

• 9584CV03634 Haverty et al v Dubois, Commissioner of et al

- **Case Type**
- Equitable Remedies
- **Case Status**
- Closed
- **File Date**
- 06/30/1995
- **DCM Track:**
- A - Average
- **Initiating Action:**
- Declaratory Judgment G.L. c. 231A
- **Status Date:**
- 05/28/2009
- **Case Judge:**
-
- **Next Event:**
-

- [All Information](#)
- [Party](#)
- [Event](#)
- [Docket](#)
- [Linked Case](#)
- [Disposition](#)

Party Information

Haverty, William

- Plaintiff

Alias

Party Attorney

- **Attorney**
- Barkow, Esq., Barry
- **Bar Code**
- 029580
- **Address**
- 18 Milton St
Cambridge, MA 02140
- **Phone Number**
- (617)876-3205
- **Attorney**
- Berkowitz, Esq., Peter
- **Bar Code**
- 600879
- **Address**

- Peter Berkowitz
12 Ellery Street 403
Cambridge, MA 02138

- [Phone Number](#)

- (504)919-0855

- [Attorney](#)

- Kassel, Esq., Phillip Jack

- [Bar Code](#)

- 555845

- [Address](#)

- Mental Health Legal Advisors Committee

24 School St

8th floor

Boston, MA 02108

- [Phone Number](#)

- (617)338-2345

- [Attorney](#)

- Salvesen, Esq., Douglas W

- [Bar Code](#)

- 550322

- [Address](#)

- Yurko, Salvesen & Remz, P.C.

One Washington Mall 11th Floor

Boston, MA 02108-2603

- [Phone Number](#)

- (617)723-6900

[More Party Information](#)

Cosme, David

- Plaintiff

Alias

Party Attorney

- [Attorney](#)

- Barkow, Esq., Barry

- [Bar Code](#)

- 029580

- [Address](#)

- 18 Milton St

Cambridge, MA 02140

- [Phone Number](#)

- (617)876-3205

- [Attorney](#)

- Kassel, Esq., Phillip Jack

- [Bar Code](#)

- 555845

- [Address](#)

- Mental Health Legal Advisors Committee
24 School St
8th floor
Boston, MA 02108

- **Phone Number**

- (617)338-2345

[More Party Information](#)

Grady, Robert

- Plaintiff

Alias

Party Attorney

- **Attorney**

- Barkow, Esq., Barry

- **Bar Code**

- 029580

- **Address**

- 18 Milton St
Cambridge, MA 02140

- **Phone Number**

- (617)876-3205

- **Attorney**

- Kassel, Esq., Phillip Jack

- **Bar Code**

- 555845

- **Address**

- Mental Health Legal Advisors Committee
24 School St
8th floor
Boston, MA 02108

- **Phone Number**

- (617)338-2345

[More Party Information](#)

Gentile, Mark

- Plaintiff

Alias

Party Attorney

- **Attorney**

- Barkow, Esq., Barry

- **Bar Code**

- 029580

- **Address**

- 18 Milton St
Cambridge, MA 02140

- **Phone Number**

- (617)876-3205

- **Attorney**

- Kassel, Esq., Phillip Jack

- **Bar Code**

- 555845
- **Address**

- Mental Health Legal Advisors Committee
24 School St
8th floor
Boston, MA 02108

- **Phone Number**

- (617)338-2345

[More Party Information](#)

Luna, Israel

- Plaintiff

Alias

Party Attorney

- **Attorney**

- Barkow, Esq., Barry
- **Bar Code**

- 029580
- **Address**

- 18 Milton St
Cambridge, MA 02140

- **Phone Number**

- (617)876-3205
- **Attorney**

- Kassel, Esq., Phillip Jack
- **Bar Code**

- 555845
- **Address**

- Mental Health Legal Advisors Committee
24 School St
8th floor
Boston, MA 02108

- **Phone Number**

- (617)338-2345

[More Party Information](#)

Feliciano, Ricardo

- Plaintiff

Alias

Party Attorney

- **Attorney**

- Barkow, Esq., Barry
- **Bar Code**

- 029580
- **Address**

- 18 Milton St
Cambridge, MA 02140

- **Phone Number**

- (617)876-3205
 - **Attorney**
- Goldstein, Esq., Amy Robin
 - **Bar Code**
- 600772
 - **Address**
- 95 Talbot Avenue
Medford, MA 02155
 - **Phone Number**
- (781)832-0126

[More Party Information](#)

