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1482CV00448 Joanne Minich in her capacity as Guardian of Peter Minich et al vs. Spencer, Commissioner, Luis. S. et al

- Case Type
- Actions Involving the State/Municipality
- Case Status
- Open
- File Date
- 03/31/2014
- DCM Track:
- A - Average
- Initiating Action:
- Certiorari Action, G. L. c. 249 § 4
- Status Date:
- 03/31/2014
- Case Judge:
-
- Next Event:
-

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Docket Information

Docket Date	Docket Text	File Ref Nbr.
03/31/2014	Verified complaint filed -\$295.00 filing fee paid	1
03/31/2014	Origin 1, Type E03, Track A.	
03/31/2014	Civil action cover sheet filed	2
04/01/2014	Motion (P#1.0) O/N to issue on Prayers 1(a-m), and 2 returnable Wednesday, April 9, 2014 at 2:00 PM (Kenneth J. Fishman, Regional Administrative Justice). (Dated 4/1/14)	
04/07/2014	ONE TRIAL review by Clerk, case is to remain in the Superior Court	
04/15/2014	Affidavit of counsel, Jeremy Y. Weltman, Esq. - Commonwealth of Massachusetts was served by certified mail on 4/8/2014 - return receipt received (recd 4/14/2014)	3
04/15/2014	Affidavit of counsel, Jeremy Y. Weltman, Esq. - Superintendent of Bridgewater served on 4/3/2014 by certified mail - return receipt received - accpeted by Micheal Cohen, Supervising Counsel (recd 4/14/2014)	4
04/17/2014	Defendant MGM Services Inc.'s Motion to Amend and Correct the Caption of this case, Assented to. (Rec. 4/16/2014) (Requests Massachusetts Partnership for Correctional Healthcare, LLC in place of MHM Services, Inc.)	5
04/17/2014	Joint Motion for continuance of Plaintiff's Motion for a Preliminary Injunction for 60 days and for Approval of the Interim Settlement Agreement	6
04/17/2014	Affidavit of counsel, Jeremy Y Weltman as to service on Luis Spencer, Commissioner for DOC (rec'd 4/16/14)	7
04/18/2014	Motion (P#6.0) ALLOWED. After hearing and upon agreement of all parties, motion hearing for Preliminary Injunction is continued to Thursday, June 19, 2014 at 2:00 p.m. (Paul D. Wilson, Associate Justice) dated April 17, 2014 Notices mailed 4/18/2014	
04/18/2014	Interim Settlement Agreement (Paul D. Wilson, Associate Justice) dated April 17, 2014	8
04/18/2014	Motion (P#5.0) ALLOWED by agreement. (Paul D. Wilson, Associate Justice) dated Notices mailed 4/18/2014	
04/24/2014	Plaintiff's motion for expert services funds (rec'd 4/15/14)	9

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04/29/2014	Court received letter dated 4/28/2013 from Atty Michael H. Cohen confirming that the Status conference is rescheduled from June 19, 2014 until June 17, 2014 at 2:00 P.M.	10
04/30/2014	Motion (P#9.0) ALLOWED IN PART, to the extent that I find Peter Minich to be indigent, based on the Affidavit of Indigency submitted by his guardian. FURTHER ACTION DEFERRED until: Plaintiff provides an estimate of Dr. Zeizel's expected fees; and Defendants file any responses to this motion, if they choose to do so, by May 9, 2014. (Paul D. Wilson, Associate Justice dated 4/29/2014. Notices mailed 4/30/2014	
05/05/2014	Amended complaint of plaintiffs, Joanne Minich ,as Guardian of Peter Nimich, Vilma and Daniela Zomosa, as next friend of Felipe Zomosa, Jeff and Judy Doe, in their capacity as Guardians of John Doe (rec'd 5/1/14)	11
05/14/2014	Plff's. Joanne Minich, in her capacity as Guardian of Peter Minich, submission of Dr. Zeizel's May 1, 2014 Invoice	12
05/14/2014	Deft Massachusetts Partnership fo Correctional Healthcare LLC's Emergency s MOTION for Protective Order and for a Rule 16 Conference (fax)	13
05/15/2014	Plaintiffs' MOTION for Preliminary Injunction	14
05/15/2014	Affidavit of Dr. Paul Zeizel	14.1
05/15/2014	Affidavit of Judy Doe	14.2
05/15/2014	Plaintiffs' opposition to defendant's Massachusetts Partnership for Correctionl Healthcare, LLC "emergency" motion for a protective order (fax)	15
05/15/2014	Court received letter from Attorney Sarah Joss as to the Emergency motion filed on May 14,2014	16
05/16/2014	Motion (P#14.0) Plaintiffs may file a brief in support of this motion as they request in the memo - last page, by May 23, 2014. Defendants may file briefs in opposition by May 30, 2014. A hearing will be scheduled shortly thereafter. Hearing is scheduled for Thursday, June 5, 2014 (Paul D. Wilson, Associate Justice). dated May 16, 2014 Notices mailed 5/16/2014	
05/16/2014	Motion (P#13.0) Hearing on this motion is scheduled for June 5, 2014. Until then, no depositions may be held. (Paul D. Wilson, Associate Justice). dated May 16, 2014 Notices mailed 5/16/2014	
05/19/2014	ORIGINAL -Defendant Massachusetts Partnership for Correctional Healthcare LLC's MOTION for Protective Order and for a Rule 16 Conference by defendant Massachusetts Partnership for Correctional Healthcare, LLC	17
05/20/2014	Plaintiffs emergency MOTION for reconsideration of Judge Wilson's order of May 16,2013(p#13.0)(fax)(rec'd5/19/14)	18
05/22/2014	Original of P#15.0 (Rec'd. 5/19/2014)	19
05/22/2014	Opposition to Plaintiffs' Emergency Motion for Reconsideration by Defendants Spencer, Murphy, Fowler and The Commonwealth of Massachusetts filed by Joanne Minich as Guardian (fax)	20
05/23/2014	Deft Massachusetts Partnership for Correctional Healthcare LLC's Opposition to plff's emergency motion for reconsideration (fax)	21
