

CLOSED

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:08-cv-10677-RGS**

PRISON LEGAL NEWS v. Clarke et al
Assigned to: Judge Richard G. Stearns
Cause: 28:1983 Civil Rights

Date Filed: 04/23/2008
Date Terminated: 05/14/2009
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

PRISON LEGAL NEWS

represented by **David Milton**
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5th Floor
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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V.

Defendant

Harold W. Clarke
in his individual and official capacities

represented by **Kevin A. Anahory**
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170 Franklin Street
Suite 600
Boston, MA 02110
617-727-3300
Fax: 617-727-7403
Email: kaanahory@doc.state.ma.us
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Defendant

James Bender
in his individual and official capacities

represented by **Kevin A. Anahory**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

John Marshall, Jr.
in his individual and official capacities

represented by **Kevin A. Anahory**
(See above for address)
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Defendant

Kathleen Dennehy
in her individual capacity

represented by **Kevin A. Anahory**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/23/2008	<u>1</u>	COMPLAINT against all defendants Filing fee: \$ 350, receipt number 0101000000001936024, filed by PRISON LEGAL NEWS. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Category Sheet)(Friedman, Howard) (Entered: 04/23/2008)
04/23/2008	<u>2</u>	NOTICE of Appearance by David Milton on behalf of PRISON LEGAL NEWS (Milton, David) (Entered: 04/23/2008)
04/23/2008	<u>3</u>	CORPORATE DISCLOSURE STATEMENT by PRISON LEGAL NEWS. (Milton, David) (Entered: 04/23/2008)
04/23/2008		ELECTRONIC NOTICE of Case Assignment. Judge Richard G. Stearns 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 Sorokin (Sonnenberg, Elizabeth) (Entered: 04/23/2008)
04/23/2008	<u>4</u>	Summons Issued as to Harold W. Clarke, James Bender, John Marshall, Jr, Kathleen Dennehy. Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (Sonnenberg, Elizabeth) (Entered: 04/23/2008)
05/13/2008	<u>5</u>	Assented to MOTION for Extension of Time to 06/09/2008 to File Response/Reply as to <u>1</u> Complaint by Harold W. Clarke, James Bender, John Marshall, Jr.(Anahory, Kevin) (Entered: 05/13/2008)
05/29/2008		Judge Richard G. Stearns: Electronic ORDER entered granting <u>5</u> Motion for Extension of Time to File Response/Reply re <u>5</u> Assented to MOTION for Extension of Time to 06/09/2008 to File Response/Reply as to <u>1</u> Complaint Responses due by 6/9/2008 (Zierk, Marsha) (Entered: 05/29/2008)
06/09/2008	<u>6</u>	MOTION for Summary Judgment by Harold W. Clarke, James Bender, John Marshall, Jr, Kathleen Dennehy.(Anahory, Kevin) (Entered: 06/09/2008)
06/09/2008	<u>7</u>	MEMORANDUM in Support re <u>6</u> MOTION for Summary Judgment filed by Harold W. Clarke, James Bender, John Marshall, Jr, Kathleen Dennehy. (Attachments: # <u>1</u> Exhibit Affidavit of John Marshall, # <u>2</u> Exhibit Affidavit of John Marshall pt.2, # <u>3</u> Exhibit Affidavit of Mary Jo Sweeney, # <u>4</u> Exhibit Exhibit C, # <u>5</u> Exhibit Exhibit D, # <u>6</u> Exhibit Exhibit E)(Anahory, Kevin) (Entered: 06/09/2008)
06/09/2008	<u>8</u>	CERTIFICATE OF SERVICE by Harold W. Clarke, James Bender, John Marshall, Jr, Kathleen Dennehy re <u>6</u> MOTION for Summary Judgment, <u>7</u> Memorandum in Support of Motion,. (Anahory, Kevin) (Entered: 06/09/2008)
06/11/2008	<u>9</u>	MOTION for Leave to File Excess Pages by Harold W. Clarke, James Bender, John Marshall, Jr, Kathleen Dennehy.(Anahory, Kevin) (Entered: 06/11/2008)
06/16/2008	<u>10</u>	MOTION to Strike <i>Defendants' Motion for Summary Judgment, and to Allow Discovery Under Rule 56(f)</i> by PRISON LEGAL NEWS.(Milton, David) (Entered: 06/16/2008)
06/16/2008	<u>11</u>	MEMORANDUM in Support re <u>10</u> MOTION to Strike <i>Defendants' Motion for Summary Judgment, and to Allow Discovery Under Rule 56(f)</i> filed by PRISON LEGAL NEWS. (Milton, David) (Entered: 06/16/2008)
06/16/2008	<u>12</u>	AFFIDAVIT of David Milton in Support re <u>10</u> MOTION to Strike <i>Defendants' Motion for Summary Judgment, and to Allow Discovery Under Rule 56(f)</i> filed by PRISON LEGAL NEWS. (Attachments: # <u>1</u> Exhibit A to Declaration of David Milton)(Milton, David) (Entered: 06/16/2008)