Dubois, Commissioner of, Larry

- Defendant

Alias

Party Attorney

- **Attorney**
- Berner, Esq., Joel Jay
 - **Bar Code**
- 550188
 - **Address**
- 1 Wagon Wheel Drive
Bedford, MA 01730
 - **Phone Number**
- (617)947-5207
 - **Attorney**
- Daniele, Esq., Julie E
 - **Bar Code**
- 600093
 - **Address**
- Department of Correction
PO Box 946
Industries Drive
Norfolk, MA 02056
 - **Phone Number**
- (508)850-7848
 - **Attorney**
- Slade, Esq., David
 - **Bar Code**
- 466060
 - **Address**
- Department of Correction
Legal Division
70 Franklin Street
Boston, MA 02110-1300
 - **Phone Number**

- (617)727-3300

[More Party Information](#)

Duval, Superintendent, Ronald

- Defendant

Alias

Party Attorney

- **Attorney**
- Berner, Esq., Joel Jay
 - **Bar Code**
- 550188
 - **Address**
- 1 Wagon Wheel Drive
Bedford, MA 01730
 - **Phone Number**
- (617)947-5207
 - **Attorney**
- Daniele, Esq., Julie E
 - **Bar Code**
- 600093
 - **Address**
- Department of Correction
PO Box 946
Industries Drive
Norfolk, MA 02056
 - **Phone Number**
- (508)850-7848
 - **Attorney**
- Slade, Esq., David
 - **Bar Code**
- 466060
 - **Address**
- Department of Correction
Legal Division
70 Franklin Street
Boston, MA 02110-1300
 - **Phone Number**
- (617)727-3300

[More Party Information](#)

Michael Maloney, Commissioner of Correction

- Defendant

Alias

Party Attorney

- **Attorney**
- Daniele, Esq., Julie E
 - **Bar Code**
- 600093

- **Address**

- Department of Correction
PO Box 946
Industries Drive
Norfolk, MA 02056

- **Phone Number**

- (508)850-7848

[More Party Information](#)

Pepe, Superintendent, Peter

- Defendant

Alias

Party Attorney

- **Attorney**

- Daniele, Esq., Julie E

- **Bar Code**

- 600093

- **Address**

- Department of Correction
PO Box 946
Industries Drive
Norfolk, MA 02056

- **Phone Number**

- (508)850-7848

[More Party Information](#)

Morales, Felix

- Plaintiff-Intervenor

Alias

Party Attorney

[More Party Information](#)

Events

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event</u>
11/13/1995 02:00 PM	Civil D		Hearing	
06/20/1997 02:00 PM	Civil D		Hearing	
10/08/1997 02:30 PM	Civil F		Hearing	
01/28/1998 02:00 PM	Civil F		Hearing	
01/28/1998 02:00 PM	Civil F		Hearing on Preliminary Injunction	
02/17/1998 09:30 AM	Civil F		Hearing	
05/18/1998 02:00 PM	Civil F		Final Pre-Trial Conference	

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event</u>
09/09/1998 02:00 PM	Civil F		Final Pre-Trial Conference	
11/05/1998 02:00 PM	Civil F		Rule 56 Hearing	
12/01/1998 02:00 PM	Civil F		Rule 56 Hearing	
01/04/2000 08:30 AM	Civil D		Status Review	
02/04/2000 08:30 AM	Civil D		Status Review	
01/05/2001 02:30 PM	Civil C		Status Review	
04/30/2001 09:00 AM	Civil C		Jury Trial	
12/09/2002 02:00 PM	Civil F		Status Review	
12/23/2002 09:00 AM	Civil F		Non-Jury Trial	
12/30/2002 09:00 AM	Civil F		Non-Jury Trial	
01/23/2003 09:00 AM	Civil F		Non-Jury Trial	
01/31/2003 02:00 PM	Civil F		Non-Jury Trial	
02/24/2003 09:00 AM	Civil F		Status Review	
02/25/2003 09:00 AM	Civil F		Status Review	
03/03/2003 09:00 AM	Civil F		Non-Jury Trial	
03/07/2003 09:00 AM	Civil F		Hearing	
11/25/2003 02:00 PM	Civil G		Status Review	
01/20/2004 08:30 AM	Civil F		Status Review	
01/29/2004 03:00 PM	Civil F		Status Review	

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event</u>
05/13/2005 02:00 PM	Civil D		Status Review	
03/13/2009 08:30 AM	Civil F		Status Review	
Docket Information				
<u>Docket Date</u>	<u>Docket Text</u>			<u>File Ref Nbr.</u>
06/30/1995	Affidavit of Indigency and request for waiver, substitution or state payment of fees and costs filed and allowed re:William Haverty IMPOUNDED			1
06/30/1995	Origin 1, Type D13, Track A.			
06/30/1995	Affidavit of indigency and request for waiver, substitution or state payment of fees and costs filed and allowed re: Israel Luna IMPOUNDED			2
06/30/1995	Affidavit of indigency and request for waiver, substitution or state payment of fees and costs re: David Cosme filed and allowed IMPOUNDED			3
06/30/1995	Affidavit of indigency and request for waiver, substitution or state payment of fees and costs re: Robert S Grady filed and allowed as to entry fee and service IMPOUNDED			4
06/30/1995	Affidavit of indigency and request for waiver, substitution or state payment of fees and costs filed and allowed as to entry fee and service re: Mark Gentile IMPOUNDED			5
06/30/1995	Complaint			6
06/30/1995	Civil action cover sheet re: complaint			7
06/30/1995	Motion for prelim injunc Notice ordered issued ret'ble Thurs July 6, 1995 Summons,order of notice issued (King,J)			8
07/12/1995	Emergency request of defts for view of the prison & areas in question at MCI-Cedar Junction (w/o opposition)			9
07/12/1995	ANSWER & Jury demand of defts (All Issues)			10

