

CLOSED,STAYED

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:15-cv-12298-NMG**

Fowler et al v. Turco et al
Assigned to: Judge Nathaniel M. Gorton
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 06/10/2015
Date Terminated: 03/21/2018
Jury Demand: Defendant
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Emilian Paszko

*on behalf of themselves and all others
similarly situated
TERMINATED: 07/01/2016*

represented by **Jonathan Shapiro**
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Plaintiff

Jeffrey Fowler

*on behalf of themselves and all others
similarly situated*

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Plaintiff

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Plaintiff

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Plaintiff

Michael Fitzpatrick
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V.

Defendant

Carol Higgins O'Brien
TERMINATED: 04/15/2016

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Defendant

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Defendant

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*Commissioner of the Massachusetts
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Janna J. Hansen
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TERMINATED: 07/12/2018

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Date Filed	#	Docket Text
06/10/2015	<u>1</u>	COMPLAINT against All Defendants Filing fee: \$ 400, receipt number 0101-5601831 (Fee Status: Filing Fee paid), filed by Jeffrey Fowler, Emilian Paszko. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Category Form)(Shapiro, Jonathan) (Attachment 2 replaced on 6/10/2015) (Burgos, Sandra). (Attachment 1 replaced on 6/10/2015) (Burgos, Sandra). (Entered: 06/10/2015)
06/10/2015	2	ELECTRONIC NOTICE of Case Assignment. Judge Nathaniel M. Gorton 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 Donald L. Cabell. (Abaid, Kimberly) (Entered: 06/10/2015)
06/10/2015	<u>3</u>	Summons Issued as to All Defendants. 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. (Burgos, Sandra) (Entered: 06/10/2015)

07/01/2015	<u>4</u>	NOTICE of Appearance by William J. Flanagan on behalf of Massachusetts Partnership for Correctional Healthcare LLC (Flanagan, William) (Entered: 07/01/2015)
07/07/2015	<u>5</u>	WAIVER OF SERVICE Returned Executed by Emilian Paszko, Jeffrey Fowler. Carol Higgins O'Brien waiver sent on 6/16/2015, answer due 8/17/2015. (Shapiro, Jonathan) (Entered: 07/07/2015)
07/21/2015	<u>6</u>	NOTICE of Appearance by Carrie M. Benedon on behalf of Carol Higgins O'Brien (Benedon, Carrie) (Entered: 07/21/2015)
07/27/2015	<u>7</u>	NOTICE of Appearance by J. David Hampton on behalf of Carol Higgins O'Brien (Hampton, J.) (Entered: 07/27/2015)
07/31/2015	<u>8</u>	NOTICE of Appearance by Joel H. Thompson on behalf of Jeffrey Fowler, Emilian Paszko (Thompson, Joel) (Entered: 07/31/2015)
08/06/2015	<u>9</u>	Assented to MOTION for Extension of Time to 9/17/2015 to File Answer by Carol Higgins O'Brien.(Hampton, J.) (Entered: 08/06/2015)
08/06/2015	<u>10</u>	MEMORANDUM in Support re <u>9</u> Assented to MOTION for Extension of Time to 9/17/2015 to File Answer filed by Carol Higgins O'Brien. (Hampton, J.) (Entered: 08/06/2015)
08/07/2015	<u>11</u>	Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting <u>9</u> Motion for Extension of Time to Answer re <u>1</u> Complaint, Carol Higgins O'Brien answer due 9/17/2015. (Lima, Christine) (Entered: 08/07/2015)
08/07/2015	<u>12</u>	NOTICE of Appearance by Curtis L.S. Carpenter on behalf of Massachusetts Partnership for Correctional Healthcare LLC (Carpenter, Curtis) (Entered: 08/07/2015)
09/17/2015	<u>13</u>	ANSWER to <u>1</u> Complaint, by Carol Higgins O'Brien.(Benedon, Carrie) (Entered: 09/17/2015)
09/18/2015	<u>14</u>	NOTICE of Scheduling Conference Scheduling Conference set for 11/5/2015 03:00 PM in Courtroom 4 before Judge Nathaniel M. Gorton. (Danieli, Chris) (Entered: 09/18/2015)
10/02/2015	<u>15</u>	ANSWER to <u>1</u> Complaint, with Jury Demand by Massachusetts Partnership for Correctional Healthcare LLC.(Flanagan, William) (Entered: 10/02/2015)
10/29/2015	<u>16</u>	Joint MOTION to Continue Scheduling Conference dated 11/5/2015 at 3 p.m. to 1/4/2016 by Carol Higgins O'Brien.(Hampton, J.) (Entered: 10/29/2015)
10/29/2015	<u>17</u>	Joint MEMORANDUM in Support re <u>16</u> Joint MOTION to Continue Scheduling Conference dated 11/5/2015 at 3 p.m. to 1/4/2016 filed by Carol Higgins O'Brien. (Hampton, J.) (Entered: 10/29/2015)
10/30/2015	<u>18</u>	Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting <u>16</u> Motion to Continue Scheduling Conference set for 1/6/2016 03:30 PM in Courtroom 4 before Judge Nathaniel M. Gorton. (Danieli, Chris) (Entered: 10/30/2015)
12/17/2015	<u>19</u>	ELECTRONIC NOTICE OF RESCHEDULING Scheduling Conference set for 1/6/2016 10:45 AM in Courtroom 4 before Judge Nathaniel M. Gorton. NOTE – CHANGE IS AS TO TIME ONLY. (Lima, Christine) (Entered: 12/17/2015)
12/18/2015	<u>20</u>	Joint MOTION to Continue Scheduling Conference dated 1/6/16 to 3/7/16 <i>or after</i> by Carol Higgins O'Brien.(Hampton, J.) (Entered: 12/18/2015)
12/18/2015	<u>21</u>	MEMORANDUM in Support re <u>20</u> Joint MOTION to Continue Scheduling Conference dated 1/6/16 to 3/7/16 <i>or after</i> filed by Carol Higgins O'Brien. (Hampton, J.) (Entered: 12/18/2015)
12/21/2015	<u>22</u>	Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting <u>20</u> Motion to Continue Scheduling Conference set for 3/15/2016 03:00 PM in Courtroom 4 before Judge Nathaniel M. Gorton. (Lima, Christine) (Entered: 12/21/2015)
03/08/2016	<u>23</u>	JOINT STATEMENT re scheduling conference <i>set for 3/15/2016</i> . (Hampton, J.) (Entered: 03/08/2016)

