

CLOSED

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:05-cv-11456-DPW**

Battista v. Dennehy et al
Assigned to: Judge Douglas P. Woodlock
Lead case: [1:05-cv-12383-DPW](#)
Member case: ([View Member Case](#))
related Case: [1:12-cv-11451-DPW](#)
Case in other court: First Circuit, 10-01965
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 07/08/2005
Date Terminated: 07/11/2011
Jury Demand: Defendant
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Sandy J. Battista

represented by **Emily E. Smith-Lee**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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TERMINATED: 07/22/2014
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ATTORNEY TO BE NOTICED

V.

Defendant

Kathleen M. Dennehy
Commissioner
TERMINATED: 06/15/2010

represented by **Joan T. Kennedy**
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ATTORNEY TO BE NOTICED

Defendant

Superintendent Robert Murphy
TERMINATED: 06/15/2010

represented by **Joan T. Kennedy**
(See above for address)
ATTORNEY TO BE NOTICED

Richard C. McFarland
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Steve Fairly
Director of Security
TERMINATED: 06/15/2010

represented by **Joan T. Kennedy**
(See above for address)
ATTORNEY TO BE NOTICED

Richard C. McFarland
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Susan J Martin
Director of Health Services
TERMINATED: 06/15/2010

represented by **Joan T. Kennedy**
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ATTORNEY TO BE NOTICED

Richard C. McFarland
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Gregory J. Hughes
LICSW
TERMINATED: 06/15/2010

represented by **Joan T. Kennedy**
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ATTORNEY TO BE NOTICED

Richard C. McFarland
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

UMass Correctional Health Program
TERMINATED: 06/15/2010

represented by **Stephen M. O'Shea**
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ATTORNEY TO BE NOTICED

Defendant

Terre K. Marshall
TERMINATED: 06/15/2010

represented by **Richard C. McFarland**
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Joan T. Kennedy
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ATTORNEY TO BE NOTICED

Defendant

Harold W. Clarke

represented by **Richard C. McFarland**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joan T. Kennedy
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ATTORNEY TO BE NOTICED

Defendant

Michael Corsini
*Superintendent of Massachusetts
 Treatment Center. Substitution for
 Robert Murphy (the former
 Superintendent).*

represented by **Richard C. McFarland**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joan T. Kennedy
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ATTORNEY TO BE NOTICED

Defendant

Luis S. Spencer

represented by **Joan T. Kennedy**
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ATTORNEY TO BE NOTICED

Richard C. McFarland
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ATTORNEY TO BE NOTICED

Interested Party

MHM Services, Inc.'s

represented by **Stephen E. Hughes**
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TERMINATED: 08/08/2011
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/08/2005	<u>1</u>	Application to Proceed Without Prepayment of Fees and Affidavit by Sandy J. Battista.(Jeness, Susan) (Entered: 07/11/2005)
07/08/2005	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by Sandy J. Battista.(Jeness, Susan) (Entered: 07/11/2005)
07/08/2005	<u>3</u>	Verified COMPLAINT against Kathleen M. Dennehy, Robert Murphy, Steve Fairly, Susan J Martin, Gregory J. Hughes, UMass Correctional Health Program Filing fee: \$ 0.00, receipt number 0.00, filed by Sandy J. Battista. (Attachments: # <u>1</u> Civil Cover

		Sheet)(Jenness, Susan) (Entered: 07/11/2005)
07/08/2005	<u>4</u>	EXHIBIT re <u>3</u> Complaint, by Sandy J. Battista. (Jenness, Susan) (Entered: 07/11/2005)
07/08/2005	<u>5</u>	MEMORANDUM OF LAW in support of Application for Temporary Restraining Order and/or in the alternative for Preliminary Injunction by Sandy J. Battista. (Jenness, Susan) (Entered: 07/11/2005)
07/08/2005	<u>6</u>	Proposed Document(s) submitted by Sandy J. Battista. Document received: Proposed Order to Show Cause. (Jenness, Susan) (Entered: 07/11/2005)
07/08/2005		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 Dein. (Jenness, Susan) (Entered: 07/11/2005)
07/08/2005	<u>7</u>	MOTION for Temporary Restraining Order, or in the alternative, MOTION for Preliminary Injunction, by Sandy J. Battista.(Rynne, Michelle) Additional attachment(s) added on 7/12/2005 (Nici, Richard). (Entered: 07/12/2005)
07/12/2005	<u>8</u>	Judge Douglas P. Woodlock : SHORT ORDER OF NOTICE entered re <u>7</u> MOTION for Preliminary Injunction MOTION for Temporary Restraining Order filed by Sandy J. Battista., <u>3</u> Complaint, filed by Sandy J. Battista., <u>5</u> Memorandum of Law. Defendant shall file a response by 7/22/05.(Rynne, Michelle) (Entered: 07/12/2005)
07/13/2005	<u>9</u>	Judge Douglas P. Woodlock : ORDER entered granting <u>1</u> Motion for Leave to Proceed in forma pauperis, granting <u>2</u> Motion for Leave to Proceed in forma pauperis: The Clerk shall issue summonses and the United States Marshal shall serve a copy of the summonses, complaint, and this order upon defendants Kathleen Dennehy, Commissioner, Superintendent Robert Murphy, Steve Fairly, Director of Security, Susan J. Martin, Director of Health Services, Gregory J. Hughes, LICSW, and U. Mass. Correctional Health Program, as directed by plaintiff with all costs of service to be advanced by the United States. (Greenberg, Rebecca) (Entered: 07/13/2005)
07/13/2005		Summons Issued as to Kathleen M. Dennehy, Robert Murphy, Steve Fairly, Susan J Martin, Gregory J. Hughes, UMass Correctional Health Program. (Greenberg, Rebecca) (Entered: 07/13/2005)
07/22/2005	<u>10</u>	Opposition re <u>7</u> MOTION for Preliminary Injunction MOTION for Temporary Restraining Order filed by Kathleen M. Dennehy, Robert Murphy, Steve Fairly, Susan J Martin, Gregory J. Hughes. (McFarland, Richard) (Entered: 07/22/2005)
07/22/2005	<u>11</u>	MEMORANDUM in Opposition re <u>7</u> MOTION for Preliminary Injunction MOTION for Temporary Restraining Order filed by Kathleen M. Dennehy, Robert Murphy, Steve Fairly, Susan J Martin, Gregory J. Hughes. (Attachments: # <u>1</u>)(McFarland, Richard) (Entered: 07/22/2005)
07/22/2005	<u>12</u>	MOTION for Leave to File <i>Memorandum of Law in Excess of Twenty Pages</i> by Kathleen M. Dennehy, Robert Murphy, Steve Fairly, Susan J Martin, Gregory J. Hughes.(McFarland, Richard) (Entered: 07/22/2005)
07/22/2005	<u>13</u>	CERTIFICATE OF SERVICE by Kathleen M. Dennehy, Robert Murphy, Steve Fairly, Susan J Martin, Gregory J. Hughes re <u>12</u> MOTION for Leave to File <i>Memorandum of Law in Excess of Twenty Pages</i> , <u>10</u> Opposition to Motion, <u>11</u> Memorandum in Opposition to Motion. (McFarland, Richard) (Entered: 07/22/2005)
07/25/2005		Judge Douglas P. Woodlock : Electronic ORDER entered granting <u>12</u> Motion for Leave to File excess pages (Rynne, Michelle) (Entered: 07/25/2005)
07/27/2005	<u>14</u>	Response by UMass Correctional Health Program <i>To Plaintiff's Application For A Temporary Restraining Order</i> . (O'Shea, Stephen) Additional attachment(s) added on 8/2/2005 (Nici, Richard). (Entered: 07/27/2005)
08/01/2005	<u>15</u>	Plaintiff's MOTION for Leave to File a reply to opposition of defendant's Kathleen Dennehy, Robert Murphy, Susan Martin, Steven Fairly and Gregory Hughes to Plaintiff's request for a preliminary injunction by Sandy J. Battista.(Nici, Richard) (Entered: 08/02/2005)
08/02/2005		Notice of correction to docket made by Court staff. Correction: docket entry #14 corrected because: the document was unsigned. (Nici, Richard) (Entered: 08/02/2005)

08/03/2005	<u>16</u>	NOTICE of Plaintiff not to oppose relief requested in response of defendant, UMass Correctional Health Program, to plaintiff's application for a temporary restraining order, and/or in the alternative, for a preliminary injunction by Sandy J. Battista (Nici, Richard). (Entered: 08/04/2005)
08/04/2005		Judge Douglas P. Woodlock : Electronic ORDER entered granting <u>15</u> Motion for Leave to File reply to motion for preliminary injunction. Reply due 8/18/05. (Rynne, Michelle) (Entered: 08/04/2005)
08/04/2005		Set/Reset Deadlines as to <u>7</u> MOTION for Preliminary Injunction MOTION for Temporary Restraining Order. Replies due by 8/15/2005. (Rynne, Michelle) (Entered: 08/04/2005)
08/04/2005	<u>17</u>	SUMMONS Returned Executed Steve Fairly served on 8/3/2005, answer due 8/23/2005. (Nici, Richard) (Entered: 08/08/2005)
08/04/2005	<u>18</u>	SUMMONS Returned Executed Robert Murphy served on 8/3/2005, answer due 8/23/2005. (Nici, Richard) (Entered: 08/08/2005)
08/10/2005	<u>19</u>	MOTION to Dismiss by UMass Correctional Health Program.(O'Shea, Stephen) (Entered: 08/10/2005)
08/10/2005	<u>20</u>	MEMORANDUM in Support re <u>19</u> MOTION to Dismiss filed by UMass Correctional Health Program. (O'Shea, Stephen) (Entered: 08/10/2005)
08/11/2005	<u>21</u>	MOTION for Consolidation of Evidentiary Hearings by Sandy J. Battista.(Nici, Richard) (Entered: 08/12/2005)
08/11/2005	<u>23</u>	MOTION for Evidentiary Hearing by Sandy J. Battista.(Nici, Richard) (Entered: 08/12/2005)
08/11/2005	<u>24</u>	REPLY to Response to Motion re <u>7</u> MOTION for Preliminary Injunction MOTION for Temporary Restraining Order filed by Sandy J. Battista. (Attachments: # <u>1</u> Part 2# <u>2</u> Part 3)(Nici, Richard) (Entered: 08/15/2005)
08/12/2005	<u>22</u>	MOTION for Court to call witnesses as it's own by Sandy J. Battista.(Nici, Richard) (Entered: 08/12/2005)
08/17/2005	<u>25</u>	SUMMONS Returned Executed Gregory J. Hughes served on 8/9/2005, answer due 8/29/2005. (Nici, Richard) (Entered: 08/17/2005)
08/17/2005	<u>26</u>	SUMMONS Returned Executed Susan J Martin served on 8/9/2005, answer due 8/29/2005. (Nici, Richard) (Entered: 08/17/2005)
08/17/2005	<u>27</u>	SUMMONS Returned Executed Kathleen M. Dennehy served on 8/8/2005, answer due 8/29/2005. (Nici, Richard) (Entered: 08/17/2005)
08/17/2005	<u>28</u>	SUMMONS Returned Executed UMass Correctional Health Program served on 8/5/2005, answer due 8/25/2005. (Nici, Richard) (Entered: 08/17/2005)
08/17/2005		Judge Douglas P. Woodlock : Electronic ORDER entered. ELECTRONIC ORDER REQUIRING ELECTRONIC FILING. It is hereby ORDERED that, unless leave is granted, upon good cause shown, to file paper documents in lieu of electronic filing via this Court's CM/ECF system, ALL future submissions in this case must be electronically filed. Such filings shall be made in accordance with, and subject to, the terms and conditions of electronic filing as set forth by this Court. All parties and counsel who choose to appear in this action must make arrangements to register for participation in electronic case filing, if they have not already done so. It is FURTHER ORDERED that Notices, Orders and Memoranda of the Court will only be filed and served electronically. Once a party or counsel has registered for electronic filing, it is his/her responsibility to monitor his/her e-mail to ensure receipt of electronic notices. Any changes in e-mail addresses must be reported to the Court immediately(Nici, Richard). (Entered: 08/17/2005)
08/18/2005	<u>29</u>	MEMORANDUM in Opposition re <u>19</u> MOTION to Dismiss filed by Sandy J. Battista. (Nici, Richard) (Entered: 08/25/2005)
08/18/2005	<u>30</u>	MEMORANDUM in Support re <u>19</u> MOTION to Dismiss filed by Sandy J. Battista. (Nici, Richard) (Entered: 08/25/2005)

