

Rolland v. Patrick

United States District Court for the District of Massachusetts
November 20, 2009, Decided; November 20, 2009, Filed
Civil Action No. 98-30208-KPN

Reporter: 2009 U.S. Dist. LEXIS 123478
LORETTA ROLLAND, et al., Plaintiffs v. DEVAL
PATRICK, et al., Defendants

Subsequent History: Costs and fees proceeding at Rolland v. Patrick, 765 F. Supp. 2d 75, 2011 U.S. Dist. LEXIS 17438 (D. Mass., 2011)

Prior History: Rolland v. Patrick, 2009 U.S. Dist. LEXIS 102297 (D. Mass., Oct. 2, 2009)

Counsel: [*1] For Loretta Rolland, Terry Newton, by her parents and legal guardians, Janes and Forrest E. Newton, Bruce Ames, by his legal guardian, Linda Bock, Frederick Cooper, by his mother and legal guardian, Minnie Humphries, Margaret Pinette, Leslie Francis, by his next friend, Rob Fields, Timothy Raymond, by his mother and legal guardian, Mariann Herk. On behalf of themselves and all others similarly situated, ARC Massachusetts, Stavros Center for Independent Living, Plaintiffs: Cathy E. Costanzo, Steven J. Schwartz, LEAD ATTORNEYS, Center for Public Representation, Northampton, MA; Frank J. Laski, LEAD ATTORNEY, Mental Health Legal Advisors Committee, Boston, MA; Matthew Engel, LEAD ATTORNEY, Disability Law Center, Inc., Northampton, MA; Catherine H. Wicker, Jeffrey S. Follett, Foley Hoag LLP, Boston, MA.

For eric voss, Plaintiff: Stephen M. Sheehy, Stephen M. Sheehy, P.C., Waltham, MA.

For Argeo Paul Cellucci, Acting Governor of Massachusetts, Defendant: David A. Guberman, Office of the Attorney General, Boston, MA.

For Frederick A. Laskey, Secretary of the Executive Office of Administration and Finance, William D. O'Leary, Secretary of the Executive Office of Health and Human Services, Bruce [*2] M. Bullen, Commissioner of the Division of Medical Assistance, Gerald Morrissey, Commissioner of the Department of Mental Retardation, Elmer C. Bartels, Commissioner of the Massachusetts Rehabilitation Commission, Howard Koh, Commissioner of the Department of Public Health, Teresa O'Hare, Director of Region I for the Department of Mental Retardation, all in their official capacities, Defendants: David A. Guberman, Office of the Attorney General, Boston, MA; Kenneth W. Salinger, Massachusetts Attorney General's Office, Boston, MA.

For Deval Patrick, Governor of Massachusetts, Defendant: David A. Guberman, LEAD ATTORNEY, Office of the Attorney General, Boston, MA; Kenneth W. Salinger, Massachusetts Attorney General's Office, Boston, MA.

Judges: KENNETH P. NEIMAN, United States Magistrate Judge.

Opinion by: KENNETH P. NEIMAN

Opinion

MEMORANDUM AND ORDER

NEIMAN, U.S.M.J.

Presently before the court is the Order of Court dated November 12, 2009, issued by the United States Court of Appeals for the First Circuit. As the court indicated at the hearing this day, it is prepared to issue a judgment pursuant to *Fed. R. Civ. P. 54(b)*. As the parties are aware, the court, in a Memorandum and Order of June 16, 2008, approved the [*3] settlement agreement as fair, reasonable and adequate and, in doing so, denied the specific objections raised by certain class members (Eric Voss, *et al.*, also referred to as the "Groton Plaintiffs").

Accordingly, in response to the November 12, 2009 Order of the Court of Appeals, the court expressly directs the Clerk of Courts to enter the following Judgment:

Final judgment is hereby entered with respect to the court's denial of the objections that were raised by certain class members (Eric Voss, *et al.*, also referred to as the "Groton Plaintiffs") concerning the fairness (including fair notice), reasonableness, and adequacy of the settlement agreement that the court approved at a fairness hearing on May 22, 2008, and in a written Memorandum and Order dated June 16, 2008.

The court finds that there is no just reason for delay in entering separate and final judgment with respect to the Groton Plaintiffs' objections, because those objections will not be subject to any further action by this court and thus the Groton Parents should have the

opportunity to appeal from the court's order denying the Groton Plaintiffs' objections and approving the settlement agreement.

/s/ Kenneth P. Neiman

KENNETH P. NEIMAN

U.S. Magistrate Judge

IT IS SO ORDERED.

DATED: [*4] November 20, 2009