

CLOSED

**United States District Court
District of Massachusetts (Springfield)
CIVIL DOCKET FOR CASE #: 3:76-cv-04423-FHF**

Brewster, et al v. Comm of Mass, et al
Assigned to: Judge Frank H. Freedman
Demand: \$0
Cause: 28:1983 Civil Rights

Date Filed: 12/15/1976
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

David Brewster

Plaintiff

Hector Santiago

Plaintiff

Thonnie Rowell

Plaintiff

Adeline Stark

Plaintiff

Richard Schneider

Plaintiff

Donald Gaboury

Plaintiff

Martin Weinberg

Plaintiff

Albert Potter

Plaintiff

Ella Bailey

V.

Defendant

Commonwealth of Massachusetts

Defendant

Dr. Robert L. Okin

Defendant

Dr. Mary Jane England

Defendant

Robert W. Murphy

Defendant

Rudolph Magnone

Defendant

Nancy MacGillvray

| Date Filed | # | Docket Text |
|-------------------|----------|---|
| 01/02/1991 | | Ps' Response in opposition to Ds' Motion to Enlarge Time to Resp. to Ps' motion for attorney's fees. (mef) (Entered: 01/04/1991) |
| 01/04/1991 | | Chief Judge Frank H. Freedman . Endorsed Order entered ALLOWING Ds' motion to ext. time to resp. to Ps' motion for attorney's fees to 2/01/91. (mef) (Entered: 01/04/1991) |
| 01/31/1991 | | Ds' Motion to extend time to 2/08/91 to Resp. to Ps' motion for attorneys' fees. (mef) (Entered: 02/01/1991) |
| 01/31/1991 | | Chief Judge Frank H. Freedman . Endorsed Order granting [0-1] motion to extend time to 2/08/91 to Resp. to Ps' motion for attorneys' fees. (mef) (Entered: 02/01/1991) |
| 02/11/1991 | | Ds' Motion to Bar Further Attorney's Fee Awards (fmr) (Entered: 02/11/1991) |
| 02/11/1991 | | Ds' Memorandum in opposition to Motion for Attorneys' Fees and in support of Motion to Bar Further Fee Awards (fmr) (Entered: 02/11/1991) |
| 02/14/1991 | | Chief Judge Frank H. Freedman . Endorsed Order granting [0-1] motion to extend time to resp. to Ds' motion to bar fees and for leave to file reply brief to Ds' oppos. to motion for fees. (Both due 3/01/91) (mef) (Entered: 02/20/1991) |
| 02/14/1991 | | Ps' Motion to extend time to resp. to Ds' motion to bar fees and for leave to file reply brief to Ds' oppos. to motion for fees (fmr) (Entered: 02/14/1991) |
| 03/04/1991 | | Ps' Reply Memorandum in support of their Motion for an Interim Award of Attorney's Fees. (mef) (Entered: 03/04/1991) |
| 03/04/1991 | | Ps' Memorandum in opposition to [0-1] Ds' motion to Bar Further Attorney's Fee Awards (mef) (Entered: 03/04/1991) |
| 05/07/1991 | | Ps' Motion for status conf. re cuts to community mental health services (fmr) (Entered: 05/07/1991) |
| 05/17/1991 | | Ds' Response motion for status conf. re cuts to community mental health |