10/19/2005	<u>31</u>	MOTION for Leave to Supplement plaintiff's pending application for a preliminary injunction by Sandy J. Battista.(Nici, Richard) (Entered: 10/20/2005)
10/19/2005	<u>32</u>	AFFIDAVIT of Sandy J. Baptista re <u>31</u> MOTION for Leave to File by Sandy J. Battista. (Nici, Richard) (Entered: 10/20/2005)
10/26/2005	<u>33</u>	RESPONSE to Motion re <u>31</u> MOTION for Leave to File filed by Kathleen M. Dennehy, Robert Murphy, Steve Fairly, Susan J Martin, Gregory J. Hughes. (Attachments: # <u>1</u> Affidavit)(McFarland, Richard) (Entered: 10/26/2005)
11/07/2005	<u>34</u>	MOTION to exclude report of Cynthis S. Osbourne and or Motion to strike by Sandy J. Battista.(Nici, Richard) (Entered: 11/08/2005)
11/07/2005	<u>35</u>	MEMORANDUM in Support re <u>34</u> MOTION to exclude report of Cynthis S. Osbourne and or Motion to strike filed by Sandy J. Battista. (Attachments: # <u>1</u> Part 2)(Nici, Richard) (Entered: 11/08/2005)
11/23/2005	<u>36</u>	MOTION for Sanctions <i>Against Plaintiff For Improper Communications With Defendants' Expert Witness</i> by Kathleen M. Dennehy, Robert Murphy, Steve Fairly, Susan J Martin, Gregory J. Hughes. (Attachments: # <u>1</u> Exhibit)(McFarland, Richard) (Entered: 11/23/2005)
12/05/2005	<u>37</u>	Cross MOTION for Sanctions by Sandy J. Battista.(Nici, Richard) (Entered: 12/06/2005)
01/30/2006	<u>38</u>	Letter/request (non-motion) from Sandy Battista. Mailed a copy of the docket to Ms. Battista. (Nici, Richard) (Entered: 01/31/2006)
03/13/2006	<u>39</u>	MOTION to Appoint Counsel by Sandy J. Battista. (Attachments: # <u>1</u> Affidavit)(Nici, Richard) (Entered: 03/15/2006)
03/13/2006	<u>40</u>	MEMORANDUM in Support re <u>39</u> MOTION to Appoint Counsel filed by Sandy J. Battista. (Nici, Richard) (Entered: 03/15/2006)
03/22/2006	<u>41</u>	Opposition re <u>39</u> MOTION to Appoint Counsel filed by UMass Correctional Health Program. (Brighton, Anthony) (Entered: 03/22/2006)
03/22/2006	<u>42</u>	Judge Douglas P. Woodlock : MEMORANDUM AND ORDER entered granting <u>39</u> Motion to Appoint Counsel, denying <u>7</u> Motion for Preliminary Injunction, denying <u>7</u> Motion for TRO, granting <u>19</u> Motion to Dismiss and directing consolidation of this case with Civil Action No. 05-12823 for purposes of appointing the same counsel to conduct the litigation. (Woodlock, Douglas) Additional attachment(s) added on 3/23/2006 (Rynne, Michelle). (Entered: 03/23/2006)
03/23/2006		Judge Douglas P. Woodlock : ORDER entered terminating <u>31</u> Motion for Leave to File, terminating <u>34</u> Motion to exclude, denying <u>36</u> Motion for Sanctions, denying <u>37</u> Motion for Sanctions, terminating <u>21</u> Motion for consolidation of hearings, terminating <u>22</u> Motion for Court to call witnesses, terminating <u>23</u> Motion for Hearing (Woodlock, Douglas) (Entered: 03/23/2006)
03/30/2006	<u>43</u>	Judge Douglas P. Woodlock : ORDER entered. Order Appointing Pro Bono Counsel: It is ORDERED that Julie A. Hardy, Esq. is appointed to represent the plaintiff under the provisions of the United States District Court Plan for the Appointment of Counsel For Indigent Parties in Civil Cases, unless this appointment is declined by written notice (copy to pro bono coordinator) within twenty-one (21) days from the date of this Order. Once this order takes effect, appointed counsel or his or her designated associate(s) shall: (1) promptly file a Notice of Appearance in this action; and (2) serve until the litigation is terminated or the Court enters an order revoking said appointment. Contact: Julie A. Baker, Esq. 120 Tremont Street, Suite 370J, Boston, MA 02108(617)573-8136, BBO #557047. (PSSA, 1) (Entered: 03/30/2006)
04/19/2006	<u>44</u>	MOTION for Entry of Judgment under Rule 54(b) by UMass Correctional Health Program.(Brighton, Anthony) (Entered: 04/19/2006)
04/19/2006	<u>45</u>	MEMORANDUM in Support re <u>44</u> MOTION for Entry of Judgment under Rule 54(b) filed by UMass Correctional Health Program. (Attachments: # <u>1</u> # <u>2</u>)(Brighton, Anthony) (Entered: 04/19/2006)

05/08/2006	<u>46</u>	NOTICE of intent not to oppose motion of defendant by Sandy J. Battista (Nici, Richard) Additional attachment(s) added on 5/9/2006 (Nici, Richard). (Entered: 05/09/2006)
09/12/2006	<u>47</u>	NOTICE of Hearing : Scheduling Conference set for 10/12/2006 03:00 PM in Courtroom 1 before Judge Douglas P. Woodlock. All pending matters will be addressed at this conference.(Rynne, Michelle) (Entered: 09/12/2006)
10/11/2006		ELECTRONIC NOTICE Cancelling Hearing. Scheduling Conference set for 10/12/2006 03:00 PM is cancelled. (Rynne, Michelle) (Entered: 10/11/2006)
11/20/2006	<u>48</u>	MOTION for Reconsideration by Sandy J. Battista. (Attachments: # <u>1</u> Affidavit)(Nici, Richard) (Entered: 11/22/2006)
12/04/2006	<u>49</u>	Opposition re <u>48</u> MOTION for Reconsideration filed by Kathleen M. Dennehy, Robert Murphy, Steve Fairly, Susan J Martin, Gregory J. Hughes. (Attachments: # <u>1</u> Affidavit)(McFarland, Richard) (Entered: 12/04/2006)
12/04/2006	<u>50</u>	MOTION for Discovery – <i>Order Compelling Plaintiff to Submit to a Mental Examination</i> by Kathleen M. Dennehy, Robert Murphy, Steve Fairly, Susan J Martin, Gregory J. Hughes.(McFarland, Richard) (Entered: 12/04/2006)
12/04/2006	<u>51</u>	MEMORANDUM in Support re <u>50</u> MOTION for Discovery – <i>Order Compelling Plaintiff to Submit to a Mental Examination</i> filed by Kathleen M. Dennehy, Robert Murphy, Steve Fairly, Susan J Martin, Gregory J. Hughes. (Attachments: # <u>1</u> Exhibit)(McFarland, Richard) (Entered: 12/04/2006)
12/18/2006	<u>52</u>	MOTION for Leave to File by Sandy J. Battista. (Attachments: # <u>1</u> # <u>2</u> Exhibit)(Nici, Richard) (Entered: 12/19/2006)
12/18/2006	<u>53</u>	MEMORANDUM in Opposition re <u>50</u> MOTION for Discovery – <i>Order Compelling Plaintiff to Submit to a Mental Examination</i> filed by Sandy J. Battista. (Nici, Richard) (Entered: 12/19/2006)
12/18/2006	<u>54</u>	MEMORANDUM OF LAW by Sandy J. Battista to <u>53</u> Memorandum in Opposition to Motion. Exhibits filed and not scanned.(Nici, Richard) (Entered: 12/19/2006)
02/08/2007	<u>55</u>	Letter/request (non-motion) from S. Baptista. (Nici, Richard) (Entered: 02/08/2007)
02/12/2007	<u>56</u>	Judge Douglas P. Woodlock : ORDER entered. [Summary of Text: On January 9, 2007, Plaintiff sent a letter to the Pro Se Staff Attorneys Office requesting a list of ten (10) of the major law firms and their addresses, so that she may write to them personally with a procedural outline of her claims, and forward to them documentary evidence for their consideration. The basis for this request is that she was informed that obtaining pro bono counsel takes time, and that in her view, counsel would be more inclined to accept an appointment knowing the facts and evidence of her cases. Plaintiff's request is DENIED. The Court will not approve of the dissemination of this its confidential list of its pro bono contacts or sources....While Plaintiff may, of course, make her own efforts to secure counsel to represent her, she may not represent to any law firms or attorneys that this Court endorsed the direct solicitation. Alternatively, if Plaintiff does not wish the Pro Bono Coordinators to continue their efforts because of the time delay, she may elect to withdraw her request for a successor appointment of pro bono counsel, and proceed pro se, by filing a Notice with the Court.](PSSA, 1) (Entered: 02/12/2007)
03/22/2007	<u>57</u>	Judge Douglas P. Woodlock : ORDER FOR APPOINTMENT OF PRO BONO COUNSEL AND ORDER ON PENDING MOTIONS entered: it is hereby Ordered that Erin Anderson, Esq. is appointed as successor pro bono counsel to Attorney Julie A. Baker to represent the Plaintiff Sandy J. Battista in C.A 05-12383-DPW and C.A. 05-11456-DPW. Contact Information for pro bono counsel is: Erin Anderson, Esq., P.O. Box 934, York Harbor, Maine 03911 (207)363-9113 (fax)(774) 888-9043 (cell) e-mail: erino27@yahoo.com. It is Further Ordered that Plaintiff's pro se Motion for Reconsideration of the Application for a Temporary Restraining Order (#48), Defendants' Motion for an Order Compelling Plaintiff to Submit to a Mental Examination (#50), Defendant University of Massachusetts's Motion for Entry of Separate and Final Judgment (#44), and Plaintiff's Motion for Leave to File a Reply (#52) are all DENIED without prejudice. The parties may reassert such terminated motions no earlier than forty-five (45) days from the date of this Order in order to

		permit newly appointed counsel a reasonable period to assess the issues in these cases. The parties are reminded that any motion submitted to the Court must comply with Local Rule 7.1. (PSSA, 1) Modified on 3/22/2007 to correct typographical errors. (PSSA, 1). (Entered: 03/22/2007)
05/09/2007	<u>58</u>	MOTION for Extension of Time by Sandy J. Battista.(Nici, Richard) (Entered: 05/09/2007)
05/10/2007	<u>59</u>	MOTION for Entry of Judgment under Rule 54(b) by UMass Correctional Health Program.(Brighton, Anthony) (Entered: 05/10/2007)
05/10/2007	<u>60</u>	MEMORANDUM in Support re <u>59</u> MOTION for Entry of Judgment under Rule 54(b) filed by UMass Correctional Health Program. (Attachments: # <u>1</u> Exhibit Exhibit A# <u>2</u> Exhibit Exhibit B)(Brighton, Anthony) (Entered: 05/10/2007)
06/26/2007	<u>61</u>	MOTION for Extension of Time to 10/26/07 to Complete Discovery Pursuant to Fed. R. Civ. P. 56(f) by Kathleen M. Dennehy, Robert Murphy, Steve Fairly, Susan J Martin, Gregory J. Hughes. (Attachments: # <u>1</u> Affidavit)(McFarland, Richard) (Entered: 06/26/2007)
06/26/2007	<u>62</u>	MOTION for Discovery –Renewed Motion for Order Compelling Plaintiff to Submit to Mental Examinations by Kathleen M. Dennehy, Robert Murphy, Steve Fairly, Susan J Martin, Gregory J. Hughes.(McFarland, Richard) (Entered: 06/26/2007)
06/26/2007	<u>63</u>	MEMORANDUM in Support re <u>62</u> MOTION for Discovery –Renewed Motion for Order Compelling Plaintiff to Submit to Mental Examinations filed by Kathleen M. Dennehy, Robert Murphy, Steve Fairly, Susan J Martin, Gregory J. Hughes. (Attachments: # <u>1</u> Exhibit)(McFarland, Richard) (Entered: 06/26/2007)
07/10/2007	<u>64</u>	MOTION for Protective Order by Sandy J. Battista.(Nici, Richard) (Entered: 07/10/2007)
07/10/2007	<u>65</u>	MEMORANDUM in Opposition re <u>61</u> MOTION for Extension of Time to 10/26/07 to Complete Discovery Pursuant to Fed. R. Civ. P. 56(f), <u>62</u> MOTION for Discovery –Renewed Motion for Order Compelling Plaintiff to Submit to Mental Examinations filed by Sandy J. Battista. (Nici, Richard) (Entered: 07/10/2007)
07/10/2007	<u>66</u>	MEMORANDUM in Support re <u>64</u> MOTION for Protective Order filed by Sandy J. Battista. (Attachments: # <u>1</u> Exhibit)(Nici, Richard) (Entered: 07/10/2007)
07/12/2007	<u>67</u>	Letter/request (non–motion) from New Mexico Legal Aid. (Nici, Richard) (Entered: 07/12/2007)
07/12/2007		Judge Douglas P. Woodlock : Electronic ORDER entered ALLOWING <u>67</u> Letter/request treated as a motion to withdraw as pro bono counsel. (Lovett, Jarrett) (Entered: 07/12/2007)
10/26/2007	<u>68</u>	Letter/request (non–motion) from Sandy Baptista. (Nici, Richard) (Entered: 10/26/2007)
10/26/2007		DOCKET SHEET sent to S. Baptista (Nici, Richard) (Entered: 10/26/2007)
11/05/2007	<u>69</u>	Letter/request (non–motion) from S. Battista. (Nici, Richard) (Entered: 11/05/2007)
11/16/2007	<u>70</u>	Judge Douglas P. Woodlock : ORDER entered. Order Appointing Pro Bono Counsel. There being sufficient cause to exercise the discretionary power of the Court to appoint counsel, it is ORDERED that McDermott Will & Emery LLP is appointed to represent the plaintiff under the provisions of the United States District Court Plan for the Appointment of Counsel For Indigent Parties in Civil Cases, unless this appointment is declined by written notice (copy to pro bono coordinator) within twenty–one (21) days from the date of this Order. Once this order takes effect, appointed counsel or his or her designated associate(s) shall: (1) promptly file a Notice of Appearance in this action; and (2) serve until the litigation is terminated or the Court enters an order revoking said appointment. Contact names: Neal E. Minahan, Jr., Esq.,Emily E. Smith–Lee, Esq.,Ada Sheng, Esq.(PSSA, 1) (Entered: 11/16/2007)
11/16/2007		Judge Douglas P. Woodlock : Electronic ORDER entered: In view of the Order Appointing Successor Pro Bono Counsel in this action, it is hereby Ordered that the pending motions in C.A. 05–11456–DPW ((i.e., Motion for an Extension of Time

