09:30 AM in Hampden Courtroom before Judge Michael A

		Ponsor. (Pelegano, Theresa) (Entered: 01/05/2011)
01/07/2011	<u>44</u>	MOTION for Extension of Time to February 11, 2011 to File Answer by All Defendants.(Killian, Bryan) (Entered: 01/07/2011)
01/07/2011	<u>45</u>	NOTICE of Appearance by Bryan G. Killian on behalf of All Defendants (Killian, Bryan) (Entered: 01/07/2011)
01/10/2011		Judge Michael A Ponsor: ELECTRONIC ORDER entered granting <u>44</u> Motion for Extension of Time to Answer re <u>1</u> Complaint, Judyann Bigby answer due 2/11/2011; Angelo McClain answer due 2/11/2011; Deval L. Patrick answer due 2/11/2011. (Finn, Mary) (Entered: 01/10/2011)
02/04/2011		ELECTRONIC Clerk's Notes for proceedings held before Judge Michael A Ponsor: Counsel appear for Motion Hearing held on 2/4/2011 re <u>2</u> Plaintiffs' MOTION to Certify Class and Appointment of Class Counsel. Arguments heard. Matter taken under advisement with order to issue. (Court Reporter: Alice Moran at 413-731-0086.)(Attorneys present: Ryan, Bartosz, Lowry, Quinan, Spector) (Healy, Bethaney) (Entered: 02/04/2011)
02/11/2011	<u>46</u>	Transcript of Motion Hearing held on February 4, 2011, before Judge Michael A. Ponsor. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Alice Moran at 413-731-0086 Redaction Request due 3/4/2011. Redacted Transcript Deadline set for 3/14/2011. Release of Transcript Restriction set for 5/12/2011. (Scalfani, Deborah) (Entered: 02/11/2011)
02/11/2011	<u>47</u>	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, a copy of which is attached to this entry.. (Scalfani, Deborah) (Entered: 02/11/2011)
02/11/2011	<u>48</u>	ANSWER to <u>1</u> Complaint, by All Defendants.(Tran, Liza) (Entered: 02/11/2011)
02/28/2011	<u>49</u>	Judge Michael A. Ponsor: MEMORANDUM AND ORDER entered. As follows: Plaintiffs Motion to Certify Class and Appoint Class Counsel (Dkt No. <u>2</u> ) is hereby ALLOWED. This case is now referred to Magistrate Judge Kenneth P. Neiman for a pretrial conference pursuant to Fed. R. Civ. P. 16. See the attached memo and order for complete details. (Lindsay, Maurice) (Entered: 02/28/2011)
02/28/2011		Judge Michael A. Ponsor: ELECTRONIC ORDER entered. REFERRING CASE to Magistrate Judge Kenneth P. Neiman Referred for: Full Pretrial, No Dispositive Motions (ptn). Further information: for full pretrial case management, a rule 16 scheduling conference, no dispositive motions.(Lindsay, Maurice) (Entered: 02/28/2011)
03/01/2011	<u>50</u>	NOTICE of Scheduling Conference ISSUED, cc:cl. Scheduling Conference set for 3/30/2011 at 10:00 AM in Hampshire Courtroom before Magistrate Judge Kenneth P. Neiman; joint statement and LR 16.1 cert by 3/24/11. (Healy, Bethaney) (Entered: 03/01/2011)
03/24/2011	<u>51</u>	JOINT SUBMISSION pursuant to Local Rule 16.1 by All Parties. (Attachments: # <u>1</u> Exhibit 16.1(D)(3) Cert - Connor B., # <u>2</u> Exhibit 16.1(D)(3) Cert - Adam S., # <u>3</u> Exhibit 16.1(D)(3) Cert - Camila R., # <u>4</u> Exhibit 16.1(D)(3) Cert - Andre S., # <u>5</u> Exhibit 16.1(D)(3) Cert - Rakeem D.)(Nili, Rachel) (Entered: 03/24/2011)
03/24/2011	<u>52</u>	CERTIFICATION pursuant to Local Rule 16.1 . (Tran, Liza) (Entered: 03/24/2011)
03/24/2011	<u>53</u>	CERTIFICATION pursuant to Local Rule 16.1 . (Tran, Liza) (Entered: 03/24/2011)
03/24/2011	<u>54</u>	CERTIFICATION pursuant to Local Rule 16.1 . (Tran, Liza) (Entered: 03/24/2011)
03/30/2011		ELECTRONIC Clerk's Notes for proceedings held before Magistrate Judge Kenneth P. Neiman: Scheduling Conference held on 3/30/2011. Scheduling order to issue. (Court Reporter: Digital Recording.) (Stuckenbruck, John) (Entered: 03/30/2011)



03/30/2011	<u>55</u>	CERTIFICATION pursuant to Local Rule 16.1 . (Borten, Laurence) (Entered: 03/30/2011)
03/30/2011	<u>56</u>	CERTIFICATE OF SERVICE pursuant to LR 5.2 by All Plaintiffs re <u>55</u> Certification pursuant to Local Rule 16.1. (Borten, Laurence) (Entered: 03/30/2011)
03/30/2011	<u>57</u>	NOTICE of Appearance by Jason B. Barshak on behalf of All Defendants (Barshak, Jason) (Entered: 03/30/2011)
03/30/2011	<u>58</u>	NOTICE of Appearance by Liza J. Tran on behalf of All Defendants (Tran, Liza) (Entered: 03/30/2011)
04/04/2011	<u>59</u>	Magistrate Judge Kenneth P. Neiman: SCHEDULING ORDER ENTERED, cc:cl. All fact discovery, including no more than 20 non-expert depositions per side, completed by 3/30/12; Plaintiffs' expert discovery by 5/15/12; Defendants' expert discovery by 6/29/12; expert depositions completed by 7/31/12; Case Management Conference set for 8/3/2012 at 2:00 PM in Hampshire Courtroom before Magistrate Judge Kenneth P. Neiman; Defendants' S/J motion due 8/24/11; Plaintiffs' opposition to Defendants' motion by 9/14/12, with Defendants' reply by 9/21/12; hearing on any S/J motions set for 10/10/12 at 2:00 p.m. before District Judge Michael A. Ponsor; Final Pretrial Conference set for 11/28/2012 at 2:00 PM in Hampden Courtroom before District Judge Michael A. Ponsor; Jury Trial set for 1/7/2013 at 9:00 AM in Hampden Courtroom before District Judge Michael A. Ponsor. (Healy, Bethaney) (Entered: 04/04/2011)
04/04/2011	<u>60</u>	Judge Michael A. Ponsor: PROCEDURAL ORDER re pretrial/trial ENTERED, cc:cl. (Healy, Bethaney) (Entered: 04/04/2011)
05/03/2011	<u>61</u>	NOTICE of Appearance by Jeffrey T. Collins on behalf of All Defendants (Collins, Jeffrey) (Entered: 05/03/2011)
06/16/2011	<u>62</u>	Joint MOTION for Protective Order by Judyann Bigby, Angelo McClain, Deval L. Patrick. (Attachments: # <u>1</u> Exhibit 1- Protective Order)(Tran, Liza) (Entered: 06/16/2011)
06/17/2011		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>62</u> Motion for Protective Order. Order to issue. (Neiman, Kenneth) (Entered: 06/17/2011)
06/17/2011	<u>63</u>	Magistrate Judge Kenneth P. Neiman: ORDER entered. PROTECTIVE ORDER entered.(Finn, Mary) (Entered: 06/17/2011)
07/01/2011	<u>64</u>	Assented to MOTION FOR ENTRY OF ORDER APPOINTING NEXT FRIENDS by All Plaintiffs. (Attachments: # <u>1</u> Text of Proposed Order)(Bartosz, Sara) (Entered: 07/01/2011)
07/05/2011		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>64</u> Plaintiffs' Unopposed Motion For Entry of Order Appointing Next Friends. Order to enter. (Neiman, Kenneth) (Entered: 07/05/2011)
07/07/2011	<u>65</u>	Magistrate Judge Kenneth P. Neiman: ORDER Appointing Next Friend, ENTERED, cc:cl. (Healy, Bethaney) (Entered: 07/07/2011)
09/06/2011	<u>66</u>	MOTION for Order to to Decertify the Plaintiff Class by All Defendants. (Quinan, Robert) Modified on 9/7/2011 to delete the memorandum that was an attachment and to docket it separately (Finn, Mary). (Entered: 09/06/2011)
09/06/2011	<u>67</u>	MOTION to Stay Discovery pending ruling re <u>66</u> MOTION for Order to to Decertify the Plaintiff Class ( <i>Stay Class-Based Discovery Pending Ruling on Motion to Decertify</i> ) by All Defendants. (Attachments: # <u>1</u> Affidavit of James Dehnke in Support of Defendants' Motion to Stay Class-Based Discovery Pending a Ruling on their Motion to Decertify the Plaintiff Class)(Quinan, Robert) Modified on 9/7/2011 to correct the text. (Finn, Mary). (Main Document 67 replaced on 9/7/2011 with correct signed main document) (Finn, Mary). (Entered: 09/06/2011)
09/06/2011	<u>68</u>	MEMORANDUM in Support re <u>66</u> MOTION for Order to to Decertify the Plaintiff Class filed by All Defendants. (Finn, Mary) (Entered: 09/07/2011)

09/15/2011	<u>69</u>	NOTICE of Withdrawal of Appearance of Susan Lambiase filed. (Finn, Mary) (Entered: 09/15/2011)
09/21/2011	<u>70</u>	MEMORANDUM in Opposition re <u>66</u> MOTION for Order to to Decertify the Plaintiff Class filed by Connor B., Rakeem D., All Plaintiffs, Camila R., Adam S., Andre S., Seth T.. (Attachments: # <u>1</u> Exhibit A)(Nili, Rachel) (Entered: 09/21/2011)
09/21/2011	<u>71</u>	Opposition re <u>67</u> MOTION to Stay re <u>66</u> MOTION for Order to to Decertify the Plaintiff Class ( <i>Stay Class–Based Discovery Pending Ruling on Motion to Decertify</i> ) MOTION to Stay re <u>66</u> MOTION for Order to to Decertify the Plaintiff Class ( <i>Stay Class–Based Discovery Pending Ruling on Motion to Decertify</i> ) MOTION to Stay re <u>66</u> MOTION for Order to to Decertify the Plaintiff Class ( <i>Stay Class–Based Discovery Pending Ruling on Motion to Decertify</i> ) Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion to Stay Discovery filed by Connor B., Rakeem D., All Plaintiffs, Camila R., Adam S., Andre S., Seth T.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Borten, Laurence) (Entered: 09/21/2011)
10/03/2011		ELECTRONIC NOTICE Setting Hearing on Motion <u>66</u> MOTION for Order to to Decertify the Plaintiff Class, <u>67</u> MOTION to Stay re <u>66</u> MOTION for Order to to Decertify the Plaintiff Class ( <i>Stay Class–Based Discovery Pending Ruling on Motion to Decertify</i> ) MOTION to Stay re <u>66</u> MOTION for Order to to Decertify the Plaintiff Class ( <i>Stay Class–Based Discovery Pending Ruling on Motion to Decertify</i> ) MOTION to Stay re <u>66</u> MOTION for Order to to Decertify the Plaintiff Class ( <i>Stay Class–Based Discovery Pending Ruling on Motion to Decertify</i> ) : Motion Hearing set for 10/12/2011 12:00 PM in Hampden Courtroom before Judge Michael A. Ponsor. (Pelegano, Theresa) (Entered: 10/03/2011)
10/12/2011		ELECTRONIC Clerk's Notes for proceedings held before Judge Michael A. Ponsor: Motion Hearing held on 10/12/2011 re <u>66</u> MOTION for Order to to Decertify the Plaintiff Class filed by All Defendants, <u>67</u> MOTION to Stay re <u>66</u> MOTION for Order to to Decertify the Plaintiff Class ( <i>Stay Class–Based Discovery Pending Ruling on Motion to Decertify</i> ) MOTION to Stay re <u>66</u> MOTION for Order to to Decertify the Plaintiff Class ( <i>Stay Class–Based Discovery Pending Ruling on Motion to Decertify</i> ) MOTION to Stay re <u>66</u> MOTION for Order to to Decertify the Plaintiff Class ( <i>Stay Class–Based Discovery Pending Ruling on Motion to Decertify</i> ) filed by All Defendants. Order to issue.(Court Reporter: Alice Moran at 413–731–0086.)(Attorneys present: Gleason, Lowry,Quinan, Tran) (Pelegano, Theresa) (Entered: 10/12/2011)
10/18/2011	<u>72</u>	Transcript of Motion Hearing held on October 12, 2011, before Judge Michael A. Ponsor. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Alice Moran at 413–731–0086 Redaction Request due 11/8/2011. Redacted Transcript Deadline set for 11/18/2011. Release of Transcript Restriction set for 1/17/2012. (Scalfani, Deborah) (Entered: 10/18/2011)
10/18/2011	<u>73</u>	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above–captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, a copy of which is attached to this entry.. (Scalfani, Deborah) (Entered: 10/18/2011)
10/20/2011	<u>74</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Jessica Elyse Polansky Filing fee: \$ 50, receipt number 0101–3635203 by Connor B., Rakeem D., Camila R., Adam S., Andre S., Seth T.. (Attachments: # <u>1</u> Affidavit Affidavit of Jessica Elyse Polansky)(Nili, Rachel) (Entered: 10/20/2011)
10/20/2011		Judge Michael A. Ponsor: ELECTRONIC ORDER entered granting <u>74</u> Motion for Leave to Appear Pro Hac Vice Added Jessica Elyse Polansky. <b>Attorneys admitted Pro Hac Vice must register for electronic filing. To register go to the Court website at <a href="http://www.mad.uscourts.gov">www.mad.uscourts.gov</a>. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form.</b> (Finn, Mary) (Entered: 10/20/2011)
10/20/2011	<u>75</u>	NOTICE issued to Attorney Jessica Elyse Polansky regarding mandatory registration and use with ECF in compliance with the Standing Order entered by

		Judge Ponsor and Magistrate Judge Neiman. (Finn, Mary) (Entered: 10/20/2011)
11/03/2011	<u>76</u>	MOTION for additional time to conduct depositions and MOTION to Compel by All Plaintiffs.(Borten, Laurence). Added an additional relief – MOTION for Extension of Time on 11/7/2011 due to the motion contains two reliefs. (Finn, Mary). (Entered: 11/03/2011)
11/03/2011	<u>77</u>	MEMORANDUM in Support re <u>76</u> MOTION to Compel filed by All Plaintiffs. (Borten, Laurence) (Entered: 11/03/2011)
11/03/2011	<u>78</u>	AFFIDAVIT of Sara M. Bartosz in Support re <u>76</u> MOTION to Compel filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Bartosz, Sara) (Entered: 11/03/2011)
11/10/2011	<u>79</u>	Judge Michael A. Ponsor: MEMORANDUM AND ORDER entered. As follows: Defendants Motion to Decertify the Plaintiffs Class Pursuant to Fed. R. Civ. P. 23(c), (Dkt. No. <u>66</u> ), is hereby DENIED. Defendants Motion to Stay Discovery Pending a Ruling on their Motion to Decertify the Class, (Dkt. No. <u>67</u> ), is also hereby DENIED, as moot. (Lindsay, Maurice) (Entered: 11/10/2011)
11/17/2011	<u>80</u>	Opposition re <u>76</u> MOTION to Compel MOTION for Extension of Time <i>and Request for 16.3 Case Management Conference</i> filed by Judyann Bigby, All Defendants, Angelo McClain, Deval L. Patrick. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Tran, Liza) (Entered: 11/17/2011)
11/21/2011		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting in part and denying in part <u>76</u> Plaintiffs' Motion for Additional Time to Conduct Certain 30(b)(6) Depositions and to Compel Defendants to Designate 30(b)(6) Witnesses on Certain Topics, as follows. First, the motion is GRANTED to the extent it seeks four additional hours to depose Mary Gambon as a 30(b)(6) witness, the court finding that Plaintiffs have demonstrated good cause for extending the deposition, particularly in light of the additional topics for which she was designated (and others de-designated) shortly before the deposition. Second, the court DENIES the motion insofar as it seeks to add an additional six hours to the deposition of Ms. Roche, the court finding that the request is premature, particularly in light of the fact that her testimony may turn out to be cumulative of the testimony of Mr. Wentworth and Ms. Nisenbaum, whose depositions have not yet been taken. Third, the court GRANTS the motion insofar as it seeks to have Defendants designate a 30(b)(6) witness or witnesses for Topics 78 through 82, the court concluding that the topics as phrased are sufficiently clear about the matters to be addressed, although the parties are free to discuss the matter further; this ruling, however, is subject to the condition that the designated deponent(s) shall be made available for a total of eight hours only. Finally, the court DENIES without prejudice <u>80</u> Defendants' request for a case management conference, the court concluding that the existing schedule should be able to accommodate the remaining discovery events. So ordered. (Neiman, Kenneth) (Entered: 11/21/2011)
11/23/2011	<u>81</u>	MOTION to Compel <i>Production of Data and Case Records for Expert Review</i> by All Plaintiffs.(Nili, Rachel). Added an additional relief – MOTION for Hearing on 11/25/2011 (Finn, Mary). (Entered: 11/23/2011)
11/23/2011	<u>82</u>	MEMORANDUM in Support re <u>81</u> MOTION to Compel <i>Production of Data and Case Records for Expert Review</i> filed by All Plaintiffs. (Nili, Rachel) (Entered: 11/23/2011)
11/23/2011	<u>83</u>	AFFIDAVIT of Sara Michelle Bartosz in Support re <u>81</u> MOTION to Compel <i>Production of Data and Case Records for Expert Review</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Bartosz, Sara) (Entered: 11/23/2011)
11/23/2011		ELECTRONIC NOTICE issued requesting courtesy copy for <u>83</u> Affidavit in Support of Motion and supporting exhibits. Counsel who filed this document are requested to submit a courtesy copy of this document (or documents) to the Clerk's Office by November 30, 2011. <b>These documents must be clearly marked as a Courtesy Copy and reflect the document number assigned by CM/ECF.</b> (Finn, Mary) (Entered: 11/23/2011)