05/27/2014	Original P#18.0 Plaintiffs emergency MOTION for reconsideration (recd 5/22/2014)	22
05/27/2014	Memorandum of law in support of plffs' motion for preliminary injunction	23
05/27/2014	SERVICE RETURNED: in hand to Danette Pena, authorized agent for Massachusetts Partnership for Correctional Healthcare LLC(Defendant) s/o 5/15/14 (rec'd 5/22/14) - see service	24
05/27/2014	Opposition to Plaintiff's Emergency Motion for Reconsideration by Defendants Spencer Murphy Fowler and The Commonwealth of Massachusetts (original)	25

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05/27/2014	Defendant Massachusetts Partnership for Correctional Healthcare LLC's emergency MOTION to strike Plffs'. Memorandum in support of their Motion for a P.I., or in the alternative, for an extension of time to file an opposition to the Plffs'. Motion for injunctive relief (faxed copy)	26
05/27/2014	Plaintiffs' Emergency Motion for Leave for Filing of their Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Injunction in Excess of 20 Pages (fax)	27
05/28/2014	Defendant MPCH's emergency MOTION to strike plaintiffs' memorandum in support of their motion for preliminary injunction or in the alternative for an extension of time to file an opposition to the plaintiffs' motion for injunctive relief	28
05/28/2014	Motion (P#18.0) After review of this motion, which just reached me today, as well as review of the opposition filed by various defendants yesterday and today, the motion is DENIED (Paul D. Wilson, Associate Justice) dated May 23, 2014 Notices mailed 5/28/2014	
05/28/2014	Motion (P#28.0) After review, ALLOWED. On May 15, 2014, Plaintiffs violated Superior Court Rule 9A(a)(1) by filing a Motion for a Preliminary Injunction without the required supporting brief. Without commenting on that violation, I issued an Order allowing Plaintiffs to file the required brief later, by May 23, 2014. The Plaintiffs have violated Superior Court Rule 9A(a)(5) by submitting a brief that far exceeds 20 pages without prior court permission. That brief is stricken from the record, and Plaintiffs may replace it with a 20 page brief by June 2, 2014. Defendants may file 20 page briefs by June 9, 2014. The hearing on the preliminary injunction request is rescheduled to June 17, 2014, as is the hearing on the protective order motion. This case involves very serious issues, so it is important that the Court and the parties deal with this case by employing the rules that apply to every Superior court case, which are designed to assure fairness and efficiency in court proceedings. (Paul D. Wilson, Associate Justice) dated May 28, 2014 Notices mailed 5/28/2014	
05/28/2014	Original of P#27.0	29
05/29/2014	Motion (P#29.0 - Plff's emergency motion for leave for filing of their memorandum of law in support of plffs' motion for preliminary injunction in excess of 20 pages) DENIED as untimely. The parties are to comply with my longer order of earlier today as to the length of briefs and the timing of their filing. (Paul D. Wilson, Associate Justice) dated May 28, 2014 Notices mailed 5/29/2014	
05/30/2014	Plaintiff's Emergency Motion for Reconsideration of the Courts May 28, 2014 Order (fax on 5/29/14)	30
05/30/2014	Massachusetts Partnership for Correctional Healthcare, LLC's opposition to plaintiff's emergency motion for reconsideration (rec'd 5/27/14)	31
05/30/2014	Opposition to plffs' emergency motion for reconsideration of the Court's May 28, 2014 Order (fax) filed by MPCH	32
05/30/2014	Motion (P#30.0) DENIED (Paul D. Wilson, Associate Justice) dated May 30, 2014 Notices mailed 5/30/2014	
06/05/2014	Original of P 30.0 (Plaintiff's Emergency Motion for Reconsideration of the Courts May 28, 2014 Order) (rec'd 6/2/14)	33
06/05/2014	Original of P 32.0 (Defendant MPCH's opposition to plaintiffs' emergency motion for reconsideration of the Court's May 28, 2014 order)(rec'd 6/2/14)	34
06/06/2014	Defendants Emergency Motion for an Extension of Time up to and including June 12, 2014 fo File an Opposition to Plaintiffs' Motion for Injunctive Relief, Assented to (faxed)	35
06/06/2014	Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motionf or PI (rec. 6/2/2014)	36
06/06/2014	Motion (P#35.0) After review, Motion to extend the deadline for filing the brief is extended up to and including June 12, 2014 (Paul D. Wilson, Associate Justice). Notices mailed 6/6/2014	
06/06/2014	Notice sent to appear for Rule 16 Case Management conference on June 17,2014 at 2:00pm before Judge Wilson courtroom 10	37

Docket Date	Docket Text	File Ref Nbr.
06/10/2014	Pliffs' emergency motion for a "view" and request for permission to conduct a short evidentiary hearing in support of plaintiffs' motion for a preliminary injunction (fax)	38
06/12/2014	Original of P 35.0 (Defendants Emergency Motion for an Extension of Time up to and including June 12, 2014 fo File an Opposition to Plaintiffs' Motion for Injunctive Relief, Assented to)	39
06/12/2014	Opposition by Defendant Massachusetts PArtnership for Correctional Healthcare, LLC to Plaintiffs' Motion for Preliminary and Injunctive Relief in Regard to John Doe (received on 6/12/14)	40
06/12/2014	Exhibits to Opposition by MPCH to Plaintiffs' Motion for Preliminary and Injunctive Relied in Regard to John Doe.	
