

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:21-cv-10806-LTS**

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Tassinari v. The Salvation Army National Corporation  
et al

Assigned to: District Judge Leo T. Sorokin

Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 05/14/2021

Jury Demand: Plaintiff

Nature of Suit: 446 Civil Rights:

Americans with Disabilities - Other

Jurisdiction: Federal Question

**Plaintiff**

**Mark Tassinari**

*individually and on behalf of all  
others similarly situated*

represented by

**Amy F. Robertson**

Civil Rights Education and

Enforcement Center

1245 E. Colfax Ave.

Suite 400

Denver, CO 80218

303-757-7901

Fax: 303-595-9705

Email: arobertson@creeclaw.org

**LEAD ATTORNEY**

**PRO HAC VICE**

**ATTORNEY TO BE NOTICED**

**Lucy B. Bansal**

Justice Catalyst Law, Inc.

123 William Street

16th Floor

New York, NY 518-732-6703

(202) 525-7516

Email: lbansal@justicecatalyst.org

**LEAD ATTORNEY**

**PRO HAC VICE**

**ATTORNEY TO BE NOTICED**

**Martha M. Lafferty**

Civil Rights Education and

Enforcement Center

525 Royal Parkway, #293063

Nashville, TN 37229

615-913-5099

Email: mlafferty@creeclaw.org

*LEAD ATTORNEY  
PRO HAC VICE  
ATTORNEY TO BE NOTICED*

**Benjamin D. Elga**  
Justice Catalyst Law  
16th Floor  
123 William Street  
New York, NY 10038  
5187326703  
Email: belga@justicecatalyst.org  
*ATTORNEY TO BE NOTICED*

**Janet M. Herold**  
Justice Catalyst Law  
123 William Street, 16th Flr.  
New York, NY 10038  
518-732-6703  
Email: jherold@justicecatalyst.org  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Richard Espinosa**

represented by **Janet M. Herold**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Martha M. Lafferty**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Randy Owens**

represented by **Janet M. Herold**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Martha M. Lafferty**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Jonathan Anderson**

represented by **Janet M. Herold**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Martha M. Lafferty**

(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**The Salvation Army National  
Corporation**

represented by **Christine B. Hawes**  
Crowell & Mooring LLP  
1001 Pennsylvania Avenue, N.W.  
Washington, DC 20004  
202-624-2600  
Email: chawes@crowell.com  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Thomas P. Gies**  
Crowell & Moring LLP  
1001 Pennsylvania Avenue, NW  
Washington, DC 20004-2585  
202-624-2500  
Email: tgies@crowell.com  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Kevin M. Hensley**  
Barton Gilman, LLP  
75 Federal Street  
9th Floor  
Boston, MA 02110  
617-654-8200  
Fax: 617-482-5350  
Email: khensley@bglaw.com  
*ATTORNEY TO BE NOTICED*

**Defendant**

**The Salvation Army (Eastern  
Territory)**

represented by **Christine B. Hawes**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Thomas P. Gies**  
(See above for address)

*LEAD ATTORNEY  
PRO HAC VICE  
ATTORNEY TO BE NOTICED*

**Kevin M. Hensley**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**The Salvation Army (Central  
Territory)**

represented by **Christine B. Hawes**  
(See above for address)  
*LEAD ATTORNEY  
PRO HAC VICE  
ATTORNEY TO BE NOTICED*

**Thomas P. Gies**  
(See above for address)  
*LEAD ATTORNEY  
PRO HAC VICE  
ATTORNEY TO BE NOTICED*

**Kevin M. Hensley**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**The Salvation Army (Southern  
Territory)**

represented by **Christine B. Hawes**  
(See above for address)  
*LEAD ATTORNEY  
PRO HAC VICE  
ATTORNEY TO BE NOTICED*

**Thomas P. Gies**  
(See above for address)  
*LEAD ATTORNEY  
PRO HAC VICE  
ATTORNEY TO BE NOTICED*

**Kevin M. Hensley**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**The Salvation Army (Western  
Territory)**

represented by **Christine B. Hawes**  
(See above for address)