		(#58), Motion for Entry of Judgment Under Rule 54(b) (#59), Motion for Extension of Time to 10/26/07 to Complete Discovery (#61), Motion for Discovery Renewed Motion for an Order Compelling Plaintiff to Submit to Mental Examinations (#62) and Motion for Protective Order (#64) are all DENIED without prejudice to renew after counsel have consulted. With respect to the pending motions in C.A. 05-12383-DPW, the plaintiff's pro se Motion to Withdraw Request for Successor Counsel (#9), and the pro se Motion for Summary Judgment (#10) are both hereby DENIED. A Status Conference will be set. (PSSA, 1) (Entered: 11/16/2007)
11/16/2007		ELECTRONIC NOTICE of STATUS CONFERENCE: A STATUS CONFERENCE (with pro bono counsel and defense counsel in both C.A. 05-11456-DPW and C.A. 05-12383-DPW) is set for December 10, 2007 at 10:00 a.m. in courtroom #1 on the 3rd floor. Counsel shall file a JOINT STATUS REPORT by December 5, 2007, which shall identify any outstanding issues in these two actions, including requests for discovery and any other matters under Fed. R. Civ. P. 16. (Entered: 11/16/2007)
11/20/2007	<u>71</u>	NOTICE of Appearance by Neal E. Minahan, Jr on behalf of Sandy J. Battista (Minahan, Neal) (Entered: 11/20/2007)
11/28/2007	<u>72</u>	NOTICE of Appearance by Emily E. Smith-Lee on behalf of Sandy J. Battista (Smith-Lee, Emily) (Entered: 11/28/2007)
12/05/2007	<u>73</u>	STATUS REPORT <i>JOINTLY FILED</i> by Sandy J. Battista, Kathleen M. Dennehy, Robert Murphy, Steve Fairly, Susan J Martin, Gregory J. Hughes. (Minahan, Neal) (Entered: 12/05/2007)
12/07/2007	<u>74</u>	NOTICE of Appearance by Dana M. McSherry on behalf of Sandy J. Battista (McSherry, Dana) (Entered: 12/07/2007)
12/07/2007	<u>75</u>	NOTICE of Appearance by Joan T. Kennedy on behalf of Kathleen M. Dennehy, Robert Murphy, Steve Fairly, Susan J Martin, Gregory J. Hughes (Kennedy, Joan) (Entered: 12/07/2007)
12/10/2007	<u>76</u>	NOTICE of Appearance by Ada Y. Sheng on behalf of Sandy J. Battista (Sheng, Ada) (Entered: 12/10/2007)
12/10/2007		Electronic Clerk's Notes for proceedings held before Judge Douglas P. Woodlock : Status Conference held on 12/10/2007: Court sets discovery deadlines as follows: Plaintiff shall file an amended complaint by January 7, 2008. Plaintiff shall file notice of whether or not going forward as to the defendant, UMass Correctional Health Program and file notice of intentions of pursuing the communication issue. All non-expert discovery, including depositions, and disclosure of experts and expert reports shall be completed by 4/18/08; disclosure of rebuttal experts and rebuttal expert reports by 5/16/08; all expert discovery, including depositions, to be completed by 6/13/08; all dispositive motions to be filed by 7/11/08. (Court Reporter: Brenda Hancock)(Attorneys present: McSherry, Minahan, Smith-Lee, Sheng, Kennedy, McFarland, Burgess) (Lovett, Jarrett) (Entered: 12/10/2007)
12/10/2007		Judge Douglas P. Woodlock : Electronic ORDER entered. SCHEDULING ORDER:Plaintiff shall file notice of whether or not going forward as to the defendant, UMass Correctional Health Program and file notice of intentions of pursuing the communication issue. All non-expert discovery, including depositions, and disclosure of experts and expert reports shall be completed by 4/18/08; disclosure of rebuttal experts and rebuttal expert reports by 5/16/08; all expert discovery, including depositions, to be completed by 6/13/08; all dispositive motions to be filed by 7/11/08. Joint Status Report due by 8/5/08 indicating the current status of the case, including discovery proceedings, settlement discussions, pending or contemplated motions, proposed dates for pretrial conferences and for trial, and any other matters which should be addressed at the further conference. Further Status/Scheduling Conference set for 8/12/2008 02:30 PM before Judge Douglas P. Woodlock.Associated Cases: 1:05-cv-12383-DPW, 1:05-cv-11456-DPW(Lovett, Jarrett) (Entered: 12/10/2007)
01/08/2008	<u>77</u>	MOTION for Leave to File <i>First Amended Complaint</i> by Sandy J. Battista. (Attachments: # <u>1</u> Exhibit 1)(Minahan, Neal) (Entered: 01/08/2008)
01/08/2008	<u>78</u>	NOTICE by Sandy J. Battista of <i>Non-Opposition</i> (Minahan, Neal) (Entered: 01/08/2008)

01/10/2008	<u>79</u>	Judge Douglas P. Woodlock: ORDER entered granting <u>77</u> Motion for Leave to File. The proposed First Amended Complaint (#77) is now the operative pleading in this action. Additionally, the earlier denial of the Motion for Entry of Judgment Under Rule 54(b) by University of Massachusetts Correctional Health Program (#59) is VACATED and the Clerk is to enter Separate and Final Judgment for University of Massachusetts Correctional Health Program, based on the March 22, 2006 Memorandum and Order (#42). (PSSA, 1) (Entered: 01/10/2008)
01/10/2008	<u>80</u>	Judge Douglas P. Woodlock: ORDER entered. SEPARATE AND FINAL JUDGMENT in favor of University of Massachusetts Correctional Health Program against Sandy Jo Battista.(PSSA, 1) (Entered: 01/10/2008)
01/10/2008	<u>81</u>	First AMENDED COMPLAINT against Terre K. Marshall, Harold W. Clarke, Kathleen M. Dennehy, Robert Murphy, Susan J Martin, filed by Sandy J. Battista. (Attachments: # <u>1</u> Exhibit A)(Minahan, Neal) (Entered: 01/10/2008)
01/10/2008	<u>82</u>	Summons Issued as to Terre K. Marshall, Harold W. Clarke. 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. (Seelye, Terri) (Entered: 01/16/2008)
01/28/2008	<u>85</u>	MOTION to Dismiss <i>Counts III–IX</i> by Terre K. Marshall, Harold W. Clarke, Kathleen M. Dennehy, Robert Murphy, Susan J Martin.(McFarland, Richard) (Entered: 01/28/2008)
01/28/2008	<u>86</u>	MEMORANDUM in Support re <u>85</u> MOTION to Dismiss <i>Counts III–IX</i> filed by Terre K. Marshall, Harold W. Clarke, Kathleen M. Dennehy, Robert Murphy, Susan J Martin. (McFarland, Richard) (Entered: 01/28/2008)
01/28/2008	<u>87</u>	CERTIFICATE OF CONSULTATION re <u>85</u> MOTION to Dismiss <i>Counts III–IX</i> . (McFarland, Richard) (Entered: 01/28/2008)
02/11/2008	<u>88</u>	Assented to MOTION for Extension of Time to February 15, 2008 to File Opposition to Defendants' Motion to Dismiss by Sandy J. Battista.(Minahan, Neal) (Entered: 02/11/2008)
02/11/2008		Judge Douglas P. Woodlock: Electronic ORDER entered granting <u>88</u> Assented Motion for Extension of Time to File Response/Reply re <u>85</u> MOTION to Dismiss <i>Counts III–IX</i> : Response due by 2/15/2008 (Lovett, Jarrett) (Entered: 02/11/2008)
02/15/2008	<u>89</u>	Opposition re <u>85</u> MOTION to Dismiss <i>Counts III–IX</i> filed by Sandy J. Battista. (Sheng, Ada) (Entered: 02/15/2008)
02/29/2008	<u>90</u>	MOTION for Protective Order by Sandy J. Battista.(McSherry, Dana) (Entered: 02/29/2008)
02/29/2008	<u>91</u>	MEMORANDUM in Support re <u>90</u> MOTION for Protective Order filed by Sandy J. Battista. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(McSherry, Dana) (Entered: 02/29/2008)
03/06/2008	<u>92</u>	MEMORANDUM in Opposition re <u>90</u> MOTION for Protective Order filed by Terre K. Marshall, Harold W. Clarke, Kathleen M. Dennehy, Robert Murphy, Susan J Martin. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(McFarland, Richard) (Entered: 03/06/2008)
03/21/2008	<u>93</u>	MOTION for Leave to File <i>Reply to Defendants' Opposition to Protective Order</i> by Sandy J. Battista. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Sheng, Ada) (Entered: 03/21/2008)
03/24/2008		Judge Douglas P. Woodlock: Electronic ORDER entered granting <u>93</u> MOTION for Leave to File Reply to Defendants' Opposition to Protective Order by Sandy J. Battista; 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. (Lovett, Jarrett) (Entered: 03/24/2008)
03/24/2008	<u>94</u>	REPLY to Response to <u>90</u> MOTION for Protective Order filed by Sandy J. Battista. (Attachments: # <u>1</u> Exhibit 1)(Smith–Lee, Emily) Modified text on 3/26/2008 (Seelye,

		Terri). (Entered: 03/24/2008)
03/31/2008		ELECTRONIC NOTICE of Hearing on Motion <u>85</u> MOTION to Dismiss <i>Counts III–IX</i> , <u>90</u> MOTION for Protective Order : Motion Hearing set for 5/14/2008 02:30 PM in Courtroom 1 before Judge Douglas P. Woodlock. (Lovett, Jarrett) (Entered: 03/31/2008)
05/14/2008		Electronic Clerk's Notes for proceedings held before Judge Douglas P. Woodlock: Motion Hearing held on 5/14/2008 re <u>85</u> MOTION to Dismiss <i>Counts III–IX</i> filed by Harold W. Clarke, Robert Murphy, Kathleen M. Dennehy, Terre K. Marshall, Susan J Martin, <u>90</u> MOTION for Protective Order filed by Sandy J. Battista: Parties give oral arguments. The Defendant's Motion to Dismiss is ALLOWED in part and DENIED in part. Plaintiff's claims of negligence and negligent infliction of emotional distress, (Counts VII and IX) are DISMISSED. The motion is DENIED as to all other counts. The Plaintiff's Motion for a Protective Order is DENIED without prejudice to renew if the parties are unable to resolve or narrow the issues. Discovery Schedule set: Defendant's expert report pursuant to rule 26 is due by 7/1/08, and the Plaintiff's expert report is due by 8/15/08, all discovery shall be completed by 9/26/08. (Court Reporter: Diane Molas)(Attorneys present: Minahan, McSherry, Sheng, and Smith–Lee for the plttf; McFarland for the Def't's) (Lovett, Jarrett) (Entered: 05/14/2008)
07/10/2008		ELECTRONIC NOTICE OF RESCHEDULING AS TO TIME ONLY: Further Status/Scheduling Conference reset for 8/12/2008 03:30 PM in Courtroom 1 before Judge Douglas P. Woodlock. (Lovett, Jarrett) (Entered: 07/10/2008)
08/05/2008	<u>95</u>	STATUS REPORT (<i>JOINT</i>) by Sandy J. Battista. (Sheng, Ada) (Entered: 08/05/2008)
08/06/2008	<u>96</u>	MOTION for Preliminary Injunction by Sandy J. Battista.(Smith–Lee, Emily) (Entered: 08/06/2008)
08/06/2008	<u>97</u>	MEMORANDUM in Support re <u>96</u> MOTION for Preliminary Injunction filed by Sandy J. Battista. (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, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit Exhibit O, # <u>16</u> Exhibit P, # <u>17</u> Exhibit Q, # <u>18</u> Exhibit R, # <u>19</u> Exhibit S, # <u>20</u> Exhibit T, # <u>21</u> Exhibit U, # <u>22</u> Exhibit V, # <u>23</u> Exhibit W, # <u>24</u> Exhibit X, # <u>25</u> Exhibit Y)(Smith–Lee, Emily) (Entered: 08/06/2008)
08/06/2008	<u>98</u>	MOTION for Extension of Time to Two Weeks to File Rebuttal Expert Report by Sandy J. Battista. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Smith–Lee, Emily) (Entered: 08/06/2008)
08/11/2008	<u>99</u>	MOTION for Extension of Time to September 5, 2008 to Respond to <u>96</u> Plaintiff's Renewed Motion for Preliminary Injunction by Terre K. Marshall, Harold W. Clarke, Kathleen M. Dennehy, Robert Murphy, Susan J Martin.(McFarland, Richard) (Entered: 08/11/2008)
08/12/2008		Electronic Clerk's Notes for proceedings held before Judge Douglas P. Woodlock: Status Conference held on 8/12/2008: Court informed that a treatment plan has been faxed over to the plttf today; said plan may be amended depending on the plttf's progress; security issue is being further explored; Court GRANTS <u>98</u> Motion for Extension of Time to File Rebuttal Expert Report by Sandy J. Battista to a date to be determined upon disposition on the plttf's Motion for Preliminary Injunction; GRANTS <u>99</u> Motion for Extension of Time to File Response re <u>96</u> MOTION for Preliminary Injunction by 9/5/2008, reply is due by 9/12/2008; a Hearing as to <u>96</u> MOTION for Preliminary Injunction is set for 10/8/2008 02:30 PM in Courtroom 1 before Judge Douglas P. Woodlock. (Court Reporter: Diane Molas)(Attorneys present: Minahan, Sheng, & Smith–Lee for the plttf; McFarland for the def't's) (Lovett, Jarrett) (Entered: 08/13/2008)
08/14/2008	<u>100</u>	FILING ERROR – FILED PREMATURELY AS LEAVE NOT GRANTED – ANSWER to <u>81</u> Amended Complaint by Terre K. Marshall, Harold W. Clarke, Kathleen M. Dennehy, Robert Murphy, Susan J Martin.(McFarland, Richard) Modified text on 8/15/2008 (Seelye, Terri). (Entered: 08/14/2008)
08/14/2008	<u>101</u>	MOTION for Leave to File <i>Answer</i> by Terre K. Marshall, Harold W. Clarke, Kathleen M. Dennehy, Robert Murphy, Susan J Martin. (Attachments: # <u>1</u> Affidavit