11/29/2011		Remark – Courtesy copy of document <u>83</u> received and placed in the file. (Finn, Mary) (Entered: 11/29/2011)
12/07/2011	<u>84</u>	Opposition re <u>81</u> MOTION to Compel <i>Production of Data and Case Records for Expert Review</i> MOTION for Hearing filed by All Defendants. (Tran, Liza) (Entered: 12/07/2011)
12/08/2011	<u>85</u>	MOTION for Leave to File <i>Reply Brief in Support of Motion to Compel</i> by All Plaintiffs.(Persky, Jonathan) (Entered: 12/08/2011)
12/08/2011		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>85</u> Motion for Leave to File Reply Brief. Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Healy, Bethaney) (Entered: 12/08/2011)
12/08/2011		Set/Reset Deadlines as to <u>81</u> MOTION to Compel Production of Data and Case Records for Expert Review. Replies due by 12/12/2011. (Healy, Bethaney) (Entered: 12/08/2011)
12/12/2011	<u>86</u>	REPLY to Response to <u>81</u> MOTION to Compel <i>Production of Data and Case Records for Expert Review</i> MOTION for Hearing filed by All Plaintiffs. (Borten, Laurence) (Entered: 12/12/2011)
12/12/2011	<u>87</u>	Second AFFIDAVIT of Sara Michelle Bartosz in Support re <u>81</u> MOTION to Compel <i>Production of Data and Case Records for Expert Review</i> MOTION for Hearing filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Bartosz, Sara) (Entered: 12/12/2011)
12/22/2011		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting in part <u>81</u> Plaintiffs' Motion to Compel Production of Data and Case Records for expert Review. First, the motion is ALLOWED with regard to Request No. 7, as follows: as indicated in their response, Defendants shall produce an electronic list of all children currently in DCF custody who are also members of the certified class; the list shall be unredacted in light of the parties' agreed-upon Protective Order (see Document No. 63) and shall be produced by January 6, 2012. Second, the motion is ALLOWED IN PART with regard to Request No. 8, with the provisos set forth below. In so ruling, the court finds that the requested information is neither irrelevant nor overbroad. Moreover, the court finds that the CFSR reviews are not presently an appropriate substitute — by methodology, size or timing — for the case record review sought by Plaintiffs. Nevertheless, the court finds that the case record review does pose a potential problem with the litigation schedule, which the court is loathe to extend; indeed the examples of discovery in similar cases, offered by Plaintiffs, indicate that such sampling could take more than the two months which Plaintiffs suggest. In addition, the court finds that the case record review will impose some additional burdens on Defendants which Plaintiffs need to address; those burdens, perhaps, can be alleviated by limiting the sample, limiting the geographical area, and/or streamlining the manner in which and the locations at which the files are produced (e.g., via on-line access). Accordingly, the parties shall immediately undertake further discussions with regard to these matters and, if unable to resolve the issues, be prepared to appear in court on January 11, 2012, at 11:30 a.m. for a hearing. It should be understood that this ruling is in no way meant to approve the case record review methodology suggested by Plaintiffs or hereafter utilized by them or to suggest, as Plaintiffs appear to, that Defendants' opportunity to comment upon and/or challenge the methodology at this time waives their right to do so in the future. As they assert in their opposition, Defendants are under no present obligation to identify flaws in the sampling process designed by Plaintiffs' expert. So ordered. (Neiman, Kenneth) (Entered: 12/22/2011)
12/23/2011		Set/Reset Hearings: Hearing (if necessary) set for 1/11/2012 11:30 AM in Hampshire Courtroom before Magistrate Judge Kenneth P. Neiman. (See endorsement of 12/22/2011 re: document <u>81</u> . (Finn, Mary) (Entered: 12/23/2011)
12/23/2011	<u>88</u>	JOINT MOTION for a scheduling conf. on 1/11/2012 by All Parties.(Collins, Jeffrey) Modified on 12/27/2011 to make this document a pending motion, not a



		joint submission. (Finn, Mary). (Entered: 12/23/2011)
12/27/2011		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>88</u> Joint Motion insofar as it seeks to set a schedule for discovery disputes to be addressed by the court on January 11, 2012. So ordered. (Neiman, Kenneth) (Entered: 12/27/2011)
01/06/2012	<u>89</u>	MOTION for Extension of Time to extend scheduling order deadlines by six months , MOTION to Modify scheduling order deadlines ( Responses due by 1/20/2012) by Judyann Bigby, All Defendants, Angelo McClain, Deval L. Patrick.(Tran, Liza) (Entered: 01/06/2012)
01/06/2012	<u>90</u>	JOINT SUBMISSION pursuant to Local Rule 16.1 by Judyann Bigby, Angelo McClain, Deval L. Patrick. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Tran, Liza) (Entered: 01/06/2012)
01/06/2012	<u>91</u>	JOINT SUBMISSION pursuant to Local Rule 16.1 by All Plaintiffs.(Persky, Jonathan) (Entered: 01/06/2012)
01/06/2012	<u>92</u>	DECLARATION re <u>91</u> Joint submission of <i>Sara Michelle Bartosz</i> by All Plaintiffs. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F (1 of 3), # <u>7</u> Exhibit F (2 of 3), # <u>8</u> Exhibit F (3 of 3))(Persky, Jonathan) (Entered: 01/06/2012)
01/11/2012		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting in part <u>89</u> Defendants' Motion for Extension of Time. See Revised Scheduling Order to be issued in accord with the schedule set forth today at the case management conference. So ordered. (Neiman, Kenneth) (Entered: 01/11/2012)
01/11/2012		ELECTRONIC Clerk's Notes for proceedings held before Magistrate Judge Kenneth P. Neiman: Counsel appear for Case Management Conference held on 1/11/2012. Colloquy re: status of discovery efforts. Revised Scheduling Order to issue. (Court Reporter: Digital Recording – For transcripts or CDs contact Deborah Scalfani by email at deborah_scalfani@mad.uscourts.gov.)(Attorneys present: Gleason, Bartosz, Borten, Collins, Tran) (Healy, Bethaney) (Entered: 01/12/2012)
01/11/2012	<u>93</u>	Magistrate Judge Kenneth P. Neiman: REVISED SCHEDULING ORDER ENTERED, cc:cl. By 1/25/12, Ds to provide Ps with the two lists discussed at the conference; by 2/1/12, Ps shall inform Ds in writing of the sample lists Ps wish to use in their case record review; all remaining fact disc., except for the case record review, compl. by 4/30/12; Ds compl. prod. of the records for Ps' case record review (at a rate of approximately 30 per week) by 5/31/12; Ps expert discl by 7/13/12; Ds' expert discl by 8/29/12; expert depos compl by 9/28/12; case management conference set before the undersigned on 10/2/12 at 10:00 a.m. (the 8/3/12 conference is canceled); Ds' S/J motion, if any, by 10/26/12; Ps' opp to S/J motion by 11/16/12l hearing on any motion for S/J set for 11/28/12 at 2:00 p.m., at which time the court will also hold a Final Pretrial Conference before Judge Michael A. Ponsor; Jury Trial set for 1/7/2013 09:00 AM in Hampden Courtroom before Judge Michael A. Ponsor.(Healy, Bethaney) (Entered: 01/12/2012)
01/12/2012		Set/Reset Hearings: Case Management Conference set for 10/2/2012 at 10:00 AM in Hampshire Courtroom before Magistrate Judge Kenneth P. Neiman. (Healy, Bethaney) (Entered: 01/12/2012)
02/03/2012	<u>94</u>	Transcript of Case Management Conference held on January 11, 2012, before Magistrate Judge Kenneth P. Neiman. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: None. Digital Recording transcribed by Karen Aveyard at 978-466-9383. Redaction Request due 2/24/2012. Redacted Transcript Deadline set for 3/5/2012. Release of Transcript Restriction set for 5/3/2012. (Scalfani, Deborah) (Entered: 02/03/2012)
02/03/2012		NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at <a href="http://www.mad.uscourts.gov/attorneys/general-info.htm">http://www.mad.uscourts.gov/attorneys/general-info.htm</a> (Scalfani, Deborah) (Entered: 02/03/2012)

02/16/2012	<u>95</u>	Joint MOTION for Protective Order <i>Regarding Potentially Privileged Documents</i> by All Defendants. (Attachments: # <u>1</u> Text of Proposed Order)(Barshak, Jason) (Additional attachment(s) added on 2/16/2012: # <u>1</u> Correct Main Document, # <u>2</u> Proposed Protective Order) (Finn, Mary). Modified on 2/16/2012 to delete the duplicate of the main document which was added as an attachment and to separate the proposed protective order from the main document and to add it as an attachment. (Finn, Mary). (Entered: 02/16/2012)
02/16/2012	<u>96</u>	MOTION Addressing Defendants' Refusal to Comply with this Court's Orders and MOTION for a hearing by All Plaintiffs.(Bartosz, Sara). Added an additional relief – MOTION for Hearing on 2/17/2012 (Finn, Mary). (Entered: 02/16/2012)
02/16/2012	<u>97</u>	MEMORANDUM in Support re <u>96</u> MOTION Addressing Defendants' Refusal to Comply with this Court's Orders filed by All Plaintiffs. (Bartosz, Sara) (Entered: 02/16/2012)
02/16/2012	<u>98</u>	DECLARATION re <u>96</u> MOTION Addressing Defendants' Refusal to Comply with this Court's Orders by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9)(Bartosz, Sara) (Entered: 02/16/2012)
02/17/2012	<u>99</u>	CERTIFICATE OF SERVICE pursuant to LR 5.2 by All Plaintiffs re <u>97</u> Memorandum in Support of Motion . (Bartosz, Sara) (Entered: 02/17/2012)
02/23/2012	<u>100</u>	Opposition re <u>96</u> MOTION Addressing Defendants' Refusal to Comply with this Court's Orders MOTION for Hearing <i>and Conditional CROSS MOTION for Extension of Certain Deadlines, Including the Trial Date</i> filed by All Defendants. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L)(Collins, Jeffrey) (Entered: 02/23/2012)
02/23/2012	<u>101</u>	NOTICE of Appearance by Steven H. Joseph on behalf of All Defendants (Joseph, Steven) (Entered: 02/23/2012)
02/23/2012	<u>102</u>	NOTICE of Appearance by Jeremy D. Bayless on behalf of All Defendants (Bayless, Jeremy) (Entered: 02/23/2012)
02/23/2012	<u>103</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Elizabeth Pitman Gretter and Sarah Russo Filing fee: \$ 100, receipt number 0101-3822695 by All Plaintiffs. (Attachments: # <u>1</u> Affidavit of Elizabeth Pitman Gretter, # <u>2</u> Affidavit of Sarah Russo)(Persky, Jonathan) (Entered: 02/23/2012)
02/23/2012	<u>104</u>	MOTION to extend deadlines for the case record review, MOTION to Continue the trial date by All Defendants.(Finn, Mary) (Entered: 02/24/2012)
02/24/2012		Judge Michael A. Ponsor: ELECTRONIC ORDER entered granting <u>103</u> Motion for Leave to Appear Pro Hac Vice Added Sarah Russo and Elizabeth Pitman Gretter. <b>Attorneys admitted Pro Hac Vice must register for electronic filing. To register go to the Court website at <a href="http://www.mad.uscourts.gov">www.mad.uscourts.gov</a>. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form.</b> (Finn, Mary) (Entered: 02/24/2012)
02/24/2012	<u>105</u>	NOTICE issued to Attorney Elizabeth Pitman Gretter and Sarah Russo regarding mandatory registration and use with ECF in compliance with the Standing Order entered by Judge Ponsor and Magistrate Judge Neiman. (Finn, Mary) (Entered: 02/24/2012)
02/24/2012	<u>106</u>	RESPONSE to Motion re <u>104</u> MOTION for Extension of Time to deadlines for the case record review MOTION to Continue to the trial date filed by All Plaintiffs. (Bartosz, Sara) (Entered: 02/24/2012)
02/24/2012	<u>107</u>	DECLARATION re <u>106</u> Response to Motion <i>for Extension of Time</i> by All Plaintiffs. (Bartosz, Sara) (Entered: 02/24/2012)
02/24/2012	<u>108</u>	DECLARATION re <u>106</u> Response to Motion <i>for Extension of Time, with attachments</i> by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6)(Bartosz, Sara) (Entered: 02/24/2012)

02/29/2012		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>95</u> Joint Motion for Protective Order. Order to issue. (Neiman, Kenneth) (Entered: 02/29/2012)
02/29/2012	<u>109</u>	Magistrate Judge Kenneth P. Neiman: SUPPLEMENTAL PROTECTIVE ORDER regarding Potentially Privileged Documents ENTERED, cc:cl. (Healy, Bethaney) (Entered: 02/29/2012)
02/29/2012		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered denying <u>96</u> Plaintiffs' Motion for Expedited Relief Addressing Defendants' Refusal to Comply with this Court's Orders Dated December 22, 2011, and January 11, 2012. In light of the information provided, the court cannot say that Defendants have in fact failed to comply with its previous orders. More to the point, perhaps, the court is unwilling to delay further discovery as a result of the broader definition which Plaintiffs now seek to apply to the records which Defendants have prepared to disclose. On the other hand, given that Defendants are unwilling to give Plaintiffs unfettered access to FamilyNet files for the sample children, Defendants shall hereafter be precluded from relying on such files (to the extent not produced) in opposition to Plaintiffs' expert analyses of the documents which have been produced. As a result of this ruling, the court also denies <u>104</u> Defendants' Conditional Motion for Extension of Time and to Continue. So ordered. (Neiman, Kenneth) (Entered: 02/29/2012)
03/02/2012	<u>110</u>	MOTION to Compel <i>Production of Plaintiffs' Case Record Review Tool</i> by All Defendants.(Bayless, Jeremy) (Entered: 03/02/2012)
03/02/2012	<u>111</u>	MEMORANDUM in Support re <u>110</u> MOTION to Compel <i>Production of Plaintiffs' Case Record Review Tool</i> filed by All Defendants. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Bayless, Jeremy) (Entered: 03/02/2012)
03/02/2012	<u>112</u>	MOTION to Compel <i>Plaintiffs to Cure Deficiencies in Initial Disclosures</i> by All Defendants.(Joseph, Steven) (Entered: 03/02/2012)
03/02/2012	<u>113</u>	MEMORANDUM in Support re <u>112</u> MOTION to Compel <i>Plaintiffs to Cure Deficiencies in Initial Disclosures</i> filed by All Defendants. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Joseph, Steven) (Entered: 03/02/2012)
03/05/2012		ELECTRONIC NOTICE issued requesting courtesy copy for <u>113</u> Memorandum in Support of Motion and supporting exhibits. Counsel who filed this document are requested to submit a courtesy copy of this document (or documents) to the Clerk's Office by March 9, 2012. <b>These documents must be clearly marked as a Courtesy Copy and reflect the document number assigned by CM/ECF.</b> (Finn, Mary) (Entered: 03/05/2012)
03/05/2012		E-Mail Notice re docket entry# 111 originally issued on 3/2/2012 returned as undeliverable. Name of Addressee: Kara Morrow. The ECF Help Desk has contacted the law firm on record, who advised that the attorney is no longer employed by that firm. The attorneys email address has been removed from the database to prevent the return of additional undeliverable email notices. (Burgos, Sandra) (Entered: 03/05/2012)
03/09/2012		Remark – Courtesy copy of document <u>113</u> received and placed in the file. (Finn, Mary) (Entered: 03/09/2012)
03/09/2012	<u>114</u>	RESPONSE to Motion re <u>110</u> MOTION to Compel <i>Production of Plaintiffs' Case Record Review Tool</i> filed by All Plaintiffs. (Bartosz, Sara) (Entered: 03/09/2012)
03/09/2012	<u>115</u>	DECLARATION re <u>114</u> Response to Motion to <i>Compel Production of Plaintiffs' Case Record Review Tool</i> by All Plaintiffs. (Bartosz, Sara) (Entered: 03/09/2012)
03/15/2012	<u>116</u>	Opposition re <u>112</u> MOTION to Compel <i>Plaintiffs to Cure Deficiencies in Initial Disclosures</i> filed by All Plaintiffs. (Bartosz, Sara) (Entered: 03/15/2012)
03/15/2012	<u>117</u>	DECLARATION re <u>116</u> Opposition to Motion to <i>Compel Plaintiffs to Cure Deficiencies in Initial Disclosures</i> by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1)(Bartosz, Sara) (Entered: 03/15/2012)

