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PLAINTIFFS

UNITED STATES OF AMERICA

DEFENDANTS

COMMONWEALTH OF MASSACHUSETTS:
MICHAEL S. DUKAKIS, PHILLIP
JOHNSTON, MASSACHUSETTS DEPARTMENT
OF MENTAL HEALTH: JAMES J. CALLAHAN,
JR., COMMISSIONER, MASSACHUSETTS
EXECUTIVE OFFICE FOR ADMINISTRATION
AND FINANCE: FRANK T. KEEFE,
SECRETARY, SCOTT OLSON

ON APPEAL

CAUSE

(CITE THE U.S. CIVIL STATUTE UNDER WHICH THE CASE
IS FILED AND WRITE A BRIEF STATEMENT OF CAUSE)

CIVIL RIGHTS of Institutionalized Persons Act of 1980, 42 USC §1997.

ATTORNEYS

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Boston, MA 02109

Robinsue Frohbose, Attorney FTS366#6259

~~Richard Campanelli, Attorney 2/3/86~~

U.S. Dept., of Justice

Civil Rights Division

Special Litigation Section

320 1st. St., N.W. Room 948

Washington, D.C. 20066

~~Larry J. Goldberg, Esq. 2/3/86~~

V. Colleen Miller, Esq. (10-3-86)

~~Robert A. Spelke, Esq. (11-17-86)~~

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Laurie J. Weinstein

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~~Jean C. Stoddard, AAG; Kim Murdock, AAG~~
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Boston, MA 02108
727-1034

FOR PLTF-INTERVENORS (4-21-86)

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Center for Public Representation

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Center for Public Representation

22 Green Street

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CHECK HERE CASE WAS FILED IN ORMA AUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	
				JS-6	