03/10/2016	24	NOTICE – Parties are reminded to submit their Local Rule 16.1 Certifications forthwith. (Lima, Christine) (Entered: 03/10/2016)
03/10/2016	<u>25</u>	CERTIFICATION pursuant to Local Rule 16.1 . (Hampton, J.) (Entered: 03/10/2016)
03/14/2016	<u>26</u>	CERTIFICATION pursuant to Local Rule 16.1 <i>of Jeffrey Fowler</i> . (Thompson, Joel) (Entered: 03/14/2016)
03/14/2016	<u>27</u>	SUGGESTION OF DEATH Upon the Record as to Emilian Paszko by Emilian Paszko. (Thompson, Joel) (Entered: 03/14/2016)
03/14/2016	<u>28</u>	CERTIFICATION pursuant to Local Rule 16.1 . (Carpenter, Curtis) (Entered: 03/14/2016)
03/15/2016	<u>29</u>	NOTICE of Appearance by Janna J. Hansen on behalf of Carol Higgins O'Brien (Hansen, Janna) (Entered: 03/15/2016)
03/15/2016	30	Electronic Clerk's Notes for proceedings held before Judge Nathaniel M. Gorton: Scheduling Conference held on 3/15/2016: Automatic Discovery to be completed by 4/14/16; Amendments and/or Supplements to the Pleadings, and Motion for Class Certification due by 5/16/2016; opposition to Motion due by 6/16/16. If the case proceeds after class certification, written discovery served by 9/30/16, answered by 10/31/16; all fact Discovery to be completed by 12/31/2016; Plaintiffs' experts designated and Rule 26 Reports exchanged by 2/28/17; Defendants' experts designated and Rule 26 Reports exchanged by 3/31/17; rebuttals by 4/30/17; dispositive Motions due by 7/31/2017, oppositions by 8/31/17, no replies without leave of Court. Joint Status Report regarding Mediation due by 1/15/2017. Final Pretrial Conference set for 11/16/2017 03:00 PM in Courtroom 4 before Judge Nathaniel M. Gorton. Jury Trial set for 12/4/2017 09:00 AM in Courtroom 4 before Judge Nathaniel M. Gorton. (Court Reporter: No Court Reporter Used.)(Attorneys present: Shapiro, Kelston, Thompson, Hampton, Hansen, Carpenter) (Lima, Christine) (Entered: 03/16/2016)
04/14/2016	<u>31</u>	NOTICE by Carol Higgins O'Brien <i>of Substitution of Thomas Turco for Carol Higgins O'Brien as Commissioner of the Massachusetts Department of Correction</i> (Hampton, J.) (Entered: 04/14/2016)
05/16/2016	<u>32</u>	MOTION to Amend <u>1</u> Complaint, by Jeffrey Fowler. (Attachments: # <u>1</u> Proposed Amended Complaint)(Thompson, Joel) (Entered: 05/16/2016)
05/16/2016	<u>33</u>	MEMORANDUM in Support re <u>32</u> MOTION to Amend <u>1</u> Complaint, filed by Jeffrey Fowler. (Thompson, Joel) (Entered: 05/16/2016)
05/16/2016	<u>34</u>	MOTION to Certify Class by Jeffrey Fowler.(Thompson, Joel) (Entered: 05/16/2016)
05/16/2016	<u>35</u>	MEMORANDUM in Support re <u>34</u> MOTION to Certify Class filed by Jeffrey Fowler. (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)(Thompson, Joel) (Entered: 05/16/2016)
05/17/2016	36	ELECTRONIC NOTICE issued requesting courtesy copy for <u>35</u> Memorandum in Support of Motion. Counsel who filed this document are requested to submit a courtesy copy of it to the Clerk's Office. These documents must be clearly marked as a Courtesy Copy and reflect the document number assigned by CM/ECF. (Lima, Christine) (Entered: 05/17/2016)
05/25/2016	<u>37</u>	NOTICE of Withdrawal of Appearance by J. David Hampton (Hampton, J.) (Main Document 37 replaced on 5/25/2016) (Caruso, Stephanie). (Entered: 05/25/2016)
06/13/2016	<u>38</u>	Joint MOTION for Extension of Time to 6/30/2016 to File Response/Reply <i>to Plaintiffs' Motion for Class Certification</i> by Carol Higgins O'Brien.(Hansen, Janna) (Entered: 06/13/2016)
06/14/2016	39	Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting <u>38</u> Motion for Extension of Time to File Response/Reply re <u>34</u> MOTION to Certify Class Responses due by 6/30/2016 (Caruso, Stephanie) (Entered: 06/14/2016)