03/20/2012	<u>118</u>	Joint MOTION Enter Stipulation and Order Regarding Depositions by All Defendants, All Plaintiffs. (Attachments: # <u>1</u> Stipulation and Proposed Order)(Persky, Jonathan) (Entered: 03/20/2012)
03/21/2012		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>118</u> Joint Motion To Enter Stipulation and Order Regarding Depositions. Order to enter. (Neiman, Kenneth) (Entered: 03/21/2012)
03/21/2012		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting in part <u>110</u> Defendants' Motion to Compel Production of Plaintiffs' Case Record Review Tool. Given the totality of circumstances, the court does not believe that production of the case record review tool, currently being utilized by Plaintiffs, is premature, as claimed in both Plaintiffs' answer to Defendants' Request No. 8 as well as Plaintiffs' present opposition (Document No. 14). Although Plaintiffs acknowledge that they will eventually provide the tool as part of their expert disclosures and although Defendants, as Plaintiffs assert, had the opportunity to participate in a joint case review, the court will order the production of the tool at this time so as to enable Defendants to duplicate the case record review, if they wish, in a timely manner. That said, however, the court-ordered production of the instrument is not intended to enable Defendants to avoid the potential consequences of the court's February 29, 2012 electronic order, i.e., that "given that Defendants are unwilling to give Plaintiffs unfettered access to FamilyNet files for the sample children, Defendants shall hereafter be precluded from relying on such files (to the extent not produced) in opposition to Plaintiffs' expert analyses of the documents which have been produced." Accordingly, to the extent Defendants wish to duplicate the case record review, that review will be confined to the documents heretofore provided to Plaintiffs for case samples examined to date and to the same scope of documents to be provided to Plaintiffs for the remaining case samples; in sum, unless otherwise agreed by Plaintiffs, Defendants shall ensure that the scope of the documents remains the same for all such samples, whether previously examined by Plaintiffs or scheduled to be examined by them in the future. To do otherwise would enable Defendants to alter the consistency of Plaintiffs' case record review, confined as it has been by the prior limits set by Defendants. So ordered. (Neiman, Kenneth) (Entered: 03/21/2012)
03/21/2012		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting in part <u>112</u> Defendants' Motion to Compel Plaintiffs to Cure Deficiencies in Initial Disclosures. Although the motion comes ten months after the initial disclosures were made and although, as Plaintiffs point out, the initial disclosures were made in a good faith attempt "to list those individuals with connections to the child welfare system in the Commonwealth of Massachusetts who may provide testimony in relation to the issues raised in Plaintiffs' Complaint," it is clear to the court that in many instances the disclosures of over 600 individuals often fall short of Plaintiffs' obligations under Fed. R. Civ. P. 26(a)(1)(A)(1). Given the desire of the court to facilitate targeted discovery, given that initial disclosures by parties are meant to inform the other side as to how each disclosed individual is likely to have discoverable information that the party may use to support its claims, given the further requirement that Plaintiffs have the obligation to supplement their disclosures, whether on their own or by order of the court (see subsection (e) of the Rule), and given that Plaintiffs informed Defendants of their intent to refine the list of witnesses with the benefit of discovery, Plaintiffs shall provide greater detail with regard to the individuals listed in the following paragraphs of their initial disclosures: 1(f), 1(g), 2(f), 3(f), 3(g), 4(f), 5(f), 6(f), 6(g), 7(b) (but only as to Peter Watson and all those listed under Department of Early Education and Care), 7(c), 7(d), 7(e), 7(f), and 7(g). Plaintiffs shall comply with this order no later than April 4, 2012; if Defendants agree, Plaintiffs may accomplish such compliance, at least in part, by indicating to Plaintiffs which individuals will not be witnesses in support of Plaintiffs' claims. In addition, by April 4, 2012, Plaintiffs shall inform Defendants whether or not there are any particular witnesses with regard to the following general paragraphs in their initial disclosures: 1(a), 1(b), 1(d), 2(a), 2(b), 2(d), 2(g), 3(a), 3(b), 3(d), 4(a), 4(b), 4(c), 4(d), 4(g), 5(a), 5(b), 5(c), 5(d), 5(g), 6(a), 6(b), 6(d), 7(a), 7(h), 7(i), and 7(j). So ordered. (Entered: 03/21/2012)
03/22/2012	<u>119</u>	Magistrate Judge Kenneth P. Neiman: STIPULATION AND ORDER Regarding Depositions ENTERED, cc:cl. (Healy, Bethaney) (Entered: 03/22/2012)



04/12/2012	<u>120</u>	MOTION to Compel <i>Answers to Interrogatories</i> by All Defendants. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Collins, Jeffrey) (Entered: 04/12/2012)
04/12/2012	<u>121</u>	MOTION for Extension of Time to Move All Court Deadlines By Two Months by All Defendants. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F)(Joseph, Steven) (Entered: 04/12/2012)
04/13/2012	<u>122</u>	Objection by Michael S. Greenberg to Third Party Subpoena dated 4/6/2012. (Finn, Mary) (Main Document 122 replaced on 4/13/2012 with correct redacted objection) (Finn, Mary). Modified on 4/13/2012 (Finn, Mary). (Entered: 04/13/2012)
04/16/2012	<u>123</u>	MOTION to Compel <i>Defendants to Provide Access to Files for 37 Children from the Northern Region for Plaintiffs' Case Record Review</i> by All Plaintiffs.(Nili, Rachel) (Entered: 04/16/2012)
04/16/2012	<u>124</u>	MEMORANDUM in Support re <u>123</u> MOTION to Compel <i>Defendants to Provide Access to Files for 37 Children from the Northern Region for Plaintiffs' Case Record Review</i> filed by All Plaintiffs. (Nili, Rachel) (Entered: 04/16/2012)
04/16/2012	<u>125</u>	DECLARATION re <u>123</u> MOTION to Compel <i>Defendants to Provide Access to Files for 37 Children from the Northern Region for Plaintiffs' Case Record Review</i> by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10)(Bartosz, Sara) (Entered: 04/16/2012)
04/26/2012	<u>126</u>	Opposition re <u>120</u> MOTION to Compel <i>Answers to Interrogatories</i> filed by All Plaintiffs. (Bartosz, Sara) (Entered: 04/26/2012)
04/26/2012	<u>127</u>	AFFIDAVIT in Opposition re <u>120</u> MOTION to Compel <i>Answers to Interrogatories</i> filed by All Plaintiffs. (Bartosz, Sara) (Entered: 04/26/2012)
04/26/2012	<u>128</u>	Opposition re <u>121</u> MOTION for Extension of Time to Move All Court Deadlines By Two Months filed by All Plaintiffs. (Bartosz, Sara) (Entered: 04/26/2012)
04/26/2012	<u>129</u>	AFFIDAVIT of Sara M. Bartosz in Opposition re <u>121</u> MOTION for Extension of Time to Move All Court Deadlines By Two Months filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7)(Bartosz, Sara) (Entered: 04/26/2012)
04/27/2012	<u>130</u>	CERTIFICATE OF SERVICE pursuant to LR 5.2 by All Plaintiffs re <u>128</u> Opposition to Motion to <i>Extend Court Deadlines</i> . (Bartosz, Sara) (Entered: 04/27/2012)
04/27/2012	<u>131</u>	Opposition re <u>123</u> MOTION to Compel <i>Defendants to Provide Access to Files for 37 Children from the Northern Region for Plaintiffs' Case Record Review</i> filed by All Defendants. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Bayless, Jeremy) (Entered: 04/27/2012)
05/01/2012	<u>132</u>	MOTION for Discovery Conference <i>pursuant to Local Rule 16.3</i> by All Defendants.(Joseph, Steven) Modified on 5/1/2012 (Jones, Sherry). Modified on 5/1/2012 to change the relief type of the motion to MOTION for a hearing. (Finn, Mary). (Entered: 05/01/2012)
05/01/2012	<u>133</u>	Defendants' Position Statement in support of <u>132</u> MOTION for Discovery <i>pursuant to Local Rule 16.3</i> filed by All Defendants. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G)(Joseph, Steven) Modified on 5/2/2012 to change the text to reflect the document that is being filed. (Finn, Mary). (Entered: 05/01/2012)
05/04/2012	<u>134</u>	RESPONSE to Motion re <u>132</u> MOTION for Hearing filed by All Plaintiffs. (Bartosz, Sara) (Entered: 05/04/2012)
05/11/2012		ELECTRONIC NOTICE Setting Hearing on <u>121</u> MOTION for Extension of Time to Move All Court Deadlines By Two Months ISSUED. Motion Hearing set for 5/17/2012 at 1:00 PM in Hampshire Courtroom before Magistrate Judge Kenneth P. Neiman. (Healy, Bethaney) (Entered: 05/11/2012)

05/11/2012		ELECTRONIC NOTICE Setting Hearing on <u>132</u> MOTION for Hearing ISSUED, cc:cl. Motion Hearing set for 5/17/2012 at 1:00 PM in Hampshire Courtroom before Magistrate Judge Kenneth P. Neiman. (Healy, Bethaney) (Entered: 05/11/2012)
05/11/2012		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting in part and denying in part <u>120</u> Defendants' Motion to Compel Answers to Interrogatories. In so ruling, the court has addressed the interrogatories in two sets, as have the parties, insofar as the answers were the same in each set. First, the motion is ALLOWED with regard to Interrogatories 2 through 21. This particular type of contention interrogatories (there are several types) is entirely proper and, Plaintiffs' arguments to the contrary, not premature. To delay, as Plaintiffs suggest, their responses to July 13, 2012, at which time they will be disclosing their experts' reports, is simply too late. Plaintiffs have sufficient information at this time to answer these "factual" contention interrogatories based on the information they have to date. See Cable & Computer Technology, Inc. v. Lockheed Saunders, Inc. 175 F.R.D. 646, 651-652 (C.D. Cal. 1997). To do otherwise would enable Plaintiffs, even in this civil rights matter, to commence suit but leave to a much later day the factual underpinnings of their allegations. Accordingly, Plaintiffs shall respond to Interrogatories 2 through 21 no later than May 25, 2012. Plaintiffs may later amend their answers with leave of court or supplement those answers as they are obligated to do under Fed. R. Civ. P. 26(e). The court, however, DENIES Defendants' motion with regard to Interrogatories 22 through 26. As drafted, these interrogatories run afoul of the work-product doctrine as explicated in Commonwealth of Massachusetts v. First National Supermarkets, Inc., 112 F.R.D. 149, 152 (D.Mass. 1986). The court will consider Defendants' request for an extension of the discovery deadline at the hearing scheduled for May 17, 2012. So ordered. (Neiman, Kenneth) (Entered: 05/11/2012)
05/16/2012	<u>135</u>	STATEMENT OF COUNSEL of Sara M. Bartosz re Notice of Hearing on Motion for Discovery by All Plaintiffs. (Attachments: # <u>1</u> Exhibit A)(Bartosz, Sara) (Entered: 05/16/2012)
05/17/2012		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>123</u> Plaintiffs' Motion to Compel Access to Thirty-Seven Files, at a time and place and in a manner to be determined at today's conference. So ordered. (Neiman, Kenneth) (Entered: 05/17/2012)
05/17/2012		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting without objection <u>132</u> Defendants' Motion for a Conference, said conference to be held this day. So ordered. (Neiman, Kenneth) (Entered: 05/17/2012)
05/17/2012		ELECTRONIC Clerk's Notes for proceedings held before Magistrate Judge Kenneth P. Neiman: Counsel appear for Motion Hearing held on 5/17/2012 re <u>121</u> MOTION for Extension of Time to Move All Court Deadlines By Two Months and <u>120</u> MOTION to Compel Answers to Interrogatories filed by All Defendants. Arguments heard. Order to issue. (Court Reporter: Digital Recording - For transcripts or CDs contact Deborah Scalfani by email at deborah_scalfani@mad.uscourts.gov.)(Attorneys present: Lowry, Bartels, Borten, Gleason, Joseph, Tran) (Healy, Bethaney) (Entered: 05/17/2012)
05/17/2012		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered, after a hearing this day, with regard to [133 and 135] the parties' position statements concerning a fact cut-off date and supplementation. Having considered the parties' respective positions, the court has determined that a fact cut-off date is appropriate and, given the revised schedule which it will issue, sets that date at August 15, 2012. Such a date is necessary so that the trial court will be able to address the parties' claims and defenses with a particular time period in mind. The cut off date, however, does not excuse the parties from thereafter supplementing the discovery produced in accord with Fed. R. Civ. P. 26(e); moreover, as agreed this day, the cut-off date does not exempt Defendants from providing Plaintiffs with their regularly generated reports. Pending trial, however, the parties shall jointly consider whether they prefer to address the liability and, if appropriate, the remedial aspects of the case in a bifurcated fashion and shall so inform the court in writing if an agreement is reached thereon. So ordered.(Neiman, Kenneth) (Entered: 05/17/2012)

05/17/2012		<p>Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting in part, after a hearing this day, <u>121</u> Defendants' Motion for Extension of Time. In so ruling, the court finds that extensive and burdensome discovery, together with informal extensions sought and/or consented-to by the parties, requires at this juncture a more formal extension of certain time periods without significantly delaying trial. Accordingly, the following schedule shall now govern: (1) the parties shall complete their agreed-upon depositions by May 31, 2012; (2) also by that date Defendants shall produce to Plaintiffs all documents received from DCF and EOHHS custodians; (3) Defendants shall continue their production of the records for Plaintiffs' case record review (at the rate of approximately 30 per week) through May 31, 2012, except for the thirty-seven files addressed in <u>123</u> Plaintiffs' motion to compel, which files shall thereafter be produced so that Plaintiffs' review can be completed by June 12, 2012; (4) Defendants shall forthwith provide Plaintiffs with the search terms for the categorical privilege review Defendants wish to undertake; by May 25, 2012, Plaintiffs shall respond to Defendants' proposal for such review and the parties shall inform the court by June 1, 2012, if they have reached agreement with respect thereto; barring such agreement, Plaintiffs shall undertake an individualized review of the remaining documents and produce non-privileged documents and a privilege log by July 13, 2012; (5) Defendants shall produce to Plaintiffs the Governor's Office documents and/or a privilege log by June 1, 2012; (6) also by June 1, 2012, Defendants shall produce to Plaintiffs (a) all documents received from the Juvenile Court and (b) all documents received in response to third-party subpoenas; with respect to the latter, Defendants shall also notify Plaintiffs by that date of any problems they may have had in obtaining documents from contracted agencies, after which the parties shall jointly endeavor to resolve such problems before seeking relief from the court; (7) as ordered on May 11, 2012, Plaintiffs shall respond to Defendants' Interrogatories 2 through 21 no later than May 25, 2012; Defendants may thereafter serve further written discovery, if any, by June 15, 2012, and undertake non-expert depositions until August 15, 2012; (8) Plaintiffs shall designate and disclose information regarding their trial experts as required by FED. R. CIV. P. 26(a)(2) by August 22, 2012; (9) Defendants shall designate and disclose information regarding their trial experts as required by FED. R. CIV. P. 26(a)(2) by September 21, 2012; (10) all expert depositions shall be completed by October 19, 2012; (11) counsel shall appear for a case management conference before the undersigned on October 25, 2012, at 2:00 p.m.; the October 2, 2012 conference is hereby canceled; (12) Defendants shall file their summary judgment motion, if any, by November 21, 2012; (13) Plaintiffs' opposition to Defendants' motion shall be filed by December 12, 2012; (14) a hearing on any such motion shall take place on December 20, 2012, at 2:00 p.m. before District Judge Michael A. Ponsor; the November 28, 2012 hearing is hereby canceled; (15) at the same time, counsel shall appear for a pretrial conference; pre-trial memoranda shall be prepared in accordance with the provision of Local Rule 16.5(D) and the Procedural Order previously entered; (16) trial shall commence on January 21, 2013, at 9:00 a.m.; counsel are hereby notified, however, that the case may actually be called to trial on any day during the four weeks following. Counsel should stay in touch with Judge Ponsor's courtroom deputy, Theresa Pelegano, to confirm the actual date for trial. The court hereby takes under advisement the motion to quash originally filed in the Southern District of New York. So ordered. (Neiman, Kenneth) (Entered: 05/17/2012)</p>
05/18/2012		<p>Set/Reset Hearings:( Case Management Conference set for 10/25/2012 at 2:00 PM in Hampshire Courtroom before Magistrate Judge Kenneth P. Neiman; Jury Trial set for 1/21/2013 at 9:00 AM in Hampden Courtroom before Judge Michael A. Ponsor; S/J Hearing and Final Pretrial Conference set for 12/20/2012 at 2:00 PM in Hampden Courtroom before Judge Michael A. Ponsor. Set/Reset Deadlines: Discovery to be completed by 8/15/2012; Expert Witness List due by 10/19/2012; Motions due by 11/21/2012. See Electronic Order entered 05/17/12 for additional deadlines. (Healy, Bethaney) (Entered: 05/18/2012)</p>
05/22/2012	<u>136</u>	<p>Transcript of Motion Hearing held on May 17, 2012, before Magistrate Judge Kenneth P. Neiman. The Transcript may be purchased through Judy Bond Gonsalves at 508-984-7003, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: No Reporter Used. Digital Recording transcribed by Judy Bond Gonsalves. Redaction Request due 6/12/2012. Redacted Transcript Deadline set for 6/22/2012. Release of</p>

		Transcript Restriction set for 8/20/2012. (Scalfani, Deborah) Modified on 5/25/2012 (Scalfani, Deborah). (Entered: 05/22/2012)
05/22/2012		NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at <a href="http://www.mad.uscourts.gov/attorneys/general-info.htm">http://www.mad.uscourts.gov/attorneys/general-info.htm</a> (Scalfani, Deborah) (Entered: 05/22/2012)
06/01/2012	<u>137</u>	JOINT STATEMENT of counsel <i>Regarding Privilege Log, Supplementation of Discovery and Bifurcation</i> . (Tran, Liza) (Entered: 06/01/2012)
06/08/2012	<u>138</u>	MOTION for Sanctions by All Defendants.(Collins, Jeffrey) (Entered: 06/08/2012)
06/08/2012	<u>139</u>	MEMORANDUM in Support re <u>138</u> MOTION for Sanctions filed by All Defendants. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H)(Collins, Jeffrey) (Entered: 06/08/2012)
06/13/2012		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered with regard to the motion to quash filed in the District Court for the Southern District of New York, which motion was transferred to this court. Although the Joint Statement of the Parties (Document No 137) does not address nor was expected to address the motion to quash, the court nevertheless requests that the parties to the motion to quash inform this court by June 15, 2012, whether that dispute remains outstanding, thereby necessitating a ruling thereon. So ordered. (Neiman, Kenneth) (Entered: 06/13/2012)
06/13/2012	<u>140</u>	RESPONSE TO COURT ORDER by All Defendants . (Joseph, Steven) (Entered: 06/13/2012)
06/14/2012		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting in part and denying in part Children's Rights, Inc. ("CRI")'s Motion to Quash Deposition Subpoena, which motion is set forth in Document No. 1 of In re Subpoena to Children's Rights, Inc., 1:12-mc-00141-P1, a matter in the District Court for the Southern District of New York, which motion, by order of that court, was transferred to this court with the consent of the parties. The motion is ALLOWED with regard to paragraph 1 of the subpoena and so much of paragraph 2 which concerns incorporation, the court having determined that such inquiries are irrelevant to the underlying litigation. However, the motion is DENIED with regard to the remaining part of paragraph 2 and paragraph 3 of the subpoena, CRI having indicated that it has a policy arm which may have been involved in the subject matter of some of the remaining inquiries. The motion is DENIED as well with regard to paragraph 4, CRI having largely conceded the issue. Further, although the court questions the need to otherwise depose Plaintiffs' CRI counsel, if indeed such counsel are delegated to respond to the subpoena, the motion is also DENIED with regard to paragraphs 5 through 13, provided that CRI, when appropriate, may interpose claims of attorney-client privilege and, when applicable, the work-product doctrine during the course of the deposition. In so ruling, the court rejects Defendants' argument that CRI has waived any such claims, for many of the reasons set forth in CRI's memorandum. In this vein, the court also notes that on May 11, 2012, it denied that part of <u>120</u> Defendants' Motion to Compel which sought answers to interrogatories 22 through 26, which the court determined were protected by the work-product doctrine, questions which appear to parallel much of what Defendants presently seek by way of testimony in the instant subpoena. The motion is also DENIED with regard to paragraphs 14 through 16, to the extent that such inquiries concern CRI's policy advocacy, although the court does not preclude the possibility that certain of those inquiries may be met with claims of privilege or work-product during the course of the deposition. Finally, given the parties' consent to have this particular dispute handled in this District, the court directs that any issue arising with respect to the deposition be brought to its attention, even if the deposition goes forward in the Southern District of New York, as noticed. So ordered.(Neiman, Kenneth) (Entered: 06/14/2012)
06/22/2012	<u>141</u>	Opposition re <u>138</u> MOTION for Sanctions filed by All Plaintiffs. (Bartosz, Sara) (Entered: 06/22/2012)



