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CLOSED,HABEAS

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:20-cv-10753-LTS**

Baez et al v. McDonald et al
Assigned to: District Judge Leo T. Sorokin
Cause: 28:2241 Petition for Writ of Habeas Corpus (federa

Date Filed: 04/17/2020
Date Terminated: 10/08/2020
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: Federal Question

Petitioner

Anthony Baez
*on behalf of himself and all others similarly
situated*

represented by **Adam W. McCall**
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Petitioner**Jonathan Bermudez**

*on behalf of himself and all others similarly
situated*

represented by **Adam W. McCall**
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LEAD ATTORNEY
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David E. Rudin

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Daniel J. Cloherty

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Emily R. Schulman

(See above for address)
ATTORNEY TO BE NOTICED

Saraa Basaria

(See above for address)
ATTORNEY TO BE NOTICED

Petitioner**Jermaine Gonsalves**

*on behalf of himself and all others similarly
situated*

represented by **Adam W. McCall**
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LEAD ATTORNEY
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David E. Rudin

(See above for address)
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Daniel J. Cloherty

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Emily R. Schulman

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ATTORNEY TO BE NOTICED

Saraa Basaria
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

Dedrick Lindsey
*on behalf of himself and all others similarly
situated*

represented by **Adam W. McCall**
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Emily R. Schulman
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ATTORNEY TO BE NOTICED

Saraa Basaria
(See above for address)
ATTORNEY TO BE NOTICED

V.

Respondent

Joseph D. McDonald, Jr.
*Sheriff of Plymouth County, in his official
capacity*

Respondent

Antone Moniz
*Superintendent of the Plymouth County
Correctional Facility, in his official capacity*

represented by **Jason C. Weida**
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Respondent

John and Jane Does

in their individual and official capacities

Date Filed	#	Docket Text
04/17/2020	<u>1</u> R	PETITION for Writ of Habeas Corpus (2241) Filing fee: \$ 5, receipt number 0101-8201754 Fee status: Filing Fee paid., filed by JONATHAN BERMUDEZ, Anthony Baez, Jermaine Gonsalves, Dedrick Lindsey. (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> Civil Cover Sheet, # <u>14</u> Civil Cover Sheet)(Cloherty, Daniel). Modified on 4/17/2020: All documents replaced with flattened PDF documents. (Kelly, Danielle). (Entered: 04/17/2020)
04/17/2020	<u>2</u>	NOTICE of Appearance by Saraa Basaria on behalf of Anthony Baez, Jonathan Bermudez, Jermaine Gonsalves, Dedrick Lindsey (Basaria, Saraa) (Entered: 04/17/2020)
04/17/2020	<u>3</u>	NOTICE of Appearance by Emily R. Schulman on behalf of Anthony Baez, Jonathan Bermudez, Jermaine Gonsalves, Dedrick Lindsey (Schulman, Emily) (Entered: 04/17/2020)
04/17/2020	<u>4</u>	ELECTRONIC NOTICE of Case Assignment. District Judge Leo T. Sorokin 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. (Finn, Mary) (Entered: 04/17/2020)
04/17/2020	<u>5</u>	District Judge Leo T. Sorokin: ORDER entered. SERVICE ORDER re 2241 Petition.. (PSSA, 5) (Entered: 04/17/2020)
04/17/2020	<u>6</u>	MOTION to Certify Class by Anthony Baez, Jonathan Bermudez, Jermaine Gonsalves, Dedrick Lindsey.(Cloherty, Daniel) (Entered: 04/17/2020)
04/17/2020	<u>7</u> R	MEMORANDUM in Support re <u>6</u> MOTION to Certify Class filed by Anthony Baez, Jonathan Bermudez, Jermaine Gonsalves, Dedrick Lindsey. (Cloherty, Daniel) (Entered: 04/17/2020)
04/17/2020	<u>8</u>	MOTION for Leave to File Excess Pages (<i>Unopposed</i>) by Anthony Baez, Jonathan Bermudez, Jermaine Gonsalves, Dedrick Lindsey.(Schulman, Emily) (Entered: 04/17/2020)
04/17/2020	<u>9</u> R	Emergency MOTION for Preliminary Injunction , Emergency MOTION for Temporary Restraining Order (Responses due by 5/1/2020) by Anthony Baez, Jonathan Bermudez, Jermaine Gonsalves, Dedrick Lindsey.(Schulman, Emily) (Entered: 04/17/2020)
04/17/2020	<u>10</u> R	MEMORANDUM in Support re <u>9</u> R Emergency MOTION for Preliminary Injunction Emergency MOTION for Temporary Restraining Order filed by Anthony Baez, Jonathan Bermudez, Jermaine Gonsalves, Dedrick Lindsey. (Schulman, Emily) (Entered: 04/17/2020)