06/14/2016	<u>40</u>	NOTICE of Appearance by Thomas Vincent DiGangi on behalf of Thomas Turco (DiGangi, Thomas) (Entered: 06/14/2016)
06/30/2016	<u>41</u>	Joint MOTION for Extension of Time to July 14, 2016 to Respond to Plaintiffs' Motion for Class Certification by Massachusetts Partnership for Correctional Healthcare LLC, Thomas Turco.(Hansen, Janna) (Entered: 06/30/2016)
07/01/2016	<u>42</u>	Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting <u>41</u> Motion for Extension of Time to July 14, 2016 to Respond to Plaintiffs' Motion for Class Certification by Massachusetts Partnership for Correctional Healthcare LLC, Thomas Turco. (Caruso, Stephanie) (Entered: 07/01/2016)
07/01/2016	<u>43</u>	Set/Reset Deadlines as to <u>34</u> MOTION to Certify Class . Responses due by 7/14/2016 (Caruso, Stephanie) (Entered: 07/01/2016)
07/14/2016	<u>44</u>	Joint RESPONSE to Motion re <u>34</u> MOTION to Certify Class filed by Thomas Turco. (Hansen, Janna) (Entered: 07/14/2016)
07/22/2016	<u>45</u>	Judge Nathaniel M. Gorton: ENDORSED ORDER entered granting <u>32</u> Motion to Amend <u>1</u> Complaint, by Jeffrey Fowler. (Caruso, Stephanie) (Entered: 07/25/2016)
07/22/2016	<u>46</u>	Judge Nathaniel M. Gorton: ENDORSED ORDER entered granting <u>34</u> Motion to Certify Class (Caruso, Stephanie) (Entered: 07/25/2016)
07/22/2016	<u>47</u>	Judge Nathaniel M. Gorton: ENDORSED ORDER entered. re <u>44</u> Joint RESPONSE to Motion re 34 MOTION to Certify Class filed by Thomas Turco. "Joint Class Certification Proposal in approved." (Caruso, Stephanie) (Entered: 07/25/2016)
07/26/2016	<u>48</u>	Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered. Plaintiffs are directed to file their amended complaint re <u>45</u> Order on Motion to Amend (Caruso, Stephanie) (Entered: 07/26/2016)
07/29/2016	<u>49</u>	AMENDED COMPLAINT against Massachusetts Partnership for Correctional Healthcare LLC, Thomas Turco, filed by Jeffrey Fowler, Paul R. Whooten, Michael Turner, Michael Fitzpatrick.(Thompson, Joel) (Entered: 07/29/2016)
08/12/2016	<u>50</u>	ANSWER to <u>49</u> Amended Complaint by Massachusetts Partnership for Correctional Healthcare LLC.(Carpenter, Curtis) (Entered: 08/12/2016)
08/12/2016	<u>51</u>	ANSWER to <u>49</u> Amended Complaint by Thomas Turco.(Benedon, Carrie) (Entered: 08/12/2016)
10/25/2016	<u>52</u>	Joint MOTION for Protective Order by Thomas Turco. (Attachments: # <u>1</u> Text of Proposed Order Proposed Stipulated Protective Order)(Hansen, Janna) (Attachment 1 replaced on 10/26/2016) (Lima, Christine). (Entered: 10/25/2016)
11/10/2016	<u>53</u>	Judge Nathaniel M. Gorton: ENDORSED ORDER entered granting <u>52</u> Motion for Protective Order. "Joint motion allowed subject to the provision on page 16 of the order." (Caruso, Stephanie) (Entered: 11/14/2016)
11/10/2016	<u>54</u>	Judge Nathaniel M. Gorton: ORDER entered. PROTECTIVE ORDER. "Subject, specifically, to the provisions of Local Rule 7.2."(Caruso, Stephanie) (Entered: 11/14/2016)
12/08/2016	<u>55</u>	NOTICE of Appearance by Anne M. McLaughlin on behalf of Thomas Turco (McLaughlin, Anne) (Entered: 12/08/2016)
12/29/2016	<u>56</u>	Joint MOTION for Extension of Time to 5/1/2017 to Complete Discovery by Michael Fitzpatrick, Jeffrey Fowler, Michael Turner, Paul R. Whooten.(Thompson, Joel) Modified on 1/18/2017 (Caruso, Stephanie). (Entered: 12/29/2016)
01/11/2017	<u>57</u>	Judge Nathaniel M. Gorton: ENDORSED ORDER entered. "Motion allowed" re <u>56</u> Joint MOTION for Extension of Time to 5/1/2017 to Complete Discovery filed by Jeffrey Fowler, Paul R. Whooten, Michael Fitzpatrick, Michael Turner