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>
07/14/1995	MEMORANDUM AND RULING (Chernoff, J) (See P#11 for full order) Notice sent 07/17/95	11
07/19/1995	Motion (P#9) denied (Paul A Chernoff, Justice) Notice sent 7/25/95	
07/26/1995	SERVIC RETRND (order of notice): Larry Dubois, Commissioner of Correction (In hand to Charles Wyzanski 7/3/95)	12
10/13/1995	Motion of plffs for class certification (w/o opposition)	13
10/17/1995	Case status changed to "Needs review for answers" at service deadline review	
11/06/1995	Motion of James R Pingeon to withdraw as counsel for plff (w/o opposition)	14
11/15/1995	Motion (P#13) allowed (Maria I Lopez, Justice) Notice sent 11/16/95	
11/20/1995	Motion (P#14) allowed (Maria I Lopez, Justice) Notice sent 11/20/95	
03/13/1996	Ex parte motion of plff Emory G Snell, Jr for further injunctive reief of 07/14/95 decree (w/o opposition)	15
03/22/1996	Motion (P#15) Denied (Spurlock,J) Notice Sent 3/25/96	
06/10/1996	Motion of plfs to consolidate with civil action number 93-6300D (w/opposition)	16
06/13/1996	Motion (P#16) denied (Donovan, J) Notice sent 6/14/96	
08/28/1996	Reapplication (33a) of plffs v defts	17
09/18/1996	Motion of plffs for Order to compel discovery by defts pursuant to Rule 37 (with opposition)	18
09/25/1996	JUDGMENT (33a) for plffs on liability only against defts entered on docket pursuant to Mass. R. Civ.P. 58(a) and notice sent to parties pursuant to Mass. R. Civ.P. 77(d)	19
10/03/1996	Joint motion of parties regarding discovery & relief from Judgment (w/o opposition)	20

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>
10/07/1996	Motion (P#18) (1) Denied; (2) Denied; (3) Allowed for week of October 7, 1996 and (4) is Allowed (Lopez, J) notice sent 10-7-96	
10/07/1996	Stipulated ORDER on Discovery and relief from judgment (Lopez, J) Notice sent 10/8/96	21
10/10/1996	Joint Motion regarding discovery and relief from judgment (w/o opposition)	22
11/19/1996	Motion (P#22) Allowed (Cratsley,J) Notice Sent 11/20/96	
11/19/1996	Stipulated order on discovery & relief from Judgment (Cratsley,J) Notice Sent 11/20/96	23
05/22/1997	Motion of plffs for sanctions for failure to comply with Discovery Order (with opposition)	24
05/22/1997	Defts opposition to plffs motion for sanctions & cross-motion for a Protective Order regarding the scope & nature of remaining discovery requests in this prisoner class action	25
06/30/1997	ORDER on Plffs Motion for Sanctions and Defts Motion for a Protective Order and DENIED (Roseman J) notice sent 7/1/97	26
07/22/1997	Motion of defts to serve ints beyond one year (with opposition)	27
07/24/1997	Motion (P#27) allowed (Richard E Welch III, Justice) Notice sent 7/25/97	
08/21/1997	Motion of parties to extend tracking order deadline for six months (w/o opposition)	28
08/26/1997	Motion (P#28) Allowed (King,J) Notice sent 8/27/97	
08/26/1997	Stipulated order permitting extension of tracking order of July 5, 1995 for a period of six months (King,J)	28.1
08/26/1997	Request to change data base information Transferred to Session F (King,J) Notice Sent 8/27/97	28.2

