

**U.S. District Court
District of Rhode Island (Providence)
CIVIL DOCKET FOR CASE #: 1:19-cv-00573-JJM-PAS**

Liberty et al v. Rhode Island Department of Corrections et al
Assigned to: Chief Judge John J. McConnell, Jr.
Referred to: Magistrate Judge Patricia A. Sullivan
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 10/25/2019
Jury Demand: Defendant
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Charlene Liberty

*on behalf of themselves and all others
similarly situated*

represented by **Anne M. Mulready**
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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

Adam Hanrahan
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Plaintiff

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V.

Defendant

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Defendant

Patricia Coyne-Fague
in her official capacity as the Director of the Rhode Island Department of Corrections

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Michael W. Field
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ATTORNEY TO BE NOTICED

Defendant

Mathew Kettle
in his official capacity as Assistant Director of Institutions and Operations

represented by **Brenda D. Baum**
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Michael W. Field
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Defendant

Barry Weiner
in his official capacity as Assistant Director of Rehabilitation Services,

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Michael W. Field
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/25/2019	<u>1</u>	COMPLAINT (filing fee paid \$ 400.00, receipt number 0103-1432896), filed by Charles Kenner, Davis L John, Disability Rights Rhode Island, John DaPonte, Duane Gomes, Charlene Liberty, Adam Hanrahan. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons)(Mulready, Anne) (Entered: 10/25/2019)
10/25/2019	<u>2</u>	MOTION for Amy Fettig to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number 0103-1433394) filed by All Plaintiffs. (Mulready, Anne) (Entered: 10/25/2019)

10/25/2019	<u>3</u>	MOTION for Lauren Kuhlik to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number 0103-1433408) filed by All Plaintiffs. (Mulready, Anne) (Entered: 10/25/2019)
10/25/2019	<u>4</u>	Corporate Disclosure Statement by Disability Rights Rhode Island. (Mulready, Anne) (Entered: 10/25/2019)
10/28/2019		Case assigned to Chief Judge William E. Smith and Magistrate Judge Patricia A. Sullivan. (Potter, Carrie) (Entered: 10/28/2019)
10/28/2019	<u>5</u>	CASE OPENING NOTICE ISSUED (Potter, Carrie) (Entered: 10/28/2019)
10/28/2019	<u>6</u>	Summons Issued as to All Defendants. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(Potter, Carrie) (Entered: 10/28/2019)
10/28/2019		TEXT ORDER granting <u>2</u> Motion to Appear Pro Hac Vice of Amy Fettig ; granting <u>3</u> Motion to Appear Pro Hac Vice of Lauren Kuhlik. So Ordered by Chief Judge William E. Smith on 10/28/2019. (Potter, Carrie) (Entered: 10/28/2019)
11/01/2019	<u>7</u>	Summons Request filed by Disability Rights Rhode Island. (Adae,) (Entered: 11/01/2019)
11/04/2019	<u>8</u>	Summons Issued as to Rhode Island Department of Corrections. (Farrell Pletcher, Paula) (Entered: 11/04/2019)
11/06/2019	<u>9</u>	NOTICE of Appearance by Patrick T. Uiterwyk on behalf of All Plaintiffs (Uiterwyk, Patrick) (Entered: 11/06/2019)
11/06/2019	<u>10</u>	MOTION for James S. Rollins to Appear Pro Hac Vice (filing fee paid \$ 100.00, receipt number 0103-1441099) filed by All Plaintiffs. (Uiterwyk, Patrick) (Entered: 11/06/2019)
11/07/2019		TEXT ORDER granting <u>10</u> Motion to Appear Pro Hac Vice of James S. Rollins. So Ordered by Chief Judge William E. Smith on 11/7/2019. (Potter, Carrie) (Entered: 11/07/2019)
11/08/2019	<u>11</u>	SUMMONS Returned Executed by Charles Kenner, John Davis, Disability Rights Rhode Island, John DaPonte, Duane Gomes, Charlene Liberty, Adam Hanrahan. Patricia Coyne-Fague served on 10/30/2019, answer due 11/20/2019. (Adae,) (Entered: 11/08/2019)
11/08/2019	<u>12</u>	SUMMONS Returned Executed by Charles Kenner, John Davis, Disability Rights Rhode Island, John DaPonte, Duane Gomes, Charlene Liberty, Adam Hanrahan. Mathew Kettle served on 10/30/2019, answer due 11/20/2019. (Adae,) (Entered: 11/08/2019)
11/08/2019	<u>13</u>	SUMMONS Returned Executed by Charles Kenner, John Davis, Disability Rights Rhode Island, John DaPonte, Duane Gomes, Charlene Liberty, Adam Hanrahan. Barry Weiner served on 10/30/2019, answer due 11/20/2019. (Adae,) (Entered: 11/08/2019)
11/08/2019	<u>14</u>	SUMMONS Returned Executed by Charles Kenner, John Davis, Disability Rights Rhode Island, John DaPonte, Duane Gomes, Charlene Liberty, Adam Hanrahan. Rhode Island Department of Corrections served on 11/5/2019, answer due 11/26/2019. (Adae,) (Entered: 11/08/2019)
11/20/2019	<u>15</u>	NOTICE of Appearance by Brenda D. Baum on behalf of Patricia Coyne-Fague, Mathew Kettle, Rhode Island Department of Corrections, Barry Weiner (Baum, Brenda) (Entered: 11/20/2019)
11/20/2019	<u>16</u>	NOTICE of Appearance by Michael W. Field on behalf of Patricia Coyne-Fague, Mathew Kettle, Rhode Island Department of Corrections, Barry Weiner (Field, Michael) (Entered: 11/20/2019)
11/20/2019	<u>17</u>	Assented STIPULATION filed by Patricia Coyne-Fague, Mathew Kettle, Rhode Island Department of Corrections, Barry Weiner. (Baum, Brenda) (Entered: 11/20/2019)
11/26/2019		TEXT ORDER Entering <u>17</u> Stipulation filed by Mathew Kettle, Rhode Island Department of Corrections, Patricia Coyne-Fague, Barry Weiner. So Ordered by Chief Judge William E. Smith on 11/26/2019. (Jackson, Ryan) (Entered: 11/26/2019)