		Completion of fact discovery, including responses to written Discovery to be completed by 5/1/2017; Plaintiffs experts designated and Rule 26 reports produced by 6/30/2017; Defendants experts designated and Rule 26 reports produced by 7/31/2017; Expert rebuttals produced by 8/31/2017; Dispositive motions due by 10/2/2017; Oppositions to dispositive motions due by 11/2/2017; Joint Status Report regarding mediation due by 1/17/2017; Final Pretrial Conference set for 1/16/2018 03:00 PM in Courtroom 4 before Judge Nathaniel M. Gorton; Jury Trial set for 2/5/2018 09:00 AM in Courtroom 4 before Judge Nathaniel M. Gorton. (Caruso, Stephanie) (Entered: 01/12/2017)
01/17/2017	<u>58</u>	JOINT STATEMENT of counsel <i>on Mediation</i> . (Thompson, Joel) (Entered: 01/17/2017)
01/18/2017	<u>59</u>	NOTICE of Withdrawal of Appearance by Thomas Vincent DiGangi (DiGangi, Thomas) (Entered: 01/18/2017)
04/19/2017	<u>60</u>	Joint MOTION for Extension of Time to July 31, 2017 to Complete fact discovery by Thomas Turco.(Benedon, Carrie) Modified on 4/27/2017 (Caruso, Stephanie). (Entered: 04/19/2017)
04/27/2017	<u>61</u>	Judge Nathaniel M. Gorton: ENDORSED ORDER entered granting in part and denying in part <u>60</u> Motion for Extension of Time to Complete Discovery "Joint motion allowed, in part, and denied, in part; the extended deadlines are approved as requested except that the jury trial, if necessary will commence on Mon., April 30, 2018 at 9:00 A.M.. There will be no further extensions of time." (Caruso, Stephanie) (Entered: 04/27/2017)
04/27/2017	62	Set/Reset Scheduling Order Deadlines: Completion of fact discovery, including responses to written Discovery to be completed by 7/31/2017; Plaintiffs experts designated and Rule 26 reports produced by 9/28/2017; Defendants experts designated and Rule 26 reports produced by 10/30/2017; Expert rebuttals produced by 11/29/2017; Dispositive motions due by 1/5/2018; Oppositions to dispositive motions due by 2/6/2018; Final Pretrial Conference set for 4/23/2018 03:00 PM in Courtroom 4 before Judge Nathaniel M. Gorton; Jury Trial set for 4/30/2018 09:00 AM in Courtroom 4 before Judge Nathaniel M. Gorton (Caruso, Stephanie) Modified on 4/28/2017 (Caruso, Stephanie). (Entered: 04/27/2017)
04/28/2017	63	Notice of correction to docket made by Court staff. Correction: Docket Entry 62 corrected because: Status Report deadline of 1/17/17 has been satisfied and removed from the deadlines. (Caruso, Stephanie) (Entered: 04/28/2017)
07/10/2017	<u>64</u>	MOTION to Compel <i>Production of Documents and to Extend Discovery Deadline</i> by Michael Fitzpatrick, Jeffrey Fowler, Michael Turner, Paul R. Whooten.(Thompson, Joel) (Entered: 07/10/2017)
07/10/2017	<u>65</u>	MEMORANDUM in Support re <u>64</u> MOTION to Compel <i>Production of Documents and to Extend Discovery Deadline</i> filed by Michael Fitzpatrick, Jeffrey Fowler, Michael Turner, Paul R. Whooten. (Attachments: # <u>1</u> Exhibit)(Thompson, Joel) (Entered: 07/10/2017)
07/11/2017	66	Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered. REFERRING CASE to Magistrate Judge Donald L. Cabell Referred for: Events Only (e). Motions referred: <u>64</u> MOTION to Compel <i>Production of Documents and to Extend Discovery Deadline</i> . (Caruso, Stephanie) Motions referred to Donald L. Cabell. (Entered: 07/11/2017)
07/18/2017	67	ELECTRONIC NOTICE of Hearing. Telephone Conference re: <u>64</u> MOTION to Compel Production of Documents and to Extend Discovery Deadline set for 7/24/2017 10:30 AM in Courtroom 23 before Magistrate Judge Donald L. Cabell. Participating counsel should call into 888-278-0296; Access Code: 6533617 at least 5 minutes before the hearing. (Russo, Noreen) (Entered: 07/18/2017)
07/19/2017	68	ELECTRONIC NOTICE OF RESCHEDULING: Telephone Conference re: <u>64</u> MOTION to Compel Production of Documents and to Extend Discovery Deadline reset for 7/25/2017 at 03:00 PM in Courtroom 23 before Magistrate Judge Donald L. Cabell. Participating counsel should call into 888-278-0296; Access Code: 6533617 at least 5 minutes before the hearing. (Russo, Noreen) (Entered: 07/19/2017)