		Counsel)(McFarland, Richard) (Entered: 08/14/2008)
08/15/2008		Notice of correction to docket made by Court staff. Correction: Document #100 corrected because: filed prematurely as leave not granted. (Seelye, Terri) (Entered: 08/15/2008)
08/15/2008		Judge Douglas P. Woodlock: Electronic ORDER entered granting <u>101</u> MOTION for Leave to File Answer (late) by Terre K. Marshall, Harold W. Clarke, Kathleen M. Dennehy, Robert Murphy, Susan J Martin; 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. (Lovett, Jarrett) (Entered: 08/15/2008)
08/15/2008		ELECTRONIC NOTICE RESCHEDULING Hearing on Motion <u>96</u> MOTION for Preliminary Injunction : Motion Hearing reset for 10/15/2008 02:30 PM in Courtroom 1 before Judge Douglas P. Woodlock. (Lovett, Jarrett) (Entered: 08/15/2008)
08/18/2008	<u>102</u>	ANSWER to First Amended Complaint with Jury Demand by Terre K. Marshall, Harold W. Clarke, Kathleen M. Dennehy, Robert Murphy, Steve Fairly, Susan J Martin, Gregory J. Hughes.(Kennedy, Joan) Related Document <u>81</u> . Modified text & created link on 8/19/2008 (Seelye, Terri). (Entered: 08/18/2008)
09/05/2008	<u>103</u>	Opposition re <u>96</u> MOTION for Preliminary Injunction filed by Terre K. Marshall, Harold W. Clarke, Kathleen M. Dennehy, Robert Murphy, Susan J Martin. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(McFarland, Richard) (Entered: 09/05/2008)
09/11/2008	<u>104</u>	Assented to MOTION for Extension of Time to September 19, 2008 to File Response/Reply by Sandy J. Battista.(Minahan, Neal) (Entered: 09/11/2008)
09/12/2008		Judge Douglas P. Woodlock: Electronic ORDER entered granting <u>104</u> Assented to Motion for Extension of Time to September 19, 2008 to File Reply (PSSA, 1) (Entered: 09/12/2008)
09/15/2008	<u>105</u>	Assented to MOTION to Take Deposition from Dr. Levine, Dr. Zakai, Diane McLaughlin by Sandy J. Battista.(Smith-Lee, Emily) (Entered: 09/15/2008)
09/16/2008		Judge Douglas P. Woodlock: Electronic ORDER entered granting <u>105</u> Plaintiff's Motion to Take Deposition from from Dr. Levine, Dr. Zakai, Diane McLaughlin. (PSSA, 1) (Entered: 09/16/2008)
09/18/2008		Judge Douglas P. Woodlock: Electronic ORDER entered: PROCEDURAL ORDER: By September 22, 2008, Plaintiff shall file a brief "Exhibit List" with respect to exhibits A–Y attached to the Memorandum in Support of the Motion for Preliminary Injunction (Docket No. 97). The Exhibit List shall include a chart containing: (1) the exhibit number; (2) a brief description of the exhibit (e.g., Report of [Name]; Deposition of [Name]; (3) the date of the exhibit; (4) the page number in the brief in which the exhibit is cited; and (5) if citing to witness testimony in the brief, identify the name of the witness and the page and line number of the exhibit. Plaintiff shall provide an Exhibit List with respect to any Reply brief filed. It is further ordered that the Defendants shall provide the same type of Exhibit List with respect to the attachments included in their Opposition (Docket No. 103), also by September 22, 2008.(PSSA, 1) (Entered: 09/18/2008)
09/19/2008	<u>106</u>	REPLY to Response to <u>96</u> MOTION for Preliminary Injunction filed by Sandy J. Battista. (Attachments: # <u>1</u> Exhibit A to G, # <u>2</u> Exhibit H to L, # <u>3</u> Exhibit M to O, # <u>4</u> Exhibit P to T)(Minahan, Neal) (Entered: 09/19/2008)
09/22/2008	<u>107</u>	Amended Memorandum in Support of Plaintiff's Renewed Motion For Preliminary Injunction by Sandy J. Battista. (Attachments: # <u>1</u> Chart of Exhibits and Exhibits A–E, # <u>2</u> Exhibits F–I, # <u>3</u> Exhibits K–P, # <u>4</u> Exhibits Q–Y)(Smith-Lee, Emily) Modified text on 9/23/2008 (Seelye, Terri). (Entered: 09/22/2008)
09/22/2008	<u>108</u>	EXHIBIT Chart re <u>106</u> in support of plaintiff's reply to defendant's opposition to plaintiff's motion for preliminary injunction by Sandy J. Battista. (Smith-Lee, Emily) Modified text on 9/23/2008 (Seelye, Terri). (Entered: 09/22/2008)

09/22/2008	<u>109</u>	<i>Exhibit List to Defendants' Opposition to Plaintiff's Renewed Motion for Preliminary Injunction</i> by Terre K. Marshall, Harold W. Clarke, Kathleen M. Dennehy, Robert Murphy, Susan J Martin. (McFarland, Richard) Related Document <u>103</u> . Modified text & created link on 9/23/2008 (Seelye, Terri). (Entered: 09/22/2008)
09/22/2008		Judge Douglas P. Woodlock: Electronic ORDER entered: Plaintiff's Motion to file an Amended Memorandum in Support of Plaintiff's Renewed Motion for Preliminary Injunction (Docket No. 107) is ALLOWED. Although Plaintiff does not indicate how the Amended Memorandum alters the original, it appears that, apart from pagination and substitution of Exhibit I, the Amended Memorandum (also Docket No. 107) is substantively identical to the original (Docket No. 97). Therefore the Court presumes this Amended Memorandum and attached exhibits are filed solely for purposes of completeness of the record, and not as additional or supplemental arguments not previously asserted in the original memorandum or in Plaintiff's Reply (Docket No. 106). Accordingly, the Defendants need not file a response to the Amended Memorandum, and the Court will consider the Defendants' Opposition (Docket No. 103) as the response to the Amended Memorandum (Docket No. 107). (PSSA, 1) (Entered: 09/22/2008)
10/06/2008	<u>110</u>	MOTION for Leave to File <i>Sur-reply to Plaintiff's Reply to Defendants' Opposition to Plaintiff's Renewed Motion for Preliminary Injunction</i> by Terre K. Marshall, Harold W. Clarke, Kathleen M. Dennehy, Robert Murphy, Susan J Martin. (Attachments: # <u>1</u> Supplement, # <u>2</u> Exhibit)(McFarland, Richard) (Entered: 10/06/2008)
10/07/2008		Judge Douglas P. Woodlock: Electronic ORDER entered granting <u>110</u> MOTION for Leave to File <i>Sur-reply to Plaintiff's Reply to Defendants' Opposition to Plaintiff's Renewed Motion for Preliminary Injunction</i> by Terre K. Marshall, Harold W. Clarke, Kathleen M. Dennehy, Robert Murphy, Susan J Martin; 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. (Lovett, Jarrett) (Entered: 10/07/2008)
10/07/2008	<u>111</u>	SUR-REPLY to Motion re <u>96</u> MOTION for Preliminary Injunction filed by Terre K. Marshall, Harold W. Clarke, Kathleen M. Dennehy, Robert Murphy, Susan J Martin. (Attachments: # <u>1</u> Exhibit)(McFarland, Richard) (Entered: 10/07/2008)
10/15/2008		Electronic Clerk's Notes for proceedings held before Judge Douglas P. Woodlock: Motion Hearing held on 10/15/2008 re <u>96</u> MOTION for Preliminary Injunction filed by Sandy J. Battista: Plaintiff's Motion for a Preliminary Injunction (#96) is allowed to the extent that the Court will enforce the DOC's GID treatment plan by court order. The parties are directed to confer and propose, if possible, a joint plan for the enforcement of a GID treatment plan which includes providing this Court with monthly supervision reports signed by Dr. Zakai and Dr. Levine. The parties shall submit a proposed form of Order for GID treatment by October 31, 2008. The Court makes findings of deliberate indifference and likelihood of success on the merits as reflected in the stenographer's notes and stated on the record in open court. Notwithstanding this finding, hormone therapy will not be ordered at this time. By 11/14/08, plaintiff shall make the Rule 26 expert disclosures and expert discovery may be conducted. A further scheduling conference will be set to schedule a trial date. (Court Reporter: Diane Molas)(Attorneys present: Smith-Lee, McSherry, Minahan, Sheng, McFarland) (Lovett, Jarrett) (Entered: 10/15/2008)
10/27/2008		Set/Reset Deadlines: Plaintiff shall make Rule 26 expert disclosures by 11/14/2008. (Lovett, Jarrett) (Entered: 10/27/2008)
10/31/2008	<u>112</u>	MOTION Motion for Entry of Proposed Order <i>on Motion for Preliminary Injunction</i> by Sandy J. Battista. (Attachments: # <u>1</u> Exhibit to Motion for Entry of Proposed Order)(Smith-Lee, Emily) (Entered: 10/31/2008)
10/31/2008	<u>113</u>	Response by Terre K. Marshall, Harold W. Clarke, Kathleen M. Dennehy, Robert Murphy, Susan J Martin <i>to Order of October 15, 2008</i> . (Attachments: # <u>1</u> Supplement)(McFarland, Richard) (Entered: 10/31/2008)
11/04/2008	<u>114</u>	Transcript of Motion Hearing held on May 14, 2008, before Judge Woodlock. Court Reporter: Diane Molas at dmolas1@aol.com. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER

		after it is released. Redaction Request due 11/24/2008. Redacted Transcript Deadline set for 12/2/2008. Release of Transcript Restriction set for 1/30/2009. (Scalfani, Deborah) (Entered: 11/04/2008)
11/04/2008	<u>115</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: 11/04/2008)
11/10/2008	<u>116</u>	MOTION for Leave to File <i>Reply to Defendants' Response to October 15, 2008 Court Order</i> by Sandy J. Battista. (Attachments: # <u>1</u> Exhibit Proposed Reply, # <u>2</u> Exhibit)(Smith-Lee, Emily) (Entered: 11/10/2008)
11/14/2008		Judge Douglas P. Woodlock: Electronic ORDER entered granting <u>116</u> Motion for Leave to File Reply to Defendants' Response to October 15, 2008 Court Order; 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. (PSSA, 1) Modified text on 11/17/2008 (Seelye, Terri). (Entered: 11/14/2008)
11/17/2008	<u>117</u>	REPLY to Response to <u>112</u> MOTION Motion for Entry of Proposed Order <i>on Motion for Preliminary Injunction (leave to file granted 11/14/08)</i> filed by Sandy J. Battista. (Attachments: # <u>1</u> Exhibit)(Smith-Lee, Emily) (Entered: 11/17/2008)
12/09/2008	<u>119</u>	Judge Douglas P. Woodlock: MEMORANDUM (outlining resolution of certain issues in connection with the Plaintiff's Motion for Preliminary Injunction). A separate Preliminary Injunction Order will be issued in conjunction with this Memorandum. (PSSA, 1)[Remark: Motion for Entry of Proposed Preliminary Injunction Order (#112) terminated by this Memorandum]. (Entered: 12/09/2008)
12/09/2008	<u>120</u>	Judge Douglas P. Woodlock: PRELIMINARY INJUNCTION ORDER entered. [Clinician's Monthly reports beginning January 30, 2009; and six-month report due June 30, 2009]. (PSSA, 1)[Remark: See Memorandum (#119) issued along with this Order.] (Entered: 12/09/2008)
12/18/2008	<u>121</u>	MOTION for Reconsideration re <u>120</u> Order by Terre K. Marshall, Harold W. Clarke, Kathleen M. Dennehy, Robert Murphy, Susan J Martin.(McFarland, Richard) (Entered: 12/18/2008)
12/23/2008	<u>122</u>	Assented to MOTION for Extension of Time to 1/9/2009 to File Response/Reply as to <u>121</u> MOTION for Reconsideration re <u>120</u> Order by Sandy J. Battista.(Minahan, Neal) (Entered: 12/23/2008)
12/23/2008		Judge Douglas P. Woodlock: Electronic ORDER entered granting <u>122</u> Assented to MOTION for Extension of Time to 1/9/2009 to File Response/Reply as to <u>121</u> MOTION for Reconsideration re 120 Order by Sandy J. Battista. (Lovett, Jarrett) (Entered: 12/23/2008)
01/09/2009	<u>123</u>	Opposition re <u>121</u> MOTION for Reconsideration re <u>120</u> Order filed by Sandy J. Battista. (Attachments: # <u>1</u> Exhibit)(Smith-Lee, Emily) (Entered: 01/09/2009)
01/27/2009		ELECTRONIC NOTICE of Hearing : Status Conference set for 2/6/2009 10:00 AM in Courtroom 1 before Judge Douglas P. Woodlock. (Lovett, Jarrett) (Entered: 01/27/2009)
01/29/2009	<u>124</u>	Sealed Document: Monthly report dated 1/27/09. (Seelye, Terri) (Entered: 01/29/2009)
02/06/2009		Electronic Clerk's Notes for proceedings held before Judge Douglas P. Woodlock: Status Conference held on 2/6/2009: After a hearing <u>121</u> MOTION for Reconsideration is ALLOWED only to the extent that the preliminary injunction order will be modified to state that the records may be released to the DOC without court order if there is an imminent threat of harm to Battista or others. By 12:00 noon on February 9, 2009, the parties shall submit an agreed-upon form of Order which will serve as an amendment to the preliminary injunction order <u>120</u> . With respect to the monthly supervision report of January 2009 submitted by the clinicians, the Court expresses concerns that good clinical advice be rendered absent consideration of security concerns. The Court will issue a Memorandum expressing these concerns,

