

Supreme Judicial Court and Appeals Court of Massachusetts
Public Case Information



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APPEALS COURT
Single Justice
Case Docket

**DAVID COSME & others vs. COMMISSIONER OF DEPARTMENT OF
CORRECTIONS & another**
2003-J-0038

CASE HEADER

Case Status	Disposed: Case Closed	Status Date	01/24/2003
Nature	GLc 231, s 118, p 1	Entry Date	01/17/2003
Pet Role Below	Defendant	Single Justice	Duffly, J.
Brief Status		Brief Due	
Case Type	Civil	Lower Ct Number	SUCV1995-03634
Lower Court	Suffolk Superior Court	Lower Ct Judge	Patrick J. King, J.

INVOLVED PARTY

David Cosme
Plaintiff/Respondent

Ricardo Feliciano
Plaintiff/Respondent

Mark Gentile
Plaintiff/Respondent

Robert Grady
Plaintiff/Respondent

William Haverty
Plaintiff/Respondent

Israel Luna
Plaintiff/Respondent

Felix Morales
Intervener/Respondent

Commissioner of Department of Corrections
Defendant/Petitioner

Superintendent MCI Cedar Junction
Defendant/Petitioner

ATTORNEY APPEARANCE

[Phillip Kassel](#), Esquire

[Phillip Kassel](#), Esquire

[Phillip Kassel](#), Esquire

[Phillip Kassel](#), Esquire

[Phillip Kassel](#), Esquire

[Phillip Kassel](#), Esquire

[Joel J. Berner](#), Esquire

[Joel J. Berner](#), Esquire

DOCKET ENTRIES

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Entry Date	Paper	Entry Text
01/17/2003		Prior A.C. cases involving same parties: 2000-P-1456.
01/17/2003	#1	PETITION purs to GLc 231, s. 118 w/attach, filed by Commissioner of Department of Corrections and Superintendent MCI Cedar Junction.
01/17/2003	#2	Motion to file oversize memo filed by Commissioner of Department of Corrections and Superintendent of MCI Cedar Junction, w/attach.
01/21/2003		RE#2: Allowed. (Duffly, J.) Notice
01/22/2003		Telephone Notice of 01/23/2003 hearing at 10:00 AM before Duffly, J. in Courtroom 1006.
01/22/2003	#3	Letter from DA Bennett to Duffly, J. re: in support of #1.
01/22/2003	#4	Motion for permission to exceed page limit filed by Plaintiffs/ Respondents.
01/22/2003	#5	OPPOSITION to Petition w/attach, filed by Plaintiffs/Respondents.
01/22/2003		RE#4 Allowed. (Duffly, J.) *Notice.
01/23/2003		Hearing held.
01/23/2003	#6	Appearance of Phillip Kassel, Esquire & James R. Pigeon, Esquire for plaintiffs.
01/23/2003	#7	Appearance of Joel J. Berner, Esquire & David Slade, Esquire for Commissioner, Dept. of Correction.
01/23/2003	#8	Letter from Joel J. Berner, Esquire to correct the record in regarding of earned good time credits.
01/24/2003	#9	MEMORANDUM AND ORDER: "The defendants ask, pursuant to G. L. c. 231 s 118, that the Single Justice stay certain orders of the Superior Court...following remand from the Supreme Judicial Court...As part of their relief...plaintiffs requested that they be granted earned good time credit for...time they were ...confined to...East Wing at Cedar Junction...it is an appropriate equitable remedy to award...the retroactive good time credits...Having concluded that it was not an abuse of discretion...and...the balance of harms favors the plaintiffs... motion for stay...is denied." (Duffly, J.) *Notice/ attest/King, J./image.
01/28/2003	#10	Copy of SJC Order: "...it is ORDERED that the Superior Court order of January 17, 2003 is hereby stayed pending further order of this Court." (Cordy, J.)
02/03/2003	#11	Copy of Reservaton and Report and Stay of Proceedings received from Supreme Judicial Court.
02/03/2003	#12	Copy of Notice of Assembly of the Record on Appeal received from Supreme Judicial Court.

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As of 11/02/2007 01:02