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>
08/28/1997	Motion of defts for a Protective Order requiring the plffs to reimburse the defts for the cost of copying documents requested in discovery (with opposition)	29
08/28/1997	Motion of plffs to require identification of relevant documents (w/o opposition)	30
10/09/1997	Motion (P#29) allowed in part. Plffs are ordered to pay \$200.00 for the cost of copies produced by the defts (Charles GRabeau, Justice) Notice sent 10/21/97	
11/17/1997	Motion of plffs for enforcement of Discovery Order (with opposition)	31
11/17/1997	Plffs response to defts opposition to plffs motion for enforcement of Discovery Order & cross-motion for partial relief from Discovery Order (w/o opposition)	32
11/17/1997	Defendants Opposition to plfs motion for enforcement of discovery order and cross-motion for partial relief from discovery order	32.1
01/14/1998	Motion for leave to file supplemental complaint	33
01/14/1998	Notice ordered issued ret'ble Wed Jan 28, 1998 Rm 9A Cambridge re: Motion P#33 (VanGestel,J) Order of notice issue	
01/21/1998	Motion of plffs to set plffs motion to hold case conference for hearing (w/o opposition)	34
02/17/1998	Motion (P#31) denied, discovery is closed - The court finds discovery obligations have been complied is by the DOC (Volterra, Justice) Notice sent 2/20/98	
02/17/1998	Motion (P#33) allowed (Vieri Volterra, Justice) Notice sent 2/20/98	
02/17/1998	(P#34) Case conference held - assign for trial (Volterra, Justice) Notice sent 2/20/98	
02/17/1998	Motion (P#32.1) allowed (Vieri Volterra, Justice) Notice sent 2/20/98	
02/17/1998	Motion of plf, Ricardo Feliciano for a preliminary injunction & Assign for trial on injunction (Volterra, Justice) Notice sent 2/20/98	35

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>
02/17/1998	Amended complaint of Plff Ricardo Feliciano treated as a motion to Amend complaint and Allowed (Volterra J)	36
04/30/1998	Motion of defts to extend tracking order deadline (w/o opposition)	37
05/06/1998	Motion (P#37) allowed (Charles T Spurlock, Justice) Notice sent 5/11/98	
05/12/1998	Motion of defts to enlarge tracking order deadline (w/o opposition)	38
05/18/1998	Motion of Felix Morales to intervene and/or joinder as party plff (w/o opposition)	39
05/26/1998	Motion (P#39) allowed (Charles T Spurlock, Justice) notice sent 5/29/98	
08/19/1998	Agreed motion to postpone hearing (w/o opposition)	40
08/27/1998	Motion (P#40) allowed (Roseman,J) Notice sent 9/10/98	
10/13/1998	Motion of defts for Judgment on the pleadings or for Summary Judgment on all counts (attached memorandum) Volume 1,11 and 111	41
10/13/1998	Cross Motion of plffs for Summary Judgment (w/o opposition)	42
10/13/1998	Motion of plffs for permission to exceed page limit (w/o opposition)	43
12/03/1998	Application of deft Ricardo Feliciano for attorney fees (attached memorandum)	44
12/18/1998	ORDER: The defts are ordered to resubmit a concise statement of material facts in strict compliance with Rule 9A as amended (See P#45 complete order) (Grabau,J) Notice Sent 12/30/98	45
10/13/1999	MEMORANDUM OF DECISIONand ORDER on cross-motions for summary judgment - Def't's motion for summary judgment is DENIED & plffs cross-motion for summary judgment is ALLOWED in part and DENIED in part (Grabau,J) Notice sent 10/15/99	46
10/14/1999	Motion of plffs to permit supplementation of the record in light of appellate decision (w/o opposition)	47

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>
10/22/1999	Motion of plff to permit supplementation of the Record in light of Appellate Decision Allowed (Grabau,J.)notice sent 10/28/99	47.1
10/22/1999	ORDER Requiring defts to supplement the Record. Accordingly, this Court hereby ORDERS: 1. Defts, within 14 days of the date of this order, shall produce and file with the Court, with copies to the undersigned justice and to plffs counsel, any "specific guidelines" governing any unit deemed a "DSU" at any point in time during which prisoners were confined therein. If there are no such quidelines, defts shall inform the Court of this by letter, with copy to plffs counsel. 2. At the time of their submission under the above paragraph defts may also file a memorandum arguing why the quidelines produced demand a different result than that reached by this Court, as set forth in its decision of October 13, 1999. Plffs. shall have 14 days to respond to defts. submission (Grabau, J.) Notice sent 10/28/99	47.2
10/25/1999	Motion of defts for entry of final judgment with respect to the due process claims in the complaint (w/o opposition)	48
10/25/1999	Motion of defts to stay this Court's Judgment & declaration of rights dated October 13, 1999 pending appellate review (w/o opposition)	49
10/27/1999	Opposition of defts to plffs Proposed Order requiring defts to supplement the record	50
10/27/1999	Motion of defts for entry of Final Judgment with respect to the due process claims in the Complaint w/o opposition	50.1
10/28/1999	Opposition of defts to plffs motion to permit supplementation of the record in light of Appellate Decision	51
11/22/1999	Motion of plffs for further relief (w/o opposition)	52
11/23/1999	Application of plffs for award of attorney fees (with opposition)	53
11/23/1999	Plffs reply to opposition to plffs interim fee petition	54
12/06/1999	Motion of defts to enlarge time to respond to plffs motion for further relief up to & incl Dec 15, 1999 & assented to (w/o opposition)	55
12/10/1999	Motion of plff Arnold Evans for a contempt order (w/o opposition)	56