		which the DOC will deliver to the clinicians. Scheduling addressed: the parties may do limited discovery after the six months of therapy. Jury Trial set for August 3, 2009 on a 9am-1pm schedule. An Order setting civil trial will issue. (Court Reporter: Brenda Hancock)(Attorneys present: McSherry & Minahan for the plttf; McFarland for the def't's) (Lovett, Jarrett) (Entered: 02/06/2009)
02/06/2009	<u>125</u>	Judge Douglas P. Woodlock: ORDER entered. ORDER SETTING CIVIL JURY TRIAL: Pretrial Conference set for 7/14/2009 02:30 PM in Courtroom 1 before Judge Douglas P. Woodlock. Jury Trial set for 8/3/2009 09:00 AM in Courtroom 1 before Judge Douglas P. Woodlock.(Lovett, Jarrett) (Entered: 02/06/2009)
02/09/2009	<u>126</u>	Letter/request (non-motion) from Plaintiff <i>proposing supplementary language to Preliminary Injunction Order</i> . (Attachments: # <u>1</u> Text of Proposed Order Supplement to Preliminary Injunction Order)(McSherry, Dana) (Entered: 02/09/2009)
02/09/2009	<u>127</u>	Response by Terre K. Marshall, Harold W. Clarke, Kathleen M. Dennehy, Robert Murphy, Susan J Martin <i>to Order of February 6, 2009 Regarding Defendants' Motion for Reconsideration of Preliminary Injunction Order</i> . (Attachments: # <u>1</u> Affidavit)(McFarland, Richard) (Entered: 02/09/2009)
02/10/2009	<u>128</u>	Judge Douglas P. Woodlock: ORDER entered. MEMORANDUM AND ORDER: Apart from paragraph 8 of the Preliminary Injunction Order, all other provisions contained in the initial Order (Docket No. 120) will remain in full force and effect. Only paragraph 8 of the Preliminary Injunction Order is modified. [See Amended Preliminary Injunction Order] [Regarding the clinicians' report of January 27, 2009: Summary of Text: "The clinicians should carefully consider whether they are operating under some sort of anticipatory influence by the defendants to address their task in a less than independent fashion. If they are, they are not properly approaching their responsibilities. The parties are directed to provide a copy of this Memorandum to the clinicians responsible for the status reports ordered by the Preliminary Injunction Order."].(PSSA, 1) (Entered: 02/10/2009)
02/10/2009	<u>129</u>	Judge Douglas P. Woodlock: ORDER entered: AMENDED PRELIMINARY INJUNCTION ORDER.(PSSA, 1)[Remark: See Memorandum and Order; only paragraph 8 amended]. (Entered: 02/10/2009)
02/24/2009	<u>130</u>	Transcript of Status Conference and Motion Hearing held on February 6, 2009, before Judge Woodlock. Court Reporter: Brenda K. Hancock at 617/439-3214. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Redaction Request due 3/16/2009. Redacted Transcript Deadline set for 3/24/2009. Release of Transcript Restriction set for 5/22/2009. (Scalfani, Deborah) (Entered: 02/24/2009)
02/24/2009	<u>131</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: 02/24/2009)
03/03/2009	<u>132</u>	Sealed Document: Monthly report dated 2/27/09. (Seelye, Terri) (Entered: 03/03/2009)
03/13/2009	<u>133</u>	Assented to MOTION to Continue Jury trial to August 24, 2009 by Terre K. Marshall, Harold W. Clarke, Kathleen M. Dennehy, Robert Murphy, Susan J Martin.(McFarland, Richard) (Entered: 03/13/2009)
03/30/2009	<u>134</u>	Sealed Document: Monthly report dated 3/30/09. (Seelye, Terri) (Entered: 03/31/2009)
04/29/2009	<u>135</u>	Sealed Document: Monthly report dated 4/17/09. (Seelye, Terri) (Entered: 04/29/2009)
05/04/2009		ELECTRONIC NOTICE of Hearing : Status Conference set for 5/29/2009 02:00 PM in Courtroom 1 before Judge Douglas P. Woodlock. (Lovett, Jarrett) (Entered: 05/04/2009)
05/26/2009	<u>136</u>	Sealed Document: Monthly report dated 5/15/09. (Seelye, Terri) (Entered: 05/27/2009)
05/29/2009		Electronic Clerk's Notes for proceedings held before Judge Douglas P. Woodlock: Status Conference held on 5/29/2009: Parties discuss possibility of a summary judgment motion. The clinicians' formal recommendation is due June 30, 2009. By July 10, 2009 the parties are to submit a Joint Proposed Scheduling Order (re:

		prospective relief, an endocrinologist or other doctors' appointments, prompt completion of a security review, etc.). A further conference will be set for September 2009. <u>133</u> Motion to Continue Trial is ALLOWED; a new trial date will be set. The Court wants ongoing reports from the clinicians on a monthly basis until the issues in this matter are finalized. The parties shall submit a joint form of Order for the continued clinicians' reports if one is needed. (Court Reporter: Diane Molas)(Attorneys present: Minahan, Jr. & McSherry for the plttf; McFarland & Kennedy for the def't's) (Lovett, Jarrett) (Entered: 05/29/2009)
06/01/2009		ELECTRONIC NOTICE Cancelling Hearing: The Pretrial Conference set for 7/14/2009 02:30 PM in Courtroom 1 before Judge Douglas P. Woodlock is hereby canceled in light of the directions provided at the hearing held on 5/29/09. (Lovett, Jarrett) (Entered: 06/01/2009)
06/11/2009	<u>137</u>	Letter/request (non-motion) from Department of Correction. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Affidavit)(McFarland, Richard) (Entered: 06/11/2009)
06/25/2009	<u>138</u>	Response by Sandy J. Battista to <u>137</u> Letter/request (non-motion). (McSherry, Dana) (Entered: 06/25/2009)
06/29/2009		ELECTRONIC NOTICE of Hearing : Status Conference set for 6/30/2009 10:00 AM in Courtroom 1 before Judge Douglas P. Woodlock. (Lovett, Jarrett) (Entered: 06/29/2009)
06/30/2009		Electronic Clerk's Notes for proceedings held before Judge Douglas P. Woodlock: Status Conference held on 6/30/2009 re <u>137</u> DOC's letter/request seeking medical/mental health records of Plaintiff: Plaintiff's counsel in the MGL 123A, § 9 hearing in state court appears at the hearing to oppose the request, contending the issue of disclosure of records should be resolved by the state Superior Court (unified session) judge rather than this Court. Issues of privilege and relevance to the § 9 hearing, including whether the Commonwealth and/or the CAB should have access to those records may be decided by the state court. All parties agree to this course of action, but issue whether Plaintiff has affirmatively raised the GID issues in § 9 matter would be considered by this Court. The Court expresses concern that Plaintiff's therapy not be burdened by the § 9 proceedings, and that the parties comply with the Amended Preliminary Injunction Order previously entered by this Court. Material obtained must be used solely for § 9 procedures. In light of this, the DOC's request for medical and mental health records is denied without prejudice to pursuit in the state Superior Court. A separate Order addressing the Court's concerns shall enter. (Court Reporter: Diane Molas)(Attorneys present: Minahan, Jr.; McSherry, & CPCS atty Beard-Bader for the plttf; McFarland, Kennedy, & DOC atty Mary Murry for the def't's) (Lovett, Jarrett) (Entered: 06/30/2009)
06/30/2009	<u>139</u>	Transcript of Motion Hearing held on October 15, 2008, before Judge Woodlock. Court Reporter: Diane M. Molas at 267/977-2909. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Redaction Request due 7/20/2009. Redacted Transcript Deadline set for 7/28/2009. Release of Transcript Restriction set for 9/25/2009. (Scalfani, Deborah) (Entered: 06/30/2009)
06/30/2009	<u>140</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: 06/30/2009)
07/02/2009	<u>141</u>	Sealed Document. Monthly & Six Month Reports dated 6/30/09 (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (York, Steve) (Entered: 07/02/2009)
07/10/2009	<u>142</u>	Recommendations for Scheduling Order <i>filed Jointly</i> . (Minahan, Neal) (Entered: 07/10/2009)
07/13/2009		Judge Douglas P. Woodlock: Electronic ORDER entered: The Joint Proposed Schedule (Docket No. 142) is ADOPTED. It is hereby Ordered that: An endocrine consult shall be scheduled forthwith but no later than July 28, 2009, and a recommendation or prescription regarding hormone therapy shall be made by no later than August 14, 2009; a copy shall be provided to the DOC's medical provider upon receipt, and filed with this Court. Upon receipt of the endocrinologist's

		recommendation or prescription for hormone therapy, the defendants shall, with deliberate speed, conduct a security review and draft a recommendation relating to the initiation of hormones for Battista. The security review shall be submitted to the Court and to Battista's counsel no later than 3 weeks after the endocrinologist's recommendation or prescription for hormone therapy. Additional discovery (as outlined in the joint proposal) shall be completed by October 2, 2009. Trial will be scheduled within 2 months after the completion of discovery. (PSSA, 1) (Entered: 07/13/2009)
07/17/2009	<u>143</u>	NOTICE by Terre K. Marshall, Harold W. Clarke, Kathleen M. Dennehy, Robert Murphy, Susan J Martin of <i>Order of Massachusetts Superior Court on DOC Access to Planitiff's Records</i> (Attachments: # <u>1</u> Appendix)(McFarland, Richard) (Entered: 07/17/2009)
08/05/2009	<u>144</u>	Sealed Document. Monthly Report Dated July 20, 2009 (Attachments: # <u>1</u> Exhibit)(York, Steve) (Entered: 08/05/2009)
08/14/2009	<u>145</u>	NOTICE by Terre K. Marshall, Harold W. Clarke, Kathleen M. Dennehy, Robert Murphy, Susan J Martin of <i>Endocrinology Consultation Report</i> (Attachments: # <u>1</u> EndocrinologyReport)(McFarland, Richard) (Entered: 08/14/2009)
09/01/2009	<u>146</u>	Sealed Document. Monthly Report Dated August 23, 2009 (Attachments: # <u>1</u> Exhibit)(York, Steve) (Entered: 09/01/2009)
09/02/2009	<u>147</u>	NOTICE by Terre K. Marshall, Harold W. Clarke, Kathleen M. Dennehy, Robert Murphy, Susan J Martin of <i>Submission of Court-Ordered Report</i> (Attachments: # <u>1</u> Safety & Security Review)(McFarland, Richard) (Entered: 09/02/2009)
10/07/2009	<u>148</u>	Sealed Document. Monthly Report Dated September 23, 2009 (Attachments: # <u>1</u> Exhibit)(York, Steve) (Entered: 10/07/2009)
10/26/2009		ELECTRONIC NOTICE of Hearing : Status Conference set for 11/24/2009 03:30 PM in Courtroom 1 before Judge Douglas P. Woodlock. By 11/17/09, the parties shall file a JOINT STATUS REPORT indicating the current status of the case, including discovery proceedings, pending or contemplated motions, proposed dates for pretrial conferences and for trial, and any other matters which should be addressed at the conference. (Lovett, Jarrett) (Entered: 10/26/2009)
11/02/2009	<u>149</u>	MOTION to Compel <i>Production of Documents and For Sanctions</i> by Sandy J. Battista.(Minahan, Neal) (Entered: 11/02/2009)
11/02/2009	<u>150</u>	MEMORANDUM in Support re <u>149</u> MOTION to Compel <i>Production of Documents and For Sanctions</i> filed by Sandy J. Battista. (Attachments: # <u>1</u> Exhibit A-G, # <u>2</u> Exhibit H-Q, # <u>3</u> Exhibit R-V, # <u>4</u> Exhibit W-X, # <u>5</u> Exhibit Y-AA, # <u>6</u> Exhibit BB-DD, # <u>7</u> Exhibit EE Part 1, # <u>8</u> Exhibit EE Part 2, # <u>9</u> Exhibit FF Part 1, # <u>10</u> Exhibit FF Part 2, # <u>11</u> Exhibit FF Part 3, # <u>12</u> Exhibit FF Part 4, # <u>13</u> Exhibit GG-HH)(Minahan, Neal) (Entered: 11/02/2009)
11/04/2009	<u>151</u>	Sealed Document. Monthly Report Dated October 19, 2009. (Attachments: # <u>1</u> Exhibit)(York, Steve) (Entered: 11/04/2009)
11/05/2009	<u>152</u>	General Order 09-1, dated January 6, 2009 regarding the E-Government Act and Personal Identifiers entered. (York, Steve) (Entered: 11/05/2009)
11/13/2009	<u>153</u>	Opposition re <u>149</u> MOTION to Compel <i>Production of Documents and For Sanctions</i> filed by Terre K. Marshall, Harold W. Clarke, Kathleen M. Dennehy, Robert Murphy, Susan J Martin. (Attachments: # <u>1</u> Exhibit)(McFarland, Richard) (Entered: 11/13/2009)
11/17/2009	<u>154</u>	STATUS REPORT <i>Filed Jointly</i> by Sandy J. Battista. (McSherry, Dana) (Entered: 11/17/2009)
11/19/2009	<u>155</u>	NOTICE by Terre K. Marshall, Harold W. Clarke, Kathleen M. Dennehy, Robert Murphy, Susan J Martin of <i>Assignment of Dr. Diener to Co-Lead Monthly Supervision of GID Therapists</i> (McFarland, Richard) (Entered: 11/19/2009)
11/24/2009		Electronic Clerk's Notes for proceedings held before Judge Douglas P. Woodlock: Status Conference/Motion Hearing Held re: <u>149</u> Motion to Compel Production of Documents: The Court will review in camera the disputed materials (re: the first draft

		of the security review, DOC e-mails, and drafts of the GID policy and related materials). DOC counsel shall provide the 7 documents to the Court by 11/25/09, other materials by 12/1/09. DOC counsel shall also disclose to Plaintiff's counsel all documents as to the underlying facts referenced in Superintendent Murphy's Affidavit attached to the DOC's opposition. Plaintiff's counsel shall report by 12/11/09 whether Plaintiff wishes to voluntarily dismiss the deliberate indifference claims and proceed only with claims for prospective relief to be tried in a bench trial and not a jury trial. Plaintiff's counsel shall also report whether Superintendent Murphy's deposition is to be taken; if so, the Court will require costs to be paid by the DOC. Parties report no trial date has been set on the Section 9 hearing in state court. This case is likely to be tried in April 2010, and the Court would likely merge any renewed preliminary injunction with a trial on the merits in light of the schedule. A firm date shall be set at a later time. (Court Reporter: Brenda Hancock)(Attorneys present: Minahan, Jr. & McSherry for the plttf; McFarland for the def't's) (Lovett, Jarrett) (Entered: 11/24/2009)
11/30/2009	<u>156</u>	Defendants' Sealed Motion for leave to file Confidential Attorney-Client Communications. by Kathleen M. Dennehy. (Attachments: # <u>1</u> Exhibit)(York, Steve) (Entered: 11/30/2009)
11/30/2009	<u>157</u>	Sealed Document. Monthly Report Dated November 24, 2009. (Attachments: # <u>1</u> Exhibit) (York, Steve) (Entered: 11/30/2009)
12/01/2009		Judge Douglas P. Woodlock: Electronic ORDER entered granting <u>156</u> Sealed Motion (PSSA, 1) (Entered: 12/01/2009)
12/04/2009	<u>158</u>	Transcript of Status Conference/Motion Hearing held on November 24, 2009, before Judge Woodlock. Court Reporter: Brenda K. Hancock at 617/439-3214. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Redaction Request due 12/25/2009. Redacted Transcript Deadline set for 1/4/2010. Release of Transcript Restriction set for 3/4/2010. (Scalfani, Deborah) (Entered: 12/04/2009)
12/04/2009	<u>159</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: 12/04/2009)
12/07/2009	<u>160</u>	Sealed Motion for leave to file Confidential Documents. by Kathleen M. Dennehy. (Attachments: # <u>1</u> Exhibit)(York, Steve) (Entered: 12/07/2009)
12/08/2009		Judge Douglas P. Woodlock: Electronic ORDER entered granting <u>160</u> Sealed Motion for leave to file Confidential Documents, filed by Kathleen M. Dennehy. (PSSA, 1) (Entered: 12/08/2009)
12/11/2009	<u>161</u>	<i>Voluntary Dismissal as to Count VIII</i> by Sandy J. Battista (McSherry, Dana) Modified on 12/15/2009 to correct title (York, Steve). (Entered: 12/11/2009)
12/30/2009	<u>164</u>	Sealed Document. Monthly Report Dated December 21, 2009. (Attachments: # <u>1</u> Exhibit)(York, Steve) (Entered: 12/30/2009)
02/02/2010	<u>165</u>	Sealed Document. Monthly Report Dated January 17, 2010. (Attachments: # <u>1</u> Exhibit)(York, Steve) (Entered: 02/02/2010)
02/23/2010		ELECTRONIC NOTICE of Hearing : Further Status/Scheduling Conference set for 3/1/2010 11:30 AM in Courtroom 1 before Judge Douglas P. Woodlock. (Lovett, Jarrett) (Entered: 02/23/2010)
03/01/2010		Electronic Clerk's Notes for proceedings held before Judge Douglas P. Woodlock: Further Status/Scheduling Conference held on 3/1/2010: re: PRETRIAL MATTERS: (1) The Court will not compel disclosure of documents by Defendants as they are suffused with attorney-client privileged materials; (2) Defendants shall file a copy of the published GID policy for the record forthwith; (3) By March 15, 2010, Defendants shall file a privilege log that contains a chronology of the development of the GID program. The log need not contain the substance but only the dates upon which drafts were circulated by the responsible persons; (4) By March 15, 2010, the Defendants shall provide to Plaintiff the figures/statistics of sexual abuse at other prison facilities; (5) the parties intend to conduct additional discovery; (6) Trial of this action shall