04/17/2020	11	District Judge Leo T. Sorokin: ELECTRONIC ORDER entered. re 6 MOTION to Certify Class filed by Anthony Baez, Dedrick Lindsey, Jonathan Bermudez, Jermaine Gonsalves, 9 R Emergency MOTION for Preliminary Injunction Emergency MOTION for Temporary Restraining Order filed by Anthony Baez, Dedrick Lindsey, Jonathan Bermudez, Jermaine Gonsalves. "Respondent shall by 12:00 noon on April 21, 2020 file a response to the motion to certify class (ECF No. 6) and emergency motion for temporary restraining order and preliminary injunctive relief (ECF No. 9 R)."(PSSA, 5) (Entered: 04/17/2020)
04/17/2020	12	Reset Deadlines as to 9 R Emergency MOTION for Preliminary Injunction Emergency MOTION for Temporary Restraining Order , 6 MOTION to Certify Class . Responses due by 4/21/2020 (Montes, Mariliz) (Entered: 04/17/2020)
04/19/2020	13	NOTICE of Appearance by Jason C. Weida on behalf of Antone Moniz (Weida, Jason) (Entered: 04/19/2020)
04/20/2020	14	Assented to MOTION for Leave to Appear Pro Hac Vice for admission of David E. Rudin and Adam W. McCall Filing fee: \$ 200, receipt number 0101-8203557 by Anthony Baez, Jonathan Bermudez, Jermaine Gonsalves, Dedrick Lindsey.(Schulman, Emily) (Entered: 04/20/2020)
04/20/2020	15 R	Emergency MOTION to Stay re 6 MOTION to Certify Class by Antone Moniz.(Weida, Jason) (Entered: 04/20/2020)
04/20/2020	16	District Judge Leo T. Sorokin: ELECTRONIC ORDER entered temporarily granting 15 R Motion to Stay response to the motion for class certification. The Court will further address this motion after reviewing the filings tomorrow and possibly further written submissions or oral statements by counsel. (Sorokin, Leo) (Entered: 04/20/2020)
04/21/2020	17	Assented to MOTION for Leave to File Excess Pages <i>for Memoranda of Law Being Filed by Noon Today</i> by Antone Moniz.(Weida, Jason) (Entered: 04/21/2020)
04/21/2020	18	District Judge Leo T. Sorokin: ELECTRONIC ORDER entered granting 17 Respondents' Assented-To Motion for Leave to File Excess Pages to Memorandum in Support of Motion to Dismiss ; 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. (Montes, Mariliz) (Entered: 04/21/2020)
04/21/2020	19	District Judge Leo T. Sorokin: ELECTRONIC ORDER entered granting 14 Motion for Leave to Appear Pro Hac Vice Added David E. Rudin and Adam W. McCall. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Montes, Mariliz) (Entered: 04/21/2020)
04/21/2020	20	District Judge Leo T. Sorokin: ELECTRONIC ORDER entered granting 8 Petitioner's Motion for Leave to File Excess Pages to Memorandum in Support of their Application for an 9 R Emergency Temporary Restraining Order and Preliminary Injunctive Relief; 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. (Montes, Mariliz) (Entered: 04/21/2020)
04/21/2020	21	MOTION to Dismiss for Lack of Jurisdiction <i>and for Failure to State a Claim</i> by Antone Moniz.(Weida, Jason) (Entered: 04/21/2020)
04/21/2020	22	MEMORANDUM in Support re 21 MOTION to Dismiss for Lack of Jurisdiction <i>and</i>

