

CLOSED

**United States District Court
District of Massachusetts (Springfield)
CIVIL DOCKET FOR CASE #: 3:11-cv-30223-MAP**

Baggett et al v. Ashe et al
Assigned to: Judge Michael A. Ponsor
Case in other court: USCA, 14-01974
Cause: 42:1983 Civil Rights Act

Date Filed: 09/15/2011
Date Terminated: 09/16/2015
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Debra Baggett

represented by **David Milton**
Law Offices of Howard Friedman
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Howard Friedman
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ATTORNEY TO BE NOTICED

Plaintiff

April Marlborough
*On behalf of themselves and others
similarly situated*
TERMINATED: 05/14/2013

represented by **David Milton**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Howard Friedman
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Michael J. Ashe

represented by **Edward J. McDonough, Jr.**
Egan, Flanagan & Cohen, PC
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TERMINATED: 05/16/2013
ATTORNEY TO BE NOTICED

Theresa M.S. Finnegan
Hampden County Sheriff's Department
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ATTORNEY TO BE NOTICED

Thomas E. Day
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413-737-0260
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Email: TED@efclaw.com
ATTORNEY TO BE NOTICED

Defendant

Patricia Murphy
In their individual capacities

represented by **Theresa M.S. Finnegan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Edward J. McDonough , Jr.
(See above for address)
TERMINATED: 05/16/2013
ATTORNEY TO BE NOTICED

Thomas E. Day
(See above for address)
ATTORNEY TO BE NOTICED

Mediator

Judge Timothy S. Hillman
TERMINATED: 03/30/2012

V.

Intervenor

**Department of Correction for the State
of Massachusetts**

represented by **C. Raye Poole**
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ATTORNEY TO BE NOTICED

Intervenor

Tanya M Smith
TERMINATED: 05/28/2015

Intervenor

Monica Vasquez
TERMINATED: 05/28/2015

Intervenor

Angela McConnell
TERMINATED: 05/28/2015

Intervenor

Wayne Albright

TERMINATED: 05/28/2015

Intervenor**Sydney Decapiano**

TERMINATED: 05/28/2015

Intervenor**Amber Lambert**

TERMINATED: 05/28/2015

Date Filed	#	Docket Text
09/15/2011	<u>1</u>	COMPLAINT against All Defendants Filing fee: \$ 350, receipt number 0101-3581425 (Fee Status: Filing Fee paid), filed by Debra Baggett, April Marlborough. (Attachments: # <u>1</u> Category Form, # <u>2</u> Civil Cover Sheet)(Milton, David) (Entered: 09/15/2011)
09/15/2011		ELECTRONIC NOTICE of Case Assignment. Judge Michael A. Ponsor assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Kenneth P. Neiman. (Folan, Karen) (Entered: 09/15/2011)
09/15/2011	<u>2</u>	Summons Issued as to Michael J. Ashe, Patricia Murphy. 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. Consent Form mailed to counsel. (Finn, Mary) (Entered: 09/15/2011)
10/17/2011	<u>3</u>	WAIVER OF SERVICE Returned Executed by Debra Baggett. Michael J. Ashe waiver sent on 9/16/2011, answer due 11/15/2011. (Friedman, Howard) (Entered: 10/17/2011)
10/17/2011	<u>4</u>	WAIVER OF SERVICE Returned Executed by Debra Baggett. Patricia Murphy waiver sent on 9/16/2011, answer due 11/15/2011. (Friedman, Howard) (Entered: 10/17/2011)
11/15/2011	<u>5</u>	Assented to MOTION for Extension of Time to November 21, 2011 to File Answer <i>to Complaint</i> by Michael J. Ashe, Patricia Murphy.(McDonough, Edward) (Entered: 11/15/2011)
11/15/2011		Judge Michael A. Ponsor: ELECTRONIC ORDER entered granting <u>5</u> Motion for Extension of Time to Answer re <u>1</u> Complaint Michael J. Ashe answer due 11/21/2011; Patricia Murphy answer due 11/21/2011. (Finn, Mary) (Entered: 11/15/2011)
11/23/2011	<u>6</u>	Assented to MOTION for Extension of Time to November 28, 2011 to File Answer by Michael J. Ashe, Patricia Murphy.(McDonough, Edward) (Entered: 11/23/2011)
11/23/2011		Judge Michael A. Ponsor: ELECTRONIC ORDER entered granting <u>6</u> Motion for Extension of Time to Answer re <u>1</u> Complaint Michael J. Ashe answer due 11/28/2011; Patricia Murphy answer due 11/28/2011. (Finn, Mary) (Entered: 11/23/2011)
11/28/2011	<u>7</u>	<i>Defendants'</i> ANSWER to <u>1</u> Complaint with Jury Demand by Michael J. Ashe, Patricia Murphy. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(McDonough, Edward) (Entered: 11/28/2011)
11/29/2011		Judge Michael A. Ponsor: ELECTRONIC ORDER entered. REFERRING CASE to Magistrate Judge Kenneth P. Neiman Referred for: Full Pretrial, No Dispositive Motions (ptn). Further information: for a Rule 16 Scheduling Conf..(Finn, Mary) (Entered: 11/29/2011)
12/12/2011	<u>8</u>	NOTICE of Scheduling Conference ISSUED, cc:cl. Scheduling Conference set for 1/26/2012 at 11:30 AM in Hampshire Courtroom before Magistrate Judge Kenneth P. Neiman. Joint Statement and LR 16.1 certs by 1/23/12. (Healy, Bethaney) (Entered: 12/12/2011)

01/19/2012	<u>9</u>	CERTIFICATION pursuant to Local Rule 16.1 by Michael J. Ashe, Patricia Murphy.(McDonough, Edward) (Entered: 01/19/2012)
01/23/2012	<u>10</u>	JOINT STATEMENT re scheduling conference . (Milton, David) (Entered: 01/23/2012)
01/23/2012	<u>11</u>	CERTIFICATION pursuant to Local Rule 16.1 <i>for Debra Baggett</i> . (Milton, David) (Entered: 01/23/2012)
01/23/2012	<u>12</u>	CERTIFICATION pursuant to Local Rule 16.1 <i>for April Marlborough</i> . (Milton, David) (Entered: 01/23/2012)
01/24/2012	<u>13</u>	MOTION for Discovery of <i>CORI</i> by Debra Baggett, April Marlborough.(Milton, David) (Entered: 01/24/2012)
01/26/2012		ELECTRONIC Clerk's Notes for proceedings held before Magistrate Judge Kenneth P. Neiman: Counsel appear for Scheduling Conference held on 1/26/2012. Further Scheduling Conference set for 3/12/12 at 3:00 p.m. Parties are interested in utilizing the court's ADR program. Clerk to make arrangements for mediation date. (Court Reporter: Digital Recording – For transcripts or CDs contact Deborah Scalfani by email at deborah_scalfani@mad.uscourts.gov.)(Attorneys present: Milton, Friedman, McDonough, Day) (Healy, Bethaney) (Entered: 02/06/2012)
02/07/2012		Set/Reset Hearings: Further Scheduling Conference set for 3/12/2012 03:00 PM in Hampshire Courtroom before Magistrate Judge Kenneth P. Neiman. (Finn, Mary) (Entered: 02/07/2012)
02/07/2012	<u>14</u>	Magistrate Judge Kenneth P. Neiman: ORDER REFERRING CASE to Alternative Dispute Resolution.(Healy, Bethaney) (Entered: 02/07/2012)
02/07/2012		ELECTRONIC NOTICE OF RESCHEDULING ISSUED, cc:cl. Scheduling Conference set for 3/29/2012 at 1:00 PM in Hampshire Courtroom before Magistrate Judge Kenneth P. Neiman. (Healy, Bethaney) (Entered: 02/07/2012)
02/07/2012		ELECTRONIC NOTICE of assignment to ADR Provider. Magistrate Judge Timothy S. Hillman appointed. The Court will contact counsel with regard to scheduling. (Franklin, Yvonne) (Entered: 02/07/2012)
03/06/2012		ELECTRONIC NOTICE of Hearing. Alternative Dispute Resolution Hearing set for 3/20/2012 10:00 AM in Courtroom 1 – Worcester before Magistrate Judge Timothy S. Hillman. Counsel are directed to be present with their respective clients. The Court will hold a telephone conference with Counsel on 3/15/2012 09:30 AM in Courtroom 1 – Worcester. Counsel are to contact my Clerk, Lisa Belpedio, with their contact information in advance of that date. In addition, each party shall submit a brief memorandum addressing the party's position on the merits of the case and on settlement. This should be filed with my Clerk by e-mail at lisa_belpedio@mad.uscourts.gov no later than two (2) days before the Telephone Status Conference. The memorandum should be marked Confidential – Not for Docketing and will be held in confidence by the Court. If any party believes that the case is not ready for mediation at this time, please notify opposing counsel and the court as soon as possible.(Belpedio, Lisa) (Entered: 03/06/2012)
03/15/2012		ELECTRONIC Clerk's Notes for proceedings held before Magistrate Judge Timothy S. Hillman: Telephone Conference held on 3/15/2012. Case called, Counsel appear by telephone, Counsel discuss logistics of mediation. (Court Reporter: Digital Recording – 9:29 For transcripts or CDs contact Deborah Scalfani by email at deborah_scalfani@mad.uscourts.gov.)(Attorneys present: Milton, Friedman, McDonough) (Belpedio, Lisa) (Entered: 03/16/2012)
03/28/2012	<u>15</u>	JOINT STATEMENT of counsel <i>and proposed discovery schedule</i> . (Milton, David) (Entered: 03/28/2012)
03/28/2012	<u>16</u>	Joint MOTION for Protective Order by Michael J. Ashe, Debra Baggett, April Marlborough, Patricia Murphy. (Attachments: # <u>1</u> Exhibit 1)(Milton, David) (Entered: 03/28/2012)
03/29/2012		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>13</u> Plaintiffs' Motion to Permit Access to CORI Information, subject to the Protective Order to be entered, and granting as well <u>16</u> Joint Motion for Protective Order. Order