LEAD ATTORNEY  
PRO HAC VICE  
ATTORNEY TO BE NOTICED

**Thomas P. Gies**  
(See above for address)  
LEAD ATTORNEY  
PRO HAC VICE  
ATTORNEY TO BE NOTICED

**Kevin M. Hensley**  
(See above for address)  
ATTORNEY TO BE NOTICED

| Date Filed | #                 | Docket Text                                                                                                                                                                                                                                                                                                                                                   |
|------------|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 05/14/2021 | <a href="#">1</a> | COMPLAINT ( <i>Class Action</i> ) against All Defendants Filing fee: \$ 402, receipt number 0101-8775796 (Fee Status: Filing Fee paid), filed by Mark Tassinari. (Attachments: # <a href="#">1</a> Civil Cover Sheet Civil Cover Sheet, # <a href="#">2</a> Civil Category Sheet)(Elga, Benjamin) (Entered: 05/14/2021)                                       |
| 05/17/2021 | 2                 | 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 M. Page Kelley. (Finn, Mary) (Entered: 05/17/2021)                                                                 |
| 05/17/2021 | <a href="#">3</a> | Summons Issued as to All Defendants. <b>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.</b> (Currie, Haley) (Entered: 05/17/2021) |
| 05/19/2021 | <a href="#">4</a> | MOTION for Leave to Appear Pro Hac Vice for admission of Lucy B. Bansal Filing fee: \$ 100, receipt number 0101-8783322 by Mark Tassinari. (Attachments: # <a href="#">1</a> Affidavit)(Elga, Benjamin) (Entered: 05/19/2021)                                                                                                                                 |
| 05/20/2021 | 5                 | Set Deadlines: Proof Service due by 8/16/2021. (Simeone, Maria) (Entered: 05/20/2021)                                                                                                                                                                                                                                                                         |
| 05/20/2021 | 6                 | District Judge Leo T. Sorokin: ELECTRONIC ORDER entered granting <a href="#">4</a> Motion for Leave to Appear Pro Hac Vice. Added Lucy                                                                                                                                                                                                                        |

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|------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |                           | B. Bansal. <b>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 <a href="http://www.mad.uscourts.gov">www.mad.uscourts.gov</a>. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form.</b> (Pacho, Arnold) (Entered: 05/20/2021)                                                                                                                                                                                                                                         |
| 06/25/2021 | <a href="#"><u>7</u></a>  | MOTION for Leave to Appear Pro Hac Vice for admission of Martha M. Lafferty Filing fee: \$ 100, receipt number 0101-8834409 by Mark Tassinari. (Attachments: # <a href="#"><u>1</u></a> Certificate of Good Standing, # <a href="#"><u>2</u></a> Affidavit)(Elga, Benjamin) (Entered: 06/25/2021)                                                                                                                                                                                                                                                                                                                                                  |
| 06/25/2021 | <a href="#"><u>8</u></a>  | MOTION for Leave to Appear Pro Hac Vice for admission of Amy F. Robertson Filing fee: \$ 100, receipt number 0101-8834424 by Mark Tassinari. (Attachments: # <a href="#"><u>1</u></a> Certificate of Good Standing, # <a href="#"><u>2</u></a> Affidavit)(Elga, Benjamin) (Entered: 06/25/2021)                                                                                                                                                                                                                                                                                                                                                    |
| 06/28/2021 | 9                         | District Judge Leo T. Sorokin: ELECTRONIC ORDER entered granting <a href="#"><u>7</u></a> Motion for Leave to Appear Pro Hac Vice. Added Martha M. Lafferty. <b>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 <a href="http://www.mad.uscourts.gov">www.mad.uscourts.gov</a>. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form.</b> (Pacho, Arnold) Modified on 6/28/2021 to regenerate NEF with corrected attorney name (Pacho, Arnold). (Entered: 06/28/2021) |
| 06/28/2021 | 10                        | District Judge Leo T. Sorokin: ELECTRONIC ORDER entered granting <a href="#"><u>8</u></a> Motion for Leave to Appear Pro Hac Vice. Added Amy F. Robertson. <b>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 <a href="http://www.mad.uscourts.gov">www.mad.uscourts.gov</a>. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form.</b> (Pacho, Arnold) (Entered: 06/28/2021)                                                                                         |
| 07/02/2021 | <a href="#"><u>11</u></a> | WAIVER OF SERVICE Returned Executed by Mark Tassinari. The Salvation Army National Corporation waiver sent on 6/1/2021, answer due 8/2/2021. (Elga, Benjamin) (Entered: 07/02/2021)                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 07/02/2021 | <a href="#"><u>12</u></a> | WAIVER OF SERVICE Returned Executed by Mark Tassinari. The Salvation Army (Eastern Territory) waiver sent on 6/1/2021, answer due 8/2/2021. (Elga, Benjamin) (Entered: 07/02/2021)                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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| 07/02/2021 | <a href="#"><u>13</u></a> | WAIVER OF SERVICE Returned Executed by Mark Tassinari. The Salvation Army (Western Territory) waiver sent on 6/1/2021, answer due 8/2/2021. (Elga, Benjamin) (Entered: 07/02/2021)                                                                                                                                          |
| 07/02/2021 | <a href="#"><u>14</u></a> | WAIVER OF SERVICE Returned Executed by Mark Tassinari. The Salvation Army (Southern Territory) waiver sent on 6/1/2021, answer due 8/2/2021. (Elga, Benjamin) (Entered: 07/02/2021)                                                                                                                                         |
| 07/02/2021 | <a href="#"><u>15</u></a> | WAIVER OF SERVICE Returned Executed by Mark Tassinari. The Salvation Army (Central Territory) waiver sent on 6/1/2021, answer due 8/2/2021. (Elga, Benjamin) (Entered: 07/02/2021)                                                                                                                                          |
| 08/02/2021 | <a href="#"><u>16</u></a> | NOTICE of Appearance by Kevin M. Hensley on behalf of The Salvation Army (Central Territory), The Salvation Army (Eastern Territory), The Salvation Army (Southern Territory), The Salvation Army (Western Territory), The Salvation Army National Corporation (Hensley, Kevin) (Entered: 08/02/2021)                       |
| 08/02/2021 | <a href="#"><u>17</u></a> | MOTION to Dismiss for Lack of Jurisdiction <i>Pursuant to Fed. R. Civ. P. 12(b)(1)</i> by The Salvation Army (Eastern Territory).(Hensley, Kevin) (Entered: 08/02/2021)                                                                                                                                                     |
| 08/02/2021 | <a href="#"><u>18</u></a> | MEMORANDUM in Support re <a href="#"><u>17</u></a> MOTION to Dismiss for Lack of Jurisdiction <i>Pursuant to Fed. R. Civ. P. 12(b)(1)</i> filed by The Salvation Army (Eastern Territory). (Attachments: # <a href="#"><u>1</u></a> Affidavit Declaration of Lt. Col. Dennis Gensler)(Hensley, Kevin) (Entered: 08/02/2021) |
| 08/02/2021 | <a href="#"><u>19</u></a> | MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6)</i> by The Salvation Army (Eastern Territory).(Hensley, Kevin) (Entered: 08/02/2021)                                                                                                                                    |
| 08/02/2021 | <a href="#"><u>20</u></a> | MEMORANDUM in Support re <a href="#"><u>19</u></a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6)</i> filed by The Salvation Army (Eastern Territory). (Hensley, Kevin) (Entered: 08/02/2021)                                                                          |
| 08/02/2021 | <a href="#"><u>21</u></a> | MOTION to Dismiss for Lack of Jurisdiction <i>Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(2)</i> by The Salvation Army (Central Territory), The Salvation Army (Southern Territory), The Salvation Army (Western Territory), The Salvation Army National Corporation.(Hensley, Kevin) (Entered: 08/02/2021)              |
| 08/02/2021 | <a href="#"><u>22</u></a> | MEMORANDUM in Support re <a href="#"><u>21</u></a> MOTION to Dismiss for Lack of Jurisdiction <i>Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(2)</i> filed by The Salvation Army (Central Territory), The                                                                                                                 |