06/22/2012	<u>142</u>	DECLARATION re <u>141</u> Opposition to Motion for Sanctions by All Plaintiffs. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I)(Bartosz, Sara) (Entered: 06/22/2012)
07/05/2012		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered denying without prejudice <u>138</u> Defendants' Motion for Sanctions insofar as the sanctions sought are not commensurate with the extent of the Plaintiffs' failure to fully comply with the court's order of May 11, 2012, which required them to respond to interrogatories 2 through 21; while Plaintiffs' answers fall short in a variety of ways, they are neither as inadequate as Defendants claim nor as deserving of the severe sanctions which Defendants seek. Nonetheless, the court will order Plaintiffs to further supplement their answers in the manner more specifically described below. In so ruling, it should be noted, the court has been hampered somewhat by the conclusory nature of the parties' arguments and their reference to only some and, at that, different interrogatories in support of their respective arguments. Still, after reviewing the complete set of answers as best it could, the court concludes that Plaintiffs have often fallen short not only of the requirements of the Local Rules but even the more forgiving standard of review Plaintiffs proffer, namely, that a party need only provide a sufficiently detailed description of the nature of the proof that will be offered such that the other party will understand the theory of their claims and how they will be proved. Accordingly, by July 20, 2012, Plaintiffs shall amend their answers to the interrogatories as follows. First, as they have offered, Plaintiffs shall provide page citations for each of the deposition transcripts they have cited in their answers to the interrogatories. Second, Plaintiffs shall provide, where absent, (a) more specific citations to pages in the documents they list in their various answers and/or (b) a more detailed description of the supporting information than simply a reference to a document, lest they be barred from relying thereon in the future, e.g., Plaintiffs shall provide a specific reference to statistics and/or measurements within a cited report and/or a summary description of that information as regards the answer. Third, Plaintiffs shall further explain the information contained in the policy documents and regulations they cite as supporting the factual bases in their complaint. With regard to paragraphs First through Third of this ruling, the court has little doubt that this supplemental information is "pertinent," as that term is used in Local Rule 26.5(c)(8), to the propounded interrogatories. Fourth, Plaintiffs, in accord with Local Rule 26.5(c)(8)(d), shall set forth with respect to each interrogatory "any other fact which forms the basis of [Plaintiffs'] information regarding the alleged facts or conclusions referred to in the interrogatory"; Defendants may hereafter seek to bar any fact not included in a supplemental answer, but which would fairly fall within this category, should Plaintiffs seek to admit such additional fact at summary judgment or trial (Plaintiffs' assertion in paragraph 3 of their "General Statements" in answer to the interrogatories notwithstanding). It is so ordered. (Neiman, Kenneth) (Entered: 07/05/2012)
07/06/2012	<u>143</u>	Assented to MOTION for Extension of Time to 7/20/2012 to Produce Non-Privileged Documents and a Privilege Log by All Defendants.(Joseph, Steven) (Entered: 07/06/2012)
07/09/2012	144	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>143</u> Defendants' assented-to Motion for Extension of Time to July 20, 2012, to Produce Non-Privileged Documents. So ordered. (Neiman, Kenneth) Modified on 7/9/2012 (Finn, Mary). (Entered: 07/09/2012)
07/18/2012	<u>145</u>	MOTION for Order to Allow Disclosure of Personal Data by All Defendants.(Joseph, Steven) (Entered: 07/18/2012)
07/30/2012	<u>146</u>	Opposition re <u>145</u> MOTION for Order to Allow Disclosure of Personal Data filed by Emilie Blattman Costello. (Markham, Adrienne) (Main Document 146 replaced on 7/30/2012 with correct signed document) (Finn, Mary). Modified on 7/30/2012 (Finn, Mary). (Entered: 07/30/2012)
08/01/2012	<u>147</u>	Emergency MOTION for Protective Order by Emilie Blattman Costello, All Defendants.(Bayless, Jeremy) (Entered: 08/01/2012)

08/01/2012	<u>148</u>	CERTIFICATE OF SERVICE pursuant to LR 5.2 by Emilie Blattman Costello, All Defendants re <u>147</u> Emergency MOTION for Protective Order . (Bayless, Jeremy) (Entered: 08/01/2012)
08/01/2012	<u>149</u>	MOTION for Extension of Time to File Response/Reply as to <u>145</u> MOTION for Order to Allow Disclosure of Personal Data by Lauren Ashley James.(Carter, Christopher) (Entered: 08/01/2012)
08/03/2012		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>147</u> assented-to Emergency Motion for Protective Order. Order to issue. (Neiman, Kenneth) (Entered: 08/03/2012)
08/03/2012	<u>150</u>	MOTION to Quash or Modify Subpoena by Friends of Children, Inc., Jane Lyons. (Attachments: # <u>1</u> Affidavit of Jane Lyons, # <u>2</u> Affidavit of Attorney Michael Aleo)(Healy, Bethaney) (Entered: 08/03/2012)
08/03/2012	<u>151</u>	Opposition re <u>149</u> MOTION for Extension of Time to File Response/Reply as to <u>145</u> MOTION for Order to Allow Disclosure of Personal Data filed by All Defendants. (Joseph, Steven) (Entered: 08/03/2012)
08/07/2012	<u>152</u>	Assented to MOTION to Defer Action Pending Filing of Unopposed Emergency Motion and Proposed Order Regarding Disclosure of Personal Data re <u>145</u> MOTION for Order to Allow Disclosure of Personal Data , <u>149</u> MOTION for Extension of Time to File Response/Reply as to <u>145</u> MOTION for Order to Allow Disclosure of Personal Data by Lauren Ashley James.(Carter, Christopher) (Entered: 08/07/2012)
08/08/2012	153	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>152</u> Third -Party Witness's assented-to Motion to Defer Action and, accordingly, reserving ruling on <u>145</u> Defendants' Motion to Order Disclosure of Personal Data and <u>149</u> Third-Party's Motion for Extension of Time to File Response/Reply. So ordered. (Neiman, Kenneth) (Entered: 08/08/2012)
08/09/2012	<u>154</u>	Emergency MOTION for Protective Order by All Defendants. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Joseph, Steven) (Entered: 08/09/2012)
08/10/2012	155	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>154</u> Unopposed Emergency Motion for Protective Order and, accordingly, withdrawing <u>145</u> Motion for Order, <u>149</u> Motion for Extension of Time to File Response/Reply, and <u>151</u> Opposition. Further order to issue. (Neiman, Kenneth) (Entered: 08/10/2012)
08/13/2012	<u>156</u>	Magistrate Judge Kenneth P. Neiman: ORDER regarding Disclosure of Personal Data ENTERED, cc:cl. (Healy, Bethaney) (Main Document 156 replaced on 8/13/2012 with the correct main document) (Finn, Mary). Modified on 8/13/2012 (Finn, Mary). (Entered: 08/13/2012)
08/17/2012	<u>157</u>	Opposition re <u>150</u> MOTION to Quash <i>or Modify Subpoena</i> filed by All Defendants. (Attachments: # <u>1</u> Exhibit A (1 of 3), # <u>2</u> Exhibit A (2 of 3), # <u>3</u> Exhibit A (3 of 3))(Joseph, Steven) (Entered: 08/17/2012)
08/23/2012	158	<u>150</u> MOTION to Quash referred to Magistrate Judge Jennifer C. Boal. (Healy, Bethaney) (Entered: 08/23/2012)
08/24/2012	159	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered, as a result of the telephone conference this day with counsel, acknowledging the parties' representation in their Joint Statement (Document No. 137) with regard to bifurcation and hereby ordering that the summary judgment motions, if any, and the trial, if necessary, shall address — in accord with the court's revised schedule (see electronic order of May 17, 2012) — the issues of liability only. Once the issues of liability are resolved, the parties, if necessary, shall meet and confer so as to propose protocols addressing supplemental discovery for a remedy trial. Further, the October 25, 2012 case management conference is canceled with the consent of the parties. So ordered. (Neiman, Kenneth) (Entered: 08/24/2012)
08/24/2012	<u>160</u>	Unopposed MOTION for Extension of Time to Complete Discovery <i>Depositions of ACF and Emilie Blattman Costello</i> by All Defendants. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Joseph, Steven) Modified on 8/24/2012 to add the

		word Unopposed to the text. (Finn, Mary). (Entered: 08/24/2012)
08/27/2012	161	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>160</u> Defendants' unopposed Motion for Extension of Time. So ordered. (Neiman, Kenneth) (Entered: 08/27/2012)
08/28/2012	162	ELECTRONIC NOTICE Setting Hearing on Motion <u>150</u> MOTION to Quash : A Motion Hearing is set for 9/7/2012 at 11:00 AM in Courtroom 14 before Magistrate Judge Jennifer C. Boal. If parties desire to appear by phone they should email Steve York at (steve_york@mad.uscourts.gov) by the close of business on 9/6/2012, with a number you can be reached at for the hearing. (York, Steve) (Entered: 08/28/2012)
09/07/2012	163	ELECTRONIC Clerk's Notes for proceedings held before Magistrate Judge Jennifer C. Boal: Motion Hearing held on 9/7/2012 re <u>150</u> MOTION to Quash filed by Friends of Children, Inc., Jane Lyons. The court heard arguments from all parties and made the following ruling. "The motion to quash is denied in part and allowed in part as follows: (1) the depositions of Friends of Children and Jane Lyons will take place at a mutually agreeable date in September; (2) defendants may schedule one separate date for each of the depositions but will make every attempt to complete both depositions in a single day; (3) the depositions will take place at the offices of the Massachusetts Attorney General in Springfield, Massachusetts; and (4) Friends of Children and Lyons' request for attorneys' fees and costs incurred in bringing the motion to quash is denied." (Court Reporter: Digital Recording – For transcripts or CDs contact Deborah Scalfani by email at deborah_scalfani@mad.uscourts.gov.)(Attorneys present: Persky & Borten for Plaintiff; Joseph for Defendant; Aleo for Movant;)(York, Steve) (Entered: 09/07/2012)
09/07/2012	<u>164</u>	MOTION for Extension of Time to <i>Complete Expert Discovery by November 19, 2012 and Extend All Post–Expert Discovery Deadlines</i> by All Defendants.(Collins, Jeffrey) (Entered: 09/07/2012)
09/07/2012	<u>165</u>	MEMORANDUM in Support re <u>164</u> MOTION for Extension of Time to <i>Complete Expert Discovery by November 19, 2012 and Extend All Post–Expert Discovery Deadlines</i> filed by All Defendants. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Collins, Jeffrey) (Entered: 09/07/2012)
09/18/2012	<u>166</u>	Opposition re <u>164</u> MOTION for Extension of Time to <i>Complete Expert Discovery by November 19, 2012 and Extend All Post–Expert Discovery Deadlines</i> filed by All Plaintiffs. (Borten, Laurence) (Entered: 09/18/2012)
09/18/2012	<u>167</u>	DECLARATION re <u>166</u> Opposition to Motion for <i>31–Day Extension of Certain Expert Discovery Deadlines and 21–Day Extension of all Post–Expert Discovery Deadlines</i> by All Plaintiffs. (Attachments: # <u>1</u> Exhibit A)(Borten, Laurence) (Entered: 09/18/2012)
09/18/2012	<u>168</u>	DECLARATION re <u>166</u> Opposition to Motion For <i>31–Day Extension of Certain Expert Discovery Deadlines and 21–Day Extension of all Post–Expert Discovery Deadlines</i> by All Plaintiffs. (Attachments: # <u>1</u> Exhibit A)(Bartosz, Sara) (Entered: 09/18/2012)
09/21/2012	<u>169</u>	Emergency MEMORANDUM in Support re <u>164</u> MOTION for Extension of Time to <i>Complete Expert Discovery by November 19, 2012 and Extend All Post–Expert Discovery Deadlines</i> filed by All Defendants. (Barshak, Jason) (Entered: 09/21/2012)
09/26/2012	<u>170</u>	RESPONSE to Motion re <u>169</u> EMERGENCY MEMORANDUM in Support of <u>164</u> MOTION for Extension of Time to <i>Complete Expert Discovery by November 19, 2012 and Extend All Post–Expert Discovery Deadlines</i> filed by All Plaintiffs. (Bartosz, Sara) Modified on 9/27/2012 to link to document <u>169</u> , not <u>164</u> . (Finn, Mary). (Entered: 09/26/2012)
09/26/2012	<u>171</u>	DECLARATION re <u>170</u> Response to Motion for <i>31–Day Extension of Certain Expert Discovery Deadlines and 21–Day Extension of all Post–Expert Discovery Deadlines</i> by All Plaintiffs. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Bartosz, Sara) (Entered: 09/26/2012)

09/27/2012	<u>172</u>	REPLY to <u>170</u> Response to Defts' <u>169</u> EMERGENCY Suppl. Memorandum in support of <u>164</u> MOTION for Extension of Time to <i>Complete Expert Discovery by November 19, 2012 and Extend All Post-Expert Discovery Deadlines</i> filed by All Defendants. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Collins, Jeffrey) Modified on 9/27/2012 to link to document <u>170</u> . (Finn, Mary). (Entered: 09/27/2012)
10/01/2012	173	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting in part and denying in part <u>164</u> Defendants' Motion for Extension of Time, as follows. First, Defendants' experts and their reports shall be disclosed by October 12, 2012, except those experts who will be addressing the CRC case record review reports, who shall be disclosed, etc. by October 19, 2012. Second, all expert depositions shall be completed by November 2, 2012, except the case record review experts who shall be deposed, if at all, by November 9, 2012. In all other respects, Defendants' motion is denied. So ordered. (Neiman, Kenneth) (Entered: 10/01/2012)
10/04/2012	<u>174</u>	Joint MOTION Requesting a Telephone Conference Regarding the Deadlines for the Parties' Motions in Limine by Judyann Bigby, Angelo McClain, Deval L. Patrick.(Tran, Liza) (Entered: 10/04/2012)
10/05/2012	176	ELECTRONIC NOTICE of Hearing. Telephone Conference set for 10/10/2012 10:00 AM before Magistrate Judge Kenneth P. Neiman. (Stuckenbruck, John) (Entered: 10/05/2012)
10/10/2012	177	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered, in accord with the parties' agreement this day during the telephone conference, supplementing the existing schedule as follows: all motions in limine and Daubert motions shall be filed by December 3, 2012, with oppositions due by December 17, 2012, it being understood that the court (at the pretrial conference on December 20, 2012) will schedule a hearing on the motions in anticipation of the trial now set for January 21, 2013 (or during the four weeks following). In proposing this schedule, Defendants represented that any summary judgment motion they pursue would not entail any Daubert expert issues. So ordered. (Neiman, Kenneth) (Entered: 10/10/2012)
10/10/2012	178	Set Deadlines/Hearings: All motions in limine and Daubert motions due by 12/3/2012. Responses due by 12/17/2012. (Finn, Mary) (Entered: 10/10/2012)
10/10/2012	179	ELECTRONIC Clerk's Notes for proceedings held before Magistrate Judge Kenneth P. Neiman: Counsel appear for Telephone Conference held on 10/10/2012. Colloquy re: status of case and current schedule. Order to issue. (Court Reporter: Digital Recording – For transcripts or CDs contact Deborah Scalfani by email at deborah_scalfani@mad.uscourts.gov.) (Healy, Bethaney) (Entered: 10/11/2012)
10/18/2012	<u>180</u>	MOTION to Change Venue by All Defendants.(Collins, Jeffrey) (Entered: 10/18/2012)
10/19/2012	<u>181</u>	Assented to MOTION for Discovery <i>Regarding Expert Depositions</i> by All Defendants. (Attachments: # <u>1</u> Exhibit Stipulation)(Bayless, Jeremy) (Entered: 10/19/2012)
10/22/2012	182	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>181</u> assented–to Motion to Enter Stipulation and Order Regarding Expert Depositions. So ordered. (Neiman, Kenneth) (Entered: 10/22/2012)
10/24/2012	<u>183</u>	MOTION to Compel <i>Production of Structured Interview Materials by Defendants' Expert Witness Jerry Milner</i> by All Plaintiffs.(Bartosz, Sara) (Entered: 10/24/2012)
10/24/2012	<u>184</u>	MEMORANDUM in Support re <u>183</u> MOTION to Compel <i>Production of Structured Interview Materials by Defendants' Expert Witness Jerry Milner</i> filed by All Plaintiffs. (Bartosz, Sara) (Entered: 10/24/2012)
10/24/2012	<u>185</u>	DECLARATION re <u>183</u> MOTION to Compel <i>Production of Structured Interview Materials by Defendants' Expert Witness Jerry Milner</i> by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Bartosz, Sara) (Entered: 10/24/2012)