06/12/2014	Defendant MPCH's Opposition to Plaintiffs' Emergency Motion for a View & Permission to Conduct a Short Evidentiary Hearing in Support of Plaintiffs' Motion for Preliminary Injunction (received on 6/12/14)	41
06/13/2014	Assented to MOTION to Modify Deadlines. (fax)	42
06/13/2014	Motion (P#42.0) After review, assented to motion is ALLOWED, but with slightly different dates selected. As requested, the Commonwealth Defendants may submit oppositions to the Preliminary Injunction motion by June 17, 2014. However, the hearing on that motion and the case management conference and all other matters will be held on June 23, 2014 (because the Clerk has moved the Court's motions in other cases from June 17 to June 19 to accomodate this case, and cannot move those other motions again). The June 23 hearing will not be an evidentiary hearing, but I will hear argument at that time about whether the testimony suggested by Plaintiffs, or a view, would be helpful in resolving the injunction request; if I decide it would be helpful, a view and/or testimony will be taken later in the week of June 23. All motions will be at 2:00 p.m. on Monday, June 23, 2014. (Paul D. Wilson, Associate Justice) dated June 13, 2014 Notices mailed 6/13/2014	
06/14/2014	Joint case management statement (fax) (rec'd 6/13/14)	43
06/16/2014	Assented to MOTION to modify deadlines (original of p#42.0)	44
06/16/2014	Joint Case Management Statement (Rec'd. 6/13/2014)	45
06/16/2014	Original P#38.0 Plaintiffs' emergency motion for a "view" and request for permission to conduct a short evidentiary hearing in support of Plaintiffs' motion for preliminary injunction - recd 6/13/2014	46
06/18/2014	Request for leave to file a reply brief. (fax)	47
06/19/2014	Commonwealth defendants' opposition to plaintiffs' motion for preliminary injunction (rec'd 6/18/14)	48
06/19/2014	Declaration of Katherine Chmiel (rec'd 6/18/14)	48.1
06/19/2014	Declaration of Robert Murphy (rec'd 6/18/14)	48.2
06/19/2014	Defendant MPCH's Opposition to Plaintiffs' request to File a Reply Brief (fax)	49
06/20/2014	Notice Received of counsel Jeremy Y Weltman, We Withdraw The Following Document as we Received Additional Documents After the Motion was Filed. 1. PLaintiffs' Emergency Motion to Compel the Defendants to Produce a Copy of the Bridgewater State Hospital Records for John Dow for the Period Following April 29, 2014. (received by fax)	50
06/20/2014	Motion (P#47.0) ALLOWED, but for a five-page brief and a maximum of two affidavits only, to be filed by 10 a.m. on June 23, 2014. If Defendants wish to request a right to sur-reply, they may do so at the hearing on June 23, 2014. (Paul D. Wilson, Associate Justice) dated June 20, 2014 Notices mailed 6/20/2014	
06/23/2014	Plaintiffs Request to file a reply brief (original of P#47.0)	51
06/23/2014	Plaintiffs status report concerning Peter Minich.	52

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06/24/2014	Motion (P#12.0) After hearing at which Defendants expressed no opposition to paying this invoice, I approve funds for payment of this invoice and direct the Commonwealth to pay it under M.G.L. Ch. 261, Sec. 27B. I make this order without prejudice to the right of Defendants to oppose the payment of future invoices on grounds that the remaining plaintiff, Doe, has not been adjudged indigent, or that invoices of this nature are not normally covered by M.G.L. Ch. 261, Sec. 27B, or any other grounds. (Paul D. Wilson, Associate Justice). dated June 23, 2014 Notices mailed 6/24/2014	
06/25/2014	Court Received Letter dated June 24, 2014 from Kenneth Y. Lee, Esq. (The Commonwealth Defts) requests leave to file a brief sur-reply by Friday, June 27, 2014. (Faxed)	53
06/25/2014	Re: (P#53.0) ALLOWED; Sur-reply limited to 5 pages, to be filed by 10:00 A.M. June 30, 2014 (Paul D. Wilson, Associate Justice). Notices mailed 6/25/2014	
06/25/2014	Plaintiff's brief in Reply to the Commonwealth's opposition to plaintiff's motion for preliminary injunction. (e-mail copy recv'd 6/23/14) with affidavits	54
06/26/2014	Court received faxed letter from Plaintiff opposing Commonwealths request to reply and file a sur-reply brief. (recv'd 6/24/14)	55
06/26/2014	Original of (P#53.0) Defendants request for leave to file brief sur-reply.	56
06/26/2014	Plaintiffs' emergency motion to compel the Defendants to produce a copy of the Bridgewater State Hospital records of John Doe for the period following April 29, 2014	57
06/26/2014	Original P#49.0 Defendant MPCH's opposition to Plaintiffs' request to file a reply brief - recd 6/23/2014	58
06/27/2014	Commonwealth Defts'(Spencer, Murphy, Fowler and the Commonwealth of Massachusetts) Motion to Stay Litigation, except preliminary injunction Motion brought by Plaintiff Doe, Until August 15, 2104 (email copy)	59
06/27/2014	Plffs' Opposition to the Commonwealth Defendants' Motion to Stay Litigation (email)	60
06/30/2014	Opposition to plffs' motion for a preliminary injunction filed by Massachusetts Partnership for Correctional Healthcare LLC (fax)	61
06/30/2014	Hearing on Plaintiff's Motion for Preliminary Injunction held, matter taken under advisement. (Paul D. Wilson, Associate Justice)	