		to issue. (Neiman, Kenneth) (Entered: 03/29/2012)
03/29/2012		ELECTRONIC Clerk's Notes for proceedings held before Magistrate Judge Kenneth P. Neiman: Counsel appear for Scheduling Conference held on 3/29/2012. Colloquy re: status of settlement. Schedule established with order to issue. (Court Reporter: Digital Recording – For transcripts or CDs contact Deborah Scalfani by email at deborah_scalfani@mad.uscourts.gov.)(Attorneys present: Friedman, Milton, McDonough, Day) (Healy, Bethaney) (Entered: 03/30/2012)
03/30/2012	<u>17</u>	REPORT of Alternative Dispute Resolution Provider (Belpedio, Lisa) (Entered: 03/30/2012)
03/30/2012	<u>18</u>	Magistrate Judge Kenneth P. Neiman: PROTECTIVE ORDER ENTERED, cc:cl. (Healy, Bethaney) (Entered: 03/30/2012)
04/03/2012	<u>19</u>	Magistrate Judge Kenneth P. Neiman: SCHEDULING ORDER ENTERED, cc:cl. Auto discl by 4/12/12; Ps' motion for class cert filed by 1/18/13; Ds' opp by 2/15/13, to which Ps shall reply by 3/1/13; hearing on motion for class cert set for 3/29/13 at 2:00 p.m. before Judge Michael A. Ponsor; all remaining fact disc (incl. 15 depos per side) compl by 5/24/13; Ps' expert discl re: liability experts, if any, by 6/21/13; Ds' expert discl re: liability experts, if any, by 7/19/13; expert depos compl by 8/16/13; Ds' S/J motion, if any, by 9/13/13; Ps' opp to Ds' motion, together with any cross-motion for S/J filed by 10/4/13, to which Ds may reply by 10/11/13; hearing on any motions for S/J set by 10/30/13 at 2:00 p.m. before Judge Michael A. Ponsor. (Healy, Bethaney) (Main Document 19 replaced on 4/4/2012) (Healy, Bethaney). Modified on 4/4/2012 (Healy, Bethaney). (Entered: 04/03/2012)
04/03/2012		Set/Reset Hearings: Hearing re: motion for class certification set for 3/29/2013 at 2:00 PM in Hampden Courtroom before Judge Michael A. Ponsor. (Healy, Bethaney) (Entered: 04/03/2012)
05/23/2012	<u>20</u>	MOTION for Extension of Time to June 22, 2012 to Respond to Plaintiffs' Interrogatories and Request for Production of Documents by Michael J. Ashe, Patricia Murphy.(McDonough, Edward) (Main Document 20 replaced on 5/23/2012 with correct signed motion) (Finn, Mary). Modified on 5/23/2012 (Finn, Mary). (Entered: 05/23/2012)
05/23/2012	<u>21</u>	NOTICE of Appearance by Thomas E. Day on behalf of Michael J. Ashe, Patricia Murphy (Day, Thomas) (Entered: 05/23/2012)
05/23/2012	<u>22</u>	MOTION to Compel by Debra Baggett, April Marlborough.(Milton, David) (Entered: 05/23/2012)
05/23/2012	<u>23</u>	MEMORANDUM in Support re <u>22</u> MOTION to Compel filed by Debra Baggett, April Marlborough. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Milton, David) (Entered: 05/23/2012)
05/23/2012	<u>24</u>	MEMORANDUM in Opposition re <u>20</u> MOTION for Extension of Time to June 22, 2012 to Respond to Plaintiffs' Interrogatories and Request for Production of Documents filed by Debra Baggett, April Marlborough. (Milton, David) (Entered: 05/23/2012)
06/04/2012		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting in part <u>20</u> Defendants' Motion for Extension of Time; although Defendants ought to have requested the extension before the time expired within which they were to respond to discovery, the court will nonetheless grant an extension, but to June 15, 2012, only. There shall be no further extensions. As a result, the court denies without prejudice <u>22</u> Plaintiffs' Motion to Compel. So ordered. (Neiman, Kenneth) (Entered: 06/04/2012)
08/22/2012	<u>25</u>	Second MOTION to Compel by Debra Baggett, April Marlborough.(Milton, David) (Entered: 08/22/2012)
08/22/2012	<u>26</u>	MEMORANDUM in Support re <u>25</u> Second MOTION to Compel filed by Debra Baggett, April Marlborough. (Attachments: # <u>1</u> Exhibit 1)(Milton, David) (Entered: 08/22/2012)
08/28/2012	<u>27</u>	Assented to MOTION for Extension of Time to 09/14/12 to File Response/Reply as to <u>25</u> Second MOTION to Compel by Michael J. Ashe, Patricia Murphy.(Day, Thomas)

		(Entered: 08/28/2012)
08/28/2012	28	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>27</u> Defendants' assented—to Motion for Extension of Time to September 14, 2012, to File Response to <u>25</u> Plaintiffs' Second Motion to Compel. So ordered. (Neiman, Kenneth) (Entered: 08/28/2012)
09/14/2012	<u>29</u>	Opposition re <u>25</u> Second MOTION to Compel filed by Michael J. Ashe, Patricia Murphy. (Attachments: # <u>1</u> Affidavit Affidavit of Thomas E. Day in support of Defendants' Opposition to Plaintiff's Second Motion to Compel)(Day, Thomas) (Entered: 09/14/2012)
10/04/2012	30	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting in part <u>25</u> Plaintiffs' Second Motion to Compel, as follows. Defendants shall fully respond to Request No. 8 with regard to all incident reports requested to the extent not yet produced. With regard to Request No 9, Defendants shall provide, in addition to videos already produced, access to all videos (in which a female corrections officer held the video camera) for every third month beginning September of 2008 through the relevant three—and—one—half year time period. In so ruling, the court finds that the scope of discovery is broader than what Defendants profess and that, for the various reasons set forth in Plaintiffs' motion, the discovery is potentially relevant to the claims of the putative class. The court also concludes that any privacy interests of the videotaped inmates would be more than adequately protected by the existing protective order. In limiting the discovery to every third month, however, the court recognizes the burdens placed on Defendants while ensuring that an appropriate sample of potential evidence is produced. Defendants shall produce the discovery no later than October 26, 2012. So ordered. (Neiman, Kenneth) (Entered: 10/04/2012)
12/07/2012	31	ELECTRONIC NOTICE OF RESCHEDULING Hearing set for 3/28/2013 02:00 PM in Hampden Courtroom before Judge Michael A. Ponsor. (Hearing re: motion for class certification set for 3/29/2013 at 2:00 PM in Hampden Courtroom before Judge Michael A. Ponsor has been rescheduled.)(Pelegano, Theresa) (Entered: 12/07/2012)
12/11/2012	<u>32</u>	Assented to MOTION for Hearing (<i>to wit, a Status Conference</i>) by Debra Baggett, April Marlborough.(Milton, David) (Entered: 12/11/2012)
12/14/2012	33	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>32</u> Motion for Status Conference, cc:cl. Allowed. Counsel shall appear for a status conference on January 8, 2013, at 2:00 p.m. in Hampshire Courtroom. So ordered. (Healy, Bethaney) (Entered: 12/14/2012)
12/14/2012	34	Set/Reset Hearings: Case Management Conference set for 1/8/2013 at 2:00 PM in Hampshire Courtroom before Magistrate Judge Kenneth P. Neiman. (Healy, Bethaney) (Entered: 12/14/2012)
01/08/2013	35	ELECTRONIC Clerk's Notes for proceedings held before Magistrate Judge Kenneth P. Neiman: Counsel appear for Case Management Conference held on 1/8/2013. Colloquy re: status of case. Revised schedule to issue. (Court Reporter: Digital Recording – For transcripts or CDs contact Deborah Scalfani by email at deborah_scalfani@mad.uscourts.gov.)(Attorneys present: Milton, Day) (Healy, Bethaney) (Entered: 01/08/2013)
01/09/2013	<u>36</u>	Magistrate Judge Kenneth P. Neiman: REVISED SCHEDULING ORDER ENTERED, cc:cl. Ps' motion for class cert filed by 3/1/2013, with Ds' opp by 4/1/13, and Ps' reply by 4/15/13; a hearing on the motion for class certification is set for 5/2/13 at 2:00 p.m. before Judge Michael A. Ponsor (the 3/29/13 hearing is canceled); the remaining schedule set out in the 3/29/12 Scheduling Order shall stay in effect. (Healy, Bethaney) Modified on 1/9/2013 to correct the motion filing deadline to 3/1/2013. (Finn, Mary). (Entered: 01/09/2013)
01/09/2013	37	Set/Reset Hearings: Hearing on Motion for Class Certification set for 5/2/2013 at 2:00 PM in Hampden Courtroom before Judge Michael A. Ponsor. (Healy, Bethaney) (Entered: 01/09/2013)
01/09/2013	38	Set/Reset Deadlines: Ps' motion for class certification due by 3/1/2013. (Finn, Mary) (Entered: 01/09/2013)

03/01/2013	<u>39</u>	Assented to MOTION for Leave to File <i>Under Seal</i> by Debra Baggett, April Marlborough.(Milton, David) (Entered: 03/01/2013)
03/01/2013	40	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>39</u> Motion for Leave to File Under Seal motion for class certification, memorandum in support, exhibits and declaration, 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. (Finn, Mary) (Entered: 03/01/2013)
03/01/2013	<u>41</u>	MOTION to Certify Class <i>under Rule 23(b)(3)</i> by Debra Baggett.(Milton, David) (Entered: 03/01/2013)
03/01/2013	<u>42</u>	MEMORANDUM in Support re <u>41</u> MOTION to Certify Class <i>under Rule 23(b)(3)</i> filed by Debra Baggett. (Milton, David) (Entered: 03/01/2013)
03/01/2013	<u>43</u>	AFFIDAVIT of David Milton in Support re <u>41</u> MOTION to Certify Class <i>under Rule 23(b)(3)</i> filed by Debra Baggett. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6 (not filed on ECF), # <u>7</u> Exhibit 7 (not filed on ECF), # <u>8</u> Exhibit 8 (not filed on ECF), # <u>9</u> Exhibit 9 (not filed on ECF))(Milton, David) (Entered: 03/01/2013)
03/01/2013	<u>44</u>	AFFIDAVIT of Expert Wendy Still in Support re <u>41</u> MOTION to Certify Class <i>under Rule 23(b)(3)</i> filed by Debra Baggett. (Attachments: # <u>1</u> Exhibit A)(Milton, David) (Entered: 03/01/2013)
03/01/2013	<u>45</u>	AFFIDAVIT of Howard Friedman in Support re <u>41</u> MOTION to Certify Class <i>under Rule 23(b)(3)</i> filed by Debra Baggett. (Friedman, Howard) (Entered: 03/01/2013)
03/04/2013	46	Set/Reset Deadlines as to <u>41</u> MOTION to Certify Class <i>under Rule 23(b)(3)</i> . Responses due by 4/1/2013 Replies due by 4/15/2013. Motion Hearing set for 5/2/2013 02:00 PM in Hampden Courtroom before Judge Michael A. Ponsor. (Finn, Mary) (Entered: 03/04/2013)
03/04/2013		ELECTRONIC NOTICE issued requesting courtesy copy for <u>43</u> Affidavit in Support of Motion and supporting exhibits. Counsel who filed this document are requested to submit a courtesy copy of this document (or documents) to the Clerk's Office by March 8, 2013. These documents must be clearly marked as a Courtesy Copy and reflect the document number assigned by CM/ECF. (Finn, Mary) (Entered: 03/04/2013)
03/04/2013		Remark – #'s 47 – 50 placed in the vault due to being sealed. (Finn, Mary) (Entered: 03/04/2013)
03/05/2013		Remark – Courtesy copy of document <u>43</u> – UNREDACTED VERSION received and placed in the vault. (Finn, Mary) (Entered: 03/05/2013)
03/08/2013	<u>51</u>	Third MOTION to Compel by Debra Baggett, April Marlborough.(Milton, David) (Entered: 03/08/2013)
03/08/2013	<u>52</u>	MEMORANDUM in Support re <u>51</u> Third MOTION to Compel filed by Debra Baggett, April Marlborough. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Milton, David) (Entered: 03/08/2013)
03/19/2013	<u>53</u>	Joint MOTION for Protective Order (<i>Supplement to Existing Protective Order</i>) by Debra Baggett, April Marlborough. (Attachments: # <u>1</u> Text of Proposed Order)(Milton, David) (Entered: 03/19/2013)
03/20/2013	54	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>53</u> Joint Motion for Protective Order. Order to enter. (Neiman, Kenneth) (Entered: 03/20/2013)
03/21/2013	<u>55</u>	Magistrate Judge Kenneth P. Neiman: PROTECTIVE ORDER ENTERED, cc:cl. (Healy, Bethaney) (Entered: 03/21/2013)
03/22/2013	<u>56</u>	RESPONSE to Motion re <u>51</u> Third MOTION to Compel filed by Michael J. Ashe, Patricia Murphy. (Day, Thomas) (Entered: 03/22/2013)