| | | |
|------------|--|---|
| | | (fmr) (Entered: 05/17/1991) |
| 06/10/1991 | | Chief Judge Frank H. Freedman . Memorandum and Order entered. The Court hereby ORDERS defendants to pay to plaintiffs the sum of \$24,915.00 for reasonable attorneys' fees incurred in the case. The Court DENIES defendants' motion to bar attorney fee awards in the future. (mef) (Entered: 06/10/1991) |
| 06/28/1991 | | Joint Motion for entry of final judgment for fees to Chief Judge Frank H. Freedman (fmr) Modified on 07/01/1991 (Entered: 07/01/1991) |
| 06/28/1991 | | Chief Judge Frank H. Freedman . Endorsed Order granting [0-1] motion for entry of final judgment for fees (mef) (Entered: 07/01/1991) |
| 06/28/1991 | | Chief Judge Frank H. Freedman . Final Judgment entered as to Interim Award of Attorney's Fees from 4/01/89 - 10/31/90 by the Court. (mef) (Entered: 07/01/1991) |
| 08/30/1991 | | Ds' Notice of Amendment to Inpatient Facilities Plan (fmr) (Entered: 08/30/1991) |
| 09/11/1991 | | Ps' Response in opposition to Ds' Amendments to Inpatient Facility Plan (fmr) (Entered: 09/11/1991) |
| 11/19/1991 | | Notice of Hearing: Hearing re: Court Disengagement from Consent Decree on 12/17/91 at 10:00 A.M. before Chief Judge Freedman. (mef) (Entered: 11/20/1991) |
| 12/04/1991 | | Ds' Notice of Substitute Amendment to Inpatient Facilities Plan. (mef) (Entered: 12/04/1991) |
| 12/04/1991 | | Ds' Substitute Amendment to Inpatient Facilities Plan filed. (mef) (Entered: 12/17/1991) |
| 12/13/1991 | | Ps' Memorandum in Support of Proposed Orders of Disengagement filed. (mef) (Entered: 12/17/1991) |
| 12/17/1991 | | Chief Judge Frank H. Freedman . Clerk's Notes: Hearing on final disengagement. Arguments of counsel, court monitor, and statement of the Alliance. The Court takes the matter under advisement. (mef) (Entered: 12/17/1991) |
| 12/17/1991 | | Statement of the ALLIANCE filed. (mef) (Entered: 12/17/1991) |
| 12/17/1991 | | Case taken under advisement with Chief Judge Freedman. (mef) (Entered: 12/17/1991) |
| 12/20/1991 | | Monitor's Report (fmr) (Entered: 12/20/1991) |
| 01/06/1992 | | Chief Judge Frank H. Freedman . Order of Dismissal entered. The Consent Decree entered on December 7, 1978 is VACATED, the Court's active jurisdiction over the case and the mental health system in Western Massachusetts is ENDED, and this action is DISMISSED; and Ordered that notwithstanding the foregoing order, the defendants are enjoined from violating Section III and Paragraph 43 of the Disengagement Order |

| | | |
|------------|--|---|
| | | which shall remain in effect. (mef) (Entered: 01/06/1992) |
| 01/06/1992 | | Chief Judge Frank H. Freedman . JUDGMENT OF DISMISSAL entered pursuant to the Order of the Court entered this date. (mef) (Entered: 01/06/1992) |
| 01/06/1992 | | Case closed (mef) (Entered: 01/06/1992) |
| 01/17/1992 | | Joint Motion to ext. time to 3/01/92 to file P's req. for attorney's fees. to Senior Judge Frank H. Freedman (mef) (Entered: 01/17/1992) |
| 01/17/1992 | | Senior Judge Frank H. Freedman . Endorsed Order granting [0-1]. P's req. for attorney's fees due by 3/01/92. (mef) (Entered: 01/17/1992) |
| 03/02/1992 | | Joint motion to ext. time to 4/10/92 for the Pltfs. to file Req. for Attorney's Fees. (mef) (Entered: 03/02/1992) |
| 03/02/1992 | | Transcript dated 2/24/92 of hearing re: Disengagement held before Senior Judge Freedman on 12/17/91 filed. (mef) (Entered: 03/02/1992) |
| 03/03/1992 | | Senior Judge Frank H. Freedman . Endorsed Order granting [0-1] joint motion to ext. time to 4/10/92 for the Pltfs. to file Req. for Attorney's Fees. (mef) (Entered: 03/03/1992) |
| 04/07/1992 | | Ps' Motion for attorney fees for the period from 11/01/90 to 4/10/92. (mef) (Entered: 04/07/1992) |
| 04/07/1992 | | Ps' Memorandum in support of [0-1] motion for attorney fees for the period from 11/01/90 to 4/10/92. (mef) (Entered: 04/07/1992) |
| 04/20/1992 | | Ds' Motion to ext. to 5/15/92 to resp. to Ps' motion for attorney's fees. (mef) (Entered: 04/20/1992) |
| 04/21/1992 | | Senior Judge Frank H. Freedman . Endorsed Order granting [0-1] motion. D's resp. to motion reset to 5/15/92 for [0-1] motion for attorney fees. (mef) (Entered: 04/21/1992) |
| 05/18/1992 | | Ds' Motion to Bar Further Attorneys' Fee Awards. (mef) (Entered: 05/18/1992) |
| 05/18/1992 | | Ds' Memorandum in opposition to [0-1] motion for attorney fees and in support of its motion to bar further fee award. (mef) (Entered: 05/18/1992) |
| 05/27/1992 | | Ps' Suppl. Motion for attorneys' fee award. (mef) (Entered: 05/27/1992) |
| 05/27/1992 | | Ps' Memorandum in support of [0-1] suppl. motion for attorneys' fee award. (mef) (Entered: 05/27/1992) |
| 05/27/1992 | | Ps' response in opposition to [0-1] motion to Bar Further Attorneys' Fee Awards. (mef) (Entered: 05/27/1992) |
| 11/06/1992 | | Senior Judge Frank H. Freedman. Order entered. The Court GRANTS Ps' motion for attorney's fees, and ORDERS Defts. to pay Pltfs. the sum of \$12,766.00 for reasonable fees incurred in the case. The Court also GRANTS Ds' motion to bar attorney's fee award from this date forward. |