06/30/2014	Motion (P#57.0) Withdrawn. (See P#50.0) (Paul D. Wilson, Associate Justice).dated June 26, 2014 Notices mailed 6/30/2014	
07/02/2014	Status Report Concerning Mr. Doe Since the Court Hearing of June 23rd (rec'd 6/27/14 by email)	62
07/02/2014	(Proposed) order on plaintiffs' motion for a preliminary injunction and Commonwealth defendants' motion for stay (rec'd 6/30/14 by email)	63
07/02/2014	Plaintiffs' brief in reply to the Commonwealth's opposition to Plaintiffs' Motion for Preliminary Injunction (rec'd 6/30/14)	64
07/02/2014	Affidavit of Roderick MacLeish (rec'd 6/30/14)	65
07/02/2014	Motion to Stay Litigation, except Preliminary Injunction Motion Brought by Plaintiff Doe, until August 15, 2014 (rec'd 6/30/14)	66
07/02/2014	Plaintiffs' Opposition to the Commonwealth Defendants' Motion to Stay Litigation (rec'd 6/30/14)	67
07/02/2014	Commonwealth Defendants' Sur-Reply in Opposition to Plaintiffs' Motion for Preliminary Injunction (rec'd 6/30/14 by email)	68
07/02/2014	Supplemental Declaration of Katherine Chmiel (rec'd 6/30/14)	69
07/02/2014	Opposition to Plaintiffs' Motion for a Preliminary Injunction filed by Massachusetts Partnership for Correctional Healthcare LLC (rec'd 6/30/14)	70
07/02/2014	Commonwealth defendants' sur-reply in opposition to plaintiffs' motion for preliminary injunction	71
07/02/2014	Supplemental Declaration of Katherine Chmiel	72

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07/02/2014	(Proposed) Order n Plaintiffs' Motion for a Preliminary Injunction and Commonwealth defendants' motion for stay	73
07/02/2014	Motion (P#14.0) After further hearing on June 30, 2014, the Court orders a preliminary injunction to issue. See Memorandum of Decision and Order. (Paul D. Wilson, Associate Justice). dated July 2, 2014 Notices mailed 7/2/2014	
07/02/2014	MEMORANDUM OF DECISION AND ORDER on Plaintiff, John Doe's Motion for Preliminary Injunction (Paul D. Wilson, Associate Justice). dated July 2, 2014 Copies mailed	74
07/02/2014	Motion (P#59.0) After hearing, allowed in part. Lawsuit is stayed as to class action claims as well as claims of Plaintiffs Minich and Zomosa, but will proceed as to claims of Plaintiff Doe. See Scheduling Order issued today. (Paul D. Wilson, Associate Justice). dated July 2, 2014 Notices mailed 7/2/2014	
07/02/2014	Motion (P#38.0) After hearing, DENIED without prejudice as premature and unnecessary at this time. (Paul D. Wilson, Associate Justice) dated July 2, 2014 Notices mailed 7/2/2014	
07/02/2014	Motion (P#13.0) After hearing, DENIED as moot. See Scheduling Order issued today. (Paul D. Wilson, Associate Justice) dated July 2, 2014 Notices mailed 7/2/2014	
07/02/2014	Scheduling ORDER (Paul D. Wilson, Associate Justice) dated July 2, 2014	75
07/03/2014	Status Report concerning Mr. Doe since the Court hearing of June 23rd (Rec'd. 6/30/2014)	76
07/08/2014	Commonwealth defendants' request to submit a brief in excess of 20 pages in connection with their response to the amended complaint (fax)(rec'd 7/7/14)	77
07/16/2014	Withdrawal of Appearance by Michael H Cohen	
07/17/2014	Motion (P#77.0) ALLOWED but limited to 30 pages, and Plaintiffs may have 30 pages, if they wish, for their responsive brief. (Paul D. Wilson, Associate Justice). 7/15/14	
07/18/2014	Commonwealth defendant's request to submit a brief in excess of 20 pages (original of p#77)	78
07/21/2014	Motion (P#77.0) Allowed but limited to 30 pages and plaintiff may have 30 pages if they wish for their responsive brief(Wilson,J)(dated:7/11/14). Notices mailed 7/21/14	
07/21/2014	Affidavit of Dr. Judy Doe.	79
07/22/2014	Plaintiffs' emergency motion to amend this Court's preliminary injunction order and to hold an evidentiary hearing concerning the adequacy of treatment of plaintiff, John Doe	80
07/22/2014	Plaintiffs' memorandum in support of their emergency motion to amend preliminary injunction order and to hold an evidentiary hearing concerning the adequacy of treatment of plaintiff, John Doe	80.1
07/22/2014	Plaintiffs' second emergency motion to amend this court's preliminary injunction order and to hold an evidentiary hearing concerning the adequacy of treatment of plaintiff, John Doe (copy)	81
07/22/2014	Plaintiffs' memorandum in support of their second emergency motion to amend the court's July 2, 2014 preliminary injunction order concerning plaintiff, John Doe (copy)	81.1
07/22/2014	Original of P 81.0 (Plaintiffs' second emergency motion to amend this court's preliminary injunction order and to hold an evidentiary hearing concerning the adequacy of treatment of plaintiff, John Doe)	82
07/22/2014	Original of P 81.1 (Plaintiffs' memorandum in support of their second emergency motion to amend the court's July 2, 2014 preliminary injunction order concerning plaintiff, John Doe)	83
07/22/2014	Request of Defendant's to have until Monday, July 28th, 2014 to file their opposition to Plaintiffs second emergency motion to amend this courts preliminary injunction order. (fax) recv'd 7/22/14.	84
07/22/2014	Defendants Request (P#84.0) ALLOWED. Defendants have until Monday, July 28th, 2014 to respond to Plaintiffs Emergency second motion to amend the courts preliminary injunction order. (Paul D. Wilson, J).	