DATE	NR.	85-0632-MA	PROCEEDINGS
1985			
FEB.11	01	COMPLAINT, Filed; Summons issued; cfi	
FEB.26	02	Acceptance of Service upon Commonwealth of Mass.by Atty.Joan Stoddard, FILED. cs.	
FEB.26	03	Deft's.Motion for Enlargement of Time to answer complaint to 3-14-85, FILED. cs.	
FEB.27	04	Notice & Acknowledgment of Receipt of Summons and Complaint wso 2-18-85, FILED.	
MAR.4	05	Pltf's.Memo.to the Court Relating to Typographical Error contained in Exhibit A, Certificate of the Atty.General, FILED. cs	
MAR.5		<u>MAZZONE, D.J.,</u> RE: #03, "MOTION ALLOWED." cc/cl.3-5-85.	
MAR.14	06	Deft's.Motion for Enlargement of Time to respond to complaint to 3-15-85, FILED. cs.	
MAR.15	07	Defts' Motion to Dismiss, FILED. cs.	
15	08	Defts' Memo.of Law in Support of Motion to Dismiss, FILED. cs.	
15	09	Affidavit of Mary Kay Leonard, FILED. cs.	
MAR.18		<u>MAZZONE, D.J.,</u> RE: #06, "MOTION ALLOWED." cc/cl.3-19-85.	
22	10	P's motion for enlargement of time to 04-22-85 to respond to d's motion to dismiss FILED. cs.	
MAR.26		<u>MAZZONE, D.J.,</u> RE: #10, "MOTION ALLOWED." cc/cl.3-27-85.	
APR.22	11	United States' Opposition to Defts' Motion to Dismiss, FILED. cs.	
22	12	United States' Memo.of Law in Opposition to Defts'.Motion to Dismiss, FILED.	
MAY 1	13	Defts' Request to File Reply Brief on/before 5-10-85, FILED. cs.	
MAY 2		<u>MAZZONE, D.J.,</u> RE: #13, "MOTION ALLOWED." cc/cl.5-6-85.	
MAY 9	14	Deft's.Motion for Enlargement of Time to file Reply Brief to 5-15-85, FILED. cs	
MAY 15		<u>MAZZONE, D.J.,</u> RE: #14, "MOTION ALLOWED." cc/cl.5-15-85.	
15	15	Defts' reply memorandum, FILED. cs.	
30		Telephone notice to counsel, case scheduled for hearing on 6/5/85 at 9:30 A.M. HMC.	
MAY 21	16	Ltr.rec'd.fr.Atty.Campanelli advising of the address this office should use in sending all correspondence to him, FILED & NOTED.	
JUNE 5		<u>MAZZONE, D.J.,</u> Case called for hearing on defts' motion to dismiss; Arguments; Findings; Motion to Dismiss is <u>DENIED</u> ; Conference with counsel; Further conference may be scheduled; Counsel to confer re: date and further course of action for case.	
JUNE 20	17	Deft's.Motion to Certify Under 28 USC Sec.1292(b) re: denial of defts' motion to dismiss, FILED. Cs.	
JUNE 21	18	Copy of a ltr.sent to AUSA Stoddard fr.Atty.Campanelli re: confirming conference scheduled for 7-2-85 @ 3 p.m., FILED.	
Jul 1	19	Motion of U.S. for enlargement of time to file response to defts' motion to certify (#17) to 7/15/85, FILED. cs.	
	20	Request of U.S. for permission to enter Worcester State Hospital and for production of documents, FILED. cs.	
	21	First set of interrogatories of U.S. to Comm. of Mass., FILED. cs.	
	22	First request for production of U.S. to Comm. of Mass., FILED. cs.	
	23	First request for admissions of U.S. to defts, FILED. cs.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	85-0632-MA DOCKET NO. _____
UNITED STATES		COMMONWEALTH OF MASS., ET AL	PAGE <u>2</u> OF _____ PAGES
DATE	NR.	PROCEEDINGS	
July 1	✓ 24	Defendants' answer, FILED. cs.	
2		<u>MAZZONE, D.J.</u> Conference with counsel. Pltf to file response to deft's motion to certify by 7/15/85; deft to respond to pltf's request to enter by 7/15/85; Further conference may be scheduled.	
15	25	United States' opposition to defts' motion to certify under 28 U.S.C. 1292(b), filed, c/s.	
	26	United States' memorandum of law in opposition to defts' motion to certify under 28 U.S.C. 1292(b), filed c/s.	
	27	Defts' response to Court's suggestion that experts be appointed pursuant to Fed. R. Evid. 706, filed, c/s.	
	28	Defts' response to pltf's request for permission to enter Worcester State Hospital, filed, c/s.	
	29	United States' request for opportunity to respond to Court's suggestion of Court appointed expert pursuant to Rule 706, Fed. R. Evid.	
29	30	Defts' motion for enlargement of time for filing their response to Request No. 2(d) of pltf's request for admissions up until and including 8/7/85, filed, ASSENTED TO.	
30	31	<u>MAZZONE, D.J.</u> ORDER TO SHOW CAUSE ENTERED..."the parties are ordered to show cause why experts of its own selection should not be appointed by the Court in this matter...Responses to this Order to Show Cause shall be filed on or before 8/14/85." cc/cl 7/30/85.	
Aug 1		<u>MAZZONE, D.J.</u> RE: #30, "MOTION ALLOWED." cc/cl 8/5/85.	
07	32	Defts' supplemental responses to pltf's 1st request for admissions FILED.cs.	
14	33	Pltf's motion for hearing on Court's order to show cause why experts of its own selection should not be appointed pursuant to Fed. R. Evid. 706, filed, c/s.	
	34	United States' response to Court's Order to Show Cause, filed, c/s.	
	35	Defts' response to Order to Show Cause, filed, c/s.	
16		<u>MAZZONE, D.J.</u> RE: #33, "MOTION DENIED. A hearing is not required. The pltf's response is persuasive and I believe that appointment of court experts is premature. I will reconsider the matter after the scheduled expert inspection and further conference with counsel as to the progress of other discovery. The clerk will inform counsel of conference to be scheduled in November, 1985." cc/cl 8/19/85.	
*July 30		<u>MAZZONE, D.J.</u> RE: #17, "MOTION DENIED." cc/cl 8/19/85.	
SEPT 24	36	Defts' partial answers to pltf's first set of interrogatories, filed, c/s.	
NOV 26	37	Pltf's first status report to the court, filed, c/s.	
DEC 3	38	Defts' supplemental answers to pltf's first set of interrogatories, filed, c/s.	
20	39	Defts' first status report to the Court, FILED. cs.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
<u>1986</u>			
Jan 7	40	Mtn for Protection Order, filed.	
Jan 9		<u>MAZZONE, D.J.</u> , Re: #40, ALLOWED, cc/cl.	
Jan 9	41	<u>MAZZONE, D.J.</u> Protective Order w/ Respect to the Discovery of Confidential Patient Information ENTERED, cc/cl.	
28	42	Individual handicapped residents of Worcester State Hospital's motion for leave to intervene and to file a complaint in intervention, w/attached complaint in intervention, filed, c/s.	
	43	Pltfs-intervenors' memorandum in support of their motion to intervene, filed, c/s	
FEB. 3	44	Pltf's.Second STATUS REPORT to the Court, FILED. cs.	
3	45	Pltf's.Notice of SUBSTITUTION of COUNSEL of Attorney Richard Campanelli for Attorney Larry J. Goldberg, FILED. cs. (NOTED)	
FEB. 7	46	Defts' MOTION for Enlargement of Time to respond to #42 to 3-10-86, FILED. cs.	
FEB. 11	47	Pltf's.MOTION for Enlargement of Time to respond to #42 to 3-10-86, FILED. cs.	
FEB. 12		<u>MAZZONE, D.J.</u> , RE: #46, "MOTION ALLOWED, no further extensions." cc/cl.2-13-86	
12		RE: #47, "MOTION ALLOWED, no further extensions." cc/cl.2-13-86	
FEB. 14	48	Pltf-Intervenors' RESPONSE to Pltf's.and Deft's.Motions for Enlargement of Time, FILED. cs.	
MAR. 10	49	Defts' OPPOSITION to Proposed Application for Intervention, FILED. cs	
10	50	AFFIDAVIT of Edward Riquier, FILED. cs	
MAR. 11	51	Pltf's.MEMORANDUM in OPPOSITION to Proposed Pltf-Intervenors' Motion for Leave to File a Complaint in Intervention, FILED. cs	
MAR. 19	52	Pltf-Intervenors' REQUEST for Oral Argument re: motion to intervene, FILED. cs	
19	53	Pltf-Intervenors' MOTION for Leave of Court to File Reply Brief by 4-4-86, FILED.	
MAR. 26		<u>MAZZONE, D.J.</u> , RE: #53, "MOTION ALLOWED. No further extensions." cc/cl.3-27-86	
Apr. 8	54	Defts' second status report to the Court, FILED. cs.	
8	55	Pltf-intervenors' reply brief in support of their motion to intervene, FILED. cs.	
**			
APR. 22	56	Notice of APPEARANCE of Atty. Steven Schwartz for pltf-intervenors, FILED & NOTED	
APR. 28	57	<u>MAZZONE, D.J.</u> , MEMORANDUM & ORDER, Entered. ".....For the reasons stated..., the proposed intervenors' motion to intervene is denied." cc/cl.4-29-86	
**			
APR. 21	58	Pltf's.Third STATUS REPORT to the Court, FILED. cs	
APR.30	59	Pltf's.NOTICE OF DEPOSITIONS upon Lynn Hollback; Barbara Barron; Laurie Robinson; Clinical Director, No.Central Unit; Clinical Dir. So.Central Unit; Sarla Patel; Mary Genelli and Medical Director on 5-7-86 thru 5-8-86, FILED. cs	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 85-0632-MA
UNITED STATES OF AMERICA		COMMONWEALTH OF MASS., et al	PAGE <u>3</u> OF <u> </u> PAGES