| | | |
|------------|--|---|
| | | (mef) (Entered: 11/18/1992) |
| 11/06/1992 | | Senior Judge Frank H. Freedman. JUDGMENT ON ATTORNEY'S FEES entered. (mef) (Entered: 11/18/1992) |
| 11/18/1992 | | Ds' Offer of Judgment (copy) filed. (mef) (Entered: 11/18/1992) |
| 12/01/1992 | | Ps' Notice of appeal filed. Filing fee of \$105.00 paid. Copy sent to All Counsel. Original docket sheet and pleadings related to attorneys' fees filed between 4/07/92 - 12/01/92 sent to the Appeals Clerk. Appeal record due on 12/31/92. (mef) (Entered: 12/01/1992) |
| 12/04/1992 | | Certified copy of docket and record on appeal forwarded to U.S. Court of Appeals: [0-1] appeal (fmr) (Entered: 12/09/1992) |
| 12/08/1992 | | Notice of Docketing ROA from USCA Re: [0-1] appeal USCA NUMBER: 92-2399 (fmr) (Entered: 12/09/1992) |
| 12/23/1992 | | Ps' Notice of appeal filed. Filing fee of \$105.00 not paid. Copy sent to all counsel. Original notice of appeal sent to the Appeals Clerk. (mef) (Entered: 12/23/1992) |
| 12/30/1992 | | Certified copy of docket and record on appeal forwarded to U.S. Court of Appeals: [0-1] appeal (fmr) (Entered: 01/04/1993) |
| 01/07/1993 | | Notice of Docketing ROA from USCA Re: [0-1] appeal USCA NUMBER: 93-1013 (fmr) (Entered: 01/07/1993) |
| 01/15/1993 | | Ps' Motion to extend time to file new notice of appeal to 1/18/93 (fmr) (Entered: 01/15/1993) |
| 01/15/1993 | | Senior Judge Frank H. Freedman . Endorsed Order granting [0-1] motion to extend time to file new notice of appeal to 1/18/93 (mef) (Entered: 01/15/1993) |
| 02/22/1993 | | Filing fee of \$105.00 paid for Notice of Appeal filed on 12/23/92. (mef) Modified on 02/22/1993 (Entered: 02/22/1993) |
| 02/22/1993 | | USCA appeal fees received \$ 105.00 (eaf) (Entered: 02/24/1993) |
| 03/04/1993 | | Terminated document(s) terminating [0-1] motion to Bar Further Attorneys' Fee Awards. Requested by jcs. (jcs) (Entered: 03/04/1993) |
| 09/16/1993 | | Closed flag. (fmr) (Entered: 10/23/1997) |
| 09/16/1993 | | Mandate of USCA Re: entered AFFIRMING in PART and VACATING in PART Order of the District Court. The case is REMANDED for entry of revised fee award for the period of 6/1/92, increasing the amount of attorney's fees from \$12,766.00 to \$16,524.00. Costs in favor of the Appellee are taxed at nothing (\$0.00) appellee filed no itemized bill of costs. (mef) Modified on 10/25/1993 (Entered: 10/22/1993) |
| 10/21/1993 | | Joint motion for entry of judgment filed. (mef) (Entered: 10/22/1993) |
| 10/22/1993 | | Senior Judge Frank H. Freedman . Endorsed Order granting [0-1] joint motion for entry of judgment. (mef) (Entered: 10/22/1993) |

| | | |
|------------|--|---|
| 10/22/1993 | | Senior Judge Frank H. Freedman . Judgment for Attorneys' Fees in the amount of \$20,124.00 entered for the Pltfs. (mef) (Entered: 10/22/1993) |
| 10/22/1993 | | (mef) (Entered: 10/22/1993) |

| | | | |
|-----------------------------|---------------|-------------------------|-------------------|
| PACER Service Center | | | |
| Transaction Receipt | | | |
| 10/25/2005 15:41:13 | | | |
| PACER Login: | hs0328 | Client Code: | |
| Description: | Docket Report | Search Criteria: | 3:76-cv-04423-FHF |
| Billable Pages: | 3 | Cost: | 0.24 |