11/01/2012	<u>186</u>	Opposition re <u>180</u> MOTION to Change Venue filed by All Plaintiffs. (Bartosz, Sara) (Entered: 11/01/2012)
11/02/2012	<u>187</u>	MOTION for Leave to File <i>Reply Brief</i> by All Defendants. (Attachments: # <u>1</u> Exhibit A)(Bayless, Jeremy) (Entered: 11/02/2012)
11/05/2012	188	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>187</u> Motion for Leave to File Reply. Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. So ordered. (Neiman, Kenneth) (Entered: 11/05/2012)
11/05/2012	<u>189</u>	REPLY to Response to <u>180</u> MOTION to Change Venue <i>Leave to File Granted on November 5, 2012</i> filed by All Defendants. (Bayless, Jeremy) (Entered: 11/05/2012)
11/06/2012	<u>190</u>	RESPONSE to Motion re <u>183</u> MOTION to Compel <i>Production of Structured Interview Materials by Defendants' Expert Witness Jerry Milner</i> filed by All Defendants. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G)(Collins, Jeffrey) (Entered: 11/06/2012)
11/07/2012	<u>191</u>	Emergency MOTION to Modify Scheduling Order <i>by 21 Days</i> by All Defendants. (Attachments: # <u>1</u> Exhibit A)(Collins, Jeffrey) (Entered: 11/07/2012)
11/08/2012	192	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting in part and denying in part <u>183</u> Plaintiffs' Motion to Compel Production of Structured Interview Materials of Defendants' Expert Witness Jerry Milner, in which Plaintiffs seek "all notes, transcriptions, or recordings of all interviews conducted by [the expert]] as part of his expert report, as well as the structured interview tool or form used by [the expert]." Insofar as it appears that Defendants have not opposed the production of the form or interview tool, if any, used by the expert, Plaintiffs' motion is ALLOWED; Defendants shall produce any such form or tool to Plaintiffs by November 9, 2012. However, Plaintiffs' motion is otherwise DENIED. Without more of a showing of substantial need on Plaintiffs' part, the court agrees with Defendants that the expert's notes, transcriptions, or recordings do not fall within the "facts or data" which must be part of the expert's report, as required by Fed. R. Civ. P. 26(a)(2)(B)(ii). As the First Circuit explained in 2004, with reference to the then-existing version of the rule ("the data or other information considered by the witness"), Rule 26, upon which Plaintiffs rely, "does not require that the expert report contain, or be accompanied by, all working notes or recordings." <i>Gillespie v. Sears</i> , 386 F.3d 21, 34–35 (1st Cir. 2004). There is no telling difference between the two versions of this subsection of the rule, except to make clear that the change was designed to provide "work-product protection against discovery regarding draft reports and disclosures or attorney-expert communications." Fed. R. Civ. P. 2010 Advisory Committee Note. To be sure, Plaintiffs also argue that the expert's report itself is inadequate insofar as it fails to attribute facts to the particular interviewees listed in its Appendix B. That failure, however, if failure it be, does not mandate that the expert's notes, etc. be produced as part of Defendants' Rule 26 obligations. Nonetheless, the expert, of course, should be prepared to address inquiries regarding such attributions at his deposition. So ordered. (Neiman, Kenneth) (Entered: 11/08/2012)
11/08/2012	<u>193</u>	Assented to MOTION for Discovery <i>Regarding Expert Depositions</i> by All Plaintiffs. (Attachments: # <u>1</u> Exhibit Stipulation)(Bartosz, Sara) (Entered: 11/08/2012)
11/09/2012	194	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>193</u> Motion Regarding Certain Expert Depositions. Endorsed stipulation to enter. (Neiman, Kenneth) (Entered: 11/09/2012)
11/09/2012	<u>195</u>	Magistrate Judge Kenneth P. Neiman: STIPULATION AND ORDER regarding Expert Depositions ENTERED, cc:cl. (Healy, Bethaney) (Entered: 11/09/2012)
11/13/2012	<u>196</u>	Opposition re <u>191</u> Emergency MOTION to Modify Scheduling Order <i>by 21 Days</i> filed by All Plaintiffs. (Borten, Laurence) (Entered: 11/13/2012)

11/13/2012	<u>197</u>	DECLARATION re <u>196</u> Opposition to Motion to Modify Scheduling Order by 21 Days by All Plaintiffs. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2)(Bartosz, Sara) (Entered: 11/13/2012)
11/14/2012	198	Judge Michael A. Ponsor: ENDORSED ORDER entered granting <u>180</u> Motion to Change Venue. ALLOWED. (Lindsay, Maurice) (Entered: 11/14/2012)
11/14/2012	<u>199</u>	Judge Michael A. Ponsor: ORDER entered. ORDER OF TRANSFER, this case is hereby ordered transferred to the Clerk in Boston to be redrawn to another judge. See the attached order for complete details. (Lindsay, Maurice) (Entered: 11/14/2012)
11/14/2012	200	Case transferred to Eastern Division (Boston) (Lindsay, Maurice) (Entered: 11/14/2012)
11/14/2012	201	Case no longer referred to Magistrate Judge Kenneth P. Neiman. (Lindsay, Maurice) (Entered: 11/14/2012)
11/19/2012	202	Case transferred in from Western Division (Springfield) on 11/19/2012 Case Number 3:10-cv-30073. (Abaid, Kimberly) (Entered: 11/19/2012)
11/19/2012	203	ELECTRONIC NOTICE of Case Assignment. Judge William G. Young assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Judith G. Dein. (Abaid, Kimberly) (Entered: 11/19/2012)
11/19/2012	<u>204</u>	Assented to MOTION for Discovery <i>Regarding Expert Depositions</i> by All Plaintiffs. (Attachments: # <u>1</u> Exhibit Stipulation)(Bartosz, Sara) (Entered: 11/19/2012)
11/20/2012	<u>205</u>	Joint MOTION for Rule 16 Scheduling Conference by All Parties.(Nili, Rachel) (Entered: 11/20/2012)
11/21/2012	206	Judge William G. Young: ELECTRONIC ORDER entered granting <u>205</u> Joint Motion for Rule 16 Scheduling Conference. (Gaudet, Jennifer) (Entered: 11/21/2012)
11/21/2012	207	ELECTRONIC NOTICE of Hearing. Status Conference set for 11/28/2012 02:30 PM in Courtroom 18 before Judge William G. Young. (Gaudet, Jennifer) (Entered: 11/21/2012)
11/21/2012	208	Judge William G. Young: ELECTRONIC ORDER entered granting <u>204</u> Assented to MOTION for Discovery Regarding Expert Depositions (Paine, Matthew) (Entered: 11/21/2012)
11/28/2012	213	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Status Conference held on 11/28/2012. The parties report status of the case. The Court sets the following deadlines: Summary Judgment motions are due on or before 12/3/2012; Responses are due 12/24/2012. A hearing on the motion(s) will be held at the January 10, 2013 motion session. The case is placed on the January 2013 running trial list but will not go forward before January 21, 2013 (Bench trial). The Court vacates any daubert or motions in limine deadlines. (Court Reporter: Donald Womack at womack@megatran.com.)(Attorneys present: Gleason, Lowry for the pltf.) (Gaudet, Jennifer) (Entered: 12/04/2012)
12/03/2012	<u>209</u>	MOTION for Partial Summary Judgment by All Defendants.(Tran, Liza) (Entered: 12/03/2012)
12/03/2012	<u>210</u>	MEMORANDUM in Support re <u>209</u> MOTION for Partial Summary Judgment filed by All Defendants. (Tran, Liza) (Entered: 12/03/2012)
12/03/2012	<u>211</u>	Statement of Material Facts L.R. 56.1 re <u>209</u> MOTION for Partial Summary Judgment filed by All Defendants. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Tran, Liza) (Entered: 12/03/2012)
12/04/2012	212	ELECTRONIC NOTICE issued requesting courtesy copy for <u>211</u> Statement of Material Facts L.R. 56.1, <u>209</u> MOTION for Partial Summary Judgment , <u>210</u> Memorandum in Support of Motion. Counsel who filed this document are requested to submit a courtesy copy of this document (or documents) to the Clerk's

		Office by. <b>These documents must be clearly marked as a Courtesy Copy and reflect the document number assigned by CM/ECF.</b> (Paine, Matthew) (Entered: 12/04/2012)
12/04/2012	214	Set/Reset Scheduling Order Deadlines: Motions due by 12/3/2012. Ready for Trial on or after 1/21/2013 09:00 AM in Courtroom 18 before Judge William G. Young. (Gaudet, Jennifer) (Entered: 12/04/2012)
12/04/2012	215	ELECTRONIC NOTICE Setting Hearing on Motion <u>209</u> MOTION for Partial Summary Judgment : Motion Hearing set for 1/10/2013 02:00 PM in Courtroom 18 before Judge William G. Young. Responses are due on or before 12/24/2012. (Gaudet, Jennifer) (Entered: 12/04/2012)
12/11/2012	<u>216</u>	Joint MOTION for Hearing <i>for a Final Pre-Trial Conference</i> by All Defendants.(Collins, Jeffrey) (Entered: 12/11/2012)
12/12/2012	217	Judge William G. Young: ELECTRONIC ORDER entered granting <u>216</u> Joint Motion to Set Final Pretrial Conference. (Gaudet, Jennifer) (Entered: 12/12/2012)
12/12/2012	<u>218</u>	NOTICE of Hearing. Final Pretrial Conference set for 1/16/2013 02:00 PM in Courtroom 18 before Judge William G. Young. (Gaudet, Jennifer) (Entered: 12/12/2012)
12/21/2012	<u>219</u>	<i>Pretrial Witness List Pursuant to Rule 26(a)(3)(A)(i)</i> by All Defendants. (Tran, Liza) (Entered: 12/21/2012)
12/21/2012	<u>220</u>	<i>Pretrial Exhibit List Pursuant to Rule 26(a)(3)(A)(iii)</i> by All Defendants.. (Attachments: # <u>1</u> Exhibit A)(Collins, Jeffrey) (Entered: 12/21/2012)
12/21/2012	<u>221</u>	MOTION in Limine <i>to Exclude the Tesimony of Lauren James</i> by All Defendants. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Collins, Jeffrey) (Entered: 12/21/2012)
12/21/2012	<u>222</u>	<i>Pretrial Witness List Pursuant to Rule 26(a)(3)(A)(i)</i> by All Plaintiffs. (Nili, Rachel) (Entered: 12/21/2012)
12/21/2012	<u>223</u>	MOTION in Limine <i>to Preclude Evidence of Individual Case Histories</i> by All Defendants. (Attachments: # <u>1</u> Exhibit A)(Tran, Liza) (Entered: 12/21/2012)
12/21/2012	<u>224</u>	<i>Pretrial Exhibit List Pursuant to Rule 26(a)(3)(A)(iii)</i> by All Plaintiffs.. (Attachments: # <u>1</u> Exhibit 1)(Nili, Rachel) (Entered: 12/21/2012)
12/21/2012	<u>225</u>	MOTION in Limine <i>to Exclude Evidence of Events Occurring While Class Members Were Not in State Custody</i> by All Defendants.(Tran, Liza) (Entered: 12/21/2012)
12/21/2012	<u>226</u>	<i>Pretrial Witness List Pursuant to Rule 26(a)(3)(A)(ii)</i> by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1)(Nili, Rachel) (Entered: 12/21/2012)
12/21/2012	<u>227</u>	MOTION in Limine <i>to Preclude Testimony of Cheryl Haddad</i> by All Defendants. (Attachments: # <u>1</u> Exhibit A)(Tran, Liza) (Entered: 12/21/2012)
12/21/2012	<u>228</u>	MOTION in Limine <i>to Exclude the "Hitting the M.A.R.C." Report</i> by All Defendants. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Tran, Liza) (Entered: 12/21/2012)
12/21/2012	<u>229</u>	MOTION to Strike <i>Plaintiffs' Additional Three Expert Witness Reports Submitted on November 19, 2012</i> by All Defendants. (Attachments: # <u>1</u> Exhibit A)(Tran, Liza) (Entered: 12/21/2012)
12/21/2012	<u>230</u>	MOTION in Limine <i>to Exclude the Testimony of Plaintiffs' Expert Lenette Azzi-Lessing, PhD, or in the Alternative to Significantly Limit Her Testimony Pursuant to Federal Rule of Evidence 702</i> by All Defendants. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Tran, Liza) (Entered: 12/21/2012)
12/21/2012	<u>231</u>	MOTION in Limine <i>to Exclude the Testimony of Cathy R. Crabtree Pursuant to Daubert v. Merrell Dow Pharmaceuticals, Inc.</i> by All Defendants. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Collins, Jeffrey) (Entered: 12/21/2012)
12/21/2012	<u>232</u>	MOTION in Limine <i>to Exclude the Testimony of Arburta Jones Pursuant to Daubert v. Merrell Dow Pharmaceuticals, Inc.</i> by All Defendants. (Attachments: #

		<u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Collins, Jeffrey) (Main Document 232 replaced on 1/3/2013) (Paine, Matthew). (Entered: 12/21/2012)
12/21/2012	<u>233</u>	MOTION in Limine to Exclude the Testimony of Christopher Bellonci Pursuant to <i>Daubert v. Merrell Dow Pharmaceuticals, Inc.</i> by All Defendants. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Collins, Jeffrey) (Entered: 12/21/2012)
12/21/2012	<u>234</u>	MOTION in Limine to Exclude All Evidence Relating to the CRC Report Under the <i>Daubert Standard and Federal Rule of Evidence 702</i> by All Defendants. (Attachments: # <u>1</u> Exhibit A (Part 1 of 11), # <u>2</u> Exhibit A (Part 2 of 11), # <u>3</u> Exhibit A (Part 3 of 11), # <u>4</u> Exhibit A (Part 4 of 11), # <u>5</u> Exhibit A (Part 5 of 11), # <u>6</u> Exhibit A (Part 6 of 11), # <u>7</u> Exhibit A (Part 7 of 11), # <u>8</u> Exhibit A (Part 8 of 11), # <u>9</u> Exhibit A (Part 9 of 11), # <u>10</u> Exhibit A (Part 10 of 11), # <u>11</u> Exhibit A (Part 11 of 11), # <u>12</u> Exhibit B, # <u>13</u> Exhibit C, # <u>14</u> Exhibit D, # <u>15</u> Exhibit E, # <u>16</u> Exhibit F, # <u>17</u> Exhibit G)(Tran, Liza) (Entered: 12/21/2012)
12/24/2012	<u>235</u>	Opposition re <u>209</u> MOTION for Partial Summary Judgment filed by All Plaintiffs. (Lowry, Marcia) (Entered: 12/24/2012)
12/24/2012	<u>236</u>	AFFIDAVIT of Laurence D. Borten in Opposition re <u>209</u> MOTION for Partial Summary Judgment filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 2, # <u>2</u> Exhibit 3, # <u>3</u> Exhibit 4, # <u>4</u> Exhibit 5, # <u>5</u> Exhibit 6, # <u>6</u> Exhibit 7, # <u>7</u> Exhibit 8, # <u>8</u> Exhibit 9, # <u>9</u> Exhibit 15, # <u>10</u> Exhibit 17, # <u>11</u> Exhibit 18, # <u>12</u> Exhibit 19, # <u>13</u> Exhibit 21, # <u>14</u> Exhibit 22, # <u>15</u> Exhibit 23, # <u>16</u> Exhibit 24, # <u>17</u> Exhibit 25, # <u>18</u> Exhibit 26, # <u>19</u> Exhibit 38, # <u>20</u> Exhibit 39, # <u>21</u> Exhibit 40, # <u>22</u> Exhibit 45, # <u>23</u> Exhibit 46, # <u>24</u> Exhibit 57, # <u>25</u> Exhibit 72, # <u>26</u> Exhibit 78, # <u>27</u> Exhibit 79, # <u>28</u> Exhibit 86, # <u>29</u> Exhibit 87, # <u>30</u> Exhibit 90, # <u>31</u> Exhibit 91, # <u>32</u> Exhibit 107)(Borten, Laurence) (Entered: 12/24/2012)
12/24/2012	<u>237</u>	First AFFIDAVIT of Sara Bartosz in Opposition re <u>209</u> MOTION for Partial Summary Judgment filed by All Parties. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 10, # <u>3</u> Exhibit 11, # <u>4</u> Exhibit 13, # <u>5</u> Exhibit 14, # <u>6</u> Exhibit 16, # <u>7</u> Exhibit 20, # <u>8</u> Exhibit 27, # <u>9</u> Exhibit 28, # <u>10</u> Exhibit 29, # <u>11</u> Exhibit 30, # <u>12</u> Exhibit 31, # <u>13</u> Exhibit 32, # <u>14</u> Exhibit 33, # <u>15</u> Exhibit 34, # <u>16</u> Exhibit 35, # <u>17</u> Exhibit 36, # <u>18</u> Exhibit 37, # <u>19</u> Exhibit 41, # <u>20</u> Exhibit 42, # <u>21</u> Exhibit 43, # <u>22</u> Exhibit 44, # <u>23</u> Exhibit 47, # <u>24</u> Exhibit 48, # <u>25</u> Exhibit 49, # <u>26</u> Exhibit 50, # <u>27</u> Exhibit 51, # <u>28</u> Exhibit 52)(Bartosz, Sara) (Entered: 12/24/2012)
12/24/2012	<u>238</u>	AFFIDAVIT of Rachel Brodin Nili in Opposition re <u>209</u> MOTION for Partial Summary Judgment filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 12, # <u>2</u> Exhibit 53, # <u>3</u> Exhibit 54, # <u>4</u> Exhibit 55, # <u>5</u> Exhibit 67, # <u>6</u> Exhibit 76, # <u>7</u> Exhibit 84, # <u>8</u> Exhibit 85, # <u>9</u> Exhibit 88, # <u>10</u> Exhibit 89, # <u>11</u> Exhibit 92, # <u>12</u> Exhibit 94, # <u>13</u> Exhibit 103, # <u>14</u> Exhibit 104)(Nili, Rachel) (Entered: 12/24/2012)
12/24/2012	<u>239</u>	AFFIDAVIT of Elissa Glucksman Hyne in Opposition re <u>209</u> MOTION for Partial Summary Judgment filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 96, # <u>2</u> Exhibit 108)(Borten, Laurence) (Entered: 12/24/2012)
12/24/2012	<u>240</u>	Response by All Plaintiffs to <u>211</u> Statement of Material Facts L.R. 56.1 . (Borten, Laurence) (Entered: 12/24/2012)
12/24/2012	<u>241</u>	Statement of Material Facts L.R. 56.1 re <u>209</u> MOTION for Partial Summary Judgment filed by All Plaintiffs. (Lowry, Marcia) (Entered: 12/24/2012)
12/24/2012	<u>242</u>	Second AFFIDAVIT of Sara Bartosz in Opposition re <u>209</u> MOTION for Partial Summary Judgment filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 56, # <u>2</u> Exhibit 58, # <u>3</u> Exhibit 59, # <u>4</u> Exhibit 60, # <u>5</u> Exhibit 61, # <u>6</u> Exhibit 62, # <u>7</u> Exhibit 63, # <u>8</u> Exhibit 64, # <u>9</u> Exhibit 65, # <u>10</u> Exhibit 66, # <u>11</u> Exhibit 68, # <u>12</u> Exhibit 69, # <u>13</u> Exhibit 70, # <u>14</u> Exhibit 71, # <u>15</u> Exhibit 73, # <u>16</u> Exhibit 74, # <u>17</u> Exhibit 75, # <u>18</u> Exhibit 77, # <u>19</u> Exhibit 80, # <u>20</u> Exhibit 81, # <u>21</u> Exhibit 82, # <u>22</u> Exhibit 83, # <u>23</u> Exhibit 93, # <u>24</u> Exhibit 95, # <u>25</u> Exhibit 97, # <u>26</u> Exhibit 98, # <u>27</u> Exhibit 99, # <u>28</u> Exhibit 100, # <u>29</u> Exhibit 101, # <u>30</u> Exhibit 102, # <u>31</u> Exhibit 105, # <u>32</u> Exhibit 106)(Bartosz, Sara) (Entered: 12/24/2012)
12/26/2012	243	ELECTRONIC NOTICE issued requesting courtesy copy for <u>235</u> Opposition to Motion, <u>220</u> Exhibit List, <u>237</u> Affidavit in Opposition to Motion,, <u>231</u> MOTION in