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07/23/2014	Motion (P#84.0) ALLOWED. Defendants have until Monday, July 28, 2014 to respond to Plaintiffs second motion to amend Court's Preliminary Injunction Order. (Paul D. Wilson, Associate Justice) dated July 22, 214 Notices mailed 7/23/2014	
07/25/2014	Defendant MPCH's Opposition to Plaintiff's first emergency motion to amend the court's preliminary injunction order in regard to plaintiff John Doe & To HOLD an evidentiary hearing (re'cd7/24/14)	85
07/25/2014	Notice sent to appear on 8/1/2014 at 9:00A.M. in Lawrence, Courtroom 3, before The Honorable Paul D. Wilson, for a hearing on Plff's Emergency Motion to Amend this Court's preliminary injunction and to hold an evidentiary hearing concerning the adequacy of treatment of Plff, John Doe and Plff's Second Emergency Motion to Amend the Court's Preliminary Injunction and to hold an evidentiary hearing concerning the adequacy of treatment of Plff., John Doe	86
07/25/2014	The Commonwealth Defendants' Opposition to Plaintiffs' Emergency Motion to Amend this Court's Preliminary Injunction Order and to Hold an Evidentiary Hearing	87
07/25/2014	Affidavit of Sarah M Joss in Support of the Commonwealth's Opposition to the Plaintiffs' Emergency Motion to Amend this Court's Preliminary Injunction Order and to Hold an Evidentiary Hearing	87.1
07/25/2014	Motion to Impound Exhibits 15 and 16 to the Commonwealth Defendants' Oppositon to Plaintiffs' Emergency Motion to Amend this Court's Preliminary Injunction Order and to Hold an Evidentiary Hearing	88
07/29/2014	Commonwealth defendants' opposition to plaintiff's second emergency motion to amend the Court's July 2, 2014 preliminary injunction (email copy)	89
07/29/2014	Defendant MPCH's opposition to plaintiff's second emergency motion to amend the court's preliminary injunction order in regard to plaintiff John Doe & to hold an evidentiary hearing. (email, with affidavit of Robert Diener, MD)	90
07/30/2014	Original of P 89.0 (Commonwealth defendants' opposition to plaintiff's second emergency motion to amend the Court's July 2, 2014 preliminary injunction)	91
08/01/2014	Motion (P#88.0) After hearing, motion is ALLOWED (Paul D. Wilson, Associate Justice) dated August 1, 2014 Notices mailed 8/1/2014	
08/01/2014	ORDER of Impoundment (Paul D. Wilson, Associate Justice) dated August 1, 2014	92
08/01/2014	Motion (P#80.0) After review and hearing, DENIED for failure to establish likelihood of success on the merits; for the reasons stated on the record. (Paul D. Wilson, Associate Justice) dated August 1, 2014 Notices mailed 8/1/2014	
08/01/2014	Motion (P#81.0) After review and hearing, and additional review of relevant deposition excerpts and materials submitted with regard to prior motions. DENIED for failure to establish likelihood of success on the merits for the reasons stated on the record. (Paul D. Wilson, Associate Justice) dated August 1, 2014 Notices mailed 8/1/2014	
08/04/2014	Defendant MRCH's Response to Plaintiffs' Proposed Topics of Class Certification Discovery ((recevied on 8/1/14) (fax) Pursuant to Massachusetts Rules of Civil Procedure and S7 of this Court's Scheduling Order Dated July 2, 2014, Defendant Massachusetts Partnership for Correctional Healthcare, LLC ("MPCH") responds to Plaintiffs' Proposed topics of class cerfication discovery as follows: Defendant MPCH adopts, assents, and joins Defendants Spencer, Murphy, Fowler and the Commonwealth of Massachusetts' Response to Plaintiff Proposed Topics of Class Certification Discovery, as if it was restated in its entirety in this response.	93
08/05/2014	Original P#90.0 Defendant MPCH'S opposition to Plaintiffs' second emergency motion to amend the Court's preliminary injunction order in regard to Plaintiff John Doe & to hold an evidentiary hearing	94
08/08/2014	Original of P 93.0 (Defendant MRCH's Response to Plaintiffs' Proposed Topics of Class Certification Discovery)	95
08/13/2014	Marcia Fowler Commissioner of the Massachusetts Department of Mental Health and the Commonwealth of Massachusetts partial motion to dismiss by Defendant Fowler and the Commonwealth of Massachusetts	96

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>
08/13/2014	Memorandum of law in support of partial motion to dismiss by Defendant Fowler and the Commonwealth of Massachusetts	96.1
08/13/2014	Plaintiffs' opposition to the Defendants' Fowler and the Commonwealth of Massachusetts partial motion to dismiss	96.2
08/13/2014	Partial motion to dismiss by Defendants Spencer and Murphy	96.3
08/13/2014	Memorandum of law in support of partial motion to dismiss by Defendants Spencer and Murphy	96.4
08/13/2014	Plaintiffs' opposition to the Defendants' Spencer and Murphy partial motion to dismiss	96.5
08/13/2014	Affidavit of Sarah M. Joss in compliance with Massachusetts Superior Court Rule 9A (b)(2)	96.6
08/13/2014	Superior Court Rule 9A notice of filing and list of documents	96.7
08/20/2014	Defendant Massachusetts Partnership for Correctional Healthcare, LLC's partial motion to dismiss the Plaintiffs' complaint	97
08/20/2014	Defendant Massachusetts Partnership for Correctional Healthcare, LLC's memorandum of law in support of its partial motion to dismiss the Plaintiffs' complaint	97.1
08/20/2014	Plaintiffs' opposition to the Defendant Massachusetts Partnership for Correctional Healthcare, LLC's partial motion to dismiss	97.2
08/20/2014	Affidavit of compliance with Superior Court Rule 9A.	97.3
08/26/2014	Update to Joint Discovery Plan and Proposed Schedule for filing Motions. (rec'd 8/26/14)	98