03/22/2013	<u>57</u>	MOTION for Extension of Time to April 15, 2013 to File Response/Reply as to <u>41</u> MOTION to Certify Class <i>under Rule 23(b)(3) and Plaintiff's Reply Brief to Defendants' Opposition</i> and MOTION to continue the May 2, 2013 Motion Hearing by Michael J. Ashe, Patricia Murphy.(Day, Thomas) (Main Document 57 replaced on 3/25/2013 with correct main document and Added an additional relief = MOTION to Continue on 3/25/2013 (Finn, Mary). (Entered: 03/22/2013)
03/25/2013	58	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>51</u> Plaintiffs' Third Motion to Compel in light of Defendants' representation that they have no objection to provide additional information beyond that already provided within seven days. Accordingly, Defendants shall provide the additional discovery by April 1, 2013. So ordered. (Neiman, Kenneth) (Entered: 03/25/2013)
03/25/2013	59	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting in part <u>57</u> Defendants' Motion for Extension of Time to File Opposition to Motion for Class Certification. The opposition shall be filed by April 10, 2013, with a reply, if any, filed by April 24, 2013. The hearing shall go forward as scheduled on May 2, 2013. So ordered. (Neiman, Kenneth) (Entered: 03/25/2013)
04/08/2013	<u>60</u>	MOTION to Quash <i>or MOTION to Modify Subpoena of Plaintiffs</i> and MOTION to Intervene by Department of Correction for the State of Massachusetts. (Attachments: # <u>1</u> Exhibit 1,2)(Poole, C.). Added an additional relief MOTION to Intervene on 4/8/2013. Added an additional relief – MOTION to Modify on 4/17/2013 (Finn, Mary). (Entered: 04/08/2013)
04/10/2013	<u>61</u>	Opposition re <u>41</u> MOTION to Certify Class <i>under Rule 23(b)(3)</i> filed by Michael J. Ashe, Patricia Murphy. (Day, Thomas) (Entered: 04/10/2013)
04/11/2013	<u>62</u>	MEMORANDUM in Opposition re <u>41</u> MOTION to Certify Class <i>under Rule 23(b)(3)</i> filed by Michael J. Ashe, Patricia Murphy. (Day, Thomas) (Entered: 04/11/2013)
04/11/2013	<u>63</u>	AFFIDAVIT of Vaughan in Opposition re <u>41</u> MOTION to Certify Class <i>under Rule 23(b)(3)</i> filed by Michael J. Ashe, Patricia Murphy. (Day, Thomas) (Entered: 04/11/2013)
04/11/2013	<u>64</u>	AFFIDAVIT of Murphy in Opposition re <u>41</u> MOTION to Certify Class <i>under Rule 23(b)(3)</i> filed by Michael J. Ashe, Patricia Murphy. (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)(Day, Thomas) (Entered: 04/11/2013)
04/11/2013	<u>65</u>	AFFIDAVIT of Day in Opposition re <u>41</u> MOTION to Certify Class <i>under Rule 23(b)(3)</i> filed by Michael J. Ashe, Patricia Murphy. (Day, Thomas) (Entered: 04/11/2013)
04/11/2013	<u>66</u>	AFFIDAVIT of Burke in Opposition re <u>41</u> MOTION to Certify Class <i>under Rule 23(b)(3)</i> filed by Michael J. Ashe, Patricia Murphy. (Day, Thomas) (Entered: 04/11/2013)
04/17/2013	<u>67</u>	Assented to MOTION for Protective Order (<i>motion to permit non-party Middlesex Sheriff's Department to produce documents subject to protective order</i>) by Debra Baggett.(Milton, David) (Entered: 04/17/2013)
04/17/2013	<u>68</u>	Opposition re <u>60</u> MOTION to Quash <i>or Modify Subpoena of Plaintiffs</i> MOTION to Intervene filed by Debra Baggett. (Milton, David) (Entered: 04/17/2013)
04/17/2013	69	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>67</u> assented–to Motion for Protective Order. So ordered. (Neiman, Kenneth) (Entered: 04/17/2013)
04/24/2013	<u>70</u>	REPLY to Response to <u>41</u> MOTION to Certify Class <i>under Rule 23(b)(3)</i> filed by Debra Baggett. (Milton, David) (Entered: 04/24/2013)
04/24/2013	<u>71</u>	DECLARATION re <u>70</u> Reply to Response to Motion by Debra Baggett. (Milton, David) (Entered: 04/24/2013)
04/29/2013	<u>72</u>	Joint MOTION for Extension of Time to Complete Discovery by Debra Baggett.(Milton, David) (Entered: 04/29/2013)

04/29/2013	<u>73</u>	MOTION for a View <i>on May 2, 2013 prior to hearing on Plaintiffs' Motion to Certify Class</i> by Michael J. Ashe, Patricia Murphy.(Day, Thomas) (Entered: 04/29/2013)
04/29/2013	<u>74</u>	Opposition re <u>73</u> MOTION for a View <i>on May 2, 2013 prior to hearing on Plaintiffs' Motion to Certify Class</i> filed by Debra Baggett. (Milton, David) (Entered: 04/29/2013)
04/30/2013		Judge Michael A. Ponsor: ENDORSED ORDER entered granting <u>72</u> Joint Motion for Extend Discovery. ALLOWED. The proposed schedule is hereby adopted as an order of the court. So ordered. (Lindsay, Maurice) (Entered: 04/30/2013)
04/30/2013	75	Judge Michael A. Ponsor: ENDORSED ORDER entered denying <u>73</u> Motion for a View. DENIED without prejudice. The court is not available prior to the hearing. A view may be arranged afterwards, if appropriate. So ordered. (Lindsay, Maurice) (Entered: 04/30/2013)
05/02/2013	<u>76</u>	Assented to MOTION To Withdraw April Marlborough as Representative of Putative Class by Debra Baggett.(Milton, David) (Entered: 05/02/2013)
05/02/2013	77	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting in part and denying in part <u>60</u> the Massachusetts Department of Correction ("MDOC")'s Motion to Intervene and Motion to Quash or Modify Subpoena of Plaintiffs. As an initial matter, the requests for intervention and to entirely quash the subpoena are DENIED. The request for Modification of the subpoena, however, is GRANTED, but in part only, as follows. First, this order shall apply to all three state correctional institutions which are the subject of the subpoena. Second, Plaintiffs and MDOC shall forthwith enter into a Protective Order substantially if not entirely similar to the protective order which applies to Plaintiffs and Defendants. Third, by May 9, 2013, and subject to the further provisos below, MDOC shall produce the public policies and procedures to Plaintiffs. Fourth, by May 16, 2013, MDOC shall produce to Plaintiffs the private policies, i.e., staff access only policies, and the post orders to Plaintiffs, subject to the further provisos below. Fifth, notwithstanding the protective order, MDOC may redact from the private policies and post orders such material as falls entirely outside the subject matter of Schedule A of the subpoena, on the further condition, however, that the general subject matter of the redacted portions shall be described to Plaintiffs by MDOC; Plaintiffs are free to challenge those redactions at a later date.. Sixth, MDOC need only produce current policies and procedures (whether public or private) and post orders of an institution if those policies, procedures and/or post orders, as applicable, are accompanied by an affidavit which indicates that they have not materially changed since September of 2008. So ordered. (Neiman, Kenneth) (Entered: 05/02/2013)
05/02/2013	78	ELECTRONIC Clerk's Notes for proceedings held before Judge Michael A. Ponsor: Motion Hearing held on 5/2/2013 re <u>41</u> MOTION to Certify Class <i>under Rule 23(b)(3)</i> filed by Debra Baggett. Argument completed. Court takes matter under advisement. (Court Reporter: Alice Moran at 413-731-0086.)(Attorneys present: Milton, Friedman, Day) (Pelegano, Theresa) (Entered: 05/02/2013)
05/13/2013	79	Judge Michael A. Ponsor: ENDORSED ORDER entered granting <u>76</u> Motion to Withdraw April Marlborough as Representative of Putative Class. ALLOWED. (Lindsay, Maurice) (Entered: 05/13/2013)
05/15/2013	<u>80</u>	Fourth MOTION to Compel by Debra Baggett.(Milton, David) (Entered: 05/15/2013)
05/15/2013	<u>81</u>	MEMORANDUM in Support re <u>80</u> Fourth MOTION to Compel filed by Debra Baggett. (Milton, David) (Entered: 05/15/2013)
05/15/2013	<u>82</u>	NOTICE of Withdrawal of Appearance by Edward J. McDonough, Jr (McDonough, Edward) (Entered: 05/15/2013)
05/21/2013	<u>83</u>	Joint MOTION for Protective Order by Debra Baggett, Department of Correction for the State of Massachusetts. (Attachments: # <u>1</u> Proposed Protective Order)(Milton, David) (Entered: 05/21/2013)
05/22/2013	84	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>83</u> Joint Motion for Protective Order. Order to issue. (Neiman, Kenneth) (Entered: 05/22/2013)