		<i>for Failure to State a Claim</i> filed by Antone Moniz. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F)(Weida, Jason) (Additional attachment(s) added on 4/21/2020: # 7 Exhibit E (filed under seal)) (Montes, Mariliz). (Entered: 04/21/2020)
04/21/2020	23 R	MEMORANDUM in Opposition re 9 R Emergency MOTION for Preliminary Injunction Emergency MOTION for Temporary Restraining Order filed by Antone Moniz. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E)(Weida, Jason) (Additional attachment(s) added on 4/21/2020: # 6 Exhibit E (filed under seal)) (Montes, Mariliz). (Entered: 04/21/2020)
04/21/2020	24 R	Assented to MOTION to Seal Document <i>Exhibit E in Respondent's Two Filings</i> by Antone Moniz.(Weida, Jason) (Entered: 04/21/2020)
04/21/2020	25 R	STATUS REPORT by Antone Moniz. (Weida, Jason) (Entered: 04/21/2020)
04/21/2020	26	District Judge Leo T. Sorokin: ELECTRONIC ORDER entered granting 24 R Motion to Seal Document (Exhibit E in Respondent's Two Filings) (Montes, Mariliz) (Entered: 04/21/2020)
04/21/2020	27	District Judge Leo T. Sorokin: ORDER entered. The Respondent shall supplement his opposition to the pending Application for an Emergency Temporary Restraining Order and Motion for Preliminary Injunction by submitting to the Court the following information by noon on Friday, April 24, 2020. The Petitioners shall respond to the Respondents Motion to Dismiss by the close of business on Friday, April 24, 2020. The Petitioners may file a reply in further support of their application for injunctiverelief, limited to five pages in length, by the close of business on Monday, April 27, 2020. The Respondent may file a reply in further support of his Motion to Dismiss, also limited to five pages in length, by the close of business on Tuesday, April 28, 2020. The Court will hold a hearing on the Petitioner's Application (Doc. No. 9) and the Respondent's Motion (Doc. No. 21) at 2:00 PM on Thursday, April 30, 2020. The hearing will be by video. The Deputy Clerk will provide Zoom information to the parties and others pursuant to the Court's public access protocol. re 21 MOTION to Dismiss for Lack of Jurisdiction <i>and for Failure to State a Claim</i> filed by Antone Moniz 9 R Emergency MOTION for Preliminary Injunction Emergency MOTION for Temporary Restraining Order .(Motion Hearing set for 4/30/2020 02:00 PM in Courtroom 13 before District Judge Leo T. Sorokin.)(Simeone, Maria) (Entered: 04/21/2020)
04/21/2020	28	Set Deadlines as to 21 MOTION to Dismiss for Lack of Jurisdiction <i>and for Failure to State a Claim</i> . Petitioner's Responses due by 4/24/2020; Respondent's Replies due by 4/28/2020. (Montes, Mariliz) (Entered: 04/21/2020)
04/21/2020	29	Set Deadlines: Respondents' supplemental response to 9 R Emergency MOTION for Preliminary Injunction, Emergency MOTION for Temporary Restraining Order due by noon on 4/24/2020). Set Deadlines as to 9 R Emergency MOTION for Preliminary Injunction Emergency MOTION for Temporary Restraining Order : Petitioner's Reply due by 4/27/2020.