08/28/2014	ORDER: Scheduling Order (Wilson, Paul D.) (August 27, 2014)	99
09/05/2014	Plaintiffs' proposed topics of class certification discovery - recd 9/4/2014	100
09/05/2014	Defendants Spencer, Murphy, Fowler, and the Commonwealth of Massachusetts' response to Plaintiffs' proposed topics of class certification discovery - email recd 9/4/2014	100.1
09/05/2014	Notice sent to appear on October 15, 2014 at 2:00 P.M. for a hearing on p#96.0 Partial Motion to Dismiss by Deft Fowler and Comm. of Mass.; p#96.3 Partial Motion to Dismiss by Defendants Spencer and Murphy; p#97.0 Deft., Massachusetts Partnership for Correctional Healthcare, LLC's Partial Motion to Dismiss the Plaintiff's Complaint before Judge Brady	101
09/25/2014	Court received email from Attorney Ken Lee requesting a continuance of the status conference scheduled for 9/30/14, or proceed telephonically, while parties explore possible resolution of this matter. (email)	102
09/29/2014	Original of p#102.0 Court received original of p#102.0 letter from Attorney Kenneth Lee jointly requesting the status conference on September 30, 2014 proceed telephonically or in the alternative be continued	103
10/31/2014	Plaintiffs' emergency MOTION requesting a status conference for November 4, 2014. (fax)	104
11/03/2014	Commonwealth Defendants' opposition to Plaintiffs' emergency motion requesting a status conference for November 4, 2014 - email	105
11/03/2014	Motion (P#104.0) ALLOWED. Status conference is scheduled for November 4, 2014 at Noon in Courtroom 1008 at Suffolk Superior Court. (Paul D. Wilson, Associate Justice) dated November 3, 2014 Notices mailed 11/3/2014	
11/05/2014	Original of P# 105.0 (Commonwealth Defendants' opposition to Plaintiffs' emergency motion requesting a status conference for November 4, 2014)	106
12/03/2014	Notice sent to appear on Tuesday, December 16, 2014 at 2:00pm for Status Conference before Judge Wilson in Suffolk Superior Court in Courtroom 1008	107
12/19/2014	Assented to motion to substitute certain defendants - email package	108

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12/19/2014	Commonwealth Defendants' memorandum in support of the assented to motion for approval of settlement agreement, retention of jurisdiction and stay of proceedings	108.1
12/19/2014	Plaintiff's assented to motion for class certification	108.2
12/19/2014	Plaintiffs' memorandum in support of their assented to motion for class certification	108.3
12/19/2014	Plaintiff's assented to motion for approval of settlement agreement, retention of jurisdiction and stay of proceedings	108.4
12/19/2014	Plaintiff's memorandum in support of their assented to motion for approval of settlement agreement, retention of jurisdiction and stay of proceedings	108.5
12/22/2014	Plaintiffs' assented-to motion to amend the complaint (email)	109
12/23/2014	Original p#108.0 Assented to motion to substitute certain Defendants	110
12/23/2014	Original P#108.1 Commonwealth Defendants' memorandum in support of assented to motion for approval of settlement agreement, retention of jurisdiction and stay of proceedings	110.1
12/24/2014	Plaintiff's Assented to MOTION for class certification (re'cd12/23/14)	111
12/24/2014	Memorandum in support of their assented to motion for class certification(rec'd12/23/14)	111.1
12/24/2014	Plaintiff's Assented to MOTION for approval of settlement agreement,retention of jurisdiction and stay of proceedings(rec'd12/23/14)	111.2
12/24/2014	Plaintiff's memorandum in support of their assented to motion for approval of settlement agreement, retention of jurisdiction and stay of proceedings(rec'd12/23/14)	111.3
12/30/2014	Assented to Motion to Amend the Complaint (rec'd 12/29/14)	112
12/30/2014	Motion (P#112.0) After hearing, ALLOWED by assent. (Paul D. Wilson, Associate Justice) dated December 23, 2014 Notices mailed 12/30/2014	
12/30/2014	Plaintiffs' Assented to Motion for Class Certification (rec'd 12/29/14)	113
12/30/2014	Motion (P#113.0) After hearing, ALLOWED by assent, based on findings made on the record and for the reasons stated in Plaintiffs' Memorandum in Support of this Motion. See also the order approving the settlement to be entered next week. (Paul D. Wilson, Associate Justice) dated December 23, 2014 Notices mailed 12/30/2014	
12/30/2014	Assented to motion to Substitute Certain Defendants (rec'd 12/29/14)	114
12/30/2014	Motion (P#114.0) After hearing, ALLOWED by assent. (Paul D. Wilson, Associate Justice) dated December 23, 2014 Notices mailed 12/30/2014	
12/30/2014	ORDER Preliminarily Approving Settlement and Scheduling Hearing for Final Approval (Paul D. Wilson, Associate Justice) dated December 29, 2014	115
01/13/2015	Plaintiff's Request (non-joint)for special assignment(rec'd1/12/15)	116
01/13/2015	Defendnat MPCH's response to plaintiff's request for special assignment(rec'd1/12/15)	116.1
01/13/2015	Commonwealth Defendant's response to plaintiff's request for special assignment(rec'd1/12/15)	116.2
01/13/2015	ORDER For Speical Assignment: It is ORDERED that the Honorable Paul D. Wilson, Associate Justice of the Superior Court, is specially assigned to hear the above-captioned case for all puposes. The Civil Clerk's office will notify all counsel of record(Judith Fabricant, Chief Justice, Superior Court)(dated;1/5/15) (rec'd 1/12/15)Certified Copies sent	117
01/23/2015	Plaintiff Joanne Minich as Guardian Et Al's MOTION for Notice to the class	118
02/23/2015	Non-party, Robert Shelley, Motion for Judicial Notice (rec'd 2/20/15)	119
02/23/2015	Motion for Leave to Intervene filed by from non-party Robert Shelley (rec'd 2/20/15)	120

Docket Date	Docket Text	File Ref Nbr.