DATE	NR.	PROCEEDINGS
1986		
APR. 30	60	Pltf's.NOTICE of DEPOSITION upon Dr. Barbara Hoffman on 5-9-86 @ ??, FILED. cs
APR. 30	61	Pltf's.NOTICE OF DEPOSITION upon Ms. Nancy Day on 5-8-86 @ ??, FILED. (
MAY 19	62	Pltf's.NOTICE OF DEPOSITION UPON Steven Scheibel on 5-22-86 @ 9 a.m., FILED. cs
19	63	Pltf's.NOTICE OF DEPOSITION upon Dr. Lawrence Hipshman on 5-22-86 @ 10:30 a.m., FILED. cs
19	64	Pltf's.NOTICE OF DEPOSITION UPON Ms. Carol Cannon on 5-22-86 @ 1:30 p. FILED. cs
**		
MAY 30	65	Worc.State Hosp.Residents' MOTION for Leave to Participate as Amicus Curiae, FILED. cs
**		
MAY 28	66	AFFIDAVIT of John T. Kay, Resident at Worc.State Hosp., FILED.
JUNE 9	67	Defts' RESPONSE to Motion for Leave to Participate as Amicus Curiae, FILED. cs
JUNE 12	68	Pltf's.MEMO.IN RESPONSE to Motion for Leave to Participate Amicus Curiae, FILED cs
JUNE 13		<u>MAZZONE, D.J.,</u> RE: #65, "MOTION ALLOWED, conditioned upon this identification of the residents represnted, and with the understanding that memoranda would be welcome on the legal issues involved, but, as <u>amicus curiae</u> , they would not participate in the litigation process itself." cc/cl.6-17-86
JUNE 30	69	USA's.NOTICE OF DEPOSITION upon Carol Cannon on 7-7-86 @ 2p.m., FILED.
30	70	USA's.NOTICE OF DEPOSITION upon Lawrence Hipshman on 7-7-86 @ 3:30 p.m., FILED. cs
30	71	USA's.NOTICE OF DEPOSITION upon B.Jolicoeur; L.Peterson; A.Lehtenon; L.Dell'Olio and D.Broverman all of WSH on 7/8;7/9;7/15 & 7/16 all at various times, respectively, FILED. cs
30	72	USA's.NOTICE OF DEPOSITION upon deft.Mass.Dept.of Mental Health on 7-8-86 @ 9:30 a.m., FILED. cs
30	73	RESPONSE of Residents @ WSH to the Court's Order Approving Their Participation as Amici Curiae, FILED. cs
JULY 1	74	APPEARANCE of Atty.Andrea Mintz for Amicus Curiae, FILED.
JULY 3	75	Pltf's.4TH STATUS REPORT to the Court, FILED. cs
JULY 8	76	USA's.NOTICE OF DEPOSITION upon deft.Mass.Dept.of Mental Health on 7-8-86 @ 11:15 a.m., FILED. cs
JULY 11	77	<u>MAZZONE, D.J .,</u> NOTICE ISSUED. Case to be called for status conference on 7-23-86 @ 2:30 p.m. cc/cl.7-11-86
JULY 14	78	Pltf's.NOTICE OF DEPOSITION upon Deft.Mass.Department of Mental Health on 7-16-86 @ 9:00 a.m., FILED. cs
JULY 21	79	LETTER rec'd.fr.John T. Kay which was addressed to Robert Q. Crane State House Treasurer re: monies due to Mr. Kay w/i 10 days of 7-18-86, FILED.