06/24/2008	<u>13</u>	Opposition re <u>10</u> MOTION to Strike <i>Defendants' Motion for Summary Judgment, and to Allow Discovery Under Rule 56(f)</i> filed by Harold W. Clarke, James Bender, John Marshall, Jr, Kathleen Dennehy. (Attachments: # <u>1</u> Exhibit Opposition Exhibits)(Anahory, Kevin) (Entered: 06/24/2008)
06/26/2008	<u>14</u>	Assented to MOTION for Leave to File <i>a Reply</i> by PRISON LEGAL NEWS. (Attachments: # <u>1</u> Exhibit A --- Proposed Reply)(Milton, David) (Entered: 06/26/2008)
06/26/2008		Judge Richard G. Stearns: Electronic ORDER entered denying <u>6</u> Motion for Summary Judgment without prejudice. The motion is denied as premature. Defendant shall file an answer within twenty-one (21) days of the date of this Order. The court will set a scheduling conference, at which time it will consider the extent of discovery and whether this matter warrants an expedited schedule for dispositive motions. (Tyler, Rebecca) (Entered: 06/26/2008)
06/26/2008		Judge Richard G. Stearns: ORDER entered granting in part and denying in part <u>10</u> Motion to Strike. The motion is granted to the extent it argues that the motion for summary judgment is premature. The court will determine the scope of discovery at the scheduling conference. (Tyler, Rebecca) (Entered: 06/26/2008)
06/26/2008		Judge Richard G. Stearns: Electronic ORDER entered granting <u>9</u> Motion for Leave to File Excess Pages; finding as moot <u>14</u> Motion for Leave to File. (Tyler, Rebecca) (Entered: 06/26/2008)
07/17/2008	<u>15</u>	ANSWER to <u>1</u> Complaint with Jury Demand by Harold W. Clarke, James Bender, John Marshall, Jr, Kathleen Dennehy.(Anahory, Kevin) (Entered: 07/17/2008)
12/04/2008	<u>16</u>	NOTICE of Scheduling Conference entered: Scheduling Conference set for 1/22/2009 at 02:00 PM in Courtroom 21 before Judge Richard G. Stearns. (Johnson, Mary) (Johnson, Mary). (Entered: 12/04/2008)
01/15/2009	<u>17</u>	CERTIFICATE OF CONSULTATION <i>Pursuant to L.R. 16.1(D)(3)</i> . (Anahory, Kevin) (Entered: 01/15/2009)
01/15/2009	<u>18</u>	JOINT STATEMENT re scheduling conference. (Milton, David) (Entered: 01/15/2009)
01/15/2009	<u>19</u>	CERTIFICATE OF CONSULTATION <i>Pursuant to L.R. 16.1(D)(3)</i> . (Milton, David) (Entered: 01/15/2009)
01/22/2009		Clerk's Notes for Rule 16(b) proceedings held before Judge Richard G. Stearns: Initial disclosures due by 2/5/2009; written discovery requests served by 2/19/2009; Answers to interrogatories and document requests served by April 1, 2009. Plaintiffs will depose defendant John Marshall, Jr. by May 22, 2009. If PLN requires further discovery, it will file with the court a request with a statement regarding the relevance of the additional discovery and proposed schedule to obtain that discovery. Also, if defendants claim qualified immunity, they will file similar request with the court regarding any further discovery to support the defense. SO ORDERED. (Attorneys present: David Milton and Hoawrd Friedman for Prison Legal News; Kevin Anahory for DOC officials) (Zierk, Marsha) (Entered: 01/22/2009)
05/12/2009	<u>20</u>	STIPULATION of Dismissal by Harold W. Clarke, James Bender, John Marshall, Jr, Kathleen Dennehy. (Anahory, Kevin) (Entered: 05/12/2009)
05/14/2009		Civil Case Terminated. (Johnson, Mary) (Entered: 05/14/2009)