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>
12/15/1999	Motion of plffs for trial setting and for special designation (w/o opposition)	57
12/22/1999	Second Assented to motion of defts to enlarge time to respond to plffs Motion for further Relief Allowed (Grabau, J.). Notice sent 3/13/2000	57.1
01/04/2000	Motion (P#56) Order: DOC to file opposition within 30 days (King, J) notice sent 1-5-00	
01/19/2000	Motion of Arnold Evans to intervene as party plff (w/o opposition)	58
01/21/2000	Defts response and opposition to plff Arnold Evans motion for a contempt order	59
02/02/2000	Motion(P#58) Denied (Ball,J) Notice sent 02/04/2000	
02/02/2000	Motion for a Contempt Order Denied (Ball,J.) Notice sent 02/04/2000	60
02/08/2000	Motion (P#56) Denied (Ball,J) Notice sent 02/11/2000	
03/02/2000	Motion (P#57) Counsel is referred to the recent amendment to Sup.Ct. Standing Order No.9-80 request for Special Assignments of Justices to civil actions effective 2/28/2000 (Ball, J.). notice sent 3/10/2000) (
03/09/2000	Motion (P#48) see separate written Memorandum (Grabau, J.).) Notice sent 3/13/2000	
03/09/2000	Motion (P#49) In the exercise of my discretion, I stay paragraph 3 of my Order & Declaraton dated 10/13/99 regarding compliance with the regulations controlling the former DSU pending appellate review (Grabau, J.) I Further Order the parties to confer negotiate and propose a formular for the calculation and award of earned good time credits. (Grabau, J.). Notice sent 3/13/2000	
03/09/2000	Motion (P#50.1) I have treated the defts motion under rule 54B. See order (Grabau, J.). notice sent 3/13/2000)	
03/09/2000	Motion (P#52) Denied without prejudice See endorsement & Order on paper 49. (Grabau, J.). Notice sent 3/13/2000	
03/09/2000	ORDER ON DEFTS MOTON PURSUANT TO MRCP RULE 54(b) FOR SEPARATE AND FINAL JUDGMENT CERTIFICATION AND ORDER FOR	61

Docket
Date

Docket Text

File
Ref
Nbr.

SEPARATE AND FINAL JUDGMENT For the foregoing reasons I certify that there is no just reason for delay. It is hereby ORDERED that defts Motion for entry of separate, final judgment pursuant to Rule 54(b) be ALLOWED and that separate final judgment be entered on the plffs due process claim (Grabau, J.). notice sent 3/13/2000 .

03/16/2000	Notice of appeal of defts	62
03/23/2000	JUDGMENT ON FINDINGS BY THE COURT (54(b) Defts Motion for entry of Separate Final Judgment pursuant to Rule 54(b) be ALLOWED and there is no just reason for delay 2. Final Judgment be entered on the plffs Due Process Claim (See Order p# 61) entered on docket pursuant to Mass R Civ P 58(a) and notice sent to parties pursuant to Mass R Civ P 77(d) Grabau,J	63
03/28/2000	Notice of appeal of Larry Dubois and Ronald Duval (Defendants).	64
03/30/2000	Notice to Justice Charles M. Grabau of the filing of a notice of appeal	
03/30/2000	Notice of service of filing of notice of appeal to: Barry Barkow, Esq. , Amy R. Goldstein & Phillip Kassel, Esq. of Mass Correctional Legal Services	
05/31/2000	Ex parte motion of plff for a Contempt Order (w/o opposition)	65
06/09/2000	ORDER for Special Assignment Honorable Patrick J. King, Justice of the Superior Court, is hereby specially assigned to the above captioned case for all purposes. The Clerk-Magistrate's office will notify all counsel of record (DeVecchio, C.J.). Notice sent 6/14/2000	66
08/08/2000	Agreed Motion to permit replacement of lost original documents with copies so that record may be assembled and appeal docketed (w/o opposition)	67
08/09/2000	Agreed motion to permit replacement of lost original documents with copies so that record may be assembled & appeal docketed - Allowed (King,J) Notice sent 8/15/00	68
08/25/2000	Motion (P#65) denied (Patrick King, Justice) Notices mailed 08/29/2000	
08/30/2000	Notice of assembly of record on appeal	

