

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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BETHZAIDA DELGADO, )  
 )  
 NAACP-NEW ENGLAND AREA )  
 CONFERENCE, and )  
 )  
 NEW ENGLAND UNITED FOR JUSTICE, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 WILLIAM F. GALVIN, )  
*in his official capacity as Secretary of the* )  
*Commonwealth of Massachusetts,* )  
 )  
 JUDYANN BIGBY, M.D., )  
*in her official capacity as Secretary of the* )  
*Executive Office of Health and Human* )  
*Services, and* )  
 )  
 DANIEL J. CURLEY, *in his official* )  
*capacity as Commissioner of the* )  
*Department of Transitional Assistance,* )  
 )  
 Defendants. )

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C. A. No. 1:12-cv-10872-DJC

**JOINT MOTION TO MODIFY SCHEDULING ORDER AND  
STAY THIS ACTION**

Plaintiffs Bethzaida Delgado, NAACP-New England Area Conference, and New England United for Justice and defendants William F. Galvin, in his official capacity as Secretary of the Commonwealth of Massachusetts; JudyAnn Bigby, M.D., in her official capacity as Secretary of the Executive Office of Health and Human Services; and Daniel J. Curley, in his official capacity as Commissioner of the Department of Transitional

Assistance jointly request that this Court modify the existing Scheduling Order by cancelling the deadlines set forth in such Order, stay this matter until December 31, 2012, and set a new scheduling conference for a date within 30 days after the expiration of the stay, or on another date as deemed appropriate by the Court. A Proposed Order is attached hereto as Exhibit A.

As grounds for this Motion, the parties state as follows:

(1) On May 23, 2012, this Court issued a Scheduling Order that provided for limited expedited discovery, a briefing schedule for a motion for a preliminary injunction and dispositive motions, and a hearing on the motions on August 17, 2012.

(2) On July 5, 2012, plaintiffs and defendants entered into a binding agreement (the "July 5 Agreement"), under which defendants agreed to undertake certain preliminary actions before the November elections. In the July 5 Agreement, plaintiffs and defendants also agreed to engage in on-going settlement discussions regarding a final resolution of this action and, to facilitate such discussions, agreed to jointly move this Court to stay this action until the expiration of the July 5 Agreement on December 31, 2012.

(3) Pursuant to Fed. R. Civ. P. 16(b)(4) and L. R. 16.1(g), good cause exists to modify this Court's Scheduling Order, because the reason for the expedited schedule set forth in the Order-- that is, preliminary relief -- has been satisfied by the July 5 Agreement. The July 5 Agreement thus obviates the need for any remaining expedited discovery, briefing and a hearing.

(4) A stay until December 31, 2012 is warranted to allow time for the parties to complete the actions specified in the July 5 Agreement, and to attempt to reach an

agreement to finally resolve this action.

(5) The parties are willing to appear at a scheduling conference as directed by the Court to explain the status of the case and, if necessary, propose a schedule for future proceedings.

WHEREFORE, the parties respectfully request that this Court:

(1) Modify the May 23, 2012 Scheduling Order, pursuant to Fed. R. Civ. P. 16(b)(4) and L. R.16.1(g), by cancelling the deadlines for the completion of limited expedited discovery, filing preliminary injunction briefs, and filing dispositive motions, and cancelling the scheduled August 17, 2012 hearing date;

(2) Stay this action until December 31, 2012, or such time, if any, that this Court may lift the stay upon motion by either party; and

(3) At the Court's discretion, set a scheduling conference for a date within 30 days after the expiration of the stay on December 31, 2012, or on another date as deemed appropriate by the Court, to hear from the parties regarding the status of the case and/or their proposals for future proceedings.

Dated: July 13, 2012

BETHZAIDA DELGADO, NAACP-NEW  
ENGLAND AREA CONFERENCE and  
NEW ENGLAND UNITED FOR JUSTICE

By their attorneys,

s/ John Kenneth Felter

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JudyAnn Bigby, M.D., Secretary of the  
Executive Office of Health and Human  
Services, and Daniel J. Curley,  
Commissioner of the Department of  
Transitional Assistance

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**CERTIFICATE OF SERVICE**

I certify that this document filed through the ECF system will be sent electronically to registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent to those indicated as non-registered participants on today's date.

/s/ Eugene L. Morgulis

Eugene L. Morgulis

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C. A. No. 1:12-cv-10872-DJC

**[PROPOSED] ORDER**

Upon consideration of the parties' Joint Motion to Modify Scheduling Order and Stay this Action, it is hereby ORDERED that:

1. The parties' Joint Motion is GRANTED;
2. The May 23, 2012 Scheduling Order is modified to cancel the deadline for the completion of limited expedited discovery, filing preliminary injunction briefs, and filing dispositive motions, and cancelling the scheduled August 17, 2012 hearing date;
2. This action shall be stayed until December 31, 2012, or such time, if any, that this

Court may lift the stay upon motion by either party; and

3. The parties shall appear for a scheduling conference on \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
U.S. District Court Judge