05/22/2013	<u>85</u>	Magistrate Judge Kenneth P. Neiman: ORDER entered. PROTECTIVE ORDER Governing Documents Produced by Non-Party Mass. Dept. of Correction. See the attached order for details. (Attachments: # <u>1</u> Attachment A)(Lindsay, Maurice) (Entered: 05/22/2013)
05/23/2013	<u>86</u>	Judge Michael A. Ponsor: MEMORANDUM AND ORDER entered. As follows: For the reasons stated in the attached memo and order, Plaintiffs Motion for Class Certification (Dkt. No. <u>41</u>) is hereby ALLOWED. The pretrial phase of the case will continue to unfold, under the supervision of Magistrate Judge Kenneth P. Neiman, in accordance with the revised scheduled order entered on January 9, 2013 (Dkt. No. 36), as modified by the parties joint motion (Dkt. No. 72), adopted by the court on April 30, 2013. It is So Ordered. See the attached memo and order for complete details. (Lindsay, Maurice) (Entered: 05/23/2013)
05/23/2013	<u>87</u>	MOTION for Protective Order <i>Pursuant to Rule 26(c)</i> by Michael J. Ashe, Patricia Murphy.(Day, Thomas) (Entered: 05/23/2013)
05/23/2013	<u>88</u>	MEMORANDUM in Support re <u>87</u> MOTION for Protective Order <i>Pursuant to Rule 26(c)</i> filed by Michael J. Ashe, Patricia Murphy. (Attachments: # <u>1</u> Exhibit 1)(Day, Thomas) (Entered: 05/23/2013)
05/23/2013	<u>89</u>	AFFIDAVIT of Thomas E. Day, Esq. in Support re <u>87</u> MOTION for Protective Order <i>Pursuant to Rule 26(c)</i> filed by Michael J. Ashe, Patricia Murphy. (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)(Day, Thomas) (Entered: 05/23/2013)
05/29/2013	<u>90</u>	Opposition re <u>87</u> MOTION for Protective Order <i>Pursuant to Rule 26(c)</i> filed by Debra Baggett. (Attachments: # <u>1</u> Exhibit 1)(Milton, David) (Entered: 05/29/2013)
05/30/2013	<u>91</u>	Opposition re <u>80</u> Fourth MOTION to Compel filed by Michael J. Ashe, Patricia Murphy. (Day, Thomas) (Entered: 05/30/2013)
05/30/2013	92	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting in part and denying in part <u>80</u> Plaintiffs' Fourth Motion to Compel, as follows. The motion is ALLOWED largely without objection with regard to Paragraphs 1 (although it is somewhat confusing as to how many videos remain to be produced), 2, 3 (as to the video for the one move of Jane Doe to higher security), and 4 (with the understanding that Defendants represent there are no additional responsive documents). The documents, etc. ordered to be produced shall be provided Plaintiffs no later than June 7, 2013, together with a written explanation as to Defendants' efforts to locate further responsive documents. The motion is DENIED with regard to Paragraph 5 for the reasons set forth in <u>91</u> Defendants' opposition. So ordered. (Neiman, Kenneth) (Entered: 05/30/2013)
05/30/2013	93	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered denying <u>87</u> Defendants' Motion for Protective Order. First, the court sees no reason to preclude Plaintiffs from taking video depositions in accord with Fed.R.Civ.P. 30(b)(3). Second, the court has not been persuaded that a protective order of the sort requested is necessary given Plaintiffs' representations that they have no present intention to disseminate the videos publicly. That said, should Plaintiffs change their mind, they are cautioned "that the decision to publicize any recording, on the internet or otherwise, may be regarded as an effort to taint the jury pool in advance of trial." <i>Capitol Records v. Alaujan</i> , 2009 WL 5873130 *2 (D.Mass. June 16, 2009). That caution should be heeded here in particular given Plaintiffs' previous steps to publicize this case. So ordered. (Neiman, Kenneth) (Entered: 05/30/2013)
05/31/2013	<u>94</u>	Transcript of Motion Hearing held on May 2, 2013, before Judge Michael A. Ponsor. 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: Alice Moran at 413-731-0086 Redaction Request due 6/21/2013. Redacted Transcript Deadline set for 7/1/2013. Release of Transcript Restriction set for 8/29/2013. (Scalfani, Deborah) (Entered: 05/31/2013)
05/31/2013	95	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, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 05/31/2013)

07/16/2013	<u>96</u>	JUDGMENT of the USCA (13-8018). The petition for leave to appeal is denied. (Paine, Matthew) (Entered: 07/17/2013)
07/30/2013	<u>97</u>	Assented to MOTION to Approve Class Notice by Debra Baggett. (Attachments: # <u>1</u> Exhibit 1)(Milton, David) (Entered: 07/30/2013)
07/31/2013	<u>98</u>	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>97</u> Plaintiffs' assented-to Motion for Approval of Notice to the Class. The date by which opt-outs must be received shall be seventy-five days from which the notices are mailed. So ordered. (Neiman, Kenneth) (Entered: 07/31/2013)
08/02/2013	<u>99</u>	Assented to MOTION for Extension of Time to October 18, 2013 to Complete Discovery in Liability Phase <i>and to November 29, 2013 for Plaintiff and December 31, 2013 for Defendants Expert Disclosure Dates</i> by Michael J. Ashe, Patricia Murphy.(Day, Thomas) (Entered: 08/02/2013)
08/06/2013	<u>100</u>	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting in part <u>99</u> Defendants' assented-to Motion for Extension of Time, as follows: (1) all remaining fact discovery shall be completed by October 18, 2013; (2) Plaintiffs shall designate and disclose information regarding their liability experts, if any, as required by FED. R. CIV. P. 26(a)(2), by November 18, 2013; (3) Defendants shall designate and disclose information regarding their liability experts, if any, as required by FED. R. CIV. P. 26(a)(2), by December 18, 2013; (4) all expert depositions shall be completed by January 24, 2014; (5) Defendants shall file their summary judgment motion, if any, by February 21, 2014; (6) Plaintiffs' opposition to Defendants' motion, together with any crossmotion for summary judgment, shall be filed by March 14, 2014, to which Defendants may reply by March 28, 2014; (7) a hearing on any motions for summary judgment shall take place on April 16, 2014, at 2:00 p.m. before District Judge Michael A. Ponsor. THERE SHALL BE NO FURTHER EXTENSIONS. So ordered. (Neiman, Kenneth) Modified on 8/6/2013 (Lindsay, Maurice). (Entered: 08/06/2013)
08/14/2013	<u>101</u>	Fifth MOTION to Compel <i>and for additional relief</i> by Debra Baggett.(Milton, David) (Entered: 08/14/2013)
08/21/2013	<u>102</u>	MOTION by Debra Baggett to Withdraw <u>101</u> Fifth MOTION to Compel <i>and for additional relief: Notice of Withdrawal of Motion</i> (Milton, David) Modified on 8/21/2013 to convert this document into a pending motion. (Finn, Mary). (Entered: 08/21/2013)
08/22/2013	<u>103</u>	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered withdrawing <u>101</u> Plaintiffs' Motion to Compel in light of <u>102</u> Plaintiffs' Motion to Withdraw, which the court allows. So ordered. (Neiman, Kenneth) (Entered: 08/22/2013)
08/30/2013	<u>104</u>	First MOTION to Amend <i>Answer</i> by Michael J. Ashe, Patricia Murphy. (Attachments: # <u>1</u> Exhibit First Amended Answer, # <u>2</u> Affidavit Affidavit of T Day, # <u>3</u> Exhibit Exhibit 1 to Affidavit of T Day)(Day, Thomas) (Entered: 08/30/2013)
09/06/2013	<u>105</u>	MOTION to Take Deposition from Rebecca Bermudez (<i>a Person Confined in Prison</i>) by Michael J. Ashe, Patricia Murphy.(Day, Thomas) (Entered: 09/06/2013)
09/09/2013	<u>106</u>	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered denying without prejudice <u>105</u> Defendants' Motion to Take Deposition, Defendants having failed to comply with Local Rule 7.1(a)(2). So ordered. (Neiman, Kenneth) (Entered: 09/09/2013)
09/13/2013	<u>107</u>	MEMORANDUM in Opposition re <u>104</u> First MOTION to Amend <i>Answer</i> filed by Debra Baggett. (Milton, David) (Entered: 09/13/2013)
09/16/2013	<u>108</u>	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered denying <u>104</u> Defendants' Motion to Amend Answer so as to add an affirmative defense regarding the named plaintiff's and/or members of the class's failure to exhaust their administrative remedies. as assertedly required by 42 U.S.C. section 1997e(a), the Prison Litigation Reform Act ("PLRA"). Even putting aside Plaintiffs' argument that the PLRA does not apply here (which argument has merit), the court finds that Defendants' motion -- which comes nearly two years after Defendants filed their original answer to the complaint, almost eighteen months after the commencement of discovery, and a matter of weeks before the expiration of fact discovery on liability (a

		deadline extended at Defendants' request without any mention by them of this affirmative defense)— was unduly delayed and will cause undue prejudice to Plaintiffs. In this regard, Defendants give no persuasive reason for delaying the invocation of such an affirmative defense, one with which they should have been familiar since the commencement of this action, and fail to fully appreciate the extensive additional discovery which would have to be undertaken were the motion allowed. At best, Defendants argue that, because of the relatively recent certification of the class, this defense is "only now applicable to the members of the class." As Plaintiffs assert, this argument has no weight; the complaint was filed as a class action and contained class allegations, affirmative defenses were "applicable" to class members all along, and Defendants understood this when they filed their answer and included other affirmative defenses explicitly directed toward the "alleged class." (Neiman, Kenneth) (Entered: 09/16/2013)
09/19/2013	<u>109</u>	Assented to MOTION to Take Deposition from Rebecca Bermudez <i>a Person Confined in Prison</i> by Michael J. Ashe, Patricia Murphy.(Day, Thomas) (Entered: 09/19/2013)
09/19/2013	110	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>109</u> Defendants' assented—to Motion to Take Deposition. So ordered. (Neiman, Kenneth) (Entered: 09/19/2013)
10/15/2013	<u>111</u>	NOTICE of Appearance by Theresa M.S. Finnegan on behalf of Michael J. Ashe (Finnegan, Theresa) (Entered: 10/15/2013)
10/18/2013	<u>112</u>	Assented to MOTION for Extension of Time to October 25, 2013 to Complete Discovery by Michael J. Ashe, Patricia Murphy.(Day, Thomas) (Entered: 10/18/2013)
10/22/2013	113	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>112</u> assented—to Motion for Extension of Time. So ordered. (Neiman, Kenneth) (Entered: 10/22/2013)
10/30/2013	<u>114</u>	MOTION to Determine the Sufficiency of Defendants' Answers to Requests for Admission or in the alternative MOTION to Compel Defts' to ans. requests within seven days by Debra Baggett.(Milton, David). Added an additonal relief – MOTION to Compel on 11/12/2013 (Finn, Mary). (Entered: 10/30/2013)
10/30/2013	<u>115</u>	AFFIDAVIT of David Milton in Support re <u>114</u> MOTION to Determine the Sufficiency of Defendants' Answers to Requests for Admission filed by Debra Baggett. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6)(Milton, David) (Entered: 10/30/2013)
10/30/2013	<u>116</u>	MEMORANDUM in Support re <u>114</u> MOTION to Determine the Sufficiency of Defendants' Answers to Requests for Admission filed by Debra Baggett. (Milton, David) (Entered: 10/30/2013)
11/05/2013	<u>117</u>	Sixth MOTION to Compel by Debra Baggett.(Milton, David) (Entered: 11/05/2013)
11/05/2013	<u>118</u>	MEMORANDUM in Support re <u>117</u> Sixth MOTION to Compel filed by Debra Baggett. (Milton, David) (Entered: 11/05/2013)
11/05/2013	<u>119</u>	DECLARATION re <u>117</u> Sixth MOTION to Compel by Debra Baggett. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Milton, David) (Entered: 11/05/2013)
11/06/2013	<u>120</u>	MOTION to Strike <i>witnesses and documents identified in disclosures made after the close of discovery</i> by Debra Baggett.(Milton, David) (Entered: 11/06/2013)
11/06/2013	<u>121</u>	MEMORANDUM in Support re <u>120</u> MOTION to Strike <i>witnesses and documents identified in disclosures made after the close of discovery</i> filed by Debra Baggett. (Milton, David) (Entered: 11/06/2013)
11/06/2013	<u>122</u>	DECLARATION re <u>120</u> MOTION to Strike <i>witnesses and documents identified in disclosures made after the close of discovery</i> by Debra Baggett. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Milton, David) (Entered: 11/06/2013)
11/12/2013	<u>123</u>	Assented to MOTION for Extension of Time to December 18, 2013 to complete Plaintiffs expert disclosures, and to extend all subsequent deadlines by Debra Baggett.(Milton, David) (Entered: 11/12/2013)