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1986			
July 22	80	Defts' motion for leave to depose pltf's expert witnesses, FILED.cs.	
	81	Defts' status report to the Court for the period April-June, 1986, FILED. cs.	
JULY 24		MAZZONE, D..J., Case called for status conference; Defts' MOTION for Leave to depose pltf's.expert witnesses is ALLOWED (cc/cl.8-25-86 Govt's.expert reports to be filed with the Court; Case to proceed with expert discovery.	
AUG.5	82	LETTER to Michael Dukakis from John T. Kay re: course of action he is taking to resolve matter regarding monies he is receiving via state aid, FILED.	
AUG.14	83	Pltf's. MOTION for Clarification and Reconsideration, FILED. Cs	
	84	Pltf's. MEMO. in Support of Motion for Clarification, etc., FILED. Cs	
AUG.18	85	LETTER to Michael Dukakis from John T. Kay re: his opinion of Gov. Dukakis as relates to certain issues, FILED.	
AUG.20	86	Amici's RESPONSE to Pltf's.Motion for Reconsideration & Clarification FILED. Cs (Proposed Order attached)	
AUG.25	87	Pltf's. NOTICE OF DEPOSITION upon Chief Operating Officer at Worc.St Hosp.on 9/3/86 thru 9-23-86 at various times, FILED. cs	
AUG.25	88	Pltf's NOTICE OF DEPOSITION upon Mass.Dept.of Mental Health at WSH on 9-17-86 @ 9:00 a.m., FILED. cs	
	89	Pltf's. NOTICE OF DEPOSITION upon Joseph E. Marder on 9-12-86 @ 9:30 FILED. cs	
	90	Pltf's. NOTICE OF DEPOSITION upon Carol Cannon on 9-10-86 @ 2 p.m., FILED. cs	
AUG.25	91	Defts' RESPONSE to the Pltf's.Motion for Clarification & Reconsideration FIELD. cs	
AUG.28		MAZZONE, D.J., RE: #83, "MOTION DENIED. To extent any clarification is needed, I have approved and adopted the deft's.proposed order." cc/cl.8-29-86	
	92	MAZZONE, D.J., Defts' PROPOSED ORDER ON AMICI CURIAE , Entered. cc/8-29-86	
AUG.29	93	USA's. REQUEST for Premission to Enter Worcster State Hosp.for Prod. of Docs., FILED. cs	
	94	APPEARANCE of Counsel, Robert Fleischner, and Statement REGARDING Notice, FILED. cs	
SEPT.2		MAZZONE, D.J., RE: #93, "MOTION DENIED, pending completion of defts' review of pltf's.experts reports and discovery. The pltf. must be given an opportunity to match pltf's.discovery." cc/cl. 9-4-86	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 85-0632-M
UNITED STATES OF AMERICA		COMMONWEALTH OF MASS.	PAGE 4 OF 4 PAGES
DATE	NR.	PROCEEDINGS	
1986			
SEPT. 3	95	APPEARANCE of Atty. Kim Murdock for defts., etal., FILED. cs	
3	96	LETTER rec'd. fr. John Kay to Edw. Riquier re: conditions at WSH which Mr. Kay is unhappy with, FILED.	
OCT. 3	97	Pltf., USA's. APPEARANCE of Atty. Colleen Miller, filed. cs	
3	98	Pltf's. FIFTH STATUS REPORT to the Court, FILED. cs	
OCT. 22	99	Deft's. Notice of DEPOSITION upon Julian Rappaport on 10-29-86 @ 9 a.m., FILED. cs	
NOV. 8	100	Defts' Notice of DEPOSITION upon Daniel Everitt on 11-12-86 @ 9 a.m., FILED. cs	
NOV. 17	101	APPEARANCE of Atty. Robt. Spelke for USA., FIELD. cs	
17	102	Defts' Notice of DEPOSITION upon Leonard Fieldine on 11-21-86 @ 9 a.m., FILED. cs	
NOV. 25	103	Pltfs' Notice of DEPOSITION Upon Donald Broverman, Ph.D., Worc. State Hospital on 12-4-86 @ 1 p.m., FILED. cs	
DEC. 1	104	Defts' Notice of DEPOSITION upon Robert Granacher on 12-2-86 @ 9 a.m. FIELD. cs	
DEC. 23	105	LETTER rec'd. fr. John Kay to Edw. Riquier re: conditions at WSH, FILED	
1987			
JAN. 13	106	Pltf's. SIXTH STATUS REPORT to the Court, FILED. cs	
JAN. 16	107	MOTION BY AMICI Requesting the Court to Appoint an Independent Expert Dr. Robert Okin, FILED. cs	
16	108	AMICI's MEMO. in Support of Motion #107, FILED. cs	
JAN. 26	109	Defts' OPPOSITION to Motion by Amici Requesting the Court to Appoint an Independent Expert, FILED. cs	
JAN. 28	110	Defts' MOTION for Leave to Withdraw of Atty. Stoddard, FILED. cs	
JAN. 28	111	Defts' STATUS REPORT for the Period July, 1986 to the present, FIELD.	
JAN. 30		MAZZONE, D.J., RE: #107, "MOTION DENIED. I have previously considered the appointment of experts by the Court. See Order, 7-30-85 and declined to do so as premature. See Order, 8-16-85. I intend to review the issue again at the conclusion of discovery and will invite further repseonses or suggestions at that time." cc/cl.2-6-87	
30		MAZZONE, D.J., RE: #120, "MOTION ALLOWED." cc/cl.2-6-87	
FEB. 4	112	Pltf's. MEMO. IN OPPOSITION to Motion by Amici Curiae Requesting the Court to Appoint an Independent Expert, FILED. cs	
19		Telephone conversation with State Rep. Marie Parenti re: her concerns about conditions at Worcester State Hospital - suggested she contact Dept. of Justice Atty. Colleen Miller. Notified Atty. Schwartz and AAG Murdock of call on 2/25 and 26/87. HMC.	
25		Telephone conversation with State Rep. Marie Parenti re: reports on proposed budgets for State Hospitals - suggested she contact Dept. of Justice Atty. Colleen Miller. Atty. Schwartz and Atty. General's Office notified.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1987			
FEB. 26	113	USA's MOTION for Preliminary Pre-Trial Conference, FILED. cs	
26	114	USA's MEMO. in Support of Motion for Preliminary Pre-trial Conf., FILED.	
26	115	USA's MOTION to Shorten the Time for Defts' Response to USA's Request to Enter and Inspect Worcester State Hospital, FILED. cs (Order attached)	
26	116	CERTIFICATE of Compliance with Local Rule 16(d), FILED. cs	
26	117	USA's MEMO. in Support of Motion to Shorten Time #115, FILED. cs	