07/25/2017	69	Electronic Clerk's Notes for proceedings held before Magistrate Judge Donald L. Cabell: Telephone Conference held on 7/25/2017. The parties contacted the court re <u>64</u> and indicated that a telephone conference may be helpful to resolve the motion. After hearing from the parties: MPCH will make efforts to comply and produce documents within thirty days. Any third party discovery will have to be sought by Rule 17 subpoenas or otherwise sought with those third parties. The parties believe that all discovery including depositions can be completed by the end of September and the court will extend the discovery deadline to September 30, 2017. In light of this plan counsel indicates the motion is moot. (Court Reporter: Digital Recording.) To order a copy of this Digital Recording, please go to http://www.mad.uscourts.gov/attorneys/Magistrate-Audio.htm . For a transcript of this proceeding, contact Deborah Scalfani by email at deborah_scalfani@mad.uscourts.gov . (Attorneys present: Carpenter, Thompson, Benedon, Hansen)(Russo, Noreen) (Entered: 07/25/2017)
07/25/2017	70	Magistrate Judge Donald L. Cabell: ELECTRONIC ORDER entered denying as moot <u>64</u> Motion to Compel. The plaintiff's motion to compel production of documents is denied as moot. As agreed during the telephone court hearing on this day, the defendant Massachusetts Partnership for Correctional Healthcare shall make every effort to produce the requested materials within 30 days of this order. With respect to any materials that may be in the possession of third parties, the plaintiff understands that the materials will need to be sought directly from those entities. To effect the foregoing and allow the parties sufficient time to review and make use of the materials, discovery will be extended incorporate the materials. The discovery deadline is further extended to the end of September, 2017. (Russo, Noreen) (Entered: 07/25/2017)
07/25/2017	71	Case no longer referred to Magistrate Judge Donald L. Cabell. (Russo, Noreen) (Entered: 07/25/2017)
10/06/2017	72	ELECTRONIC NOTICE of Hearing. Telephone Conference re docket no. 69 set for 10/12/2017 03:00 PM in Courtroom 23 before Magistrate Judge Donald L. Cabell. Counsel may participate by phone and should call into 888-278-0296; Access Code: 6533617 at least 5 minutes before the hearing.(Russo, Noreen) (Entered: 10/06/2017)
10/12/2017	73	Electronic Clerk's Notes for proceedings held before Magistrate Judge Donald L. Cabell: Telephone Conference held on 10/12/2017. The court convened the hearing upon request of Att. Thompson indicating there has been some delay with regard to discovery. Counsel for MPCH indicate that the production is a complicated process which has taken more time than expected but they are working diligently and expect to have it completed by 10/20 – having previously been expected by August 31. As a result, the scheduling deadlines are getting tight and may need to be extended a bit. Magistrate Judge Cabell asks the parties to confer and to file a motion directed to Judge Gorton concerning the requested scheduling issues. (Court Reporter: Digital Recording.) To order a copy of this Digital Recording, please go to http://www.mad.uscourts.gov/attorneys/Magistrate-Audio.htm . For a transcript of this proceeding, contact Deborah Scalfani by email at deborah_scalfani@mad.uscourts.gov . (Attorneys present: Thompson (by phone), Flanagan and Carpenter (in person), Hansen (by phone)) (Russo, Noreen) (Entered: 10/12/2017)
10/18/2017	<u>74</u>	NOTICE of Appearance by Timothy D. Hartnett on behalf of Thomas Turco (Hartnett, Timothy) (Entered: 10/18/2017)
10/20/2017	<u>75</u>	Joint MOTION to Continue <i>Trial</i> , Joint MOTION to Amend <i>Scheduling Order Deadlines</i> (Responses due by 11/3/2017) by Massachusetts Partnership for Correctional Healthcare LLC.(Carpenter, Curtis) (Entered: 10/20/2017)
11/21/2017	<u>76</u>	Judge Nathaniel M. Gorton: ENDORSED ORDER entered granting <u>75</u> Motion to Extend Deadlines and Continue Trial. Bench Trial set for 5/21/2018 09:00 AM in Courtroom 4 before Judge Nathaniel M. Gorton. (Lima, Christine) (Entered: 11/22/2017)
11/22/2017	77	Set/Reset Deadlines: Document production completed by 10/20/17; fact Discovery to be completed by 12/8/2017; Plaintiffs' experts disclosed and Rule 26 Reports exchanged by 12/22/17; Defendants' experts disclosed and Rule 26 Reports exchanged by 1/19/18; rebuttal expert reports exchanged by 2/2/18; dispositive Motions due by 2/16/2018, oppositions due by 3/16/18. Rule 26 Meeting Report due by