11/26/2019		Reset Deadlines: Patricia Coyne–Fague answer due 1/3/2020; Mathew Kettle answer due 1/3/2020; Rhode Island Department of Corrections answer due 1/3/2020; Barry Weiner answer due 1/3/2020. (Jackson, Ryan) (Entered: 11/26/2019)
01/03/2020	<u>18</u>	ANSWER to Complaint by Patricia Coyne–Fague, Mathew Kettle, Rhode Island Department of Corrections, Barry Weiner.(Baum, Brenda) (Entered: 01/03/2020)
01/07/2020		TEXT ORDER: Pursuant to Rule 26 of the Federal Rules of Civil Procedure, the parties are directed to begin their mandatory disclosures immediately, before the Rule 16 conference. To the extent that the parties wish to begin discovery on a cooperative basis prior to the initial conference, they are encouraged to do so. So Ordered by District Judge William E. Smith on 1/7/2020. (Jackson, Ryan) (Entered: 01/07/2020)
01/13/2020	<u>19</u>	<i>Amended</i> ANSWER to Complaint by Patricia Coyne–Fague, Mathew Kettle, Rhode Island Department of Corrections, Barry Weiner.(Baum, Brenda) (Entered: 01/13/2020)
01/31/2020	20	NOTICE of Hearing: Telephonic Rule 16 Conference <i>scheduled for 2/28/2020 at 9:00 AM</i> before District Judge William E. Smith. The Court will initiate the call. Counsel shall provide Case Manager Ryan Jackson with direct–dial phone numbers, via email, at least 24–hours prior to the conference. (Jackson, Ryan) (Entered: 01/31/2020)
01/31/2020	<u>21</u>	NOTICE of Hearing: Telephonic Rule 16 Conference <i>scheduled for 2/18/2020 at 9:00 AM</i> before District Judge William E. Smith. The Court will initiate the call. Counsel shall provide Case Manager Ryan Jackson with direct–dial phone numbers, via email, at least 24–hours prior to the conference. (Jackson, Ryan) (Entered: 01/31/2020)
02/10/2020		TEXT ORDER Transferring matter to Chief Judge John J. McConnell for all further proceedings. So Ordered by District Judge William E. Smith on 2/10/2020. (Jackson, Ryan) (Entered: 02/10/2020)
02/10/2020		Case reassigned to Chief Judge John J. McConnell, Jr. District Judge William E. Smith no longer assigned to the case. (Jackson, Ryan) (Entered: 02/10/2020)
02/10/2020		HEARING CANCELLED re: <u>21</u> Notice of Telephonic Rule 16 Conference previously scheduled for 2/18/2020 at 9:00 AM before District Judge William E. Smith is hereby CANCELLED (Jackson, Ryan) (Entered: 02/10/2020)
03/23/2020	<u>22</u>	MOTION for an Extension of Time to File Response/Reply to <i>Plaintiffs' First Request for Production of Documents</i> filed by All Defendants. Responses due by 4/6/2020. (Attachments: # <u>1</u> Supporting Memorandum, # <u>2</u> Exhibit A)(Baum, Brenda) (Entered: 03/23/2020)
03/24/2020		MOTIONS REFERRED: <u>22</u> MOTION for an Extension of Time to File Response/Reply to <i>Plaintiffs' First Request for Production of Documents</i> referred for determination to Magistrate Judge Patricia A. Sullivan. (Barletta, Barbara) (Entered: 03/24/2020)
03/25/2020		TEXT ORDER granting <u>22</u> Motion for Extension of Time to File Response/Reply. Defendants motion to extend time to respond to Plaintiffs First Request for Production of Documents (ECF No. 22) is granted as follows. Plaintiffs have propounded a massive (87 paragraph) request that will require Defendants to perform electronic and hand searches as well as to interview custodians and other persons; the request also requires that all documents, including paper records, must be converted to specified electronic format. This request was propounded on February 21, 2020, just as this State was entering what has become a state of emergency due to the COVID–19 pandemic. The Court also notes that Rhode Island Department of Corrections (RIDOC) has issued directives limiting facility access based on this emergency. Further, as of this writing, the length of the emergency and its ongoing impact on RIDOC and the ability of Defendants and their attorneys safely to work other than remotely, remains unknown. Also unknown is when the Court will be able to convene the Rule 16 conference for this case, making the date of the Rule 16 an inappropriate marker from which to measure the due date. Based on the foregoing, Defendants time to respond to the pending discovery is hereby extended 60 days to June 1, 2020, and further extensions may be requested for any reason including without limitation the COVID–19 crises. Nevertheless, the Court having previously ordered that discovery may begin before the Rule 16 conference, the Court expects that, before the due date, Defendants will begin rolling production of such documents as may be retrieved with a

		<p>reasonable effort in an acceptable format consistent with safety of all affected persons and directs that the parties meet and confer regarding the form and focus of such a rolling production. Plaintiffs are cautioned that their approach to the meet and confer process must be cabined by the reality that the Court will not issue discovery orders in this case that will put persons at risk during this time of emergency. So Ordered by Magistrate Judge Patricia A. Sullivan on 3/25/2020. (Saucier, Martha) (Entered: 03/25/2020)</p>
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