		(Montes, Mariliz) (Entered: 04/21/2020)
04/23/2020	30	District Judge Leo T. Sorokin: ELECTRONIC ORDER entered. The Court will conduct the hearing on April 30, 2020 from the courtroom by video. The Court anticipates that counsel will participate by video. Members of the public and the media may make arrangements with the clerk to listen to the hearing remotely or they may appear in the courtroom. However, the available video capacity at Plymouth on the day in question is already reserved for criminal cases which take precedence. Accordingly, the four individual plaintiffs will not be able to observe or to listen to the hearing.(Montes, Mariliz) (Entered: 04/23/2020)
04/24/2020	31	Respondent's Supplement to his opposition to 9 R Emergency MOTION for Preliminary Injunction Emergency MOTION for Temporary Restraining Order <i>Supplement to Respondent's Opposition</i> filed by Antone Moniz. (Attachments: # 1 Declaration of Sheriff McDonald, # 2 Attachments to Paragraph 2 to Sheriff McDonald's Declaration (Under Seal and Confidential), # 3 Attachments to Paragraph 3 to Sheriff McDonald's Declaration (Under Seal and Confidential), # 4 Attachments to Paragraph 5 to Sheriff McDonald's Declaration, # 5 Declaration of Marcia Norat, RN) (Weida, Jason) (Additional attachment(s) added on 4/24/2020: # 6 Attachment to Paragraph 2 of the Sheriff's Declaration(filed under seal), # 7 Attachment to paragraph 3 of the sheriff's declaration (filed under seal)) (Montes, Mariliz). Modified on 4/24/2020 (Montes, Mariliz). (Entered: 04/24/2020)
04/24/2020	32	Assented to MOTION to Seal Document <i>Attachments to Paragraph 2 and Paragraph 3 to Sheriff's McDonald's Declaration, dated April 24, 2020</i> by Antone Moniz.(Weida, Jason) (Entered: 04/24/2020)
04/24/2020	33	Assented to MOTION for Protective Order <i>Regarding the Attachments to Paragraph 2 and Paragraph 3 of Sheriff McDonald's Declaration</i> by Antone Moniz. (Attachments: # 1 Exhibit A)(Weida, Jason) (Entered: 04/24/2020)
04/24/2020	34	District Judge Leo T. Sorokin: ELECTRONIC ORDER entered. Yesterday, the Court received a pro se letter from Johan Abreau who the Court recently sentenced. Mr. Abreau was detained at Plymouth and, according to his letter, remains there. A portion of the letter reports information about hygiene, cleaning and coronavirus at Plymouth. 18cr10348, Doc. No. 408 at 3. Because the Court is aware of this report, the Court brings it to the attention of the parties so they may address it or not as they see fit. (Montes, Mariliz) (Entered: 04/24/2020)
04/24/2020	35	District Judge Leo T. Sorokin: ELECTRONIC ORDER entered granting 32 Respondents' Assented-To Motion to Seal Two Exhibits (Montes, Mariliz) (Entered: 04/24/2020)
04/24/2020	36	District Judge Leo T. Sorokin: ELECTRONIC ORDER entered granting 33 Respondents' Assented-To Motion for Protective Order (Montes, Mariliz) (Entered: 04/24/2020)
04/24/2020	37	Assented to MOTION for Leave to File Excess Pages by Anthony Baez, Jonathan Bermudez, Jermaine Gonsalves, Dedrick Lindsey.(Schulman, Emily) (Entered: 04/24/2020)
04/24/2020	38	MEMORANDUM in Opposition re 21 MOTION to Dismiss for Lack of Jurisdiction <i>and for Failure to State a Claim</i> filed by Anthony Baez, Jonathan Bermudez, Jermaine Gonsalves, Dedrick Lindsey. (Schulman, Emily) (Entered: 04/24/2020)
04/24/2020	39	Second MOTION to Dismiss for Lack of Jurisdiction by Antone Moniz.(Weida, Jason)