		1/19/2018.(Lima, Christine) (Entered: 11/22/2017)
11/29/2017	78	ELECTRONIC NOTICE OF RESCHEDULING Final Pretrial Conference set for 5/9/2018 03:00 PM in Courtroom 4 before Judge Nathaniel M. Gorton. (Lima, Christine) (Entered: 11/29/2017)
12/06/2017	<u>79</u>	Joint MOTION to Stay by Michael Fitzpatrick, Jeffrey Fowler, Michael Turner, Paul R. Whooten.(Thompson, Joel) (Entered: 12/06/2017)
12/08/2017	<u>80</u>	Judge Nathaniel M. Gorton: ENDORSED ORDER entered granting <u>79</u> Motion to Stay. "Motion allowed with the caveat that if the case is not reported settled on or before January 31, 2018, all previously set deadlines will be continued for 90 days and the final pretrial conference will be held on Thursday, August 9, 2018 at 3:00 PM." (Lima, Christine) (Entered: 12/11/2017)
12/23/2017	<u>81</u>	STATUS REPORT by Michael Fitzpatrick, Jeffrey Fowler, Michael Turner, Paul R. Whooten. (Thompson, Joel) (Entered: 12/23/2017)
01/31/2018	<u>82</u>	STATUS REPORT (<i>Joint</i>) by Michael Fitzpatrick, Jeffrey Fowler, Michael Turner, Paul R. Whooten. (Thompson, Joel) (Entered: 01/31/2018)
02/01/2018	83	Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered. Parties are directed to file a status report by February 10, 2018. (Franklin, Yvonne) (Entered: 02/01/2018)
02/01/2018	84	Set/Reset Deadlines: Status Report due by 2/10/2018 (Lima, Christine) (Entered: 02/01/2018)
02/09/2018	<u>85</u>	Letter/request for public records (non-motion) from Steven Morello. (Franklin, Yvonne) (Entered: 02/09/2018)
02/09/2018	<u>86</u>	NOTICE of Withdrawal of Appearance by Curtis L.S. Carpenter (Carpenter, Curtis) (Entered: 02/09/2018)
02/09/2018	<u>87</u>	STATUS REPORT <i>CONCERNING SETTLEMENT</i> by Michael Fitzpatrick, Jeffrey Fowler, Michael Turner, Paul R. Whooten. (Thompson, Joel) (Entered: 02/09/2018)
02/12/2018	88	Set/Reset Deadlines: Status Report due by 3/12/2018 (Lima, Christine) (Entered: 02/12/2018)
02/15/2018	<u>89</u>	NOTICE of Appearance by Tory A. Weigand on behalf of Massachusetts Partnership for Correctional Healthcare LLC (Weigand, Tory) (Entered: 02/15/2018)
03/09/2018	<u>90</u>	Joint MOTION for Settlement <i>Approval</i> by Michael Fitzpatrick, Jeffrey Fowler, Michael Turner, Paul R. Whooten. (Attachments: # <u>1</u> Settlement Agreement, # <u>2</u> HCV Clinical Guidance, # <u>3</u> Proposed Notice to Class)(Thompson, Joel) (Entered: 03/09/2018)
03/09/2018	<u>91</u>	MEMORANDUM in Support re <u>90</u> Joint MOTION for Settlement <i>Approval</i> filed by Michael Fitzpatrick, Jeffrey Fowler, Michael Turner, Paul R. Whooten. (Attachments: # <u>1</u> Affidavit of Joel H. Thompson)(Thompson, Joel) (Entered: 03/09/2018)
03/12/2018	92	ELECTRONIC NOTICE issued requesting courtesy copy for <u>91</u> Memorandum in Support of Motion, <u>90</u> Joint MOTION for Settlement <i>Approval</i> . Counsel who filed these documents are requested to submit a courtesy copy of them to the Clerk's Office. These documents must be clearly marked as a Courtesy Copy and reflect the document number assigned by CM/ECF. (Lima, Christine) (Entered: 03/12/2018)
03/15/2018	93	NOTICE:Courtesy copy received 3/15/18 Re: D.E. #90 & #91. (Franklin, Yvonne) (Entered: 03/16/2018)
03/20/2018	<u>94</u>	Judge Nathaniel M. Gorton: ELECTRONIC ENDORSED ORDER entered Joint Motion Allowed <u>90</u> Motion for Settlement. (Franklin, Yvonne) (Paine, Matthew). (Entered: 03/20/2018)
04/06/2018	<u>95</u>	Letter/request (non-motion) from Arthur Saccoach regarding Class Action Suit. (Franklin, Yvonne) (Entered: 04/06/2018)
04/06/2018	<u>96</u>	Letter/request (non-motion) Opposing the Proposed Class Action Suit from Thomas Young. (Franklin, Yvonne) (Entered: 04/06/2018)