		proceed notwithstanding Plaintiffs SDP hearing has not been scheduled yet; and (7) Superintendent Murphy is stepping down from the MTC to take over the state hospital, and Corsini (currently at BSCC) will be stepping into the MTC as of 3/15/10, however, defense counsel reports that no changes in policies are anticipated. Re: TRIAL MATTERS: (1) Plaintiff withdraws her damages claims so a jury trial is no longer necessary; (2) A Non-Jury Trial is set for June 14, 2010 and is expected to last about one week, although trial days may be sporadic depending on the Courts trial schedule; (3) the clerk shall issue the standard Non-Jury Order providing for submission of Affidavits as direct testimony of witnesses, with live cross-examination, and marked-up Findings of Facts and Conclusions of Law. (Court Reporter: Brenda Hancock)(Attorneys present: Minahan, Jr. & McSherry for the plttf; McFarland & Kennedy for the def't's) (Lovett, Jarrett) (Entered: 03/01/2010)
03/01/2010	<u>166</u>	Judge Douglas P. Woodlock: ORDER entered. ORDER REGULATING NON-JURY CIVIL TRIAL: Bench Trial set for 6/14/2010 09:00 AM in Courtroom 1 before Judge Douglas P. Woodlock. (Lovett, Jarrett) (Entered: 03/01/2010)
03/01/2010	<u>167</u>	NOTICE by Harold W. Clarke of <i>Massachusetts Department of Correction's Policy on the "Identification, Treatment and Correctional Management of Inmates Diagnosed with Gender Identity Disorders (GID)"</i> (Attachments: # <u>1</u> Appendix)(McFarland, Richard) (Entered: 03/01/2010)
03/03/2010	<u>168</u>	Sealed Document. Monthly Report Dated February 23, 2010. (Attachments: # <u>1</u> Exhibit) (York, Steve) (Entered: 03/03/2010)
04/02/2010	<u>169</u>	Sealed Document. Monthly Report Dated March 21, 2010. (Attachments: # <u>1</u> Exhibit)(York, Steve) (Entered: 04/02/2010)
04/30/2010	<u>170</u>	Sealed Document. Monthly Report Dated April 18, 2010. (Attachments: # <u>1</u> Exhibit)(York, Steve) (Entered: 04/30/2010)
05/17/2010	<u>171</u>	<i>Plaintiff's Prospective Witness List and Affidavits of Direct Testimony</i> by Sandy J. Battista. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(McSherry, Dana) (Entered: 05/17/2010)
05/17/2010	<u>172</u>	<i>Plaintiff's Exhibit List</i> by Sandy J. Battista.. (Attachments: # <u>1</u> Exhibit 1)(McSherry, Dana) (Entered: 05/17/2010)
05/17/2010	<u>173</u>	<i>Plaintiff's Exhibit List of Marked Items</i> by Sandy J. Battista.. (Attachments: # <u>1</u> Exhibit 1)(McSherry, Dana) (Entered: 05/17/2010)
05/17/2010	<u>174</u>	<i>Plaintiff's Deposition Witness List To Be Used At Trial</i> by Sandy J. Battista. (Attachments: # <u>1</u> Exhibit 1)(McSherry, Dana) (Entered: 05/17/2010)
05/17/2010	<u>175</u>	<i>Plaintiff's Objections to Defendants' Marked Items Exhibit List</i> by Sandy J. Battista.. (Attachments: # <u>1</u> Exhibit 1)(McSherry, Dana) (Entered: 05/17/2010)
05/17/2010	<u>176</u>	Witness List by Harold W. Clarke. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Affidavit, # <u>3</u> Affidavit, # <u>4</u> Affidavit)(McFarland, Richard) (Entered: 05/17/2010)
05/17/2010	<u>177</u>	Proposed Document(s) submitted by Harold W. Clarke. Document received: Defendant'sMarked Response to Plaintiff's Proposed Findings of Fact and Conclusions of Law. (McFarland, Richard) (Entered: 05/17/2010)
05/17/2010	<u>178</u>	Proposed Findings of Fact by Harold W. Clarke. (McFarland, Richard) (Entered: 05/17/2010)
05/17/2010	<u>179</u>	<i>Marked Exhibit List</i> by Harold W. Clarke.. (McFarland, Richard) (Entered: 05/17/2010)
05/17/2010	<u>180</u>	<i>Objections to Plaintiff's Marked Exhibit List</i> by Harold W. Clarke.. (McFarland, Richard) (Entered: 05/17/2010)
05/28/2010	<u>181</u>	Sealed Document. Monthly Report Dated May 26, 2010 (Attachments: # <u>1</u> Exhibit)(York, Steve) (Entered: 05/28/2010)
06/01/2010	<u>182</u>	TRIAL BRIEF by Sandy J. Battista. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(McSherry, Dana) (Entered: 06/01/2010)

06/01/2010	<u>183</u>	Marked Response by Sandy J. Battista to Defendant's [Proposed] Substitute Findings of Fact and Conclusions of Law. (Attachments: # <u>1</u> Exhibit 1)(McSherry, Dana) (Entered: 06/01/2010)
06/01/2010	<u>184</u>	PRETRIAL MEMORANDUM by Harold W. Clarke. (McFarland, Richard) (Entered: 06/01/2010)
06/01/2010	<u>185</u>	NOTICE by Harold W. Clarke of Intent to Cross-Examine (McFarland, Richard) (Entered: 06/01/2010)
06/01/2010	<u>186</u>	MOTION in Limine by Harold W. Clarke.(McFarland, Richard) (Entered: 06/01/2010)
06/01/2010	<u>187</u>	MOTION Leave to Present Direct Testimony of Robert Murphy by Oral Examination by Harold W. Clarke.(McFarland, Richard) (Entered: 06/01/2010)
06/01/2010	<u>188</u>	MOTION Present Plaintiff's Direct Testimony by Oral Examination by Sandy J. Battista.(McSherry, Dana) (Entered: 06/01/2010)
06/07/2010	<u>190</u>	MOTION in Limine Regarding Defendants' Objections to the Relevance of Events Prior to the 2009 Security Review by Sandy J. Battista.(McSherry, Dana) (Entered: 06/07/2010)
06/07/2010	<u>191</u>	MOTION in Limine to preclude testimony from Luis Spencer, Paul DiPaolo & Shiela Smith by Sandy J. Battista.(Minahan, Neal) (Entered: 06/07/2010)
06/08/2010	<u>192</u>	Writ of Habeas Corpus ad Prosequendum Issued for 6/14/10. (Lovett, Jarrett) (Entered: 06/08/2010)
06/11/2010	<u>193</u>	RESPONSE to Motion re <u>191</u> MOTION in Limine to preclude testimony from Luis Spencer, Paul DiPaolo & Shiela Smith filed by Harold W. Clarke. (McFarland, Richard) (Entered: 06/11/2010)
06/14/2010		ELECTRONIC Clerk's Notes for proceedings held before Judge Douglas P. Woodlock: Bench Trial DAY 1 held on 6/14/2010. Pretrial matters addressed: (1) Court makes rulings on motions: ## <u>186</u> , <u>187</u> , <u>188</u> , <u>190</u> , <u>191</u> all DENIED; (2) plaintiff still asserts an equal protection claim but the focus of this case is on the deliberate indifference claim for equitable relief; (3) case is now only against defendants Commissioner Clarke and MTC Superintendent Corsini (as the successor to Robert Murphy), all other named defendants are out of this case; (4) parties are to provide portions of deposition testimony to be received; (5) parties final submissions shall contain citations to the record as to every proposition asserted; (6) Court deems plaintiffs factual findings that were not contested to be conceded; (7) defense counsel to provide Court with copies of exhibits. Plaintiffs case-in-chief commences (no opening statements necessary): Affidavit of Sandy J. Battista received (for direct testimony); cross-examination of Battista conducted by Attorney McFarland; Fifth Amendment privilege asserted by Battista as to funds at issue in the litigation pending before Judge Gertner. Re-direct by Attorney McSherry; Plaintiff offers the following: Affidavit of Dr. Brown (received as direct, no live cross-examination); portions of deposition of Kathleen Dennehy received, portion of depositions of Terre Marshall (taken on 6/27/08 and 10/09); 30(b)(6) deposition of Terre Marshall (7/9/08). Apart from cross-examination of Robert Murphy, plaintiffs case-in-chief is completed (plaintiff will not call Terre Marshall or Susan Martin); plaintiff intends to cross-examine defendants witnesses (Spencer, DiPaolo, Smith). Re: Exhibits and Transcripts: Def. Exh. M not admitted; Def. Exh. 502 received; Def Exh. 503 received; Def. Exhs. II (marked as 504) and 501 received. Court admits the agreed-upon exhibits. Re: Exh. A-QQQ Court overrules objections based on relevance and undue prejudice and instructs parties to review hearsay objections to decide whether to continue to press them. Defendant to submit unredacted version of exhibits for review by Court, and redacted version for public (redacting names of MTC residents). Defendants will have to redact transcript to delete names of MTC residents mentioned (the burden will not be on the court reporter) Absent a motion to redact, the testimony in open court remains public. After parties submit revised findings of facts/conclusions of law (with references to record), final arguments will be set. (Court Reporter: Debra Joyce at 617-737-4410)(Attorneys present: Minahan, Jr. & McSherry for the plfff; McFarland & Kennedy for the deft's) (Lovett, Jarrett) (Entered: 06/14/2010)
06/14/2010	<u>194</u>	Depositions from UMass Correctional Health Program. (Attachments: # <u>1</u> Deposition, # <u>2</u> Deposition)(York, Steve) (Entered: 06/14/2010)

06/15/2010		ELECTRONIC Clerk's Notes for proceedings held before Judge Douglas P. Woodlock: Bench Trial DAY 2 held on 6/15/2010. Defendants' case-in-chief commences; Affidavit of Superintendent Robert Murphy admitted (as direct); cross-examination by Attorney Minehan; re-direct by Attorney Kennedy. Trial to continue 6/16/10 at 9am. Court instructs defendants to provide marked and agreed upon exhibits by 6/16, plaintiff to provide 8x11 of chaulks. Court will authorize plaintiff's counsel to obtain an expedited transcript to be paid for by the Court. Parties to think about a proposed schedule for closing arguments. Exhibits: Def's Exh. 502 admitted; P's Exh. WWW received as Exh. 55; P's Exhs. 8 and 15 admitted; P's Exhs. A and B (chaulks of MTC) received as chaulks. (Court Reporter: Debra Joyce at 617-737-4410)(Attorneys present: Minahan, Jr. & McSherry for the plttff; McFarland & Kennedy for the def't's) (Lovett, Jarrett) (Entered: 06/15/2010)
06/16/2010		ELECTRONIC Clerk's Notes for proceedings held before Judge Douglas P. Woodlock: Bench Trial DAY 3 held on 6/16/2010. Defendants' redirect of Superintendent Robert Murphy continued; re-cross conducted; Court inquires of Murphy; Defendant offers Affidavit of Paul DiPaolo, received. Cross-examination conducted by Attorney Minehan; redirect by Attorney McFarland; Court inquires of DiPaolo. witness excused. Trial to continue 6/17/10 with Smith and Spencer as witnesses. Exhibits: Exh. 14 and 15 received; Exh. E (marked as #505) admitted with qualifications of its reliability; Exh. F (marked as #506) received on same basis, as is Exh. H (marked as #507); Exh. I (marked as #508) received as to notice to Murphy; Exh. L (marked as #509) received on same basis, as is Exh. M (marked as #510). Defs' Exh. 511, 512, 513, 514, P's Exh. 29, Exh. 54, 33 admitted. Exh. 53 and discussed. (Court Reporter: Debra Joyce at 617-737-4410)(Attorneys present: Minahan, Jr. & McSherry for the plttff; McFarland & Kennedy for the def't's) (Lovett, Jarrett) (Entered: 06/16/2010)
06/17/2010		ELECTRONIC Clerk's Notes for proceedings held before Judge Douglas P. Woodlock: Bench Trial DAY 4 held on 6/17/2010. Defendants offer Affidavit of Luis S. Spencer, admitted; cross-exam by Attorney McSherry; redirect by Attorney Kennedy; re-cross. Court inquires of witness. Affidavit of Sheila Smith admitted; cross-exam by Attorney McSherry, redirect by Attorney McFarland. Court inquires of witness. Defendant rests. Plaintiff rests except for the introduction of exhibits. Exhibits: Exh. BBBB (marked at #56) admitted; Ps Exh. 1-54 admitted; Ds Exh. 500-504 admitted (uncontested exhibits are admitted). After hearing re: disputed exhibits, Ps disputed exhibits (K, L, M and others of this ilk) are admitted over hearsay objection for purposes of notice to defendants and not as to the truth of the underlying incidents recounted therein, as to which Court will not resolve. Similarly, Court gives view of the admission of defendants disputed exhibits and parties agree on these. Re: Scheduling and Organization of submissions by the parties: (1) the Court wants each side to submit two (2) sets of one comprehensive, marked-up Findings of Fact and Conclusions of Law (FOF/COL) that incorporates prior submissions and supplements based on trial evidence, with citations to the record for every proposition. The parties shall exchange the proposed FOF/COL so that it can be underlined as to new findings in dispute, or withdraw as to earlier disputed findings that are no longer in dispute; Final versions by no later than July 23, 2010; (2) Along with the FOF/COL, each side shall submit two (2) sets of binders that include, with respect to each witness, copies of the Affidavit, Exhibits, and transcript and deposition excerpts pertaining to that witness. The parties shall also submit two (2) sets of binders of deposition transcripts. The record may be submitted any time, but no later than July 23, 2010. By July 23, 2010, the Plaintiff shall submit a proposed form of Injunction; Defendants Response to this is due July 30, 2010. A hearing on final arguments will be held on August 3, 2010 at 10:00 a.m. Re: Transcript: Plaintiff will front the costs for an expedited transcript, to be prepared by the court reporter (Debra Joyce) and sent to counsel by June 23, 2010. The Court will entertain an application by Plaintiff for reimbursement from the attorney admissions fund. (Court Reporter: Debra Joyce at 617-737-4410.)(Attorneys present: Minahan, Jr. & McSherry for the plttff; McFarland & Kennedy for the def't's) (Lovett, Jarrett) (Entered: 06/17/2010)
06/23/2010	<u>195</u>	Transcript of Bench Trial Day One held on June 14, 2010, before Judge Douglas P. Woodlock. 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: Debra Joyce at joycedebra@gmail.com Redaction Request due 7/14/2010. Redacted Transcript Deadline set for 7/26/2010. Release of