		(Entered: 04/24/2020)
04/24/2020	40	MEMORANDUM in Support re 39 Second MOTION to Dismiss for Lack of Jurisdiction filed by Antone Moniz. (Weida, Jason) (Entered: 04/24/2020)
04/25/2020	41	District Judge Leo T. Sorokin: ELECTRONIC ORDER entered. The petitioners shall respond to the 39 Second MOTION to Dismiss for Lack of Jurisdiction filed by Antone Moniz by the close of business on Tuesday, April 28, 2020.(LTS, law2) (Entered: 04/25/2020)
04/25/2020	42	Set/Reset Deadlines as to 39 Second MOTION to Dismiss for Lack of Jurisdiction . Responses due by 4/28/2020 (LTS, law2) (Entered: 04/25/2020)
04/27/2020	43	District Judge Leo T. Sorokin: ELECTRONIC ORDER entered granting 37 Petitioners' Motion for Leave to File Excess Pages to Memorandum of Law in Opposition to Respondent's Motion to Deny Petitioners Habeas Petition ; 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. (Montes, Mariliz) (Entered: 04/27/2020)
04/27/2020	44	ELECTRONIC NOTICE Setting Hearing on Motion. A Motion Hearing has been set for 4/30/2020 02:00 PM in Courtroom 13 before District Judge Leo T. Sorokin re: 9 R Emergency MOTION for Preliminary Injunction Emergency MOTION for Temporary Restraining Order , 21 MOTION to Dismiss for Lack of Jurisdiction <i>and for Failure to State a Claim</i>, 39 Second MOTION to Dismiss for Lack of Jurisdiction : This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the sessions courtroom deputy as soon as possible. Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: https://forms.mad.uscourts.gov/courtlist.html. For questi ons regarding access to hearings, you may refer to the Courts general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov. Motion Hearing set for 4/30/2020 02:00 PM in Courtroom 13 before District Judge Leo T. Sorokin. (Simeone, Maria) (Entered: 04/27/2020)
04/27/2020	45	REPLY to Response to 9 R Emergency MOTION for Preliminary Injunction Emergency MOTION for Temporary Restraining Order filed by Anthony Baez, Jonathan Bermudez, Jermaine Gonsalves, Dedrick Lindsey. (Cloherty, Daniel) (Entered: 04/27/2020)
04/28/2020	46	MEMORANDUM in Opposition re 39 Second MOTION to Dismiss for Lack of Jurisdiction filed by Anthony Baez, Jonathan Bermudez, Jermaine Gonsalves, Dedrick Lindsey. (Schulman, Emily) (Entered: 04/28/2020)
04/28/2020	47	REPLY to Response to 21 MOTION to Dismiss for Lack of Jurisdiction <i>and for Failure to State a Claim</i> filed by Antone Moniz. (Weida, Jason) (Entered: 04/28/2020)
04/29/2020	48 R	STATUS REPORT by Antone Moniz. (Weida, Jason) (Entered: 04/29/2020)

04/30/2020	49 R	STATUS REPORT <i>Updated</i> by Antone Moniz. (Weida, Jason) (Additional attachment(s) added on 4/30/2020: # 1 unredacted version) (Montes, Mariliz). (Main Document 49 replaced on 5/4/2020) (Montes, Mariliz). Modified on 5/4/2020 to replace updated status report with version provided by counsel on 5/4/2020 ; NEF Regenerated (Montes, Mariliz). (Entered: 04/30/2020)
04/30/2020	50	Electronic Clerk's Notes for proceedings held before District Judge Leo T. Sorokin: Motion Hearing held on 4/30/2020 The court hears oral argument of counsel re 21 MOTION to Dismiss for Lack of Jurisdiction <i>and for Failure to State a Claim</i> filed by Antone Moniz, 39 Second MOTION to Dismiss for Lack of Jurisdiction filed by Antone Moniz, 9 R Emergency MOTION for Preliminary Injunction Emergency MOTION for Temporary Restraining Order filed by Anthony Baez, Dedrick Lindsey, Jonathan Bermudez, Jermaine Gonsalves and will take this matter under advisement. (Court Reporter: Rachel Lopez at raeufp@gmail.com.) (Simeone, Maria) (Entered: 04/30/2020)
04/30/2020	51 R	Power Point Presentation filed by Antone Moniz. (Montes, Mariliz) (Entered: 04/30/2020)
05/01/2020	52 R	District Judge Leo T. Sorokin: ORDER entered. Pending before the Court are the petitioners' Application for an Emergency Temporary Restraining Order and Motion for Preliminary Injunction, Doc. No. 9, and the respondent's Motions to Dismiss, Doc. Nos. 21, 39. The Court requires further information in aid of resolving those factual issues. Accordingly, the respondent is hereby ORDERED to provide answers to the following questions by the close of business on Wednesday, May 6, 2020. (Responses due by 5/6/2020)(Simeone, Maria) (Entered: 05/01/2020)
05/05/2020	53 R	STATUS REPORT by Antone Moniz. (Weida, Jason) (Entered: 05/05/2020)
05/06/2020	54	RESPONSE TO COURT ORDER by Antone Moniz re 52 R Order,,, Set Motion and R&R Deadlines/Hearings,, . (Attachments: # 1 Sheriff McDonald Declaration, # 2 Nurse Norat Declaration)(Weida, Jason) (Entered: 05/06/2020)
05/07/2020	55	Notice of Supplemental Authorities re 21 MOTION to Dismiss for Lack of Jurisdiction <i>and for Failure to State a Claim</i> , 39 Second MOTION to Dismiss for Lack of Jurisdiction , 9 R Emergency MOTION for Preliminary Injunction Emergency MOTION for Temporary Restraining Order (Attachments: # 1 Exhibit A, # 2 Exhibit B) (Weida, Jason) (Entered: 05/07/2020)
05/07/2020	56	Supplemental MEMORANDUM in Support re 9 R Emergency MOTION for Preliminary Injunction Emergency MOTION for Temporary Restraining Order filed by Anthony Baez, Jonathan Bermudez, Jermaine Gonsalves, Dedrick Lindsey. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G)(Cloherty, Daniel) (Entered: 05/07/2020)
05/08/2020	57	Supplemental MEMORANDUM in Opposition re 9 R Emergency MOTION for Preliminary Injunction Emergency MOTION for Temporary Restraining Order filed by Antone Moniz. (Attachments: # 1 Neri Declaration, # 2 Mattivello Declaration, # 3 Banzi Declaration, # 4 DiMarzio Declaration)(Weida, Jason) (Entered: 05/08/2020)
05/09/2020	58	Second Notice of Supplemental Authorities re 21 MOTION to Dismiss for Lack of Jurisdiction <i>and for Failure to State a Claim</i> , 39 Second MOTION to Dismiss for Lack