04/06/2018	<u>97</u>	Letter/request(non/motion) Objection to Class Action Suit from Marcos Soto. (Franklin, Yvonne) (Entered: 04/06/2018)
04/09/2018	<u>98</u>	Letter/request (non-motion) from Schuyler Gibson. Request to become a class member. (Franklin, Yvonne) (Entered: 04/09/2018)
04/16/2018	<u>99</u>	Objection to the Proposed Class Action Suit, from Ramadan Shabazz. (Lima, Christine) (Entered: 04/17/2018)
04/16/2018	<u>100</u>	Objection to the Proposed Class Action Suit, filed by MacArthur Denson. (Lima, Christine) (Entered: 04/17/2018)
04/19/2018	<u>101</u>	Objection to Proposed Settlement, filed by Ramadan Shabazz. (Lima, Christine) (Entered: 04/20/2018)
04/19/2018	<u>102</u>	Objections to Proposed Settlement, filed by Antonio Gomes. (Attachments: # <u>1</u> Exhibit)(Lima, Christine) (Entered: 04/20/2018)
04/20/2018	<u>104</u>	Objection to Proposed Class Settlement, filed by Ernesto Ortiz. (Lima, Christine) (Entered: 04/25/2018)
04/23/2018	<u>103</u>	Objection to Proposed settlement, filed by Harold A. Maxwell. (Franklin, Yvonne) (Entered: 04/24/2018)
05/21/2018	<u>105</u>	Assented to MOTION to Dismiss <i>Voluntarily Plaintiff Michael Fitzpatrick</i> by Jeffrey Fowler, Michael Turner, Paul R. Whooten.(Thompson, Joel) (Entered: 05/21/2018)
05/22/2018	106	ELECTRONIC NOTICE of Hearing.Final Approval Hearing set for 6/28/2018 02:30 PM in Courtroom 4 before Judge Nathaniel M. Gorton. (Lima, Christine) (Entered: 05/22/2018)
05/22/2018	107	Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered ALLOWED <u>105</u> Motion to Dismiss plaintiff Michael Fitzpatrick. (Franklin, Yvonne) (Entered: 05/22/2018)
06/13/2018	108	Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered. Responses to settlement objections must be filed on or before 6/21/18. (Lima, Christine) (Entered: 06/13/2018)
06/21/2018	<u>109</u>	RESPONSE TO COURT ORDER by Thomas Turco <i>and Plaintiffs</i> . (Hansen, Janna) (Entered: 06/21/2018)
06/21/2018	<u>110</u>	Joint MOTION to Seal Document by Thomas Turco.(Hansen, Janna) (Entered: 06/21/2018)
06/22/2018	111	Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered ALLOWING <u>110</u> Motion to Seal Document. (Franklin, Yvonne) (Entered: 06/22/2018)
06/28/2018	113	Electronic Clerk's Notes for proceedings held before Judge Nathaniel M. Gorton: Final Approval Hearing held on 6/28/2018. Court hears from the parties with regards to the joint settlement proposal. MPCH will be dismissed without prejudice if the proposal is approved. Court finds that the settlement is fair, reasonable, and adequate, and approves the class settlement and settlement agreement. Court will review the matter of fees promptly. Defendants have an agreement in place with regards to how they plan to pay the fees. (Court Reporter: Debra Lajoie at lajoiedeбра@gmail.com.)(Attorneys present: Shapiro, Thompson, Benedon, Hansen, Weigand) (Lima, Christine) Modified on 6/29/2018 (Lima, Christine). (Entered: 06/29/2018)
06/29/2018	114	Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered re <u>90</u> Joint MOTION for Settlement <i>Approval</i> filed by Jeffrey Fowler, Paul R. Whooten, Michael Fitzpatrick, Michael Turner. "Pursuant to Fed. R. Civ. P. 23(e), the Settlement Agreement (Docket No. 90) is, with respect to attorneys fees and costs, approved. Class Counsel is awarded \$270,000 for attorneys fees and \$1,500 for expenses." (Lima, Christine) (Entered: 06/29/2018)
07/06/2018	<u>115</u>	NOTICE of Appearance by J. David Hampton on behalf of Thomas Turco (Hampton, J.) (Entered: 07/06/2018)
07/11/2018	<u>116</u>	NOTICE of Withdrawal of Appearance by Janna J. Hansen (Hansen, Janna) (Entered: 07/11/2018)