02/23/2015	Affidavit of Robert Shelley (rec'd 2/20/15)- Affidavit is Impounded(originally impounded upon allowance of oral motion to impound; followed by Order of Impoundment dated March 6, 2015 (Wilson, J). Order of impoundment is for four years	121
02/23/2015	Motion for a Habeas Corpus (rec'd 2/20/15)	122
02/23/2015	After a hearing in Suffolk Superior Court, the Court allows an ex parte oral motion to impound the Sworn Affidavit of Rober Snelly (Wilson, J) Affidavit placed in an envelope in Impounded	
03/09/2015	Pliffs' Motion for Notice to the Class	123
03/09/2015	Motion (P#123.0) ALLOWED by agreement, after hearing. (Paul D. Wilson, Associate Justice) dated February 23, 2015 Notices mailed 3/9/2015	
03/09/2015	Order Approving Settlement (Paul D. Wilson, Associate Justice) dated March 3, 2015	124
03/10/2015	Plaintiffs' motion to impound document containing sensitive information (rec'd 3/9/15)	125
03/10/2015	Affidavit of counsel in support of plaintiffs' motion to impound document containing sensitive information	126
03/19/2015	Copy of P#125.0 - Plff's motion to impound document containing sensitive information	127
03/19/2015	Motion (P#127.0) ALLOWED, after hearing on February 23, 2015 for reasons stated in this motion and on the record at the hearing. See Order of Impoundment. (Paul Wilson, Associate Justice) dated March 6, 2015 Notices mailed 3/19/2015	
03/19/2015	ORDER OF IMPOUNDMENT (Paul Wilson, Associate Justice) dated March 6, 2015	128
05/27/2015	Joint motion for approval of settlement of plaintiffs' motion for attorneys fees and costs as to Commonwealth defendants (rec'd 5/26/15)	129
05/28/2015	Court received Letter from Carrie Benedon, Ass't Atty General indicating she sent a copy of P. 129.0 motion with attachments, to Judge Wilson at Middlesex Court.	130
06/02/2015	Plaintiff's motion for attorneys fees and costs	131
06/02/2015	Plaintiffs' memorandum of law in support of Plaintiffs' motion for attorneys fees and costs	131.1
06/02/2015	Massachusetts Partnership for Correctional Healthcare's opposition to the Plaintiffs' motion for attorneys' fees and costs	131.2
06/02/2015	Plaintiff's request for leave to file a reply brief, not to exceed 10 pages in response to the Defendant, Massachusetts Partnership for Correctional Healthcare's opposition to Plaintiffs' motion for attorneys fees and costs	131.3
06/02/2015	Affidavit of compliance with Superior Court Rule 9A.	131.4
06/03/2015	Defendant Massachusetts Partnership for Correctional Healthcare's Objection to Plaintiffs' Request for Leave to File Reply Brief and Defendant's Emergency Motion to Strike Reply Brief (email) (Scanned and sent to Judge Wilkins)	132
06/04/2015	Original of P #132.0 (Defendant Massachusetts Partnership for Correctional Healthcare's Objection to Plaintiffs' Request for Leave to File Reply Brief and Defendant's Emergency Motion to Strike Reply Brief)	133
06/16/2015	ORDER for Approval of Settlement of Plaintiffs' Motion for Attorneys Fees and Costs as to Commonwealth Defendants (Paul Wilson, Associate Justice) dated June 10, 2015	134
06/22/2015	Original of p#129.0 (Joint motion for approval of settlement of plaintiffs' motion for attorneys fees and costs as to defendant MPCH)	135
06/30/2015	ORDER for Approval of settlement of Plaintiffs' Motion for Attorneys Fees and Costs as to Defendant MPCH (Paul Wilson, Associate Justice) dated June 22, 2015	136
08/22/2016	Attorney appearance On this date Kenneth Yoon Lee, Esq. dismissed/withdrawn as Private Counsel for Defendant Luis. S. Spencer, Commissioner	

Docket Date	Docket Text	File Ref Nbr.
08/22/2016	Attorney appearance On this date Kenneth Yoon Lee, Esq. dismissed/withdrawn as Private Counsel for Defendant Robert Murphy, Superintendent	
08/22/2016	Attorney appearance On this date Kenneth Yoon Lee, Esq. dismissed/withdrawn as Private Counsel for Defendant Commonwealth of Massachusetts	
08/22/2016	Attorney appearance On this date Kenneth Yoon Lee, Esq. dismissed/withdrawn as Private Counsel for Defendant Marcia Fowler, Commissioner of the Massachusetts Department of Mental H	
01/04/2017	Plaintiff Commonwealth of Massachusetts's EMERGENCY Motion to enlarge time to serve opposition to Plaintiff's Motion for findings of substantial non-compliance (received 1/3/2017)	137
01/04/2017	Opposition to Plaintiff Commonwealth of Massachusetts's EMERGENCY Motion to enlarge time to serve opposition to Plaintiff's Motion for findings of substantial non-compliance filed by Joanne Minich as Guardian, Daniela Zomosa, as Next Friend, Vilma Zomosa, as Next Friend, Jeff Doe, as Guardian, Judy Doe, as Guardian(emailled)	137.1
01/04/2017	Party status: Defendant Spencer, Commissioner, Luis. S.: Inactive;	
01/04/2017	Attorney appearance On this date Carrie Benedon, Esq. added as Attorney for the Commonwealth for Defendant Thomas Turco, Commissioner of the Massachusetts Department of Correction	
01/04/2017	Attorney appearance On this date Michael H Cohen, Esq. added as Attorney for the Commonwealth for Defendant Thomas Turco, Commissioner of the Massachusetts Department of Correction	
01/04/2017	Party status: Defendant Marcia Fowler, Commissioner of the Massachusetts Department of Mental H: Inactive;	
01/04/2017	Attorney appearance On this date Carrie Benedon, Esq. added as Attorney for the Commonwealth for Defendant Daniel Calis, Superintendent of Bridgewater State Hospital	
01/04/2017	Attorney appearance On this date Carrie Benedon, Esq. added as Attorney for the Commonwealth for Defendant Joan Mikula, Commissioner of the Massachusetts Department of Mental Health	
01/05/2017	Endorsement on Motion to Enlarge time to serve opposition to Plaintiffs' Motion for Finding of Substantial Non-Compliance (Emergency) (#137.0): ALLOWED ns	
01/06/2017	General correspondence regarding Original P#137.1 Plaintiff's opposition to Defendants' emergency motion to enlarge time to serve opposition to Plaintiff's motion for finding of substantial non-compliance - recd 1/5/2016	138
01/13/2017	Clarification / Correction of the docket: No. 137 - (Emergency Motion to Enlarge time) requests an extension to Feb. 2, 2017.	