11/14/2013	<u>124</u>	Opposition re <u>114</u> MOTION to Determine the Sufficiency of Defendants' Answers to Requests for Admission MOTION to Compel filed by Michael J. Ashe, Patricia Murphy. (Attachments: # <u>1</u> Affidavit Thomas E. Day, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(Day, Thomas) (Attachment 2 replaced on 11/14/2013 due to containing confidential material and Main Document– 124 replaced on 11/15/2013 due to containing confidential material.) (Finn, Mary). Modified on 11/15/2013 (Finn, Mary). (Entered: 11/14/2013)
11/15/2013	<u>125</u>	Assented to MOTION to Seal Document <u>124</u> Opposition to Motion, <i>to Determine Sufficiency</i> by Michael J. Ashe, Patricia Murphy.(Day, Thomas) (Main Document 125 replaced on 11/15/2013) (Finn, Mary). (Entered: 11/15/2013)
11/15/2013	<u>126</u>	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>125</u> Motion to Seal the opposition and exhibit B to document <u>124</u> . Counsel to e-mail redacted versions of these documents to be replaced by the Clerk's Office and will manually file the un-redacted versions of the opposition and exhibit B. (Finn, Mary) (Entered: 11/15/2013)
11/19/2013	<u>127</u>	Assented to MOTION for Leave to File <i>a reply to Defendants opposition to Plaintiffs Motion to Determine the Sufficiency of Defendants Responses to Plaintiffs Requests for Admission</i> by Debra Baggett. (Attachments: # <u>1</u> Exhibit 1)(Milton, David) (Entered: 11/19/2013)
11/19/2013	<u>128</u>	Assented to MOTION to Seal (<i>contingent upon the Courts allowance of Plaintiffs Motion for Leave to File a Reply [ECF # 127]</i>) by Debra Baggett.(Milton, David) (Entered: 11/19/2013)
11/19/2013	<u>129</u>	Assented to MOTION for Extension of Time to 11/27/2013 to File Response/Reply as to <u>120</u> MOTION to Strike <i>witnesses and documents identified in disclosures made after the close of discovery</i> , <u>117</u> Sixth MOTION to Compel by Michael J. Ashe, Patricia Murphy.(Day, Thomas) (Entered: 11/19/2013)
11/19/2013	<u>130</u>	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>127</u> Motion for Leave to File Document. 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.; granting <u>128</u> Motion to Seal; granting <u>129</u> Motion for Extension of Time to File Response/Reply re <u>117</u> Sixth MOTION to Compel , <u>120</u> MOTION to Strike <i>witnesses and documents identified in disclosures made after the close of discovery</i> . Defts' Responses due by 11/27/2013 re: <u>117</u> and <u>120</u> . (Finn, Mary) (Entered: 11/19/2013)
11/19/2013	<u>131</u>	REPLY to Response to <u>114</u> MOTION to Determine the Sufficiency of Defendants' Answers to Requests for Admission MOTION to Compel filed by Debra Baggett. (Milton, David) (Entered: 11/19/2013)
11/19/2013	<u>132</u>	DECLARATION re <u>131</u> Reply to Response to Motion by Debra Baggett. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3 (under seal), # <u>4</u> Exhibit 4 (under seal), # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6 (under seal))(Milton, David) (Entered: 11/19/2013)
11/27/2013	<u>134</u>	Opposition re <u>117</u> Sixth MOTION to Compel filed by Michael J. Ashe, Patricia Murphy. (Attachments: # <u>1</u> Affidavit Thomas E. Day, # <u>2</u> Affidavit J. John Ashe, # <u>3</u> Affidavit John T. Milosovich)(Day, Thomas) (Entered: 11/27/2013)
11/28/2013	<u>135</u>	Opposition re <u>120</u> MOTION to Strike <i>witnesses and documents identified in disclosures made after the close of discovery</i> filed by Michael J. Ashe, Patricia Murphy. (Attachments: # <u>1</u> Affidavit Thomas E. Day, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Affidavit Patricia Murphy, # <u>5</u> Affidavit Connie Burke, # <u>6</u> Affidavit Tony Bryant, # <u>7</u> Affidavit Zelia Goncalves)(Day, Thomas) (Entered: 11/28/2013)
12/02/2013	<u>136</u>	Assented to MOTION for Leave to File <i>a reply to Defendants' opposition to Plaintiffs' Sixth Motion to Compel</i> by Debra Baggett. (Attachments: # <u>1</u> Exhibit 1)(Milton, David) (Entered: 12/02/2013)
12/04/2013	<u>137</u>	Assented to MOTION for Leave to File <i>a reply to Defendants' opposition to Plaintiffs' Motion to Strike</i> by Debra Baggett. (Attachments: # <u>1</u> Exhibit 1)(Milton, David) (Entered: 12/04/2013)

12/06/2013	138	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>136</u> Plaintiffs' assented—to Motion for Leave to File Reply. 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. So ordered. (Neiman, Kenneth) (Entered: 12/06/2013)
12/06/2013	139	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered with regard to <u>117</u> Plaintiffs' motion to compel. By December 11, 2013, Defendants shall provide for the court's in camera review copies under seal of the seven emails at issue. So ordered. (Neiman, Kenneth) (Entered: 12/06/2013)
12/06/2013	<u>140</u>	REPLY to Response to <u>117</u> Sixth MOTION to Compel filed by Debra Baggett. (Milton, David) (Entered: 12/06/2013)
12/06/2013	<u>141</u>	DECLARATION re <u>140</u> Reply to Response to Motion by Debra Baggett. (Attachments: # <u>1</u> Exhibit 1)(Milton, David) (Entered: 12/06/2013)
12/06/2013	142	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>114</u> Plaintiffs' Motion to Determine the Sufficiency of Defendants' Answers to Requests for Admissions; having undertaken the task, the court concludes that the answers are sufficient in light of the overly burdensome task to which Defendants would be subjected were they required to further determine the accuracy of Plaintiffs' requests. That said, the court denies so much of <u>114</u> Plaintiffs' Motion which seeks to compel further answers. So ordered. (Neiman, Kenneth) (Entered: 12/06/2013)
12/06/2013	143	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>137</u> Plaintiffs' assented—to Motion for Leave to File Reply; 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. So ordered. (Neiman, Kenneth) (Entered: 12/06/2013)
12/06/2013	144	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting in part only <u>123</u> Plaintiffs' assented—to Motion for Extension of Time, as follows: (1) Plaintiffs shall designate and disclose information regarding their liability experts, if any, as required by FED. R. CIV. P. 26(a)(2), by December 18, 2013; (2) Defendants shall designate and disclose information regarding their liability experts, if any, as required by FED. R. CIV. P. 26(a)(2), by January 10, 2014; and (3) all expert depositions shall be completed by January 31, 2014. All the remaining dates set forth in <u>100</u> the court's electronic ruling of August 6, 2013, shall remain unaltered. So ordered. (Neiman, Kenneth) (Entered: 12/06/2013)
12/06/2013	145	Set/Reset Scheduling Order Deadlines: Ps' designatgion and discl. re: experts, if any, by 12/18/2013. Defs' by 1/10/2014. Discovery re: all expert depos. to be completed by 1/31/2014. (Finn, Mary) Modified on 12/6/2013 to add text to the entry. (Finn, Mary). (Entered: 12/06/2013)
12/06/2013	<u>146</u>	REPLY to Response to <u>120</u> MOTION to Strike <i>witnesses and documents identified in disclosures made after the close of discovery</i> filed by Debra Baggett. (Milton, David) (Entered: 12/06/2013)
12/09/2013	147	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting in part and denying in part <u>120</u> Plaintiffs' Motion to Strike Witnesses and Documents Identified in Disclosures Made After the Close of Discovery, as follows. The motion is ALLOWED without objection with regard to witness DeCou. The motion is also ALLOWED with regard to the following witnesses: Bernardi–Agnes, Connor, Harriman, Lyman, Pfister and Pratt. In so ruling, the court finds first that Defendants' justification for the late disclosure is unconvincing; all of these individuals were known to Defendants for quite some time as having information with regard to this action but nonetheless were not disclosed. Second, the fact that some of their names may have appeared in the thousands of pages of documents does not amount to appropriate disclosures; indeed, Defendants themselves indicate that several of these witnesses' names may have appeared only once or twice, others not at all, and yet others a bit more often but with no explanation of the context of those occasions. (See Opposition (Document No. 135) at pages 3 through 5.) Third, Defendants' assertion that the broad–based disclosures in their October 5, 2012 Supplemental Automatic

		Disclosures would suffice is particularly unpersuasive; as Plaintiffs argue, this approach to disclosure would not only violate Rule 26(a)(1) but swallow it whole. Fourth, Defendants' argument to the contrary, these late disclosures would in fact adversely affect not only Plaintiffs' ability to complete appropriate discovery but would inappropriately extend the court's management of this litigation. And fifth, Defendants' argument that most of these witnesses "are likely of only tangential import to this case" (Defendants' Opposition at page 1) actually mitigates against, not for, their being included as witnesses, to wit, there is apparently less need for the precluded evidence than Defendants might otherwise argue. The motion, however, is DENIED with regard to witnesses Blair, Laurens, Morales, but only in their capacities as former inmates at the facility. Given some of Plaintiffs' deposition testimony, Defendants should have the opportunity to present these three individuals as witnesses, subject to Defendants paying the costs of any depositions which Plaintiffs may wish to take of them. The motion is also DENIED with respect to certain HCCC Policies and Procedures, it appearing to the court that these documents are either the same as or closely related to documents previously produced by Defendants. In contrast, the motion is ALLOWED with regard to audits by the American Correctional Association and the Department of Correction prior to 2008, the court concluding that these documents ought to have been revealed earlier insofar as they may have influenced the procedures utilized by Defendants and at issue in this case. In so ruling, the court acknowledges that Plaintiffs have acceded to yet other late disclosures which are not at issue. So ordered. (Neiman, Kenneth) (Entered: 12/09/2013)
12/11/2013	148	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>117</u> Plaintiffs' Motion to Compel. Although Defendants did not waive their right to object to the disclosure, the court concludes, after reviewing the seven emails in question, that the documents are not protected by either an attorney-client privilege or the work-product doctrine and, further, are not evidence related to an expert under Fed. R. Civ. P. 26(b)(4)(D). Mr. Milosovich was identified by Defendants as a fact witness, was deposed in that capacity without objection, and the emails are potentially relevant to that testimony, even though Defendants now assert that the emails are of little import to this case. (See Defendants' Opposition (Document No. 134) at page 1.) The documents will remain under seal by the court (as discovery materials) but shall be forthwith provided to Plaintiffs by Defendants. So ordered. (Neiman, Kenneth) (Entered: 12/11/2013)
12/11/2013	<u>149</u>	Assented to MOTION for Reconsideration re 144 Order on Motion for Extension of Time., to File <i>Liability Expert Disclosures</i> by Michael J. Ashe, Patricia Murphy.(Day, Thomas) (Entered: 12/11/2013)
12/12/2013	150	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>149</u> Defendants' assented-to Motion for Reconsideration. So ordered. (Neiman, Kenneth) (Entered: 12/12/2013)
02/20/2014	<u>152</u>	Assented to MOTION for Leave to File <i>Brief in Excess of 20 Pages</i> by Michael J. Ashe, Patricia Murphy.(Day, Thomas) (Entered: 02/20/2014)
02/20/2014	153	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>152</u> Motion for Leave to File Memorandum in excess of twenty (20) pages. 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. (Finn, Mary) (Entered: 02/20/2014)
02/20/2014	<u>154</u>	Assented to MOTION for Leave to File <i>Under Seal and to Manually File Exhibits to Defendants Statement of Undisputed Material Facts</i> by Michael J. Ashe, Patricia Murphy.(Day, Thomas) (Entered: 02/20/2014)
02/20/2014	155	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>154</u> Motion for Leave to File Documents under seal and manually with the Court. 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. (Finn, Mary) (Entered: 02/20/2014)