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>
08/31/2000	Motion (P#67) allowed (King J) Notices mailed 09/05/2000	
09/25/2000	ORDER: Pre-trial Order (Patrick King, Justice) Notice sent 10/2/00	69
10/12/2000	Stipulation of Dismissal (filed 10/10/00) as to plffs vs defts abuse of force claim JUDGMENT entered on docket pursuant to Mass R Civ P 58(a) as amended and notice sent to parties pursuant to Mass R Civ P 77(d)	70
10/18/2000	Barry Barkow and Amy R. Goldstein motion to withdraw as counsel of record for plffs (w/o opposition)	71
12/07/2000	Motion of Plff to Establish Specific Time Frame as Relevant to the Issue of Liability at Trial or, Alternatively to Re-Open Discovery (w/o opposition)	72
12/08/2000	Motion of plffs to amend complaint by substituting two party defts & by adding a claim under GL Chapter 93 sec 102 (with opposition)	73
12/08/2000	Reply of plffs to defts opposition to plffs motion to amend complaint	74
12/29/2000	Motion of plffs for court payment of costs (w/o opposition)	75
12/29/2000	Affidavit of Phillip Kassel in support of motion for court payment of costs	76
12/29/2000	Affidavit of Albert Troisi in support of motion for court payment of costs	77
12/29/2000	Affidavit of William H. Dallman	78
12/29/2000	Joint Status Report	79
01/24/2001	Reqst for Court Payment of Costs and ALLOWED (King J) notice sent 1/23/01 (dated 1/23/01)	80
01/25/2001	Copy of ORDER from SJC Application for Direct Appellate Review allowed	81
01/31/2001	Defts reply to plffs request that this court issue a ruling on plffs motion for further relief	82

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>
04/24/2001	Motion for issuance of habeas corpus ad testificandum, allowed (King,J)	83
04/24/2001	Writ of habeas corpus to issue ret'ble Mon Apr 30.2001 in Ctr, #11@9am (King,J) Writs issued (13) See P#83	
04/25/2001	Motion (P#73) allowed (Ernest B. Murphy, Justice) Notices mailed April 25, 2001 dated 4/24/01	
05/15/2001	Motion of plffs in Limine to establish relevance of Testimony of Jan Laaman (w/o opposition)	84
05/15/2001	Motion of plffs to reconsider ruling on relevance of evidence of hostile racial animus of Correctional officers at Mass Correctional institutuion - Cedar junction (w/o opposition)	85
07/09/2001	Supplemental request of plffs for court payment of costs.	86
07/09/2001	Affidavit of counsel Phillip Kassel in support of plffs supplemental request for payment of litigation costs	87
09/03/2002	Motion for Civil Contempt proceedings (w/o opposition)	88
09/09/2002	Motion of Norman L Longval to intervene pursuant to Rule 24(a)(2) (w/o opposition)	89
09/09/2002	Affidavit of Norman L Longval	90
09/11/2002	Request (P#88) Order - The motion DENIED because the motion was not filed by counsel for a Class Action (Patrick J King) (Dated 9/5/02) notice sent 9/10/02	
09/11/2002	Civil Contempt Proceedings - Order - Complaint for Contemp dismissed because it was not filed for counsel for the class (King,J) (Dated 9/5/02) notice sent 9/10/02	91
09/18/2002	Motion (P#89) Denied (King,J) Notice Sent 9//16/02 (entered 9/13/02)	
10/16/2002	Motion for reconsideration (w/o opposition)	92

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>
10/23/2002	Motion of Hoffer class Monitor Michael DuPont to Intervene on issue of monetary damages while notifying Court of Five-Hundred pending damage grievances defts are attempting to obstruct with request for class damage amendment (w/o opposition)	93
10/23/2002	Hoffer class plff Michael Du Pont's Motion for Judge Grabau to disqualify MCLS based on conflicts of interest or to compel MCLS to litigate damages or to give class OPT out notice from Haverty conflict (w/o opposition)	94
11/14/2002	Motion (P#92) - Order Motion DENIED (Patrick J King, Justice) (Dated 11/12/02) Notices mailed November 13, 2002	
12/30/2002	Motion of defts to Reconsider Order issuing earned ggod time credits Denied (King, J.). Notice sent 12/31/02	95
12/30/2002	Motion of defts. for stay of Order issuing earned good time pending Appeal ORDER Motion Denied The court has ruled that certain inmates unlawfully donfined to the East Wing of MCI-Cedar Junction shall be granted earned good time at the rate of 3.75 days per month for every month in excess of 30 days that they were confined to the East Wing. The court's order will result in certain inmates being released from custody on 1/27/03. A further stay is not appropriate (King, J.).Notice sent 12/31/02	96
01/15/2003	Request of defendants for a revision of the reporting schedule ordered regarding awards of earned good time	97
01/17/2003	FIRST INTERIM ORDER AFTER REMAND (King, J.). dated 1/15/03 Notice sent 1/16/03	98
01/23/2003	Amended first interim order after remand (King,J) (entered 1/17/03)	99
01/28/2003	COPY of notice of docket entry received from SJC: "It is ORDERED that the Superior Court order of January 17,2003 is hereby stayed pending further order of this Court." (Cordy, J.)	100
01/28/2003	COPY of notice of docket entry received from Appeals Court: Memorandum and order: " The defendants ask, pursuant to G.L. c. 231 s 118, that the Single Justice stay certain orderes 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. Havine	101