26	118	United States' request to enter and inspect Worcester State Hospital, FILED. cs.	
FEB. 23	119	STATEMENT/AFFIDAVIT of John T. Kay, FILED.	
MAR. 25	120	APPEARANCE of Atty. William L. Pardee, Asst. AG., FILED. cs	
MAR. 27		MAZZONE, D.J., Conference with counsel re: status; Pltf. request trial date of July 13, 1987 and requests discovery deadlines be est	
	121	Deft's. response to pltf's. requests to enter and inspect Worcester S Hospital, FILED; Trial date set for 7-13-87; Deft. is to provide additional expert reports as soon as available; Order to Show Cause to be issued re: court appointed expert; Govt's. request to enter and inspect Worcester State Hospital is DENIED.	
27		MAZZONE, D.J., RE: #113, "MOTION ALLOWED." cc/cl.3-27-87	
27		MAZZONE, D.J., RE: #115, "REQUEST DENIED." cc/cl.3-27-87	
27		MAZZONE, D.J., RE: #118, "REQUEST DENIED." cc/cl.3-27-87	
27	122	MAZZONE, D.J., ORDER TO SHOW CAUSE, Issued. cc/cl.3-27-87	
APR. 13	123	Defts' RESPONSE to the March 27, 1987 Show Cause, FILED. cs	
APR. 15	124	USA's RESPONSE to Court's Order to Show Cause, FILED. cs	
15	125	Residents' RESPONSE to the Order to Show Cause on the Appointment of Independent Experts, FILED. cs	
15	126	LETTER to the Court from John T. Kay, FILED.	
APR. 16		MAZZONE, D.J., RE: #123, "While noting the approval of the interview I must agree that the appointment of court experts would cause further disruption and delay the resolution of this matter. Accordingly, I will not appoint expert under FRE 706." cc/cl.4-16-87	
APR. 29	127	LETTER to the Court from John T. Kay, FILED.	
APR. 30	128	Pltf's. Notice of DEPOSITION upon Jonathan Cole, M.D. on 5-21-87 @ 9 a.m., FILED. cs	
MAY 6	129	Pltf's. Notice of DEPOSITION upon Roger Hickler, M.D. on 5-20-87 @ 9 a.m., FILED. cs	
MAY 11	130	LETTER to the Court from John T. Kay, FILED.	
MAY 18	131	Pltf's. Notice of DEPOSITION upon Gershen Rosenblum on 6-19-87 @ 9 a	
18	132	Pltf's. Notice of DEPOSITION upon Edw. Riquier on 6-3-87 @ 9 a.m., FILE	
18	133	Pltf's. Notice of DEPOSITION upon Mass. Dept. of Mental Health on 6-9- @ 9 a.m., FILED. cs	
18	134	Pltf's. Notice of DEPOSITION upon Wilfrid Pilette on 6-10-87 @ 9 a.m	
MAY 21	135	Atty. Robt. Spelke's MOTION to Withdraw as Counsel for the US., FILE (order attached)	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 85-0632-MA
UNITED STATES OF AMERICA		COMMONWEALTH OF MASS., ET AL	PAGE 5 OF _____ PAGES
DATE	NR.	PROCEEDINGS	
1987			
May 28	136	Pltf's motion to compel discovery, FILED. cs.	
	137	Certificate of compliance with Local Rule 16(d), FILED. cs.	
	138	Motion to place exhibits to United States' memorandum in support of its motion to compel production of documents under seal, FILED. cs.	
	139	United States' memorandum in support of its motion to compel production of documents with attachments, FILED. cs.	
June 1	140	Defts' motion for order for further discovery pursuant ot FRCP Rule 26(b)(4)(A)(i): FILED. cs.	
JUNE 3	141	USA's MOTION to Shorten Time for Defts' Response to USA's Request for Prod.of Dcos. until 6-10-87, FILED. cs	
	142	USA's MEMO. in Support of Motion to Shorten time for Defts....., FILED.	
	143	CERTIFICATE of Compliance With Local Rule 16(d), FILED.	
JUNE 4		MAZZONE, D.J., RE: #135, "MOTION ALLOWED." cc/cl.6-4-87	
JUNE 4	144	Deft's OPPOSITION to Pltf's. Motion to Compel, FILED cs	
JUNE 8	145	MAZZONE, D.J., NOTICE, Issued. Case to be called for trial on 7-6-87 @ 10 a.m. cc/cl.6-8-87	
JUNE 11	146	Worc.State Hosp.Resident's MOTION to Inspect and Copy Docs.Produced in the Case, FILED. Cs	
	147	Certificate of COMPLIANCE with Local Rule 16(d), FILED.	
JUNE 12	148	LETTER to HMC from ATty.Kim Murdock,AAG., re: the Court refrain from ruling on pltf's.motion to compel until the end of next week...	
	147	Defts' MOTION for Pretrial Conference, FILED. cs	
JUNE 15	148	USA's MEMO. in OPPOSITION to Defts' Motion for Further Discovery Pursuant to FRCP 26(b)(4)(A)(ii), FILED. cs	
	149	Defts' OPPOSITION to Pltf's. Motion for a Ruling by June 16 on Pltf's Discovery Motions, FILED. cs	
	150	Defts' OPPOSITION to the USA's Motion to Compel Discovery Dated June 13, 1987, FILED. cs	
JUNE 16	151	USA's MOTION for Oral ARGument and Ruling on USA's Pending Discovery Motions, FILED. cs	
	152	USA's MOTION to Compel Discovery, FILED. cs	
	153	Defts' OPPOSITION to Motion of the Amici to Inspect and Copy Docs., F	
JUNE 18		MAZZONE, D.J., RE: #138, "MOTION ALLOWED." cc/cl.6-23-87	
JUNE 22	154	Defts' MEMO. in Support of Opposition to Pltf's. Motion to Compel Prod. of Docs., FILED. cs	
JUNE 23	155	LETTER to HMC from ATty.Pardee,AAG enclosing papers re: U.S's. position in the same type of litigation pending in the State of Oregc FILED. cs	
	156	Defts' memorandum in response to pltf's opposition to motion for further discovery FILED. cs.	
	157	Pretrial statement of residents of Worcester State Hosp., FILED. cs.	
	158	Joint response to Court's pre-trial order, FILED. cs.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1987			
JUL 2	159	Defts' MOTION to Enlarge Time to File Objections to Pltf's.Exhibits to 7-9-87, FILED. cs	
	2	160 USA's. OBJECTION to Participation of Amicus Curiae as a Party, FILED.	
	2	161 USA's. NOTICE of Objection, FILED. cs	
	2	162 Residents' of WSH's PRETRIAL BRIEF ,FILED. cs	
	2	163 Pretrial memorandum for the defts, FILED. cs.	