02/21/2014	<u>156</u>	MOTION for Summary Judgment by Michael J. Ashe, Patricia Murphy.(Day, Thomas) (Entered: 02/21/2014)
02/21/2014	157	Set/Reset Deadlines as to <u>156</u> MOTION for Summary Judgment . Pltfs' Responses due by 3/14/2014. Motion Hearing set for 4/16/2014 02:00 PM in Hampden Courtroom before Judge Michael A. Ponsor. (Finn, Mary) (Entered: 02/21/2014)
02/21/2014	158	Set/Reset Deadlines: Pltfs' Cross Motion for S/J due by 3/14/2014. Defts' opposition due by 3/28/2014. (Finn, Mary) (Entered: 02/21/2014)
02/21/2014	<u>159</u>	MEMORANDUM in Support re <u>156</u> MOTION for Summary Judgment filed by Michael J. Ashe, Patricia Murphy. (Attachments: # <u>1</u> Exhibit A)(Day, Thomas) (Main Document 159 replaced on 2/26/2014 with correct memorandum) (Finn, Mary). Modified on 2/26/2014 (Finn, Mary). (Entered: 02/21/2014)
02/21/2014	<u>160</u>	Statement of Material Facts L.R. 56.1 re <u>156</u> MOTION for Summary Judgment filed by Michael J. Ashe, Patricia Murphy. (Day, Thomas) (Main Document 160 replaced on 2/24/2014 with correct main document) (Finn, Mary). Modified on 2/24/2014 (Finn, Mary). (Entered: 02/21/2014)
02/21/2014	<u>161</u>	NOTICE OF MANUAL FILING by Michael J. Ashe, Patricia Murphy <i>OF EXHIBITS TO STATEMENT OF UNDISPUTED MATERIAL FACTS</i> (Day, Thomas) (Entered: 02/21/2014)
02/21/2014	<u>164</u>	EXHIBITS A–D1–15, E–J1–7, K1–3,L–N re 162 Statement of Material Facts L.R. 56.1, <u>160</u> Statement of Material Facts L.R. 56.1 by Michael J. Ashe, Patricia Murphy. (Finn, Mary) (Entered: 02/24/2014)
03/12/2014	<u>165</u>	Assented to MOTION for Extension of Time to March 19, 2014 to File <i>Summary Judgment Opposition and Cross–Motion</i> by Debra Baggett.(Milton, David) (Entered: 03/12/2014)
03/13/2014	166	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>165</u> Plaintiffs' assented–to Motion for Extension of Time, as follows: Plaintiffs' opposition and cross–motion shall be filed by March 19, 2014, and Defendants' response/reply will be filed by April 2, 2014. THERE SHALL BE NO FURTHER EXTENSIONS. So ordered. (Neiman, Kenneth) (Entered: 03/13/2014)
03/18/2014	<u>167</u>	Assented to MOTION for Leave to File <i>Under Seal</i> by Debra Baggett.(Milton, David) (Entered: 03/18/2014)
03/18/2014	<u>168</u>	Assented to MOTION for Leave to File <i>Excess Pages</i> by Debra Baggett.(Milton, David) (Entered: 03/18/2014)
03/19/2014	169	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>167</u> Motion for Leave to File Documents under seal. 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.; granting <u>168</u> Motion for Leave to File Document in excess of twenty (20) pages. 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. (Finn, Mary) (Entered: 03/19/2014)
03/19/2014	<u>170</u>	Opposition re <u>156</u> MOTION for Summary Judgment filed by Debra Baggett. (Milton, David) (Entered: 03/19/2014)
03/19/2014	<u>171</u>	MOTION for Summary Judgment or. in the alternative, MOTION for Partial Summary Judgment on the issue of whether an emergency or any other legitimate penological interest justified assigning males to videotape strip searches by Debra Baggett.(Milton, David). Added an additional relief MOTION for Miscellaneour Relief on 3/20/2014 (Finn, Mary). (Entered: 03/19/2014)
03/19/2014	<u>172</u>	MEMORANDUM in Support re <u>171</u> MOTION for Summary Judgment filed by Debra Baggett. (Milton, David) (Entered: 03/19/2014)
03/19/2014	<u>173</u>	Statement of Material Facts L.R. 56.1 re <u>171</u> MOTION for Summary Judgment filed by Debra Baggett. (Milton, David) (Entered: 03/19/2014)

03/19/2014	<u>174</u>	Counter Statement of Material Facts L.R. 56.1 re <u>160</u> Statement or Material Facts L.R. 56.1 re: <u>156</u> Motion for Summary Judgment filed by Debra Baggett. (Milton, David) Modified on 3/20/2014 to link to document <u>160</u> , not <u>156</u> . (Finn, Mary). (Entered: 03/19/2014)
03/19/2014	<u>175</u>	DECLARATION re <u>171</u> MOTION for Summary Judgment of <i>David Milton</i> by Debra Baggett. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24, # <u>25</u> Exhibit 25, # <u>26</u> Exhibit 26, # <u>27</u> Exhibit 27, # <u>28</u> Exhibit 28, # <u>29</u> Exhibit 29, # <u>30</u> Exhibit 30, # <u>31</u> Exhibit 31, # <u>32</u> Exhibit 32, # <u>33</u> Exhibit 33, # <u>34</u> Exhibit 34, # <u>35</u> Exhibit 35, # <u>36</u> Exhibit 36, # <u>37</u> Exhibit 37)(Milton, David) (Entered: 03/19/2014)
03/19/2014	<u>176</u>	DECLARATION re <u>171</u> MOTION for Summary Judgment by <i>Carmen Guhn-Knight</i> by Debra Baggett. (Attachments: # <u>1</u> Exhibit A)(Milton, David) (Entered: 03/19/2014)
03/20/2014	<u>177</u>	Set/Reset Deadlines as to <u>171</u> MOTION for Summary Judgment . Defts responses due by 4/2/2014. (Finn, Mary) (Entered: 03/20/2014)
03/21/2014	<u>184</u>	Response by Debra Baggett to the Defts' <u>160</u> Statement of Material Facts L.R. 56.1 filed. (Finn, Mary) (Entered: 03/21/2014)
03/21/2014	<u>185</u>	ELECTRONIC NOTICE Resetting Hearing on Motion <u>156</u> MOTION for Summary Judgment , <u>178</u> MOTION for Summary Judgment MOTION for Partial Summary Judgment on the issues of whether an emergency or any other legitimate penological interest justified assigning males to videotape strip searches, <u>171</u> MOTION for Summary Judgment : Motion Hearing set for 4/22/2014 11:00 AM in Hampden Courtroom before Judge Michael A. Ponsor. The hearing on 4/16/14 has been rescheduled.(Pelegano, Theresa) (Entered: 03/21/2014)
03/26/2014	<u>186</u>	MOTION to Strike <u>164</u> Exhibit <i>K paragraphs 37-48</i> by Debra Baggett.(Milton, David) (Entered: 03/26/2014)
03/26/2014	<u>187</u>	MEMORANDUM in Support re <u>186</u> MOTION to Strike <u>164</u> Exhibit <i>K paragraphs 37-48</i> filed by Debra Baggett. (Attachments: # <u>1</u> Exhibit 1)(Milton, David) (Entered: 03/26/2014)
04/01/2014	<u>188</u>	Assented to MOTION for Leave to File Excess Pages for <i>Reply Brief to Plaintiffs' Opposition to Defendants' Motion for Summary Judgment</i> by Michael J. Ashe, Patricia Murphy.(Day, Thomas) (Entered: 04/01/2014)
04/01/2014	<u>189</u>	Assented to MOTION for Leave to File Excess Pages for <i>Opposition to Plaintiffs' Motion for Summary Judgment</i> by Michael J. Ashe, Patricia Murphy.(Day, Thomas) (Entered: 04/01/2014)
04/01/2014	<u>190</u>	Assented to MOTION for Leave to File <i>Under Seal Reply Brief to Plaintiffs' Opposition to Defendants' Motion for Summary Judgment and Opposition to Plaintiffs' Motion for Summary Judgment</i> by Michael J. Ashe, Patricia Murphy.(Day, Thomas) (Entered: 04/01/2014)
04/02/2014	<u>191</u>	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting in part and denying in part <u>188</u> Motion for Leave to File Excess Pages – only to 30 pages. 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.; granting in part and denying in part <u>189</u> Motion for Leave to File Excess Pages – only to 35 pages. 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. (Finn, Mary) (Entered: 04/02/2014)
04/02/2014	<u>192</u>	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>190</u> Motion for Leave to File Reply Brief Under Seal. 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. (Finn, Mary) (Entered: 04/02/2014)
04/02/2014	<u>193</u>	REPLY to Response to <u>156</u> MOTION for Summary Judgment filed by Michael J. Ashe, Patricia Murphy. (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 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)(Day, Thomas) (Entered: 04/02/2014)
04/02/2014	<u>194</u>	Opposition re <u>171</u> MOTION for Summary Judgment filed by Michael J. Ashe, Patricia Murphy. (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)(Day, Thomas) (Entered: 04/02/2014)
04/02/2014	<u>195</u>	Counter Statement of Material Facts L.R. 56.1 in response to the Pltf's <u>173</u> Statement of Facts in support of their <u>171</u> MOTION for Summary Judgment filed by Michael J. Ashe, Patricia Murphy. (Day, Thomas) Modified on 4/3/2014 to link to document <u>173</u> also. (Finn, Mary). (Entered: 04/02/2014)
04/09/2014	<u>201</u>	Opposition re <u>186</u> MOTION to Strike <u>164</u> Exhibit <i>K paragraphs 37–48</i> filed by Michael J. Ashe, Patricia Murphy. (Attachments: # <u>1</u> Affidavit Proposed Revised Affidavit of S. Van Wright)(Day, Thomas) (Entered: 04/09/2014)
04/10/2014	<u>202</u>	Assented to MOTION for Leave to File <i>A Reply to Defendants Opposition to Plaintiffs Motion for Summary Judgment</i> by Debra Baggett.(Milton, David) (Entered: 04/10/2014)
04/10/2014	203	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>202</u> assented–to Motion for Leave to File Reply, provided that the document is no more than ten pages in its entirety. 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. So ordered. (Neiman, Kenneth) (Entered: 04/10/2014)
04/10/2014	<u>204</u>	REPLY to Response to <u>171</u> MOTION for Summary Judgment filed by Debra Baggett. (Milton, David) (Entered: 04/10/2014)
04/10/2014	<u>205</u>	DECLARATION re <u>204</u> Reply to Response to Motion by Debra Baggett. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Milton, David) (Entered: 04/10/2014)
04/17/2014	<u>206</u>	MOTION for a View before or after oral argument on Motion for Summary Judgment re <u>156</u> MOTION for Summary Judgment by Michael J. Ashe, Patricia Murphy.(Day, Thomas) (Entered: 04/17/2014)
04/18/2014	<u>207</u>	Opposition re <u>206</u> MOTION for a View before or after oral argument on Motion for Summary Judgment re <u>156</u> MOTION for Summary Judgment filed by Debra Baggett. (Milton, David) (Entered: 04/18/2014)
04/21/2014	<u>208</u>	Judge Michael A. Ponsor: ENDORSED ORDER entered denying <u>206</u> Motion for a View before or after oral argument on Motion for Summary Judgment. DENIED without prejudice, following oral argument the court may reconsider. So ordered. (Lindsay, Maurice) (Entered: 04/22/2014)
04/22/2014	209	ELECTRONIC Clerk's Notes for proceedings held before Judge Michael A. Ponsor: Motion Hearing held on 4/22/2014 re <u>171</u> MOTION for Summary Judgment filed by Debra Baggett, <u>156</u> MOTION for Summary Judgment filed by Michael J. Ashe, Patricia Murphy, <u>178</u> MOTION for Summary Judgment MOTION for Partial Summary Judgment on the issues of whether an emergency or any other legitimate penological interest justified assigning males to videotape strip searches filed by Debra Baggett. Argument completed. Motions taken under advisement. (Court Reporter: Carol Scott at 617–330–1377.)(Attorneys present: Milton, Friedman, Finnegan, Day) (Pelegano, Theresa) (Entered: 04/22/2014)
04/25/2014	<u>210</u>	Assented to MOTION for Leave to File <i>Affidavit of Dora B. Schriro in Support of Defendants' Motion for Summary Judgment</i> by Michael J. Ashe, Patricia Murphy. (Attachments: # <u>1</u> Exhibit A)(Day, Thomas) (Entered: 04/25/2014)