Docket
Date

Docket Text

File
Ref
Nbr.

concluded that it was not an abuse of discretion and the balance of harms favors the plaintiffs motion for stay is DENIED (King, J.)

02/14/2003	Findings of Fact, Rulings of Law and Order for Judgment - Order for Judgment - Accordingly, it is hereby ordered that: Judgment shall enter in favor of the defendants with regard to plaintiffs' Equal Protection clause and Equal Rights Act Claims (King,J) (Dated 2/7/03 notice sent 2/13/03)	102
02/19/2003	JUDGMENT ON FINDINGS BY THE COURT Judgment shall enter in favor of the defts with regard to plffs' Equal Protection Clause and Equal RIGhts Act Claims entered on docket pursuant to Mass R Civ P 58(a) and notice sent to parties pursuant to Mass R Civ P 77(d) King J	103
02/27/2003	Defendant Michael Maloney, Commissioner of Correction, Peter Pepe, Superintendent's assented to MOTION to extend time for filing deft's second report on earned good time, filed & ALLOWED on 2/24/03 (Patrick King, Justice) notice sent 2/25/03	104
02/28/2003	Plffs motion to compel defts to provide plff class members with copies of the DSU regulations and explanatory memoranda and otherwise make them "Readily Accessible" to prisoners subject to DSU hearings in accordance with the final judgment in the Hoffer case (w/o opposition)	105
03/03/2003	Agreed Proposed Order on Compliance Monitoring (King, J.). Notice sent 2/28/03 dated 2/25/03	106
03/06/2003	Defts request for partial stay	107
03/06/2003	Defts opposition to "plffs motion to compel defts to provide plff class members with copies of the DSU regulations and explanatory Memoranda and otherwise make them "readily accessible" to prisoners subject to DSU hearings in accordance with the Final Judgment in the Hoffer Case"	108
03/07/2003	Request of defendants for partial stay ORDER Motion Allowed (King, J.). Notice sent 3/10/03	112
03/10/2003	Motion (P#105) Allowed (King,J) Notice Sent 3/7/03 (entered 3/7/03)	

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>
03/10/2003	ORDER on plffs moiton to compel defts to provide plff class members with copies of the DSU regulations and explanatory memoranda (King,J) Notice Sent 3/7/03 (entered 3/7/03)	109
03/10/2003	Revised supplemental request for Court payment of costs & Allowed (King,J) Notice sent 3/7/03 (entered 3/7/03)	110
03/10/2003	ORDER requiring supplemental report on award of earned good time to plff class members (King,J) Notic eSent 3/7/03 (entered 3/6/03)	111
05/13/2003	Motion to include Frank M Robinson as party plff (w/o opposition)	113
05/28/2003	Motion of Joseph A Messere to intervene as party plff (w/o opposition)	114
06/02/2003	Motion of defts to enlarge time to & including June 4, 2003 to file report on compliance Monitoring on the East Wing Hearings (w/o opposition)	115
06/03/2003	Defts' first report pursuant tot he court's February 24,2003 order on compliance monoitoring	116
06/06/2003	ORDER DENYING REQUEST FOR SPECIAL ASSIGNMENT After due consideration of the request for special assignment in the above captioned case, said request is hereby DENIED. The Clerk-Magistrate's office will notify all counsel of Record (DelVecchio, C. J.). Notice sent 6/12/03 VACATED 10/28/03 BY (DelVecchio, C.J.) See P#123)	117
06/09/2003	Motion (P#115) ALLOWED. Report filed on 6/4/03 (Kenneth J Fishman, Justice) Notices mailed June 05, 2003 (entere 6/5/03)	
07/07/2003	Motion for Hoffer Class Contempt damages for ninety D.S.U. gang block co-plffs release from D.S.U. with expungement at any new hearing and court review of all 2003 hearings (w/o opposition)	118
07/25/2003	Plffs motion to strike defective report of 6/3/03 and to require defts to file report that complies with this court's order of 2/24/03 (w/opposition)	119