		of Jurisdiction , 9 R Emergency MOTION for Preliminary Injunction Emergency MOTION for Temporary Restraining Order (Attachments: # 1 Exhibit A)(Weida, Jason) (Entered: 05/09/2020)
05/09/2020	59	Third Notice of Supplemental Authorities re 21 MOTION to Dismiss for Lack of Jurisdiction <i>and for Failure to State a Claim</i> , 39 Second MOTION to Dismiss for Lack of Jurisdiction , 9 R Emergency MOTION for Preliminary Injunction Emergency MOTION for Temporary Restraining Order (Attachments: # 1 Exhibit A)(Weida, Jason) (Entered: 05/09/2020)
05/11/2020	60	Notice of Supplemental Authorities re 9 R Emergency MOTION for Preliminary Injunction Emergency MOTION for Temporary Restraining Order (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F) (Schulman, Emily) (Entered: 05/11/2020)
05/12/2020	61	NOTICE of Appearance by Rachel Goldstein on behalf of Antone Moniz (Goldstein, Rachel) (Entered: 05/12/2020)
05/12/2020	62 R	STATUS REPORT by Antone Moniz. (Weida, Jason) (Entered: 05/12/2020)
05/13/2020	63	Second Notice of Supplemental Authorities re 9 R Emergency MOTION for Preliminary Injunction Emergency MOTION for Temporary Restraining Order (Attachments: # 1 Exhibit A)(Schulman, Emily) (Entered: 05/13/2020)
05/18/2020	64 R	District Judge Leo T. Sorokin: ORDER ON MOTIONS TO DISMISS (DOC. NOS. 21, 39) AND APPLICATION FOR INJUNCTIVE RELIEF (DOC. NO. 9)entered. For the foregoing reasons, the respondent's motions to dismiss (Doc. Nos. 21 and 39) andthe petitioners' application for emergency injunctive relief (Doc. No. 9) are DENIED. The Court anticipates resolving this petition expeditiously. No later than May 27, 2020, the parties shall file a joint status report stating their joint or separate positions regarding how, and on what schedule, this matter should proceed. In addition, Moniz shall file a status report, by the same date, explaining whether and how PCCF is expanding its testing in line with the institution-wide testing occurring in DOC facilities, and if not, why not. re 39 Motion to Dismiss for Lack of Jurisdiction; 9 R Motion for Preliminary Injunction; 9 R Motion for TRO; 21 Motion to Dismiss for Lack of Jurisdiction (Simeone, Maria) (Entered: 05/18/2020)
05/18/2020	65 R	Entered in duplicate. Please see Doc. no. 64. (Entered: 05/18/2020)
05/18/2020	66	Set Deadlines: Joint Status Report due by 5/27/2020. (Montes, Mariliz) (Entered: 05/18/2020)
05/18/2020	67	Set Deadlines: Status Report due by 5/27/2020 (Simeone, Maria) (Entered: 05/18/2020)
05/19/2020	68	STATUS REPORT by Antone Moniz. (Weida, Jason) (Entered: 05/19/2020)
05/27/2020	69	Joint MOTION for Extension of Time to 05/29/2020 to File <i>Joint Status Report and Proposed Discovery Schedules</i> by Anthony Baez, Jonathan Bermudez, Jermaine Gonsalves, John and Jane Does, Dedrick Lindsey, Joseph D. McDonald, Jr, Antone Moniz.(Cloherty, Daniel) (Entered: 05/27/2020)
05/27/2020	70 R	RESPONSE TO COURT ORDER by Antone Moniz re 64 R Order on Motion to Dismiss/Lack of Jurisdiction,,, Order on Motion for Preliminary Injunction,,, Order on Motion for TRO,,,,,, . (Weida, Jason) (Entered: 05/27/2020)