04/25/2014	<u>211</u>	MOTION re <u>156</u> MOTION for Summary Judgment <i>Renewed Motion for a View Prior to Decision on Motion for Summary Judgment</i> by Michael J. Ashe, Patricia Murphy.(Day, Thomas) (Entered: 04/25/2014)
04/25/2014	<u>212</u>	MOTION to Strike <u>175</u> Declaration,,, <i>Portions of Expert Testimony of Wendy Still and Portions of Plaintiffs' Documents in Opposition to Defendants' Motion for Summary Judgment that Rely on those Portions of Ms. Still's Testimony</i> by Michael J. Ashe, Patricia Murphy.(Day, Thomas) (Entered: 04/25/2014)
04/28/2014	213	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>210</u> Defendants' assented-to Motion for Leave to File Affidavit. 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. So ordered. (Neiman, Kenneth) (Entered: 04/28/2014)
04/28/2014	<u>214</u>	AFFIDAVIT in Support re <u>156</u> MOTION for Summary Judgment <i>OF DR. DORA SCHRIRO</i> . (Day, Thomas) (Entered: 04/28/2014)
04/29/2014	215	Judge Michael A. Ponsor: ENDORSED ORDER entered denying <u>211</u> Defendant's Renewed Motion for a View. DENIED. (Lindsay, Maurice) (Entered: 04/29/2014)
05/09/2014	<u>216</u>	Opposition re <u>212</u> MOTION to Strike <u>175</u> Declaration,,, <i>Portions of Expert Testimony of Wendy Still and Portions of Plaintiffs' Documents in Opposition to Defendants' Motion for Summary Judgment that Rely on those Portions of Ms. Still's Testimon filed by Debra Baggett. (Milton, David)</i> (Entered: 05/09/2014)
08/07/2014	217	Judge Michael A. Ponsor: ELECTRONIC ORDER entered finding as moot 178 Motion for Summary Judgment, or in the alternative, for Partial Summary Judgment, as this motion is a duplicate of Plaintiffs' <u>171</u> Motion for Summary Judgment, or in the alternative, for Partial Summary Judgment. (Healy, Bethaney) (Entered: 08/07/2014)
08/26/2014	<u>219</u>	Judge Michael A. Ponsor: MEMORANDUM AND ORDER entered, as follows: The court finds that Defendants' policy of permitting male guards to videotape strip searches, even if no viewing occurred, in non-emergency situations, violated the class members' constitutional rights and that no legitimate, penological interest justified it. Defendants' Motion for Summary Judgment (Dkt. No. 156) is hereby DENIED, and Plaintiffs' Motion for Summary Judgment (Dkt. No. 171) is hereby ALLOWED on the issue of liability. By September 9, 2014, Plaintiff shall submit a proposed schedule to address the questions of potential equitable relief and monetary damages. If Plaintiff's proposal is not assented to, Defendants may submit their counter-proposal by September 23, 2014. It is So Ordered. See the attached memorandum and order for full decision. (Kaplan, Jennifer) (Entered: 08/26/2014)
08/26/2014	220	Judge Michael A. Ponsor: ELECTRONIC ORDER entered: The court hereby DENIES Motion to Strike (Dkt. No. 186) and DENIES Motion to Strike (Dkt. No. 212). The court did not rely upon the challenged portions in crafting its decision on the cross-motions for summary judgment. It is So Ordered. (Kaplan, Jennifer) (Entered: 08/26/2014)
08/27/2014	221	Case no longer referred to Magistrate Judge Kenneth P. Neiman. (Calderon, Melissa) (Entered: 08/27/2014)
09/08/2014	<u>222</u>	MOTION for Extension of Time to 9/12/2014 to File <i>Plaintiffs' Proposed Schedule to Address Equitable Relief and Damages</i> by Debra Baggett.(Milton, David) (Entered: 09/08/2014)
09/09/2014	223	Judge Michael A. Ponsor: ENDORSED ORDER entered granting <u>222</u> Motion for Extension of Time. ALLOWED. (Lindsay, Maurice) Modified text on 9/10/2014 for clarification (Lindsay, Maurice). (Entered: 09/09/2014)
09/12/2014	<u>224</u>	Recommendations for Scheduling Order <i>by Plaintiffs</i> . (Milton, David) (Entered: 09/12/2014)
09/17/2014	<u>225</u>	NOTICE OF APPEAL as to <u>219</u> Order on Motion for Summary Judgment,, Order on Motion for Miscellaneous Relief,,,,,,,,, by Michael J. Ashe, Patricia Murphy Filing fee: \$ 505, receipt number 0101-5193581 Fee Status: Not Exempt. 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 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/cmecf. US District Court Clerk to deliver official record to Court of Appeals by 10/7/2014. (Day, Thomas) (Entered: 09/17/2014)
09/18/2014	<u>226</u>	Certified and Transmitted Abbreviated Electronic Record on Appeal to US Court of Appeals re <u>225</u> Notice of Appeal (Paine, Matthew) (Main Document 226 replaced on 9/18/2014) (Paine, Matthew). (Main Document 226 replaced on 9/18/2014) (Paine, Matthew). (Entered: 09/18/2014)
09/19/2014	227	USCA Case Number 14-1974 for <u>225</u> Notice of Appeal filed by Michael J. Ashe, Patricia Murphy. (Paine, Matthew) (Entered: 09/19/2014)
09/26/2014	<u>228</u>	Recommendations for Scheduling Order (<i>Defendants' Counter-Proposal</i>). (Day, Thomas) (Entered: 09/26/2014)
10/01/2014	<u>229</u>	TRANSCRIPT ORDER FORM by Michael J. Ashe, Patricia Murphy for proceedings held on April 22, 2014 Judge Michael A. Ponsor. (Day, Thomas) (Main Document 229 replaced on 10/1/2014 with Transcript Order Form in the correct PDF format) (Finn, Mary). Modified on 10/1/2014 (Finn, Mary). (Entered: 10/01/2014)
10/02/2014	230	TRANSCRIPT ORDER ACKNOWLEDGMENT FORM received from USCA and addressed to Carol Scott re <u>225</u> Notice of Appeal,, Transcript order form filed in USCA on October 2, 2014. Transcript ordered: April 22, 2014 Motion for Summary Judgment. Transcript due by 12/1/2014. (Scalfani, Deborah) (Entered: 10/02/2014)
10/02/2014	<u>231</u>	Assented to MOTION to Stay <i>Proceedings on Damages Pending Appeal</i> by Michael J. Ashe, Patricia Murphy.(Day, Thomas) (Entered: 10/02/2014)
10/03/2014	<u>232</u>	Judge Michael A. Ponsor: ENDORSED ORDER entered granting <u>231</u> Motion to Stay Proceedings pending Appeal. ALLOWED. The parties have submitted recommendations for further scheduling orders (Dkt. Nos 224 and 228) The court will take no action on these recommendations while the appeal is pending. So ordered. (Lindsay, Maurice) (Entered: 10/03/2014)
10/07/2014	<u>233</u>	MOTION for Reconsideration re <u>219</u> Order on Motion for Summary Judgment,, Order on Motion for Miscellaneous Relief,,,,,, OF HOLDING ON SUMMARY JUDGMENT THAT PLAINTIFFS ARE ENTITLED TO TRIAL ON CLAIM THAT ACTUAL CROSS-GENDER VIEWING OF STRIP SEARCHES OCCURRED FOR WHICH DEFENDANTS WERE LEGALLY RESPONSIBLE by Michael J. Ashe, Patricia Murphy.(Day, Thomas) (Entered: 10/07/2014)
10/20/2014	<u>234</u>	Opposition re <u>233</u> MOTION for Reconsideration re <u>219</u> Order on Motion for Summary Judgment,, Order on Motion for Miscellaneous Relief,,,,,, OF HOLDING ON SUMMARY JUDGMENT THAT PLAINTIFFS ARE ENTITLED TO TRIAL ON CLAIM THAT ACTUAL CROSS-GENDER VIEWING OF STRIP SEARCHES OCCURRED FOR WHICH DEFENDANTS WERE LEGALLY RESPONSIBLE filed by Debra Baggett. (Milton, David) (Entered: 10/20/2014)
10/22/2014	<u>235</u>	Judge Michael A. Ponsor: ENDORSED ORDER entered denying <u>233</u> Motion for Reconsideration. DENIED. This is not the extraordinary circumstance contemplated by rule 60(b). Moreover, reconsideration appears jurisdictionally barred in light of Defendant's appeal. So ordered. (Lindsay, Maurice) (Entered: 10/22/2014)
12/01/2014	<u>236</u>	Transcript of Motion Hearing held on April 22, 2014, before Judge Michael A. Ponsor. COA Case No. 14-1974. 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: Carol Scott at 617-330-1377 Redaction Request due 12/22/2014. Redacted Transcript Deadline set for 1/1/2015. Release of Transcript Restriction set for 3/2/2015. (Scalfani, Deborah) (Entered: 12/01/2014)
12/01/2014	237	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, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah)