		164 Statutory addendum to defts' pretrial memorandum, FILED. cs.	
	2	165 Pre-trial memorandum of the United States, FILED. cs.	
JULY 6		MAZZONE, D.J., Case called for pretrial conference re: pending motion and schedule for trial; U.S. Orally re-news request to have experts hospital - request DENIED; Trial is scheduled to begin on July 13, 1987 at 10 a.m.; Parties to further confer re: resolution of matter and request further conference if necessary	
JULY 6	166	USA's.Notice of OBJECTION re: defts' Exhibit #6, FILED. cs	
JULY 8		MAZZONE, D.J., RE: #136, "MOTION DENIED. The defendants have offered to produce adequate and less burdensome information and the plaintiff has not availed itself of that offer." cc/cl.7-8-87	
	8	MAZZONE, D.J., RE: #140, "MOTION DENIED." cc/cl.7-8-87	
	8	MAZZONE, D.J., RE: #141, "MOTION DENIED." cc/cl.7-8-87	
	8	MAZZONE, D.J., RE: #146, "MOTION DENIED." cc/cl.7-8-87	
	8	MAZZONE, D.J., RE: #147, "No action required, a pretrial conference having been held on July 6, 1987." cc/cl.7-8-87	
	8	MAZZONE, D.J., RE: #151, "MOTION DENIED." cc/cl.7-8-87	
	8	MAZZONE, D.J., RE: #152, "MOTION DENIED." cc/cl.7-8-87	
JULY 9	167	Defts' NOTICE OF OBJECTIONS to Qualifications of Pltf's.Expert Witnesses, FILED. cs	
	9	168 Defts' NOTICE OF OBJECTIONS to Pltf's.Exhibits, FILED. cs	
JULY 13	169	Residents' REQUESTS for Findings of Fact and Rulings of Law, FILED.	
JULY 13		MAZZONE, D.J., Civil non-jury trial commences; 1st day; Deft's. motion in limine, FILED; Pltf's.proposed findings of fact and conclusions of law, FILED; Pltf's.revised exhibit list, FILED; Pltf motion to admit in evidence depositions of adverse party representative, FILED; Residents request for findings of fact and rulings of law, FILED; Re: motion to admit depositions - opposition to be filed the ruling by the court; Pltf's.evidence begins; Trial adjourned to 7-14-87 at 10 a.m.	
JULY 14	174	MAZZONE, D.J., Civil non-jury continues; 2nd day; Motion for leave for Arlene S. Konter to practice in this court, FILED with affidavit; MOTION ALLOWED (see endorsement); Evidence continues; Testimony of witness Graucher suspended; Trial adjourned to 7-15-87 at 10 a.m.	
JULY 15		MAZZONE, D.J., Civil non-jury trial continues; 3rd day; Pltf's. evidence continues; Oral request of amicus to seal exhibits 18(a) and (b) is ALLOWED; Exhibits 18(a) and (b) placed under seal; Trial adjourned to 7-16-87 at 10 a.m.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>85-0632-1</u>
UNITED STATES OF AMERICA		COMMONWEALTH OF MASSACHUSETTS	PAGE <u>6</u> OF <u> </u> PAGES
DATE	NR.	PROCEEDINGS	
<u>1987</u> JULY 16		<u>MAZZONE, D.J.</u> , Civil non-jury trial continues; 4th day; Evidence continues; Deft's memorandum in support of motion to reconsider the admission into evidence of expert witness reports, FILED: Trial adjourned to 7-17-87 at 10 a.m.	
JULY 17		<u>MAZZONE, D.J.</u> , Civil non-jury trial continues; 5th day; Deft. orally moves to reconsider admission into evidence of expert witness report. Arguments; decision deferred pending receipt of memo. from the gov't. Evidence continues; Trial adjourned to 7-27-87 at 10 a.m.	
	**		
JULY 27		<u>MAZZONE, D.J.</u> , Counsel present; Parties request trial be continued to 7-29-87; Parties are attempting to resolve case; Counsel to further report on settlement by 7-29-87 at 10 a.m.; Conference with counsel re: settlement.	
JULY 29	--	Telephone call received this date from Atty. William Pardee, AAG by Deputy Clerk Debbie Perates. Court was advised this case has settled and AAG Pardee requested additional time to prepare the necessary paperwork to present to the Court for approval; Case scheduled for settlement conference on August 5, 1987 @ 9:30 a.m.	
	**		
Aug 6	✓175	Joint motion to enter settlement agreement as an Order of the Court FILED CS.	
AUG. 11	176	Amici Curiae's RESPONSE to the Settlement Agreement, FILED. cs	
AUG. 21	177	Defts' RESPONSE to Amici Curiae's Response to Settlement Agreement, FILED. cs	
	**		
JULY 20	178	USM-285 RETURNED re: service of Subpoena upon WSH/Supt's office WSO 7-14-87, FILED.	
	**		
AUG. 5		<u>MAZZONE, D.J.</u> , Status conference held in open court; on the record. Parties report they have reached an out of court agreement which should resolve this action. A copy of the written agreement to be filed forthwith; original to be filed forthwith. (FBD)	
AUG. 25	✓179	<u>MAZZONE, D.J.</u> , MEMORANDUM & ORDER, Entered. "...The parties expect the provisions of the agreement will be fully implemented on or before December 31, 1989, and this Court will retain jurisdiction of the action until the case is dismissed.....Accordingly, I have endorsed the Settlement Agreement and the Joint Motion to Enter the Settlement Agreement As An Order Of The Court is <u>Allowed</u> ." cc/cl.8-26-87	
AUG. 25	✓180	<u>MAZZONE, D.J.</u> , SETTLEMENT AGREEMENT, Entered. cc/cl.8-26-87	
25		<u>MAZZONE, D.J.</u> , RE: #175, "MOTION <u>ALLOWED</u> ." cc/cl.8-26-87	
OCT. 21	✓181	PLAN FOR WORCESTER STATE HOSPITAL (Filing Pursuant to Part V of the Settlement Agreement, FILED. cs (Bound copy filed for Judge)	
DEC. 15	✓182	Letter to the Court, 12/14/87, with information on the Commonwealth first quarterly report on the status of implementation of the settlement agreement, FILED.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 85-0632-