05/28/2020	71	District Judge Leo T. Sorokin: ELECTRONIC ORDER entered granting 69 JOINT MOTION TO EXTEND TIME TO FILE JOINT STATUS REPORT AND PROPOSED DISCOVERY SCHEDULES. Status Report and Proposed Discovery Deadlines due by 5/29/2020 . (Montes, Mariliz) (Entered: 05/28/2020)
05/28/2020	72	Reset Deadlines: Status Report due by 5/29/2020. (Montes, Mariliz) (Entered: 05/28/2020)
05/29/2020	73 R	STATUS REPORT <i>AND PROPOSED DISCOVERY SCHEDULE</i> by Anthony Baez, Jonathan Bermudez, Jermaine Gonsalves, Dedrick Lindsey. (Schulman, Emily) (Entered: 05/29/2020)
06/02/2020	74 R	STATUS REPORT by Antone Moniz. (Weida, Jason) (Entered: 06/02/2020)
06/12/2020	75	Fourth Notice of Supplemental Authorities re 21 MOTION to Dismiss for Lack of Jurisdiction <i>and for Failure to State a Claim</i> , 39 Second MOTION to Dismiss for Lack of Jurisdiction , 9 R Emergency MOTION for Preliminary Injunction Emergency MOTION for Temporary Restraining Order (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F)(Weida, Jason) (Entered: 06/12/2020)
06/22/2020	76 R	STATUS REPORT by Antone Moniz. (Weida, Jason) (Entered: 06/22/2020)
06/24/2020	77 R	STATUS REPORT <i>Updated</i> by Antone Moniz. (Weida, Jason) (Entered: 06/24/2020)
06/26/2020	78	ELECTRONIC NOTICE of Hearing. A Status Conference has been set for 7/8/2020 01:00 PM in Courtroom 13 before District Judge Leo T. Sorokin. This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the session's courtroom deputy as soon as possible. Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: www.forms.mad.uscourts.gov/courtlist.html. For questions regarding access to hearings , you may refer to the Court's general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov. Status Conference set for 7/8/2020 01:00 PM in Courtroom 13 before District Judge Leo T. Sorokin. (Simeone, Maria) (Entered: 06/26/2020)
07/08/2020	79	RESPONSE TO COURT ORDER by Antone Moniz re 64 R Order on Motion to Dismiss/Lack of Jurisdiction,,, Order on Motion for Preliminary Injunction,,, Order on Motion for TRO,,,,,, <i>Updated as of July 8, 2020</i> . (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E)(Weida, Jason) (Entered: 07/08/2020)
07/08/2020	80	Electronic Clerk's Notes for proceedings held before District Judge Leo T. Sorokin: Status Conference held on 7/8/2020. Counsel state the status of the case. Counsel discuss discovery regarding testing, contract tracing and masks. The court will take the matter under advisement. (Court