|            |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |                    | Salvation Army (Southern Territory), The Salvation Army (Western Territory), The Salvation Army National Corporation. (Attachments: # <a href="#">1</a> Affidavit Declaration of Col. Kenneth O. Johnson, Jr., # <a href="#">2</a> Affidavit Declaration of Captain Leon Ferraez, # <a href="#">3</a> Affidavit Declaration of Col. Steven M. Howard, # <a href="#">4</a> Affidavit Declaration of Terry Hughes)(Hensley, Kevin) (Entered: 08/02/2021)                                                                                                 |
| 08/02/2021 | <a href="#">23</a> | MOTION for Leave to Appear Pro Hac Vice for admission of Thomas Peter Gies Filing fee: \$ 100, receipt number 0101-8884058 by The Salvation Army (Central Territory), The Salvation Army (Eastern Territory), The Salvation Army (Southern Territory), The Salvation Army (Western Territory), The Salvation Army National Corporation. (Attachments: # <a href="#">1</a> Affidavit Certification of Counsel - LR 85.5.3)(Hensley, Kevin) (Entered: 08/02/2021)                                                                                        |
| 08/02/2021 | <a href="#">24</a> | MOTION for Leave to Appear Pro Hac Vice for admission of Christine B. Hawes Filing fee: \$ 100, receipt number 0101-8884067 by The Salvation Army (Central Territory), The Salvation Army (Eastern Territory), The Salvation Army (Southern Territory), The Salvation Army (Western Territory), The Salvation Army National Corporation. (Attachments: # <a href="#">1</a> Affidavit Certification of Counsel - LR 85.5.3)(Hensley, Kevin) (Entered: 08/02/2021)                                                                                       |
| 08/03/2021 | 25                 | District Judge Leo T. Sorokin: ELECTRONIC ORDER entered granting <a href="#">23</a> Motion for Leave to Appear Pro Hac Vice. Added Thomas P. Gies. <b>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 <a href="http://www.mad.uscourts.gov">www.mad.uscourts.gov</a>. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form.</b> (Pacho, Arnold) (Entered: 08/03/2021)     |
| 08/03/2021 | 26                 | District Judge Leo T. Sorokin: ELECTRONIC ORDER entered granting <a href="#">24</a> Motion for Leave to Appear Pro Hac Vice. Added Christine B. Hawes. <b>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 <a href="http://www.mad.uscourts.gov">www.mad.uscourts.gov</a>. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form.</b> (Pacho, Arnold) (Entered: 08/03/2021) |
| 08/04/2021 | <a href="#">27</a> | District Judge Leo T. Sorokin: New Civil Cases Procedural ORDER entered. (Simeone, Maria) (Entered: 08/04/2021)                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 08/11/2021 | <a href="#">28</a> | Assented to MOTION for Extension of Time to September 3, 2021 to File Response/Reply as to <a href="#">17</a> MOTION to Dismiss for Lack of                                                                                                                                                                                                                                                                                                                                                                                                            |