		<p><i>Limine to Exclude the Testimony of Cathy R. Crabtree Pursuant to Daubert v. Merrell Dow Pharmaceuticals, Inc.</i>, <u>226</u> Witness List, <u>242</u> Affidavit in Opposition to Motion,, <u>229</u> MOTION to Strike <i>Plaintiffs' Additional Three Expert Witness Reports Submitted on November 19, 2012</i>, <u>219</u> Witness List, <u>225</u> MOTION in <i>Limine to Exclude Evidence of Events Occurring While Class Members Were Not in State Custody</i>, <u>241</u> Statement of Material Facts L.R. 56.1, <u>238</u> Affidavit in Opposition to Motion, <u>232</u> MOTION in <i>Limine to Exclude the Testimony of Arburta Jones Pursuant to Daubert v. Merrell Dow Pharmaceuticals, Inc.</i>, <u>223</u> MOTION in <i>Limine to Preclude Evidence of Individual Case Histories</i>, <u>236</u> Affidavit in Opposition to Motion,, <u>224</u> Exhibit List, <u>233</u> MOTION in <i>Limine to Exclude the Testimony of Christopher Bellonci Pursuant to Daubert v. Merrell Dow Pharmaceuticals, Inc.</i>, <u>228</u> MOTION in <i>Limine to Exclude the "Hitting the M.A.R.C." Report</i>, <u>239</u> Affidavit in Opposition to Motion, <u>221</u> MOTION in <i>Limine to Exclude the Testimony of Lauren James</i>, <u>234</u> MOTION in <i>Limine to Exclude All Evidence Relating to the CRC Report Under the Daubert Standard and Federal Rule of Evidence 702</i>, <u>227</u> MOTION in <i>Limine to Preclude Testimony of Cheryl Haddad</i>, <u>230</u> MOTION in <i>Limine to Exclude the Testimony of Plaintiffs' Expert Lenette Azzi-Lessing, PhD, or in the Alternative to Significantly Limit Her Testimony Pursuant to Federal Rule of Evidence 702</i>, <u>222</u> Witness List, <u>240</u> Response. Counsel who filed this document are requested to submit a courtesy copy of this document (or documents) to the Clerk's Office by. <b>These documents must be clearly marked as a Courtesy Copy and reflect the document number assigned by CM/ECF.</b> (Paine, Matthew) (Entered: 12/26/2012)</p>
12/28/2012	<u>244</u>	MOTION to Strike <i>Plaintiffs' Exhibit List and Limit Plaintiffs' Use of Deposition Designations</i> by All Defendants.(Tran, Liza) (Entered: 12/28/2012)
12/31/2012	<u>245</u>	<i>Plaintiffs' Amended Exhibit List</i> by All Plaintiffs.. (Attachments: # <u>1</u> Exhibit 1)(Nili, Rachel) (Entered: 12/31/2012)
12/31/2012	<u>246</u>	RESPONSE to Motion re <u>244</u> MOTION to Strike <i>Plaintiffs' Exhibit List and Limit Plaintiffs' Use of Deposition Designations</i> filed by All Plaintiffs. (Bartosz, Sara) (Entered: 12/31/2012)
12/31/2012	<u>247</u>	AFFIDAVIT of Sara Michelle Bartosz in Opposition re <u>244</u> MOTION to Strike <i>Plaintiffs' Exhibit List and Limit Plaintiffs' Use of Deposition Designations</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Bartosz, Sara) (Entered: 12/31/2012)
01/03/2013	<u>248</u>	Opposition re <u>230</u> MOTION in <i>Limine to Exclude the Testimony of Plaintiffs' Expert Lenette Azzi-Lessing, PhD, or in the Alternative to Significantly Limit Her Testimony Pursuant to Federal Rule of Evidence 702</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit A)(Nili, Rachel) (Entered: 01/03/2013)
01/03/2013	<u>249</u>	AFFIDAVIT of Rachel Brodin Nili in Opposition re <u>230</u> MOTION in <i>Limine to Exclude the Testimony of Plaintiffs' Expert Lenette Azzi-Lessing, PhD, or in the Alternative to Significantly Limit Her Testimony Pursuant to Federal Rule of Evidence 702</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Nili, Rachel) (Entered: 01/03/2013)
01/03/2013	<u>250</u>	Opposition re <u>221</u> MOTION in <i>Limine to Exclude the Testimony of Lauren James</i> filed by All Plaintiffs. (Nili, Rachel) (Entered: 01/03/2013)
01/03/2013	<u>251</u>	RESPONSE to Motion re <u>228</u> MOTION in <i>Limine to Exclude the "Hitting the M.A.R.C." Report</i> filed by All Plaintiffs. (Nili, Rachel) (Entered: 01/03/2013)
01/03/2013	<u>252</u>	Opposition re <u>234</u> MOTION in <i>Limine to Exclude All Evidence Relating to the CRC Report Under the Daubert Standard and Federal Rule of Evidence 702</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit A)(Borten, Laurence) (Entered: 01/03/2013)
01/03/2013	<u>253</u>	AFFIDAVIT of Laurence D. Borten in Opposition re <u>234</u> MOTION in <i>Limine to Exclude All Evidence Relating to the CRC Report Under the Daubert Standard and Federal Rule of Evidence 702</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10)(Borten, Laurence) (Entered: 01/03/2013)

01/03/2013	<u>254</u>	Opposition re <u>229</u> MOTION to Strike <i>Plaintiffs' Additional Three Expert Witness Reports Submitted on November 19, 2012</i> filed by All Plaintiffs. (Borten, Laurence) (Entered: 01/03/2013)
01/03/2013	<u>255</u>	AFFIDAVIT of Laurence D. Borten in Opposition re <u>229</u> MOTION to Strike <i>Plaintiffs' Additional Three Expert Witness Reports Submitted on November 19, 2012</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Borten, Laurence) (Entered: 01/03/2013)
01/04/2013	<u>256</u>	Opposition re <u>225</u> MOTION in Limine to <i>Exclude Evidence of Events Occurring While Class Members Were Not in State Custody</i> filed by All Plaintiffs. (Nili, Rachel) (Entered: 01/04/2013)
01/04/2013	<u>257</u>	AFFIDAVIT of Rachel Brodin Nili in Opposition re <u>225</u> MOTION in Limine to <i>Exclude Evidence of Events Occurring While Class Members Were Not in State Custody</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Nili, Rachel) (Entered: 01/04/2013)
01/04/2013	<u>258</u>	Unopposed MOTION to Seal the <i>Deposition Transcript of Lauren James (DOCKET No 221-1)</i> by All Defendants.(Joseph, Steven) (Entered: 01/04/2013)
01/04/2013	<u>259</u>	Opposition re <u>223</u> MOTION in Limine to <i>Preclude Evidence of Individual Case Histories</i> filed by All Plaintiffs. (Polansky, Jessica) (Entered: 01/04/2013)
01/04/2013	<u>260</u>	AFFIDAVIT of Jessica Polansky in Opposition re <u>223</u> MOTION in Limine to <i>Preclude Evidence of Individual Case Histories</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Polansky, Jessica) (Entered: 01/04/2013)
01/04/2013	<u>261</u>	Opposition re <u>232</u> MOTION in Limine to <i>Exclude the Testimony of Arburta Jones Pursuant to Daubert v. Merrell Dow Pharmaceuticals, Inc.</i> filed by All Plaintiffs. (Nili, Rachel) (Entered: 01/04/2013)
01/04/2013	<u>262</u>	AFFIDAVIT in Opposition re <u>232</u> MOTION in Limine to <i>Exclude the Testimony of Arburta Jones Pursuant to Daubert v. Merrell Dow Pharmaceuticals, Inc.</i> . (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Nili, Rachel) (Entered: 01/04/2013)
01/04/2013	<u>263</u>	Opposition re <u>227</u> MOTION in Limine to <i>Preclude Testimony of Cheryl Haddad</i> filed by All Plaintiffs. (Polansky, Jessica) (Entered: 01/04/2013)
01/04/2013	<u>264</u>	AFFIDAVIT of Jessica Polansky in Opposition re <u>227</u> MOTION in Limine to <i>Preclude Testimony of Cheryl Haddad</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Polansky, Jessica) (Entered: 01/04/2013)
01/04/2013	<u>265</u>	Opposition re <u>233</u> MOTION in Limine to <i>Exclude the Testimony of Christopher Bellonci Pursuant to Daubert v. Merrell Dow Pharmaceuticals, Inc.</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit A)(Polansky, Jessica) (Entered: 01/04/2013)
01/04/2013	<u>266</u>	AFFIDAVIT of Jessica Polansky in Opposition re <u>233</u> MOTION in Limine to <i>Exclude the Testimony of Christopher Bellonci Pursuant to Daubert v. Merrell Dow Pharmaceuticals, Inc.</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Polansky, Jessica) (Entered: 01/04/2013)
01/04/2013	<u>267</u>	Opposition re <u>231</u> MOTION in Limine to <i>Exclude the Testimony of Cathy R. Crabtree Pursuant to Daubert v. Merrell Dow Pharmaceuticals, Inc.</i> filed by All Plaintiffs. (Borten, Laurence) (Entered: 01/04/2013)
01/04/2013	<u>268</u>	AFFIDAVIT in Opposition re <u>231</u> MOTION in Limine to <i>Exclude the Testimony of Cathy R. Crabtree Pursuant to Daubert v. Merrell Dow Pharmaceuticals, Inc.</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6)(Borten, Laurence) (Entered: 01/04/2013)
01/04/2013	<u>269</u>	<i>Amended Trial Exhibit List</i> by All Defendants.. (Attachments: # <u>1</u> Exhibit A)(Collins, Jeffrey) (Entered: 01/04/2013)
01/07/2013	270	ELECTRONIC NOTICE issued requesting courtesy copy for <u>260</u> Affidavit in Opposition to Motion, <u>261</u> Opposition to Motion, <u>266</u> Affidavit in Opposition to Motion, <u>259</u> Opposition to Motion, <u>264</u> Affidavit in Opposition to Motion, <u>263</u>

		Opposition to Motion, <u>268</u> Affidavit in Opposition to Motion, <u>269</u> Exhibit List, <u>257</u> Affidavit in Opposition to Motion, <u>267</u> Opposition to Motion, <u>258</u> MOTION to Seal <i>the Deposition Transcript of Lauren James (DOCKET No 221-1)</i> , <u>256</u> Opposition to Motion, <u>262</u> Affidavit in Opposition, <u>265</u> Opposition to Motion. Counsel who filed this document are requested to submit a courtesy copy of this document (or documents) to the Clerk's Office. <b>These documents must be clearly marked as a Courtesy Copy and reflect the document number assigned by CM/ECF.</b> (Paine, Matthew) (Entered: 01/07/2013)
01/07/2013	271	Judge William G. Young: ELECTRONIC ORDER entered granting <u>258</u> Unopposed MOTION to Seal the Deposition Transcript of Lauren James (DOCKET No 221-1) (Paine, Matthew) (Entered: 01/07/2013)
01/10/2013	272	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Motion Hearing held on 1/10/2013 re <u>209</u> MOTION for Partial Summary Judgment filed by All Defendants. After hearing from the parties, the Court enters and Order denying <u>209</u> Motion for Partial Summary Judgment. The motion is denied, not on the merits, but as a matter of judicial economy. (Court Reporter: Donald Womack at womack@megatran.com.)(Attorneys present: Bartosz, Lowry for the plths., Collins, Barshak, Tran for the defts.) (Gaudet, Jennifer) (Entered: 01/14/2013)
01/15/2013	<u>273</u>	Transcript of Motion Hearing held on January 10, 2013, before Judge William G. Young. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Donald Womack at womack@megatran.com Redaction Request due 2/5/2013. Redacted Transcript Deadline set for 2/15/2013. Release of Transcript Restriction set for 4/15/2013. (Scalfani, Deborah) (Entered: 01/15/2013)
01/15/2013	274	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at <a href="http://www.mad.uscourts.gov/attorneys/general-info.htm">http://www.mad.uscourts.gov/attorneys/general-info.htm</a> (Scalfani, Deborah) (Entered: 01/15/2013)
01/15/2013	<u>275</u>	MOTION to Correct <u>234</u> MOTION in Limine <i>to Exclude All Evidence Relating to the CRC Report Under the Daubert Standard and Federal Rule of Evidence 702 and [234-16] Exhibit F</i> by All Defendants. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit F)(Joseph, Steven) (Entered: 01/15/2013)
01/15/2013	<u>276</u>	<i>Supplemental Exhibit List</i> by All Plaintiffs.. (Attachments: # <u>1</u> Exhibit 1)(Nili, Rachel) (Entered: 01/15/2013)
01/16/2013	<u>277</u>	PRETRIAL MEMORANDUM by All Parties. (Attachments: # <u>1</u> Appendix A, # <u>2</u> Appendix B, # <u>3</u> Appendix C, # <u>4</u> Appendix D)(Tran, Liza) (Entered: 01/16/2013)
01/16/2013	278	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Final Pretrial Conference held on 1/16/2013. The Court inquires as to settlement. Bench trial to begin on Tuesday, January 22, 2013 at 9:00 AM. The plaintiffs have 20 trial days to complete their case. The 20 days will be interrupted only by criminal trials and civil matter Jepson v. Deutsche Bank 12-cv-11226. At the conclusion of the plaintiffs' case, the Court will break from this matter and turn to any civil jury trials on the running trial list that need to be heard. A further final pretrial conference will be held. The defense will then be given 20 trial days, the Court will again suspend for other matters and allow another 10 trial days if needed. The Court anticipates taken the matter under advisement at the conclusion of the trial. Any requests for findings and rulings shall be filed at the conclusion of the Commonwealth's case. (Court Reporter: None.) (Gaudet, Jennifer) (Entered: 01/17/2013)
01/17/2013	279	Set/Reset Hearings: Bench Trial Day One set for 1/22/2013 09:00 AM in Courtroom 18 before Judge William G. Young. Bench Trial Day Two set for 1/23/2013 09:00 AM in Courtroom 18 before Judge William G. Young. Bench Trial Day Three set for 1/24/2013 09:00 AM in Courtroom 18 before Judge William G. Young. Bench Trial Day Four set for 1/25/2013 09:00 AM in Courtroom 18 before Judge William G. Young. (Gaudet, Jennifer) (Entered: 01/17/2013)

		01/17/2013)
01/17/2013	<u>280</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Bethany J. Flaherty Filing fee: \$ 100, receipt number 0101-4286566 by Lauren Ashley James. (Attachments: # <u>1</u> Declaration of Bethany J. Flaherty)(Carter, Christopher) (Entered: 01/17/2013)
01/17/2013	<u>281</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Sujata M. Tanikella Filing fee: \$ 100, receipt number 0101-4286620 by Lauren Ashley James. (Attachments: # <u>1</u> Declaration of Sujata M. Tanikella)(Carter, Christopher) (Entered: 01/17/2013)
01/18/2013	282	Judge William G. Young: ELECTRONIC ORDER entered granting <u>280</u> Motion for Leave to Appear Pro Hac Vice. Added Bethany J. Flaherty. <b>Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at <a href="http://www.mad.uscourts.gov">www.mad.uscourts.gov</a>. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form.</b> (Gaudet, Jennifer) (Entered: 01/18/2013)
01/18/2013	283	Judge William G. Young: ELECTRONIC ORDER entered granting <u>281</u> Motion for Leave to Appear Pro Hac Vice. Added Sujata M. Tanikella. <b>Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at <a href="http://www.mad.uscourts.gov">www.mad.uscourts.gov</a>. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form.</b> (Gaudet, Jennifer) (Entered: 01/18/2013)
01/18/2013	<u>284</u>	TRIAL BRIEF by All Defendants. (Tran, Liza) (Entered: 01/18/2013)
01/18/2013	<u>285</u>	<i>Objections to Plaintiffs' Amended Exhibit List</i> by All Defendants.. (Tran, Liza) (Entered: 01/18/2013)
01/18/2013	<u>286</u>	<i>Objections to Plaintiffs' Supplemental Exhibit List</i> by All Defendants.. (Tran, Liza) (Entered: 01/18/2013)
01/19/2013	<u>287</u>	<i>Reference Key to Defendants' Objections to Plaintiffs' Exhibit List</i> by All Defendants.. (Tran, Liza) (Entered: 01/19/2013)
01/21/2013	<u>288</u>	<i>Defendants' Amended Objections to Plaintiffs' Amended Exhibit List</i> by All Defendants.. (Tran, Liza) (Entered: 01/21/2013)
01/21/2013	<u>289</u>	TRIAL BRIEF by All Plaintiffs. (Borten, Laurence) (Entered: 01/21/2013)
01/21/2013	<u>290</u>	<i>Defendants' Second Amended Exhibit List</i> by All Defendants.. (Tran, Liza) (Entered: 01/21/2013)
01/22/2013	291	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Bench Trial Day One held on 1/22/2013. Openings made by plaintiff and defendant. The plaintiffs' evidence commences with P-1, Lauren Ashley James (sworn), P-2, Dr. Christopher Bellonci (sworn). Court adjourned until Thursday, January 24, 2013 at 9:00 AM. (Court Reporter: Donald Womack at <a href="mailto:womack@megatran.com">womack@megatran.com</a> .) (Attorneys present: Bartosz, Borten, Russo for the pltfs., Tran, Collins and Barshak for the defts.) (Gaudet, Jennifer) (Entered: 01/22/2013)
01/22/2013	292	Set/Reset Hearings: Bench Trial Day Two set for 1/24/2013 09:00 AM in Courtroom 18 before Judge William G. Young. Bench Trial Day Three set for 1/25/2013 09:00 AM in Courtroom 18 before Judge William G. Young. (Gaudet, Jennifer) (Entered: 01/22/2013)
01/24/2013	293	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Bench Trial Day Two held on 1/24/2013. P-2, Christopher Bellonci resumes the stand. Court adjourned until 1/25/2013 at 9:00 AM. (Court Reporter: Donald Womack at <a href="mailto:womack@megatran.com">womack@megatran.com</a> .) (Attorneys present: Bartosz, Borten, Russo for the pltfs., Tran, Collins and Barshak for the defts.) (Gaudet, Jennifer) (Entered: 01/25/2013)