		Reporter: Rachel Lopez at raeufp@gmail.com.) (Simeone, Maria) (Entered: 07/09/2020)
07/10/2020	81	District Judge Leo T. Sorokin: ORDER entered.Order re. discovery deadlines or briefing deadline on habeas petition. <u>If the petitioners choose to file such a motion, they must do so by July 31, 2020.</u> The respondent shall respond to any such motion for discovery within fourteen days of its filing. The petitioners may file a reply, limited to five pages in length, within seven days of the opposition. <u>If the petitioners elect not to seek further discovery via motion as described in the preceding paragraph, they shall submit their brief addressing the merits of their habeas claims by August 10, 2020.</u> The respondent shall file its brief responding to the petitioners' merits arguments by September 9, 2020. The petitioners may file a reply brief, limited to five pages in length, by September 23, 2020. (Motion briefing: motion due by 7/31/2020; Responses due by 8/14/2020; Replies due by 8/21/2020. Briefing on habeas petition: Petitioner's memo due by 8/10/2020; respondent's memo due by 9/9/2020; reply due by 9/23/2020.)(Montes, Mariliz) (Entered: 07/10/2020)
07/31/2020	82	MOTION for Discovery by Anthony Baez, Jonathan Bermudez, Jermaine Gonsalves, Dedrick Lindsey.(Cloherty, Daniel) (Entered: 07/31/2020)
07/31/2020	83	MEMORANDUM in Support re 82 MOTION for Discovery filed by Anthony Baez, Jonathan Bermudez, Jermaine Gonsalves, Dedrick Lindsey. (Attachments: # 1 Exhibit) (Cloherty, Daniel) (Entered: 07/31/2020)
08/03/2020	84	STATUS REPORT by Antone Moniz. (Weida, Jason) (Entered: 08/03/2020)
08/06/2020	85	Notice of Supplemental Authorities re 82 MOTION for Discovery (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Weida, Jason) (Entered: 08/06/2020)
08/14/2020	86	Assented to MOTION for Leave to File Excess Pages by Antone Moniz.(Weida, Jason) (Entered: 08/14/2020)
08/14/2020	87	MEMORANDUM in Opposition re 82 MOTION for Discovery filed by Antone Moniz. (Attachments: # 1 Exhibit A)(Weida, Jason) (Entered: 08/14/2020)
08/17/2020	88	District Judge Leo T. Sorokin: ELECTRONIC ORDER entered granting 86 Assented-To Motion for Leave to File Excess Pages to the memorandum of law in opposition to Petitioners' Motion for Discovery ; 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. (Montes, Mariliz) (Entered: 08/17/2020)
08/21/2020	89	REPLY to Response to 82 MOTION for Discovery filed by Anthony Baez, Jonathan Bermudez, Jermaine Gonsalves, Dedrick Lindsey. (Schulman, Emily) (Entered: 08/21/2020)
09/08/2020	90	STATUS REPORT by Antone Moniz. (Weida, Jason) (Entered: 09/08/2020)
09/10/2020	91 R	STATUS REPORT <i>UPDATED</i> by Antone Moniz. (Weida, Jason) (Entered: 09/10/2020)
09/23/2020	92 R	District Judge Leo T. Sorokin: ORDER entered.

		For the foregoing reasons, the motion for discovery (Doc. No. 82) is DENIED, and the habeas petition (Doc. No. 1) WILL BE DENIED ON OCTOBER 8, 2020, with all of the petitioners' objections and rights preserved, UNLESS the petitioners show cause by that date why the Court should not deny this petition. The motion for class certification (Doc. No. 6), which was previously stayed, will be TERMINATED as MOOT on October 8, 2020 if the petition is denied. (Montes, Mariliz) (Entered: 09/23/2020)
09/23/2020	93	Set Deadlines: Show Cause Response due by 10/8/2020. (Montes, Mariliz) (Entered: 09/23/2020)
10/08/2020	94	NOTICE of Voluntary Dismissal by Anthony Baez, Jonathan Bermudez, Jermaine Gonsalves, Dedrick Lindsey (Schulman, Emily) (Entered: 10/08/2020)

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