U.S.A.		COMM. OF MASS., ETAL	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1987			
DEC. 18	183	Plf's RESPONSE to Defts' Proposed Implementation Plan, FILED. cs	
18	184	Notice of Appearance of Counsel, David Deutsch, Esq., FILED. cs	
1988			
Jan. 4	185	Notice of Withdrawal of Counsel, Larry J. Goldberg, pursuant to Rule 7(c), FILED. cs	
8	186	Response to the United States' Objection to Deft's Plan for Worcester State Hospital, FILED. cs	
Jan. 15	187	MAZZONE, D.J. , Case called for hearing re: status of implementation of settlement agreement; Response of amici curiae to the defts plan pursuant to Plan V of the settlement agreement, FILED: Commonwealth to file report of investigation of deaths at Worcester State Hospital for Court's in camera review in three weeks; Further hearing may be scheduled after receipt of report of investigation by Commonwealth.	
28	188	Attachments to Plan for Worcester State Hospital, FILED. cs	
29	189	Letter from A.A.G. William Pardee reporting that the Commonwealth will provide funding for expert assistance for the Court in reviewing the implementation of the Agreement through the Department of Mental Health, FILED.	
Feb. 4	190	Letter from A.A.G. William Pardee reporting that D.M.H. investigation into deaths at Worcester State Hospital has not been completed with attached progress report of investigation, FILED.	
19	191	Letter to the Court from Steven J. Schwartz, Esq. dated Feb. 17, 1988, Re: erroneous statements within deft's status report	
25	192	Letter from A.G. William Pardee with proposed agenda for tour of Worcester State Hospital, FILED.	
29	193	MAZZONE, D.J. ORDER OF APPOINTMENT OF COMPLIANCE MONITORS, entered. "...Accordingly, I have appointed two Compliance Monitors, Phillip L. Isneberg, M.D. and Chester M. Pierce, M.D..." cc/cl	
Mar. 2		MAZZONE, D.J. Court tours facilities at Worcester State Hospital with compliance monitors, Dr. Phillip Isenberg and Dr. Chester Pierce and counsel.	
4	194	Memorandum to William Pardee from Richard Ames, dated Mar. 4, 1988 Re: Status of Worcester State Hospital Investigations, FILED.	
9	195	Letter to the Court from Steven J. Schwartz, dated 3/6/88, with recent decision of Court of Appeals, attached, FILED. cs	
14	196	Letter dated 3/11/88 from A.A.G. William Pardee with reports of investigation of deaths of James Hayes and William McColgan attached. Remaining reports will be forwarded as they come in. Reports filed for Court's in camera review with copies for Court to provide to counsel. Commonwealth requests that Court impound reports and order that they be kept in confidence by counsel for use only in connection with this proceeding, FILED.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>85-0632</u> - <u>MZ</u>
UNITED STATES OF AMERICA		COMMONWEALTH OF MASS.	PAGE <u>7</u> OF <u> </u> PAGES
DATE	NR.	PROCEEDINGS	
1988			
Mar. 14	197	Letter dated 3/11/88 from Richard Ames, General Counsel, Dept. of Mental Health, with report of investigation re: Janice Jackson and advising Court of a death in Connecticut of former patient, FILED. Commonwealth requests report be IMPOUNDED and used by counsel only in connection with this case.	
15	198	Second Quarterly Status Report (March 1, 1988), FILED. cs	
16	199	Letter from A.A.G. William Pardee with correction to investigation report in the Janice Jackson, FILED. (Correction filed with #197)	
16	200	MAZZONE, D.J. , Order, Entered. Re: dissemination of reports... these reports are impounded and counsel are to use these reports only in connection with these proceedings..."	
Apr. 1	201	Letter to the Court from Steven J. Schwartz, dated 3/31/88, Re: Hayes & Enquist Reports, FILED. cs	
11	202	Letter to the Court from David Deutsch, dated April 6, 1988, Re: case status, FILED. cs	
Apr. 13	203	Letter to the Court from William L. Pardee, AAG, dated 4/13/88 with reports of three deaths at the Worcester State Hospital Re: Maureen Parker, Kenneth G. Carlson, and Hokan Enquist, FILED UNDER SEAL.	
May 23	204	Letter to the Court, dated 5/23/88, from William Pardee, Re: Linda Cromlin, who is director of quality assurance, will be acting Chief Operating Officer at Worcester State Hospital, FILED. cs	
Jun 15	205	Third Quarterly Status Report prepared by Worcester State Hospital, FILED. cs	
Aug 5	206	Letter to the Court from Steven J. Schwartz, dated 8/4/88 re: physical abuse of mentally retarded patients at Worcester State Hospital, FILED. cs	
15	207	Letter to the Court from William Pardee dated 8/12/88 Re: response to Mr. Schwartz' letter of of August 4, 1988, FILED. cs	
Sep 15	208	Fourth Quarterly STATUS REPORT of the Worcester State Hospital, FILED. cs	
Oct 24	209	United States' Motion for issuance of an order to show cause and for a contempt judgment, FILED. cs	
24	210	Memorandum in support of the United States' Motion for issuance of an order to show cause and for contempt judgment, FILED. cs	
24	211	Notice of appearance of Laurie J. Weinstein, FILED. cs	
Nov 1	212	OPPOSITION to Motion for contempt judgment, FILED. cs	
25	213	MOTION for leave to file a reply to D's Opposition to motion for contempt and request for oral argument, FILED. cs	
25	214	MOTION for leave to file Nunc Pro Tunc a memorandum longer than that permitted by Local Rule 17, FILED. cs	