		Transcript Restriction set for 9/21/2010. (Scalfani, Deborah) (Entered: 06/23/2010)
06/23/2010	<u>196</u>	Transcript of Bench Trial Day Two held on June 15, 2010, before Judge Douglas P. Woodlock. 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: Debra Joyce at joycedebra@gmail.com Redaction Request due 7/14/2010. Redacted Transcript Deadline set for 7/26/2010. Release of Transcript Restriction set for 9/21/2010. (Scalfani, Deborah) (Entered: 06/23/2010)
06/23/2010	<u>197</u>	Transcript of Bench Trial Day Three held on June 16, 2010, before Judge Douglas P. Woodlock. 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: Debra Joyce at joycedebra@gmail.com Redaction Request due 7/14/2010. Redacted Transcript Deadline set for 7/26/2010. Release of Transcript Restriction set for 9/21/2010. (Scalfani, Deborah) (Main Document 197 replaced on 6/23/2010) (Scalfani, Deborah). (Entered: 06/23/2010)
06/23/2010	<u>198</u>	Transcript of Bench Trial Day Four held on June 17, 2010, before Judge Douglas P. Woodlock. 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: Debra Joyce at joycedebra@gmail.com Redaction Request due 7/14/2010. Redacted Transcript Deadline set for 7/26/2010. Release of Transcript Restriction set for 9/21/2010. (Scalfani, Deborah) (Entered: 06/23/2010)
06/23/2010	<u>199</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: 06/23/2010)
07/01/2010	<u>200</u>	Sealed Document. Monthly Report Dated June 21, 2010 (Attachments: # <u>1</u> Exhibit)(York, Steve) (Entered: 07/01/2010)
07/20/2010	<u>201</u>	NOTICE by Sandy J. Battista <i>of Submission of Trial Record</i> (McSherry, Dana) (Entered: 07/20/2010)
07/23/2010	<u>202</u>	NOTICE by Sandy J. Battista <i>of Submission of Proposed Permanent Injunction Order</i> (Attachments: # <u>1</u> Exhibit A)(McSherry, Dana) (Entered: 07/23/2010)
07/23/2010	<u>203</u>	Proposed Findings of Fact by Sandy J. Battista. (Attachments: # <u>1</u> Exhibit 1)(Minahan, Neal) (Entered: 07/23/2010)
07/23/2010	<u>204</u>	NOTICE by Harold W. Clarke, Michael Corsini <i>of Submission of Trial Record</i> (McFarland, Richard) (Entered: 07/23/2010)
07/23/2010	<u>205</u>	Proposed Findings of Fact by Harold W. Clarke, Michael Corsini. (McFarland, Richard) (Entered: 07/23/2010)
07/28/2010	<u>206</u>	Writ of Habeas Corpus ad Prosequendum Issued for 8/3/10. (Lovett, Jarrett) (Entered: 07/28/2010)
07/30/2010	<u>207</u>	NOTICE by Harold W. Clarke, Michael Corsini re <u>202</u> Notice (Other) <i>of Defendants' [Proposed] Permanent Injunction Order</i> (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Appendix)(McFarland, Richard) (Entered: 07/30/2010)
08/03/2010		ELECTRONIC Clerk's Notes for proceedings held before Judge Douglas P. Woodlock: Bench Trial DAY 5 held and completed on 8/3/2010. Final Arguments. The Court addresses the written proposals for Permanent Injunction filed by each party pursuant to the prior directives. The Court rejects these proposals, opting instead to enter a modified Preliminary Injunction Order incorporating paragraph 3 of the Defendants' proposal, and providing for the administration of hormone therapy to Battista within 7 business days from the date of the Order. Court makes findings on the record as to the reasons for amending the preliminary injunction to include hormone treatment at this time, giving the parties additional time to explore alternatives for placement, and examine Battista's compliance with MTC rules and regulations after hormone treatment is administered. The Court will hold further status conferences or hearings as necessary, and the parties shall file a Status Report. The report of the clinicians' shall continue to be filed; however, the parties shall file a joint form of Order by 8/10/10 with proposals for modification of the content of the clinicians'

		report (e.g., how hormone treatment is progressing, what effects have occurred or what effects do they foresee will occur, and when). (Court Reporter: Debra Joyce at 617-737-4410)(Attorneys present: Minahan, Jr. & McSherry for the plttf; Kennedy & McFarland for the def't's) (Lovett, Jarrett) (Entered: 08/03/2010)
08/03/2010	<u>262</u>	Letter from Stephen E. Hughes. (York, Steve) (Entered: 10/11/2011)
08/05/2010	<u>208</u>	Sealed Document. Monthly Report Dated July 26, 2010. (Attachments: # <u>1</u> Exhibit)(York, Steve) (Entered: 08/05/2010)
08/06/2010	<u>209</u>	NOTICE OF APPEAL by Harold W. Clarke, Michael Corsini Filing fee: \$ 455, receipt number 0101-3016234 Fee Status: n. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Counsel shall register for a First Circuit CM/ECF Appellate Filer Account at http://pacer.psc.uscourts.gov/cmecf. Counsel shall also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at http://www.ca1.uscourts.gov/efiling.htm. US District Court Clerk to deliver official record to Court of Appeals by 8/26/2010. (McFarland, Richard) (Entered: 08/06/2010)
08/06/2010	<u>210</u>	MOTION to Stay re <u>209</u> Notice of Appeal,, by Harold W. Clarke, Michael Corsini.(McFarland, Richard) (Entered: 08/06/2010)
08/06/2010	<u>211</u>	MEMORANDUM in Support re <u>210</u> MOTION to Stay re <u>209</u> Notice of Appeal,, filed by Harold W. Clarke, Michael Corsini. (McFarland, Richard) (Entered: 08/06/2010)
08/09/2010		ELECTRONIC NOTICE Setting Hearing on Motion <u>210</u> MOTION to Stay re <u>209</u> Notice of Appeal,, : Motion Hearing set for 8/13/2010 09:00 AM in Courtroom 1 before Judge Douglas P. Woodlock. (York, Steve) (Entered: 08/09/2010)
08/09/2010	<u>212</u>	Writ of Habeas Corpus ad Prosequendum Issued for 08/13/2010. (York, Steve) (Entered: 08/09/2010)
08/10/2010	<u>213</u>	NOTICE by Sandy J. Battista of <i>Proposal Regarding Monthly GID Clinician Reports</i> (McSherry, Dana) (Entered: 08/10/2010)
08/10/2010	<u>214</u>	NOTICE by Harold W. Clarke, Michael Corsini in <i>Compliance with the Court's August 3, 2010 Order</i> (Kennedy, Joan) (Entered: 08/10/2010)
08/11/2010	<u>215</u>	<i>Supplemental</i> Response by Harold W. Clarke, Michael Corsini to <u>214</u> Notice (Other). (Kennedy, Joan) (Entered: 08/11/2010)
08/12/2010	<u>216</u>	Opposition re <u>210</u> MOTION to Stay re <u>209</u> Notice of Appeal,, filed by Sandy J. Battista. (Minahan, Neal) (Entered: 08/12/2010)
08/13/2010		ELECTRONIC Clerk's Notes for proceedings held before Judge Douglas P. Woodlock: Hearing held re: Defendants Motion to Stay <u>210</u> : By August 17, 2010, the parties shall submit an updated version of the Amended Preliminary Injunction Order of 2/10/09 (now out of date), that includes paragraph 3 of the defendants proposed form of preliminary injunction as previously discussed, as well as reference to the names of the specific clinicians treating Battista. The Preliminary Injunction Order shall also include the specific questions to be answered in monthly reports to the Court by the clinicians, including all of defendants questions contained in the proposal <u>215</u> as well as proposed questions 1 and 4 of the plaintiffs proposal <u>213</u> . By August 18, 2010, the defendants shall file an Affidavit(s) of the clinicians as to the effects that a Stay or reversal of an Order for administration of hormone therapy would have on Battista. By August 20, 2010, the plaintiff shall file any reply on that issue. A further hearing is set for August 23, 2010 at 9:00am. MHM clinicians shall participate at the hearing. The Court will enter a Preliminary Injunction Order at that time and make further Findings of Facts/Conclusions of Law, and will rule on the Motion to Stay at that time.(Court Reporter: Brenda Hancock at 617-439-3214)(Attorneys present: McSherry, Minahan; Kennedy; Stephen Hughes for MHM Services) (Seelye, Terri) (Entered: 08/13/2010)
08/13/2010		ELECTRONIC NOTICE Setting Further Hearing on Motion <u>210</u> to Stay : Motion Hearing set for 8/23/2010 at 9:00 AM in Courtroom 1 before Judge Douglas P. Woodlock. (Seelye, Terri) (Entered: 08/13/2010)

08/13/2010	<u>217</u>	Certified and Transmitted Abbreviated Electronic Record on Appeal to US Court of Appeals re <u>209</u> Notice of Appeal, (Ramos, Jeanette) (Additional attachment(s) added on 8/13/2010: # <u>1</u> Page 2) (Ramos, Jeanette). (Entered: 08/13/2010)
08/16/2010		USCA Case Number 10-1965 for <u>209</u> Notice of Appeal, filed by Harold W. Clarke, Michael Corsini. (Ramos, Jeanette) (Entered: 08/16/2010)
08/17/2010	<u>218</u>	Proposed Document(s) submitted by Sandy J. Battista. Document received: Proposed Modified Preliminary Injunction Order. (Attachments: # <u>1</u> Exhibit 1)(Minahan, Neal) (Entered: 08/17/2010)
08/17/2010	<u>219</u>	NOTICE by Harold W. Clarke, Michael Corsini of <i>Submission of Proposed Modified Preliminary Injunction Order</i> (Attachments: # <u>1</u> Exhibit)(McFarland, Richard) (Entered: 08/17/2010)
08/18/2010	<u>220</u>	NOTICE by Harold W. Clarke, Michael Corsini of <i>Submission of Affidavits</i> (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(McFarland, Richard) (Entered: 08/18/2010)
08/19/2010	<u>221</u>	Writ of Habeas Corpus ad Prosequendum Issued for 8/23/10. (Lovett, Jarrett) (Entered: 08/19/2010)
08/20/2010	<u>222</u>	NOTICE by Sandy J. Battista of <i>Subission of Expert Report and Testimony</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Minahan, Neal) (Entered: 08/20/2010)
08/23/2010	<u>223</u>	Judge Douglas P. Woodlock: ORDER entered. MODIFIED PRELIMINARY INJUNCTION ORDER. See Order for specifics.(Lovett, Jarrett) (Entered: 08/23/2010)
08/23/2010	<u>224</u>	Judge Douglas P. Woodlock: ORDER OF STAY PENDING APPEALING entered granting <u>210</u> Motion to Stay to the extent that the direction in paragraph 9 of the Modified Order is stayed pending appeal and the specific questions related thereto found in paragraph 5A through H need not be addressed. Consequently, the questions framed in paragraph 4 of the Amended Preliminary Injunction Order of February 10, 2009 shall remain the operative questions to be answered by the monthly GID Clinician Reports provided during the pendency of the appeal. Given the equitable character of this proceeding, no supersedeas bond shall be required. (Woodlock, Douglas) (Entered: 08/23/2010)
08/23/2010		ELECTRONIC Clerk's Notes for proceedings held before Judge Douglas P. Woodlock: Further Hearing on <u>210</u> Defendants Motion to Stay Execution of Modified Preliminary Injunction Order Pending Appeal: MHM Medical Director Dr. Robert Diener testifies, court and parties inquire. Court finds it would be improvident not to stay proceedings pending appeal, states reasons on the record, and Allows the Motion to Stay. The issue of DOCs restricted access to medical or mental health information addressed; the Court finds no reason to alter this provision in the Preliminary Injunction Order. The DOC can petition the Court for relief as needed. The issue of the Preliminary Injunction Order with respect to the parameters of psychotherapy (location, dates, duration, therapist) addressed; the Court economics will not drive this issue and will not alter this provision, but will entertain any requests by clinicians for modification if necessary (e.g., to diminish frequency of therapy). The Court modifies the Preliminary Injunction Order (paragraph regarding administration of hormone treatment is no longer applicable in light of the Stay, and the original questions for the clinicians to answer will remain in place, rather than the proposed new questions, in light of the Stay of hormone treatment). In order to have in place a plan for the administration of hormone treatment (should the Court of Appeals affirm the District Court), the Court instructs the plaintiff to submit two alternative proposals for the housing and programs for the plaintiff should hormone treatment be administered. The DOC shall respond to plaintiffs proposals and shall submit four (4) of its own proposals. By September 13, 2010, the parties shall provide the Court with proposals for the timing and structure for the submissions to the Court. Court makes detailed findings of facts and conclusions of law on the record outlining the reasons for the modified Preliminary Injunction Order (entered August 23, 2010). (Court Reporter: Brenda Hancock at 617-439-3214)(Attorneys present: Minahan, Jr. for the plttf; Kennedy & McFarland for the deft's) (Lovett, Jarrett) (Entered: 08/23/2010)
08/23/2010		Judge Douglas P. Woodlock: ORDER entered. FINDINGS OF FACT AND CONCLUSIONS OF LAW as stated on the record by Judge Woodlock on 8-23-2010.(Sonnenberg, Elizabeth) (Entered: 02/17/2011)