01/25/2013	294	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Bench Trial Day Three held on 1/25/2013. P-2, Dr. Christopher Bellonci resumes the stand. P-3, Lenette Lessing (sworn). Court adjourned at 1:00 PM. Trial continued to Wednesday, January 30, 2013 at 9:00 AM. (Bench Trial Day Four set for 1/30/2013 09:00 AM in Courtroom 18 before Judge William G. Young., Bench Trial Day Five set for 1/31/2013 09:00 AM in Courtroom 18 before Judge William G. Young.) (Court Reporter: Donald Womack at womack@megatran.com.)(Attorneys present: Bartosz, Borten, Russo for the pltfs., Tran, Collins and Barshak for the defts.) (Gaudet, Jennifer) (Entered: 01/25/2013)
01/30/2013	295	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Bench Trial Day Four held on 1/30/2013. The plaintiff's evidence continues with P-4, Raelene Freitag (sworn). Court adjourned until Thursday, January 31, 2013 at 9:00 AM. (Court Reporter: Donald Womack at womack@megatran.com.)(Attorneys present: Bartosz, Borten, Russo for the pltfs., Tran, Collins and Barshak for the defts.) (Gaudet, Jennifer) (Entered: 01/30/2013)
01/31/2013	296	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Bench Trial Day Five held on 1/31/2013. The plaintiff's evidence continues with P-4, Raelene Freitag (sworn). P-5, Kristen Johnson (sworn). Court adjourned until Monday, February 4, 2013 at 9:00 AM. Bench Trial day six set for 2/4/2013 09:00 AM in Courtroom 18 before Judge William G. Young., Bench Trial day seven set for 2/5/2013 09:00 AM in Courtroom 18 before Judge William G. Young., Bench Trial day eight set for 2/6/2013 09:00 AM in Courtroom 18 before Judge William G. Young., Bench Trial day nine set for 2/7/2013 09:00 AM in Courtroom 18 before Judge William G. Young., Bench Trial day ten set for 2/8/2013 09:00 AM in Courtroom 18 before Judge William G. Young.). (Court Reporter: Donald Womack at womack@megatran.com.)(Attorneys present: Bartosz, Borten, Russo for the pltfs., Tran, Collins and Barshak for the defts.) (Gaudet, Jennifer) (Entered: 01/31/2013)
02/04/2013	297	Mail Returned as Undeliverable. Mail sent to Bethany J. Flaherty (Paine, Matthew) (Entered: 02/05/2013)
02/04/2013	298	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Bench Trial Day Six held on 2/4/2013. P-5, Dr. Johnson resumes the stand. P-6, Professor Erik Nordheim (sworn). P-3, Lenette Lessing resumes the stand. Trial continued to 9:00 AM Tuesday, February 5, 2013. (Court Reporter: Donald Womack at womack@megatran.com.)(Attorneys present: Bartosz, Borten, Russo for the pltfs., Tran, Collins and Barshak for the defts.) (Gaudet, Jennifer) (Entered: 02/05/2013)
02/05/2013	299	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Bench Trial Day Seven held on 2/5/2013. P-3, Lenette Lessing resumes the stand. The Court announces to the parties that the exhibits will not be placed in case file at the conclusion of the trial due to names and personal data in said exhibits. The exhibits will be returned to counsel upon conclusion of this matter. Court adjourned until 9:00 AM, Wednesday, February 6, 2013. (Court Reporter: Donald Womack at womack@megatran.com.)(Attorneys present: Bartosz, Borten, Russo for the pltfs., Tran, Collins and Barshak for the defts.) (Gaudet, Jennifer) (Entered: 02/06/2013)
02/06/2013	300	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Bench Trial Day Eight held on 2/6/2013. P-3, Lenette Lessing resumes the stand. P-7, Elissa Clucksman Hyne (sworn). Plaintiff shall submit 2011 Report in accordance with exhibit 1086. P-8, Denise Sullivan (sworn). P-9, Arburta Jones (sworn). Bench trial continued to 9:00 AM on Thursday, February 7, 2013. (Court Reporter: Donald Womack at womack@megatran.com.)(Attorneys present: Bartosz, Borten, Russo for the pltfs., Tran, Collins and Barshak for the defts.) (Gaudet, Jennifer) (Entered: 02/07/2013)
02/07/2013	301	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Bench Trial Day nine held on 2/7/2013. P-2, Christopher Bellonci resumes the stand. P-9, Arburta Jones resumes the stand. Trial is suspended until Thursday, February 28, 2013 at 9:00 AM unless the Aldrich case (09cv11282) ends early next week. The clerk will notify the parties whether they should appear on Friday, February 15th. (Court Reporter: Donald Womack at

		womack@megatran.com.)(Attorneys present: Bartosz, Borten, Russo for the pltfs., Tran, Collins and Barshak for the defts.) (Gaudet, Jennifer) (Entered: 02/07/2013)
02/12/2013	302	ELECTRONIC NOTICE of Hearing. Bench Trial Day Ten set for 2/15/2013 09:00 AM in Courtroom 18 before Judge William G. Young. (Gaudet, Jennifer) (Entered: 02/12/2013)
02/14/2013	<u>303</u>	AMICUS BRIEF filed by Citizens Commission on Human Rights New England. (Paine, Matthew) (Entered: 02/14/2013)
02/14/2013	<u>304</u>	NOTICE of Appearance by Alexander Klibaner on behalf of Gail Garinger (Klibaner, Alexander) (Entered: 02/14/2013)
02/14/2013	<u>305</u>	MOTION to Quash <i>Trial Subpoena</i> by Gail Garinger. (Attachments: # <u>1</u> Affidavit Gail Garinger, the Child Advocate, # <u>2</u> Exhibit Exh. A to Garinger Affid., Trial Subpoena)(Klibaner, Alexander) (Entered: 02/14/2013)
02/15/2013	306	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Bench Trial Day Ten held on 2/15/2013. P-9, Arburta Jones resumes the stand. P-10, Judge Gail Garinger (sworn). Bench Trial Day Eleven set for 2/28/2013 09:00 AM in Courtroom 18 before Judge William G. Young., Bench Trial Day Twelve set for 3/1/2013 09:00 AM in Courtroom 18 before Judge William G. Young.). (Court Reporter: Donald Womack at womack@megatran.com.)(Attorneys present: Bartosz, Borten, Russo for the pltfs., Tran, Collins and Barshak for the defts.) (Gaudet, Jennifer) (Entered: 02/15/2013)
02/28/2013	307	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Bench Trial Day Eleven held on 2/28/2013. The plaintiffs' evidence continues with P-11, Catherine Crabtree (sworn). Bench trial continued to Friday, March 1, 2013 at 9:00 AM. (Court Reporter: Donald Womack at womack@megatran.com.)(Attorneys present: Bartosz, Borten, Russo for the pltfs., Tran, Collins and Barshak for the defts.) (Gaudet, Jennifer) (Entered: 03/01/2013)
03/01/2013	308	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Bench Trial Day Twelve held on 3/1/2013. P-11, Catherine Crabtree resumes the stand. Plaintiff rests. The parties are to submit any documents in dispute with notations. If the Court requires argument, a hearing will be set. The defendants will file a motion for judgment on the record – no deadline set. The trial is continued to a date in April, not yet set. The defendants move orally for an enlargement of the page limit for their motion, motion denied. (Court Reporter: Donald Womack at womack@megatran.com.)(Attorneys present: Bartosz, Borten, Russo for the pltfs., Tran, Collins and Barshak for the defts.) (Gaudet, Jennifer) (Entered: 03/05/2013)
04/08/2013	309	ELECTRONIC NOTICE of Hearing. Bench Trial day 13 set for 4/16/2013 09:00 AM. Bench Trial day 14 set for 4/17/2013 09:00 AM. Bench Trial day 15 set for 4/18/2013 09:00 AM. Bench Trial day 16 set for 4/19/2013 09:00 AM Bench Trial 17 set for 4/29/2013 09:00 AM. Bench Trial day 18 set for 4/30/2013 09:00 AM. Bench Trial day 19 set for 5/1/2013 09:00 AM. Bench Trial day 20 set for 5/2/2013 09:00 AM. Bench Trial day 21 set for 5/3/2013 09:00 AM in Courtroom 18 before Judge William G. Young. (Gaudet, Jennifer) (Entered: 04/08/2013)
04/12/2013	310	ELECTRONIC NOTICE Canceling Bench Trial starting April 16, 2013 through April 19, 2013, due to a family emergency with Lead Plaintiff's Counsel. The Bench Trial Will Resume on Monday April 29, 2013. (Paine, Matthew) (Entered: 04/12/2013)
04/16/2013	311	ELECTRONIC NOTICE of Hearing. Status/Scheduling Conference set for 4/18/2013 10:00 AM in Courtroom 18 before Judge William G. Young. (Gaudet, Jennifer) (Entered: 04/16/2013)
04/18/2013	312	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Status Conference held on 4/18/2013. The Court explains the upcoming schedule. The trial will resume on Monday, April 29th. The Court will sit on this trial the whole week of April 29th and May 6th. The trial will continue on Monday, May 13th and Tuesday, May 14th. The trial will suspend at this point to a future date to be determined. The Court announces the depositions reviewed. The

		defendant notifies the Court that they intend to file their motion at the conclusion of the cross-examination of Ms. Crabtree. The plaintiff shall file their reply within 14 days. (Court Reporter: Donald Womack at womack@megatran.com.)(Attorneys present: Bartosz, Borten, Russo for the plths., Tran, Collins and Barshak for the defts.) (Gaudet, Jennifer) (Entered: 04/18/2013)
04/26/2013	<u>313</u>	NOTICE of Appearance by Emily J. Grannon on behalf of All Plaintiffs (Grannon, Emily) (Entered: 04/26/2013)
04/29/2013	<u>314</u>	Amended Exhibit List by All Defendants.. (Attachments: # <u>1</u> Exhibit A)(Collins, Jeffrey) (Entered: 04/29/2013)
04/29/2013	315	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Bench Trial Day 13 held on 4/29/2013. Evidence not entered due to unavailability of witness. One trial day will be charged to the defendants. The Court announces the schedule going forward, including the options for when Ms. Crabtree should resume the stand for cross examination. (Court Reporter: Donald Womack at womack@megatran.com.)(Attorneys present: Bartosz, Borten, Russo for the plths., Tran, Collins and Barshak for the defts.) (Gaudet, Jennifer) (Entered: 04/30/2013)
04/30/2013	<u>316</u>	MOTION for Directed Verdict by All Defendants.(Collins, Jeffrey) (Entered: 04/30/2013)
04/30/2013	<u>317</u>	Memorandum of Law in Support <u>316</u> MOTION for Directed Verdict by All Defendants.(Collins, Jeffrey) (Modified on 5/1/2013 to Correct Docket Text and CM/ECF Document Linkage) (Paine, Matthew). (Entered: 04/30/2013)
04/30/2013	318	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Bench Trial Day 14 held on 4/30/2013. Defendants' evidence commences with D-1, Angelo McClain (sworn). (Court Reporter: Donald Womack at womack@megatran.com.)(Attorneys present: Bartosz, Borten, Russo for the plths., Tran, Collins and Barshak for the defts.) (Gaudet, Jennifer) (Entered: 05/01/2013)
05/01/2013	319	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Bench Trial Day 15 held on 5/1/2013. The testimony of D-1, Angelo McClain continues. The plaintiff shall file their response to <u>316</u> Defendants' Motion for Directed Verdict on or before May 16, 2013. A hearing will be set on the pending motion. (Court Reporter: Donald Womack at womack@megatran.com.)(Attorneys present: Bartosz, Borten, Russo for the plths., Tran, Collins and Barshak for the defts.) (Gaudet, Jennifer) (Entered: 05/02/2013)
05/02/2013	320	ELECTRONIC NOTICE Setting Hearing on Motion <u>316</u> MOTION for Directed Verdict : Motion Hearing set for 5/21/2013 02:45 PM in Courtroom 18 before Judge William G. Young. (Gaudet, Jennifer) (Entered: 05/02/2013)
05/02/2013	322	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Bench Trial Day 16 held on 5/2/2013. D-1, Angelo McClain resumes the stand. (Court Reporter: Donald Womack at womack@megatran.com.)(Attorneys present: Bartosz, Borten, Russo for the plths., Tran, Collins and Barshak for the defts.) (Gaudet, Jennifer) (Entered: 05/03/2013)
05/03/2013	321	Set/Reset Deadlines as to <u>316</u> MOTION for Directed Verdict. Motion Hearing reset for 5/21/2013 02:30 PM in Courtroom 18 before Judge William G. Young. PLEASE NOTE: Change in time only. (Gaudet, Jennifer) (Entered: 05/03/2013)
05/03/2013	323	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Bench Trial Day 17 held on 5/3/2013. D-1, Angelo McClain resumes the stand. (Bench Trial day 18 set for 5/6/2013 09:00 AM, Bench Trial day 19 set for 5/7/2013 09:00 AM, Bench Trial day 20 set for 5/8/2013 09:00 AM, Bench Trial day 21 set for 5/9/2013 09:00 AM, Bench Trial day 22 set for 5/10/2013 09:00 AM, Bench Trial day 23 set for 5/13/2013 09:00 AM, Bench Trial day 24 set for 5/14/2013 09:00 AM in Courtroom 18 before Judge William G. Young.) (Court Reporter: Donald Womack at womack@megatran.com.)(Attorneys present: Bartosz, Borten, Russo for the plths., Tran, Collins and Barshak for the defts.) (Gaudet, Jennifer) (Entered: 05/03/2013)

05/06/2013	324	Set/Reset Hearings: Bench Trial Day Nineteen reset for 5/7/2013 10:00 AM in Courtroom 18 before Judge William G. Young. Time Change ONLY. (Gaudet, Jennifer) (Entered: 05/06/2013)
05/06/2013	345	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Bench Trial Day 18 held on 5/6/2013. D-1, Angelo McClain resumes the stand. Court adjourned at 1:00 PM to resume at 10:00 AM on Tuesday, May 7, 2013. (Court Reporter: Donald Womack at womack@megatran.com)(Attorneys present: Bartosz, Borten, Russo for the plths., Tran, Collins and Barshak for the defts.) (Gaudet, Jennifer) (Entered: 05/07/2013)
05/07/2013	<u>325</u>	Transcript of Bench Trial – Day One held on January 22, 2013, before Judge William G. Young. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Donald Womack at womack@megatran.com Redaction Request due 5/28/2013. Redacted Transcript Deadline set for 6/7/2013. Release of Transcript Restriction set for 8/5/2013. (Scalfani, Deborah) (Entered: 05/07/2013)
05/07/2013	<u>326</u>	Transcript of Bench Trial – Day Two held on January 24, 2013, before Judge William G. Young. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Donald Womack at womack@megatran.com Redaction Request due 5/28/2013. Redacted Transcript Deadline set for 6/7/2013. Release of Transcript Restriction set for 8/5/2013. (Scalfani, Deborah) (Entered: 05/07/2013)
05/07/2013	<u>327</u>	Transcript of Bench Trial – Day Three held on January 25, 2013, before Judge William G. Young. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Donald Womack at womack@megatran.com Redaction Request due 5/28/2013. Redacted Transcript Deadline set for 6/7/2013. Release of Transcript Restriction set for 8/5/2013. (Scalfani, Deborah) (Entered: 05/07/2013)
05/07/2013	<u>328</u>	Transcript of Bench Trial – Day Four held on January 30, 2013, before Judge William G. Young. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Donald Womack at womack@megatran.com Redaction Request due 5/28/2013. Redacted Transcript Deadline set for 6/7/2013. Release of Transcript Restriction set for 8/5/2013. (Scalfani, Deborah) (Entered: 05/07/2013)
05/07/2013	<u>329</u>	Transcript of Bench Trial – Day Five held on January 31, 2013, before Judge William G. Young. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Donald Womack at womack@megatran.com Redaction Request due 5/28/2013. Redacted Transcript Deadline set for 6/7/2013. Release of Transcript Restriction set for 8/5/2013. (Scalfani, Deborah) (Entered: 05/07/2013)
05/07/2013	<u>330</u>	Transcript of Bench Trial – Day Six held on February 4, 2013, before Judge William G. Young. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Donald Womack at womack@megatran.com Redaction Request due 5/28/2013. Redacted Transcript Deadline set for 6/7/2013. Release of Transcript Restriction set for 8/5/2013. (Scalfani, Deborah) (Entered: 05/07/2013)
05/07/2013	<u>331</u>	Transcript of Bench Trial – Day Seven held on February 5, 2013, before Judge William G. Young. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Donald Womack at womack@megatran.com Redaction Request due 5/28/2013. Redacted Transcript Deadline set for 6/7/2013. Release of Transcript Restriction set for 8/5/2013. (Scalfani, Deborah) (Entered: 05/07/2013)