Dec 12		MAZZONE, D.J. , Re: #213 ALLOWED. cc/cl	
12		MAZZONE, D.J. , Re: #214 ALLOWED. cc/cl	
14	215	Worcester State Hospital's Fifth Quarterly Report, FILED. cs	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1989			
Jan 20	216	United States' MOTION for permission to accompany compliance monitors on tours of Worcester State Hospital, FILED. cs	
24	217	First report of the Compliance monitors, FILED. cs	
24	218	MOTION to strike or dismiss motion for contempt, FILED. cs	
27	219	OPPOSITION to Motion for permission to accompany compliance monitors, FIELD. cs	
30		MAZZONE, D.J. , Re: #216 ALLOWED. Counsel for the Commonwealth is permitted to accompany the monitors. cc/cl	
31		MAZZONE, D.J. , Amended Order: Counsel for the Commonwealth is also permitted to accompany the monitors. Expert consultants are not permitted, the tour not intended to be adversarial in any sense. Visits are to be arranged when appropriate by the Compliance Monitors, and notice is to be given to counsel by the monitors of the date and time. cc/cl	
Feb 6	220	United States' OPPOSITION to Motion to strike or dismiss motion for contempt, FILED. cs	
7		MAZZONE, D.J. , Re: #209 DENIED, for reasons stated at hearing. cc/c	
7		MAZZONE, D.J. , Counsel appear before the Court for a hearing on Government's motion for contempt. Arguments, MOTION DENIED.	
Mar 3	221	MAZZONE, D.J. , Memorandum and Order, entered. cc/cl	
14	222	Sixth quarterly status report, FILED. cs	
Apr 5	223	Second Report of Compliance Monitors, FILED. cs	
Apr 7	224	Notice of appeal by P, FILED. cs	
11	225	Transcript of proceedings taken on Feb. 7, 1989, FILED.	
14	226	Supplemental Report prepared by Worcester State Hospital, filed.	
May 8		Certified copy of docket and original pleadings certified this date to Court of Appeals	
Jun 8	227	Amended and supplemented attachments to Plan for Worcester State Hospital, volumes I-III, FILED. cs	
14	228	Seventh Quarterly Status Report , FILED. cs	
Jun 29	229	Letter from David Deutsch, w/ exhibit A to document #210, FILED. cs	
		Pleading # 229, forwarded to court of appeals on supp. cert.	
Aug 10	230	United States' Notification of Good Faith efforts to resolve Objecti to the Commonwealth's filing of tis Amended and supplemented Attachn to Plan for Worcester State Hospital, filed, c/s.	
Sep 13	231	MAZZONE, D.J. , Memorandum and Order, entered. Order summarizing the course of implementation of the Settlement agreement and to provide parties with the status of the litigation as the Court sees it. See order this date. cc/cl	
14	232	Eighth Quarterly Status Report, FILED. cs	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>85-632-MA</u>
USA		COMM. OF MASS.	PAGE <u>8</u> OF <u> </u> PAGES
DATE	NR.	PROCEEDINGS	
<u>1989</u>			
Oct 5	233	Letter to the Court from Mr. Isenberg re: effect of budget cuts on program development, FILED. cc/cl	
Dec 1	2 34	United States' Objection to Ds' proposed modification of the state plan regarding fire safety, FILED. cs	
1	2 35	Memorandum in support of government's objection to D's proposed modifications of the state plan regarding fire safety, FILED. cs	
8	2 36	United States' status report and response to the Court's 9/13/89 memorandum and order, FILED. cs	
12		<u>MAZZONE, D.J.</u> , Conference at Worster State Hospital with staff, compliance monitor and attorneys for the Dept. of Justice and Comm. of Mass.	
18	2 37	Ninth Quarterly Status Report, December 15, 1989, FILED. cs (vols. I and II)	
19	2 38	<u>USCA</u> , Judgment entered November 27, 1989. The judgment of the district court is affirmed. Mandate issued.	
22	2 39	Supplemental Report, FILED. cs	
<u>1990</u>			
Mar 15	240	United States' MOTION for issuance of an order to enforce the remedial orders of this court, to set new deadlines, and to deny Defts' proposed plan modification, FILED. cs	
15	241	Memorandum in support of #240, FILED. cs	
15	242	Tenth quarterly status report, FILED. cs	
15	243	Commonwealth's response to United States' status report, FILED. cs	
28	244	OPPOSITION to United States' motion re: enforcement and deadlines, FILED. cs	
28	245	MOTION to amend plan for Worcester State Hospital, FILED. cs	
Apr 16	246	United States' OPPOSITION to Ds' motion to amend plan for Worcester State Hospital, FILED. cs	
May 4	247	United States of America's response to the D's opposition to motion regarding enforcement and setting of deadlines. FILED,	
Jun 4	248	Notice of Plf Counsels' New Telephone numbers, FILED. cs	
20	249	ELEVENTH QUARTERLY STATUS REPORT, FILED. cs	
27	250	Supplemental report to the Court from Mr. Isenberg, FILED. (and sent to counsel)	
AUG 20	251	Ds Motion for Relief, filed,c/s.	
31		<u>MAZZONE, D.J.</u> , RE: #251, ALLOWED. cc/cl	
OCT 18	252	Twelfth Quarterly Status Report, filed, c/s.	
Dec 05	253	Copies of Aff recently filed by the Dft's in another Federal Ct action 90-12611-Z (Ltr to the ct from Asst Atty Gen W. Pardee).	
	254	Aff filed by Theresa Kinsella, Budget Director of the Exec Office of Comm of Mass. filed.	
	255	Aff filed by Stephen L. Day, Deputy Comm for Mental Health Services, filed.	
	256	Aff filed by Robert F. Kumor, Jr, attachments, filed.	

PLAINTIFF		DEFENDANT	DOCKET NO. _____
		PAGE ____ OF ____ PAGES	
DATE	NR.	PROCEEDINGS	
<u>1990</u> <u>1991</u>		Ref to computer JAN 1991	