08/26/2010	<u>225</u>	NOTICE by Harold W. Clarke, Michael Corsini re <u>209</u> Notice of Appeal,, <i>Amended</i> (McFarland, Richard) (Entered: 08/26/2010)
08/30/2010		TRANSCRIPT ORDER ACKNOWLEDGMENT FORM received from USCA and addressed to Brenda Hancock re <u>209</u> Notice of Appeal. Transcript order form filed in USCA on August 30, 2010. Transcripts ordered: August 23, 2010. Transcript due by 10/29/2010. (Scalfani, Deborah) (Entered: 08/30/2010)
08/30/2010		TRANSCRIPT ORDER ACKNOWLEDGMENT FORM received from USCA and addressed to Debra Joyce re <u>209</u> Notice of Appeal,, Transcript order form filed in USCA on August 30, 2010. Transcripts ordered: August 3, 2010 Closing Arguments Plaintiff and Defendant. Transcript due by 10/29/2010. (Scalfani, Deborah) (Entered: 08/30/2010)
09/01/2010	<u>226</u>	Sealed Document. Monthly Report Dated August 21, 2010 (Attachments: # <u>1</u> Exhibit)(York, Steve) (Entered: 09/01/2010)
09/02/2010	<u>227</u>	Transcript of Bench Trial Day Five held on August 3, 2010, before Judge Douglas P. Woodlock. APPEAL #10-1965. 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: Debra Joyce at joycedebra@gmail.com Redaction Request due 9/23/2010. Redacted Transcript Deadline set for 10/4/2010. Release of Transcript Restriction set for 12/1/2010. (Scalfani, Deborah) Modified on 9/2/2010 (Scalfani, Deborah). (Entered: 09/02/2010)
09/02/2010	<u>228</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: 09/02/2010)
09/07/2010	<u>229</u>	Transcript of Hearing on Motion to Stay Execution of Modified Preliminary Injunction Order Pending Appeal held on August 23, 2010, before Judge Douglas P. Woodlock. COA Case No. 10-1965. 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: Brenda Hancock at 617-439-3214 Redaction Request due 9/28/2010. Redacted Transcript Deadline set for 10/8/2010. Release of Transcript Restriction set for 12/6/2010. (Scalfani, Deborah) (Entered: 09/07/2010)
09/07/2010	<u>230</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: 09/07/2010)
09/13/2010	<u>231</u>	JOINT STATEMENT of counsel re <i>Scheduling</i> . (Minahan, Neal) (Entered: 09/13/2010)
09/14/2010		Judge Douglas P. Woodlock: ELECTRONIC ORDER entered APPROVING <u>231</u> Joint supplemental statement of counsel: Plaintiff shall submit two (2) alternative proposals by October 15, 2010. The Defendants shall respond to the Plaintiff's proposals and submit their own alternative proposals by November 15, 2010. A Hearing on these proposals shall be determined after review. (Lovett, Jarrett) (Entered: 09/14/2010)
10/05/2010	<u>232</u>	Sealed Document. Monthly Report Dated September 28, 2010. (Attachments: # <u>1</u> Exhibit)(York, Steve) (Entered: 10/05/2010)
10/15/2010	<u>233</u>	Proposed Document(s) submitted by Sandy J. Battista. Document received: Proposal Related to Housing Conditions. (Minahan, Neal) (Entered: 10/15/2010)
11/04/2010	<u>234</u>	Sealed Document. Monthly Report Dated October 18, 2010.. (Attachments: # <u>1</u> Exhibit)(York, Steve) (Entered: 11/04/2010)
11/15/2010	<u>235</u>	Response by Harold W. Clarke, Michael Corsini to <i>Court Order of August 23, 2010</i> . (Attachments: # <u>1</u> Exhibit Attachments 1-3)(McFarland, Richard) (Entered: 11/15/2010)
12/02/2010	<u>236</u>	Sealed Document. Monthly Report Dated November 18, 2010. (Attachments: # <u>1</u> Exhibit)(York, Steve) (Entered: 12/02/2010)

01/10/2011	<u>237</u>	Sealed Document. Monthly Report Dated December 23, 2010 (Attachments: # <u>1</u> Exhibit)(York, Steve) (Entered: 01/10/2011)
02/04/2011	<u>239</u>	SEALED DOCUMENT. (Boyce, Kathy) (Entered: 02/17/2011)
02/08/2011	<u>238</u>	NOTICE by Harold W. Clarke, Michael Corsini of <i>Assignment of New Therapist</i> (McFarland, Richard) (Entered: 02/08/2011)
03/07/2011	<u>240</u>	Sealed Document. Monthly Report Dated February 27, 2011 (Attachments: # <u>1</u> Exhibit)(York, Steve) (Entered: 03/08/2011)
03/31/2011	<u>241</u>	Sealed Document. Monthly Report Dated March 20, 2011 (Attachments: # <u>1</u> Exhibit)(York, Steve) (Entered: 03/31/2011)
05/03/2011	<u>242</u>	Sealed Monthly Report Dated April 20, 2011 (Attachments: # <u>1</u> Exhibit) (York, Steve) (Entered: 05/03/2011)
05/23/2011	<u>243</u>	OPINION of USCA No. 10-1965. Opinion issued in the USCA 5/20/2011 (Ramos, Jeanette) (Entered: 05/23/2011)
05/23/2011	<u>244</u>	USCA Judgment as to <u>209</u> Notice of Appeal, filed by Harold W. Clarke, Michael Corsini. This cause came on to be heard on appeal from the United States District Court for the District of Massachusetts and was argued by counsel. Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The judgment of the district court is affirmed. Judgment issued in the USCA 5/20/2011 (Ramos, Jeanette) (Entered: 05/23/2011)
06/06/2011	<u>245</u>	Sealed Monthly Report Dated May 24, 2011 (Attachments: # <u>1</u> Exhibit)(York, Steve) (Entered: 06/06/2011)
06/15/2011	<u>246</u>	MANDATE of USCA as to <u>209</u> Notice of Appeal, filed by Harold W. Clarke, Michael Corsini. Appeal <u>209</u> Terminated. Mandate issued in the USCA 6/14/2011 (Ramos, Jeanette) (Entered: 06/15/2011)
06/16/2011		ELECTRONIC NOTICE of Hearing : Status Conference set for 6/24/2011 09:00 AM in Courtroom 1 before Judge Douglas P. Woodlock. Status report due by 6/21/11.(Lovett, Jarrett) (Entered: 06/16/2011)
06/21/2011	<u>247</u>	STATUS REPORT by Sandy J. Battista. (Minahan, Neal) (Entered: 06/21/2011)
06/22/2011	<u>248</u>	STATUS REPORT by Michael Corsini, Luis S. Spencer. (McFarland, Richard) (Entered: 06/22/2011)
06/22/2011	<u>249</u>	NOTICE by Michael Corsini, Luis S. Spencer of <i>Successor Defendant</i> (McFarland, Richard) (Entered: 06/22/2011)
06/24/2011		ELECTRONIC Clerk's Notes for proceedings held before Judge Douglas P. Woodlock: Status Conference held on 6/24/2011. The Court directs parties to file a joint proposed form of Final Judgment, with hormone treatment to begin 7 days after entry. The proposed Final Judgment shall address the issues, including DOC access to medical/mental health records and notice to plaintiff's counsel of any disciplinary action after entry. The parties shall confer about whether continuing monthly report of the clinicians is necessary. The joint proposed Final Judgment is due June 27, 2011 by close of business; a further Status Conference is set for 6/28/2011 04:00 PM in Courtroom 1 before Judge Douglas P. Woodlock. (Court Reporter: Brenda Hancock at 617-439-3214)(Attorneys present: McSherry & Minahan, Jr. for the plttf; McFarland Kennedy for the def't's) (Lovett, Jarrett) (Entered: 06/24/2011)
06/27/2011	<u>250</u>	Proposed Document(s) submitted by Sandy J. Battista. Document received: Final Judgment. (Attachments: # <u>1</u> Exhibit 1)(Minahan, Neal) (Entered: 06/27/2011)
06/27/2011	<u>251</u>	Proposed Document(s) submitted by Michael Corsini, Luis S. Spencer. Document received: Proposed Final Judgment and Order. (Attachments: # <u>1</u> Exhibit)(McFarland, Richard) (Entered: 06/27/2011)
06/28/2011		ELECTRONIC Clerk's Notes for proceedings held before Judge Douglas P. Woodlock: Hearing held on 6/28/11 re: differing proposals for Final Judgment and Order. The Court reviews each paragrah and makes modifications where appropriate. The Court also addresses the remaining issues that are needed to be included in the Final Judgment, such as dismissals of certain parties and claims, substitution of parties,

		and the grant of the deliberate indifference claims for equitable relief. Plaintiff's counsel shall submit a final version of the Final Judgment and Order incorporating all modifications and additions discussed, by July 6, 2011. In the interim, the Court issues an oral Order from the bench that hormone therapy commence with seven (7) business days. DOC counsel shall report any issues in this regard by 6/29/11, and an Interim Order for the administration of hormones shall issue. (Court Reporter: Brenda Hancock at 617-439-3214)(Attorneys present: McSherry & Minahan, Jr. for the plttf; McFarland Kennedy for the deft's) (Lovett, Jarrett) (Entered: 06/29/2011)
06/29/2011	<u>252</u>	Judge Douglas P. Woodlock: ELECTRONIC INTERIM ORDER entered, in accordance with the oral directions given at the hearing in this matter on June 28, 2011 and the report of defendants' counsel today that the implementation of the medical order for administration of female hormones to the plaintiff can be undertaken by July 8, 2011, it is hereby ORDERED that the defendants shall implement the medical order for administration of female hormones to the plaintiff by no later than July 8, 2011. (Woodlock, Douglas) (Entered: 06/29/2011)
07/05/2011	<u>253</u>	Transcript of Hearing Re: Final Judgment and Order held on June 28, 2011, before Judge Douglas P. Woodlock. 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: Brenda Hancock at 617-439-3214 Redaction Request due 7/26/2011. Redacted Transcript Deadline set for 8/5/2011. Release of Transcript Restriction set for 10/3/2011. (Scalfani, Deborah) (Entered: 07/05/2011)
07/05/2011	<u>254</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: 07/05/2011)
07/06/2011	<u>255</u>	JOINT STATEMENT of counsel <i>on Proposed Final Judgment and Order</i> . (Attachments: # <u>1</u> Exhibit 1)(Minahan, Neal) (Entered: 07/06/2011)
07/11/2011	<u>256</u>	Judge Douglas P. Woodlock: FINAL JUDGMENT AND ORDER entered. (Woodlock, Douglas) (Entered: 07/11/2011)
07/11/2011		Civil Case Terminated. (Lovett, Jarrett) (Entered: 07/11/2011)
07/25/2011	<u>257</u>	MOTION for Attorney Fees, MOTION for Bill of Costs (Responses due by 8/8/2011) by Sandy J. Battista.(Minahan, Neal) (Entered: 07/25/2011)
07/25/2011	<u>258</u>	MEMORANDUM in Support re <u>257</u> MOTION for Attorney Fees MOTION for Bill of Costs filed by Sandy J. Battista. (Attachments: # <u>1</u> Affidavit of Neal E. Minahan, Esq., # <u>2</u> Exhibit A, # <u>3</u> Exhibit B)(Minahan, Neal) (Entered: 07/25/2011)
08/04/2011	<u>259</u>	Assented to MOTION for Extension of Time to August 22, 2011 to File Response/Reply as to <u>257</u> MOTION for Attorney Fees MOTION for Bill of Costs by Michael Corsini, Luis S. Spencer.(Kennedy, Joan) (Entered: 08/04/2011)
08/04/2011		Judge Douglas P. Woodlock: ELECTRONIC ORDER entered granting <u>259</u> Assented to MOTION for Extension of Time to August 22, 2011 to File Response/Reply as to <u>257</u> MOTION for Attorney Fees, MOTION for Bill of Costs by Michael Corsini, Luis S. Spencer. (Lovett, Jarrett) (Entered: 08/04/2011)
08/05/2011	<u>260</u>	MOTION to Withdraw <i>Appearance</i> by MHM Services, Inc.'s.(Hughes, Stephen) Modified on 8/8/2011 to correct the relief type of the motion from motion to withdraw to motion to withdraw as Attorney. (Finn, Mary). (Entered: 08/05/2011)
08/08/2011		Judge Douglas P. Woodlock: ELECTRONIC ORDER entered granting <u>260</u> Motion to Withdraw as Attorney. Attorney Stephen E. Hughes terminated. (Lovett, Jarrett) (Entered: 08/08/2011)
08/22/2011	<u>261</u>	Opposition re <u>257</u> MOTION for Attorney Fees MOTION for Bill of Costs filed by Michael Corsini, Luis S. Spencer. (Attachments: # <u>1</u> Exhibit)(McFarland, Richard) (Entered: 08/22/2011)
03/28/2014	<u>264</u>	NOTICE by Michael Corsini, Luis S. Spencer <i>of Plaintiff's Discharge from DOC Custody</i> (McFarland, Richard) (Entered: 03/28/2014)

07/22/2014	<u>265</u>	NOTICE of Withdrawal of Appearance by Neal E. Minahan, Jr (Minahan, Neal) (Entered: 07/22/2014)
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