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>
08/07/2003	Motion of plaintiffs to require defendants to comply with mandate that prisoners not be maintained in the East Wing of MCI-Cedar Junction unless there is substantial evidence that they pose a threat to prison security	120
08/07/2003	Opposition to plaintiffs Motion to require defendants to comply with mandate that prisoners not be maintained in the east Wing of MC_-Cedar Juncetion unless there is substantial evidence that they pose a threat to prison security & Request for Evidentiary hearing filed by William Haverty, Ronald Duval, Superintendent, Michael Maloney, Commissioner of Correction, Peter Pepe, Superintendent	121
08/07/2003	Opposition to to defendants request for Evidentiary Hearing filed by William Haverty, David Cosme, Robert Grady, Mark Gentile, Israel Luna, Ricardo Feliciano, Felix Morales	122
10/29/2003	ORDER FOR SPECIAL ASSIGNMENT: The Order entered on June 6, 2003 denying parties' request for Special Assignment in the above captioned matter is hereby VACATED. At the request of Catherine A. White, J., Regional Administrative Justice for Suffolk County, for reconsideration of parties' request, It is hereby ORDERED that the Honorable Thomas P. Billings, Associate Justice of the Superior Court is specially assigned to the above captioned case and all related matters as determined by Justice Billings for all purposes. The Clerk-Magistrate's office will notify all counsel of record is hereby specially assigned to the above captioned case for all purposes. (DeVecchio, C. J.) Notice sent 10/29/03	123
11/12/2003	Opposition of defts to pro se plffs motions to intervene &/or for permissive joinder (See P#60 in docket #93-6300)	
12/01/2003	Court received Defendants Second Report pursuant to the Court's February 24, 2003 Order on Compliance Monoitoring	124
12/03/2003	Notice of Annual Civil Litigation Fee mailed to plaintiff's attorney Phillip J Kassel on December 03, 2003.	
12/15/2003	Court received Defendants Status report	125
12/23/2003	Opposition to defendants cliam that plaiintiffs challenge to illegal DSU confinement based on unproven gang membership status is moot	126

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>
12/31/2003	Court received Defendants Amended Second report pursuant to the Court's February 24,2003 Order on Compliance Monitoring	127
01/15/2004	Ex parte motion for Waiver of annula Civil Litigatin fee Allowed (Sanders, J.). Notice sent 1/20/04	128
02/17/2004	Court received defendants report regarding the East Wing Hearings of STG Members	129
03/11/2004	Memorandum & Order on plffs' motion to require defts to comply with Mandate that prisoners not be maintained in the East Wing of MCI-Cedar Junctions unless there is substantial evidence that they pose a threat to prison security (Billings,J) Notice sent 3/10/04 (entered 3/9/04) see complete order P#130	130
07/24/2006	Order for entry of Dismissal Nisi as to all parties and all claims, 30 days (Geraldine S Hines, Justice) Notice sent 07/24/06	131
08/21/2006	Joint motion of parties to vacate order of entry of Dismissal NISI	132
08/28/2006	MOTION (P#132) Allowed (Ball,J) Notice sent 8/24/06 (entered 8/23/06)	
06/08/2007	Complaint for contempt filed by William Haverty	133
05/07/2008	Petition for contempt filed by Marvin M.Smith Inlight of the conclusary nature of the allegations herein no lsummons will issue and the petition is dismissed (Billings, J.). Notice sent 5/5/08 dated 4/29/08	134
05/07/2008	Petition for Contempt filed by Robert K. littles In light of the conclusary nature of the allegations herein no summons will issue and the petitioin is Dismissed (Billings, J.). Notice sent 5/5/08 dated 4/29/08	135
01/13/2009	Plaintiff Bruce O Waite's MOTION for a Contempt Order (w/o opp)	136
02/26/2009	PROCEDURAL ORDER: In the status reports filed two years ago, the parties indicated that the decision of the Supreme Judicial Court in Longval v. Commissioner of Correction may be dispositive of this matter. The parties are to submit an updated status report indicating whether that is indeed the case. Such status reports should address whether the matter should be dismissed based on the decision in Longval and, it not, what remains to be done to bring this matter to a final resolution. The status reports must be filed by the close of business on March 13, 2009. (Bruce R.	

Docket
Date

Docket Text

File
Ref
Nbr.

Henry, Justice) Dated February 25, 2009 Notice sent 2/25/09 (See P#67 in SUCV93-6300)

05/28/2009	JUDGMENT OF DISMISSAL FAILURE TO COMPLY WITH ORDER That the complaint of plff is hereby dismissed without prejudice Judgment of Dismissal to be vacated only the Regional Administrative Judge John C Cratsley (Acting RAJ) or his designee entered on docket pursuant to Mass R Civ P 58(a) and notice sent to parties pursuant to Mass R Civ P 77(d)	137
------------	--	-----

Linked Cases

Link Group

Case #

File Date

9584CV03634

[9384CV06300](#)

11/04/1993

Case Disposition

Disposition

Date

Case Judge

Dismissed

05/28/2009