03/22/2019	<u>117</u>	NOTICE of Appearance by Stephen G. Dietrick on behalf of Thomas Turco (Dietrick, Stephen) (Entered: 03/22/2019)
03/22/2019	<u>118</u>	NOTICE of Withdrawal of Appearance by J. David Hampton (Hampton, J.) (Entered: 03/22/2019)
03/22/2019	<u>119</u>	NOTICE of Withdrawal of Appearance by Timothy D. Hartnett (Hartnett, Timothy) (Entered: 03/22/2019)
03/22/2019	<u>120</u>	NOTICE of Withdrawal of Appearance by Carrie M. Benedon (Benedon, Carrie) (Entered: 03/22/2019)
03/22/2019	<u>121</u>	NOTICE of Appearance by Tatum A. Pritchard on behalf of Jeffrey Fowler, Michael Turner, Paul R. Whooten (Pritchard, Tatum) (Entered: 03/22/2019)
03/25/2019	<u>122</u>	NOTICE of Withdrawal of Appearance by Anne M. McLaughlin (McLaughlin, Anne) (Entered: 03/25/2019)
05/10/2019	<u>123</u>	NOTICE of Appearance by Rebecca K. Schapiro on behalf of Jeffrey Fowler, Michael Turner, Paul R. Whooten (Schapiro, Rebecca) (Entered: 05/10/2019)
05/10/2019	<u>124</u>	NOTICE of Withdrawal of Appearance by Tatum A. Pritchard (Pritchard, Tatum) (Entered: 05/10/2019)
07/01/2019	<u>125</u>	NOTICE of Withdrawal of Appearance by Joel H. Thompson (Thompson, Joel) (Entered: 07/01/2019)