|            |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |                    | Jurisdiction <i>Pursuant to Fed. R. Civ. P. 12(b)(1)</i> , <a href="#">19</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6)</i> , <a href="#">21</a> MOTION to Dismiss for Lack of Jurisdiction <i>Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(2)</i> by Mark Tassinari.(Lafferty, Martha) (Entered: 08/11/2021)                                                                                                                                          |
| 08/12/2021 | 29                 | District Judge Leo T. Sorokin: ELECTRONIC ORDER entered re <a href="#">28</a> Assented to MOTION for Extension of Time.<br><br>ALLOWED IN PART as follows. The plaintiff's consolidated response to the motions to dismiss is due on September 3, 2021 and is limited to 40 pages in length, as requested. The defendants' reply briefs (one supporting each pending motion to dismiss) are due on September 17, 2021, <u>with each reply limited to 5 pages in length</u> . (Pacho, Arnold) (Entered: 08/12/2021) |
| 08/23/2021 | <a href="#">30</a> | AMENDED COMPLAINT <i>Class Action</i> against The Salvation Army (Eastern Territory), The Salvation Army National Corporation, filed by Mark Tassinari, Richard Espinosa, Randy Owens, Jonathan Anderson.(Lafferty, Martha) (Entered: 08/23/2021)                                                                                                                                                                                                                                                                  |
| 08/30/2021 | <a href="#">31</a> | Joint MOTION for Extension of Time to September 21, 2021 to File motions to dismiss <i>and Set Briefing Schedule</i> by The Salvation Army (Eastern Territory), The Salvation Army National Corporation.(Hawes, Christine) (Entered: 08/30/2021)                                                                                                                                                                                                                                                                   |
| 08/31/2021 | 32                 | District Judge Leo T. Sorokin: ELECTRONIC ORDER entered: re <a href="#">31</a> Joint MOTION for Extension of Time to September 21, 2021 to File motions to dismiss and Set Briefing Schedule by The Salvation Army (Eastern Territory), The Salvation Army National Corporation.<br><br>ALLOWED. (Dore, Samantha) (Entered: 08/31/2021)                                                                                                                                                                            |
| 08/31/2021 | 33                 | Set Deadlines: Motions due by 9/21/2021 (Dore, Samantha) (Entered: 08/31/2021)                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 08/31/2021 | <a href="#">34</a> | NOTICE of Appearance by Janet M. Herold on behalf of Jonathan Anderson, Richard Espinosa, Randy Owens, Mark Tassinari (Herold, Janet) (Entered: 08/31/2021)                                                                                                                                                                                                                                                                                                                                                        |
| 09/01/2021 | 35                 | District Judge Leo T. Sorokin: ELECTRONIC ORDER entered: re Motions to Dismiss (Doc. Nos. <a href="#">17</a> , <a href="#">19</a> , and <a href="#">21</a> ).                                                                                                                                                                                                                                                                                                                                                      |

|            |    |                                                                                                                                                                                                                                                                  |
|------------|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |    | TERMINATED AS MOOT in light of the Amended Complaint. (Dore, Samantha) Modified on 9/1/2021 (Dore, Samantha). (Entered: 09/01/2021)                                                                                                                              |
| 09/01/2021 | 36 | District Judge Leo T. Sorokin: ELECTRONIC ORDER entered.<br><br>The defendants, as related entities represented by the same counsel, shall consolidate their motion practice in this case when it is reasonable to do so. (Dore, Samantha) (Entered: 09/01/2021) |

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