02/13/2017	Plaintiff(s) Joanne Minich as Guardian's Motion for finding of substantial non-compliance and equitable relief (received via email on 2/8/2017)	139
02/13/2017	Joanne Minich as Guardian's Memorandum in support of Motion for finding of substantial non-compliance and equitable relief (received via email on 2/8/2017)	139.1
02/13/2017	Opposition to Motion for finding of substantial non-compliance and equitable relief (received via email on 2/8/2017) filed by Commonwealth of Massachusetts	139.2
02/13/2017	Opposition to Motion for finding of substantial non-compliance and equitable relief (received via email on 2/8/2017) filed by Massachusetts Partnership for Correctional Healthcare LLC	139.3
02/13/2017	Opposition to (consolidated) to defendants' opposition to Plaintiffs' Motion for finding of substantial non-compliance and equitable relief (received via email on 2/8/2017) filed by	139.4
02/13/2017	Affidavit of Counsel in support of consolidated reply to defendants opposition to class Plaintiff's Motion for finding of substantial non-compliance and equitable relief (received via email on 2/8/2017)	139.5
02/13/2017	Request for hearing filed Motion for Emergency Hearing on Class Plaintiff's Motion for finding of substantial non-compliance and equitable relief (received via email on 2/8/2017) Applies To: Minich as Guardian, Joanne (Plaintiff); Zomosa, as Next Friend, Daniela (Plaintiff); Zomosa, as Next Friend, Vilma (Plaintiff); Doe, as Guardian, Jeff (Plaintiff); Doe, as Guardian, Judy (Plaintiff)	139.7
02/14/2017	General correspondence regarding Original of p#139.0 Class Plaintiffs motion for finding of substantial non-compliance and equitable relief(re'cd2/10/17)	140

Docket Date	Docket Text	File Ref Nbr.
02/14/2017	General correspondence regarding Original of p#139.1 Class Plaintiffs memorandum in support of motion for finding of substantial non-compliance and equitable relief(rec'd2/10/17)	140.1
02/14/2017	General correspondence regarding Original of P#139.2 Commonwealth Defendants opposition to plaintiffs motion for finding of substantial non-compliance(rec'd2/10/17)	140.2
02/14/2017	General correspondence regarding Original of p#139.3 Massachusetts Partnership for Correctional Health Care's opposition to the plaintiffs motion for finding of substantial non-compliance and equitable relief(rec'd2/10/17)	140.3
02/14/2017	General correspondence regarding Original of p#139.4 Consolidated reply to defendants opposition to class plaintiffs motion for finding of substantial non-compliance and equitable relief(rec'd2/10/17)	140.4
02/14/2017	General correspondence regarding Original of P#139.5 Affidavit of counsel in support of consolidated reply to defendants opposition to class plaintiffs motion for finding of substantial non-compliance and equitable relief(rec'd2/10/17)	140.5
02/14/2017	General correspondence regarding Original p#139.7 Motion for emergency hearing on class plaintiffs motion for finding of substantial non-compliance and equitable relief(rec'd2/10/17)	140.6
02/14/2017	Rule 9A notice of filing (re'cd2/10/17)	140.7
03/01/2017	Event Result: The following event: Motion Hearing scheduled for 03/01/2017 03:00 PM has been resulted as follows: Result: Held as Scheduled	
03/08/2017	Endorsement on Motion for Finding of Substantial Non-Compliance and Equitable Relief- (#140.0): Other action taken --After hearing; the Court defers a decision on this motion until after an Evidentiary hearing; See Order. (Paul Wilson, Associate Justice) Dated 3/6/2017	
03/08/2017	ORDER: on Class Plaintiffs' Motion for Finding of Substantial Non-Compliance and Equitable Relief (Paul Wilson, Associate Justice) Dated 3/6/2017	141
03/15/2017	General correspondence regarding Original of OP#141.0 - Order on Class Plaintiffs' Motion for Finding of Substantial Non-Compliance and Equitable Relief	142
06/27/2017	General correspondence regarding Notice of withdrawal of class plaintiffs' motion for finding of substantial non-compliance and equitable relief (rec'd 6/26/17)	143
07/26/2017	Plaintiffs, Defendants Joanne Minich in her capacity as Guardian of Peter Minich, Vilma Zomosa as Next Friend of Felipe Zomosa, Daniela Zomosa as Next Friend of Felipe Zomosa, Jeff Doe as Guardian of John Doe, Judy Doe as Guardian of John Doe, Massachusetts Partnership for Correctional Healthcare LLC's Joint Motion to dismiss all counts (rec'd 7/24/17)	144
10/23/2017	General correspondence regarding Letter from attorney Carrie Benedon requesting information regarding Joint Motion to Dismiss	145
10/26/2017	Endorsement on Motion to dismiss with prejudice - Joint motion (#144.0): ALLOWED (dated 10/19/17) notice sent dl Judge: Wilson, Hon. Paul D	