		(Entered: 12/01/2014)
03/03/2015	<u>238</u>	Joint MOTION for Hearing <i>re Preliminary Approval of Class Action Settlement</i> by Debra Baggett.(Milton, David) (Entered: 03/03/2015)
03/05/2015	239	Judge Michael A. Ponsor: ELECTRONIC ORDER entered granting <u>238</u> Motion for Preliminary Fairness Hearing. A Preliminary Fairness Hearing is scheduled for April 9, 2015, at 10:00 a.m. in the Hampden Courtroom. (Healy, Bethaney) (Entered: 03/05/2015)
03/05/2015	240	Set/Reset Hearings: Preliminary Fairness Hearing set for 4/9/2015 at 10:00 AM in Hampden Courtroom before Judge Michael A. Ponsor. (Healy, Bethaney) (Entered: 03/05/2015)
03/24/2015	241	ELECTRONIC NOTICE OF RESCHEDULING ISSUED, cc:cl. The Preliminary Settlement Hearing is moved to 4/9/2015 at 2:00 PM in Hampden Courtroom before Judge Michael A. Ponsor. PLEASE NOTE CHANGE IN TIME ONLY. (Healy, Bethaney) (Entered: 03/24/2015)
03/31/2015	<u>242</u>	Joint MOTION for Settlement <i>Preliminary Approval</i> by Debra Baggett. (Attachments: # <u>1</u> Exhibit Settlement Agreement, # <u>2</u> Exhibit A to Settlement Agreement, # <u>3</u> Exhibit B to Settlement Agreement, # <u>4</u> Exhibit C to Settlement Agreement, # <u>5</u> Exhibit D to Settlement Agreement, # <u>6</u> Exhibit E to Settlement Agreement, # <u>7</u> Exhibit F to Settlement Agreement)(Milton, David) (Entered: 03/31/2015)
03/31/2015	<u>243</u>	MEMORANDUM in Support re <u>242</u> Joint MOTION for Settlement <i>Preliminary Approval submitted by Plaintiffs</i> filed by Debra Baggett. (Attachments: # <u>1</u> Appendix Timeline)(Milton, David) (Entered: 03/31/2015)
03/31/2015	<u>244</u>	AFFIDAVIT in Support re <u>242</u> Joint MOTION for Settlement <i>Preliminary Approval -- Declaration of Howard Friedman</i> filed by Debra Baggett. (Milton, David) (Entered: 03/31/2015)
04/02/2015	<u>245</u>	ORDER of USCA as to <u>225</u> Notice of Appeal filed by Michael J. Ashe, Patricia Murphy. ORDER entered by Juan R. Torruella, Appellate Judge: On March 3, 2015, the parties filed a Joint Motion for a Preliminary Fairness Hearing in the district court. On March 5, 2015, the district court granted the motion and scheduled a preliminary fairness hearing for April 9, 2015. On March 16, the parties filed a joint motion to remand this case to the district court for the purpose of holding preliminary and final settlement fairness hearings. We regard the district court's intention to schedule a fairness hearing as a sufficient statement that it believes that the parties' Joint Motion for a Preliminary Fairness Hearing "raises a substantial issue." Fed. R. Civ. P. 62.1(a)(3); see also Fed. R. App. P. 12.1(b). In view of the district court's March 5, 2015, order embodying that view, the case is remanded to the district court for proceedings consistent with that order. Jurisdiction is retained. Once the district court concludes its proceedings, then the parties should proceed in accordance with Fed. R. App. P. 42(b) or propose some other disposition. Appellants shall file a status report every 60 days. (Paine, Matthew) (Entered: 04/02/2015)
04/09/2015	246	ELECTRONIC Clerk's Notes for proceedings held before Judge Michael A. Ponsor: Counsel appear for Hearing <i>re Preliminary Settlement Approval</i> held on 4/9/2015. Final Settlement Approval set for 9/10/15 at 11:00 a.m. (Court Reporter: James Gibbons at jmsgibbons@yahoo.com.)(Attorneys present: Milton, Friedman, Day, Finnegan) (Healy, Bethaney) (Entered: 04/10/2015)
04/09/2015	266	Judge Michael A. Ponsor: ELECTRONIC ORDER entered granting <u>242</u> Motion for Preliminary Approval of Class Action Settlement. Allowed in open court on April 9, 2015. (Healy, Bethaney) (Entered: 09/15/2015)
04/10/2015	247	Set/Reset Hearings: Final Settlement Approval Hearing set for 9/10/2015 at 11:00 AM in Hampden Courtroom before Judge Michael A. Ponsor. (Healy, Bethaney) (Entered: 04/10/2015)
05/20/2015	<u>248</u>	MOTION to Intervene As Plaintiff's by Tanya M Smith, Monica Vasquez, Angela McConnell, Wayne Albright, Sydney Decapiano, Amber Lambert.(Lindsay, Maurice)

		(Entered: 05/20/2015)
05/27/2015	<u>249</u>	Opposition re <u>248</u> MOTION to Intervene filed by Debra Baggett. (Milton, David) (Entered: 05/27/2015)
05/28/2015	<u>250</u>	Judge Michael A. Ponsor: ENDORSED ORDER entered denying <u>248</u> Motion to Intervene. DENIED. A much more specific showing is required to satisfy rule 24. Moreover, records apparently suggest that the proposed intervenors are not proper plaintiffs. So ordered. (Lindsay, Maurice) (Entered: 05/28/2015)
08/13/2015	<u>251</u>	Joint MOTION for Leave to File <i>Three Class Members Objections Under Seal</i> by Debra Baggett.(Milton, David) (Entered: 08/13/2015)
08/14/2015	252	Judge Michael A. Ponsor: ELECTRONIC ORDER entered granting <u>251</u> Joint Motion to File Three Class Members' Objections Under Seal; ALLOWED. Counsel should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Note: Counsel should mail the sealed hard copy to the clerks office and include – Leave to file granted on (date of order)– in the caption of the document. (Lindsay, Maurice) (Entered: 08/14/2015)
08/18/2015	<u>253</u>	Joint MOTION For Final Approval of Class Action Settlement by Debra Baggett. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Milton, David) (Entered: 08/18/2015)
08/18/2015	<u>254</u>	MEMORANDUM in Support re <u>253</u> Joint MOTION For Final Approval of Class Action Settlement filed by Debra Baggett. (Milton, David) (Entered: 08/18/2015)
08/18/2015	<u>255</u>	MOTION for Attorney Fees <i>and Costs</i> by Debra Baggett.(Milton, David) (Entered: 08/18/2015)
08/18/2015	<u>256</u>	MEMORANDUM in Support re <u>255</u> MOTION for Attorney Fees <i>and Costs</i> filed by Debra Baggett. (Milton, David) (Entered: 08/18/2015)
08/18/2015	<u>257</u>	DECLARATION re <u>253</u> Joint MOTION For Final Approval of Class Action Settlement , <u>255</u> MOTION for Attorney Fees <i>and Costs</i> by Debra Baggett. (Friedman, Howard) (Entered: 08/18/2015)
08/18/2015	<u>258</u>	DECLARATION re <u>253</u> Joint MOTION For Final Approval of Class Action Settlement , <u>255</u> MOTION for Attorney Fees <i>and Costs</i> by Debra Baggett. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Milton, David) (Entered: 08/18/2015)
08/24/2015	<u>259</u>	Joint MOTION for Final Approval of Class Action Settlement; NOTE: This is a duplicate filing of Dkt. No. <u>253</u> with Exhibits 3–5 Under SEAL. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5) (Lindsay, Maurice) (Entered: 08/24/2015)
08/27/2015	<u>260</u>	Joint MOTION for Leave to File <i>Letter From Late Claimant Under Seal</i> by Debra Baggett. (Attachments: # <u>1</u> Exhibit 1)(Milton, David) (Entered: 08/27/2015)
08/28/2015	261	Judge Michael A. Ponsor: ELECTRONIC ORDER entered granting <u>260</u> Motion for Leave to File Letter From Late Claimant Under Seal; ALLOWED. Counsel should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures, by mailing said document to the clerks office to be placed under seal. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Lindsay, Maurice) (Entered: 08/28/2015)
08/28/2015	<u>262</u>	EXHIBIT re <u>253</u> Joint MOTION For Final Approval of Class Action Settlement (<i>Supplemental Exhibit: Letter From Claimant Re: Late Claim</i>) by Debra Baggett. (Milton, David) (Additional attachment(s) added on 8/31/2015: # <u>1</u> Correct Main Document, # <u>2</u> Exhibit Letter) (Finn, Mary). Modified on 8/31/2015 to separate the exhibit from the main document and to add it as an attachment. (Finn, Mary). (Entered: 08/28/2015)
09/10/2015	264	Judge Michael A. Ponsor: ENDORSED ORDER entered granting <u>255</u> Motion for Attorney Fees and Costs. ALLOWED. (Lindsay, Maurice) (Entered: 09/10/2015)
09/10/2015	265	Judge Michael A. Ponsor: ENDORSED ORDER entered granting <u>253</u> Joint MOTION For Final Approval of Class Action Settlement. ALLOWED. (Lindsay, Maurice)

		(Entered: 09/10/2015)
09/10/2015	267	ELECTRONIC Clerk's Notes for proceedings held before Judge Michael A. Ponsor: Counsel appear for Motion Hearing held on 9/10/2015 re <u>253</u> Joint MOTION For Final Approval of Class Action Settlement filed by Debra Baggett. Court finds settlement fair and reasonable, and approves the settlement agreement. Motion for attorneys' fees allowed. Court hears from two class members. Court adjourned. (Court Reporter: Digital Recording – For transcripts or CDs contact Deborah Scalfani by email at deborah_scalfani@mad.uscourts.gov .) (Attorneys present: Milton, Friedman, Finnegan, Day) (Healy, Bethaney) (Entered: 09/16/2015)
09/16/2015	<u>268</u>	USCA Judgment as to <u>225</u> Notice of Appeal filed by Michael J. Ashe, Patricia Murphy (Paine, Matthew) (Entered: 09/17/2015)
09/16/2015	<u>269</u>	MANDATE of USCA as to <u>225</u> Notice of Appeal filed by Michael J. Ashe, Patricia Murphy. Appeal <u>225</u> Terminated (Paine, Matthew) (Entered: 09/17/2015)