05/07/2013	<u>332</u>	Transcript of Bench Trial – Day Eight held on February 6, 2013, before Judge William G. Young. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Donald Womack at womack@megatran.com Redaction Request due 5/28/2013. Redacted Transcript Deadline set for 6/7/2013. Release of Transcript Restriction set for 8/5/2013. (Scalfani, Deborah) (Entered: 05/07/2013)
05/07/2013	<u>333</u>	Transcript of Bench Trial – Day Nine held on February 7, 2013, before Judge William G. Young. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Donald Womack at womack@megatran.com Redaction Request due 5/28/2013. Redacted Transcript Deadline set for 6/7/2013. Release of Transcript Restriction set for 8/5/2013. (Scalfani, Deborah) (Entered: 05/07/2013)
05/07/2013	<u>334</u>	Transcript of Bench Trial – Day Ten held on February 15, 2013, before Judge William G. Young. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Donald Womack at womack@megatran.com Redaction Request due 5/28/2013. Redacted Transcript Deadline set for 6/7/2013. Release of Transcript Restriction set for 8/5/2013. (Scalfani, Deborah) (Entered: 05/07/2013)
05/07/2013	<u>335</u>	Transcript of Bench Trial – Day Eleven held on February 28, 2013, before Judge William G. Young. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Donald Womack at womack@megatran.com Redaction Request due 5/28/2013. Redacted Transcript Deadline set for 6/7/2013. Release of Transcript Restriction set for 8/5/2013. (Scalfani, Deborah) (Entered: 05/07/2013)
05/07/2013	<u>336</u>	Transcript of Bench Trial – Day Twelve held on March 1, 2013, before Judge William G. Young. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Donald Womack at womack@megatran.com Redaction Request due 5/28/2013. Redacted Transcript Deadline set for 6/7/2013. Release of Transcript Restriction set for 8/5/2013. (Scalfani, Deborah) (Entered: 05/07/2013)
05/07/2013	<u>337</u>	Transcript of Status Conference held on April 18, 2013, before Judge William G. Young. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Donald Womack at womack@megatran.com Redaction Request due 5/28/2013. Redacted Transcript Deadline set for 6/7/2013. Release of Transcript Restriction set for 8/5/2013. (Scalfani, Deborah) (Entered: 05/07/2013)
05/07/2013	<u>338</u>	Transcript of Bench Trial – Day Thirteen held on April 29, 2013, before Judge William G. Young. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Donald Womack at womack@megatran.com Redaction Request due 5/28/2013. Redacted Transcript Deadline set for 6/7/2013. Release of Transcript Restriction set for 8/5/2013. (Scalfani, Deborah) (Entered: 05/07/2013)
05/07/2013	<u>339</u>	Transcript of Bench Trial – Day Fourteen held on April 30, 2013, before Judge William G. Young. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Donald Womack at womack@megatran.com Redaction Request due 5/28/2013. Redacted Transcript Deadline set for 6/7/2013. Release of Transcript Restriction set for 8/5/2013. (Scalfani, Deborah) (Entered: 05/07/2013)
05/07/2013	<u>340</u>	Transcript of Bench Trial – Day Fifteen held on May 1, 2013, before Judge William G. Young. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court



		Reporter Name and Contact Information: Donald Womack at womack@megatran.com Redaction Request due 5/28/2013. Redacted Transcript Deadline set for 6/7/2013. Release of Transcript Restriction set for 8/5/2013. (Scalfani, Deborah) (Entered: 05/07/2013)
05/07/2013	<u>341</u>	Transcript of Bench Trial – Day Sixteen held on May 2, 2013, before Judge William G. Young. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Donald Womack at womack@megatran.com Redaction Request due 5/28/2013. Redacted Transcript Deadline set for 6/7/2013. Release of Transcript Restriction set for 8/5/2013. (Scalfani, Deborah) (Entered: 05/07/2013)
05/07/2013	<u>342</u>	Transcript of Bench Trial – Day Seventeen held on May 3, 2013, before Judge William G. Young. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Donald Womack at womack@megatran.com Redaction Request due 5/28/2013. Redacted Transcript Deadline set for 6/7/2013. Release of Transcript Restriction set for 8/5/2013. (Scalfani, Deborah) (Entered: 05/07/2013)
05/07/2013	<u>343</u>	Transcript of Bench Trial – Day Eighteen held on May 6, 2013, before Judge William G. Young. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Donald Womack at womack@megatran.com Redaction Request due 5/28/2013. Redacted Transcript Deadline set for 6/7/2013. Release of Transcript Restriction set for 8/5/2013. (Scalfani, Deborah) (Entered: 05/07/2013)
05/07/2013	344	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at <a href="http://www.mad.uscourts.gov/attorneys/general-info.htm">http://www.mad.uscourts.gov/attorneys/general-info.htm</a> (Scalfani, Deborah) (Entered: 05/07/2013)
05/07/2013	346	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Bench Trial Day 19 held on 5/7/2013. D-1, Angelo McClain resumes the stand. P-11, Catherine Crabtree resumes the stand for cross-examination. (Court Reporter: Donald Womack at womack@megatran.com.)(Attorneys present: Bartosz, Borten, Russo for the pltfs., Tran, Collins and Barshak for the defts.) (Gaudet, Jennifer) (Entered: 05/08/2013)
05/08/2013	<u>347</u>	Transcript of Bench Trial – Day Nineteen held on May 7, 2013, before Judge William G. Young. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Donald Womack at womack@megatran.com Redaction Request due 5/29/2013. Redacted Transcript Deadline set for 6/10/2013. Release of Transcript Restriction set for 8/6/2013. (Scalfani, Deborah) (Entered: 05/08/2013)
05/08/2013	348	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at <a href="http://www.mad.uscourts.gov/attorneys/general-info.htm">http://www.mad.uscourts.gov/attorneys/general-info.htm</a> (Scalfani, Deborah) (Entered: 05/08/2013)
05/08/2013	351	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Bench Trial Day 20 held on 5/8/2013. P-11, Catherine Crabtree resumes the stand. (Court Reporter: Donald Womack at womack@megatran.com.)(Attorneys present: Bartosz, Borten, Russo for the pltfs., Tran, Collins and Barshak for the defts.) (Gaudet, Jennifer) (Entered: 05/09/2013)
05/09/2013	<u>349</u>	Transcript of Bench Trial – Day Twenty held on May 8, 2013, before Judge William G. Young. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Donald Womack at womack@megatran.com Redaction Request due 5/30/2013. Redacted Transcript

		Deadline set for 6/10/2013. Release of Transcript Restriction set for 8/7/2013. (Scalfani, Deborah) (Entered: 05/09/2013)
05/09/2013	350	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at <a href="http://www.mad.uscourts.gov/attorneys/general-info.htm">http://www.mad.uscourts.gov/attorneys/general-info.htm</a> (Scalfani, Deborah) (Entered: 05/09/2013)
05/09/2013	354	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Bench Trial Day 21 held on 5/9/2013. P-11, Catherine Crabtree resumes the stand. (Court Reporter: Donald Womack at womack@megatran.com.)(Attorneys present: Bartosz, Borten, Russo for the pltfs., Tran, Collins and Barshak for the defts.) (Gaudet, Jennifer) (Entered: 05/13/2013)
05/10/2013	<u>352</u>	Transcript of Bench Trial – Day Twenty One held on May 9, 2013, before Judge William G. Young. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Donald Womack at womack@megatran.com Redaction Request due 5/31/2013. Redacted Transcript Deadline set for 6/10/2013. Release of Transcript Restriction set for 8/8/2013. (Scalfani, Deborah) (Entered: 05/10/2013)
05/10/2013	353	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at <a href="http://www.mad.uscourts.gov/attorneys/general-info.htm">http://www.mad.uscourts.gov/attorneys/general-info.htm</a> (Scalfani, Deborah) (Entered: 05/10/2013)
05/10/2013	355	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Bench Trial Day 22 held on 5/10/2013. P-11, Catherine Crabtree resumes the stand. (Court Reporter: Donald Womack at womack@megatran.com.)(Attorneys present: Bartosz, Borten, Russo for the pltfs., Tran, Collins and Barshak for the defts.) (Gaudet, Jennifer) (Entered: 05/13/2013)
05/13/2013	361	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Bench Trial Day 23 held on 5/13/2013. D-2, Jan Nisenbaum (sworn). (Court Reporter: Donald Womack at womack@megatran.com.)(Attorneys present: Bartosz, Borten, Russo for the pltfs., Tran, Collins and Barshak for the defts.) (Gaudet, Jennifer) (Entered: 05/24/2013)
05/14/2013	362	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Bench Trial Day 24 held on 5/14/2013. D-2, Jan Nisenbaum resumes the stand. Trial suspended until further notice. Motion hearing set for 5/21/2013 at 2:30 PM. (Court Reporter: Donald Womack at womack@megatran.com.)(Attorneys present: Bartosz, Borten, Russo for the pltfs., Tran, Collins and Barshak for the defts.) (Gaudet, Jennifer) (Entered: 05/24/2013)
05/16/2013	<u>356</u>	RESPONSE to Motion re <u>316</u> MOTION for Directed Verdict filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit A – Plaintiffs' Proposed Findings of Fact)(Borten, Laurence) (Entered: 05/16/2013)
05/17/2013	357	ELECTRONIC NOTICE issued requesting courtesy copy for <u>356</u> Response to Motion. Counsel who filed this document are requested to submit a courtesy copy of this document (or documents) to the Clerk's Office by. <b>These documents must be clearly marked as a Courtesy Copy and reflect the document number assigned by CM/ECF.</b> (Paine, Matthew) (Entered: 05/17/2013)
05/17/2013	<u>358</u>	Transcript of Bench Trial – Day Twenty Three held on May 13, 2013, before Judge William G. Young. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Donald Womack at womack@megatran.com Redaction Request due 6/7/2013. Redacted Transcript Deadline set for 6/17/2013. Release of Transcript Restriction set for 8/15/2013. (Scalfani, Deborah) (Entered: 05/17/2013)

05/17/2013	<u>359</u>	Transcript of Bench Trial – Day Twenty Four held on May 14, 2013, before Judge William G. Young. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Donald Womack at womack@megatran.com Redaction Request due 6/7/2013. Redacted Transcript Deadline set for 6/17/2013. Release of Transcript Restriction set for 8/15/2013. (Scalfani, Deborah) (Entered: 05/17/2013)
05/17/2013	360	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at <a href="http://www.mad.uscourts.gov/attorneys/general-info.htm">http://www.mad.uscourts.gov/attorneys/general-info.htm</a> (Scalfani, Deborah) (Entered: 05/17/2013)
05/21/2013	363	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young: Motion Hearing held on 5/21/2013 re <u>316</u> MOTION for Directed Verdict filed by All Defendants. Oral arguments by defendant and plaintiff. The Court takes the matter under advisement. If the case proceeds, a date will be set for trial to resume in September 2013. (Court Reporter: Donald Womack at womack@megatran.com.)(Attorneys present: Bartosz, Borten, Russo for the plths., Tran, Collins and Barshak for the defts.) (Gaudet, Jennifer) (Entered: 05/24/2013)
05/30/2013	<u>364</u>	Transcript of Motion Hearing held on May 21, 2013, before Judge William G. Young. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Donald Womack at womack@megatran.com Redaction Request due 6/20/2013. Redacted Transcript Deadline set for 7/1/2013. Release of Transcript Restriction set for 8/28/2013. (Scalfani, Deborah) (Entered: 05/30/2013)
05/30/2013	365	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at <a href="http://www.mad.uscourts.gov/attorneys/general-info.htm">http://www.mad.uscourts.gov/attorneys/general-info.htm</a> (Scalfani, Deborah) (Entered: 05/30/2013)
06/21/2013	<u>366</u>	NOTICE of Withdrawal of Appearance by Jessica Elyse Polansky (Polansky, Jessica) (Entered: 06/21/2013)
06/21/2013	<u>367</u>	<i>Amended</i> Exhibit List by All Plaintiffs.. (Attachments: # <u>1</u> Exhibit A)(Nili, Rachel) (Entered: 06/21/2013)
07/08/2013	<u>368</u>	NOTICE of Withdrawal of Appearance of Kara Morrow (Nili, Rachel) (Modified on 7/9/2013 to Correct Docket Text) (Paine, Matthew). (Entered: 07/08/2013)
09/30/2013	<u>369</u>	Judge William G. Young: ORDER entered: Having had the opportunity to review the trial transcripts, exhibits, and other evidence in the record in exquisite detail, this Court GRANTS the Defendants motion for judgment on the record, ECF No. 316, and enters final judgment in the Defendants favor. Beholden to the reporting requirements imposed by the Civil Justice Reform Act of 1990, 28 U.S.C. §§ 471–482, the Courts order presently stands absent any accompanying rationale. The parties ought rest assured, however, that a memorandum setting forth the relevant findings of fact and conclusions of law, as required by Federal Rule of Civil Procedure 52(c), is to follow in due course. The time for filing an appeal, if any, is extended and shall commence to run upon the filing of the memorandum. SO ORDERED re <u>316</u> Motion for Directed Verdict. (Paine, Matthew) (Entered: 09/30/2013)
09/30/2013	<u>370</u>	Judge William G. Young: ORDER entered. JUDGMENT (Paine, Matthew) (Main Document 370 replaced on 10/1/2013 Due to Typographical Error) (Paine, Matthew). (Entered: 09/30/2013)
10/09/2013	<u>371</u>	MOTION for Extension of Time to 11/29/2013 to File Notice of Appeal by All Plaintiffs.(Persky, Jonathan) (Entered: 10/09/2013)
10/10/2013	372	Judge William G. Young: ELECTRONIC ORDER entered granting <u>371</u> MOTION for Extension of Time to 11/29/2013 to File Notice of Appeal (Paine, Matthew) (Entered: 10/10/2013)

11/22/2013	<u>373</u>	Judge William G. Young: ORDER entered. FINDINGS AND RULINGS(Paine, Matthew) (Entered: 11/22/2013)
11/26/2013	<u>374</u>	NOTICE OF APPEAL as to <u>369</u> Order on Motion for Directed Verdict,,, <u>370</u> Judgment, <u>373</u> Findings of Fact & Conclusions of Law by All Plaintiffs Filing fee: \$ 455, receipt number 0101-4748420 Fee Status: Not Exempt. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov">http://www.ca1.uscourts.gov</a> MUST be completed and submitted to the Court of Appeals. <b>Counsel shall register for a First Circuit CM/ECF Appellate Filer Account at <a href="http://pacer.psc.uscourts.gov/cmecf">http://pacer.psc.uscourts.gov/cmecf</a>. Counsel shall also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at <a href="http://www.ca1.uscourts.gov/cmecf">http://www.ca1.uscourts.gov/cmecf</a>. US District Court Clerk to deliver official record to Court of Appeals by 12/16/2013. (Persky, Jonathan) (Entered: 11/26/2013)</b>
11/27/2013	<u>375</u>	Certified and Transmitted Abbreviated Electronic Record on Appeal to US Court of Appeals re <u>374</u> Notice of Appeal (Paine, Matthew) (Entered: 11/27/2013)
11/27/2013	376	USCA Case Number 13-2467 for <u>374</u> Notice of Appeal filed by All Plaintiffs. (Paine, Matthew) (Entered: 11/27/2013)
12/02/2013	<u>377</u>	Transcript of Conference held on November 28, 2012, before Judge William G. Young. COA Case No. 13-2467. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Donald Womack at womack@megatran.com Redaction Request due 12/23/2013. Redacted Transcript Deadline set for 1/2/2014. Release of Transcript Restriction set for 3/2/2014. (Scalfani, Deborah) (Entered: 12/02/2013)
12/02/2013	378	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at <a href="http://www.mad.uscourts.gov/attorneys/general-info.htm">http://www.mad.uscourts.gov/attorneys/general-info.htm</a> (Scalfani, Deborah) (Entered: 12/02/2013)
12/02/2013	<u>379</u>	Transcript of Bench Trial Day Twenty Two held on May 10, 2013, before Judge William G. Young. COA Case No. 13-2467. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Donald Womack at womack@megatran.com Redaction Request due 12/23/2013. Redacted Transcript Deadline set for 1/2/2014. Release of Transcript Restriction set for 3/2/2014. (Scalfani, Deborah) (Entered: 12/02/2013)
12/06/2013	<u>380</u>	TRANSCRIPT ORDER FORM by All Plaintiffs for proceedings held on 03/30/2011 and 10/10/2012 Judge Magistrate Judge Kenneth P. Neiman.. (Lowry, Marcia) (Entered: 12/06/2013)
02/03/2014	<u>381</u>	Transcript of Status Conference held on March 30, 2011, before Magistrate Judge Kenneth P. Neiman. COA Case No. 13-2467. The Transcript may be purchased through Judy Bond Gonsalves at 508-984-7003, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name: No Reporter Used. Digital Recording transcribed by Judy Bond Gonsalves. Redaction Request due 2/24/2014. Redacted Transcript Deadline set for 3/6/2014. Release of Transcript Restriction set for 5/5/2014. (Scalfani, Deborah) (Entered: 02/03/2014)
02/03/2014	<u>382</u>	Transcript of Telephonic Conference Hearing held on October 10, 2012, before Magistrate Judge Kenneth P. Neiman. COA Case No. 13-2467. The Transcript may be purchased through Judy Bond Gonsalves at 508-984-7003, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name: No Reporter Used. Digital Recording transcribed by Judy Bond Gonsalves. Redaction Request due 2/24/2014. Redacted Transcript Deadline set for 3/6/2014. Release of Transcript Restriction set for 5/5/2014. (Scalfani, Deborah) (Entered: 02/03/2014)
02/03/2014	383	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at

		<a href="http://www.mad.uscourts.gov/attorneys/general-info.htm">http://www.mad.uscourts.gov/attorneys/general-info.htm</a> (Scalfani, Deborah) (Entered: 02/03/2014)
12/15/2014	<u>386</u>	OPINION of USCA as to <u>374</u> Notice of Appeal filed by All Plaintiffs. (Paine, Matthew) (Entered: 12/16/2014)
12/15/2014	<u>387</u>	USCA Judgment as to <u>374</u> Notice of Appeal filed by All Plaintiffs. The decision of the district court is affirmed. No costs are awarded. (Paine, Matthew) (Entered: 12/16/2014)
01/07/2015	<u>388</u>	MANDATE of USCA as to <u>374</u> Notice of Appeal filed by All Plaintiffs. Appeal <u>374</u> Terminated (Paine, Matthew) (Entered: 01/08/2015)